

National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka



Ministry of Disaster Management and Human Rights

“After the successful conclusion of the 'humanitarian mission – 01', to liberate civilians held hostage by a terrorist outfit, it's time to launch 'humanitarian mission – 02', to get them back on track with their normal lives”

His Excellency President Mahinda Rajapaksa
Inaugural Session of the Presidential Committee on
Development and Reconciliation
Presidential Secretariat, Colombo
02 July 2009

National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka

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ACRONYMS AND ABBREVIATIONS

AGD	Attorney General's Department
BCGR	Bureau of the Commissioner General for Rehabilitation
CGR	Commissioner General of Rehabilitation
CID	Criminal Investigation Department
DDR	Disarmament, Demobilisation, and Reintegration
DD	Disarmament and Demobilisation
EPDP	Eelam People's Democratic Party
EPRLF	Eelam People's Revolutionary Liberation Front
EROS	Eelam Revolutionary Organisation of Students
GAM	Gerakin Aceh Merdeka / Free Aceh Movement
GOI	Government of Indonesia
IDDRS	Integrated Disarmament, Demobilization and Reintegration Standards
IDP	Internally Displaced Person
ILO	International Labour Organisation
INGO	International Non-Governmental Organisation
TELO	Tamil Eelam Liberation Organisation
TID	Terrorist Investigation Department
TULF	Tamil United Liberation Front
LTTE	Liberation Tigers of Tamil Eelam
MDMHR	Ministry of Disaster Management and Human Rights
MOD	Ministry of Defence, Public Security, Law and Order
M&E	Monitoring and Evaluation
MIC	Military Intelligence Corps
MoU	Memorandum of Understanding
NCPA	National Child Protection Authority
NCAPISA	National Commission Against the Proliferation of Illicit Small Arms
NGO	Non-Governmental Organisation
PARC	Protective Accommodation and Rehabilitation Centre
PLOTE	People's Liberation Organisation of Tamil Eelam
PTSD	Post-Traumatic Stress Disorder
SALW	Small Arms and Light Weapons
UN	United Nations
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund



INTRODUCTION

1. INTRODUCTION

The National Framework Proposal for Reintegration of Ex-combatants into Civilian Life in Sri Lanka has been developed by the Ministry of Disaster Management and Human Rights to achieve the following goals:

1. to safeguard the human rights of ex-combatants, including the responsibility to protect and assist them in accordance with the Constitution of the Democratic Socialist Republic of Sri Lanka and the State's international obligations;
2. to contribute towards sustainable peace, reconciliation and social cohesion; and
3. to increase the employability of ex-combatants, minimise their risk of socio-economic marginalisation and create opportunities for economic revitalisation in post-war Sri Lanka.

The Ministry of Disaster Management and Human Rights is mandated to formulate and implement policies, programmes and projects for disaster mitigation, response and recovery; and also to initiate and coordinate foreign aided projects for disaster mitigation, response and recovery (Vide Gazette Extraordinary No. 1482/9 of 29 January, 2007).

“Disaster” is defined in §25 of the Sri Lanka Disaster Management Act No. 13 of 2005, as “the actual or imminent occurrence of a natural or man-made event, which endangers or threatens to endanger the safety or health of any person or group of persons in Sri Lanka, or which destroys or damages or threatens to destroy or damage any property, and includes” an incidence of “civil or internal strife” (§25 (n) of the Act).

As the existence of ex-combatants is directly linked to the conflict in Sri Lanka – an obvious example of a man-made disaster – which, recently culminated in the successful humanitarian operations carried out by the Military, the Ministry of Disaster Management and Human Rights, has a direct responsibility to formulate policies and work with other Government focal points that enjoy a mandate to implement programmes to reintegrate ex-combatants.

Such initiatives will be aimed at recovery and will also prove to be preventative and providing mitigatory measures in preventing and/or reducing the adverse impact of future human-made disasters (i.e. civil/internal strife).

Background

1.1 Background

For nearly three decades, Sri Lanka has been in the midst of a brutal and tragic armed conflict that has claimed thousands of lives and has resulted in tremendous political, commercial and cultural disintegration, as well as destruction to property. Despite several efforts by successive governments, the Liberation Tigers of Tamil Eelam (LTTE) proved intransigent in their quest to establish a separate state in the island's North-East and continued to violently repress the people of the North and East, and deprive them of their basic rights.



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Humanitarian operations to liberate citizens, who were held hostage by the LTTE, were successfully concluded by the State on 19 May 2009 with the death of the LTTE's high command and surrender of remaining LTTE cadres. However, the custody of thousands of ex-combatants is a huge responsibility, both logistically and politically. Many of them lived and breathed war for most of their lives. They lost parts or all of their childhood due to child conscription efforts of the LTTE, along with the chance to have an education and normal family life.

The National Framework Proposal for Reintegration of Ex-combatants into Civilian Life aims to address the specific emotional, social, and economic needs of this vulnerable group of people. It will be complementary to the State's agenda for the reconstruction and development of the North and East and the National Human Rights Action Plan prepared by the Ministry of Disaster Management and Human Rights.

While LTTE ex-combatants are the focal point in this Framework, there are other armed groups operating in the North and the East that will be included, in order to make the proposed reintegration process as comprehensive and meaningful as possible.

National Framework Proposal Development Process

1.2 National Framework Proposal Development Process

The National Framework Proposal development process officially got underway on 01 March 2009. A high-level national steering committee chaired by Hon. Mahinda Samarasinghe, M.P., Minister of Disaster Management and Human Rights, with representation from the Ministry of Defence, Public Security, Law and Order, Ministry of Constitutional Affairs and National Integration, Ministry of Foreign Employment Promotion and Welfare, among others, provided oversight for the drafting of the National Framework. Technical and financial assistance for the National Framework Proposal development process was provided by the ILO.

While the formal National Framework Proposal development process began in March 2009, it has its roots in earlier attempts to address ex-combatant reintegration issues. The ILO presented a concept paper on reintegration to the Ministry of Employment & Labour in 2003. The ideas in this paper were incorporated into a proposed project on reintegration in the Ministry of Disaster Management and Human Rights' Towards a Safer Sri Lanka: Road Map for Disaster Risk Management in April 2006. Formal meetings of the Sub-committee on Livelihoods of the Consultative Committee on Humanitarian Assistance (CCHA), co-chaired by Ministry of Fisheries and Aquatic Resources and the ILO addressed the issue of reintegration in September 2008.

¹ Please refer Appendix 2 for names of the Members of the High-Level Steering Committee.

² This document is available online at:

<http://www.undp.org/cpr/disred/documents/tsunami/srilanka/reports/GOSLRoadmapDisManagCentre.pdf>.



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Their recommendations led to the creation of a special task force on Post-Conflict Social Reintegration by Hon. Mahinda Samarasinghe in October 2008. This task force created a sub-committee to implement Quick Impact Projects (QIPs) in the area of reintegration. Finally, in February 2009, the Ministry of Disaster Management and Human Rights signed a MoU with ILO. Thus began the formal development process for the National Framework Proposal.

A sensitisation workshop was held on 26 and 27 March 2009, facilitated by Mr. José Manuel Pinotes, a senior ILO consultant with extensive international experience in Disarmament, Demobilisation and Reintegration (DDR). Subsequent to the deliberations of this workshop, three working groups on reinsertion, social reintegration, and economic reintegration were identified to develop the respective components of the National Framework Proposal. Consultations were held with the Ministry of Defence, Public Security, Law and Order and the Commissioner General of Rehabilitation to develop the respective components on disarmament and demobilisation and rehabilitation.

The working groups comprised of Government officials, policymakers, members of the armed forces, locally-based advisors to UN agencies and other relevant stakeholders³. During the months of April, May, and June, the working groups held a series of independent, as well as joint meetings, and each group prepared an Issues Paper, based on the discussions that transpired. These papers were collated and compiled into the draft framework proposal, which was completed on 25 July 2009.

As part of the process, a meeting was also convened by the Ministry of Disaster Management and Human Rights on 15 May 2009 for members of the working groups to meet leaders and representatives of Tamil political groups and several ex-combatants to obtain their input for the framework. The purpose of this forum was to make the process inclusive, meaningful, and responsive to the actual needs of the target group of beneficiaries: former members of the terrorist groups, guerrilla forces, other paramilitary groups, and auxiliary forces.

Mr. V. Anandasangaree, Leader, TULF; Mr. S. Sivathasen, Advisor, EPDP; Mr. D. Siddharthan, Leader, PLOTE; Mr. T. Sritharan, General Secretary, EPRLF (P); Mr. R. Prabakaran, Secretary-General, EROS; Mr. P. Uthayarasa, Secretary-General, SRI TELO; and Mr. Abu Yusuf, National Coordinator, SRI TELO were the leaders of the Tamil political groups who interacted with members of the working groups at this event.

³ Please refer Appendix 3 for names of the Members of the Working Groups.



Strategies for Reintegration of Ex-combatants into Civilian Life

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1.3 Strategies for Reintegration of Ex-combatants into Civilian Life

A successful reintegration programme targeting ex-combatants provides a seamless transition through various phases of activity and it will be critical to ensure a steady flow between disarmament and demobilisation, rehabilitation, reinsertion, social reintegration and economic reintegration. Indeed, these components (social and economic reintegration in particular) are not distinct phases, given the potential for overlaps, both in terms of the assistance provided and the interventions employed. The end goal of the process is the social and economic integration of ex-combatants in order to contribute to sustainable peace, security and long-term development of the country.

At the outset, targeted programmes will be used as time-bound measures to facilitate the transition from armed combat to civilian life. If reintegration programmes are to be sustained and successful in the longer-term, they must be integrated with and supported by, an area-based approach to post-conflict reconstruction, and social and economic development.

In line with the State's policies, the working groups have proposed two avenues to achieve a successful conclusion of the reintegration process, as reflected in the National Framework Proposal:

1. Equip the target group with social education and skills required for civilian life and provide them the space to interact with members of different ethnic groups, with a view to transforming pre-existing relationships. 'Re-educating' both combatants and their communities lies at the heart of reintegration programming, as it helps both groups anticipate and, thereby better deal with, difficulties they may potentially encounter⁴. Thus, the reconciliation programmes shall be made as participatory as possible and provide the necessary psychosocial counselling that will be critical to their well-being.
2. Identify suitable vocational and technical training, employment, and income-generating activities in community-based reconstruction programmes in the North and East. Specific projects and implementing partners in all areas of training will be identified after a careful review of project proposals in line with procedures established by the authorities. Partnerships will be forged with Government, private sector, and civil society institutions and enterprises to identify employment and training opportunities, both locally and internationally, once the rehabilitation phase is completed.

⁴ Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards (2006) Level 4: Operations, Programmes, and Support, OG 4.30: Social and Economic Reintegration, New York: United Nations, p. 167.



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Therefore, the following continuum of interventions will be employed:

- **Firstly**, the process will begin with the **disarmament and demobilisation** component, whereby ex-combatants will be formally disarmed and discharged from armed groups. (Part A, page 14-15).
- **Secondly**, following their period of **rehabilitation** (Part B, page 16-17), ex-combatants and their families will be given **reinsertion** (Part C, page 18-20) assistance to help them cover their basic needs, such as transitional safety allowances, food, clothing, and health services.
- **Thirdly**, the reintegration process will commence once the reinsertion stage is complete and this will comprise of **social reintegration** (Part D, page 21-23) and **economic reintegration** (Part E, page 24-27). Social reintegration includes the enhancement of social skills for civilian life, strengthening community services, ceremonies of reconciliation, providing psychosocial support, and information and sensitisation campaigns. The economic reintegration component has been based on both the short and long-term development plans for the war-affected provinces of the island and thus feeds into the overall plans for economic revitalisation of these areas.
- **Finally**, there are several important **cross-cutting** issues (Part F, page 28-36) that will be addressed throughout the entire duration of the process. These comprise of psychosocial well-being, transitional justice, education, information and counselling services, and issues related to gender, children⁵, and the disabled.

⁵ Gazette No. 1580/5 Monday, December 15, 2008, Part I: Section (1) THE PUBLIC SECURITY ORDINANCE (CHAPTER 40) Re: Child Combatant and their treatment, and the Proposed Policy Framework on Protective Care, Rehabilitation and Reintegration of Child Combatants formulated by the National Child Protection Authority and are the referral points on all issues related to children associated with armed groups.



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Key Concepts and Definitions

The official UN definition of each of the stages of DDR is as follows:⁶

Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and often also of the civilian population. Disarmament also includes the development of responsible arms management programmes.

Demobilisation is the formal and controlled discharge of active combatants from armed forces or other armed groups. The first stage of demobilisation may extend from the processing of individual combatants in temporary centres to the massing of troops in camps designated for this purpose (cantonment sites, encampments, assembly areas or barracks). The second stage of demobilisation encompasses the support package provided to the demobilised, which is called reinsertion.

Reinsertion is the assistance offered to ex-combatants during demobilisation but prior to the longer-term process of reintegration. Reinsertion is a form of transitional assistance to help cover the basic needs of ex-combatants and their families, and can include transitional safety allowances, food, clothes, shelter, medical services, short-term education, training, employment and tools. While reintegration is a long-term, continuous social and economic process of development, reinsertion is a short-term material and/or financial assistance to meet immediate needs, and can last up to one year.

Reintegration is the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level. It is part of the general development of a country and a national responsibility, and often necessitates long-term external assistance.

Rehabilitation of ex-combatants is a process that is already underway in Sri Lanka in the Protective Accommodation and Rehabilitation Centres (PARC) in Ambepussa, Welikanda, and Tellippalai. The competent authority overlooking the rehabilitation process is the Commissioner General of Rehabilitation, a position that was created on 12 September 2006 by H.E. President Mahinda Rajapaksa by way of Gazette Notification (Extraordinary) Number I 462/8 of 2006.

As mentioned earlier, targeted programmes will be used as time-bound measures to facilitate the transition from armed combat to civilian life. However, if reintegration programmes specifically designed for ex-combatants are to be sustained and successful, they must be integrated with wider community-based and national reconstruction programmes in the longer-term. In particular, the sustainability of the programme will be highly contingent upon the political environment.

⁶ Secretary-General's Note to the General Assembly on the administrative and budgetary aspects of the financing of the United Nations peacekeeping operations, A/C.5/59/31, 24 May 2005, cited in the IDDRS, Module I.20, pp. 6 and 19.



THE NATIONAL FRAMEWORK PROPOSAL

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2. THE NATIONAL FRAMEWORK PROPOSAL

The National Framework Proposal targets the following categories:

- ex-combatants of the LTTE who were captured and/or arrested;
- LTTE activists who surrendered prior to the conclusion of hostilities;
- members of non-LTTE paramilitary groups who have already demobilised; and
- affected/host communities.

Key principles that will be abided by:

1. Similar levels of reintegration assistance irrespective of former affiliation
2. Equity in gender treatment
3. Demand-driven approach, enabling ex-combatants to choose their reintegration preference to the greatest possible extent
4. Linking ex-combatants with broader community-based economic recovery efforts
5. Avoiding actions that may be perceived as privileging ex-combatants in relation to other war-affected communities

As stated at the outset, the National Framework Proposal aims to achieve the following goals:

1. to safeguard the human rights of ex-combatants, including the responsibility to protect and assist them in accordance with the Constitution of the Democratic Socialist Republic of Sri Lanka;
2. to contribute to sustainable peace, reconciliation and social cohesion; and
3. to increase the employability of ex-combatants, minimise their risk of socio-economic marginalisation and create opportunities for economic revitalisation in post-war Sri Lanka.

In order to realise the above goals, the following areas can be considered:

Institutional Structure

1. **Strengthen the Bureau of the Commissioner General for Rehabilitation and equip it with a strong Monitoring and Evaluation (M&E) system to ensure that reintegration support projects reach targeted beneficiaries in a timely and efficient manner. The M&E Unit shall track the provision of assistance to the ex-combatants throughout the life of the reintegration process, and make timely action-oriented recommendations in the event of possible setbacks. Monitoring can be undertaken at three levels: M&E Unit of the Bureau, regional offices, and at the community level.**



Multi-Donor Trust Fund

Multi-Donor Trust Fund

A multi-donor trust fund with pre-committed financing will enable the Government to solicit funds from a variety of donors and utilise the funds in a transparent, accountable, and efficient manner. The State and the Sri Lankan business community will also be contributors to this Fund.

- 2. The State shall establish a Multi-Donor Trust Fund to support the reintegration of ex-combatants in Sri Lanka, towards which contributions will be made from the National Budget, the Sri Lankan business community, and donor funds. If legally-binding agreements between bilateral/multilateral donors and the State do not permit direct payment to the Trust Fund, then the funds can still be channelled to the reintegration process through other means mutually agreed upon with the State.**

Awareness Campaign

Awareness Campaign

The State will launch a public awareness / information campaign to inform all stakeholders about the reintegration process and to promote participation in it. This will guarantee the citizen's right to information and ensure that ex-combatants are able to make informed choices. Given that reintegration is a sensitive process, its stakeholders, in particular ex-combatants and host communities will be informed about the programme and its objectives.

The campaign shall harness popular understanding of and support to the process. This will be crucial to eliminate perceptions that ex-combatants are being given preferential treatment over other war-affected communities and unemployed youth.

A major challenge is finding the balance between meeting the needs of this special group and reaching out to the larger war-affected population. The reintegration programme will draw on people the ex-combatants trust, such as rehabilitated commanders and moderate Tamil leaders, to encourage those outside the process to surrender and enter the process.

It is recognised that in order to change behaviour (for example, successfully encouraging someone to surrender an illegal weapon), a mixture of mass communication and informal interactive awareness-raising will be used at the national, provincial and local levels. It will also be important to raise awareness on disability and gender-issues related to ex-combatants as part of the awareness campaign.



Profiles Database

- 3. The State shall support a public awareness campaign to inform the stakeholders and the general public about the reintegration process, and shall deal justly with all surrendered combatants through the legal process, and publicise the fair and dignified treatment of ex-combatants. Disability and gender awareness will be key themes of the campaign.**

Profiles Database

A request will be made to all ex-combatants to complete a registration form which will permit a precise view of their profiles, expectations and reintegration needs. The database shall capture not only the demographic details but also the skills set (if any), work experience, educational background, rank held, type and degree of disabilities, and the needs of persons benefiting from the process⁷. Former rank in particular is an important indicator of higher expectations and management potential, as well as of a greater risk, given their influence over other ex-combatants. Ministry of Defence, Public Security, Law and Order will maintain this confidential database and the contents shared with other agencies that may wish to access information on beneficiaries, as and when necessary. Anticipated difficulties and concerns will be identified when profiling ex-combatants so that the programme can address these concerns as part of the awareness raising/communications part of the reintegration strategy.

- 4. The State shall establish a confidential database, controlled by the Ministry of Defence, Public Security, Law and Order, which will contain details of the ex-combatants and progress in the reintegration process. This shall commence with an initial registration process for all ex-combatants. After the initial registration, the database will be updated periodically.**

Amnesty and Transitional Justice

Amnesty and Transitional Justice

Transitional justice has gained significant currency in reintegration programmes all over the world and the National Framework Proposal seeks to privilege transitional justice inkeeping with international best practices and existing legal mechanisms. Rebuilding peace and harmony in the wake of the internecine in conflict are imperatives that mandate as part of the transitional justice the grant of amnesty in apposite cases.

⁷ Gender, marital status, dependents, age, desired reintegration location, housing needs, health problems (mental and physical), aspirations, need for childcare, and anticipated concerns need to be included in the profiles.



**Protective
Accommodation
and Rehabilitation
Centres (PARCs)**

5. The State shall take into consideration the aims and objectives of transitional justice and effect a mechanism in order to achieve lasting peace, equity and well being of all the stakeholders in the process. The Attorney General shall prepare a suitable mechanism for transitional justice and amnesty taking into consideration local standards and international best practices and will present it to the Government for adoption. The process of devising this mechanism shall be transparent and participatory.

Protective Accommodation and Rehabilitation Centres (PARCs)

The existing PARC facilities can be upgraded to ensure the need for privacy and to provide improved centre-based education, training, health services, and counselling in cooperation with service providers.

6. The State shall improve the existing PARCs by providing ex-combatants with enhanced counselling, health services, and public services necessary to facilitate their reintegration into civilian life, making them accessible to the disabled, addressing gender-based requirements and spiritual well-being, as well as ensuring the need for privacy within these centres. If necessary, more PARCs can be established to cater to the requirements of ex-combatants⁸.

7. In addition to the existing centres, ex-combatants shall be given the opportunity to access similar support services on completion of the rehabilitation process, and on their reintegration into civilian life. These services shall be made available at selected district level offices which will have a probation officer appointed by the CGR, serving as the focal point for ex-combatants who have entered civilian life.

Issuance of Identity Cards / Basic Legal Documentation

The issuance of formal identification cards, in addition to the National Identity Card, provides a means of monitoring the progress and facilitates delivery of assistance throughout the reintegration process. Identification card registries also provide a source of official information on the number and status of ex-combatants.

Basic legal documentation, viz the identity card and birth certificate, has to be provided through a well-administered Management Information System. This will facilitate freedom of movement and inculcate a sense of belonging to the country.

⁸ The CGR is currently in the process of setting up a PARC in Vavuniya to rehabilitate the Northern ex-combatants who have surrendered.



**Economic
Reintegration
within Regional
Development Plan**

- 8. The State shall provide basic legal documentation and temporary identification cards to ex-combatants enrolled in the reintegration process to facilitate and monitor implementation.**

Economic Reintegration within Regional Development Plan

Direct assistance to ex-combatants will be linked with community development programmes envisaged for the Northern and Eastern Provinces⁹. Employment-oriented vocational training programmes will be conducted, taking into full account the requirements of the labour market, and the expectations of ex-combatants. It is expected that economic re-integration into urban areas is likely to be more complicated than in rural areas, due to generally tighter labour market conditions in the former.

- 9. The State shall place the economic re-integration programme for ex-combatants within the context of anticipated area-based development efforts in the host communities. Systematic efforts will be made to ensure coordinated activity.**

- 10. The State shall support a demand-driven approach taking into consideration the necessity for equilibrium between market requirements and individual preferences to the greatest extent possible¹⁰. The State recognises that different ground conditions exist in the urban and rural sectors and the North and East, and these differences will be taken into account when designing the economic reintegration programme.**

**Promoting Financial
Independence**

Promoting Financial Independence

Assistance in the form of access to productive assets, training and employment, and information services shall be provided to ensure that ex-combatants attain financial independence through involvement in productive activities. The importance of education for reintegration, peace-building and social cohesion has also been recognised and, therefore, educational opportunities, vocational training, and scholarships will be provided to selected persons.

Particular emphasis will be placed on business / entrepreneurial training, as this will be one of the most realistic options for ex-combatants.

⁹ For instance, this will be connecting assistance to labour-intensive public works to rehabilitate infrastructure in the local communities.

¹⁰ Market demand is essential (primary) and choice for ex-combatants will be within what the market allows (an important but secondary consideration).



11. The State shall promote education and professional training, entrepreneurial training, public employment, private initiatives through skills development, information and referral services, cooperatives, internships, and apprenticeships. The options are either training followed by wage or self-employment, or proceeding directly to employment if the skills levels are adequate. Educational opportunities and scholarships will be provided for selected ex-combatants to pursue their education at selected local institutions.

12. Existing vocational training centres shall be utilised, and where required, mobile training facilities set-up to assist ex-combatants. Training shall include, but will not be limited to, the following sectors: agriculture; construction services; fisheries; livestock development; water and sanitation systems maintenance; welding and fabrication; rural industrial development; micro-businesses; electrical and electronic equipment repair; foreign employment; green jobs; basic information and computer technology skills; and business entrepreneurial skills and attitudes, languages, and skills for tourism industry (hospitality/handicrafts, etc.).

Micro-Finance

Micro-Finance

Ex-combatants generally lack financial security and, therefore, micro-credit and small business development assistance will be given to those who wish to start their own businesses. In addition to the assistance it will extend to the individual, these measures will also promote economic revitalisation at a broader level. Entrepreneurial and business training, together with improved access to credit, will create conducive conditions for the economic reintegration of ex-combatants.

13. The State shall encourage both State and private sector financial institutions to establish programmes to provide micro-credit, based on the market demands, to eligible ex-combatants to start small businesses to boost local economic development.

Allowance Payments

Allowance Payments

In order to meet the day-to-day needs of those undergoing the reintegration process, a time-bound allowance shall be paid during the rehabilitation period. Allowance payments will encourage enrolment in the reintegration programme, among eligible ex-combatants. These payments can also prevent ex-combatants from turning to illicit means of supporting themselves and their families. Disabled ex-combatants have increased costs related to their disabilities and this too will have to be taken into account.



- 14. The State shall provide an allowance to eligible ex-combatants during the rehabilitation phase. An extra allowance shall be paid to disabled ex-combatants. These amounts shall be established in line with State policy on cash grants for IDPs and resettled communities in general.**

National Disarmament Campaign and SALW Survey

The State recognises that the availability of and access to illicit Small Arms and Light Weapons present a major threat to the preservation of peace and security, prompt human rights abuses, and precipitate conflict and armed violence. Linked to the aforementioned information campaign, a National Disarmament Campaign, a voluntary weapons collection initiative will be launched to ensure peace and security. This will take the form of a public awareness campaign that will aim to encourage people to voluntarily surrender their arms. Employment support will be offered for those relinquishing their weapons.

- 15. The State shall launch a national disarmament and arms collection programme, as a step towards curbing the proliferation of illicit Small Arms and Light Weapons. The programme shall be carried out in close collaboration with the National Commission Against Proliferation of Illicit Small Arms and other relevant institutions. This will ensure compliance with existing legal provisions for arms collection and the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects adopted in 2001 and to which Sri Lanka had pledged its commitment.**

- 16. The State shall carry out a comprehensive, island-wide SALW survey. This survey shall comprise four key components, namely, (1) the distribution of SALW across Sri Lanka, (2) the impact of SALW on human security, (3) the attitude of the general public towards SALW, and (4) the capacity of institutions for effectively addressing challenges posed by the proliferation of SALW¹¹.**

¹¹ It is anticipated that, though the reintegration process will be completed over a course of five years, work on SALW will continue under a strengthened NCAPISA, since the proliferation of illicit SALW presents a long-term challenge.



Disarmament and Demobilisation

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2.1 Part A: Disarmament and Demobilisation

The state recognises the uniqueness of 'disarmament' and 'demobilisation' in the Sri Lankan context in that 'DD' in international experience usually tends to take place in the aftermath of a peace agreement. That is, in almost all countries where DD programmes have been implemented, armed groups have agreed to relinquish arms and ammunition as part of a process of negotiations, generally in exchange for the fulfilment of their key demands¹². In Sri Lanka it is a case of complete military defeat of the LTTE which had been trying to establish a separate state.

The LTTE, it is well known, was a ruthless terrorist organisation with air, sea, and land capability and was able to fight as a conventional army, while exercising its highly developed terrorist capability. It also possessed a dedicated suicide force known as the Black Tigers, and is widely acknowledged to have invented the suicide jacket and perfected the art of suicide bombing. Indeed, the LTTE's strategic use of suicide cadres as an instrument of war and their ideological indoctrination towards the Tamil Eelam cause presented unique challenges for the Sri Lankan state. Moreover, locating buried weaponry and suicide devices will have to go in parallel with the reintegration process, whereby the State will gain the confidence and trust of all its citizenry, including ex-combatants.

Four State institutions, namely the Terrorist Investigation Department (TID), Criminal Investigation Department (CID), Military Intelligence Corps (MIC), and Attorney General's Department (AGD) will be involved in the process of determining the 'degree of involvement' of those identified as ex-combatants on a case-by-case basis. The culpability or otherwise is to be determined by the AG, finally subject to the transitional justice mechanism that will be in place.

As part of the reintegration process, special disability accessible centres will be set-up for demobilisation of those verified by the MOD as ex-combatants, identification cards will be provided, socio-economic data will be collected and counselling will be offered. At this stage, former child combatants will be referred to an existing programme on children managed by the BCGR. Furthermore, as part of the broader sensitisation and awareness-raising efforts on reconciliation and SALW risks, ex-combatants and their communities will be educated on community safety and regeneration and offered community training on disability issues.

The State recognises the importance of efforts to combat the proliferation of illicit Small Arms and Light Weapons (SALW). The easy availability of weapons in post-conflict societies can result in increased crime, inter-group conflicts, etc. During military engagement with the LTTE in the North and East, the State established a

¹² For example, in Aceh, the Free Aceh Movement signed a MoU with the Government of Indonesia (GOI) on 15 August 2005, and as per the terms of the agreement, GAM abandoned its demand for secession and agreed to disarm on the basis that the GOI withdrew some of its forces from Aceh and provided a range of political and economic privileges. Public International Law and Policy Group (2006) "DDR: Comparative State Practice", September 2006, pp. 1-2.



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weapons recovery, custody and management process for collecting both heavy and light weapons. This process was executed by the military on the instructions of the MOD and, depending on the capability of the weapon it was either retained or destroyed under military supervision. The disarmament process will consist of a weapons survey, collection, storage, and destruction. Demobilisation may extend from the processing of individual combatants to massing in, with the objective of facilitating the transition to civilian life in a structured manner.

Unlike heavy weapons which can be costly to acquire, far more complex to operate, and relatively easy to decommission or monitor, SALW have contrasting properties which have the potential to fuel criminal violence throughout the country and pose a major obstacle to peace and development. Therefore, it is essential to disarm ex-combatants fully, establish detailed inventories of arms and ammunition, and destroy collected SALW which may not yet have been destroyed. A rapid baseline assessment on SALW via an island-wide survey shall be conducted to enable the design of subsequent measures.

The above-mentioned process, it is anticipated, is the general process that will be followed, given the distinctiveness of the Sri Lankan situation, but different procedures will be required for the different categories of ex-combatants. While the ex-combatants in the North will have to undergo the full reintegration procedure as outlined in Diagram A.1., those in the East will require mainly social and economic reintegration assistance as outlined in Diagram A.2. For the Eastern ex-combatants, the process will be back-tracked. That is, the reintegration assistance will be conditional upon an assurance that DD has indeed been fulfilled.

Though social reintegration and economic reintegration are treated as distinct components in this framework, for purposes of conceptual clarity, social and economic reintegration will be carried out in parallel at the implementation stage.

Diagram A.1. - Northern Ex-combatants



Diagram A.2. - Eastern Ex-combatants



¹³ Please refer section “C” on reinsertion for an explanation on why dual reinsertion is being proposed



Rehabilitation

2.2 Part B: Rehabilitation

The Commissioner General of Rehabilitation (CGR) was appointed on 12 September 2006 by H.E. President Mahinda Rajapaksa via Gazette Notification (Extraordinary) Number 1462/8 of 2006. The Commissioner's Bureau has established rehabilitation centres known as Protective Accommodation and Rehabilitation Centres (PARC) in Ambepussa, Welikanda, and Tellippalai. In terms of the Gazette notification, Secretary to the Ministry of Defence, Public Security, Law and Order is vested with the power to approve PARCs for the purpose of receiving surrendees. Within two months of receiving the surrendees, the CGR would forward a report to the Secretary of Defence, Public Security, Law and Order on the rehabilitation work that has been undertaken in respect of the surrendees.

These centres were set up with the aim of imparting catch-up education and vocational training to provide “trainees” with skills that will enable them to find meaningful employment or seek opportunities to continue their education.

The Bureau of the Commissioner General of Rehabilitation (BCGR) is currently facing the challenge of meeting the running costs of these centres, and despite the CGR's firm commitment to achieve optimal functioning on these centres, there are several constraints. Among them are:

- The inability to find instructors in the identified areas of education and vocational training in the areas where the centres are located. The identified areas for catch-up education: language skills (Tamil, English, Sinhala), basic mathematics, general knowledge, and for vocational education/ training: plumbing, electrical wiring, welding and manufacturing, repair workshop technicians, auto repair mechanic, carpentry, masonry, boiler operation, sewing, agriculture, animal husbandry, hair-dressing, cooking, basic accounting and book-keeping.
- The inability to find instructors who are able to communicate in the Tamil language which is the preferred option or, alternatively, the services of an instructor and that of a translator though this will entail additional expenditure.
- The lack of resources and inability to cope with the sudden upsurge in numbers following the total defeat of the LTTE. There is a shortage of funds to supply the training programmes with necessary equipment, instruments, machinery where relevant and material for teaching and actual practice. Infrastructure facilities need to be urgently expanded to provide space to install equipment and machinery for certain courses.
- Absence of a mechanism to monitor the progress made by those leaving the centres, and thereby the inability to ascertain the success of the efforts at rehabilitation, as well as support mechanism in case of setbacks.

It is clear that the PARCs are serving an important purpose and the BCGR needs to be given much more support and assistance, in order to meet current exigencies, and enable ex-combatants to realise their fullest potential.



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The mindsets of ex-combatants need to be changed and this is the most important aspect of the process of rehabilitation, for without such a change they could have a negative impact on those around them. Now that the operational infrastructure of the LTTE has been destroyed, it is time to address the conceptual infrastructure that gave sustenance to their acts of terror.

To achieve this and prevent the re-emergence of violence, specialist programmes to engage and rehabilitate ex-combatants are imperative¹⁴.

The following steps are recommended to strengthen the BCGR and rehabilitation process:

1. Provide continuous financial support to meet the specific needs of the BCGR.
2. Provide assistance with Training of Trainer programmes, especially designed to cater to the needs of the rehabilitation process.
3. Promote links with other institutions, where applicable.
4. Encourage mobile training centres as an alternative option for skills training.

¹⁴ Gunaratna, R. (2009) Terrorist Rehabilitation: A Global Imperative, paper presented at first International Conference on Terrorist Rehabilitation, 24-26 February 2009, Singapore.



Reinsertion

2.3 Part C: Reinsertion

Once the rehabilitation phase is complete, reinsertion assistance will be provided to ex-combatants to facilitate their re-entry to civilian life. When ex-combatants shed their combatant status, they also stand to lose their primary (if not only) income avenue, and reinsertion provides a “transitional safety net” for ex-combatants to meet their basic needs. The objective of reinsertion is to provide the required resources to ex-combatants only until reintegration assistance is available. The assistance provided during this period will help ex-combatants to meet basic needs such as food, clothing, shelter, medical expenses and will include education, vocational training, employment and tools.

Reinsertion is, by nature a social, economic and psychological process that is both slow and costly and, if implemented effectively, it can increase social justice and contribute to the eradication of the root causes of violence. Given that ex-combatants are not a homogenous group and have significant variations based on gender, age, disability, ethnicity, education and vocational skills, their range of needs, capacities and expectations of ex-combatants varies, depending on these specificities/characteristics. During the reinsertion phase the predominant focus is on the restoration of security and, therefore, on ensuring that ex-combatants are neutralised and their needs addressed.

The Integrated Disarmament, Demobilization and Reintegration Standards (IDDRS) recommends that, in light of its primary purpose of meeting the basic needs of ex-combatants as they transit into civilian society, reinsertion will last not more than one year. In view of this, international standards recommend that reinsertion interventions shall provide time-bound, basic benefits which have an immediate focus and are delivered in months rather than years. Given the need for even greater swiftness in the Sri Lankan context, it is thus suggested that the process be completed in no more than 10 - 12 months.

Targeted support, however, has its critics. It is often perceived as unfair, given that the demobilised combatants being targeted are usually the perpetrators of violence and instability. It also has the potential to create cleavages and problematise community acceptance of returning ex-combatants who may be envied on account of the support they receive, given that there are many other vulnerable groups – internally displaced persons, women, orphans, and unaccompanied children, who as direct victims of war also deserve support. Thus whilst this process is on-going the focus will also shift to the receiving communities.

Given the exigencies of the Sri Lankan situation, a dual-reinsertion plan is necessary to cater for the ex-combatants who have surrendered in the past (prior to the operation in the now liberated areas) from the East, and for those who are currently entering the process from the North. A package will be required to



address the immediate needs of the combatants who are disarming, and a separate package will be needed to address the urgent needs of ex-combatants who have voluntarily demobilised in the East and are now living with the host community.

The reinsertion support will include a systematic assessment of gender-specific needs, and ensure gender-responsiveness in all phases and activities. Therefore, the basic needs kit for female ex-combatants will include provisions for female hygiene products, baby supplies etc. The reinsertion packages offered to male ex-combatants will reflect the needs of their female dependents. In the event of cash payments for male ex-combatants, depositing cash disbursements in bank accounts that are jointly held by a husband and wife has been documented as a best practice in many countries and will be implemented in Sri Lanka.

Proposed Reinsertion Package

Proposed Reinsertion Package

1. Post-discharge orientation – Provides the relevant information to ex-combatants on the reintegration process ahead, including the standard composition of the reinsertion package, the timeframes and milestones of the reintegration process, institutional arrangements and grievance redress arrangements.
2. Basic Needs Kit – Provides a standard package of clothing, utensils, hygiene products, basic household goods and transport allowance. This can be provided as a one-off disbursement. Alternatively, the support can be provided in instalments through the use of stamps and vouchers through intermediaries, such as local cooperative societies. The composition of the Basic Needs Kit can be tailor-made to the individual. For a rural-based individual, the kit shall also include basic agricultural tools. For a disabled individual, the kit shall include a higher provision for transport.
3. Cash allowance – Cash payments are an important component of the reinsertion package for their empowerment, that is, ex-combatants are provided with a sense of freedom and choice. It also helps ex-combatants overcome the challenge of returning home 'empty-handed'. An allowance shall therefore be paid for the rehabilitation period in line with State policy on cash grants for IDPs and resettled communities in general. As the number of disabled ex-combatants has increased and they have extra costs related to their disabilities, this factor will also have to be taken into account. However, this benefit shall not be considered as a right that has a legal bearing or be enforced through a court of law once the reintegration phase is complete.



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In addition to the above packages of support, other activities during the reinsertion will include:

4. Issuance of basic legal documentation
5. Provision of immediate psychosocial care
6. Family reunification

Furthermore, the reinsertion phase will target the following activities:

7. Social, spiritual and cultural activities - programmes such as sports activities, cultural activities, community service activities, and religious rallies among all persons in local communities with the participation and assistance of religious dignitaries.
8. Sensitisation of the communities - awareness programmes for the population, host community and ex-combatant to ensure maximum efficiency of the programme to ensure resentment is not created among the civilian population about the “special” treatment to ex combatants, and to also inform them about the transitional justice process.
9. Collaborative efforts between State and others to increase the effectiveness of the reintegration programme.





Social Reintegration

2.4 Part D: Social Reintegration

Social reintegration and economic reintegration are closely interlinked, and finding suitable employment fulfils certain social needs such as self-esteem. However, for policy purposes, the two components have been separated. The key aim of social reintegration is to create a safe, secure, vibrant, and cohesive environment for civilian life. Thus, this component has been formulated with a view to foster genuine reconciliation and solidarity, improve cooperative and associational skills, expand social networks of ex-combatants and community members, and improve their problem solving skills.

Language, especially promoting the use of English, is a key aspect of social reintegration. Sinhala and Tamil are defined as the Official Languages in the Constitution of Sri Lanka. Implementation of the Official Languages Policy and English language dissemination will contribute towards social cohesion and improve employability.

Community participation in social activities is part of the formula to achieve social reconstruction in post-conflict Sri Lanka. Participation entails effective two-way communication, including information campaigns for ex-combatants and host communities¹⁵. It is therefore apparent that while the primary aim of this exercise is to reintegrate ex-combatants, this cannot be achieved by targeting them exclusively. Indeed, it is recognised that solely targeting one sub-group of the larger war-affected group can undermine societal reconciliation, and a key challenge is finding the balance between meeting the needs of this special group while reaching out to other the larger war-affected population.

Where the implementing partners are contracted to provide reintegration assistance, the beneficiaries must be mixed with civilians from the localities in which the programmes are being implemented. This is recommended to minimise the possibility of creating perceptions that ex-combatants are being accorded preferential treatment over other groups, such as unemployed youth. To ensure implementation of this approach, adequate funding will be required to meet the costs of services to 50% of non-ex-combatants, or link up with external institutions (for example, those working on programmes for IDPs, women, youth, etc.) and combine efforts and share costs.

If the educational levels of most ex-combatants are found to be fairly limited, training that focuses mainly on practical knowledge and marketable skills are likely to prove the most effective. If training is required to facilitate micro-business

¹⁵ UNDP (2005b) Taking RR to the People, National Information and Sensitization Campaign Field Report, Monrovia: Information and Sensitisation Unit, UNDP Liberia, p. I.



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creation, familiarity with basic knowledge of product costing, accounting, bookkeeping, and other business management practices will be needed. Here, vocational training centres may have to focus on product-oriented training with the goal of creating a viable network of micro and cottage industries.

To address low literacy levels, community facilitators in turn may have to be trained with skills and tools to conduct functional, adult literacy training sessions for beneficiaries. It will be necessary to consider the socio-cultural and family status of the beneficiaries when designing training programmes. For example, mothers with young children and persons caring for elderly parents may not be able to relocate to a new place or to travel long distances for training. In such cases, community-based training facilities will need to be considered. The training will need to be carried out in Tamil language in most cases. The training programmes will need to ensure that, for a given programme, a sufficient number of trainers who are able to instruct in Tamil are available for training.

Music, art, drama, and sport also serve as outlets for healing and understanding. Likewise, cultural activities and sport play a huge role in social reintegration. While not as fundamental as language, cultural promotion through music, art, and drama, as well as sporting activities, create a sense of identity and belonging. They also provide an emotional outlet for individuals recovering from the scars of war. A key intervention would be to inculcate religious and spiritual values in ex-combatants to make their personal lives meaningful and to bring about a positive change in their characters.

Since most ex-combatants are young, this healing process is critical to long-term rehabilitation. Though augmented by identity and belonging, self-worth truly manifests itself when an individual feels they are contributing to society in some way. This is a place where economic reintegration efforts work hand in hand with social reintegration efforts to create a comprehensive solution. All these efforts will have to be carried out in coordination with the relevant line ministries.

As a means of attaining the goals of social reintegration, these interventions are proposed:

1. Community level sensitisation and confidence-building programmes;
2. Psychosocial rehabilitation to overcome the psychological trauma of war, family health and sanitation;
3. Awareness of civic rights and responsibilities through targeted media campaign;
4. Conflict analysis and reconciliation activities in areas of real or potential tension to develop concrete interventions to diffuse potential conflict;



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5. Community activities (cultural, religious, sporting events or rehabilitation work projects) promoting social cohesion and helping to rebuild social capital; and
6. Community level support programmes where reintegrated persons can go for assistance in case of need (for instance, it is quite unlikely that a one-off programme can find solutions to psychological problems in the long-term. At least some persons may need continued counselling/other types of support).



Economic Reintegration

2.5 Part E: Economic Reintegration

Critical to the successful long-term reintegration of ex-combatants in Sri Lanka is the presence of meaningful economic alternatives. As noted earlier, most of the ex-combatants are youth and the Framework is committed to furthering the National Youth Employment Policy (2007). The ex-combatants, for the most part, lack marketable skills, material assets and social networks. The goal of economic reintegration efforts is thus to ensure that ex-combatants gain access to productive livelihoods and income generating activities. For a successful economic integration programme, several integrated actions are required, including:

1. profiling the target population of ex-combatants in terms of age, gender, education, skills levels, entrepreneurial ability, aspirations, disabilities, and other special considerations – health, mobility (e.g., young mothers etc.);
2. an assessment of the economic environment in terms of the demand for labour, business opportunities, and the availability of land and credit; and
3. connecting assistance to ongoing area-based development efforts.

In short, the essential elements of an economic integration programme entail assistance in the form of access to productive assets, training and employment, information services, and the involvement of the private sector in reintegration programmes. Common economic reintegration programmes will, therefore, include education and professional training, public employment, encouragement of private initiatives through skills development and microcredit support, etc. The options are either training, followed by wage or self-employment¹⁶, or proceeding directly to employment if necessary skills levels are adequate.

The overall objective is to ensure that ex-combatants attain financial independence through involvement in productive activities. Some key performance indicators to monitor whether the overall objectives of the economic-re-integration initiatives are being met include the possible monitoring of: (a) the incidence of crime/illegal activities attributable to ex-combatants; (b) the level of poverty/financial autonomy among ex-combatant households as compared to the community average; and (c) their participation in social networks, etc.

In formulating policies to target ex-combatants as a group, there is plenty of scope for coordinated efforts to link direct assistance to ex-combatants with community reconstruction and development programmes envisaged for the Northern and Eastern Provinces¹⁷. The area-based reconstruction plans that are being drawn up to promote socio-economic development in the Northern and Eastern Provinces of Sri Lanka will be complementary to specific programmes/interventions directed

¹⁶ Self-employment could be in agriculture, or operating a small/micro business.

¹⁷ For instance, the issue of connecting assistance to labour intensive public works to rehabilitate infrastructure in the local communities.



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towards assisting ex-combatants. All efforts shall be made to draw links between programmes that specifically target ex-combatants and programmes that target the host communities. This is particularly important, given that a successful re-integration of ex-combatants will depend critically on their re-acceptance at the community level.

Thus, the recommendation is to frame the economic re-integration programme for the beneficiary group of ex-combatants in the context of anticipated area-based development efforts in the host communities. That is, to suggest that the economic re-integration of ex-combatants is understood and accepted as a community-orientated process rather than as an individual process. This will also require that systematic efforts are made to ensure coordinated activity between all relevant Government agencies and other stakeholders.

Ex-combatants will be encouraged to engage in employment-intensive works linked to the overall reconstruction and infrastructural development plans for the North and East. Although such employment will be short-term in nature, it is envisaged that ex-combatants, working alongside established members of society on critical infrastructure projects, will advance both the short-term and long-term prospects for socio-economic reintegration. Framing the targeted assistance to the beneficiary group of ex-combatants within the overall context of an area-based development programme-that meets the broader community-based expectations-will also help to mitigate any resentment in host communities.

Employment Opportunities

Employment Opportunities

The National Framework Proposal supports a demand-driven approach, empowering ex-combatants to choose their reintegration preferences to the greatest possible extent, while taking into consideration the necessity for equilibrium between individual preferences and market requirements. Employment opportunities for ex-combatants – in the formal and informal sectors – will be based on an informed analysis of the economic and development needs of the country, and especially of the local economy in which re-integration is to take place. For instance, urban and rural programmes may require different approaches. Economic re-integration into urban areas is likely to be more complicated than in rural areas, due to generally tighter labour market conditions in the former.

Rural programmes that can play a complementary role in reviving conflict-affected local economies by encouraging local market development and community participation are recommended. These can have positive multiplying effects that encourage local suppliers and small businesses. Focusing on the local communities and their ability to provide jobs and alternative livelihoods through specific projects and programmes might appear to be the more attractive option. However, rural-based activities tend to suffer from remoteness from markets, infrastructural deficiencies, etc.



Necessary attention shall, therefore, be paid to ensure that such constraints are properly identified and do not lead to a discrepancy between ex-combatant expectations and actual market prospects. As previously mentioned, the options for the beneficiary group are either, training followed by wage or self-employment, or proceeding directly to employment if necessary skills levels are adequate. It is often the case that ex-combatants are ill-equipped to find immediate gainful employment in the formal sector owing to a general low level of skills, and the vast majority will end up in the informal sector. For those ex-combatants who are identified as having the necessary skills¹⁸ to proceed directly for employment, the expected presence of a large number of rehabilitation programmes can provide many short-term employment options (drivers, translators, construction workers, etc.).

It is likely that the information available at the initial stages to choose livelihood activities may not result in perfect matches. Given the duration of the conflict, most ex-combatants may not be experienced in different livelihood activities, and may not have enough information to choose a priori. As development takes place, new opportunities may emerge that were not perceived initially. It is also possible that security concerns and delays in infrastructure development may make some perceived livelihood activities unviable. As such, in addition to making the initial matches based on available information, it will be necessary to have a mechanism to enable ex-combatants to change their initially chosen livelihood paths, when necessary.

Identified Employment Opportunities

Identified Employment Opportunities

Despite the absence of a detailed analysis of the local economic conditions in the Northern and Eastern Provinces, a general assessment of likely areas of economic opportunity and growth in a post-conflict environment suggests that economic activity will be heavily weighted towards agriculture, fisheries and tourism, at least in the initial years of recovery. In addition, depending on the pace of area-based reconstruction, re-building capital infrastructure – roads, bridges, schools, hospitals, etc. – can provide a boost to construction related employment opportunities. Thus, the key areas of activity identified that can potentially generate direct employment opportunities include:

- agriculture and livestock development
- rural industrial development
- fisheries
- tourism (hospitality/handicrafts, etc.)
- construction activities

¹⁸ Though ex-combatants may lack certain technical skills, they can possess other skills relevant to employment needs. For instance, many may possess strong leadership skills, including teamwork; planning and organisational skills; self discipline and respect for a clear system of authority, etc.



Training Infrastructure

- micro-businesses
- foreign employment
- green jobs

Training Infrastructure

Appropriate training is needed for a successful re-integration programme and the Framework is committed to furthering the 'Vision for a New Sri Lanka - a Ten Year Horizon Development Framework 2006 - 2016' as articulated in the Presidential Manifesto Mahinda Chinthanaya, while abiding by the Tertiary and Vocational Education Act No. 20 of 1990 and the Rehabilitation of Persons, Properties and Industries Authority Act No. 29 of 1987.

Those identified as not having the necessary skills to proceed directly for employment will be offered training opportunities. Most often, vocational training and skill development is one of the standard components of an economic re-integration programme. However, there are identified risks. Firstly, there are risks associated with motivating ex-combatants to undergo training and ensuring that they complete their period of training. Secondly, training programmes can themselves have limited success in creating employment in the presence of weak or non-existent economic opportunities, especially in the areas where these programmes are implemented.

Thus, it is critical that the identified training programmes match local market requirements and opportunities, and ex-combatant expectations. A mechanism to ensure training courses are appropriately designed and that numbers trained in a certain trade can be absorbed by the local market shall be looked into. Evaluation of the success or otherwise shall focus not on the numbers trained, but on the number employed. In this regard, it is necessary to trace graduates of training programmes to ensure that they are gainfully employed. A mechanism shall be put in place to direct those who are not gainfully employed following a training programme to alternate training or employment areas.

In remote areas, some beneficiaries are not able to access vocational training institutions. In such a case, mobile vocational training facilities need to be considered. Vocational training combined with on-the-job training such as internships and apprenticeships often increase successful economic reintegration of ex-combatants who have less work experience. Furthermore, it is noted that there are other community services specific to certain disability groups and ex-combatants may be linked to such services when they return to their communities. However, this is not to suggest that they shall be excluded from general services for all ex-combatants.



Cross-cutting Issues

Transitional Justice and Amnesty

2.6 Part F: Cross-cutting Issues

Some issues cannot be viewed as distinct, given the potential for overlaps, both in terms of the assistance provided and the interventions employed. The issues that will require attention throughout the entire duration of the process have been identified as follows:

I. Transitional Justice and Amnesty

When states are attempting to recover from periods of violence and conflict, they often try to reconcile the competing demands of different stakeholders. These demands may range from claims that complete immunity is a necessary sequel to achieving peace, in the belief that without justice no meaningful peace can be reached.

It is axiomatic that transitional justice is implemented in the context of transition from violence to an orderly society devoid of a culture of chaos and fear. The notion of transitional justice has focussed on the need for a domestic population to feel that the violence they suffered has been acknowledged and there is a break with abusive and unaccountable governance of terror. Thus, justice, or some notion thereof has become a key component of transitional arrangement.

From the perspective of a civil society recovering from violence and conflicts, justice may be sought as redress for crimes, but also as a way of coming to terms with the past, peace building and a new future.

In determining the specific path to take in any particular transitional justice context, it is critical to take into account the needs, expectations and experiences of conflict participants – the perpetrators, victims, survivors and other members of society directly affected by the violence, who are intimately involved in the peace building process.

The western, liberal tradition of accountability for crimes promotes an adversarial, retributive model of formal legal justice. Restorative justice mechanisms such as victim – offender reconciliation, reparation and community conferencing are suggested as the best means of promoting reconciliation and crime prevention, either in conjunction with, or as replacement for, punishment through the formal legal systems. It is in this context that the transitional justice programme is located within the reintegration process.

In designing a transitional justice mechanism, Sri Lanka would bear in mind international norms, treaties and customary international law. It is apposite to advert to the pertinent observations made by UN Secretary General in his 2004 Report on the Rule of Law and Transitional Justice in Conflict and Post-conflict Societies where he recognised the need for more locally tailored responses to



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conflict and human rights abuses if peace and stability are to be sustainable. He indicated that the UN, having learnt from experience that internationally designed solutions are not always appropriate, is now looking to 'nationally led strategies of assessment and consultations'¹⁹.

The reintegration programme, along with its transitional justice mechanism to be designed, contemplates granting amnesty to ex-combatants whose degree of participation in the conflict related crimes does not rise to the gravity of war crimes or crimes against humanity. The conflict peculiar to Sri Lanka was non-international and as such international treaties to which Sri Lanka is a party, the existing legal mechanisms and customary international law would be borne in mind before amnesty is granted.

It has to be highlighted that, except in cases where a failure to prosecute violates a treaty obligation, the granting of amnesties in appropriate cases to perpetrators of egregious human rights violations is most likely not precluded by international law. It is apt to recall that strict punishment of all violators may serve to maintain, rather than reconcile, the differing recollections and attitudes of the various communal or political groups from which the conflict arose.

The Attorney General is currently preparing a suitable mechanism for transitional justice and amnesty taking into consideration local standards and international best practices and will present it to the Government.

Information and Counselling Services

2. Information and Counselling Services

Information and counselling services are not confined to any one phase of activity. Ex-combatants tend to have limited information about their society and the opportunities available to them when they return home. Information, counselling and referral services shall be established in order to provide the vital link between ex-combatants and the services planned for them. Consistent and comprehensive information on equivalent benefits that may be available to other affected groups, such as IDPs, shall be communicated to affected communities and stakeholders as early as possible. In the first instance, host communities will be informed about the on-going re-integration processes. Secondly, it can be recommended that ex-combatants receive the support necessary to help them attain the standards of living of the communities into which they integrate.

It will also be necessary to counsel the beneficiaries before enrolling them in a given course of action to avoid situations that may have caused problems in the past. Information and counselling services need to mitigate a risk of raising expectations

¹⁹ Report of the Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, UN Doc. S/2004/616(2004).



Psychosocial Wellbeing

among ex-combatants by providing accurate information on employment opportunities and available services.

3. Psychosocial Wellbeing

Another cross-cutting theme is the psychosocial and mental health consequences faced by ex-combatants. Most of the ex-combatants will not experience significant psychological problems or mental illnesses. Symptoms such as sleeplessness, tremors, and avoidance of social interaction may be relatively common but they clear within a few weeks, and as most are self limiting no specific intervention is required.

However, a minority will be affected by mental illnesses including common mental disorders such as depression, anxiety, or most specifically post-traumatic stress disorder. Another extremely important but less well-recognised category is those with increased perception of medical symptoms but without any significant medical illnesses (medically unexplained symptoms). These people will need specific mental health assistance and for most, those interventions can be provided in a community-based setting.

The rigid way of life, along with unquestionable conformity to which they had to abide for many years, may need unlearning and relearning into a new life during reinsertion period, if reintegration to be successful. Taking this into consideration, intervention will be supporting the reunion of families and communities, promoting justice, providing opportunities for work, and re-establishing institutions that bring meaning and coherence to political, religious, spiritual and social life. Group work and discussions among ex-combatant will be undertaken.

Gender

4. Gender

An important cross-cutting theme which has been prioritised is the need for gender-sensitivity in all phases of the reintegration process. This was first addressed by UN Security Council Resolution 1325 which “encourages all those involved in the planning for disarmament, demobilisation and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants”²⁰.

Sri Lanka, having ratified the Convention on the Elimination of All Forms of Discrimination against Women (1981) and its Optional Protocol (2002), is committed to upholding these international obligations, as well as the local

²⁰ United Nations Security Council Resolution 1325 on Women, Peace and Security (passed unanimously in October 2000).



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standards for the protection of women's rights as enshrined in the Constitution of the Democratic Socialist Republic of Sri Lanka, and articulated in the Women's Charter (1993) and the National Plan of Action for Women in Sri Lanka (1996).

Women in post conflict situations fall into three categories – female combatants, female supporters, and female dependants. The LTTE gave much prominence to women, with a significant proportion of the LTTE's regular and suicide forces being made-up of women. An important reason that attracted women to LTTE ranks was that they could enjoy equal status quo with males, and it is important to ensure that equality of the sexes is guaranteed within their communities. While the programme will treat men and women as equals, it will recognise that they have different needs. In order to ensure equality, the programme will promote the empowerment of women and the sensitisation campaign will pay special attention to issues such as respect for women, and women's rights. Female beneficiaries will also be given the option of moving away from low paid skills areas, such as home economics and choosing training in areas with greater career development prospects.

Children

5. Children

The recruitment of children for war is an extreme form of child abuse, and child combatants are denied the right to education, leisure, recreation, and to grow in their own family and community. Specific strategies have to be employed to address their psychosocial well-being, ensure their access to health and nutrition, enhance their self-esteem, and develop their capacities to enable them to realise their fullest potential²¹.

In terms of the Emergency Regulations proclaimed on 15 December 2008²², child combatants are granted an amnesty and are entitled to undergo the rehabilitation programme being carried out at the BCGR centre in Ambepussa. The Emergency Regulations also clearly defines the role of the judiciary and the role of the CGR in relation to minor ex-combatants.

In addition, H.E. The President of Sri Lanka and UNICEF have launched a campaign to prevent child recruitment and promote the release of children recruited by armed groups.

This National Framework Proposal recognises these special needs of children who have been recruited either voluntarily or forcibly into armed groups in Sri Lanka. However, a separate programme for children is not required within this National Framework Proposal, due to the Proposed Policy Framework on Protective Care, Rehabilitation and Reintegration of Child Combatants, which has been developed

²¹ NCPA (2009) Proposed Policy Framework on Protective Care, Rehabilitation and Reintegration of Child Combatants, pp. 3, 8.

²² The gazette of the Democratic Socialist Republic of Sri Lanka No. 1580/5 Monday, December 15, 2008, Part 1: Section (I) THE PUBLIC SECURITY ORDINANCE (CHAPTER 40) Re: Child Combatant and their treatment.



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by the National Child Protection Authority (NCPA) which addresses the special needs of children in detail.

The presence of a significant number of combatants who demobilised as children but are now young adults is also recognised and a combined approach will be developed for this category in consultation with the NCPA. It is envisaged that CGR will work in close collaboration with the NCPA to ensure that concerns relating to children are fully addressed.

The existing probation and child care system of the Department of Probation and Childcare Services of the Ministry of Child Development and Women's Empowerment can also be utilised to address the special needs of children associated with armed groups.

Disabled Persons

6. Disabled Persons

Special attention needs to be given to the fate of ex-combatants, who have been rendered disabled as a result of the war and the National Framework Proposal is committed to promoting and upholding local and international standards pertaining to the disabled. Thus, the National Framework Proposal will ensure compliance with the Protection of the Rights of Persons with Disabilities Act No. 28 of 1996, UN Convention on the Rights of Persons with Disabilities (2006) which Sri Lanka has ratified, UN Standard Rules on Equalisation of Opportunities for Persons with Disabilities (1993), Vienna Declaration (1993), and the National Policy on Disability in Sri Lanka (2003).

Disabled ex-combatants need to be treated under the same reintegration programme as other ex-combatants. The creation of a separate support mechanism not only duplicates efforts but also contributes to segregation of the disabled ex-combatants. Tailor-made for such persons needs to be developed keeping in mind their specific requirements. Prosthetic devices and physical therapy services shall be provided to help them regain their mobility, and the infrastructural facilities shall be improved to better accommodate them. Like ex-combatants in general those with disabilities are not a homogeneous group and the needs of each person must be considered based on their unique situation and the nature of their disability.

The general human rights principles of inclusion and equal treatment and equal opportunities for disabled persons will also apply to the specific treatment of ex-combatants with disabilities. This means that they shall have access to the same services and provisions that are afforded to ex-combatants in general. Specific services such as trauma-related counselling may be needed as well as disability specific training like mobility and orientation training for the blind or medical rehabilitation for those with mobility impairments.



Generally, facilities, services and information need to be accessible to all. This will mean the removal of all physical, information and communication, policy and legal, as well as attitudinal barriers, to their participation. Reasonable accommodation, that is adaptation of the job and adaptation of the work (or training) environment to provide access to the place of work (or training), to facilitate the employment (or training) of individuals with disabilities, may be necessary on an individual basis to ensure participation.

Capacity building of DDR staff, vocational training and other service providers to address disability issues and develop positive disability attitudes will be required. Disabled persons will have the choice to participate in training and seek employment according to the interests, ability and skills like other ex-combatants and shall not be isolated or secluded from others, unless specific disability-related treatment or services are required. Role models and mentors can be effective tools for assisting them, however. In preparing receiving communities and families, consideration will be given to disability awareness and equity issues and family roles.

Cash supplements shall also consider what may be extra costs of disabled ex-combatants that can be related to disability such as the need for transport, etc. Since little information is available about disabled ex-combatants, disability disaggregated data will be part of the registration and follow up processes, as well as other monitoring and evaluation.

Education

7. Education

Education is a cross-cutting theme for the reason that it is important in the reinsertion, rehabilitation, social reintegration and economic reintegration phases. This was an area upon which leaders of Tamil political parties in the country placed much emphasis during the consultative process. They noted that catch-up education was crucial for ex-combatants to be on par with others, and highlighted its importance for both social and economic progress. It is important to observe that the Sri Lankan situation is very different from most other post-conflict and post-insurgent countries as it relates to education.

While the LTTE controlled territory and claimed de-facto statehood, the State maintained and paid for critical systems, such as education. The State is committed to reorganise and strengthen the educational system in the North and bring it up to the high standards of the rest of the country. The lack of education in parts of former LTTE-controlled populations, and in particular that of LTTE ex-combatants, is due in large part to early conscription. The education system, however weakened, never completely collapsed.



Reinsertion and Education – Child Ex-Combatants

The first component in addressing the educational needs of the ex-combatants is a current skills assessment. While many might not have high levels of formal education, the LTTE provided military and operational training that might have applicability in different sectors of the economy. Since many of the LTTE fighters during the last phases of the war were recent conscripts, it is unlikely that their skill set differs heavily from that of the general population. Developing a skills spectrum of the ex-combatant population helps to tailor appropriate packages.

Instead of imposing a universal solution, the State will create options for ex-combatants. This allows every ex-combatant to reintegrate with maximum efficiency. In line with suggestions made, the National Framework Proposal lays emphasis on education of ex-combatants, with a view to enhancing their career prospects and facilitating reintegration. Greater educational opportunities, vocational training, and scholarships will be made available for those with the potential and interest in furthering their education. A key element will be to support Training of Trainers' programmes.

7.1 Reinsertion and Education – Child Ex-Combatants

Given the young age of many ex-combatants, catch up education in basic subjects, such as mathematics, reading, and writing might be necessary. Sri Lanka has a high literacy rate and one can reasonably assume that literacy levels did not deteriorate drastically under the LTTE due to the Government-sponsored education system in place.

While the education system in the North faced many disruptions during the past two years due to major military offensives, the State has made enormous strides to remedy any resulting damage.

Education is currently being provided to former child combatants at the rehabilitation centre in Ambepussa and the BCGR will continue to play the lead role with regard to the rehabilitation of children associated with armed groups.

Reinsertion and Education – Adult Ex-Combatants

7.2 Reinsertion and Education – Adult Ex-Combatants

Adult ex-combatants face enormous economic and social pressures. Many must provide for their families having lost their steady source of income as LTTE cadres. The current skills assessment will identify individuals who might be suited for specific jobs within the economy.

If they are especially keen on continuing further education and have the requisite examination scores, the State can sponsor them for university placement. If they lack the requisite GCE Ordinary and GCE Advanced Level examination scores, they will be able to retake examinations and compete for university placement,



**Economic
Reintegration and
Education**

regardless of age limits in place for the general population. This same courtesy must also be available for decommissioned State military personnel.

Those who do not wish to pursue further education can use their current skills to pursue vocational opportunities they are interested in or one in which they have a special talent. The State will enable ex-combatants choose from option packages specific to their current skills assessment.

A rotating residency programme, where ex-combatants rotate through different vocational skills, might also allow ex-combatants to decide what they want to with their lives. Through such methods as microfinance, these vocational abilities can transform into sustainable economic opportunities.

7.3 Economic Reintegration and Education

Economic sustainability occurs long term. In the mean time, short-term economic opportunities can ease ex-combatants back into normality. Their immediate concerns will be for their family and for themselves. In the rush back to economic stability, ex-combatants must receive education on financial principles such as saving and investing. While most will not have the resources to buy a home or land beyond what returns to them through resettlement, the principles will help them in the long term.

**Social
Reintegration and
Education**

7.4 Social Reintegration and Education

The sudden change from war to peace will have drastic effects on the social reintegration of ex-combatants. Instead of the rigid hierarchical system of the LTTE, ex-combatants will return to a family and village-centric society. Community-based education will ensure that people will be fully aware of the legal and social responsibilities expected of them in peacetime.

An emphasis on gender equality, strong within the LTTE, must also be self-perpetuating. While the State will provide services, such as civil administration and security, long-term solutions must eventually develop endogenously on a community level.

Re-evaluation

7.5 Re-evaluation

The effectiveness of education policies needs constant re-evaluation to see if they are achieving the intended outcomes. Surveys and analysis of social and economic indicators on a monthly and yearly basis will help understand the way forward through lessons learnt.



Small Arms and Light Weapons

SALW Awareness-raising

Collection and Destruction of Civilian Weapons

Work with Communities to Achieve Community Security

8. Small Arms and Light Weapons

Although it is an extremely important opportunity to help free Sri Lanka from the scourge of small arms, the Disarmament and Demobilisation phase of the reintegration process will not be expected to recover all or even most of the weaponry that is in danger of spreading into Sri Lankan society in the post-war period. Therefore, a range of accompanying measures shall be taken as part of or in parallel to the reintegration process. This includes:

8.1 SALW Awareness-raising

As part of awareness/ communications strategy, this will build public confidence in new security arrangements, encourage surrender of weapons, explain safe handling procedures and publicise destruction of recovered weapons and ammunition.

8.2 Collection and Destruction of Civilian Weapons

As many weapons are likely to remain in society apart from those held by ex-combatants, the Government may seek to recover weapons from communities using strategies specific to the local context. It will be important to work with civil society to build public support, reassure those surrendering weapons of their future safety and address factors in public demand for weapons effectively in order to be successful. The most important factor is usually trust and confidence in security providers. The collection and destruction of these weapons shall be conducted in a transparent manner in order to enhance trust between State security actors and the local communities.

8.3 Work with Communities to Achieve Community Security

An effective approach can be to link weapons recovery with participatory actions to involve communities in improving security, and to build trust between communities, security forces, Police and civil security officers. It will be important to ensure that areas to which ex-combatants return have been cleared in advance of buried weapons and ammunition.

APPENDIX I

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APPENDIX 2

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4. Mr. W. K. K. Kumarasiri
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7. Ms. M. S. Wickramasinghe
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APPENDIX 3

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