

*RECONCILING RIGHTS,
RESPONSIBILITIES AND
DISJUNCTURES:
AN ASSESSMENT OF
SRI LANKA'S
POST-WAR
DEVELOPMENT DRIVE*



Law and Society Trust

**Reconciling Rights, Responsibilities and Disjunctures:
An Assessment of Sri Lanka's Post-War Development Drive**

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Executive Summary

Since the end of the war in 2009, Sri Lanka is assertively seeking to reshape its socio-economic topography in line with its ambitious Ten-Year Development Framework that demands the holistic re-casting of the island as a modern economic and industrial hub. This vision for Sri Lanka as the ‘Emerging Wonder of Asia’ has seen to the design and implementation of expansive infrastructure-centred mega development projects. This paper examines three such ventures: the extensive remodeling of Hambantota, the proposed Sampur coal power plant and industrial park and the Kalpitiya Integrated Tourism Development Project. These projects will be considered as examples of two key development strategies adopted by the government of Sri Lanka, namely the creation of specialised economic zones and luxury tourism enclaves, which have both physically displaced and alienated local communities from related processes in a violation of their human, social and economic rights.

Although these processes guided by quantitative hard development goals prescribed in the Mahinda Chintana Development Framework are underpinned by various national policies including the Involuntary Resettlement Policy (NIRP 2001), the National Action Plan for the Protection and Promotion of Human Rights (NAPPPHR 2005) and the National Policy Framework for Social Integration (NPFSI 2012), poor coordination in planning and implementation at both national and local level has resulted in grave impediments to the rights and substantive freedoms of those affected by these mega development projects.

Given the social, economic and environmental impact of these ventures, it is imperative that the state and all relevant partners including the private sector assure that vulnerabilities are not compounded and that participatory mechanisms are put in place to ensure both best practices and the best collective interests towards inclusion and empowerment. As such, this paper advocates for the adoption of a national level, development planning and implementation oriented policy synthesis bound by the recommendations of relevant state policies and the principles of the Human Rights Based Approach to Development: Universality and Inalienability, Indivisibility, Inter-dependence and Inter-relatedness, Equality and Non-Discrimination, Participation and Inclusion, and Accountability and Rule of Law.

1. Introduction

In 2013, Sri Lanka closed upon the four year mark since the conclusion of the armed conflict that severely hindered its economic and social progress for nearly three decades. Built on the complacent shoulders of a military victory¹ and guided by the sanguine promises of the Mahinda Chintana² inevitable post-war Gross Domestic Product (GDP) growth and expansive tourism and trade-oriented developments boldly aimed at redefining Sri Lanka's socio-economic landscape, proffer the island nation a future of great possibility. In line with the lofty ambitions and projections of its 'economic philosophy' the Government of Sri Lanka has confidently commissioned opulent transport, industrial and tourism infrastructure as proof not simply of socio-economic advancement, but as a pledge to the equalising potential of these colossal initiatives towards the empowerment and upward mobility of all Sri Lankan peoples (Department of National Planning, 2010).

The scope of Sri Lanka's ambitious mega development projects seek to 'provide benefits to every segment of society in a justifiable manner', while 'promoting investments on infrastructure based on commercial and economic returns' and creating 'equitable access to such infrastructure development to enable people to engage in gainful economic activities' (Mahinda Chintana - Vision for the Future, 2010). However, the social and environmental impacts and unintended consequences remain overlooked. Examining globalisation, Appadurai (2001) states that while flows of capital, ideas, ideologies, people, commodities, images, technologies and knowledge create an impression of remarkable possibility, they are also coupled with disjunctures that cause frictions resulting in grave threats to justice, governance, equity and livelihoods. In turn, these disconnections reproduce existing inequalities and create new forms of marginalisation and exclusion (Sassen, 1998). Development too, can be understood through this lens of flows and disjunctures that shape the rhetoric of globalisation, where development must also be recognised as an ambivalent albeit well-intended force which can both equalise or marginalise, and include or exclude. Where development planning and implementation have repeatedly infringed individuals' human rights and substantive freedoms, and adversely affected their capacities to fully participate in social, economic and cultural spheres, it is necessary to proactively adopt measures to mitigate and remedy development's unplanned wrongs.

1.2 Context and Scope

Although Sri Lanka's development agenda seeks to herald impressive flows of capital, commodities, foreign direct investment (FDI) and technology, its disjunctures stark and

¹ In May 2009, the armed forces of the Government of Sri Lanka confirmed victory over the Liberation Tigers of Tamil Eelam (LTTE) ending the armed conflict which had ravaged the island since 1983.

² The Mahinda Chintana: Vision for the Future for Sri Lanka, The Emerging Wonder of Asia is the Government of Sri Lanka's 10 year Development Policy Framework which was founded on President Mahinda Rajapaksa's 2005 election manifesto.

troubling. When mapped onto the fragile and fragmented socio-economic and political fabric of the post-war years, where grave human rights abuses, censorship, militarisation and impunity are perceived to be commonplace (Skanthakumar, 2012), progress appears to be a contested phenomenon. For example, Sri Lanka's recent past has been coloured with multiple challenges pertaining to internally displaced persons, due to the protracted armed conflict and the 2004 Asian Tsunami which devastated Sri Lanka's Eastern and Southern coastal areas. The final stages of the war alone created nearly 300,000 internally displaced persons, with a total of 467,533 persons being resettled in the Northern Province by December 2012 (UNOCHA, 2012). However, a further 5,785 persons from the extended or long-term caseload, displaced prior to April 2008, remained in welfare centres (Ibid.). Moreover, it is estimated that 457,000 persons were displaced due to the 2004 Asian Tsunami (Tsunami Information Project, 2006). In addition to this, displacement and involuntary resettlement issues instrumented by various development projects, including the Accelerated Mahaweli Development Project, the most extensive development programme implemented in independent Sri Lanka, and the more recent Southern Transport Development Project and Colombo - Katunayake Expressway Project have made this experience worse (Kuruppu & Ganepola, 2005).

Obstacles of providing displaced persons with stable living environments that are equipped to meet their basic needs and sustainable livelihoods restoration prevail in spite of the institutional frameworks including the Involuntary Resettlement Policy (NIRP), the National Action Plan for the Protection and Promotion of Human Rights (NAPPPHR), and the National Policy Framework for Social Integration (NPFISI). Within the context of development, which aims to nurture wellbeing and foster economic empowerment, experiences have been compounded by forced displacement and involuntary resettlement. The impacts of these large-scale development projects undertaken include not only physical relocation, but the exacerbation of economic vulnerability due to the disruption or loss of livelihoods, also causing both social disintegration and environmental degradation (Kuruppu & Ganepola, 2005). The inadequacy of participatory approaches and public consultations, coupled with the absence of comprehensive baseline research, mechanisms for social impact assessments (SIAs) have been highlighted as particular concerns (Ibid.). As such, the devastating disruption to locales and how the inherent social meanings and identities of communities have been compromised by land acquisition for development processes remain overlooked.

As such, in order to consider the relevance of these issues to Sri Lanka's post-war development drive as disjunctures that aggravate inequalities and marginalisation, this paper will critically assess three examples that epitomise, and in many ways define, Sri Lanka's economic development trajectory. These include:

- The re-invention of Hambantota, as a mega commercial hub in the Southern Province;
- The proposed Sampur coal power plant and industrial park in the Eastern Province;
- The planned Kalpitiya Integrated Tourism Development Project in the North-Western Province.

These projects have been marked by a lack of cohesive and transparent processes, alongside little effort to set up and sustain consultative, participatory mechanism towards ensuring that the views of those displaced or relocated are accommodated.

Thereby, this has resulted in the exclusion and alienation of persons from benefiting from the positive impacts of development. These inadequacies have proved particularly problematic in its violation of rights and disruption to communities whose traditional settlements and livelihoods have been uprooted, and no clear information, compensation or relocation benefits have been provided. The most vulnerable among these are those who do not possess legal titles to lands they have occupied for many decades. Especially in areas such as the North-East and North-West, where the war and interlinked displacement have rendered land ownership and resettlement, along with host and displaced community relationships exceptionally complex, the aggressive push for development has marginalised communities and gravely affected their access to land and livelihoods, notably within the fisheries sector.

Firstly, this paper will provide an overview of Sri Lanka's development drive, followed by an assessment of the aforementioned examples of the mega development projects in Hambantota, Sampur and Kalpitiya. Thirdly, it will consider how Sri Lanka's development trajectory maps onto the prevailing theoretical discourse of international development and poverty alleviation, particularly in terms of defining development beyond the parameters of quantitative targets, to contain inclusion and participation towards realising individual capabilities. Finally, this paper will consider the relevance of rights and responsibilities, and issue recommendations towards mitigating the detrimental impacts of top-down development processes and advocating for the cohesive implementation of development planning in line within national policy provisions and broader global rights frameworks.

2. An Overview of Sri Lanka's Development Drive

2.1 Of Post-War Recovery and Debt-Infused Development

Sri Lanka's development trajectory is unilaterally founded on the ten year plan outlined by the 2010 Mahinda Chintana. This development framework which was founded on the manifesto of President Mahinda Rajapaksa, describes itself to be one that was 'based upon the proposals and suggestions of thousands of my fellow citizens' (Rajapaksa, 2005, p. 2). The ensuing Mahinda Chintana economic philosophy which maps Sri Lanka's path to economic development for the 2010-2020 period, adopts a seemingly holistic approach with a formidable moral push towards a caring society based on the following themes (Department of National Planning, 2010):

- Prosperous Country: A Land of Plenty including the agriculture, fisheries, livestock, irrigation and plantation sectors;
- Enterprises with Strength to Conquer the World including electricity, telecommunications, postal services, water, industry and state-owned enterprises;
- Developed Road Network and Transport System including roads and transport;
- Focus on Modern Education and Knowledge Systems including school and university education, skills development and scientific innovation;
- A Healthy Society including sports economy and health; Comforts, Convenience and Satisfactory Lifestyle including environment, tourism, housing and urban development;

- Shared Values and Rapid Development including emphasis on a caring society, culture and national heritage and balanced regional development with diversity

The aspect of balanced regional development draws strong emphasis on establishing tangible developments, job creation and concrete targets focused on the apparel, Information Technology/Business Process Outsourcing (IT/BPO), gem and jewellery, rubber-based, Value-added tea, electrical and electronic, pharmaceutical, mineral and heavy industries, along with Small and Medium Enterprises (Department of National Planning, 2010). In line with these commitments of the Mahinda Chintana Development Framework, Sri Lanka's post-war recovery years since 2009 have not been without noteworthy economic improvement. The nation has benefited from a resilient market that has sustained an 8.02%, 8.25% and 6.41% GDP growth in the period between 2010 and 2013 (World Bank, 2013). This has been coupled with a significant increase in tourism revenues of one billion US Dollars with a reported record number of over one million tourists visiting Sri Lanka in 2012 (Ministry of Economic Development, 2012).

The nation's development objectives seek to ensure a multiplier effect through the creation of employment opportunities and the distribution of wealth through colossal ventures to modernise and reconfigure Sri Lanka as a strategic international nerve centre. The Ten Year Mahinda Chintana Development Framework details its vision for Sri Lanka as a 'Naval, Aviation, Commercial, Energy and Knowledge Hub serving as a key link between the East and the West' with the objective of transforming the island into a 'strategically important economic centre of the world' (Department of National Planning, 2010). Further, The Mahinda Chintana (2010) seeks to introduce an accelerated development programme for the tourism industry. Coupled with the Strategic Development Plan of Sri Lanka Tourism 2011-16, which aspires to increase tourist arrivals from 650,000 in 2010 to 2.5 Million by 2016, these projects poise Sri Lanka as an 'emerging wonder of Asia'.

As such, tangible markers of development, in the form of new roads, ultramodern building complexes and state of the art transport hubs have become central to Sri Lanka's efforts to not only convey its rapid progress and modernisation, but cementing its graduation from a low-income country to middle income emerging market status (IMF, 2010). Coupled with official figures affirming a decrease in the poverty headcount to 8.9% (Department of Census and Statistics, 2011) and unemployment to 4.4% (Department of Census and Statistics, 2013), Sri Lanka's growth appears to be exemplary. While development aid has helped Sri Lanka manage its budget deficits for decades, not only has the siphoning of resources into the system to sustain these large-scale investments continued to compound the widening trade gap, high interest rates and high inflation, its exchange rate has been subject to severe pressure in the recent years. However, with shifts in international assistance policies from aid to loans with fewer concessions, increased commercial borrowing has become integral to bolster the mega development initiatives undertaken by the Sri Lankan government (Coomaraswamy, 2012) However, when this appearance of multi-dimensional development is positioned within the reality of decreasingly eligibility for concessionary assistance and increased commercial borrowings from international debt capital markets at high interest rates, the actual cost and ground-level benefits of these debt-infused development endeavours must be questioned.

In 2012, Sri Lanka received the last installment \$2.6 billion Standby Agreement (SBA) issued by the International Monetary Fund (IMF), aside from \$1.05 billion

provided by Sri Lanka's top lender and ally China, \$700 million by India and further funds pledged by bilateral and multilateral donors such as the Asian Development Bank (ADB) and the World Bank dedicated to roads, transport, ports, energy, agriculture, irrigation and sanitation (The Economic Times, 2013). A document submitted to Parliament by the Minister of International Monetary Cooperation Sarath Amunugama MP in 2012 revealed that Sri Lanka has incurred foreign debt in excess of \$15 billion, owing China a total \$4.9 billion including interest payments for loans worth \$2.96 billion, and the ADB a further \$3.35 billion for loans obtained since 1997 (Reuters, 2012). The nature of these loans and inevitable conditionality highlight a particular focus geared towards infrastructure development, particularly in relation to transportation. Additionally, large scale unsolicited infrastructure development and construction projects proffered by international firms are marked by a lack of transparency in relation to their recommendation and submission to parliament for approval under the legal stipulation for strategic investment. This entails that very little information on processes is available for public awareness, impeding the assertion of rights at ground level.

Moreover, the combination of Sri Lanka's Defence and Urban Development Ministries, also saw the allocation of \$2.2 billion for these interests in 2013 (JDS, 2012). This also supports the maintenance of Sri Lanka's nearly 280,000 strong military which now deploys personnel in construction and development projects. Further, commercial enterprises spearheaded by the military including tourist developments have seen to an expanding military monopoly over economic activities, particularly in the North and East. Such shifts are detrimentally impacting local entrepreneurship and livelihoods, notably within the tourism and fisheries sectors where access to land and the sea have become points for contention and the apparent erosion of civil liberties. While the productive use of the military could be viewed as making the most existing human capital funded by the state, undertones of militarisation, intimidation and surveillance in the aftermath of the war are pronounced.

Thereby, mapping the path and potential for Sri Lanka's development within its post-war realities and expanding portfolio of debt must become a priority to policymakers, especially where the social costs of these inflated expenses are destructively impacting the wellbeing of its people.

3. Economic Zoning and Luxury Tourism Enclaves: Examining Sri Lanka's Flagship Development Projects

In line with the targets of the Mahinda Chintana Development Framework, this paper will examine two key foci of Sri Lanka's development plan, namely, its emphasis on creating specialised economic hubs to attract FDIs and expansive luxury tourism developments.

3.1 Special Economic Zoning: A Case for Hambantota and Sampur

Located in the deep south of Sri Lanka occupying an area of 2609 km², the Hambantota District accounts for a population of 595,597 persons and contains 568 km² of protected

wildlife conservation grounds, 223 km² of agricultural land, 43 heritage sites and 215 km² of inland water bodies (Hambantota District Secretariat, 2011). Unremarkable in geography or climate, the district is subject to arid dry zone weather and has traditionally revolved around the salt and fishing industry. Hambantota entered particular prominence with native President Mahinda Rajapaksa's ascension to power and rapidly became a focal point for accelerated and intensive development, described as the 'nucleus of development in Sri Lanka' (Government of Sri Lanka, 2011; Gunasinghe, 2012). Since 2005, these have included:

Hambantota International Harbour	The Mattala Rajapaksa International Airport
Extensions of the Southern Highway	The Matara-Hambantota Railway
The Mahinda Rajapaksa International Stadium	Numerous irrigation schemes and bridges
The Siribopura Administrative Complex	The Ranminithenna Cinema Village
The Mirijjawila dry zone botanical gardens	The Samodagama wind-power plant
The Hambantota Mahinda Rajapaksa International Convention Centre	The Chamal Rajapaksa Ayurveda Hospital
A 2717 acre Investment Zone	Safari Park

It is also envisioned that while the Hambantota Port will be developed to address 12 areas of industry including thermal power generation, oil refinery and petrochemicals, a coal-fired power plant, bunkering services, coal transshipment and distribution, ship-building and repair, transshipment car activities, bonded export processing zone, bulk cargo and general cargo berths, fishing and export and container traffic, aside from the town being poised to become Sri Lanka's largest Special Economic Zone (SEZ) (Disanayake, 2011). What was romanticised as 'an economic revolution sweeping across Hambantota' (Government of Sri Lanka, 2011), has not yet fulfilled its potential despite many of the primary phases of these facilities now being completed. Especially with regards to the Mattala Rajapaksa International Airport and the Hambantota International Harbour, returns from the enormous investments are yet to fully reveal themselves, with little international interest expressed, even in terms of establishing airline routes, let alone FDIs. Where these mega projects have been presented to the public with great promise, the slow return on investments coupled with the lack of interim measures to mitigate lags in operational and investment aspects, particularly in terms of returns to those who were affected at ground level, must be addressed.

It is also essential to note that much of Hambantota's elaborate progress was funded by commercial loans, rather than FDIs, implying the necessity for speedy returns on investments due to the accrual of interest. Moreover, in the example of numerous infrastructure projects including the Hambantota Port, arising employment opportunities are afforded to Chinese nationals (Daily Mirror, 2013). It is reported that over 26,000 work visas were issued to Chinese nationals since 2005 to meet the requests of Chinese companies (Hemmathagama, 2013). Gunasinghe (2012) highlights that while Hambantota is geographically rich, the district is marked by a lack of human and financial resources to develop an industrial hub. Where the government has adopted a neoliberal policy with momentous infrastructure projects and its ambitions have not yet been met with job creating dollar investors, local communities whose lives and livelihoods were disrupted are being directly marginalised (Ibid.). For example, the Hambantota Port Development Project resulted in the displacement of over one hundred families who were inadequately compensated, irregularly resettled and offered inaccessibly remote replacement lands to fulfill their cultivation needs, causing a notable deterioration in the community's living standards due to detrimentally affected livelihoods, housing and poor access to local basic services and amenities (Gunasinghe, 2012; Law and Society Trust, 2013)

Where Hambantota has been a relatively passive, albeit politicised, site for the sweeping mega development project, Sampur's experience has been coloured by the devastating impacts of the war. Located in the Trincomalee District, Sampur was under LTTE control until 2006 and has been marked by a history of displacement which has irreparably fractured the socio-economic fabric of its residents. 5,000 acres of Sampur land, which is also of strategic significance to the island, was unlawfully acquired and declared as a High Security Zone (HSZ). As a consequence, hundreds of families were stripped of their hereditary ownership to the land and were compelled to find refuge in temporary and transit shelters for well over seven years. The 5,000 acres of land acquired was subsequently declared as a site for the establishment of a SEZ where a coal power plant is due to be constructed in collaboration with the government of India (People's Alliance for Right to Land, 2012; Fonseka & Raheem, 2010). Currently, the lack of transparency and information afforded to the local communities has already resulted in grave frustrations. Many of whom continue to live in a state of permanent displacement in transit camps are subject to serious issues such as the inadequacy of drinking water, poor access to natural resources for livelihood purposes including agriculture and fisheries pushing them into grave hardship and poverty (National Fisheries Solidarity Movement, 2012). Despite the economic promise of mega development projects, the insufficient of consideration for local communities is evident.

An agreement between the Ceylon Electricity Board (CEB) and the National Thermal Power Corporation (NTPC), India to build the coal power plant in Sampur was signed on the 7th of October 2013 and it is expected that the construction which is due to commence in 2014 will be completed by 2017 (Liyanarachchi, 2013). Additionally, a four billion dollar industrial park spearheaded by a Singaporean firm has been confirmed and it is anticipated that this will create 10,000 jobs for local residents upon completion (The Sunday Island, 2013). However, the provision of short to medium term livelihood restoration initiatives for local residents is yet to be determined. Given the nature of the proposed heavy industry focused on iron ore, coking, and the transshipment of coke and thermal power, the inevitably serious implications for the environment, local biodiver-

sity and the health of local residents' remain ignored. The absence of a comprehensive Environmental Impact Assessment (EIA) mechanism to consider the long-term impact of these investments prior to approving these ventures highlights a serious disjuncture within the existing apparatus.

Despite these agreements, no concrete solutions have been offered to the people of Sampur who have been subject to grave economic difficulties, disrupted livelihoods and children's education in violation of their economic and social rights. It is estimated that 1,772 families were displaced in 2006 but only 401 of them have been resettled, including 84 families in Seethanaveli, 139 families in Navarathnapuram, 81 families in Kunativu East, eight families in Rakuli and 89 families in Sudakuda (Liyanaarachchi, 2013). A further, 871 families are estimated to still reside in welfare camps in Kiliveddi, Pattithidal, Manachchenai and Kattaparichchan (Ibid.). While alternatives for relocation offered by the Government of Sri Lanka have been met with opposition by the residents of Sampur, the cemented plans entail that there is no prospect for return, and following many years of displacement, they will be compelled to rebuild their lives anew. While the Sampur Coal Power Plant and the proposed SEZ might be able to provide the residents of Sampur with employment and other opportunities, the absence of interim measures for secure livelihoods exacerbate their immediate vulnerability to impoverishment.

Since the 1960s, the creation of Free Trade Zones (FTZs) and Export Processing Zones (EPZs) have featured in the economic planning of developing nations as a means of not only promoting modernisation, industrial and economic growth by attracting foreign investment and technology transfers, but also as a way of creating jobs. SEZs featured significantly in China's economic triumphs over the past three decades, factoring into its inclining GDP and subsequent attainment of the highest growth rate in Asia (Ota, 2003). Sri Lanka's own foray into the establishment of FTZs following the market liberalisation of 1977 resulted in favourable developments to the local apparel sector.

Specialised economic zones share common features of being export-oriented and infrastructurally-sound. Usually located near major ports, they provided favoured incentives for investors with cheap utilities and readily available labour (Amirahmadi & Wu, 1995). These liberalised zones are intended to attract foreign companies that would be provided with preferential treatment in relation to imports, taxes and infrastructure in exchange for an anticipated investment, technology transfer and employment for locals who would typically engage in labour-intensive light manufacturing (Ibid.). Thereby, SEZs are regarded as beneficial to regional and national development through a multiplier effect in its capacity to not only to create more jobs, increase foreign exchange revenues, gain technological and managerial know-how, but stimulate export expansions and establish overseas trade linkages (Amirahmadi & Wu, 1995). These potential benefits no doubt feature prominently within Sri Lanka's development planning. Even though, Hambantota is yet to deliver on its promised economic returns to national and local economies, the Sri Lankan government's plans for Sampur echo the replication of a specialised economic hub for heavy industry gives cause to concern, especially given the lag in returns on investments paid for in loans. Not only do these possess especially negative connotations for Sri Lanka's budget deficit and trade gap at national level compounding inflation, the return to the communities themselves, even in terms of secure employment, could feasibly take years.

These mega development projects in the examples of Hambantota and Sampur, have resulted in local communities being driven away from their traditional livelihood activities including agriculture, farming and fisheries with no viable interim means being offered until suitable employment is made available (Fonseka & Raheem, 2010; Gunasinghe, 2012; Liyanaarachchi, 2013) . Additionally, these efforts entirely undermine people's livelihood options, robbing them of their ability and right to choose and consequently their dignity. In some cases such as in expressway that featured as a part of the Southern Transport Development Project, residents have responded to and engaged the process through the formation of community based organisations (CBOs) to redress grievances, with some successes in the establishment of formal joint mechanisms to address compensation (Kuruppu & Ganepola, 2005). Yet, broadly local residents were compelled to sacrifice their livelihoods and social networks to make way for these projects, and no interim or remedial measures have been adopted to mitigate the detrimental impacts to the local communities and their economies (Law and Society Trust, 2013) .

Further, where communities' rights have been violated in the construction of these projects, it is important to consider to what extent their rights will be protected once they become assimilated into these economic enclaves. From lessons learned through international experiences, it is also necessary to note that while SEZs are commended as having provided thousands of jobs, the working and living conditions within SEZs are hardly exemplary. The measurement of economic zones as a prolific generator of employment opportunities has also been problematic owing to the negative social and gendered implications of the jobs provided. Workers are often subjected to arduous working conditions, minimal living standards and numerous forms of exploitation that grievously affect the health and safety of employees, alongside the particular discrimination of female employees (Fan, 1995; Aggarwal, 2007). These trends and concerns have been reflected to a considerable degree in Sri Lanka's own FTZs.

While communities could benefit in the long-run, the lack of consideration in establishing provisional measures to support livelihoods, particularly where they have been uprooted, must be addressed as a matter of priority within development planning and implementation processes. Where residents of these areas have little space to diversify their subsistence due to unfavourable environmental conditions or income generating activities and secure a regular income to meet their basic needs (Law and Society Trust, 2013), this development makes them vulnerable to impoverishment. Where the global goals of development are aimed at poverty alleviation, the unintended and overlooked disjunctures in this nationally-driven implementation appear to not only negatively impact their wellbeing and exacerbate inequalities, but infringe the social and economic rights of these individuals. Further, where poverty alleviation and economic upliftment are being increasingly defined and understood outside quantitative targets, but the inability of target beneficiaries to realise their capabilities and fully participate in decision-making processes, make these mega development projects become even more unequal; for they in turn render intended beneficiaries capability-poor and asset-less.

Additionally, where the SEZ model is being pursued in both Hambantota and likely Sampur, the absence of transparent mechanisms at national level in approvals for foreign investments also indicate that certain non-traditional investments in the casino or luxury accommodation sectors in other parts of the island, receive better incentives than the types of manufacturing industries the government is seeking to attract to the

SEZs. While these large investments might offer scope for finite construction or service-oriented employment, little or no technology or skills transfer will occur through these investments. As such, it is essential that these plans are also aligned with enabling policy provisions, regulations and incentives in a coordinated manner at national level, with a view of not simply securing large investments that might meet an immediate fiscal need, but those which are in line with both the goals of the national development framework and the aforementioned benefits of establishing dedicated economic zones.

Assessing context is of absolute importance to the success of development, and within the development discourse there exist serious criticisms of “one size fits all” development models that ignore local needs and existing social and political structures. Within the international development discourse, the adoption of institutional analysis (Ostrom, 2005; Ostrom, 2007) is being proactively advocated, as these frameworks ensure that development planning takes into account the social, cultural and political norms of a given society. It is essential to consider that the superficial imposition of a model that succeeded elsewhere onto existing formal and informal structures for the successful implementation of development initiatives is hardly reasonable. China’s success with its establishment of SEZs saw an distinctive combination of features that engaged the advantageous characteristics of Export Processing Zone and Free Trade Zone models that existed in other Asian examples such as Malaysia and Singapore and a series of inimitable traits that marked its ‘socialist transition’ or ‘socialist market economy’ qualities (Wang, Wang, & Wu, 2009). These characteristics determined by its political ideology and interlinked economic ambitions, would also have significant implications to the types of industry pursued and the employment opportunities that became available in the SEZs.

In its ambitious plans for mega development projects, and particularly its efforts to replicate China’s SEZ success, the government of Sri Lanka has failed to adequately examine needs, existing socio-economic conditions or potential impacts, especially in terms of marginalisation and exclusion. Moreover, the impact to the natural environment must also not be overlooked or undermined, given the damaging consequences to wildlife observed in Hambantota (Hettiarachchi, 2013, p. a; Hettiarachchi, 2013, p. b). This can be attributed not simply to a lack of baseline social research, but a failure to conduct comprehensive public consultations prior to embarking on projects that will unequivocally uproot their way of life. The case of Sampur in particular sees the deliberate flouting of duty-bearers obligation to protect the human rights of citizens. While it could be argued that such a cost to a few hundred people can be justified in the long run due to wider benefits, the inalienability and universality of human rights frameworks must be accommodated to ensure minimal violation. These are easily mitigated by assuring that planning occurs in line with existing policy provisions, particularly the NIRP. Additionally, it is necessary that mechanisms for conducting social needs and impact assessments are established and consistently sustained to ensure that these communities are not simply treated as passive subjects or eventual beneficiaries of state-driven development, but stakeholders with the right to participate and engage with these processes. When leaders claim that citizens both deserve desire rapid economic development and interlinked upward mobility, it is necessary to demand at what cost.

3.2 ‘Sri Lanka as the world’s most treasured island for tourism’: Kalpitiya

Since the 1970s tourism has been proactively endorsed by multilateral lenders through assistance for related infrastructure as a development strategy bound to earning foreign exchange and cultivating service-based economies in the developing world (Stronza, 2001). Earnings from tourism are a key component in Sri Lanka’s own economy, and expansive developments in the tourism sector have featured pervasively within the current development agenda in the form of large scale resort developments along the Western, Eastern and Southern Coasts. The Tourism Development Strategy 2011-2016 states that ‘the Government recognises the effect of tourism development in creating employment opportunities and distribution of wealth through a variety of economic activities predominantly in the SME sector, taking the advantage of SMEs being able to link micro enterprises from one side and large scale corporate sector on the other side’ (Ministry of Economic Development, 2011, p. 4). For this purpose, strategies adopted include vast developments to tourism infrastructure with hopes completing up to 75,000 hotel rooms and attracting up to 4 million tourists per year by 2020 (Ibid.). The sustainability of tourism-oriented developments in other islands such as the Maldives and the Seychelles has been underpinned by their long-range planning with the aim of controlling the pace of development and managing growth (McElroy, 2003). These have been central to their successes in mitigating the social and environmental impacts and accrue visible economic benefits.

While arrival statistics show stable growth, star class hotel occupancy rates have dramatically declined (Daily Mirror, 2013). As such, it is essential to note that not only do these numbers include a significant proportion of foreign passport holders of Sri Lankan origin visiting family members, but also a substantial number of budget travellers who do not seek out luxury accommodation amenities. While budget travel has been understood to create less employment per room, smaller scale tourism has proved to have better implications for local economies by creating space for local entrepreneurship and employment, rather than the capital intensive projects that have a higher demand for imported goods and services (McElroy, 2003; Hampton, 2003).

Further, it has been shown that as destinations develop over time, the involvement of larger, vertically-integrated firms entail that local ownership decreases, marginalising local participation and resulting in profits being channelled back to the developed world (Ibid.). Additionally, budget tourism in particular, has also been viewed to give rise to new social problems such as currency black markets, drugs and prostitution, aside from having environmental consequences such as pollution and overcrowding (Stronza, 2001). As made evident in examples such as Goa, the Indian state has now been compelled to adopt new strategies to appeal to high-end travellers with more spending potential through luxury developments (Chamberlain, 2013). Although there might be little consensus on the pros and cons of the various manifestations of tourism, it is evident that its social and environmental impact on communities is huge. While it has been noted that small and medium enterprises in the Sri Lankan tourism sector are growing, the state’s development focus remains on extravagant tourist developments. As such, tourism-oriented ventures must be especially mindful of the pace of development, given the multi-layered impact on society.

Located 150km north of Colombo in the Puttlam District of the North Western Province, the Government of Sri Lanka has identified the Kalpitiya Dutch Bay and 14 islands in the region as central to one of the most extensive tourism projects undertaken in the country. Spanning over 100 hectares of land in addition to the landmass of the islands, the Kalpitiya Integrated Tourism Development Project is geared to transform the locale into a resort area comprised of 6030 accommodation units including luxury hotels, villas, chalets, water bungalows, Ayurvedic spas, cabanas, sun huts, low-cost accommodation units, Uchchamunai domestic airport, amusement parks, Kandakkuliya underwater theme park, cable cars, speed boat safaris, water sporting facilities, an 18 hole golf course, observation towers, camping sites, tourism and hotel management training institute, botanical gardens, agro and livestock farms, hot air ballooning, hospital, Kalpitiya race course, Kalpitiya cricket grounds, handicrafts and souvenir outlets, information centres and a museum (Sri Lanka Tourism Development Authority, 2013). It is expected that all of these proposed facilities will be reconciled with respect to the bar reefs, flat coastal plains, salt pans, mangroves swamps, salt marshes and vast sand dune beaches that are a part of the Kalpitiya region. While the Sri Lanka Tourism Development Authority states that strategic environmental assessments will be carried out at the inception of the project to satisfy prevailing regulations, it is difficult to ignore the inevitable environmental impact of such an all-embracing reconfiguration of the Kalpitiya area bound to large scale infrastructure developments.

What has not been acknowledged within this grandiose proposal for the redefinition of Kalpitiya, as a tourist paradise is the social impact of this proposed upheaval, particularly as it directly impacts 10,000 low-income fishing families in the Puttlam district. While Sri Lanka's Tourism Development Strategy assures that the maximum benefit of tourism will be passed onto the community and economic growth will be supported (Ministry of Economic Development, 2011), as echoed in the examples of Hambantota and Sampur, local livelihoods have been entirely overlooked in the process and no interim remedial measures to mitigate the impacts of these developments have been offered (Kumara, 2013). Not only has the advent of the project adversely affected the livelihoods of local people, but the acquisition of 14 islands on a 99 year lease, which threaten to displace resident fisher folk who have inhabited the island for the past 70-80 years (Kumara, 2013). The affected communities have not only been deprived of transparent information on the process of land acquisition, but their economic, social and cultural rights and livelihoods (Ibid.). Those whose traditional abodes and hereditary occupations have not been legally protected through deeds and other relevant documentation are made especially vulnerable as they face difficulties in seeking recourse or recompense.

It is imperative that tourism activities must be geared towards enhancing and improving the lives of local communities, their economies and the conservation of the environment, particularly where local livelihoods rely on natural resources. It is also essential to be weary of the exploitative informal economies that flourish adjacent to large scale tourism developments, where communities are not afforded the space or opportunities for legitimate engagement through gainful employment or entrepreneurship. Especially, where local communities are alienated and excluded by careless land-grabbing and relocation efforts, it is inevitable that resentment builds up among groups resulting in further conflict and hinders economic returns to the community. Further, where the Puttlam district continues to face persistent social tensions which arose out of conflict-induced displacement, relocating new groups into already tenuous social relations

between host and displaced communities could have gravely negative consequences. Although the Kalpitiya Integrated Development Project seeks to create spaces for local communities to engage with the proposed initiative through means such as village and agro tourism (SLTDA, 2013), the methods employed seem to indicate an unwanted imposition of space rather than one cultivated through participation, in line with the needs and aspirations of local residents. This again emphasises the state's treatment of individuals and communities as passive recipients of development and its ultimate benefits rather than stakeholders or partners in fostering sustainable socio-economic interactions and mobility. Further, where enterprises are led by the private sector and there are no accountability mechanisms in place to ensure that investors abide by their responsibilities to host communities in operational and further development aspects, local residents could be further marginalised.

4. Development Disjunctures: Locating Sri Lanka's Development Trajectory within the International Development Discourse

Development as a state of wellbeing achieved through a transformational process and poverty as one of deprivation, occupy particular contested significance within the present-day development rhetoric. In relation to early incarnations of international planned development, the merits of 'modernisation' offered a linear blueprint promising economic development for 'backward' or 'traditional' societies (Rostow, 1960; Rist, 2008). Although the modernisation project has given way to more complex theories on development relations as a means of creating exploitative geopolitical hierarchies (Chang, 2003), modernisation remains central to how the developing world understands the objectives of development (Van Binsbergen, 1999). Although internationally, harsh criticisms of top-down development models that ignore local needs and existing social and political structures are being increasingly addressed, it is important to consider that how linear notions of development feature in national development frameworks.

Within the Sri Lankan example, a global history of top-down development trends appears to have influenced 'home-grown' models that appropriate overarching models that define development as modernisation measured by the achievement of quantified material targets. Despite acknowledging the importance of holistic development in the National Development Framework, Sri Lanka's development trajectory continues to inadvertently contribute to the exclusion and marginalisation persons in the name of achieving economic targets. What is necessary for Sri Lankan policy makers is to also appreciate that the development discourse is moving away from understanding development in terms of material markers. Galtung (1969:170) identified the abstract nature of poverty and interlinked oppression as structural, stating 'violence is built into the structure and shows up as an unequal power and consequently as unequal chances'. Green (2006, p. 1111) indicates a shift in the World Bank's 1990 report where poverty was classified exclusively in monetary terms to the 2001 report that regarded poverty as 'multifaceted deprivation not only of income but of the capabilities to achieve full human potential'. Green (2006, p. 1111) further states, 'Poverty from this perspective is not merely a matter of reduced income or consumption, but amounts to a state of relative powerlessness and exclusion from decision-making processes'. Where develop-

ment is directed at improving the lives of marginalised and excluded persons, it is worth questioning how to address development's disjunctures, where individuals are rendered powerless and excluded as a consequence.

5. Respecting Rights, Upholding Responsibilities: The Way Forward

While infrastructure becomes both a guarantee and a condition in achieving 'developed' status, it is essential to consider its relevance and impact on communities beyond the one dimensional promises of industrial zones or employment. As such, the appropriation of local knowledge and participation becomes especially necessary to ensure the contextual sensitivity of development policy, planning and implementation. It is of absolute importance that these processes are respectful of the rights of individuals, the integrity of communities as partners, and not a passive audience to the top-down redefinition of their lives and livelihoods. It is also necessary to emphasise that the rights are also bound to responsible and proactive citizen participation, which underpin socio-economic and civic empowerment and ultimately the holistic development of societies.

It is imperative that the marginalising potential of large-scale development projects that exacerbate prevailing socio-economic inequalities and fragmentation, and consequently hinder the realisation of substantive freedoms and interlinked upward mobility, is recognised and mitigated at national level by ensuring that existing policy provisions and recommendations are implemented in development planning and activities. Given the social, economic and environmental impact of these projects, it is imperative that the state and all relevant partners including the private sector and other development partners assure that vulnerabilities are not compounded, and that participatory mechanisms ensure the incorporation of lessons learnt, best practices and the best collective interests towards inclusion and empowerment. Thereby, it is essential that the intrinsic moral and legal rationale, and the instrumental rationale of human development outcomes founded on good institutions (Office of the United Nations High Commissioner for Human Rights, 2006) is consciously and urgently anchored in line with Sri Lanka's own development-oriented policies, planning and implementation.

As such, his paper advocates the adoption of a national level development-oriented policy synthesis that is not simply a long range framework focused on quantitative targets, but one that is equipped to provide for:

- Comprehensive institutional analysis geared to evaluate the role of institutions in shaping social interactions and decision-making processes as it pertains to the short-term, medium-term and long-term socio-economic impacts of development on communities;
- Contextualised development planning and implementation that is consciously and concertedly supplemented by the relevant recommendations of the National Involuntary Resettlement Policy (NIRP 2001), the National Action Plan for the Protection and Promotion of Human Rights (NAPPPHR 2005) and the National Policy Framework for Social Integration (NPFSI 2012).
- Transparent and consultative mechanisms for implementation guided by the principles of the Human Rights Based Approach (HRBA) to Development enshrining both

the rights and responsibilities of affected persons as stakeholders in development processes, and the obligations of the state;

5.1 The Human Rights Based Approach to Development (HRBA)

Where, Human Rights are defined as the ‘universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity’, the HRBA is a ‘conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights’ (Office of the United Nations High Commissioner for Human Rights, 2006, pp. 1, 15). This is inherently bounded to the UN Declaration on the Right to Development which states that ‘the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised’ (United Nations, 1986). Further, the fulfilment of state obligations to assure rights has also been enshrined in national level policy documents including the NIRP, NAPPPHR and the NPFSI, and tools such as such as EIAs and SIAs. Specific to the previously discussed examples are the provisions geared to address displacement and the restoration of livelihoods.

The significance of HRBA to development lies in the emphasis it accords to analysing and understanding inequalities that underline the challenges to and failures of the development apparatus towards ensuring that plans, policies and processes are anchored in a sustainable interaction of the rights and responsibilities of individuals and the duties of the state, its institutions and other duty-bearers as established by international laws (Ibid.). This paper seeks to establish the relevance of a productive relationship between rights, responsibilities and duties towards sustainability in development processes strengthened by proactive participation and interlinked socio-economic and political empowerment of individuals. Moreover, the HRBA is essential towards the protection of vulnerable individuals and groups who could be subject to further marginalisation and exclusion on account of ill-designed or poorly executed development processes.

Democracy and development are often believed to go hand in hand, heralding the virtues of good governance and economic and social progress by strengthening empowerment through participation. As Hurrell and Woods (1999) suggest globalisation and the interlinked economic liberalisation act as an equalising force, but also aggravating disparities of wealth and power. However, as the sole means creating political pluralism and individual freedom, democratic participatory processes has become central to the development relationships between duty-bearers and rights-holders. The existence of transparent, decentralised and accountable power structures is feasible within a democratic system where public participation is essential. Thereby, where development is bound to a set of principles such as those outlined in the Human Rights Based Approach to Development. The HRBA is founded on:

- Universality and Inalienability,
- Indivisibility
- Inter-dependence and Inter-relatedness

- Equality and Non-Discrimination
- Participation and Inclusion
- Accountability and Rule of Law

As such, this paper advocates that these principles must serve as necessary preconditions for development, particularly in terms of ensuring the inclusive participation of all stakeholders.

When considering these examples in line with the principles of the HRBA, it is made evident that the duty-bearers of the state have violated the rights of those arbitrarily and unwillingly subjected to top-down development policies, plans, processes and implementation. Development must be thus recognised as both an economic and political process, which possess grave implications at grassroots level, particularly where expected trickledown effected are hindered by one-size-fits-all macro models which do not account for local-level social, economic, political and environmental micro-processes. As such, development must also be considered in line with the principles that underpin the HRBA, and those of participation, accountability and transparency and state responsibility towards its citizens that strengthen good governance, which create an enabling environment for economic mobility and people's ability to realise their substantive freedoms.

Especially where lived experiences of livelihood and poverty are mapped within the quantitative definitions of time-bound plans and development frameworks with inadequate provisions for socio-economic assessment or stakeholder participation, the devastating realities of their impact and how they are framed and shifted within the parameters of development remain ignored. The intrusion of development disrupts the fragile realities of locales and their inherent socio-cultural intricacies and identities. Broad categorisations of 'job creation' or 'foreign direct investment' within these developments that are solely tied to quantitative economic motives and reflect a careless standardisation whereby internal and contextual differences are often undermined in order to create linear maps of development by numbers that do not account for community needs, or their social wellbeing and dignity.

6. Conclusion and Recommendations

As made evident in the analysis of the examples of Hambantota, Sampur and Kalpitiya, development efforts which have not accounted for the disruption of local lives and livelihoods have alienated and excluded local communities from participating in these processes. Especially, where adequate compensation and interim measures have not been provided due to the lack of cohesive development-oriented policy synthesis and mechanism for coordination, negligence on the part of implementers who have failed to sufficiently assess the social, cultural, economic and political fabric of the communities affected or establish broad-based participatory consultative processes that seeks to match development planning and processes with prevalent needs and ensure that initiatives are sensitive to local level concerns.

Subsequent to the analysis this paper conveyed the need for a three-tiered approach towards reconciling the rights, responsibilities and disjunctures of development

and ensuring a cohesive, coordinated and conscious synthesis of national development policies, planning and implementation which are equipped to:

- Conduct comprehensive institutional analyses geared to address the the short-term, medium-term and long-term socio-economic impacts of development on communities,
- Assure contextualised development planning and implementation that is consciously and concertedly supplemented by existing policy and legislature to protect the freedoms of citizens,
- Establish transparent and consultative mechanisms for implementation founded on the principles of international human rights frameworks to minimise and mitigate all forms of marginalisation and exclusion that might occur due to development processes.

Therefore, this paper proposes the following cross-cutting recommendations to be adopted by the state and all relevant stakeholders including the private sector and development partners towards assuring the social, economic and cultural rights of citizens and ensure that they both contribute to and benefit from development processes:

Recognise that human rights, good governance and development are mutually dependent and reinforcing and guarantee basic civil and political rights towards meaningful participation in decision-making processes relating to development;

- Guarantee that all development planning is underpinned by transparency and accountability frameworks and subsequent monitoring and evaluation;
- All development initiatives undertaken, in planning, policy formulation, implementation and monitoring and evaluation phases must conform to the Universal Declaration of Human Rights and interlinked NPFSI towards ensuring that the duty-bearers meet their obligations to rights-holders;
- All development programmes must be guided by the principles that underpin the Human Rights-Based Approach to Development, which calls for Universality and Inalienability, Indivisibility, Inter-Dependence and Inter-Relatedness, Equality and Non-Discrimination, Participation and Inclusion, and Accountability and Rule of Law;
- Proactively adhere the recommendations of the NIRP, particularly with regards to: ensuring that people adversely affected by development projects are fully compensated and successfully resettled, the livelihoods of displaced people are re-established and the standard of living improved; ensuring that no impoverishment of people shall result as a consequence of compulsory land acquisition for development purposes of the State; assisting adversely affected persons in dealing with the psychological, cultural, social and other stresses caused by compulsory land acquisition; making all affected persons aware of processes available for the redress of grievances that are easily accessible and immediately responsive; instrumenting a consultative, transparent and accountable involuntary resettlement process with a time frame agreed to by the project proponent and the affected persons.
- Necessitate the undertaking of baseline research and comprehensive institutional analysis as a prerequisite to the designing, planning and implementation of devel-

opment projects, and ensure that non-state stakeholders also abide by these requirements where relevant by anchoring relevant monitoring mechanisms at national and local level;

- Install a standardised, comprehensive and consistent mechanism to ensure transparency, accountability and the availability of relevant information within development processes and anchor them within all relevant institutions as guidelines for best practices;
- Acknowledge that development processes are people-centric and must be aimed at promoting not simply economic mobility, but the wellbeing and freedoms of all people founded on inherent equality, dignity and the space to realise their capabilities;
- Recognise that all development processes must be geared towards empowering, engaging and supporting local communities, and as such any marginalising potential must be addressed and mitigated in consultation with members of the community;
- Assure targeted interventions are put in place to address specific issues pertaining to those made vulnerable due to the lack of legal documentation that confirms traditional settlements and livelihoods, to actively prevent those persons and communities from falling into poverty;
- Ensure the right to information in the official language of choice in line with the Official Languages Policy, particularly within communities subjected to development induced-displacement and involuntary resettlement;
- Assure that all development-induced relocation plans are undertaken following thorough socio-economic and environmental impact assessments and a consistent and sustained public consultation process that accommodates the social, cultural, and economic needs and concerns of the community in the selection of a resettlement location and towards mitigating negative impacts to lives and livelihoods;
- Guarantee fair and prompt compensation for loss of employment, land, property and other assets lost in resettlement, and ensure equitable access to basic services, amenities, community resources and places of worship, and the provision remedial livelihood measures or recompense;
- Undertake proactive measures towards the social and economic integration of both affected and resettled persons into new locations and/or communities;
- Issue clear guidelines and accountability frameworks devised along the provisions of national policy provisions and international rights frameworks to private sector, development partners and international stakeholders and ensure that their participation in development processes is bound by a commitment to fulfilling their obligations to local communities as key stakeholders. In turn, these stakeholders must abide by these obligations.

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General Assembly

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4 December 1986
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A/RES/41/128
4 December 1986
97th plenary meeting

41/128. Declaration on the Right to Development¹
The General Assembly,
Having considered the question of the right to development
Decides to adopt the Declaration on the Right to Development, the text of which is annexed to the present resolution.

ANNEX

Declaration on the Right to Development
The General Assembly,

Bearing in mind the purposes and principles of the Charter of the United Nations relating to the achievement of international co-operation in solving international problems of an economic, social, cultural or humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom,

Considering that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in that declaration can be fully realized,

¹UN Declaration on Right to Development <http://www.un.org/documents/ga/res/41/a41r128.htm>

Recalling the provisions of the International Covenant on Economic, Social and Cultural Rights and of the International Covenant on Civil and Political Rights,

Recalling further the relevant agreements, conventions, resolutions, recommendations and other instruments of the United Nations and its specialized agencies concerning the integral development of the human being, economic and social progress and development of all peoples, including those instruments concerning decolonization, the prevention of discrimination, respect for and observance of, human rights and fundamental freedoms, the maintenance of international peace and security and the further promotion of friendly relations and co-operation among States in accordance with the Charter,

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,

Recalling also the right of peoples to exercise, subject to the relevant provisions of both International Covenants on Human Rights, full and complete sovereignty over all their natural wealth and resources,

Mindful of the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Considering that the elimination of the massive and flagrant violations of the human rights of the peoples and individuals affected by situations such as those resulting from colonialism, neo-colonialism, apartheid, all forms of racism and racial discrimination, foreign domination and occupation, aggression and threats against national sovereignty, national unity and territorial integrity and threats of war would contribute to the establishment of circumstances propitious to the development of a great part of mankind,

Concerned at the existence of serious obstacles to development, as well as to the complete fulfilment of human beings and of peoples, constituted, inter alia, by the denial of civil, political, economic, social and cultural rights, and considering that all human rights and fundamental freedoms are indivisible and interdependent and that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights and that, accordingly, the promotion of, respect for and enjoyment of certain human rights and fundamental freedoms cannot justify the denial of other human rights and fundamental freedoms,

Considering that international peace and security are essential elements for the realization of the right to development,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should

be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,

Recognizing that the human person is the central subject of the development process and that development policy should therefore make the human being the main participant and beneficiary of development,

Recognizing that the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States,

Aware that efforts at the international level to promote and protect human rights should be accompanied by efforts to establish a new international economic order,

Confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations,

Proclaims the following Declaration on the Right to Development:

Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

Article 2

1. The human person is the central subject of development and should be the active participant and beneficiary of the right to development.

2. All human beings have a responsibility for development, individually and collectively, taking into account the need for full respect for their human rights and fundamental freedoms as well as their duties to the community, which alone can ensure the free and complete fulfillment of the human being, and they should therefore promote and protect an appropriate political, social and economic order for development.

3. States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom.

Article 3

1. States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development.

2. The realization of the right to development requires full respect for the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

3. States have the duty to co-operate with each other in ensuring development and eliminating obstacles to development. States should realize their rights and fulfill their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and co-operation among all States, as well as to encourage the observance and realization of human rights.

Article 4

1. States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development.

2. Sustained action is required to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development.

Article 5

States shall take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations such as those resulting from apartheid, all forms of racism and racial discrimination, colonialism, foreign domination and occupation, aggression, foreign interference and threats against national sovereignty, national unity and territorial integrity, threats of war and refusal to recognize the fundamental right of peoples to self-determination.

Article 6

1. All States should co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

3. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Article 7

All States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

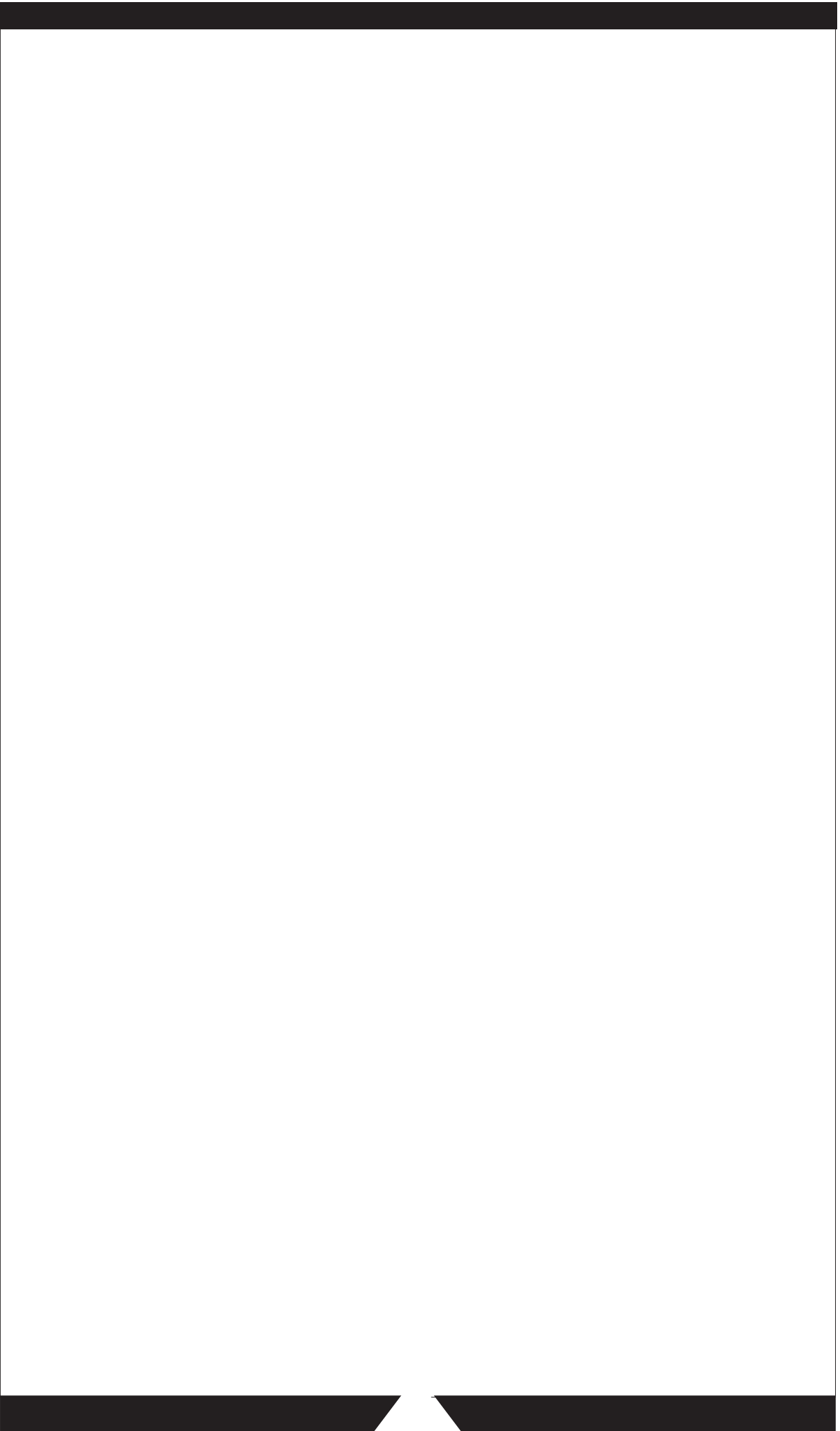
Article 9

1. All the aspects of the right to development set forth in the present Declaration are indivisible and interdependent and each of them should be considered in the context of the whole.

2. Nothing in the present Declaration shall be construed as being contrary to the purposes and principles of the United Nations, or as implying that any State, group or person has a right to engage in any activity or to perform any act aimed at the violation of the rights set forth in the Universal Declaration of Human Rights and in the International Covenants on Human Rights.

Article 10

Steps should be taken to ensure the full exercise and progressive enhancement of the right to development, including the formulation, adoption and implementation of policy, legislative and other measures at the national and international levels.



Four years after the end of the war in 2009, Sri Lanka is assertively seeking to reshape its socio-economic landscape which envisages the holistic re-casting of the island as a modern economic and industrial hub. The much promulgated vision of Sri Lanka as the 'Emerging Wonder of Asia' has led to the design and implementation of expansive infrastructure-centred mega development projects. The scope of these ambitious mega development projects seek to 'provide benefits to every segment of society in a justifiable manner' in accordance with the Mahinda Chinthana (2010) and as underpinned by the National Action Plan for the Protection and Promotion of Human Rights (NAPPPHR 2005) and the National Policy Framework for Social Integration (NPFSI 2012). These national policies which are rarely consulted or implemented in relation to development initiatives or the protection of the rights of individuals are examined in detail in this paper in a comparative analysis between promises made and results delivered.

However, although Sri Lanka's development agenda seeks to herald impressive flows of capital, commodities, foreign direct investment (FDI) and technology, its disjunctures stark and troubling which in turn have reproduced existing inequalities and create new forms of marginalisation and exclusion. This paper examines three such ventures: the extensive remodeling of Hambantota, the proposed Sampur coal power plant and industrial park and the Kalpitiya Integrated Tourism Development Project. Given the social, economic and environmental impact of these ventures, it is imperative that the state and all relevant stakeholders ensure that vulnerabilities are not exacerbated and that participatory, transparent, rights-based approaches and mechanisms are put in place. As such, this paper advocates for the adoption of national level development planning and implementation bound by the recommendations of relevant state policies, taking into consideration the provisions and spirit of the UN Declaration on the Right to Development and based upon the principles of the Human Rights Based Approach to Development.

The Law & Society Trust (LST) is a not-for-profit organization established in 1982 in Colombo, Sri Lanka. It is engaged in human rights documentation, research and advocacy across three programme areas: Civil and Political Rights; Economic, Social and Cultural Rights and Human Rights in Conflict. Its regular publications include LST Review and Sri Lanka: State of the Human Rights report. LST is a member of regional networks including the Asian Forum for Human Rights and Development (FORUM-ASIA) and South Asians for Human Rights (SAHR).



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