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e) Provincial Governance and Service Delivery

Eastern Provincial Council
Trincomalee

PROVINCIAL GOVERNANCE AND SERVICE DELIVERY

CONTENTS

LIST OF TABLES

Abbreviations

AIP	Annual Implementation Plan
CBG	Criteria Based Grant
CBO	Community Based Organization
CDO	Community Development Officer
CIRM	Centre for Information Resource Management
CLG	Commissioner of Local Government
DCS	Deputy Chief Secretary
DIRDP	District Integrated Rural Development Project
DOL	Department of Official Languages
DS	District Secretary
Div Sect	Divisional Secretariat
ECD	Early Childhood Development
EPD	Education Publication Department
GCE (O/L)	General Certificate of Education (Ordinary Level)
GIS	Geographical Information System
GN	Grama Niladhari
GND	Grama Niladhari Division
GTZ	German Technical Corporation
HRA	Human Rights Animators
HRC	Human Rights Commission
HRD	Human Resource Development
ICT	Information and Communication Technology
ICTA	Information & Communication Technology Agency
IDA	International Development Agency
IDP	Internally Displaced Person
ILDP	Integrated Local Development Plan
IT	Information Technology
JMO	Judicial Medical Officer
LA	Local Authorities
LAC	Legal Aid Commission
LG	Local Government
LTTE	Liberation Tigers of Tamil Elaam
MC	Municipal Council
MDC	Management Development Cell

MDTD	Management Development & Training Department
MDTU	Management Development and Training Unit
MOE	Ministry of Education
MPC	Member of Provincial Council
NCOE	National College of Education
NECCDEP	North East Coastal Community Development Project
NELSIP	North East Local Services Improvement Project
NEPC	North East Provincial Council
NGO	Non-Governmental Organization
NIE	National Institute of Education
NILET	National Institute of Language Education & Training
OUSL	Open University of Sri Lanka
PA	Public Administration
PC	Provincial Council
PCLG	Provincial Commissioner of Local Government
PDE	Provincial Department/Director of Education
PDLG	Provincial Department of Local Government
PImP	Performance Improvement Project
PIP	Provincial Investment Plan
PPC	Provincial Planning Committee
PPS	Provincial Planning Secretariat
PS	Pradeshiya Sabha
PSDG	Province Specific Development Grant
PTF	Planning Task Force
RDO	Rural Development Officer
REAP	Regional Economic Advancement Programme
UC	Urban Councils
VPP	Vulnerability Poverty Profiles
SDIP	Service Delivery Improvement Planning
SLILG	Sri Lanka Institute of Local Governance
STEPS	Skills through English for Public Servants
SURGE	Support for Regional Governance project
WRDS	Women Rural Development Organization
2NL	Second National Language

1. Sector Background

1.1 Introduction

Governance deals with processes and systems by which an organization or society operates. In most instances, a government administers these processes and systems. Governance is also defined as the system of values, policies and institutions by which a society organizes collective decision-making and action related to political, economic and socio-cultural and environmental affairs through the interaction of the state, civil society and the private sector. Governance comprises the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, mediate their differences and exercise their legal rights and obligations. [1]

It is the belief that all problems that exist within the society are due to bad governance. Therefore the term "governance" is always associated with the term "good governance" in development as well as management literature. Good governance has several characteristics such as participation (participation of the most vulnerable in society in decision making through their organizations), rule of law (good governance requires full protection of human rights, particularly those of minorities and impartial enforcement of laws), transparency (decisions taken and such decisions are implemented according to agreed rules and regulations), accountability (an organization or an institution is accountable to those who are affected by its decisions or actions. Enforcement of accountability depends on how transparency and the rule of law are enforced), effectiveness and efficiency (systems, processes and institutions produce results that meet the needs of society through sustainable use of resources), inclusiveness and equity (nobody should feel that they are excluded from the mainstream of society and that all groups, particularly the most vulnerable, have opportunities to improve and maintain their well being). The foregoing concept of governance delineates the analytical framework for the formulation of a development plan for enhancing governance in the Eastern Province.

1.2 Historical Brief

The North East Provincial Council (NEPC), which comprised of the two provinces North and East, was constituted in 1988 under the provisions in the 13th amendment to the Constitution and the Provincial Councils Act No. 42 of 1987. The Council that was elected in December1988 could function only till June 1990 as it was dissolved by a Presidential decree. However, the system of devolved administration continued to function without the elected council under the supervision of the Governor until the two provinces were de-merged on an order of the Supreme Court in 2006. In consequent to the judgement of the Supreme Court, then Governor of the North East Province was re-appointed as the Governor of the Eastern Province. On the conclusion of the civil conflict in the east, a separate Council was elected for the Eastern Province in 2008.

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[1] Robertson Work, A Paper Presented at 2nd International Conference on Decentralization, Federalism: The Future of Decentralizing States?, 25 -27 July 2002, Manila, Philippines, p.3

The North East Provincial Council that was in existence during the 88-90 period appeared to have a broad regional perspective and strategy as it made an effort to 'own' even the then existing district level administrative machinery of the Government by making the Government Agents of the districts, the District Commissioners of the Provincial Council. The Divisional Secretaries, however, were within the umbrella of the Council until they were brought under the Government in 1994.

The governance structure within the province consists of Central, Provincial, Local and Community structures. The devolved public governance system operates at the provincial (Office of the Governor, Provincial council, its ministries and departments), district (sub agencies of departments of the provincial council) and local (Local authorities) levels. The de-concentrated governance system of the government operates at district (District Secretariats and other district level offices of government departments), divisions (Divisional Secretariats) and Village (Grama Niladhari and village level bureaucracies of the Government) levels. The private sector operates at all levels within the province and is organised through chambers of commerce. The community operates through NGOs and CBOs.

1.3 Importance of the Sector

Although the Provincial Council System that came into being in 1988 was seen as a solution to the armed conflict, the devolution (as a form of decentralization of decision making authority to elected bodies at lower levels) of powers to the provinces was also viewed as a significant milestone in the regional development process initiated in the early 70s. It was, therefore, expected that the system will help in the long run to reduce inter-provincial as well as intra-provincial disparities prevailing in the spheres of economic and social development. It was therefore felt that there was a strong need for every province to prepare and implement a provincial development strategy and a plan preferably with objectives and targets for income, employment and output, broken down by region, division and product. It was also felt that the provincial budget must be integrated with the plan and all provincial expenditures must be brought within the discipline of the plan[2]. The objective of such a development strategy should always be sustainable human development.

The fundamental principles of *good* governance underpin human development and include respect for human rights, political openness, participation, tolerance, administrative and bureaucratic capacity and efficiency. It is also generally accepted that good governance entails the creation of effective partnerships to ensure that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and most vulnerable are heard in the decision making process.

In the context of the conflict the challenge is to create a system of governance that promotes these fundamental principles in the Eastern Province. It is for this reason that democratic and decentralized governance systems created through devolution become increasingly important.

[2] S. Nadarajah, et.al. Provincial Council Administration: Main Issues and Recommendations, (unpublished), 1991

2. Sector Performance

2.1 Contribution to Quality of Life

The United Nations Development Programme defines sustainable human development as expanding the choices for all people in society. This means that men and women particularly the poor and vulnerable are at the centre of the development process.[3] The concept of governance is directly concerned with the management of development process. The challenge of development is to improve quality of life of the people.

It is believed that devolution of power will bring decision making authority to a level closer to the people. It is also believed that efforts to enable communities to participate in the development process would ensure sustainability of programmes and quality of life improvements.

In quality of life research one often distinguishes between the subjective and objective quality of life. Subjective quality of life is about feeling good and being satisfied with things in general. Objective quality of life is about fulfilling the societal and cultural demands for material wealth, social status and physical well-being[4]. The principal of participation embodied in the concept of good governance would ensure fulfilling of the societal and cultural demands. However, it is difficult to quantify the extent to which the governance systems, although it has a direct relevance, contribute to the improvement of quality of life.

2.2. Performance Trends

After three decades of armed conflict, the Province is now gradually returning to normalcy. The provincial council established for the Eastern Province is relatively new as the election was held only two years ago and therefore the systems, processes, mechanisms and procedures for the working of service delivery system are yet evolving. .

As in the case of other provincial councils, the Eastern Provincial Council too has established five Ministries. The five Ministries and the Departments attached to the Ministries are as follows:

1. Chief Minister's Secretariat. The subjects of Finance, Planning, Regional Administration, Rehabilitation, Resettlement, Environment, Tourism, Local Government and Rural Development come under the purview of this Ministry.

    Department of Local Government

    Department of Rural Development

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[3] UNDP, "*Governance for Sustainable Development,*" UNDP Policy Paper Series 1997. Available on http://magnet.undp.org

[4] Quality of life Research Centre, Denmark

2. Ministry of Health & Indigenous Medicine, Social Welfare, Probation and Child care Services, Women Affairs, Youth Affairs, Sports, IT Education, Cooperative Development, Food Supply and Distribution

> Department of Health Services
>
> Department of Indigenous Medicine
>
> Department of Sports
>
> Department of Probation and Child Care
>
> Department of Social Services
>
> Department of Cooperative Development

3. Ministry of Agriculture, Animal Production and Development, Rural Industries Development and Fisheries

> Department of Agriculture
>
> Department of Industries
>
> Department of Animal Production and Health

4. Ministry of Education, Cultural Affairs, Lands and Land Development & Transport

> Department of Education
>
> Department of Land Administration

5. Ministry of Road Development, Irrigation, Housing and Construction, Rural Electrification and Water Supply

> Department of Road development
>
> Department of Irrigation

The institutions viz: Provincial Treasury, Planning Secretariat, Provincial Audit, Office of the Infrastructure Development, Legal Unit, Department of Management Development and Training and Department of Motor Traffic are under the purview of Chief Secretary's Secretariat. The Centre for Information Resource Management is under the purview of the Planning Secretariat.

The Provincial Public Service Commission functions directly under the supervision of the Hon. Governor.

The establishment of the Provincial Assembly and the Ministries would provide the political leadership the provincial bureaucracy lacked during the pre-2008 period although LTTE may have given them 'unofficial' political directives.

The creation of a separate department for revenue collection even with a group of retired officers would help the PC to collect the revenue which was hitherto remained uncollected mainly due to the war situation. The PC has been able to collect Rs. 56.0 Mn as revenue in 2007 against a target of Rs.16.0 Mn. and Rs. 42.0 Mn. in 2008 against a target of Rs. 62.0 Mn. However, most of the revenue, as at present, is collected by the Divisional Secretariats through issue of annual vehicle licenses and land rent.   Referring to the formative nature of the Provincial Council, a recent study on the functioning of the elected council comments[5]:

"The provincial council system is itself in a state of adjustment: first, in defining its governance space; second, in adjusting itself from having been accustomed to working with the Governor to working with an elected Board of Ministers. There is a need to develop a responsive relationship between the executive and legislative branches of the provincial system."

The absence of inadequacy of a responsive relationship between the executive and legislative may adversely impact the provincial governance and service delivery system. According to the Study, the elected provincial council members are largely guided by their role as provincial politicians under compulsion to deliver on specific constituent needs and problems to the relative neglect of the core business of the council, provincial policy (in terms of making statutes) and (in terms of oversight of the provincial fund operations). Interests of the public are yet to get addressed through statute making and security of finance.

Governance includes the capacity of the government/institution to effectively formulate and implement sound policies. The capacity depends on the mechanisms, processes, and procedures that are in place for:

- Policy formulation, policy analyses and policy reviews

- Translation of policies into strategies and programmes and projects to be implemented

- Allocation of budgets for identified programmes and projects

- Programme implementation

- Control of disbursements

Therefore, study of such mechanisms, processes and procedures would pave the way to understand the governance and service delivery systems at any level of administration.

The relationship between policies and planning and budgeting process is shown in diagram 1.

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[5] UNDP, The Study on Capability Assessment of Provincial Council Members of the Eastern Province, 2010

Although the 13th amendment stipulates that the national policy on every subject, irrespective of the list, i.e. the reserved list, concurrent list or the devolved list, the subject is included, is the responsibility of the Government, absence of provincial policies in respect of devolved subjects may tend to weaken the service delivery and the planning and budgeting processes. Most Ministries of the Government have formulated national policies on the subjects allocated to them. In fact, the Ministry of Public Administration and Home Affairs prepared a Citizen' Charter and requested the other Ministries, Departments, Provincial Councils and Divisional Secretaries to adhere to the Charter in delivering services to the people.

Since the Provincial Council Act limits the number of ministries a provincial council can have to five, grouping of subjects and functions under the ministries may appear to be a difficult task. The groupings of subjects under the five ministries indicated above shows how difficult it has been. However, it should be noted that the policy development required for effective governance may render difficult if the distribution of subjects is irrational.

3.   Current Provincial Services

3.1   Planning and Budgeting Processes in the Eastern Province

The Provincial Council has a Provincial Planning Secretariat (PPS) functioning under the supervision of the Chief Secretary and headed by a Deputy Chief Secretary. The Planning Secretariat has the following as its key functions:

- Formulation of strategies to restructure the provincial economy, accelerates growth, and maximizes provincial resources utilization.

- Installation of a Provincial Planning Process and organize planning systems within the Province.

- Development of planning capabilities at all levels of administration.

- Installation of an information system and Database Management System for Planning and Administration and improve application of information technology.

- Development, coordination and monitoring of development plans and programmes.

Diagram 1.   Policy, Planning, Programming and Budgeting Process

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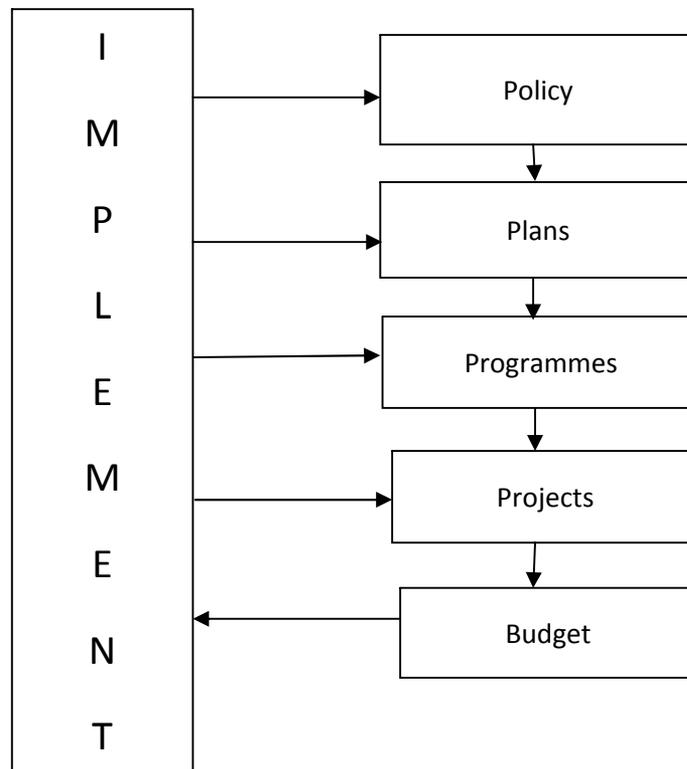
However, it is observed that a major function of the PPS is the preparation of Five Year Provincial Investment Plan based on the guidelines provided by the Finance Commission and Annual Implementation Plans.

As guided by the Finance Commission, the sectoral ministries and heads of departments are requested by the PPS to undertake sectoral analyses as the initial step of preparing the investment plan[6]. In the process, the sectoral agencies identify developmental problems and issues, areas for priority interventions and make recommendations along with budgetary requirements.

However, it is doubtful whether adequate attention has been paid to the spatial aspects of developmental problems by the sectoral agencies while developing sectoral development plans. The Integrated Food Security Programme which was implemented before the de-merger of the two provinces had developed village level Vulnerability Poverty Profiles (VPP) for almost all the villages and this could have helped the authorities to identify poverty pockets within the province.

These data are still available with the Centre for Information Resource Management (CIRM). CIRM has updated the profiles of Tsunami affected areas in 2006 with the support of North East Coastal Community Development Project (NECCDEP). However, the profiles in respect of other villages seem to be old and need updating. VPPs provide information needed for planning and monitoring of poverty reduction projects.

Existing provinces and districts within the country are created for political and administrative purposes. Therefore, the development potential of any province or a district is not uniform within it and is influenced by various factors such as external relations. It may therefore be necessary to regionalize the province based on several criteria such as poverty levels, social development, etc. and pay more attention to development of backward areas thus identified in order to reduce intra-provincial disparities. Good governance systems ensure that its institutions, inter alia, are participatory, responsive, consensus-oriented, and equitable.

Once all the sectoral investment plans are collected, the PPS, after careful scrutiny of the proposals, finalizes the PIP for the five years and the Annual Implementation Plan (AIP) and submits them to the Finance Commission for determination and recommendation of the amount of funds to be allocated to each sector. The AIP is a listing of items of capital expenditure and does not extend to planning for development results of the service delivery activities of the provincial council. Thus the link between the budget and the annual implementation plan extends only to itemizing activities to be undertaken with budgetary provisions for capital expenditure. Based on the recommendation by the Finance Commission, the PPS prepares the Capital Budget in consultation with sector Secretaries and Heads of Departments for submission to the Assembly for its concurrence and finally to the Board of Ministers for approval.

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[6] The Sectoral Agencies prepare the sectoral plans based on the guidelines issued in 1999 and 2006 by the Chief Secretary of then existing North-East Provincial Council.

However, the recurrent budget for the financial year is prepared by the Provincial Treasury in coordination with the Ministries and Departments in formats received from the Finance Commission independent of the capital budget. In this regard, it should be noted that the available number of teachers and principals exceeds the total cadre of teachers and principals approved for the province by 3418. The recurrent budget provides funds for payment of salaries to these excess teachers/principals too.

The funds allocated under the Province Specific Development Grant (PSDG) are available for the PC to use at its discretion. However, the proposed activities must be submitted to the Finance Commission for its concurrence. Under the Criteria Based Grant (CBG) Rs. 2.0 million is allocated for each Member of the Provincial Council (MPC) for him to decide and spend on development projects (like the Decentralized Budget) in an area of his choice.

The progress of development activities implemented with funds from CBG and PSDG are monitored at the quarterly meetings of the Provincial Planning Committee (PPC). The sectoral ministries and departments send monthly progress reports indicating physical as well as financial progress. In addition, Secretaries of Ministries conduct monthly Sectoral Monitoring Committee meetings to ascertain the progress made.

Table 1:   Imprest Received from the Treasury (2009)

	CBG	**%**	**PSDG**	**%**
Allocation	**324**		**935**	
1st Quarter	47	15%	48	5%
2nd Quarter	_		50	5%
3rd Quarter	63	19%	250	27%
4th Quarter	100	31%	400	43%
Total	**210**	**65%**	**748**	**80%**

Source: Provincial Planning Secretariat, Eastern Provincial Council

Table 1 show that only 80% of the allocation for 2009 was released by the Treasury. Of that amount, about 43% (53% of the total amount released) was released in the last quarter. This has created problems as the most of the capital projects commenced in 2009 are made to continue in 2010 as well.

As the Finance Commission insists that the PCs should stick to investment planning focusing on the new concept of results oriented development in order for the PC to receive funds from the centre, the Provincial Council has found it difficult to adopt a full scale regional development approach. However, the 8% of PSDG allocated for regional development initiatives is spent for development of a backward area.

There are about eighteen (18) foreign donor funded projects implemented in the Province since signing of the Cease Fire Agreement between the Government and LTTE. All these projects, except one or two, have been commenced during NEPC days. Such projects are still covering both provinces. Of these projects, about eight have been completed. Majority of others are nearing completion. However, most these programmes and projects reflect donor priorities and their methodologies.

3.2   Human Resource Management

The Provincial Public Service Commission has formulated recruitment schemes and procedures in respect of all the positions in the Provincial Public Service which are not filled by officials seconded from the all island services. The recruitment schemes include the schemes for promotions of the officials recruited. Although the recruitment schemes formulated in respect almost all the positions are compatible with the schemes of similar positions in the national public service, there are instances where the qualifications required have been lowered in order to recruit people from within the province. The recruitments are done according to the ethnic proportion in the province. Although such a move may appear as an effort to ethnic wise the Provincial Public Service, it should be noted that such a move may avoid mutual suspicion that might arise between the officials and the people due to poor language skills and understanding of culture and emotions.

There is one instance where recruitment of qualified people from neighbouring provinces has been made possible due to non availability of qualified persons in the province. The recruitment of teachers to teach the subjects of English, Science and Mathematics is the case in point.

Although the recruitment schemes and procedures are in place, there are about 950 vacancies in the approved cadre. This is mainly due to the fact that the Management Services Department of the Central Treasury has not approved the recruitments. Further, there is an excess of about 3000 teachers and principals on the payroll of the Provincial Council while there are shortages of teachers in the categories of Science, English and Mathematics teachers and also teachers of other categories in remote schools. This may be due to absence of appropriate deployment/transfer policies and/or political interference.

Performance Appraisal Systems are almost non existent. Most heads of departments feel that cadres of their organizations need revision.

In compliance with the Public Administration Circulars 12/90 and 14/90 all Provincial Councils established Management Development and Training Units (MDTU) to provide training to their staff. The North East Provincial Council also established a MDTU in 1991. The unit has later been transformed into a department called the Management Development and Training Department (MDTD).
However, despite the de-merger of the two provinces, the Eastern Provincial Council continued to keep the departmental structure in order to undertake development of management capabilities

of organizations and individuals in organizations of the Council and provide training to officials based on the needs. Its key functions are:

- Assist the Provincial Council in identifying, designing, organizing and conducting Training courses.

- Conduct workshop & seminars to make the provincial public service efficient and effective.

- Co-coordinate the training programmes conducted by National Training Institutes.

- Conduct Computer Training Programmes and maintain the computer laboratory.

- Co-ordinate English/Tamil/Sinhala Language courses for Officers.

- Maintain a Human Resource Development Library.

- Set up a Management information system for monitoring the Training Programmes and Management Development process.

The Department conducts training mainly as in-house training programmes. It also conducts training in association with national training institutes such as Sri Lanka Institute of Development Administration. Training is the main area of activity performed by the department.

MDTD prepares its quarterly training calendars and publish in the web site of the Provincial Council enabling the officials in the provincial public service to apply. In addition, the Provincial Ministries and Departments are informed by letters and there had been very good response for such requests. In the case of Muslim ladies, MDTD visit districts and conduct training programmes as they are mainly from Batticaloa and Ampara districts.

In 2009, about 4100 officials have been trained in various aspects of management. Even the employees in the minor staff grades such as drivers have been trained. Several minor employees attached to Ministries and Departments have been trained on Computer Safety (Basic Computer maintenance and operation) which appears to be a need given the efforts that are being made to automate the work.

Table 2: Training Programmes Conducted (by type) – 2009

Title of Programme	No. of Programmes	%
Productivity and quality improvement	47	36
Office Automation and Computer Application	27	21
Planning Techniques	07	05
Financial Management	13	10
Management Culture	08	06
Induction course	09	07
Training of Trainers	04	03
Administration	05	04
Accounting Packages (CIGAS, Payroll)	04	03
GIS and its Applications	03	02
Hotel Management Training	04	03
Total	**131**	**100**

(Source: Administration Report of the Director, MDTD, 2009)

Yet, it is not clear how training needs are assessed. It is also not clear how impact of training is assessed. Very little has been done in the field of Management Development (visioning, missioning, strategizing, right sizing the cadres, identifying redundancies, etc.).

An institution analyses carried out based on stakeholder consultations highlights that there is a tendency on the part of many officials to concentrate on the more routine aspects of their assignment, those that are reviewed and rewarded through island-wide performance assessments, rather than local needs[7].

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[7] GTZ, An Institutional Analysis based on Stakeholder Consultations, 2005, p.5

4. Current Local Services

4.1 Local Governance

The Province has 43 Local Authorities (LA) of which, two (02) are Municipal Councils (MC). Of the rest, four (04) are Urban Councils (UC) while the balance thirty seven (37) are Pradeshiya Sabhas (PS).

Local authorities derive their powers from the respective Acts and Ordinances. Their powers are guaranteed by the 13th Amendment to the Constitution. In fact, provincial councils can confer additional powers though none have done so yet. Local authorities are charged with the regulation, control and administration of all matters relating to health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and all amenities in their areas of jurisdiction. Thus the principal activities of the three types of local authorities can be classified into three broad functional areas.

- Public health and environmental sanitation
- Public thoroughfares
- Public utility services including the provision of civic amenities.

These have the basic objective of "promoting the welfare and comfort of the citizens" through the services provided. The local government sector in the PIP 2010 prepared by the provincial planning secretariat of the Provincial Council included proposals on roads, markets, libraries, drinking water supply and solid waste management.

The Pradeshiya Sabhas established in 1987 have a broader development mandate, viz., "provide opportunities for the people to participate effectively in decision making process relating to the administrative and development activities at the local level". In regard to service delivery of LAs, the sub section relevant to rural roads under Local Government in the PIP – 2010 states **"the roads that need improvement or repairs are identified through community participation, CBOO and local authorities. The elected bodies take the final decision on priorities."** Even the other subsectors mentioned in the document indicate that the proposals have been identified through participation of communities.

This implies that the local authorities are now engaged in the process of engaging communities, at least, in identifying development projects to be implemented within their areas of operation. The PIP document also indicates that although LAs delivering services of traditional nature, they are now engaged in, although rudimentary, a planned development effort. For example, the section on rural roads subsector states that LAs have prepared five year plans to improve the condition of roads.

Several factors may have contributed towards this trend. The efforts made towards implementation of reforms in the local government sector may have contributed positively. It is also observed that several donor funded projects are being implemented in the province to enhance capacities of LAs. GTZ has been providing technical assistance to provincial authorities to increase their efficiency in the planning, implementation and monitoring of the rehabilitation and development activities.

USAID under its Support for Regional Governance project (SURGE) has assisted 11 Pradeshiya Sabhas (PS) in the Province by delivering a similar menu of advisory inputs, training, and coaching for human resource development, organizational development, planning, information management, and governance. The Asia Foundation too has assisted LAs in the province in promoting and improving local governance. JICA is also building capacities of some local government offices in the Province. UNDP is in the process of broadening its local governance project (LoGoPro), which includes the provision of equipment to PS offices and promoting community participation with a view to implementing the local government reforms.

It is believed that the management information system of the World Bank (IDA) funded North East Local Services Improvement Project (NELSIP) will help the LAs to monitor the location and modalities of all development activities in their area. In addition to coordinating demand-side approaches to governance with aforementioned stakeholders, NELSIP will channel much needed discretionary resources through provincial councils and LAs.[8]

An interesting feature to be noted in respect of all these donor funded projects is that different participatory community development models are being tested by them as a part of project activities within the province. For example, under LoGoPro, authorities are taking efforts to strengthen the participatory mechanisms at LA level through a group of social mobilisers to be appointed for the purpose. The document on Terms of Reference of Social Mobilisers states

> *"The purpose of appointing social mobilizers is to strengthen the committees (Grama Niladhari Division based committees/Ward Committees) by developing the leadership, communication and participation capacities of the members of the committees, and forming an advisory committee for each selected Pradeshiya Sabha (PS), and link the committee with the PSs, so that the Advisory Committees will participate in the planning and decision making process of the PSs."*

Each LA is given Rs 1.5 million per PS (only for 21 PSs) under LoGoPro for infrastructure projects. Other PSs are given funds by various other projects. The objective is to ensure credibility of PSs in the eyes of the general public. Ten (10) Social Mobilzers have already been recruited on the basis of three per district.

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[8] World Bank, Project Appraisal Document of North East Local Services Improvement Project (NELSIP)

However, the Trincomalee district is given four. They are recruited only for six months. The primary task of the mobilizers is to form Advisory Committees. PSs are expected to work along with the advisory committees in planning and decision making. This arrangement is made to ensure that the proposed local government reforms are implemented. These advisory committees are established in addition to the four standing committees established under the PS act. There is a process involved in establishing advisory committees.

First, the GN division committees are formed and the GN level committees will lead to formation of Ward committees. The Ward Committees will lead to formation of Advisory Committees. This approach falls in line with the recently published National Policy on Local Government in that the policy clearly states that LG system in the future will be based on a ward system.

Under NELSIP, each LA selected for the project is expected to create clusters of Grama Niladhari Divisions (GND) with at least 5-6 GNDs in each cluster based on criteria such as language spoken, economic activities, population, etc. What is actually happening is that adjacent GN divisions are clustered together. Once the clusters are identified by the Chairmen of LAs, CIRM will prepare cluster maps. The Community Development Officers who are already trained in participatory development methodologies will establish Cluster Development Committees with citizen participation.

GTZ funded Performance Improvement Project (PImP), is making efforts to strengthen Women Rural Development Societies (WRDS) in a number of selected LA areas with a view to establishing working relations with LAs and other development actors. The Base Line Study undertaken by PIP highlights that[9]:

- WRDS were not aware of the roles and responsibilities of their local authorities or how local authorities could help them with their community development activities.

- WRDS members lacked their confidence in their local authorities and the confidence to approach them.

- Local Authorities were less accessible or visited in areas where the local authority office was not adjacent to the office of the Divisional Secretariat.

- WRDS were much more likely to visit the Divisional Secretariat than their local authority

- Citizen's charters in their present form were neither reader friendly nor accessible to women from the WRDS

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[9] GTZ, Baseline Study Report, Performance Improvement Project for Development Actors in the North and East Provinces, 2009,p.8

- WRDS members do not use the system of local authorities for redressing their grievances for a number of reasons. One, most LAs lack redress systems; two, there are other more familiar redress systems such as Grama Niladhari, Community Leadership (president of RDS or WRDS) and the Police.

- Div Sect supported RDS and WRDS do not coordinate with Local Government supported Community Centres. RDOs of Div Sects do not coordinate with CDOs of LAs. Duplication and gaps were evident.

There are several other donor funded projects too which have tested different participatory community development models. For example, NECCDEP has employed a participatory community development model in the coastal belt in its coastal development progarmmes. TRINCAP, a rural development project implemented in Trincomalee district with the assistance of JICA has also tried out another participatory community development model with a view to delivering services to the people effectively. An issue to be raised here is whether to continue with such different models until the donors complete their interventions or to develop an appropriate sustainable single model based on all such experiences.

A study conducted under PImP also highlights that the Local Government sector has the following shortcomings in its service delivery mechanisms[10].

- None of the LAs studied had fully implemented the local government reforms regarding committees and means of communication with the general public.

- Some LAs had functioning standing committees but not the advisory committees.

- No LA had the five committees required them to establish legally but most had the committee for finance and planning.

- In general, women, youth and non-elected members were underrepresented in the committees.

- None of the advisory committees found in the study area effectively 'advised' the elected councilors even though this was one of their functions.

- Public awareness of both standing and advisory committees was poor.

- Local authorities used many ways of communicating with the general public but the majority of these were one-way, print based and not very accessible outside the immediate environ of the local authority. This did not encourage public participation, especially in rural areas.

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[10] Ibid.

The World Bank funded Second Community Water Supply and Sanitation Project (2ⁿᵈ CWSSP) implemented in the North East Province since 2006 through the Provincial Council and the relevant Pradeshiya Sabhas (41 GNDs in the East) has also adopted a Participatory Community Development Model through a group of selected NGOs which functioned as Partner Organizations (PO). Under this model the selected POs have been entrusted with the task of carrying out social mobilization activities in the identified Grama Niladhari Divisions/villages initially and then forming legally registered CBOs.

The directive issued by the Ministry of Public Administration regarding the Citizen's Charter expected the LAs also to prepare and display citizen charters in their offices. According to the "Guide to Citizen Charter for Local Authorities" issued by the Ministry of Local Government and Provincial Councils, the Citizen Charter should be a notice that illustrates the services delivered by LAs, their standards, time frames, responsible officers, and mechanisms available with the LAs for redressing grievances. Further, the notice should be prepared with community involvement and should indicate citizens' rights and responsibilities. It should be publicly displayed. Although about 60 % of LAs display the Charter in prominent places within the premises of LAs majority of people are not aware of the charter.[11] The development and display of the Citizen Charter can be viewed as an effort to honour the people's right to information.

The National Policy on Local Government (2009) envisages transforming the LAs throughout the country from the status of dependent institutions to the status of self-governing partners of the other two tiers of governance in the country. If this is to become a reality, the resource base and capacities of the local authorities, i.e the financial resource base as well as the human resource base needs to be improved considerably.

According to World Bank, LAs in the East face several impediments to effective discharging of their responsibilities. The impediments revolve around LAs administrative and technical capacity, their available resources, and their responsiveness to citizens' needs and priorities. In terms of administrative and technical capacity, each LA formally has a cadre of minimum ten administrative and financial staff (including Local Government Secretary, Local Government Assistant, Technical Officer(s), Community Development Officer, Program Assistant, Management Assistant and Revenue Officer). Understaffing is a perennial problem for many LAs, as are low skill levels and inadequate administrative systems including for financial management, budgeting and procurement, although there is significant variation among LAs.[12]

Local Authorities in Sri Lanka are authorized to generate income from a wide variety of taxes, fees, rents and other measures. However, it is a widely known fact that most LAs in the country, especially, the PSs, do not collect revenue to the extent they are authorized due to various reasons. The LAs in the Province too have not been collecting revenue as expected as the province was not normal during the thirty year period of the conflict.

[11] GTZ, Base Line Study Report, Performance Improvement Project, 2009, p. 52
[12] World Bank, Project Appraisal Document, op.cit

Therefore, the LAs depend on the grants provided by the government through the provincial council and the foreign funded projects for their development and administrative functions. World Bank observes that the central government transfers are a key source of funding for LAs, but it is often insufficient and erratic[13].

The general situation in the country in regard to revenue generation by LAs is that the revenue from rates which is dependent upon the application of a tax rate to the 'ratable value' of each property lags far behind inflation. Revaluation of properties by the Valuation Department is said to be undertaken every five years. As such revenues may remain basically static during the interim between revaluations. Further, the actual implementation of revaluation process and/or the application of revalued figures for billing purposes, may occur at six or seven year intervals instead of the stated nominal five year period. It should be noted that revaluation of properties within the area of jurisdiction of UC, Kinniya has not been done since 1996. If these practices are continued over a considerable period of time, the revenues from rates may decline in real terms. It is, therefore, difficult to see how the property tax, under these circumstances, can ever become an effective revenue measure. As such a new formula is required to establish an appropriate revenue base for property taxes which can be adjusted annually to keep pace with inflation[14].

The Local Government sector in the Province is short of staff in the categories of Revenue Officers, Investigating Officers and Revenue Supervisors. This has caused a lot of problems. According CLG, another problem the LAs are facing is that they are short of experienced staff due to existing recruitment/transfer policies. Earlier there was staff recruited (clerks, secretaries, etc.) exclusively to handle local government functions. Now the LAs are served by officers of the combined provincial public services (Secretaries, management assistants, programme assistants, etc.). A chief clerk and the Secretary of an 'urban' PS who has been transferred to that particular PS recently from another Ministry knew nothing about the 13 circulars issued by the Ministry of Local Government on implementation of Local Government Reforms. Although it is difficult to generalize, the case highlights the need to go back to earlier system of closed service for the local government sector. The government, realizing this need, is taking action to create a Secretaries Service exclusively for the LG sector.

The thrust of the national policy on local government formulated in 2009, the efforts made to implement recommendations of the Presidential Commission on Local Government Reforms and the number of foreign donor funded projects implemented within the province for improvement of performance of LAs signifies the importance attached to the sector in the country in general and the LAs in the province in particular.

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[13] Ibid

[14] Urban Development Authority, The Financial Capabilities of Urban Local Governments in Sri Lanka: an Assessment Based on Experiences Gained During the Implementation of the Urban Development Sector Project by the Urban Development Authority, 1995

Local Authorities play an important role for the political parties in the country as their young aspirants to become national level politicians are, in most instances, groomed at that level. However, as the term of office of elected representatives of local authorities is four years it is difficult for the elected representatives, especially for the new comers, to become familiar fully with the working of LAs.

Therefore, the need to train elected representatives is imperative. The proposed system of electing representative to LAs would reduce the population a representative is responsible for his/her performance; such training would make them more responsive to the needs of the people. Further, high turnover of staff of local authorities also calls for in-service training of staff on a continuous basis. Given the fact the elected local authorities were not in existence during armed conflict period and the officers of LAs could not discharge their duties as expected of them due to war, improving skills of elected representative and staff of LAs in the Province appear to be an urgent need. The Sri Lanka Institute of Local Government (SLILG) caters to these needs to a certain extent.

However, as the efforts of SLILG are inadequate and also that provincial MDTU is unable to meet the needs, the Central Provincial Council established a training centre of its own for training of LA staff as well as elected representatives. Now SLILG is also making use of facilities at the Training Centre of the Central Provincial Council to train officers and elected representative of the North and East Provinces as well.

4.2   Community Centered Development and Training

The Centre for Information Resource Management (CIRM), an organization functioning under the supervision of the Chief Secretary, promotes community centered development and good governance among the government as well as non-government organizations in the Eastern Province.

The Objectives of CIRM are to:

- Support the provincial administration in disseminating and efficiently applying the best practices and products developed by different stakeholders.

- Assist the provincial administration in developing and applying concepts, strategies, methods and tools for community centred development.

- Harmonize and unify various development approaches and

- Promote utilization of information to enhance quality of development and promote transparency for good governance.

CIRM works on the following selected thematic areas

- Community capacity building

- Project management through participatory approaches

- Process monitoring and impact assessment of development interventions

- Poverty and development related information management

- Spatial data generation, geo-database development and GIS applications

Table 3:   Modules of the Training Programme on Community Development

No.	Title of the Module
1	Basics of Community Development
2	Community Animation
3	Community Mobilization
4	CBO strengthening - Module I & Module II
5	Project Cycle Management through Participatory Approaches
5.1	*Introduction to Project Cycle Management*
5.2	*Participatory Methods for Village assessment - Module I & Module II*
5.3	*Participatory Rural Appraisal / Participatory Needs Assessment*
5.4	*Project Identification, Participatory and Planning*
5.5	*Workshop on Logical Framework Approach(LFA) /PPM*
5.6	*Project Proposal writing*
5.7	*Participatory Monitoring & Evaluation - Basic Level*
	- Middle Level
	- Higher Level
6	Other Training
6.1	*Team building*
6.2	*Meeting Techniques for village level meetings*
6.3	*Micro Finance*
6.4	*Leader ship & Communication*
6.5	*Time management*

Source: CIRM

The Centre performs the following functions in relation to Community Development:

- Promote application of participatory development approaches in the existing system of the government, non governmental institutions and special projects so as to practice in their routine functions and activities.

- Promote community mobilization and awareness among the people to utilize their resources so as to enhance rural governance and social integration.

- Assist in building the capacities and human resources at village and divisional level by adopting the best practices promoted by the provincial administration.

- Promote integrated approaches to address cross-sector subjects in the relevant institutions and to promote the use of appropriate tools for management and concept adjustment.

- Develop vulnerability-poverty profiles for all districts in the Eastern Province.

- Participate in the implementations of project activities such as training, research, appraisal and assessments of donor-supported projects, international agencies, government and non-governmental organizations based on business plans.

Promotion of community centred development is addressed through

i)   Mainstreaming practicable and consistent concepts, strategies, approaches, methods and good practices of the government and non government organizations;

ii)   Improving knowledge and skills of field staff in order to interact and facilitate community participation;

iii)   Promoting project management with participatory approaches;

iv)   Monitoring key processes and assessing impacts of development interventions and

v)   Building capacities of community based organizations and creating an enabling environment.

CIRM has conducted more than 75 training programmes in community development from January 2004 to date mainly for members of CBOs. Around 1900 participants have attended the training programmes. CIRM has developed many training manuals and it continues to improve the manuals with the experience gained through implementation of training programmes with different participants.

The Centre has conducted training programmes on project proposal writing for staff of UNDP, Oxfam, PIN, Departments of Co-operative Development and Social Services, Divisional Secretariats and Pradesheeya Sabas. The training programmes have been designed to suit their specific requirements. It has also carried out several CBO assessments in Ampara, Batticaloa and Trincomalee districts in the years of 2006, 2007 and 2009. Nearly 40 CBOs have been assessed. It has been done as a part of process monitoring and impact assessment for NECCDEP. The Centre has also facilitated a public engagement session for Urban Council, Trincomalee to prepare their five year Medium Term Development Plan.

What is noticeable is that the resource persons available at the Centre has spent much of their time on training and conceptual issues and as such very little attention has been paid to practical problems and situation analyses. Given the number of participatory community development models that are being/have been tested within the province by the foreign donors as well as government Ministries and Departments (e.g. Gamidiriya, Gamaneguma, Samurdhi, etc.) the Centre has the responsibility of evolving an appropriate effective model for participatory community development.

4.3   Local Level De-concentrated Systems

There are several government agencies involved in planning and implementing development activities at local level such as Divisional Secretariats (Div Sects), Local Authorities (LA), and Offices of Medical Officer's of Health. Of these, only the planning and service delivery activities carried out by Div Sects and LAs are discussed here as functions of other field level agencies are more of a sectoral nature and discussed under the relevant sectors.

Although the Div Sects are now functioning as agents of the Government with majority of staff provided by the Ministry of Public Administration and Home Affairs and other line Ministries and Departments of the Government, they also carry out several agency functions for the respective Provincial Councils as well. In order for the Div Sects to perform the functions entrusted to them, Provincial Councils have provided staff (field officers) and other resources. Following are the field officers attached to Div Sects by the PCs.

- Rural Development Officers
- Cooperative Development Officers
- Social Service Officers
- Sports Officers
- Cultural Officers
- Development Officers
- Programme Assistants
- Technical Officers
- Land Officers
- Development Officer (Lands) for collection of revenue

The number of officers attached to a Div Sect may vary depending on the availability of officers. The Development Officers and Programme Assistants are provided by the PC to handle activities related to divisional level planning and implementation of development projects. The Div Sects handle the projects identified by MPCs for implementation with funds provided under CBG.

There are instances where certain provincial authorities have instructed the Div Sects to enter into agreements with prospective suppliers of service in respect of projects for which moneys have not been allocated by the PC beforehand. The procedure is contradictory to procurement guidelines in force and therefore results in bad governance.

In addition to the field officers provided by the EPC, each Div Sect is provided with an Assistant Director of Planning, a Statistical Officer, a Women Development Officer/Relief Sister and, Samurdhi Managers and Samurdhi Development Officers by respective line Ministries and Departments of the Government to assist the Divisional Secretary in carrying out 'reserved' and 'concurrent' functions including poverty alleviation entrusted to the Div Sect. The Divisional Secretaries, Assistant Divisional Secretaries, Assistant Directors of Planning and most other field officers possess planning skills. They develop resource profiles for the divisions they are working for and update them annually. Further, they collect demands from the communities and compile them into annual development plans. These plans come closest to proper development plans for the division.[15]

Most officers attached to Div Sects are engaged in building up village level Community Based Organizations (CBO) and collectives of such CBOs (e.g .Rural Development Societies, Women Development Societies, Sports Clubs, Samurdhi Small Groups and Samurdhi Societies/Balakayas). The establishment of such CBOs has made it easier for them to collect demands of communities and compile such demands into development plans.

The quality of services delivered by a particular government office would depend on the experience of the officers delivering the services as well. The time taken to deliver a particular service would depend, inter alia, on the experience of the officer responsible for the delivery of the service. The post of Divisional Secretary is expected to be filled by a Class I officer of the Sri Lanka Administrative Service, in other words, by an officer who has about of more than 15 years' service. However, of the 45 Divisional Secretariats in the Province, only twelve (12) have Class I officers as Divisional Secretaries. Six divisions have officers with more than 10 years' experience. All other Divisions are headed by fairly junior officers.

The PaIm study referred to above showed that people are more close to the Div Sects than LAs. This may partly be due to the differences in the nature of services delivered by the two organizations. However, the two institutions are delivering services independent of each other and therefore there is a considerable social distance between the two although, in most situations, the two institutions are physically located close to each other.

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[15] Claus Kruse and Christoph Woiwode, Institutional Analysis: Development Planning in North-East Province, Provincial Planning Secretariat, NEPC (unpublished), November 2006, p v

5. E - Governance

The Government is promoting the use of information and communication technology and its applications with a view to making the public sector service delivery system efficient and effective, improving access to government service and creating a citizen centric government. For this purpose, the Government established an agency called the Information and Communication Technology Agency (ICTA) in July 2003 under the Information and Communication Technology Act (Act number 27 of July 2003) and the Government adopted a policy and a national plan of action on e-governance to be implemented throughout the country.

The Government anticipates that through the implementation of e-governance initiatives, an enabling environment would be created, where multi-stakeholder partnerships with the public sector, private sector and civil society would be developed, to 'take the dividends of ICT to every village, to every citizen, to every business and to transform the way government works'.

To fulfill its mandate, the ICTA is currently implementing programs in the areas of

1. Building the National Information Infrastructure

2. Re-engineering Government

3. Investment Promotion and Private Sector Development

4. Developing ICT Human Resources

5. Societal Applications Development (or e-Society)

As a result of the projects implemented under the Re-engineering Government Programme such as Lanka Gate, it is believed that the quality of services provided by government agencies to citizen would be enhanced via electronic media. As a result, citizens would be able to use many "eServices" provided by different government organizations, while these eServices are linked via a massive collaborative framework of hardware, software and information.

Falling in line with the actions of the Government, the Provincial Planning Secretariat too has taken several steps to promote the use of information technology and its applications amongst provincial ministries and departments. It has already completed the following activities:

• Installation of wireless networking system at the Chief Secretary's Secretariat and the Department of Social Services on pilot basis.

• Imparted knowledge on computer hardware to 30 officers in provincial institutions and 22 officers in district offices

The ICT Development Committee appointed for the purpose has identified that the following tasks need to be completed immediately.

- Assess the infrastructure facilities currently available and how such facilities are used.

- Identify problems and constraints need to be addressed in order to improve ICT practices

- Identify ICT qualified officers available within the Provincial Council setup and mobilize them to improve ICT applications in all institutions under the purview of PC administration.

- Propose activities for further improvement of ICT applications in all institutions in the Provincial Council setup.

- Complete proposed activities with the assistance of mobilized officers, heads of institutions and interested officials.

In the process, following problems have been identified.

- Available ICT infrastructure facilities and how such facilities are used are not assessed properly

- Computers and accessories are not well maintained. Even for small defects, large sums of money are being spent due to poor knowledge and in some cases reluctance on the part of officers to utilize the knowledge possessed by them for official purposes on hardware/software maintenance. Institutions are therefore depending totally on private firms.

- Existing official e-mail facilities are not effectively used although broadband connections/networks (through ep.gov.lk) are available.

- Although personnel and other data bases are available at most institutions, such databases are not regularly updated and therefore such databases are not much of use for human resource management purposes.

Although, the Finance Commission has suggested in 2008 that a PC should have a professionally competent IT cadre of three (Director-information systems management, Assistant Director-information systems management and an Assistant System Administrator) no such cadre is available at the PPS of EPC. Here again, the problem lies at the Management Services Department of the Treasury.

The staff available for IT activities is at the level of programme assistants and they are of the view that the current activities are only meant for file/data sharing among the institutions/individuals in institutions of the Provincial Council. They are unable to develop a vision for the e-governance sector as to how the general public can benefit from what they do at the moment. For good governance to exist, citizens must have a right to information and to access. One way people can access information is through Information and Communication Technology (ICT) applications such as the Internet. E-governance has emerged as a viable means to address development issues and challenges because citizens find empowerment through access to information.

ICTA has recently included the Eastern Provincial Council also in their group of clients who require assistance. Two training programmes have already been conducted by ICTA for the benefit of staff of the provincial council involved in e-governance related activities.

The Ministry of Local Government and Provincial Councils is taking action to introduce e-governance to LAs with a view to establishing citizen's right to entitled information. The programme on automation and re-engineering local government processes implemented by the Ministry with the assistance of ICTA has, inter alia, the objective of equipping all LAs in the country technologically by 2025. Further, it envisages ensuring that all local government institutions would persuade digital democracy through the use of appropriate and sustainable technology.

The programme envisages bringing changes in the respective local government ordinances to incorporate development and compliance of Citizen Charter as one of their mandatory functions. It also envisages, inter alia, to:

- Keep the public informed of the citizen charter in all possible formats including CDs, web links, etc.

- Enable Develop an interactive web portal through which, citizens to monitor the compliance of citizen charter through development of an interactive web portal.

- Automate all processes for internal management by using an appropriate Management Information System.

- Provide training to staff in LAs on ICT use and applications

The Ministry intends to pilot the programme in four LAs and then to make available the software developed in the process as free and open source software enabling the LAs to use such software for improving their service delivery.

6. Citizen Rights and Entitlements

6.1 Protection of Human Rights

The people in the Country have benefited from a justifiable fundamental rights chapter incorporated in the Constitution promulgated in 1978. Further, Sri Lanka has become a signatory to many international covenants and treaties on human rights. The International Covenant on Civil and Political rights, its Optional Protocol, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, The Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women are a few such important international human rights instruments the Country has become a party to.

Under the Constitution, the Supreme Court has the sole and exclusive jurisdiction to hear and determine any question relating to the infringement of any fundamental right by executive or administrative action. However, a Human Rights Commission (HRC) was established under the Human Rights Commission of Sri Lanka Act No. 21 of 1996. HRC has a multi-functional role combining investigative, advisory and awareness raising tasks.

The Ministry of Disaster Management and Human Rights which functioned till end of April 2010, since its creation in 2006, also had the task of promoting human rights. As the Ministry is now responsible only for Disaster Management and as no new ministry is entrusted with task of promoting human rights the discussion on human rights is confined to the functions and activities performed by the Human Rights Commission and its regional offices in Trincomalee and Batticaloa.

Regional Office of Human Rights Commission in Trincomalee provides the following services

- Monitoring of welfare of detainees at police stations

- Investigating complaints regarding infringements of fundamental rights

- Promote awareness, and provide education in relation to, human rights

- Monitoring of the rights of Internally Displaced Persons

The Regional Office of the Commission in Trincomalee has been able to maintain cordial relationships with the Police Department Officials in the District. As such, the Police keep the regional office informed whenever a person is arrested for suspected terrorist activity or for a reason of that nature. According to the information available at the Regional Office, there had been 226 cases of arrests and detentions in 2009 for suspected terrorist activity. If a person is arrested, usually a family member or a friend complains to the Commission about the arrest and immediately the Commission makes inquiries from the Police about such arrests. However, no such complaints have been received during the first six months in 2010.

There have been 13 torture cases reported in 2009. The people who have been tortured are remand prisoners. However, no torture cases were reported during the first six months in 2010.

When a complaint is received regarding torture, the regional office calls for a report from the police and the Judicial Medical Officer (JMO). If there is sufficient evidence of torture or assault, the papers are forwarded to the Head Office of the Commission in Colombo for further inquiry. Only a preliminary investigation is done by the regional office. The Head Office calls both parties for an inquiry.

There is a decline in torture cases which implies that the situation is improving. During the period Jan-April 2010, the Police have arrested 33 IDPs. Most of them are Heads of Families displaced from Vanni. They are from Trincomalee who have migrated to Wanni and now re-settled in Trincomalee. They have been arrested on suspicion that they are ex-LTTE cadres. After the arrest, they have been sent back to detention centres in Vanni.

However, they are neither tortured nor assaulted. Other family members are in Trincomalee. They are allowed to visit the arrested. However, they do not have any income as the heads of families are no longer with them. They live on dry rations provided by the Government/WHO.

6.2   Promotion of Human Rights

Most awareness programs conducted are confined to raising awareness on rights of IDPs. UNHCR is funding the awareness programmes. Funding will cease by the end of December 2010. School children, members of three armed forces, police and civil defence officers are the target groups. The awareness programmes are conducted by a team comprised of a project officer, a programme officer and an assistant legal officer. They participate in other awareness programmes on the request of NGOs and CBOs.

The people displaced from economic zone in Sampur are still living in 3 welfare centres located in Mutur. The project team visit these welfare centres and IDP resettled areas twice a month. In most resettled areas, Human Rights Animators (HRA) trained by the Commission are working with a view to protecting rights of the IDPs.

Altogether there are about 80 such HRAs working in the district. They are volunteers. HRAs are trained on Human Rights, Child Rights and Women's Rights and they are given certificates after the completion of training. If any incident which has the potential of violating human rights of IDPs occurs within a resettled area or outside, the HRA concerned informs the regional office of the Commission enabling the Commission to take prompt action.

Although awareness programmes are conducted regularly for the members of the three armed forces and the police quite often the trained personnel gets transferred. Hence the training of such personnel needs to be conducted frequently. Awareness programmes for the people and school children are conducted on request as there are number of NGOs including the Legal Aid Commission (LAC) conducting such awareness programmes.

The number of complaints received in respect of infringement of human rights is also on the decline. This situation should be compared to the complaints the Commission received prior to 2008 about high security zones, arbitrary check points, harassment and denial of freedom of movement on the part of the Government security forces. The Commission had also received complaints with regard to abductions, child soldiers, harassment of minorities and political killings attributed to LTTE. Therefore, the reduction in the number of arrests and detentions, abductions and torture cases and also the reduction in the number of HR violation complaints can be viewed that the rule of law appears to be maintained at a satisfactory level.

The officers of the regional office visit the remand prisons once a month.

6.3 Peace Building through Languages

Integration, the bringing of people of different ethnic groups into unrestricted and equal association, always follows lessons learnt during bad times. One of the first lessons of the conflict that affected the North and the East Provinces was how the distance between the law enforcement authorities and the community they serviced went on to create a major gulf and contributed to the war. It was a fact that poor language skills created a mutual suspicion between the law enforcement authorities and the people as they could not exchange views in the way they would have wished. Further, the people cannot be denied their rights such as the right to legal, administrative and judicial acts, education and the media in a language understood and freely chosen by them.

The Department of Official Languages (DOL) supported by the National Institute for Language Education and Training (NILET) is a government agency entrusted with the responsibility of creating a multi-lingual society in general and a tri-lingual public service in particular. DOL at present functions as a facilitator for the effective implementation of the language policy as enshrined in the articles 18 and 19 – Chapter IV of the Constitution. The Constitution recognizes Sinhala and Tamil as official languages and as national languages; and English as the link language.

Accordingly, DOL is engaged in the provision of translations to the government, enhancing language skills of public servants and the preparation of glossaries, language text books and dictionaries related to the three languages.

In order to give effect to the official language policy, the Government has made it compulsory for the public servants who joins the public service on or after 1st July 2007 to acquire a certain degree of competency as specified in PA Circular 07/2007 in the second official language in addition to the official language through which they entered the public service within five years from the date of joining the service. If they do not acquire the required degree of competency within the stipulated time period, their salary increments will be deferred until such time they acquire the required competencies.

Consequent on this Circular in order to cater to the needs of the province, MDTD is conducting Sinhala and Tamil language training programmes based on curricula developed by DOL. In 2009, MDTD has trained 692 public servants, of which 422 persons have undergone training in the Sinhala language and the balance in Tamil language.

However, it is difficult to ascertain whether these public servants who undergo language training do so purely to avoid the possible deferment of their salary increments or consider acquisition of language skills as a real need. A well designed performance appraisal system and analysis of complaints an organization may receive would help the management of the PC to ascertain the true picture.

The training programmes are conducted during weekends at several places such as schools due to non availability of adequate building space at MDTD.

Similarly, the Police Department in Trincomalee is also conducting training classes mainly for Sinhala officers to learn the Tamil language. A group of 62 officers who volunteered to learn Tamil are being given the opportunity to learn Tamil. The duration of the training programme is six months and the officers are released from all other work enabling them to concentrate on the language learning on a fulltime basis.

A Woman Police Sergeant who was selected to follow the programme said that she is very keen to learn the language as that would definitely help her to discharge her duties effectively. She further added that the Tamil women who come to the Police Station prefer to talk to them in Sinhala although they are not very fluent in Sinhala. This seems an encouraging trend and it perhaps mayl gradually take away the 'enemy perception' with which the law enforcement officers and the military were viewed by the locals during the war she added.

GTZ has a different approach. The Performance Improvement Project strongly supports the teaching and learning of English as a conflict transformation tool. According to GTZ, national languages have traditionally become social or ethnic 'deviders' whereas English can be used as a 'connector'. Therefore, it conducts a Skills through English for Public Servants (STEPS) programme for both NPC and EPC with the assistance of resource persons drawn from the British Council. It caters for language learners from elementary level to lower advanced.

STEPS programmes are being conducted in Trincomalee, Batticaloa and Jaffna. The courses are of four week duration and conducted on a full time basis. By the end of 2010, it is anticipated there will be over 2000 potential 'change agents' (in both provinces) trained through STEPS for conflict transformation. The participants are drawn from all three communities and while they improve their English language skills for the work place, they also learn presentation skills, critical thinking, information management, team building and interpersonal skills.

In order to sustain the programme in the Northern Province GTZ is making efforts to establish a STEPS Institute in Jaffna. In the East, the programme will be institutionalized in MDTD and CIRM.

However, given the magnitude of the damage done by the conflict which segregated the communities and encouraged mono-ethnic settlements, and the nature of causal factors of the conflict, it is doubtful whether above efforts would be sufficient to overcome the antagonisms, and bring ethnic harmony.

Efforts have been made to promote human values, human rights, conflict resolution and national cohesion through the school education since 1997. The National Institute of Education (NIE) has carried out activities in peace education, conflict resolution, conflict transformation and recently, in life competencies, citizenship education and governance. The Peace Education unit of the Ministry of Education also provided in-service training for teachers.

The NIE prepares the syllabi and overall curriculum policy for schools, teacher guides and provides teacher education. The Education Publication Department (EPD) of the Ministry of Education produces the text books for grades 1-11 in schools. EPD promotes social cohesion in two ways. One way is by producing text books for the teaching of second language (2NL) in schools.

The other is by ensuring that text books accommodate Sri Lanka's pluralistic society through additional advice and guidance provided to boards of writers in assessing sensitive issues in text books, by ensuring that writers of subject panels are composed of a representative ethnic and religious mix; and ensuring that there is no discrimination or bias.

In January 2007 a new curriculum was introduced for the subjects of Life Competencies and Citizen Education (Grades 6-11) Citizenship Education and Governance (Grades 10-11). The new curriculum includes several peace related concepts such as multi-cultural society, conflict resolution, democracy, human rights education and interpersonal relationships.

In the school system 2NL is being taught at both primary and junior secondary grades. In the junior secondary grades, two time tabled periods are allocated for the teaching of 2NL. EPD is producing text books needed for the teaching of 2NL. Nonetheless, in most schools, 2NL is not taught due to lack of professionally competent teachers. The Ministry of Education (MOE) is, however, making efforts to upgrade the standards of teaching of 2NL in schools in the Province by providing in-service training to teachers involved in the teaching of 2NL at Zonal level Teacher Centres. MOE has also taken steps to produce competent teachers for 2NL teaching through a National College of Education (NCOE) with an annual intake of 60 trainees (30 for Tamil language and 30 for Sinhalese language) since 2006. However, 2NL is not a compulsory subject at the GCE (O/L).

According to the education reforms introduced in 2007, 2NL is grouped with modern languages and the students are required to select only one subject from the group. Therefore, it is doubtful whether the school system will produce any bilinguals[16].

The education authorities themselves cast doubts on whether the concepts of social cohesion and peace have adequately been embedded in the students as the whole school education system in the country is highly examination oriented.

The Voluntary Pre-school Teachers' Association in Kantale indicated their willingness to learn Tamil language and in turn provide opportunities for the children attending ECD centres to learn the language through appropriate activities/games. The requests made by them to their authorities have gone unheeded. The children are already given the opportunity to learn English at ECD centres. Nagenahira Eksath Kantha Sanvidanaya, an NGO of which Head Quarters is located in Kantale and covers the divisions of Kantale, Seruwila, Padavi Sri Pura, Echchilampaththai and Moraweva organizes classes for adults to learn Tamil and Sinhala languages with the assistance of school teachers teaching the subjects of Tamil and Sinhala. However, given the high demand, their efforts are not adequate, the Sanvidanaya added. According to them, an effective interaction between the two communities does not take place due to language barriers.

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[16] Ministry of Education, The National Policy and A comprehensive Framework of Actions on Education for Social Cohesion and Peace, 2008, pp-8-12

7.   Rule of Law

In the most basic sense, the rule of law is a system that attempts to protect the rights of citizens from arbitrary and abusive use of government power. One way to ensure that the rule of law is maintained is to provide access to justice through legal aid.

Every citizen in the country is entitled to justice and fair play. He/She should be able to access it at minimum cost.   The physical access to justice has been now improved to a fair extent by increasing the number of courts of law within the Province. The judicial system within the province includes: four High Courts, four District Courts and a number of Magistrate Courts. Recently a circuit court was opened in Kuchchaveli area in the Trincomalee district to provide services to the people in police divisions of Pulmoddai and Kuchchaveli.

The general feeling is that the judiciary in the country is making efforts to minimize laws delays. However, the cost of litigation appears to be high. According to Universal Declaration of Human Rights, all citizens in a country are equal before the law and are entitled without any discrimination to equal protection of the law. Article 12(1) of the Constitution guarantees this. Yet, the question is how could the poor exercise these rights without easy access to legal process which is expensive? In Sri Lanka, lawyer is a pre requisite for delivery of law as only lawyers are authorized to practice the legal profession.

However, as the cost of litigation appears to be very high, there may have been instances where the poor is denied access to justice. The only possible way out is the legal aid. This is being addressed to a certain extent through services provided by the Legal Aid Commission (LAC), Legal Aid Foundation of the Bar Association and several NGOs.

The LAC provides services of its lawyers for the people whose monthly income is less than Rs. 8000.00. Legal advice is provided by LAC to people free of charge irrespective of their income.
LAC also conducts awareness programmes, especially for school children, to promote human rights on their own initiatives as well as on invitation of NGOs/CBOs.

LAC and the courts of law in the Province are working closely with the UNDP project on Equal Access to Justice (A2J) which is being implemented within the province. The project A2J, inter alia, seeks to build trust and mutual understanding and support confidence-building through rule of law/access to justice; and to address the causes of injustices (minority rights, poverty and the need for accountability), by taking a Human Rights Based Approach.

The project envisages improving prison standards and conditions and also to inform the detainees, particularly pre-trial detainees of their legal rights, and provide them with access to legal aid services. The Project will support legal aid services with a view to reducing the number of detainees being held on bail. In addition, the capacity of the prisons services to uphold and protect the rights of detained persons will be strengthened, through the expansion of the computerized

tracking database piloted at Welikada Prison to additional prisons across the country, in addition to training on international best practices for prison management and staff, including officers.[17]

The practice of LAC hitherto was to provide services of its lawyers only to the poor plaintiffs. Nevertheless, they have now deviated from that practice and appear for the defendants/accused as well if the accused appear to be innocent and is charged in a court of law for the first time. This is mainly due to the tendency of the Police to file cases against innocent people. The case appearing in Box 1 illustrates this.

LAC has a panel of lawyers who are willing to appear for such cases and the lawyers are paid by the Commission with funds provided by a foreign donor. The question is whether this kind of an approach can be sustained in the long run as no donor would fund such programmes for ever. A way out would be to strengthen the civil society by enhancing capacities of NGOs/CBOs to counter such moves of the law enforcement authorities. It should also be noted that legal aid is not a favour but a human right.

However, the Police Department is now making efforts to clear its image and erase the feeling of antagonism of the people by conducting mobile services called 'Police Days' in selected areas in the Province monthly. They get assistance from government agencies like the Registrar General's Department, Department of Registration of Persons, and the Land Commissioner's Department for these mobile services with a view to assisting the people, especially the IDPs, in obtaining copies of their lost documents. People also consider this a positive move by the Police as they can obtain 'Police Entries' required for claiming compensations for damages occurred during the war. According to Police, people are even encouraged to make complaints against malpractices of officers in the Department at these Police Days.

The Police Department plays a significant role in the administration of justice in the country. Therefore the Department is also responsible for laws delays prevalent in the country.
De Silva et.al[18] referring to shortcomings such as lack of material resources, training to improve investigative skills of Police Officers and lack of staff to carry out investigations which may cause laws delays made the following observations.

- The primitive nature of investigative techniques presently used by the Police i.e. outdated fingerprinting technology and the lack of rudimentary investigative equipment such as Polygraph machines (lie detectors) in Sri Lanka, highlight the urgent need to invest in equipment relating to IT and forensic and therefore, scientific and technological support for criminal investigations be significantly improved in order to facilitate a meaningful effort in curbing crime.

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[17] http//:www.undp.lk/shared documents/A2J prodoc.pdf
[18] C.R. De Silva, et.al, The Eradication of Laws Delays: The Committee Appointed to Recommend Amendments to the Practice and Procedures in Investigations and Courts, Final Report, 2004

- The lack of effective training, commitment and leadership within the Police Force wields a significantly negative impact on the quality of investigations carried out by the Police. Therefore there is a need to scrutinize and rethink the effectiveness of existing training programmes and methodology, at both recruitment and promotional levels.

- Development of personnel for special assignments such as Parliamentary duty, VIP Security etc, is observed to up a considerable percentage of the limited human resources available within the Police Department.

It is believed that laws delays caused by such shortcomings can be overcome to a certain extent if communities are involved in policing. Community policing or neighbourhood policing is a strategy based on the idea that community interaction and support can help control crime and reduce fear, with community members helping to identify suspects, detain vandals and bring problems to the attention of appropriate authorities such as police.

In theory, Community policing allows the public and police to get together and come up with ideas and programs that will help them to solve problems faced by communities. When community policing is successful it can reduce incidence of crime making communities a safer place to live. On the positive side, community policing will give communities a better understanding of what their police officers do. It may also help the community to work together to resolve issues. Community policing may bring the two forces together to fight crime.

It is observed that Community policing is practiced to a great extent in developed countries. However, given the degree of politicization of the public service in the country extra care needs to be exercised in adopting such strategies. If an appropriate and effective participatory community development approach is developed as suggested in this sector paper, it would be possible to develop an effective community policing strategy.

In the west, modern technology and developments are being used to minimize laws delays. Fax, Email, electronic media and modern technological developments are used in delivery of legal services. Laws delays which tend to deny justice to the people, especially the poor, can be reduced through a two pronged approach.

One approach would be to increase the number of courts in a given area. This would result in more costs, both capital and recurrent, to the government. However, the government is making efforts to increase the number of courts. Establishment of a new court at Kuchchaveli shows the trend. The other way is to automate the creation and management of records at courts of law.

Whenever a court of law, especially the magistrate courts, is about to deliver a judgment in a case that was heard, the routine is to check whether the same accused has previous convictions. At present this check is done through the police, since it is difficult to retrieve such information from the records maintained at courts of law. However, due to difficulties in sharing information

between police and the courts of law, the Courts of law relies on the information provided by the police. This may result in minor punishments for some accused who, in fact, deserves major punishment. Therefore, there is a need to have a single source of reliable and accurate information on convictions. A computer based information system for profiling of accused may help the judiciary in ascertaining true facts regarding previous convictions. As a person can commit offences in areas of jurisdiction of other magistrate courts there is a need to link all such information bases maintained at magistrate courts level through a wide area network. However, such a network may be limited to the Province as networking may incur heavy costs.

It appears that the procedure involved in the issue of copies of documents such as "Case Proceedings" and judgments is cumbersome and cause delays. Therefore, there is a need to review such procedures and automate. Technology is being gradually introduced to the courts of law in Colombo with a view to automating such procedures. However, such automation has not taken place in the courts of law in the Eastern Province.

8. Gaps/deficiencies in present services provided

A. Gaps in governance practice and equitability

As was mentioned earlier, provincial level planning at present is confined to preparation of five year investment (rolling) plan which is basically a rolling plan and preparation of sectoral annual implementation plans. As such, very little attention is paid to spatial aspects of developmental issues in the province. Major factors contributed towards this situation are that:

- There is a separation of planning from budgeting as these two governance processes work on different perspectives. Budgeting is focused on "recurrent" and is therefore concerned with providing inputs to service delivery operations, mainly personal emoluments of staff. On the other hand planning is primarily concerned with "capital" expenditures for the creation of new assets and rehabilitation of existing assets. However both lack a service delivery perspective that dichotomizes the core governance functions undermining resource allocation.

- The Provincial Council is entirely dependent on the centre for its finances and as such the Council is bound to follow the planning guidelines issued by the Treasury and the Finance Commission.

- Local Government is only another "sector" in this planning exercise despite the fact that large sums of money have been/are being spent to evolve participatory planning mechanism at Local Authority level through donor funded projects.

- Divisional Secretariats which possess planning capacities to a certain degree and, perform agency functions and collect revenue for the Provincial Council are not 'owned' by the Council and therefore Divisional Level Planning is not considered a part of provincial planning.

- Some valuable data available with the Council have not been utilized for planning purposes. The case in point is the non utilization of village level Vulnerability Poverty Profiles developed by the Integrated Food Security Project which was implemented before the de-merger of the two provinces with financial and technical assistance from GTZ. This could have helped the authorities to identify poverty pockets within the province if updated regularly. The failure on the part of planners to make use of such data in their planning efforts may have resulted in inadequate poverty focus in their development efforts. Of course, the data available with CIRM need updating as the profiles are based on the data collected in 2004.

- Interaction between Provincial, District and Divisional/Local Authority Level Planning units is minimal. If there is any interaction at all, such an interaction is confined to participation at meetings such as the Provincial Planning Committee meetings, District Coordinating Committee Meetings and Divisional Coordinating Committee Meetings. As such, the staff in these planning units has lost valuable opportunities to share their experiences and enrich their knowledge on different planning approaches and strategies adopted in various development projects and programmes.

B. Gaps in managing performance affecting service delivery

- Absence of a mechanism to identify training needs may have hampered the effectiveness of training delivery and thereby performance of organizations as well as individuals within organizations.

- Absences of a mechanism to evaluate impacts of training provided including language training also affect the service delivery.

- Absence of mechanisms for periodic appraisal of performance of organizations and individuals also affect the service delivery.

- Roles and responsibilities of most field officers attached to Divisional Secretariats and Local Authorities overlap. Notable examples are Rural Development Officers (RDO) and Community Development Officers (CDO). The Local Government Reform Circulars 10 and 11 outline the functions to be carried out by LAs in relation to participatory community development. The two circulars suggest that basically there is no difference between the duties carried out by RDOs and CDOs. Both categories of officers are paid by the Provincial Council and belong to the same Ministry.

- The Local Government sector in the Province is short of staff in the categories of Revenue Officers, Investigating Officers and Revenue Supervisors. This has caused a lot of problems. Another problem LAs are facing is that they are short of experienced staff due to existing recruitment/transfer policies. Earlier there was staff recruited (clerks, secretaries, etc.) exclusively to handle local government functions. Now the LAs are served by officers of the combined services (Secretaries, management assistants, programme assistants, etc.). Further, the studies conducted by PImP in respect of functioning of LAs in the Province highlights the need to train staff as well as elected representatives in order to improve their knowledge and skills mainly on proposed LG reforms.

- The social distance between the Divisional Secretariats and the Local authorities tends to create gaps as well as overlaps in the service delivery. The National Policy Declaration for Local Government (2007) also emphasizes that there is a need to integrate planning at divisional level through a unified planning approach. A joint plan may help prioritizing needs, maximizing resources and strengthening coordination it is believed.

C.   **Gaps in participatory/accountability practices**

- Several Participatory Community Development Models are being implemented in LA areas under different donor funded projects depending on donor priorities. Given the fact that the people in the province underwent severe hardships due to the civil war and also that a rebel group cannot survive for such a long period of time without support of the masses it is necessary:

- for the people to be given an opportunity to investigate the reality they were in during the conflict situation and to identify the non-military causal factors of the conflict (social integration is one of the objectives to be achieved through Local Government Reforms - vide Reforms Circular No.10);

- to assess the relevance of participatory approaches in relation to the objectives of poverty alleviation and empowerment;

- to evaluate how the different approaches have helped LAs to improve their information dissemination/communication mechanisms, systems available for redressing people's grievances, revenue collection mechanisms and other service delivery mechanisms such as solid waste management.

Gaps in protecting citizen rights and entitlements

- The government sponsored efforts described in the forgoing section on peace building through languages are aimed at school children and employed adults. It is doubtful whether the teaching of 2NL at schools and the workplaces would promote bilingualism as other objectives are also attached to both efforts. The teaching at schools is examination oriented and the workplace teaching is salary increase oriented. Therefore it is necessary to look for efforts which would address and minimize communication barriers among adults and pre-school children needed to ensure long lasting and sustainable peace.

- What is observed is that lack of facilities at courts for managing records and procedural delays in the issue of copies of records to concerned parties have resulted in delays in delivery of justice. Lawyers as well as their clients find it difficult to obtain copies of 'case proceedings' and judgments delivered quickly as in most situations records are type written and maintained manually. Non availability of information related to previous convictions of accused readily may result in delays as well as in imposing less severe punishments for accused who are found guilty.

9. Sector Development Programme

In Sri Lanka two most recent regional development approaches implemented were the District Integrated Rural Development Programme (DIRDP) approach and the Regional Economic Advancement Programme (REAP) approach. An important lesson that was learnt through implementation of the two programmes was that the open ended and flexible "Process Approach" which place more emphasis on target areas and groups was more appropriate for the country than the rigid "Project Approach" or the "Blue Print Approach".

As the existing provincial planning approach is sector-based deriving from the centralized approach to providing services. Hence it is necessary to move on to a spatial and community focus in planning and **evolve a provincial planning framework and mechanism which would address intra-provincial disparities and other province specific development issues.**

Given the vision of the proposed development plan which envisages restoring human values deteriorated during the war, installing good governance systems and enhancing quality of life of the people in the province, it is required to address the following three main issues, viz:

- Reconciliation/social integration
- Improving service delivery mechanisms and accountability relations at local level
- Poverty alleviation and empowerment of the poor communities

It is believed that the informed participation of the people will lead to Good Governance. It is also believed that the best governance is self-governance at the grassroots level. In fact, participation and self-organization of the communities are now seen as mechanisms through which even local government can be made accountable and good governance – the missing link- established.[19] According to UNDP, 'the foundation of poverty reduction is self-organization of the poor at the community level—the best antidote to powerlessness, a central source of poverty. ... What the poor need, therefore, are resources to build their organizational capacity.'[20] As the poor are the weakest actors in accountability relations, they need to be empowered in order to hold service providers, governments and donors to account. This will not be possible without deliberate policies, programmes and plans for doing so.

Success of the 'Process Approach' referred to above depends on the degree of fit between programme designs, beneficiary needs and the capacities of assisting organizations. Therefore, there is a need to **design and implement participatory community/rural development approach/methodology best suited for the province based on the experience gained through the approaches/models that are being tested under different programmes/projects which would address issues indicated above.**

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[19] K. T. Silva and R. Gunatilaka (2000), The Draft Inception Report of the Final Evaluation of the Change Agent Programme.
[20] UNDP, Overcoming Human Poverty, 2000, p.72

The National Policy Declaration on Local Government in 2007 and the National Policy published in 2009 emphasize the need to replace the multiple planning processes with a multi-level planning process. In order to give effect to this PImP carried out an experiment on **Integrated Local Development Planning (ILDP)** in Kinniya Div Sect Division with the participation of Div Sect, Kinniya, UC, Kinniya and PS, Kinniya. ILDP is a process through which local authorities work in close cooperation with Div Sects, sectoral agencies and other stakeholders to prepare a four year rolling plan for their areas of operation based on a participatory approach. However, the implementation of the pilot project is now temporarily suspended due to implementation of NELSIP in Kinniya UC and PS areas as the approach of NELSIP is different from the approach adopted by PImP.

What is observed is that NELSIP too has a bottom up planning process. Therefore, the planning guidelines prepared for ILDP by PImP need to be amended accordingly. As the first four year plan has already been prepared it is a question of revising it based on the needs identified by the people under NELSIP. Therefore, implementation of the programme has to be carried out in two stages. In the first stage, Kinniya experiment needs to be re-designed in order to accommodate the new planning approach and draw lessons. The replication stage comes next.

The forgoing analysis on human resource management highlights the need to establish and institutionalize mechanisms for conducting training need analysis on a regular basis, assessing impacts of training including language training, appraising performance of organizations and individuals in organizations, and periodic revision of roles and responsibilities of organizations in order to ensure good governance and also to improve service delivery. This would also include the review of staff deployment/transfer policies within the province.

Further, in order to ensure Good Governance, all agencies in the Provincial Council should:

- Have clear visions, missions and objectives;

- Have a concern for social responsibilities;

- Should change with time and new needs;

- Should have systems and procedures, and inter-organizational linkages to make the service delivery efficient and effective.

In other words, what is required is **Service Delivery Improvement Planning (SDIP) at Provincial as well as Local Levls.** SDIP has two dimensions: One, institutional or organizational performance**;** the other, individual performance. However, SDIP should be carried out in such a way that it would result in systemic improvements. There are four guiding principles which form the basis for a systemic change, namely,

- The principle of decentralization (the principle that responsibility be assigned at the lowest level at which it can be effected)

- The principle of participation (the principle that people should be party to decisions which affect their lives).

- The principle of transparency (the principle of public accountability)

- The principle of integrity (the principle of being whole, un-fragmented)

Therefore, there is a need to **revisit the organizational structures, management systems, service delivery mechanisms and process**es within the provincial council including Local Authorities, especially with a view to improving performance of organizations and individuals in organizations. This involves initiation of a process and MDTD jointly with CIRM which possess the process facilitation skills can function as the agency convening the process.

It is anticipated that initiation of a process to revisit the organizational structures, management systems, service delivery mechanisms and processes would also result in new roles and responsibilities for some categories of staff, user friendly manuals of procedures, identification of areas which require automation, identification of categories of jobs which can be effectively handled through private-public partnerships, etc.

As was mentioned earlier, successful implementation of the national Policy on Local Government and LG reforms call for training of personnel involved in LG administration. It is therefore, an urgent need to establish a **Training Centre in the province with a view to improving service delivery at local level through training of personnel involved in LG. It is believed that such a centre can undertake the following:**

- Training in skills and attitudes required for successful implementation of LG policy and reforms,

- Training in IT skills and use of GIS for planning.

- Training in participatory development approaches and processes

- Providing opportunities to share and exchange information and experiences with peers.

- Providing updates on trends and developments affecting local government, including changes in Central and Provincial programs.

- Help LAs in promoting good governance including e-governance

- Establish a lending library to be used for training and staff development.

The forgoing section on peace building through languages indicated that what is being is not done is not adequate. Given the need to prevent another uprising there is an urgent need to initiate action to **remove communication barriers between communities and also between public servants and communities through long lasting strategies.**

Justice delayed is justice denied. Although there is an observable trend in the judiciary to avoid laws delays as far as possible, yet there appears to be procedural delays affecting the delivery of justice. As explained earlier, **delays in delivery of justice** can be reduced to a certain extent by automating the court proceedings and records management in courts**.**

9.1   Problems, Issues and Challenges

Failure on the part of national level agencies to implement the national policies in full has tended to weaken the policy implementation at sub-national levels. The National Policy Declaration for Local Government in 2007 as well as the National Policy on Local Government adopted in 2009 emphasizes the need to replace the existing multiple planning processes with a multi-level planning process. This calls for a unified planning process at local level. However, neither the Ministry of Public Administration and Home Affairs nor the Ministry of Provincial Councils and Local Government have issued a circular or guidelines to facilitate the emergence of the expected planning process.

The pilot project implemented in Kinniya Divisional Secretariat Division with the participation of the Divisional Secretariat, PS, Kinniya and UC, Kinniya has temporarily been suspended due to implementation of another donor funded participatory development project in the areas of operation of UC and PS, Kinniya as the new approach appear to be different from the earlier participatory approach. This implies that implementation of several participatory development models/approaches tend to confuse the officers involved in implementation of such projects and it is a problem which needs to be resolved as early as possible. The challenge is to develop an appropriate participatory development model/approach which would reinforce the existing accountability mechanisms, especially the downward accountability.

The planning units of both the Divisional Secretariats and Local authorities prepare plans, in most situations, for the same geographical areas independent of each other. EPC depends on both institutions for the delivery of services to the people. The tendency of provincial authorities to 'disown' Divisional Secretariats has created problems related to coordination of service delivery at local level as well as development planning by ignoring the data and resources available at such levels which can easily be shared through electronic means.

Shortage of staff, in both quantity and quality is a big problem faced by most government and provincial council organizations in the province. The problem is severe in offices located in remote areas.

Local authorities are unable to carry out their assigned functions effectively due to lack of capacities and also due to implementation of activities assigned to Local Authorities by other agencies such as Urban Development Authority, Board of Investment, National Water Supply and Drainage Board and Central Environment Authority.

It may not be possible for the PC to deviate, all of a sudden, from the current practice of preparing five year investment (rolling) plans mainly due to factors external to them. However, the PPS can initiate building/updating databases needed for identification of backward areas and developing criteria for ranking/prioritizing such areas.

Based on such ranking/prioritizing, guidelines can be issued to sectoral agencies as to how they should incorporate needs of backward areas on a priority basis in their five year and annual sectoral plans. The sectoral agencies can be requested to include well designed projects which do not require large investments in their five year plans along with log-frames for each of such projects.

The projects which require large investments depending on their inter-relationships can be integrated into wider backward area development project/s.

9.2   Sector Development Goal/s

- Transform public sector institutions in the Province to be more responsive to and capable of dealing with the needs of the people, especially the poor and vulnerable, in an equitable, transparent and accountable manner.
- Promote harmonious and peaceful co-existence among all communities

1.1   Sector Development Thrust Areas

Thrust area 1: Evolve a provincial development planning framework and a mechanism which would address intra-provincial disparities and other province specific development issues.

Output	Contribution to Thrust area	Measure of performance/ Indicator	Timing during plan period	Implementing Agency/ partners	Investment Rs in Mn
Backward areas identified, clustered and mapped.	Identification of backward areas	Maps prepared	1	CIRM.	10.0
Provincial, district, divisional/local authority level data bases established	Identification of development problems	Availability of data and profiles	2	PPS/Div. Sects	15.0

Output	Contribution to Thrust area	Measure of performance/ Indicator	Timing during plan period	Implementing Agency/ partners	Investment Rs in Mn
Appropriate participatory rural/community development model/s developed and applied	New community development approach New provincial Planning strategies	Community development model/s designed.	2	PPS/CIRM/PCLG	20.0
Local Level Plans	A unified planning approach at Local level.	Local level plans	5	PPS/PCLG/Div Sects/LAs	25.0

Thrust Area 2: Remove communication barriers between different ethnic groups and also between public servants and communities

Strategy

1. Imparting language skills to the children through Early Childhood Development (ECD): one, through computer based activity learning; and two, by improving second language (2NL) skills of pre-school teachers.

Output	Contribution to Thrust area	Indicator	Timing during plan period	Implementing Agency	Investment Rs in Mn.
Children become familiar with 2NL through activity based learning	Reinforces the new participatory development approach	ECD centres established. Software needed for children to familiarize with 2NL developed. Children of all three communities in the age group of 3-5 years who are enrolled attend the centres regularly. Mothers provide mid morning meals to children at the centre. Increased interactions among communities	5	PCLG/PDE/LAs .	105.00

Output	Contribution to Thrust area	Indicator	Timing during plan period	Implementing Agency	Investment Rs in Mn.
Pre-school children begin to learn 2NL.	Development is facilitated through peaceful co-existence of ethnic groups.	No. trained. No. of pre-schools with facilities for 2NL learning.	5	MDTD/CIRM/P CLG/PDE/LAs	10.00
Improved Training delivery including language training.	Development is facilitated through removal of communication barriers	Increase in the No. of language training programmes conducted.	2	MDTD/Dept of Buildings	45.00

Considerable evidence exists that high-quality early childhood education programs for children from birth to age five can have long-lasting, positive consequences for children's success in school and later in life, especially for children from low-income families. It is also believed that children can learn languages faster than adults.

It is, therefore, proposed to establish 7 ECD centres in the seven selected GN Divisions in the districts of Ampara, Batticaloa and Trincomalee where all three communities live for the benefit of children in the age group of 3-5 years and give them opportunities to learn 2NL through activities/games. The centres will be located in places where the three communities have easy access.

The children who attend existing Pre-schools/ECD centres are given the opportunities to learn English through activities and games. This can be extended to teach 2NL as well provided that the Teachers/facilitators are equipped with necessary language teaching skills. Therefore, MDTD needs to conduct language training programmes specially designed for pre-school teachers/facilitators in collaboration with the Provincial Department of Education and other relevant education authorities (e.g. NIE and OUSL).

Further, the pre-school teachers can be trained in community mobilization enabling them to engage in catalytic interactions with young mothers of kids attending pre-schools as a short term measure to promote social integration.

Thrust Area 3: Improve Service Delivery at provincial as well as local levels

Output	Contribution to Thrust area	Indicator	Timing during plan period	Implementing Agency	Investment Rs In Mn.
Public sector agencies develop and implement performance improvement plans.	Review of visions, missions and strategies of PC organizations	Methodology developed. Performance improvement plan for each agency.	3	MDTD/CIRM	50.0
Elected representatives and staff of LAs, and Community leaders are aware of LG functions/reforms	Improving skills of personnel involved in LG service delivery	Training modules No. trained No. of workshops held.	5	PCLG/LAs.	100.00

1. **Improving language skills of public servants through improvement of facilities at MDTD**

The Management Development Training Department (MDTD) is the sole institution available for the Eastern Provincial Council to train its public servants on management related aspects and to engage in management development activities. Given the magnitude of training activities to be undertaken in both training for management development and improving language skills among provincial public servants, and also the need to house CIRM and HRD library, which are at present located in a faraway place, in same premises as MDTD, there is a need to construct additional buildings (lecture halls and rooms) for training purposes.

Thrust Area 4:   Reduced laws delays

Output	Contribution to Thrust area	Indicator	Timing	Implementing Agency	Investment
Databases in respect of convictions for criminal offences are established Expeditious issue of copies of proceedings and judgments to lawyers and their clients.	Automation will help reduce delays in delivery of justice	Records regarding previous convictions readily available. Delays in issue of copies of documents reduced	Two years	Ministry of Justice/ ICTA/ Respective courts of law	Rs. 30.00 Mn

IMPLEMENTATION PLAN

Sector/Project	Short Term (2011-2012)	Medium Term (2012-2014)	Long Term (2014 -2015)	Remarks
Provincial Governance				
1. Provincial Planning Process				
PG/Gov/1 Backward area mapping	xxx			
PG/Gov/2 Databases required for provincial planning	xxx			
PG/Gov/3 Development of a participatory community Development approach/model	xxx			
PG/Gov/4 Unified Local Level Planning			xxx	PG/Gov/01 and PG/Gov/02 will provide inputs to this project
2. Service Delivery Improvement				
PG/Gov/5 Improvement of Performance of Organizations and Individuals		xxx		
PG/Gov/6 Establishment of a Training Centre for Local Government			xxx	
3. Remove Communication Barriers				
PG/Gov/7 Peace Building through Bilingualism			xxx	
PG/Gov/8 Teaching of 2NL to pre-school teachers			xxx	
PG/Gov/9 Development facilities for MDTD	xxx			
4. Reduce Laws delays				
PG.Gov/10 Computer based Judicial Management System	xxx			

FINANCIAL PLAN

Rs. Mn

Sector/Project	Short Term (2011-2012)	Medium Term (2012-2014)	Long Term (2014 -2015)	Remarks
Provincial Governance				
1. Provincial Planning Process				
PG/Gov/01 Backward area mapping	10.0			
PG/Gov/2 Databases for provincial Planning	15.0			
PG/Gov/3 Development of a participatory community Development approach/model	25.0			
PG/Gov/4 Unified Local Level Planning			20.0	
2. Service Delivery Improvement				
PG/Gov/5 Improvement of Performance of Organizations and Individuals		50.0		
PG/Gov/6 Establishment of a Training Centre for Local Government			100.0	
3. Remove Communication Barriers				
PG/Gov/7 Peace Building through Bilingualism			105.0	
PG/Gov/8 Teaching of 2NL to pre-school teachers			10.0	
PG/Gov/9 Development facilities for MDTD	45.0			
4. Reduce laws delays				
PG.Gov/10 Computer based Judicial Management System	30.0			

Financial Outlay and Implementation Plan

Rs. Mn

Sector/Project	Year 1	Year 2	Year 3	Year 4	Year 5	Remarks
Provincial Governance						
1. Provincial Planning Process						
PG/Gov/01 Backward Area Mapping	5.0	5.0				
PG/Gov/2 Databases for Provincial Planning	10.0	5.0				
PG/Gov/3 Development of a participatory community Development approach/model	10.0	15.0				
PG/Gov/4 Unified Local Level Planning			5.0	5.0	10.0	
2. Service Delivery Improvement						
PG/Gov/5 Improvement of Performance of Organizations and Individuals	10.0	20.0	20.0			
PG/Gov/6 Establishment of a Training Centre for Local Government	35.0	50.0	5.0	5.0	5.0	
3. Remove Communication Barriers						
PG/Gov/7 Peace Building through Bilingualism	60.0	30.0	5.0	5.0	5.0	
PG/Gov/8 Teaching of 2NL to pre-school teachers	2.0	2.0	2.0	2.0	.2.0	
PG/Gov/9 Development facilities for MDTD	15.0	30.0				
4. Reduce laws delays						
PG.Gov/10 Computer based Judicial Management System	15.0	15.0				

Persons Consulted

Provincial Council

1.	Mr. Mahendrarajah	Deputy Chief Secretary (planning)
2.	Mr. Karunaharan	Deputy Chief Secretary (Administration)
3.	Mr. Udage	Secretaty, Public Services Commission
4.	Mr. Sivapragasam	Director, Planning Secretariat
5.	Mr. Mayurakirinathan	Deputy Chief Secretary (Finance)
6.	Mrs. Ranjani	Secretary, Chief Minister's Secretariat
7.	Mr. Uthayakumaran	Provincial Commissioner of Local Government
8.	Mr. Gunanathan	Assistant Commissioner of Local Government, Trincomalee
9.	Mrs. Sathyanandi	Assistant Commissioner of Local Government, Batticaloa
10.	Mr. Irshad	Assistant Commissioner of Local Government, Ampara
11.	Mr. Divakara Sharma	Director, MDTD and CIRM
12.	Mr. Munazir	Assistant Director, Planning
13.	Mr. Dayaruban	Programme Assistant (IT), Planning Secretariat
14.	Mr. Arundhavarajah	Director, Rural Development

Divisional Secretariats

1.	Mr. Tennakoon	Divisional Secretary, Tambalagamuwa
2.	Mr. Kulasooriya	Administrative Officer, Tambalagamuwa
3.	Mr. Jayasinghe	Divisional Secretary, Kanthale
4.	Mr. Dharmakeerthi	Divisional Secretary, Kothmale
5.	Mrs. Chandra Herath	Divisional secretary, Dambulla
6.	Mr. Somathilaka	Secretary to the Governor, UVA Province *(former Div. Sect, Naula)*
7.	Mr. Ariyawansa	Divisional Secretary, Harispattuwa
8.	Mr. Prasanna	Assistant Divisional Secretary, Trincomalee

District Secretariats

1.	Mr. Arumainayagam	District Secretary, Batticaloa
2.	Mr. Sharif	Project Director, Rehabilitation and Reconstruction, Batticaloa
3.	Mr. M. Kaseer	District Coordinator, Disaster Management, Batticaloa
4.	Mr. A. Weeraratna	Project Director, Rehabilitation and Reconstruction, Trincomalee
5.	Mr. M. Rizwi	District Coordinator, Disaster Management, Trincomalee
6.	Mr. Ziyath	District Coordinator, Disaster Management, Ampara

Local Government/Authorities

1. Mr. Alahakoon   PCLG, Central Province, Kandy
2. Mr. Dhanapala   OIC, LG Training Centre, Katugastota
3. Mr. Fasheer   Secretary,UC, Kinniya
4. Mr. Subair   Secretary, PS, Kinniya
5. Mr. Marzook   Chairman, PS, Kathankudy
6. Mr. Asfer   Vice Chairman, PS, Kathankudy
7. Mr. Ashroff   Chairman, PS, Ninthavur
8. Mrs.M. Shashidaran   Chairperson, PS, Manmunaipattu
9. Mr. Farook   Chairman, PS, Kanthale
10. Mr. Premaratna   Secretary, PS, Kanthale
11. Mr. Bandara   Chief Clerk, PS, Kanthale
12. Mr. Karunapathy   Technical Officer PS, Kanthale & PS, Padavi Siripura
13. Mr. Dissanayake   Community Development Officer, PS, Kanthale
14. Mr. Thevendran   Secretary, UC, Trincomalee
15. Mr. Mebool   Secretary, PS, Akkaraipattu

NGOs

1. Mrs. Ramya Herath   Secretary, Nagenahira Eksath Kantha Sanvidanaya (NEKS), Kanthale
2. Ms. Pawalarani   Field Officer, NEKS, Kanthale
3. Mrs. Kusumsiri   Voluntary Pre-school Teachers' Association, Kanthale
4. Mr. Francis,   Field Officer, Caritas EHED
5. Fr. Sritharan   Director, Caritas EHED
6. Fr. Yoheswaran   Consortium for Protection and Promotion of Human Rights

Human Rights Commission

1. Mrs. Mathiyaparanan   Project Officer (IDP project), Trincomalee
2. Mrs. Kughadasan   Investigating Officer, Trincomalee

Legal Aid Commission

1. Mr. Thirukumaranathan   Legal Aid Commission, Trincomalee
2. Ms. Damayanthi   Legal Aid Commission, Kantahale

Police Department

1. Mr. Bandula Wijeyawardana   Superintendant of Police, Trincomalee
2. Mr. Priyantha Herath   Police Constable, Trincomalee
3. Mrs. Herath   Sergeant, SPs Office, Trincomalee

Education

1. Mrs. Jeyanthila   Director, Languages Unit, MOE, Colombo
2. Mr. Hasim,   Zonal Director of Education, Akkaraipattu

Official Languages

1. Mr. Gunasena   Director, Official Languages Department

UNHCR

1. Mrs. Safrodeen   Acting Coordinator, Trincomalee
2. Mr. Amarasingham   Project Officer, Trincomalee

UNDP/Equal Access to Justice

1. Mr. Ross Clarke   Project Management Analyst, A2J, Trincomalee

WFP

1. Mr. Mathivanan,   Staff Assistant, Batticaloa

GTZ

2. Mr. Walter Keller   Senior Advisor, Trincomalee
3. Mr. Jeyaratnam   Senior Governance Advisor, Trincomalee

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