

## Programme Department - Report for September 2006

### Sri Lanka Update

Armed hostilities between the Government of Sri Lanka (GoSL) and the LTTE continued in September although the parties did not officially declare an end to the CFA - at least not yet. After the LTTE's defeat in Sampur, the military feels it has the upper hand. This certainly makes the efforts of the Norwegian Special envoy to resurrect the talks more difficult. A recent possible breakthrough for unconditional talks in Geneva at the end of the October turned sour by newly imposed preconditions by the government, and by heavy fighting in the Vakarai area in the East of Sri Lanka. The present indications are that the government and LTTE are preparing themselves for further military campaigns. At the time of the release of this report heavy deployment of Sri Lankan armed forces has been reported in parts of Jaffna.

The overall security and human rights situation in Sri Lanka has continued to deteriorate. Indeed the ground situation is so appalling it prompted the new head of the SLMM in Sri Lanka, Major General Lars Johan Solvberg, to describe the nature of the present violence as being shocking. Jaffna remains generally cut off from the rest of Sri Lanka. Food items are being provided by GoSL cargo ships under the protection of the navy but the supply is not enough. The ICRC is unable to do anything because the parties cannot agree on the method of transportation. Sporadic UN chartered flights to Jaffna have started but regular civilian flights remain on hold. On the peninsula mobility and movement is still restricted.

With the monsoon season starting soon hundreds of thousands people who are still displaced in the East and North and in need of basic needs will certainly bear the brunt of the continued lack of access and the fighting. In the past, most major attacks were conducted by the LTTE during the rainy season. The North East monsoon limits operational capabilities of the heavy vehicles, tanks and artillery as well as air and naval traffic. Such vehicles could get stuck in Jaffna's rain drenched soil, which delays the operational capabilities of the superior armed power of the security forces. This has been a known tactic employed by the Tigers in the past and there are no reasons to suggest that they will not follow the pattern this year unless something dramatic happens on the peace front.

The fear of people in the East is such that threatening leaflets distributed in Mutur, purporting to be from the LTTE, have caused many amongst the largely Muslim population to flee once again. Those same people have been compelled to return to Mutur by the security forces and are also being denied relief rations unless they return to Mutur. These are actions that are in violation of all norms of international humanitarian conduct.

The civilian military training campaign and child recruitments that are taking place in the North East, both by the LTTE and its breakaway Karuna group are most likely in anticipation of battles that lie ahead. Reports from the East indicate that the child recruitment taking place is extremely cruel. Families who have lost one of their children to one group are being doubly victimized to give another child to the other group. The spate of assassinations and abductions of Tamil people suspected to be either pro or anti LTTE is also continuing without a sign of abating. In Colombo dozens of Tamil businessmen were abducted which prompted the GoSL to set up a Parliamentary Group to investigate these abductions.

The brutal killings of ten Muslim farm workers in Pottuvil in the East are another example of the breakdown of law and order related to security of life in the country and the growing practice of impunity. The Home for Human Rights, a local NGO, reported this month that more than 1000 extrajudicial killings of civilians have taken place since November last year.

The lack of any investigations being conducted in many of these crimes and other incidents in the East and North has frustrated the international community. Recent international pressure in Geneva and New York resulted in the promise by the GoSL to set-up a Commission of Inquiry to look into approximately ten high profile crimes committed during the violent conflict over the course of this year. The recommendations by many human rights observers to set-up an international monitoring mission and an international commission of inquiry have been rejected by the GoSL. However, it has been agreed that the new national Commission of Inquiry would be observed by a number of eminent international persons. So far, the inability of the national and international human rights machinery and UN bodies including the UN Human Rights Council to deal with the war crimes in Sri Lanka has been highly disappointing.

The Supreme Court in September declared that neither United Nations conventions signed by Sri Lanka nor the directives of monitoring bodies are binding on the country.

In addition, Parliament is about to pass a law that allows the GoSL to expulse international agencies out of the country. Already six international organizations including MSF France and Spain have been requested to leave the country immediately. In a further attempt to curb the activities of INGOs and NGOs, the Central Bank of Sri Lanka has issued (I)NGOs new bank account numbers which it has started to monitor. A recent donation to NPSL by NP Japan took several weeks before it got cleared. Local NGOs that work in LTTE areas are facing more difficulties. Funds in the bank accounts of the Tamil Rehabilitation Organization (TRO) have already been frozen.

The most hopeful prospect in this bleak situation is the signing of a landmark agreement between the SLFP and UNP, which are the country's two largest political parties, to work together on a common national agenda.

### *The work of the teams*

In the course of issuing work permits that all INGOs now need to have, NPSL this month was interviewed by the Ministry of Defence about its activities. It received the promise that it will receive the work permits for all of its international staff by the end of September. However, all agencies including NPSL have now been asked to provide details of its national staff before the permits are being issued. Meanwhile, international staff is still without access to LTTE areas. There is much concern within NPSL about the families it has been supporting in those areas as well as the disconnection with one of the main stakeholders in general. NPSL continues to lobby for the right to access a large part of the population of Sri Lanka in need of protection.

Despite the lack of access, NPSL is playing a crucial role in information gathering on the ground situation. Such information on human security and rights violations has found its way into the local and international media and the discussions and international human rights reports including recommendations. NPSL facilitated another mission by the Human Rights Watch. It also took part in an international strategy meeting in Geneva in preparation of the UN Human Rights Council session this month and passed on relevant information to the UN Special Representative for Children in Armed Conflict in New York.

Locally, it plays a significant role in the roundtable discussions and coordinating meetings and workshops. In Batticaloa, NPSL teams attended a strategy meeting by UNICEF on the rise in child abductions in the district. The Valaichchenai office raised its concern about the increase in visits by families whose children were abducted and the lack of any accountability by the authorities. A particular concern is also the lack of safe places for those children under threat. Several action points were identified which will be further elaborated at the district and Colombo level before they are implemented.

Another challenge the teams faces in the Batticaloa district has been the influx of Internally Displaced People (IDPs) from 37,000 to 62,000. Both NPSL teams in the district have stepped up their efforts to address this issue. They received additional help from members of the Mutur team. A large number of Tamil IDPs who fled the violence in Mutur came down to the Batticaloa district and remain there in IDP camps. Several of those camps are in volatile areas. In a collaborative effort, members of the Mutur and Valaichchenai teams prepared an assessment of the protection needs of these IDPs and shared these with other agencies and groups including UNHCR.

A six months review of the work of the new office in Batticaloa revealed the need for consolidation of the activities and the inclusion of IDPs as part of its future activities. The focus of the office in the coming period will therefore be on certain areas, most notably, Human Rights, (child) abductions and IDPs through the support of the citizens groups and Peace Committees. It is also recognized that religious leaders should be supported because of the active but risky role they play in the current environment. Such activities will need to be complemented with a proper monitoring and documenting mechanism. Initial discussions with the Asia Foundation to use their newly developed HR documentation system in the field are promising. All of these efforts are part of the strategy to work toward ratcheting up the human security standards in the district and country.

The proposed collaborative and flexible approach has been part of NPSL's strategy all along. However, the environment today requires even a greater level of interdependency between NPSL and local groups and international agencies. In fact, the reality demands a response mechanism that has multiple players involved at different levels engaged in resistance, support, protection, activism and campaign efforts. In addition, the divisions between the communities are increasing so the need to work in a conflict sensitive manner is more appropriate than ever.

A similar approach is being taken in Trincomalee where the two teams have been working with the large number of IDPs. Again, the situation required the teams to work in different locations with specific dynamics at the same time. The teams were able to link aid agencies to those groups of IDPs that were not receiving assistance. Most of the IDPs fled and resettled in places according to ethnic lines. The Mutur and Trinco teams made an extra effort to ensure that they continued to work with all communities, hence with the Tamil IDPs in Valaichchenai, the Sinhalese IDPs in Seruvila and Muslim IDPs in Kantalai and Kinniya.

Meanwhile, efforts to ensure temporary safety for Dr. M. and his family in the UK fell through with the refusal of a visa by the British government. However, NPSL continues to raise the case with various HR bodies and diplomatic missions including the UK government with the request to change its verdict based on humanitarian grounds and the high level of threat against this family whose son was killed allegedly by the navy forces in January.

After several failed attempts the Jaffna team was able to reunite one of the families of the local staff who are now safe in Colombo. It continues to advocate the protection issues that concern Jaffna in forums in Colombo and is preparing for a return to Jaffna and to work with Jaffna IDPs

who settled in the Mannar district. A ten day protection assessment in Mannar will be carried out by several members of the Jaffna team in October.

NPSL's past experience with IDPs in Trincomalee and Jaffna and today's high protection needs of IDPs, who fled because of the violence, has resulted in a partnership agreement between NPSL and the UNHCR. While members of the Trinco team took part in a learning workshop by Christian Aid, NPSL submitted a new partnership proposal for 2007 to the organization that focuses on the support of Peace Committees and other local coping mechanisms that can address the human security situation today.

Several new partnerships and renewed discussions with UNICEF on a framework for cooperation in 2007, requires NPSL to take gradually take a programmatic approach. Consequently, programme management systems including additional reporting mechanism will need to be put into place. A comprehensive reporting system will be introduced in October in order to meet the various reporting requirements to wider NP and the donors.

## **Philippines- Mindanao**

### *General Situation*

The general situation is characterized by concerns over the future of the peace talks between the government and the MILF. The last round had as reported not yielded agreement on some issues like the co-called 'ancestral domains'. The negotiations will certainly not be ended in 2006 as originally hoped.

### *Project Preparation*

Project Coordinator Atif Hameed left Mindanao in middle of September after the completion of the work of the Advance Team. His tasks in the next months include fundraising, continue work with the partners in Mindanao through keeping contact , participate as assessor and resource person at the assessment and core training in Kenya in November-December 2006 and supporting the recruitment of field staff for the Philippines through screening and interviewing of candidates.

We are still waiting to hear from the various agencies to which fundraising proposals have been handed in.

## **Colombia**

The Colombia proposal as presented by the Programme Committee was accepted without change by the Executive Board of NP in September and is now going to the full Governing Council for decision-making in October.

The main news regarding the political situation was that the FARC, Colombia's biggest leftist rebel group proposed a conditional cease fire with the government on Monday 2<sup>nd</sup> October. President Uribe responded he was willing to discuss a FARC proposal to withdraw troops from a certain rural area, and to negotiate the release of rebel hostages, including three US Citizens and former presidential candidate Ingrid Betancourt. If Uribe withdraws the troops, the FARC said in a statement it will "immediately explore ways toward a bilateral cease fire and analyze a political

solution to the social and armed conflict." Already much earlier, the government has started talks with a smaller rebel group, called the ELN, and disbanded right-wing paramilitaries while peace with the 17,000-strong FARC remains illusive. Uribe, who won office in 2002 by criticizing past peace efforts as too lenient toward the rebels, has always insisted on the government controlling the national territory. He was re-elected in August.

## **Uganda**

The proposal is still under consideration by the Programme Committee which failed to have a full meeting in September due to lack of quorum. It is now hoped to make a decision in October.

Politically, the situation in Uganda is characterised by a Cessation of Hostilities Agreement between the Ugandan government and the LRA, concluded on 26 August. Following the agreement, the LRA fighters and their commanders were to assemble at different points outside Uganda (most in South Sudan), and for most of last month it seemed that they did, and negotiations started in Juba, though without the presence of Kony and the other four commanders of the LRA who are indicted by the International Criminal Court began. But in the last week of September LRA leader Kony ordered all his commanders to withdraw from the two South Sudan assembly points it seems, putting the Cessation of Hostilities Agreement in question. Nevertheless the negotiations have continued since, and Sudan expressed satisfaction with their progress.

For the proposal to NP this situation has raised the question if the proposal can remain unchanged because the situation is so volatile that it cannot be predicted anyway, or if it would be better to wait until it is clearer if there is a peace agreement or this most recent ceasefire fails as so many have before.

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