

Ensuring National Security through Nation Building Process: It's Applicability on Development in the Post Conflict Sri Lanka

G.I.M. Liyanage

Introduction

After three decades of civil war, Sri Lanka is in a significant stage of the nation building process to uplift the status of citizens. Generally, Nation Building can be achieved by the maximum utilization of resources in development projects and resource development projects done in the background of environmental resources. The final goals of the development projects are to create a developed country that ensures national security, peace and harmony among all citizens, but its benefits should not be centralized to special peoples category; like in previous decades it was centered only on Colombo. The word "development" should not only consider the needs of the present generations' needs, but also the needs of the future generations as well. Consequently, as a whole nation building through development should be a sustainable paradigm that certifies national security as well.

Development for National Security

During the past 30 years Sri Lankan development projects have continuously been centralized in special areas such as Colombo and Kandy. So spontaneously Northern and Eastern people didn't get any benefit from development projects. Therefore those people were in a vulnerable situation. Most development projects were centralized in the Western, Central and Southern provinces, and the Northern and East provinces were ignored, therefore they were compelled to melee, and finally it affected negatively national security. So decentralizing resource development projects will impliedly assist in ensuring national security.

National Security means which initially emphasized the freedom from military threat and political coercion to later increase in sophistication and include other forms of non-military security as suited the circumstances of the time (Romm, Joseph J 1993).

Lack of development has contributed to aggravate poverty. Arturo Escobar state development is an option to eradicate poverty and it will enhance the national security (Escobar 1995). To uplift peoples livelihoods especially the Northern and Eastern provinces is of utmost importance, because restoring livelihoods would contribute to consolidating the secured peace. Restoring livelihood could best be served by the government by engaging in activities that foster development. Development leads to security and without security, development is not possible. Such a process should address the long felt needs of those who have undergone decades of ignorance and suffering. Especially, when we are paying more attention to development in the Northern and Eastern areas, it will be an opportunity to reduce the unemployment rate in those areas. Generally unemployment giving rise to social upheavals compel unemployment youth to engage in activities which will harm for national security. Decentralizing development projects and locating development projects among all citizens will reduce the unemployment rate by ensuring national security. Therefore, it is imperative that development projects should also be located in the Northern and Eastern provinces in Sri Lanka.

Currently, the government of Sri Lanka has located massive development projects all over the country. So it's not only concern the Southern province but the Northern and Eastern provinces as well.

The articulation between development and post-war national security is one of the main aspects of the current ideology of development in the Northern and Eastern provinces. This makes sense within the context where government has defined war itself as a humanitarian operation against terrorism. In the present day in leading dialogue of Sinhalese patriotism, Northern and Eastern development is defined merely as a post-war resettlement, reconstruction as a means of establishing normalcy in the lives of people. It has become common sense among Sinhalese nationalists that state-led development is necessary to prevent another uprising of Tamil militancy in the Northern and Eastern provinces. In this scenario the best examples are Projects *Uthuru Wasanthaya* and *Nagenahira Nowodaya*, located in order to grant the development experience to the North and East people.

The government has initiated *Nagenahira Nawodaya* (Reawakening of the East) as an accelerated three year project for restoring normalcy in the Eastern province. This project was incorporated in 'the Ten Year Horizon Development Framework 2006-2016 for Sri Lanka', which was presented as the government's main policy plan "Mahinda Chinchanaaya." The objectives of the project are defined in a broader way; the key areas of intervention are resettlement of internally displaced persons (IDPs), revitalization of productive sectors and the regional economy, improvement of economic infrastructure, strengthening of social infrastructure and fostering social services, development of human settlements, and rebuilding the capacity of public institutions in the province.

Similar to "Nagenahira Nawodaya", the three main aspects of security, resettlement and infrastructure were taken as key themes in *Uthuru Wasanthaya* as well. The priority areas of this project were identified as infrastructure development and ensuring national security. The articulation of development with 'war against terrorism' ideology and humanitarianism was very clear in the above mentioned project plan.

Implementing these measures to give the experience of development for those people, is the ideal way to ensure national security within the nation building through development projects. Therefore it is very clear we are in the path of ensuring national security after 3 decades of ethnic strife. All ethnicities are entitled to get benefits, privileges and comfortable lives from the result of development occurring in the present scenario.

Development and its Human Rights Aspect

As previously described by the author, development is a golden key to open the path to secure the national security through the process of national building. And it should decentralize among all ethnicities to ensure national security. According to the Article 12 of the 1978 Constitution of Sri Lanka every person is equal before the law. Therefore as an argument every person is equally privilege to gain rights. So in the context of development it has turn into a right in the present scenario. Moreover, as for the right to development, those who oppose it, overlook the development dimension of individual human rights, as it come to force in the right to self-determination of peoples and in everyone's entitlement to a social and international order, in which all universally recognized human rights can be fully recognized (Chowdury 1992). By good feature of the right to self-determination

people are entitled to the development (ICESCR and ICCPR, Article 1, Para.1). Therefore people in the Northern and Eastern provinces also should development benefits as basic Human Rights principles.

Hence the legal duty of the states is to take joint and separate action to further social progress and development in the interest of human rights is reflected in the right to development as a principle of international human rights law (International Law Association, Report of the Sixty-Second Conference, Seoul 1986, pp.2-12.). And also Article 16 of the United Nations Charter expressed that; 'all states have pledged to take joint and separate action in co-operation with the UN to promote: Higher standards of living, full employment, conditions of economic and social progress and development'. Consequently it is clear that in the process of nation building development is a right of all people without any discrimination. In this regard the right to development has been defined as; a comprehensive 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 benefits resulting therefrom ((UNGA res. 41/ 128 of 4 December)). Therefore 1986 Seoul declaration brought the right to development as a principle of both international law and human rights law.

According to the Article 1 paragraph 1 of the United Nation Declaration on the Right to Development (UNDRD); 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. Moreover, to grant this right to the people states which are economically and politically independent are themselves responsible to ensure that the right to development of the respective people and individuals will be realized. But for a developing country like Sri Lanka it is not that easy for a state to implement development as a fundamental right nevertheless in 1978 Constitution in Sri Lanka it has recognized as a principle of state policy such as it has stated as "equitable distribution among all citizens of the material resources of the community and the social product, so as best to subserve the common good"(Section 27(2)e in 1978 Constitution).

Notwithstanding in South Africa right to development is in an admirable situation. South Africa is a country which had coloured based conflicts. Therefore they had so many problems with regard to the principle of equality. But in present scenario they have elucidated all matters and they have approved that all people are equally entitled to receive for privileges and development benefits. *Government of the Republic of South Africa and Others v Grootboom and Other* ([2000] ZACC 19; 2001 (1) SA 46; 2000) is a land mark case law regarding to this issue. In this case Yacoob J. held that "The people of South Africa are committed to the attainment of social justice and the improvement of the quality of life for everyone. The Preamble to our Constitution records this commitment. The Constitution declares the founding values of our society to be "[h]uman dignity, the achievement of equality and the advancement of human rights and freedoms." This case grapples with the realization of these aspirations for it concerns the state's constitutional obligations in relation to housing: a constitutional issue of fundamental importance to the development of South Africa's new constitutional order. In his judgment Yacoob J. states that government has an obligation in providing housing facilities to the citizens. Therefore the judgment impliedly recognized the right to development. But South Africa is

a developed county, so it's practical for them to grant such right. But when we are compared it with the Sri Lankan situation it is not possible to grant such a right for the citizens. However Sri Lankan government decentralized development projects among all over the country. Moreover, the government has taken necessary steps to gain foreign investments for the development projects to enhance equality principle within development in the nation building process to protect national security.

Achieving Development in a Sustainable Mode

Development is a process of expanding the real freedoms that people enjoy (Sen 2006). To build the nation to the highest position in all avenues, there should be resource development in a county. Development is always connected with the natural resources. Therefore it is clear that without natural resources we can't achieve success in development. While Sri Lanka is still a developing Country, development should meet the requirements of the present generation as well as the future generation. Therefore it is opportune time to focus on sustainable development, in order to reconcile the debate on the generational equity on the natural resources and the right to development.

The concept of "sustainable development" was given international prominence and refined in 1987 by the World Commission on Environment (WEDC or Brundtland Report) in its report "Our Common future" brought the concept. According to the *Brundtland report* sustainable development means "development that meets the needs of the present without compromising the ability of future generations meet their own needs." The Rio Declaration Environment and Development (Known as Earth Summit held in Rio De Janeiro June 1992) has introduced the importance of sustainable development by several principles, its Principle 4 express that "in order to achieve sustainable development, environment protection shall constitute an integral part the development process and cannot be considered in isolated from it. " Therefore in the process of nation building development goals should anxiety about the environment protection when their development projects based on natural resources.

In this scenario *Oposa et al v. Fulgencio. S. Factoran* (G.R. No.101083) case is a treasured case. This case occurred against of granting timber licence to cut down the tropical rainforests for development purposes. Therefore the court held that after cutting these valuable trees in these forests to gross timber for present development usage the whole rainforests will ruin from the world ultimately future generation could not get access to for it. Therefore the court decided upon that intergenerational equity and the implementation of sustainable development was highly recommended.

Case *Bulankulama and others v. secretary, Minister of Industrial Development* (SC (FR) APP.NO.884 /99) has occurred as an issue regarding the exploration of phosphate in Eppawala District of Anuradhapura. This exploitation and mining phosphate was given to a foreign company. As the current rate of mining which is about 40,000 metric tons of phosphate per annum, under the agreement, the amount will increase to 26.1 million metric tons within 30 years which would exhaust all proven phosphate reserves. Phosphate is a non - renewable resource. Hence the scheme of exploration will not be in the interest of future generations and they won't get any access for this natural resource. Justice Amarasinghe gave this judgment relating to Rio Declaration and other international instruments. And he has adopted the statement of "David Koten, the founder President of the People - Centre Development Forum, who once observed 'The Capitalist economy has a potentially fatal

ignorance of two subjects. One is the nature of money. The other is the nature of life. This ignorance leads us to trade away life for money, which is a bad bargain indeed Money is a number. Real wealth is food, fertile land, buildings or other things that sustain us"

Judge C.G. Weeramantry, in his separate opinion in the Danube case (*Hungary v. Slovakia* 1997 General list N 92 25th September 1997) has referred to the "imperative of balancing the needs of the present generation with those of posterity." Judge Weeramantry referred at length to the irrigation works of ancient Sri Lanka, the philosophy of not permitting even a drop of water to flow into the sea without benefiting humankind, and pointed out that sustainable development had been already consciously practiced with much success for several millenia in Sri Lanka. Judge Weeramantry said: "The notion of not causing harm to others and hence sic uteretur alienum non laedas was a central notion of Buddhism. It translated well into environmental attitudes. 'Alienum' in this context would be extended by Buddhism to future generations as well, and to other component elements of the natural order beyond man himself. For the Buddhist concept of duty had an enormously long reach." It's very clear in the process of nation building that State parties should pay more attention to the sustainable development in order to gain a successful nation building process to enhance national security.

The concept of sustainable development can practically be gained by undertaking Environment Impact Assessments (EIA) and by environment Protection Licence (EPL). Justice Amarasinghe has strongly recommended this procedural requirement in order to achieve sustainable development (Per J Amarasinghe in *Bulankulama* case) in the nation building process. These procedural requirements consisted of different steps to examine the capability of conducting development projects. The border legal framework for the EIA process in Sri Lanka was laid down by the amendments made to NEA in 1988 through National Environmental (Amendment) Act No. 56 of 1988. The provision relating to EIA is contained in Part IV C of the National Environmental Act. And it should conduct with requirement which have codified in Gestate notifications (Gazette Extra Ordinary No. 772/22 dated 24th June 1993) to access of the public. The Environmental Protection Licence (EPL) is a regulatory/legal tool under the provisions of the National Environmental Act No: 47 of 1980 amended by Acts No 56 of 1988 and No 53 of 2000. Industries and activities which required an EPL are listed in a Gazette Notification (Gazette Notification No 1533/16 dated 25.01.2008).

Consequently we can see nation building process done through resource development by utilizing natural resources. But nation building is not a just a process to become a developed country. It should cater to the atmosphere to future generation in access with natural resources in order to establish national security among all citizens.

Conclusion

Ensuring national security through the nation building process is of utmost importance. Presently for the island nation of Sri Lanka, ensuring national security is significant after defeating terrorism in Sri Lanka. While we are in a post conflict scenario we should consider the needs of all people equally. Therefore, infrastructure and other development projects should not be centralized for any people category. Then, benefits of the development will spread out among all ethnicities to make cohesion. Currently we can see that the government of Sri Lanka has taken measures to regulate perpetual

development within the process of nation building and as a result major development projects have been launched all over the country, especially in the Northern and Eastern areas. These projects in previously terrorist affected areas will contribute towards controlling the foreign interventions and pressurize our internal sovereignty in the post conflict period. It is especially important to reduce foreign LTTE pressure, because if we neglect those areas and people in the post conflict period, they will take advantage to gain their goal of Elam territory. Therefore to put a full stop for upcoming terrorism, nation should be a strong one.

And also according to the equality principle everyone is entitled to get benefits equally. Therefore, right to development has arisen in this context. This has been recognized in international arena. But in a country like Sri Lanka, it is not possible, because of Sri Lankas economic status, but the present government has taken necessary steps in order to grant development privileges for all. The problem comes with the financial side. So to solve financial problems the government must initiate talks with the international investors, encouraging them to invest in our development projects. Furthermore, development projects must always be based on natural resources. Therefore to strike a balance between Environmental protection and development is vitally important. In this scenario development should be sustainable to assist in protecting intergenerational equity of utilizing natural resources. To establish sustainable development, development projects should be concerned with procedural requirements in order to balance nation building and natural resources.

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