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SRI LANKA SUPPORTING REGIONAL GOVERNANCE PROGRAM (SuRG) QUARTERLY REPORT

JULY – SEPTEMBER 2008

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ACRONYMS AND ABBREVIATIONS

CBO	Community Based Organization
COP	Chief of Party
CSO	Civil Society Organization
EA	Equal Access
GIS	Geographic Information System
IDP	Internally Displaced Person
I/NGO	International/Non-Governmental Organization
IT	Information Technology
MOCA	Ministry of Constitutional Affairs
MSI	Management Systems International
NGO	Non-Governmental Organization
LA	Local Authority
LG	Local Government
MC	Municipal Council
MIS	Management Information System
STA/M	Senior Technical Advisor and Manager
SuRG	Supporting Regional Governance Program
TALG	Transparent and Accountable Local Government Program
UC	Union Council
USAID	United States Agency for International Development

1.0 INTRODUCTION

In March 2008, ARD, Inc. was awarded contract no. 383-C-00-08-000501-00 to implement USAID/Sri Lanka's Supporting Regional Governance Program (SuRG). The 3-5 year initiative was designed to build on USAID/Sri Lanka's democracy and governance efforts to address development needs resulting from the ongoing conflict. The program supports regional government in the Eastern province and Polonnaruwa district by focusing on four program components (social equity, local governance, community empowerment and transformation and open dialogue) with intertwining activities which reinforce governance improvements around the betterment of human and community security.

1.1 START-UP

ARD's SuRG start-up team prepared to mobilize within 30 days of the contract award. However, the Government of Sri Lanka did not issue the necessary business visas until mid-May. The team traveled to Sri Lanka within a week of receiving their business visas arriving in-country starting on May 22, 2008.

Upon arrival, ARD set up a temporary office in Colombo while identifying permanent office space in Colombo and Trincomalee, registering with the Registrar of Companies, signing on staff included in the proposal, recruiting for remaining positions, setting up administrative policies and systems, and equipping the offices.

During start-up, we also held introductory meetings with government counterparts Ministry of Constitutional Affairs and National Integration and the Ministry of Provincial Councils and Local Government. The Chief of Party (COP) was introduced to the Government Agent of Trincomalee District by the USAID Mission Director during a visit to Trincomalee the first week of June.

2.0 CONTRACT IMPLEMENTATION ACTIVITIES

2.1 YEAR ONE WORK PLAN

The political conditions in Sri Lanka were quite different at the time ARD submitted its technical proposal and illustrative work plan from conditions when the contract was awarded and the SuRG team arrived in-country. In order to insure that the first year work plan responded to current conditions in the country, ARD commissioned assessments in each of the four program components – social equity, community empowerment and transformation, local government, and open dialogue – to map and analyze current trends and responses and assess challenges and opportunities for SuRG programming. The results of these assessments, along with consultation with prospective partners and grantees and input from technical experts, formed the basis of the year one work plan. The SuRG COP shared preliminary findings from the assessments and the work plan in a presentation to USAID and a briefing to the Embassy before submitting the formal work plan to USAID on September 30, 2008.

2.2 COMPONENT ASSESSMENTS

ARD sole-sourced rapid assessments in each of the four primary program components. Each assessment was based on a similar scope of work which called for an examination of current trends nationally as well as in the Eastern province and Polonnaruwa district, a mapping of non-governmental organization (NGO) and donor initiatives, and recommendations for SuRG strategy and activities.

Each assessment was contracted and researched independently. However, research teams were brought together before the field research was conducted so that there was overall coordination among the research teams. Once drafts of the assessments were completed, researchers met again to compare, discuss, and contextualize field assessment findings and recommendations. It also provided a mechanism for ARD to look at SuRG holistically and ensure year one programming was integrated across sectors.

2.2.1 Social Equity Assessment

The assessment included a literature review of the existing legal framework in Sri Lanka and conducted interviews at the district and national levels with persons in diverse fields. People interviewed consisted of community leaders, I/NGO personnel, donors, government and private sector representatives, and media. The study focused on trend analysis and causes of violations, response of the judicial system, media coverage and awareness of violations, responses to the violations and trends in violations (government, NGOs, donors, and international agencies), gaps in information, and overall priorities for assistance.

Issues examined included human security, basic civil and property rights, freedom of the press, safety of journalists and NGO/humanitarian workers, women and children, and access to justice.

The methodology employed included semi-structured interviews with key informants together with primary sources and secondary sources. Specific semi-structured interview guides were used for each category/level of informants (i.e., guides for organizations, individuals, media, government, and donors).

The report identifies the following as challenges:

- The failure to activate the Constitutional Council and other independent commissions under the rules in the 17th Amendment to the Constitution;
- Broad powers awarded to the President under Article 35 of the Constitution where legal challenges are instituted against actions by the executive;
- Absence of judicial interpretation in favor of constitutional governance in matters of violations of the Constitution by the executive;
- Absence of real “independence” in the decision-making authorities;
- Politicization of public sector appointments;
- Lack of strong regulatory mechanisms and judicial activism towards state actions; and
- Absence of witness protection laws and provisions by the state in support of such laws.

The assessment also points out that most cases brought as fundamental rights claims are employment disputes involving the government as employer. The limitation of fundamental rights jurisdiction to the Supreme Court prevents the district level courts from playing an effective role in securing constitutionally guaranteed rights. This means that victims of rights violations in the Eastern Province must bring a fundamental rights claim to the Supreme Court. The 30-day limitation on bringing such claims and the need to travel to Colombo present serious challenges to those from remote areas. Furthermore, the lack of an alternative form of redress for government employees means the fundamental rights cases in the Supreme Court include a large number of government employment disputes, slowing down the Court’s performance.

The assessment highlighted the continued presence of multiple armed groups and the serious violations that ensue in Trincomalee, Batticaloa, and Ampara as key factors in the security experience by people living and working in these districts. The specific nature of violations varies across the districts.

The study mentioned the need to support advocacy, and means of improving advocacy. The report recommended lobbying for the passing and implementation of the Victim and Witness Protection Bill. The study also recommended support for language training of government officials at the local authority and district levels which will contribute to increasing likelihood that Tamil-speakers can access the public services in their own language.

2.2.2 Community Empowerment and Transformation Assessment

The CEaT assessment found that local communities, NGOs, and government and political actors were anxious for peace, reconciliation, and co-existence. However, they also found that implementation of such activities by both state and non-state actors is relatively low. The assessment cites a number of reasons. In the East, authorities are focused almost solely on development so NGOs are strongly encouraged to engage in development rather than reconciliation efforts.

The assessment noted that local communities also tend to prefer development activities over reconciliation initiatives. Not surprisingly, communities from ethnically mixed areas see more benefits from peace building programs than those from mono-ethnic areas. Additional factors resulting in a loss of interest include donors moving away from reconciliation and an overall weariness among those communities that have engaged in a number of these programs without seeing tangible benefits.

Tensions and fears among ethnic communities in the East continue to be exacerbated. Issues such as land, language, and the centralization of power have been identified as root causes of the conflict. If these issues are not adequately addressed it could lead to a re-emergence of the conflict. Thus, in spite of the challenges mentioned above, reconciliation could play a vital role in ensuring that stability and peace are obtained and sustainable. Many communities and leaders recognize the potential value and need for such initiatives even if they may criticize current models.

The assessment recommends the following guidance for CEaT activities given the current political and security environment.

- Local, regional, and ethnic variations and differences need to be factored into the design and implementation of programs.
- Programs and activities need to be conflict sensitive to ensure that there is limited or no negative fallout for communities and the program. Donors and NGOs should encourage the Government to play an active role.
- Donors, NGOs, and the Government should support community level initiatives that seek to address root causes of the conflict, while encouraging the Government, the Provincial Council, and other key political actors to address some of the structural issues that impact and influence root cause issues.
- Programming and assistance needs to take an integrated approach that incorporates commitment to issues of reconciliation and good governance.

The assessment goes on to recommend that SuRG employ a conflict transformation approach which focuses on the rights of communities and takes a long term view. Suggestions include:

- Support for a wide range of activities including cultural exchange, early warning mechanisms, inter-religious activities, and dialogues;
- Target select groups—appointed and elected government actors (especially the Eastern Provincial Council), youth and children, and religious and community leaders;
- Support a range of organizations including national, regional, district, and local organizations;
- Support activities that may not be explicitly identified as core activities but may be focused on critical target groups and have a profound impact on reconciliation;
- Integrate reconciliation into other SuRG programs;
- Work through existing programs and service programs;
- Work with elected authorities and ensure that this engagement addresses peace building, good governance, and human rights principles;
- Include reconciliation activities in the South;
- Support a program to increase sensitivity among development, humanitarian, donors, and other actors in the East who may not be fully aware of the local dimensions of the ethnic and social fissures in their project areas;
- Early warning systems should be strengthened and supported and efforts made to ensure that existing structures are reinforced and autonomy maintained; and
- Develop capacity of local committees in a manner that builds on existing capabilities and with a long-term focus.

2.2.3 Local Government

The local government assessment included a literature survey and key informant interviews with citizens and government and elected officials, media, and NGO and CBO representatives. The report included a detailed assessment of 20 local authorities (LAs) from the four SuRG target districts and looked at the intra-local government environment, that is relationships between or among local authorities, and at the local

government enabling environment, that is the relationships between the local authorities and supportive organizations such as NGOs, CBOs, donors, media, advocacy groups, and government institutions.

The assessment highlighted the following major issues confronting local authorities in the Eastern and North Central provinces:

- Poor understanding of the devolution process and the legal/regulatory framework of LG systems and the formulation of by-laws;
- Poor resource base, lack of planning and budgeting skills, and poor management systems;
- Minimal exposure to computer applications and information technology;
- Lack of community participation in LA affairs;
- Little involvement of the media in local governance activities;
- Inadequacy of training facilities for LG sector;
- Non-sensitivity to ethnic and conflict-related issues;
- Poor solid waste management due to unavailability of landfills in the area; and
- Poor institutional, management, coordination, and monitoring systems.

Recommendations for national-level interventions include:

- Strengthening training and research capacity at national and provincial training centers at ACLG level;
- Introduction of performance improvement plans;
- Training and establishment of MIS and GIS applications for local governance activities;
- Introduction and training on modern techniques of office management; and
- Training to improve inter-governmental coordination.

Recommendations for interventions at the LA level include:

- Awareness on inter-governmental relations and role of LAs under the devolved system of governance;
- Training on the legal and regulatory framework of LAs;
- Training on financial/revenue management and preparation of annual budgets;
- Asset management (movable and immovable), especially at the MC and UC level;
- Solid waste management techniques and practices;
- Civil society participation in local governance affairs focusing on existing committee system and proposed citizen committees;
- Modern techniques of office management and accounting systems;
- IT-related training;
- Preparation of marketable project proposals;
- MIS training including maintenance of database;
- Coordination, monitoring, and evaluation;
- Continuation of interventions carried out under the USAID/TALG program on medium-term planning and budgeting;
- Sensitization on gender and environment;
- Sensitization of the LA and stakeholders on social cohesion; and
- Provision of basic equipment and tools.

The report also provided data and rankings of all LAs in the Eastern Province and Polonnaruwa based on a range of criteria including technical capacity and potential of the LA as well as social and political criteria and political context, such as the extent of previous donor intervention, revenue allocation, ethnic composition of the community, political leadership, community participation, and conflict-related risk (situated near conflict areas, presence of armed groups other than defense forces, experience conflict). SuRG used these rankings,

along with Ministry rankings, to select the following 11 LAs for technical assistance during year one of the program.

- Trincomalee
 - Thambalagamuwa PS
 - Murthur PS
 - Verugal PS
 - Seruwila PS
- Batticaloa
 - Eravur Town PS
 - Manmunai West PS
 - Manmunai South-West PS
 - Porativupattu PS
- Ampara
 - Ampara UC
 - Alaiyativembu PS
 - Ninthavur PS

2.2.4 Open Dialogue

The observations and recommendations enumerated in the Media Assessment come from desk research, field research, and experience of both national and provincial level media over 10 years. The report provides a snapshot analysis of regional media needs based on rapid mapping of current trends and responses to challenges to media freedom and freedom of expression over the last two years.

The situation on the ground for journalists throughout the country is volatile. Media programs have targeted media freedom and freedom of expression at a national level, but little attention has been paid to strengthening media at the provincial level. The assessment indicates it is vital to support and strengthen the Right to Information, media capacity development, and journalist safety at the provincial level.

Recommendations to SuRG include:

- Strengthen the capacity of provincial journalists:
 - Right to Information legislation needs to be enacted at the national level.
 - Journalists will not develop and sustain capacities if they are financially insecure. This, and their safety and security (including job security), are aspects that need to be looked into when designing media initiatives to support provincial journalists.
 - Mainstream media, both State and Private, should demonstrate their commitment to establishing provincial media better able to report on the issues that matter the most to communities in the region.
 - Develop community media. This includes radio, but also alternative print media (not just limited to, but including, NGO communications) as well as web media that leverages mobile phones.
 - Long-term emphasis on training.
- Develop journalist organizations and collectives:
 - Better coordination and collaboration mechanisms among journalist organizations in the region.

- More meaningful, sustained, and frequent interactions between journalists belonging to different ethnicities (e.g., team reporting workshops and processes, joint field visits, journalist exchange programs).
 - Strengthen and support key regional journalist organizations with a view to creating a few that will be able to galvanize a representative, diverse membership for whom capacities can be strengthened over the long term.
 - Equipment, including web and internet access, given to these organizations and supported over the long term (including connectivity and hardware maintenance).
 - Training programs directed at the membership of these organizations and collectives must include safety and security training; technical training (new media as well as basic training in Microsoft Office applications, web and internet basics, digital photo manipulation, etc.); professional codes of conduct and ethics; conflict sensitive journalism.
- Develop community media/CBO communication networks:
 - Media literacy needs to be strengthened amongst civil society in the region.
 - CSOs, CBOs, and NGOs in the region need communications and media strategies training.
 - Facilitate and support channels and opportunities for civil society and provincial media interactions to take place (e.g., roundtables on specific issues).
 - Leverage the networks of CBOs, CSOs, and NGOs to provide a means through which content can be generated from the grassroots, by the communities at the grassroots (in Sinhala and Tamil) for the grassroots and can be also channeled to provincial, regional, and national level mainstream and alternative media.
 - Ascertain the possibilities of media for children, by children, particularly using schools as centers of media production.
 - Strengthen existing civil society networks by providing them with tools, tips, and techniques on how best to use the media to improve their advocacy.
 - Strengthen and develop relations between civil society, media, and local government officials.
- Develop and strengthen alternative and new media:
 - Development of community radio (short radius, short-term community radio licenses can be procured without too much hassle).
 - Provincial newspapers – Newspapers concentrating on local issues and local voices.
 - Development of narrowcasting systems. Narrowcasting has traditionally been understood as the dissemination of information (usually by radio or television) to a narrow audience, not to the general public. Narrowcasting involves aiming media messages at specific segments of the public defined by values, preferences, or demographic attributes. This includes podcasts, specific community radio channels geared towards specific issues (e.g., 95.6 FM devoted to livelihood issues, 96.7 FM devoted to the rights of IDPs), and the use of mobile phones.
 - Develop and help sustain community access to the internet and web, including subsidized access and training for journalists and CBOs.
 - Use of SMS (text messaging) (linked to narrowcasting) but also as a means of information and news generation (e.g., Twitter streams, or the use of FrontlineSMS to promote sophisticated on demand, multi-issue, vernacular capable SMS-based community news and information systems).
 - Look at the communications used by the Church, Kovils, and Mosques and ascertain if broader issues can be included or mainstreamed in them, or at the very least, point to information repositories located elsewhere.

2.3 PROGRAM DEVELOPMENT

While component assessments were being conducted, ARD initiated consultations with a wide range of local experts, potential program partners and donors and I/NGOs in Colombo and the East to inform planning and initiate program and grant development. Early program development efforts were focused on partners and interventions pre-approved in the contract.

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