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**BRIDGING THE GAP: PROSPECTS FOR REFORM AND
RECONCILIATION IN POST-CONFLICT SRI LANKA**

by

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December 2016

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IN POST-CONFLICT SRI LANKA**

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ABSTRACT

Seven years into the peace following Sri Lanka's civil war between the Sinhalese and Tamils, society remains divided. Yet, a permanent peace between both communities is essential to the nation. This thesis examines the prospects for a post-conflict durable reconciliation process in Sri Lanka that can create a lasting solution to the Sinhalese–Tamil dispute. It argues that if the joint leadership of the Sinhalese and Tamils embrace accommodation, tolerance, and compromise, then a meaningful reconciliation may follow in Sri Lanka. Similarly, by establishing an internationally engineered Truth and Reconciliation Commission to examine the alleged human rights violations at the last stage of the conflict, Sri Lanka may complicate the reconciliation process and may even further polarize the Sinhalese and Tamils. To support these arguments, this study evaluates the core issues and the past reconciliation efforts by different stakeholders in the conflict. Additionally, this thesis explores the South African Truth and Reconciliation Commission as a case study to find its relevance in the Sri Lankan context. Subsequently, the study identifies the prevailing obstacles to the reconciliation process after analyzing the perceptions of the Sinhalese, the Tamils, the Muslims, and the international community. Finally, it reveals that a degree of uncertainty overshadows the ongoing reconciliation process mainly due to the absence of a meaningful dialogue among the Sinhalese and the Tamils in the country.

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LIST OF ACRONYMS AND ABBREVIATIONS

AMDP	Acceleration <i>Mahaweli</i> Development Program
CFA	cease fire agreement
GOSL	Government of Sri Lanka
IPKF	Indian Peace Keeping Force
ITAK	<i>Illankai Tamil Arasu Kadchi</i> (Sri Lanka Tamil State Party)
JO	joint opposition
JVP	<i>Janatha Vimukthi Peramuna</i> (People's Liberation Front)
LTTE	Liberation Tigers of Tamil Eelam
PTA	Prevention of Terrorism Act
SLFP	Sri Lanka Freedom Party
TNA	Tamil National Alliance
TRC	truth and reconciliation
TUF	Tamil Union Front
TULF	Tamil Union Liberation Front
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNP	United National Party
UPFA	United People's Freedom Alliance

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I. INTRODUCTION

After fighting a three-decades-long armed conflict, the Sri Lankan government defeated the Liberation Tigers of Tamil Eelam (LTTE) in May 2009. However, the government's victory came at a colossal cost for all parties to the conflict. As a result of this extended conflict, approximately 100,000 Sinhalese and Tamils died, more than 150,000 people in the same communities were either maimed or disabled, and scores of people were internally displaced.¹ According to the United Nations High Commissioner for Refugees (UNHCR), "some 140,000 Sri Lankan refugees live in 65 countries throughout the world today."² While many Sri Lankans living abroad worry that "conditions in the country are not yet right for their return, the UN Refugee Agency ... has assisted more than 4,500 refugees to voluntarily return to their homeland."³ Therefore, the end of the conflict opens a window of opportunity for both parties to achieve a lasting peaceful solution through a meaningful reconciliation process.

A. MAJOR RESEARCH QUESTION

Seven years into the peace following Sri Lanka's civil war between the Sinhalese and the Tamils, society remains divided. Yet, a permanent peace between both communities is essential to the nation. This thesis examines the prospects for a durable reconciliation process in post-conflict Sri Lanka that could create a lasting solution to the Sinhalese–Tamil dispute. This thesis also explores ways in which stakeholders in the conflict might be more effectively engaged to formulate a lasting peace. This study evaluates the prevailing obstacles to the reconciliation process and proposes a viable framework within a positive working environment for both Sinhala and Tamil communities to establish a durable reconciliation process.

¹ "Reconciliation in Sri Lanka: Harder than Ever," International Crisis Group, July 18, 2011, accessed May 10, 2016, http://www.iccnw.org/documents/209_Reconciliation_in_Sri_Lanka_-_Harder_than_Ever.pdf.

² "Tamil Refugees Slowly Return from India," *IRIN*, January 2012, accessed May 10, 2016, <http://www.irinnews.org/report/94622/sri-lanka-tamil-refugees-slowly-return-india>.

³ *Ibid.*

The primary research question addressed is: How can the stakeholders in the conflict engage effectively in a long-term reconciliation process in Sri Lanka? Against this backdrop, the central research question raises two additional questions for consideration. First, what are the existing issues among the stakeholders that prevent progress in the reconciliation process? Second, what is the viable framework for creating a favorable environment for Sinhala and Tamil communities to engage in a meaningful reconciliation process?

B. IMPORTANCE

Undoubtedly, the biggest challenge in post-conflict Sri Lanka is to achieve permanent peace in the country. Although there were many peace initiatives that took shape in the country, none of these efforts had made substantial progress towards a permanent solution.⁴ Scholars and policymakers suggest that the reconciliation process is an essential element to build lasting peace in societies;⁵ hence, this thesis examines this process in the Sri Lankan context. Therefore, an examination of a lasting reconciliation process in Sri Lanka is important for a number of reasons. First, a reconciliation process through a national harmony among Sri Lanka's ethnic groups could create a politically stable country with better economic, social, and security prospects. Thus, this paper aims to formulate a viable framework for a lasting reconciliation process in the country. At the same time, this study would allow the policymakers, politicians, civil society actors, and stakeholders to identify the significant factors that are currently hampering the forward movement of the reconciliation process.

Second, many reconciliation processes practiced around the world have been conducted after internationally mediated negotiations between the stakeholders in the conflict.⁶ However, in the Sri Lankan context, it is the first time that a country is adopting

⁴ K. Sarveswaram, "Political Challenges: A Tamil Perspective" in *Post Conflict Sri Lanka* (New Delhi: Vij Books, 2012), 36.

⁵ David Bloomfield, T. Barnes, and L. Huyse, ed. *Reconciliation after Violent Conflict: A Handbook* (Stockholm, Sweden: International Institute for Democracy and Electoral Assistance, 2003), IV, accessed May 12, 2016, <http://www.un.org/en/peacebuilding/pbso/pdf/Reconciliation-After-Violent-Conflict-A-Handbook-Full-English-PDF.pdf>.

⁶ *Ibid.*, 41.

a reconciliation process after a decisive military victory over one party to the conflict. Therefore, the tools provided in this study will assist international institutions and United States government during future reconciliation efforts in nations of ongoing conflict such as Syria, Ukraine, and Iraq.

Next, this thesis explores the possibility of the re-emergence of the conflict in the absence of a meaningful reconciliation process between the Sinhalese and the Tamils. Therefore, it will further assist the politicians of both communities and the military leadership in identifying the gaps in the ongoing reconciliation process.

Finally, the comparison of the South African reconciliation process will assist Sri Lankan policymakers and politicians in identifying the compatibility of this model to the country's own situation.

C. LITERATURE REVIEW

As internal conflicts intensify during the 21st century, peace brokers around the world seek answers to one particular question: How to create domestic and international strategies to overcome challenges in the peacebuilding process?⁷ To answer this question, it is important to first understand the long- and short-term measures in peacebuilding efforts. Stephan Baranyi, a prolific writer on the subject, identifies disarmament, demobilization, and reintegration (DDR), along with security sector reforms, as short-term measures and human rights protection and the reconciliation process as long-term measures for sustainable peace.⁸ In Baranyi's book, *The Paradoxes of Peacebuilding Post 9/11*, John Paul Lederach argues that the "ultimate goal of peacebuilding should be 'sustainable reconciliation' namely, broadly based, self-regenerating social process address the proximate and underlying causes of enmity."⁹ Additionally, scholars who study conflict resolution state:

It [conflict resolution] explores the causes of the conflict, particularly causes in the form of unmet or threatened needs for identity, security,

⁷ Stephan Baranyi, ed. *The Paradoxes of Peacebuilding Post 9/11* (Vancouver, Toronto: UBC, 2008), 9.

⁸ Ibid., 12.

⁹ Ibid., 9.

recognition, autonomy, and justice. It seeks solutions responsive to the needs of both sides through active engagement in joint problem solving. Hence, agreements achieved through conflict resolution-unlike compromises achieved through a bargaining process brokered or imposed by third parties-are likely to engender the two parties' long-term commitment to the outcome to transform their relationship.¹⁰

In this context, these scholars identify the reconciliation process as “a consequence of successful conflict resolution”; thus, it is an integral part of the conflict resolution process that can later be used as the means to achieve the reconciliation.¹¹ Interestingly, much of the argument surrounding the conduct of the reconciliation process is complex and has a wide range of influence over its results.¹²

While some scholars agree that “no handy road map” exists for reconciliation, they have broadened the concept and expanded upon it in different ways. Further, the definition and scope of the reconciliation create ambiguity in academia; thus, most scholars argue against a one-size-fits-all solution to the process. According to Bloomfield, Barnes, and Huyse in their landmark book, *Reconciliation After Violent Conflict: A Handbook*, “Reconciliation is never a theoretical matter, but always happens in a specific context.”¹³ In retrospect, the reconciliation process starts in a post-conflict situation when “war has ended, a settlement has been reached, and a new regime is struggling to construct a new society out of the ashes of the old.”¹⁴ So how should these governments build this new society?

Bloomfield et al. emphasize that “the best form of post-conflict government is a democratic one.”¹⁵ The book further argues that, “democracy is a system for managing

¹⁰ Herbert C. Kelman, “Conflict Resolution and Reconciliation: A Social Psychological Perspective on Ending Violent Conflict between Identity Groups,” *Landscape of Violence*, 2010, 3, accessed May 07, 2016, <http://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1001&context=lov>.

¹¹ Ibid., 2–3.

¹² Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 5.

¹³ Ibid., 10–18.

¹⁴ Ibid., 12.

¹⁵ Ibid., 10.

differences without recourse to violence”¹⁶; thus, it manages the conflicts in a divided society. The authors further state that once the resolution for the conflict is reached, “[It] requires not new or reformed government structures that have not eradicated the differences over which the conflict was fought, but rather structures that are designed, through a negation process, to manage those differences peacefully.” However, Bloomfield et al. underline a “minimum degree of cooperation”¹⁷ among the parties to the conflicts as a prerequisite for a firm democratic structure. Meanwhile, the authors identify “obstacles” to negotiate in order to establish this minimum cooperation in a post-conflict society. They describe how these obstacles of “antagonism, distrust, disrespect, and hatred”¹⁸ could be overcome by solving the issues of the past relationships and violence of these parties (root causes). Therefore, Bloomfield et al. state, “Reconciliation is the process for doing exactly that.”¹⁹ So, how do we define reconciliation?

Considering the complexity of the Sri Lankan issue, it might be prudent to use Karen Brounéus’ definition of reconciliation: “Reconciliation is a societal process that involves mutual acknowledgment of past suffering and the changing of destructive attitudes and behavior into constructive relationships toward sustainable peace.”²⁰ This basically means that government must make a meaningful effort to build trust among the parties to the conflict. Therefore, reconciliation needs to integrate “top-level leaders such as politicians, middle-level leaders such as religious officials, and grassroots level institutions represented by community leaders” in order to achieve a sustainable peace.²¹

John Paul Lederach suggests three different approaches for peacebuilding with reference to three levels of leadership: top down, middle-range, and bottom up.

¹⁶ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 10.

¹⁷ Ibid., 11.

¹⁸ Ibid.

¹⁹ Ibid., 12.

²⁰ Karen Brounéus, “Reconciliation—Theory and Practice for Development Cooperation,” *The Department for Cooperation with Non-Governmental Organizations and Humanitarian Assistance*, 2003, 20, accessed May 10, 2016, http://www.pcr.uu.se/digitalAssets/66/66768_1reconciliation---theory-and-practice.pdf.

²¹ Baranyi, *The Paradoxes*, 10.

According to the scholar, the top down approach model is built on “a hierarchical, as well as a monolithic, power structure”²²; thus, the sustainability of the foundation of this approach is dependent primarily on the negotiating level of the leadership. However, Lederach argues that the agreement of this approach “[would] have to be relevant to and capable of practical implementation at the local level.”²³ In his second leadership domain, Lederach identifies three “not yet developed” but parallel approaches under the middle-range peacebuilding effort: “problem-solving workshops, conflict resolution training, and development of peace commissions.”²⁴ As a result, these approaches help to establish relationships and build skill-based infrastructure for the peacebuilding process. In his third approach, Lederach identifies the bottom-up approach as more challenging than the other two approaches. This difficulty owes to two things: the magnitude of the population involved and the fact that these people seek basic needs as a priority rather than a conflict resolution or a peace process. However, he insists that this approach brings both parties to the conflict at the local level to discuss their past differences and come to mutual agreements in order to build cooperation.²⁵

In the Sri Lankan context, Brounéus’ definition broadly addresses every party to the conflict and highlights the necessity of building a relationship among these groups. It recognizes the past sufferings and responses to the victims in order to achieve a lasting peace. Bloomfield et al. describe this whole concept as, “it [reconciliation] is a process through which a society moves from a divided past to a shared future,”²⁶ which further clarifies his idea of a “new society.”²⁷

²² John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Society* (Washington, DC: United States Institute of Peace, 1997), 44.

²³ Ibid., 44–46.

²⁴ Ibid., 46–50.

²⁵ Ibid.

²⁶ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 12.

²⁷ Ibid., 12.

Lederach amplifies Brounéus overarching concept of building relationships among the adversaries as a core concept in the whole process.²⁸ Lederach maintains, “The traumas of the past and the hopes for the future must be formulated and brought together by discussing the issues of truth, forgiveness, justice, and peace.”²⁹ The author further states that “these principal foundations are essential for the task of guiding, building, and maintaining a healing process where each party learns to understand and respect one another for the common good.” Strictly speaking, these principles can be considered the foundational stones to build a united future, and, in the context of Sri Lanka, one of peace.

In response to Lederach’s argument, some scholars consider “forgiveness” a separate aspect from the reconciliation process that “could undermine the desire for justice by victims.”³⁰ Further, scholars argue that “some deeds may for the individual survivor be unforgivable—and that it is critical that survivors are never implicitly or explicitly expected to forgive”;³¹ this stance limits the possibility of confidence building among the rivals because it constitutes the core aspect of the reconciliation process.

In contrast, all scholars “writing from a theological perspective do include forgiveness in the process of reconciliation.”³² In the Catholic organization Carita’s handbook, *Working for Reconciliation*, it states, “Forgiveness is at the heart of reconciliation.”³³ In addition, on reconciliation Lord Buddha preaches that, “When you

²⁸ John Paul Lederach, *Preparing for Peace, Conflict Transformation across Culture* (Syracuse, NY: Syracuse University, 1995), 21.

²⁹ Lederach, *Preparing for Peace*, 14.

³⁰ G. Raymond, S. J. Helmick, and R. Petersen, *Forgiveness and Reconciliation* (Harrisburg, PA: Temple Foundation Press, 2002), 21.

³¹ Brandon Hamber, *Past Imperfect: Dealing with the Past in Northern Ireland and Societies in Transition* (London: INCORE/UU, 1998), 16.

³² For examples see Nigel Biggar, *Burying the Past: Making Peace and Doing Justice after Civil Conflict* (Washington, DC: Georgetown University Press, 2001); C John Paul Lederach, *The Journey toward Reconciliation*, (Scottsdale, PA.: Herald Press, 1999,); Desmond Tutu, *No Future Without Forgiveness* (New York: Doubleday, 1999).

³³ Brian Starcken, ed., *Working for Reconciliation: A Caritas Handbook* (Vatican City: Caritas Internationalis, 1999), 4.

forgive me for harming you, you decided not to retaliate, to seek no revenge.”³⁴ Therefore, a lasting peace is possible between divided societies through reconciliation based on forgiveness. However, “individual forgiveness is a personal process and decision, based on a person’s own sentiments regarding the past as well as issues such as morality, responsibility, punishment, and empathy.”³⁵ Human rights activists believe that truth and justice are necessary to solve the issues of the past.

As professor Daniel Bar-Tal emphasizes, “Justice is indispensable for reconciliation.”³⁶ According to Brounéus, there are two kinds of justice involved in the reconciliation process: retributive justice and restorative justice.³⁷ While the reconciliation process adapted the Truth and Reconciliation Commission (TRC) in South Africa to bring justice to victims through restorative justice, it also supported the retributive justice system [police, prisons and formal legal institutions] to prosecute and punish the perpetrators for severe crimes.³⁸ Therefore, “those who see forgiveness as an important feature of reconciliation do not urge to forget, but to forgive the past in order to move forward together.”³⁹ Thereby, governments will not stand a chance for granting a blanket of amnesty for perpetrators with crimes against humanity.

Since every string attached to the reconciliation process works in tandem, reconciliation cannot be considered a remote practice but “both a goal—something to

³⁴ Eds, August 21, 2009, “Buddha on Forgiveness, Reconciliation, and Right and Wrong,” *Queens and Bees Blog*, May 13, 2016, <https://califia.wordpress.com/2009/08/21/buddha-on-forgiveness-reconciliation-and-right-wrong>.

³⁵ Brounéus, *Reconciliation—Theory and Practice*, 19.

³⁶ Daniel Bar-Tal, “From Intractable Conflict through Conflict Resolution to Reconciliation: psychological Analysis,” in *Political Psychology*, December 2000, 21. <http://onlinelibrary.wiley.com/doi/10.1111/0162-895X.00192/abstract>.

³⁷ “Retributive justice, also called criminal, procedural, or legalistic justice, focuses on crime as the violation of law. Crime is, one could say, a matter between the perpetrator and the state. Restorative justice, referred to as transitional or reparative justice, focuses on crime as a conflict between individuals as well as on the injuries crime inflicts on all parties: the victim, the perpetrator and the society. The interest of the justice system is here to reconcile and heal conflictive relationships in order to end the vicious circle of crime, revenge, and recurring crime.” Brounéus, *Reconciliation—Theory and Practice*, 19.

³⁸ *Ibid.*, 31.

³⁹ Raymond, Helmick, and Petersen, *Forgiveness and Reconciliation*, 32

achieve—and a process—a means to achieve that goal.”⁴⁰ Bloomfield further explains that the ultimate achievement of this “goal” is the lasting peace, but he emphasizes that the “process” is long-term and “it [reconciliation] takes its own time: its pace cannot be dictated.”⁴¹ Similarly, Andrew Rigby explains four stages of this process “1.) Securing the peace, 2.) Uncovering the truth, 3.) Approaching justice, and 4.) Putting the past in its proper place.”⁴² This laborious process further justifies the length of the reconciliation to take root in the society. Therefore, “reconciliation must be seen as a long-term process that may take decades or generations. If not, reconciliation based on ambiguity will not last.”⁴³

In another argument, Luc Huyse claims that the “goal” of the reconciliation “prevents, once and for all, the use of the past as the seed of renewed conflict.”⁴⁴ Huyse further explains that, “reconciliation can be thought of as containing two parts: a ‘backward looking’ operation, which encompasses the healing and repairing of past injustices, and a ‘forward-looking’ operation, which encourages the moving on of individuals and society to a new development with peaceful dialogue and ‘adequate sharing of power.’”⁴⁵ As described before, reconciliation is a laborious process that involves a number of actors in different stages and in different contexts. Huyse identifies three fundamental steps towards reconciliation: “1.) Replacing fear by non-violent coexistence, 2.) When fear no longer rules: building confidence and trust, 3.) Engendering empathy.”⁴⁶

To Huyse, “peaceful coexistence, trust and empathy cannot develop within a politically marginalized or economically uneven society.”⁴⁷ Therefore, this process must

⁴⁰ Raymond, Helmick, and Petersen, *Forgiveness and Reconciliation*, 10–18.

⁴¹ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 10.

⁴² Andrew Rigby, *Justice and Reconciliation after Violence* (Boulder, Colorado: L., Rienner, 2001), 51.

⁴³ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 28.

⁴⁴ *Ibid.*, 31.

⁴⁵ *Ibid.*, 19–34.

⁴⁶ Huyse, *Process of Reconciliation*, 32.

⁴⁷ *Ibid.*

be based on “the recognition of the essential codes of democracy” and “a just socio-economic order,” namely the “gradual devolution of power, the creation of a just society where human rights are respected and the willingness to hold accountability for both the past and the future.”⁴⁸ As for the economic parity, it is important for the victims to rebuild life and actively participate in the economic development process in post-conflict countries. Additionally, some scholars suggest that in the absence of a just political and economic system, reoccurrence of the conflict could be inevitable.⁴⁹ Zimbabwe, once a poster boy of reconciliation process, failed due to increased economic disparity among Africans and white settlers.⁵⁰

Meanwhile, Bloomfield et al. argue that, “the people of a post-conflict society are sometimes impatient, as if coexistence, trust and empathy can come swiftly. Such timing, expecting too much too soon—especially if it is proclaimed as official policy— is doomed to fail.”⁵¹ Considering all these aspects, Brandon Hamber and Hugo van der Merwe provide five important aspects for the successful process of reconciliation: “1.) Developing a shared vision of an interdependent and fair society, 2.) Acknowledging dealing with the past, 3.) Building a positive relationship, 4.) Significant cultural and attitudinal changes, 5.) Substantial social and political changes.”⁵²

This formula has “once been criticized as likely irrelevant and problematic in the Sri Lanka situation.”⁵³ Nevertheless, this method provides an impetus and a direction for the sagging momentum of the Sri Lankan reconciliation process. Further, to achieve success in Hamber and van der Merwe’s process, it is critical to achieve trust among the stakeholders in the conflict in order to rebuild the broken relationship among the

⁴⁸ Huyse, *Process of Reconciliation*, 21.

⁴⁹ Brounéus “Reconciliation—Theory and Practice,” 23–24.

⁵⁰ Huyse, *Process of Reconciliation*, 21–22.

⁵¹ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 18.

⁵² Brandon Hamber and Hugo van der Merwe, “What Is This Thing Called Reconciliation?” *Centre for the Study of Violence and Reconciliation: Vol. 1*, 1998, accessed May 21, 2016, <http://www.csvr.org.za/wits/articles/arttrcbh.htm>.

⁵³ M. Thaheer, P. Peiris, and K. Pathiraja, *Reconciliation in Sri Lanka: Voices from Former War Zones* (Colombo, Sri Lanka: International Centre for Ethnic Studies, 2013), 16.

Sinhalese and the Tamils. Additionally, while acknowledging the past; it is imperative to address the core issues of the conflict, which is equally important in the Sri Lankan reconciliation process. Thereby, this process may become a foundation for a lasting reconciliation process in Sri Lanka, considering how both parties to the conflict play a blame game on each other while dragging their feet on the urge for a sustainable reconciliation process in a war-ravaged country.

So far, the literature addressing a successful reconciliation process makes two arguments: in a postwar country, democracy provides a conducive environment for reconciliation, since democracy is managing the conflict; and minimum cooperation among the parties to the conflict is a prerequisite to achieve a firm democratic system in a post-conflict society which a reconciliation process could achieve by addressing issues of the past. However, these arguments have not explicitly addressed the effect of external influences on the reconciliation process, such as other ethnic groups, international institutions, diaspora, social activist groups, community leaders, media, and the nationalist religious or social ideological parties. Brayan states that the success and failure of a peacebuilding process is dependent on international engagement and the presence or absence of “spoilers.”⁵⁴ Therefore, this thesis focuses on these gaps—in the ongoing aspects of the reconciliation process, since these factors are highly significant in the Sri Lankan context.

D. POTENTIAL EXPLANATIONS AND HYPOTHESES

Considering the complex nature of the Sri Lankan issue and the reconciliation process to follow, any meaningful reconciliation attempt will not last without building trust, confidence, and a relationship among the parties to the conflict, mainly the Sinhalese and the Tamils. As the international communities increased demands for an impartial inquiry into the Human Rights Violations of both the LTTE and Sri Lankan security forces became a central theme of the post-conflict peace process, a transparent inquiry could pave the way for obtaining justice for victims of both the Sinhala and Tamil

⁵⁴ “Spoilers” are, namely, powerful actors opposed to peace building on the ground. For more information about spoilers, study “The Impact of Spoilers on Peace Process and Peacebuilding,” in *Policy Briefing*, 2006, accessed May 24, 2016, <http://collections.unu.edu/view/UNU:3095>.

communities. However, without addressing the fundamental causes of the Sinhala-Tamil problem, a war crime investigation alone will not facilitate the reconciliation process in Sri Lanka. It is possible that an inquiry could further alienate these two communities. Finally, a substantial social and political change in the conflict is necessary for a lasting solution to the issue, and it may only be possible through the devolution of power accepted by both the Sinhala and Tamil communities.

Against this backdrop, this thesis formulates two hypotheses:

1. If the joint leadership of the Sinhalese and the Tamil reflect accommodation, tolerance, and compromise, then meaningful reconciliation may follow in Sri Lanka.
2. By establishing an internationally engineered Truth and Reconciliation Commission to examine the alleged human rights violations at the last stage of the conflict,⁵⁵ Sri Lanka may complicate the reconciliation process and may even further polarize the Sinhalese and Tamils.

E. METHODS AND SOURCES

This thesis uses secondary data that are available in the form of Sri Lankan and foreign newspaper and journal articles, as well as statements of the state leaders and eminent personnel who are involved in the peacebuilding process in Sri Lanka. This project examines and analyzes the subject matter through a broad mix of academic articles as well as multiple sources from the host nation. The latter include the Sri Lankan government appointed “Lesson Learned and Reconciliation Commission’s (LLRC) report,”⁵⁶ government press releases, All Party Conference (APC) reports, and constitutional amendments that are related to national harmony and the security of Sri Lanka. These sources offer not only an insight into the conflict as a whole but also a way to evaluate the conduciveness for a long-lasting reconciliation process in Sri Lanka.

Additionally, primary sources were gathered through the government publications and Hansard reports of Sri Lanka’s parliament. In addition, further secondary sources to

⁵⁵ “Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka,” United Nations, March 31, 2011, 2, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf.

⁵⁶ “Lessons Learnt and Reconciliation Commission Report,” Ministry of Defense of Sri Lanka, accessed May 10, 2016, http://www.defence.lk/warcrimes/lessons_learnt_and_reconciliation_commission_final_report.html.

the study obtained through the reports of non-governmental organizations that are directly dealing with the post-conflict reconstruction process, such as the International Crisis Group, United Nations High Commissioner for Refugees, Amnesty International, and United Nations Human Rights Commission.

The method of analysis in this thesis incorporates a case study of South African TRC. Further, this effort analyzes the statements of the stakeholders in the conflict through discourse analysis because it provides the best way of analyzing different statements of respective personalities. Because a number of individual actions also play a vital role during the reconciliation process, this thesis uses the method of process tracing to analyze these actions and assist in validating the hypotheses of this thesis.

F. THESIS OVERVIEW

The first chapter of this thesis will primarily discuss the different aspects of the reconciliation process through a literature review and theoretical framework of the subject. Chapter II will exclusively discuss the background of the conflict between the Sinhala and the Tamils, which highlights the core issues that are vital during the reconciliation process. This chapter will further focus on the key players to the conflict and their impact on the reconciliation process. The next chapter will evaluate the ongoing efforts for a reconciliation process by the government and other interest parties. Furthermore, this chapter will study the reaction of the Tamils, Sinhalese, international community, and different institutions and organizations to the ongoing process in the country. In Chapter IV, this thesis will evaluate the South African reconciliation process as a case study in order to find its applicability to Sri Lankan context. Finally, in the conclusion I describe how the present social, political, and economic condition in the country could result in a long-lasting reconciliation process in order to achieve permanent peace in Sri Lanka. Additionally, this study will provide recommendations for a viable reconciliation framework, while scholars will have a complementary means of identifying further areas for research that will be of practical use to all actors to the conflict.

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II. CAUSES AND CONSEQUENCES

The possible causes of the Sri Lankan conflict cover a range of socio-political issues occurring since the Sinhalese and the native Tamils both settled on the island in the 4th century BCE. To be sure, early conflicts were fought between the Sinhalese and the Choler, Kerala, and Pandyan invaders (predominantly Tamils) from the Indian sub-continent in the 6th to 10th centuries BCE, but the fault lines between the two communities in the modern Sri Lankan conflict appeared during the British colonial period from 1815 to 1948 as an outgrowth of British ethnic politics.

Although the Sri Lankan conflict originally emerged amid ethnic minority grievances, the conflict has moved “beyond a majority-minority dispute.”⁵⁷ As a result, some scholars define the Sinhala-Tamil conflict as a “state formation conflict,”⁵⁸ which involves two communities pursuing two (divergent) state-building projects. The evaluation report of the Norwegian peace effort agrees and identifies the Sri Lankan conflict as

being rooted in processes of incomplete state formation, which led to competing ethno-nationalist projects. Conflicts over territory are particularly resistant to negotiated settlements. Several features of Sri Lankan politics made the challenge even harder, including dynastic and inter-party rivalries, patronage politics and nationalist mobilization which resisted state reform and foreign interference.⁵⁹

In this context, any meaningful solutions to the Sri Lankan conflict could mean a compromise between the competing nationalist aspirations of the Sinhalese and the Tamils.

Most scholars argue that the existence of the “nationalism of the majority and the countervailing nationalism of the minority” during the post-colonial period is one of the

⁵⁷ Jonathan Goodhand, Jonathan Spencer, and Benedict Korf, ed. *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?* (New York: Routledge, 2011), 17.

⁵⁸ Ibid.

⁵⁹ Gunnar Sørbo et al., *Pawns of Peace—Evaluation of Norwegian Peace Efforts in Sri Lanka, 1997–2009* (Oslo, Norway: Norad, 2011), xvi.

factors that antagonized the Sinhala and the Tamil communities. Paradoxically, throughout the conflict either “Sinhala or Tamil chauvinism or the ultra-nationalism” of both communities fueled the escalation of the violence in the country.⁶⁰ Basically, Sri Lankan politicians in both communities were “increasingly tempted to manipulate the ethnic issue,” even at the risk of endangering political stability, national unity, and integration in the country, as long as it contributed to the political advantage of their party or faction.⁶¹ Consequently, both communities became polarized and nurtured their mutual distrust, culminating ultimately in the decades-long armed struggle, to which both sides still attribute different causes.

This chapter argues that socio-political miscalculations in the post-independence period, fueled by the systematic manipulation of communal differences and tensions by British colonial rule, generated the Tamil and Sinhalese ethnic conflict in Sri Lanka. Against this backdrop, Chapter II examines the root causes of the Sri Lankan conflict by studying the socio-political aspects from pre-independence and post-independence.

A. ETHNIC COMPOSITION

The current demography of Sri Lanka is key to any understanding of the ethnic tensions. Ashoka Bandarage, a professor at Georgetown University, explains, “Assimilation of the many pre-historic tribal and linguistic groups with colonists mostly from South as well as North India produced the island’s [Sri Lanka’s] present day population.” Out of the total population, the majority (74.9 percent)⁶² are the Sinhalese, who are predominantly Buddhists and speak Sinhala; a Buddhist inherited an Indo-Aryan language known as *Pali*. The largest minority group is the Sri Lankan Tamils (11.2 percent), who speak Tamil, the language that is widely spoken in the Southern Indian

⁶⁰ Dayan Jayatilleka, *Long War, Cold Peace, Conflict and Crisis in Sri Lanka* (Colombo, Sri Lanka: Vijitha Yapa, 2013), 5.

⁶¹ *Ibid.*, 6–8.

⁶² “National Census Report 2012,” *National Census Department of Sri Lanka*, 127, accessed, September 28, 2016, <http://www.statistics.gov.lk/PopHouSat/CPH2011/Pages/Activities/Reports/FinalReport/FinalReport.pdf>.

state of Tamil Nadu.⁶³ In addition, there are Up-country Tamils (4.1 percent), “who are South Indian laborers brought by the British from 1825 onwards to work on coffee, and later, tea plantations in the island.”⁶⁴ Moors or Muslims are the next minority group (9.3 percent), who also speak Tamil as a main language.

Unlike the Tamils who have a broad base of settlement in India, the Sinhala ethnolinguistic group that evolved in Sri Lanka has no settlement lineage in any other country in the world. According to the current disposition, Sri Lankan Tamils largely settled in the northern and eastern part of the country, although they maintain a significant number of population throughout the island. Statistics reveal that in 2012, 27 percent of Tamils lived outside the north and the east, while only 2.6 percent of the Sinhalese lived among the Tamils in the same provinces. The ethnically diverse eastern province has its unique distribution of three communities in sizable numbers: Sri Lankan Tamils (39.29 percent), Muslims (36.69 percent), and Sinhalese (23.15 percent).⁶⁵ Up-country Tamils are living in parts of the central highlands of the island. Sinhalese live in all parts of the country, but few reside in the Northern Province. The majorities of Muslims live in the Eastern Province, but generally maintains their presence around the country. Amid these religious differences, the Sinhalese, Tamils, and Muslims worship the *Sri Pada* (Adam’s peak) and *Katharagama* temple in equal faiths.

B. COLONIAL RULE AND ITS EFFECT ON POST-INDEPENDENCE SRI LANKA

The origin of the Sinhalese and the Tamil conflict dates back to the British colonial period from 1815 to 1948.⁶⁶ The British colonizers successfully disrupted the

⁶³ Ashoka Bandarage, *The Separatist Conflict in Sri Lanka: Terrorism, Ethnicity, Political Economy* (Bloomington, IN: iUniverse, 2009), 30–31.

⁶⁴ Ibid.

⁶⁵ National Census Department, 132.

⁶⁶ “Sri Lanka experienced two successive periods of European colonial rule prior to British: Portuguese between 1505 and 1658; Dutch between 1658 and 1796. Under both the Portuguese and Dutch, the degree of effective control over parts of the country was limited. Sinhalese maintained their independent over highland Kingdom of Kandy while the Tamils were confined to Jaffna in the north of the island.” Abdul Hasnat, *Ethnic Conflict in Sri Lanka: A Post War Review* (Saarbrucken, Germany: LAP LAMBERT, 2012), 14.

long-standing unity between the indigenous Tamils and the Sinhalese by promoting “inherent separation” between these groups in order to exercise the “divide and rule” imperial strategy.⁶⁷ The British created new territories on the island without giving much attention to the demography.⁶⁸ Consequently, the British divided the country into five administrative provinces: North, South, East, West, and Central. In so doing, they abolished and disintegrated the Sinhalese-ruled Kandyan kingdom and some segments attached to the artificially created new provinces. As a result, both communities became concentrated in different parts of the island and were compelled to leave inherited lands for these new settlements.

Additionally, the British government granted better education facilities, greater political inclusion, and better employment opportunities to Tamils over the majority Sinhalese during the latter part of the 19th century, and this disparity created a backlash among the Sinhala Buddhists.⁶⁹ As a result, Buddhist nationalists mobilized the Sinhala masses under the *Sinhala Mahajana Sabai* (People’s Committee), whereas the Tamil nationalists in 1921 established a separate *Tamil Mahajana Sabai* that ultimately served to deepen the ethnic rivalry between both communities.

In 1919, the British allowed the formation of the Ceylon National Congress (CNC) in order to ease the communal tensions in the country. The main objective of the organization was “to agitate for constitutional reforms while working on ‘the twin principles’ of communal harmony and national unity.”⁷⁰ A Tamil, Sir Ponnambalam Arunachalam, was the CNC’s first president, and his leadership was widely

⁶⁷ Iromi Dharmawardane, “Sri Lanka’s Post-Conflict Strategy: restorative Justice for Rebels and Rebuilding of Conflict-affected Communities,” *Terrorism Research Initiative*, 7, no. 6 (2013), 4, <http://www.terrorismanalysts.com/pt/index.php/pot/article/view/310/html>.

⁶⁸ Bandarage *The Separatist Conflict*, 18.

⁶⁹ Dharmawardana, “Sri Lankan Post-Conflict Strategy,” 3. “In 1925 Sinhalese constituted 42.5 percent of the government medical service and 43.6 percent of the civil service, whereas, the Sri Lankan Tamils made up 30.8 percent of the medical services and 20.5 percent of the civil service although their respective proportions in the island’s population were 67 percent and 11 percent.” Additionally, “Sinhalese were given only one slot out of total of six of nongovernmental members in the legislative council created in 1832 to function in an advisory capacity which only favoring Christian Sinhalese over a Buddhist,” *Ibid.*, 31–32.

⁷⁰ *Ibid.*, 34.

acknowledged by both the Sinhalese and Muslim elites. Unfortunately, the CNC split over the question of the allocation of seats in the legislative council, due to the introduction of territorial-based representation by the British, which Tamils claimed favored the Sinhala majority. This shift marked the beginning of the “ethnic problem” in the country.⁷¹

The introduction of the parliamentary democracy in the country significantly altered the power structure between two communities; the Buddhist majority, who had been marginalized over 400 years of colonial rule, won the majority of seats in the 1931 elections.⁷² Amid new political reforms, Tamil political leaders insisted on a parity of representation among the Sinhalese by claiming 50–50 proportionality at the Soulbury commission in 1944, which was later rejected as preposterous. Paradoxically, by the end of the British colonial legacy, the Sri Lankan community was deeply divided along ethnic lines, and mistrust and insecurity gripped the Sinhalese and the Tamils; yet both groups embraced independence on February 4, 1948.

C. FROM FEDERALISM TO SEPARATISM: EVOLUTION OF TAMIL SEPARATISM AFTER INDEPENDENCE

After independence in 1948, Sri Lanka demonstrated promising signs for a democratic nation—perhaps even a “model of a democracy.”⁷³ The early introduction of the universal franchise (a first in Asia), free press, a “rainbow” coalition government (Ceylon National Congress [CNC]),⁷⁴ and a strong social service system are a few of the many positive democratic indicators in the post-independence nation. Unfortunately, in Sri Lanka (then still called Ceylon), this great promise did not result in an overarching unity among the Sinhalese and the Tamils in the new democracy. The 1948 government under D.S. Senanayaka failed to incorporate the “minority protection rights” in the independence charter, and disenfranchised the Indian Tamils from being Sri Lankan

⁷¹ Bandarage *The Separatist Conflict*.

⁷² “1931 council elected 38 Sinhalese, 5 Tamils, 2 Europeans and 1 Muslim, by religion 27 Buddhists, 15 Christians, 3 Hindus and 1 Muslim,” Ibid., 34.

⁷³ Jayathilaka, *Long War Cold Peace*, 24.

⁷⁴ “CNC was formed in 1919 uniting all communities on a common national platform,” Ibid., 24.

citizens. Both these actions intensified the Tamils' struggle against Sinhala domination. A year after independence, S.J.V. Chelvanayagam, a Tamil nationalist leader, formed a Sri Lanka Tamil State party (*Illankai Thamil Arasu Kadchi* [ITAK]) on a separatist note: a regional autonomy for the Tamils was the first shot to fire on Tamil separatism in Sri Lanka.

Chelvanayagam's Federal Party, or ITAK, promoted the Tamils' separatist cause. Bandarage quotes Chelvanayagam as stating: "Tamils would never be safe from the threat of domination and assimilation by the Sinhalese majority while the two communities existed together in a unitary state subject to control by the majority"; thus, he proposed separation to safeguard the Tamil's culture and nationality.⁷⁵ Wilson Jeyarathnem, a Tamil scholar, acknowledges Chelvanayagam's sentiment in his famous book *Sri Lankan Tamil Nationalism*, where he argues "whether a single state can accommodate two mutually hostile nationalism." His answer is "No," much like that of the Tamil political leadership.⁷⁶

In addition to the Tamils' argument on minority status against the Sinhalese domination, "many Sinhalese see themselves as a besieged regional minority" in the shadow of the 70 million Tamils in the southern Indian state of Tamil Nadu.⁷⁷ Thus, the "double-minority status" increased the insecurity status between both communities, which later compelled Tamil political parties to seek partnerships within and beyond the nation. ITAK's agenda was not confined to Tamils; its original version of a "Tamil state" morphed into the "Tamil-speaking state" in the 1951 resolution in order to incorporate Muslims in the separatist struggle—which Muslim leadership had never acknowledged.⁷⁸

Similarly, Chelvanayagam built a close relationship with South Indian political leadership, agitating for a Tamil independence in India during the same period. Meanwhile, the Westminster-model parliamentary system (the plurality system or first-

⁷⁵ Bandarage, *The Separatist Conflict*, 39.

⁷⁶ Jayarathnam A. Wilson, "Sri Lankan Tamil Nationalism" (Vancouver, BC:UBC, 2000),116-118.

⁷⁷ Robert I. Rotberg ed., *Creating Peace in Sri Lanka* (Washington, DC: Brookings Institution, 1999), 4.

⁷⁸ *Ibid.*, 41.

past-the-post voting) in the country facilitated the majority Sinhalese political parties to come to power without a minority coalition; thus, ethnic politics emerged at the forefront.

D. EMERGENCE OF ETHNIC POLITICS

Once the Tamil and the Sinhalese began to contest each other, both political leaderships favored ethnic mobilization to elevate into power. As a result, S.W.R.D. Bandaranayake defected from the ruling United National Party (UNP) and formed the Sri Lanka Freedom Party (SLFP) in 1951, pledging “to change the colonial social order and bring social justice, dignity, and self-respect for the Sinhala Buddhist masses.”⁷⁹ With his extravagant nationalist agenda and the overwhelming support of Buddhist monks, indigenous Ayurveda doctors, Sinhala teachers, peasants, and workers, Bandaranayake won the 1956 elections, which Bandarage views as “the rising tide of Sinhala Buddhist nationalism” in the country.⁸⁰ By this point, the main ethnic division in politics was quite visible, and the overarching national identity provided by the CNC split into two trajectories with two separate—and divergent—ideologies, which opened a Pandora’s box of politics in the country for years to come.

E. LANGUAGE CRISIS: EFFECTS OF THE LANGUAGE REFORMS

Honoring his election manifesto, Prime Minister Bandaranayake introduced the “Sinhala only act (Official Language Act, No. 33 of 1956),”⁸¹ declaring “Sinhala as the official language with provisions for the reasonable use of the Tamil language in public administration, education and the courts.”⁸² Tamil political leaders vigorously fought against this move and viewed it as systematic “discrimination” and “subordination” of the Tamil people.⁸³ The measure further fueled separatist sentiments. Many Tamil leaders

⁷⁹ Bandarage, *The Separatist Conflict*, 41–42.

⁸⁰ Ibid., 41.

⁸¹ The Sinhala Only Act, formally the Official Language Act No. 33 of 1956, was an act passed in the Parliament of Ceylon in 1956. The act replaced English as the official language of Ceylon with Sinhalese. Bandarage, *The Separatist Conflict*, 51.

⁸² C. A. Chandraprema, *Gota’s War: The Crushing of Tamil Terrorism in Sri Lanka* (Colombo, Sri Lanka: Ranjan Wijerathna Foundation, 2012), 26.

⁸³ Manogaran Chandradurai, *Ethnic Conflict and reconciliation in Sri Lanka* (Honolulu, Hawaii: University of Hawaii, 1987), 33.

argued that, “it is better to have our own territory, our own culture and self-respect than be a minority on the island living on the good fortune of [the] majority community.”⁸⁴ In contrast, the ruling government argued the linguistic resolution as a “means to improve Sinhala competition and to lessen Tamil (as well as Burgher⁸⁵) entrenchment in the public sector.”⁸⁶

As a result of the growing tensions between the communities, which the language issue exacerbated, in 1958 the second biggest communal violence since independence broke out due to another short-sighted language-based policy (*Sri Policy*) brought out by the ruling government and misinterpreted by Tamil politicians. During this event, state-owned buses running to Jaffna bore the Sinhalese letter “*Sri*” on their number plates, which Tamils perceived as another act of Sinhala hegemony.⁸⁷ Later, the government rejected the Tamils’ allegation and explained the identical meaning of the word “*Sri*” in both languages. Although the successive governments brought more conciliatory proposals (for example, the Tamil Language [special provision] Act No. 28 of 1958 and the Tamil language [special provision] regulations in 1966)⁸⁸ to rectify the linguistic disparity among the groups, the language crisis became embedded in the political grievances of the Tamil politicians.

F. WHO OWNS THE TERRITORY: THE ISSUE OF LAND?

Along with nationalist sentiments and to solve the acute land issues⁸⁹ among the Sinhalese, Senanayaka’s government initiated an ambitious re-settlement plan of Sinhala

⁸⁴ Bandarage, *The Separatist Conflict*, 43.

⁸⁵ “Burgher people, also known simply as Burghers, are a Eurasian ethnic group in Sri Lanka descended from Portuguese, Dutch, British and other Europeans who settled in the island,” Peter Reeves, ed., *The Encyclopedia of the Sri Lankan Diaspora* (Singapore: Editions Didier Millet, 2014), 28.

⁸⁶ “In 1956, the Sinhalese constituted 54.1 percent in medical service, and 57.1 in civil service where the Sri Lankan Tamils made up 38.1 percent in medical and 29.4 percent in civil service although their respective proportions in the Island’s population was 71 percent and 11 percent,” Bandarage, *The Separatist Conflict*, 43.

⁸⁷ *Ibid.*, 43.

⁸⁸ *Ibid.*, 46.

⁸⁹ “Sinhalese landless families had increased from 26 percent of all agricultural families to 53 percent by 1962,” *Ibid.*, 48.

peasants in the north central and eastern provinces (the Dry Zone region) of the country. Government actions had a ripple effect among the Tamil political leadership, who deemed the move a “transfer of political control of the Tamil districts to the Sinhalese,”⁹⁰ predicting an imminent alteration to the Tamil vote base in these regions, as well as a possible Sinhala encroachment on Tamil “home lands.” Against this argument, many historians such as C. W. Nicholas view this state-enforced re-settlement process as a “settlement at ancient Sinhala territorial division known as *Digawapi-Mandala* or *Digawapi-Rata*.”⁹¹ Either way, the government initiated re-settlement project altered the demography of the eastern province.⁹² Between 1946 and 1971, the Sinhala population increased from 5.9 percent to 17.7 percent and the Tamil population declined from 50.3 percent to 46.4 percent in the eastern province. The Muslim population declined from 42.2 percent to 35.1 percent.⁹³

In an attempt to resolve the Tamil upheaval over the government colonization plans, the successive governments of Bandaranayake (SLFP) and Dudley Senanayake (UNP) negotiated two pacts with ITAK leader Chelvanayagam, commonly known as Badaranayake–Chelvanayagam and Senanayake–Chelvanayagam pacts. The former agreed to select “allottees [sic] and employees in land settlement” while giving preference to the Tamils; the latter agreed to consider landless Tamils and Tamil-speaking people for the settlements on priority basis.⁹⁴ However, both pacts faced opposition from the Sinhalese and Muslims due to the alleged concession to the “Tamil homeland” demand, so both pacts were abrogated before they were enacted.

G. EDUCATIONAL REFORMS AND IMPLICATIONS

Having failed to find a reasonable solution to the land issue, Sri Lankan politicians tried to solve the education disparity between the two groups—and the

⁹⁰ Manogaran, *Ethnic Conflict*, 140.

⁹¹ Bandarage, *The Separatist Conflict*, 48.

⁹² *Ibid.*, 50.

⁹³ *Ibid.*, 47.

⁹⁴ *Ibid.*, 49–52.

situation went from bad to worse. In light of well-funded American missionary activities and greater allocation of the colonial state's grant-in-aid benefits, the Tamils in the Northern Province had comparatively better facilities than the Sinhalese students for English language and pre-university education.⁹⁵ Bandarage states, "Given their superior access to English, Tamils were able to claim a disproportionate number of places in those faculties, nearly 50 percent in medicine and Engineering in 1969–1970."⁹⁶ In contrast, Tamil scholars argue that due to ecological constraints, Tamil students were relying on education, not agriculture, for their livelihood, under the motto, "education [is] land."⁹⁷ Certainly, the colonial-period conventions of the education system favored a higher proportion of Tamils to enter universities in science and math faculties.

Amid the emerging pressure against Tamil favoritism, the socialist government introduced language-based affirmative action, known as "standardization," which promised to admit "a politically acceptable ratio of Tamil to Sinhalese students in the engineering, medicine, and other science faculties of the University of Ceylon (now Sri Lanka) in 1970."⁹⁸ The new policy abolished the merit system and introduced a proportionate system based on the language. As a result, Tamil students had to score more marks in similar subjects than their Sinhalese counterparts during university entrance exams.⁹⁹ Thus, Tamil nationalists argued "for the first time, the integrity of university admissions policy was tampered with by using ethnicity as a basis."¹⁰⁰

With the introduction of the district quota system in 1972,¹⁰¹ for the benefit of the underprivileged students within each language, Tamil political leaders intensified their campaign against marginalization and placed "separatism" at the forefront of their political agendas. Further, this perceived discrimination was a major factor for Tamil

⁹⁵ Bandarage, *The Separatist Conflict*, 31.

⁹⁶ Chandraprema, *Gota's War*, 54.

⁹⁷ Manogaran, *Ethnic Conflict*, 116–118.

⁹⁸ Bandarage, *The Separatist Conflict*, 54.

⁹⁹ *Ibid.*, 156.

¹⁰⁰ "Root Causes of the Ethnic Conflict in Sri Lanka," *Tamil Guardian*, October 26, 2016.

¹⁰¹ Government introduced another educational reform in 1979 and in 2001 to eradicate the discrimination of university entrance for minority and the under-privileged students.

youths to become alienated and radicalized against the Sinhala people.¹⁰² However, in the process, the district quota system opened more opportunities for the students of low caste/class and the Muslim students of the backward regions to get into the university (low-caste Tamils and lower-class Sinhalese students' university admission increased by 39 percent).¹⁰³

H. FORTUNES AND MISFORTUNES IN STATE EMPLOYMENT FOR TAMILS

The government's effort to create parity in education affected Tamil employment at the public sector. The decreased access to the university in the 1970s was "compounded by Tamils' loss of privileged access to state employment since the introduction of the Sinhala language policy in 1956."¹⁰⁴ In contrast, Sinhalese political leaders argue that these educational reforms were necessary to rectify the imbalance in ethnic representation at the public sector. Besides, Manogaran explains that the high unemployment in the 1970s was not limited to Tamil youths, but included the 96.3 percent of youth in both communities.¹⁰⁵ As a result, educated youths had no meaningful employment. The result was the first radical Sinhala youth uprising: *Janatha Vimukthi Peramuna*- JVP (people's liberation front) against the government in 1971. The government brutally suppressed the movement, but the Sinhala uprising gave much needed impetus to the Tamil youth militant organization in the years to come.¹⁰⁶

In order to eliminate the growing unemployment among the Tamils, the government established new industries in predominantly Tamil areas. The cement factory at Kankasanthurai, the paper mill factory at Valachchanai, the salt factory at Elephant pass, the mineral factory at Pulmodai, the flour factory at Trincomalee, and the chemical factory at Paranthan provided employment for the Tamil youths in those areas (LTTE destroyed all these factories except the flour factory at Trincomalee). However, a severe

¹⁰² Bandarage, *The Separatist Conflict*, 61.

¹⁰³ Dharmawardana, "Sri Lanka's Post Conflict Strategy," 4.

¹⁰⁴ Ibid., 62.

¹⁰⁵ Manogaran, *Ethnic Conflict*, 143.

¹⁰⁶ Bandarage, *The Separatist Conflict*, 66.

economic crisis and a shortage of basic consumer goods frustrated the rural Sinhala youth of the south and the Tamil youth in the North, who advocated for greater political inclusion, education, and employment.

I. NON-VIOLENCE TO VIOLENCE: EMERGENCE OF THE ARMED CONFLICT

The Tamil youth's growing frustration was visible through their sporadic violent acts during this period; thus, these armed groups merged with Tamil nationalist political factions to pursue a two-pronged strategy: non-violence and violence; ultimately, the violent secessionist struggle was born. Due to the continuous failure to gain any substantial results on the political front, the non-violent approach to separatism by the Tamil politicians lost its popularity among the Tamil community.¹⁰⁷ Additionally, repeated failures of the ITAK in the general elections of this period created a power vacuum in the legislature to pursue the Tamil separatist cause among the Sinhala polity; thus, "Tamil civilian political parties became irrelevant, giving way to the militants."¹⁰⁸ The birth of the Tamil militancy had a profound effect on the series of socioeconomic and political reforms of the successive governments of this period.

1. 1972 Constitution

The 1972 constitution further intensified the Tamil separatist demand because of premier status given to the Buddhists. The constitution ensured the fundamental rights of all citizens before the law, yet preserved the minority-rights clause of the Soulbury constitution.¹⁰⁹ Tamil politicians viewed the new constitution as a "deliberate attempt to reduce Tamil culture and language to subordinate status."¹¹⁰ Tamil political leaders boycotted the new constitution, but it was adopted on May 1972.¹¹¹

¹⁰⁷ Bandarage, *The Separatist Conflict*.

¹⁰⁸ Wilson *Tamil Nationalism*, 115; Bandarage, *The Separatist Conflict*, 66–67.

¹⁰⁹ "The 1972 constitution states, the republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be duty of the state to protect and foster Buddhism, while assuring every citizen shall have the right to freedom of thoughts," Bandarage, *The Separatist Conflict*, 64.

¹¹⁰ *Ibid.*, 64.

¹¹¹ *Ibid.*, 65.

Meanwhile, due to the perception of increasing marginalization under the Sinhala leadership, Tamil political parties formed the Tamil Union Front (TUF, later designated as Tamil Union Liberation Front [TULF]) by amalgamating three leading Tamil political outfits: ITAK, the Tamil Congress, and the Ceylon Worker's congress of Indian Tamil plantations. Subsequently, the TUF provided covert support to the rising Tamil militant youths to instigate violence in the northern city of Jaffna. The origin of the contemporary armed struggle is attributed to student activism, specifically the Tamil Students League (TSL), which began in 1970. It later became the Tamil New Tigers (TNT) and subsequently the military wing of the organization became the LTTE in May of 1976, under the leadership of Velupillai Prabhakaran. Apart from the political deprivation, the "rigid caste system and Vellala [Tamil elites] domination of the Tamil community"¹¹² was another reason for the rise of youth violence in the north. This hatred of the LTTE against the Tamil elites was further evident by counting the number of Vellala Tamils killed by the LTTE throughout the active phase of the conflict. As Bandarage explains, "As economic crisis worsen, ethnic cleavages sharpen, escalating into civil wars and separatist struggles." These armed gangs assassinated a number of Tamil political leaders and civil servants and attacked government institutions, actions that the TUF propagated as "holy war (*Punitha Yutham*)" against the Sinhala state.¹¹³

Political violence reached its climax after the 1977 parliamentary elections when the Tamil militant groups carried out a number of subversive activities against the government—and the state responded with equal force.¹¹⁴ Post-election violence spread throughout the country, resulting in a number of killings, displacements, and deepening the polarization of the Sinhalese and the Tamils, thereby compelling the newly elected government to find ways to mitigate the conflict.¹¹⁵

¹¹² Bandarage, *The Separatist Conflict*, 66.

¹¹³ *Ibid.*, 65–67.

¹¹⁴ *Ibid.*, 66–68.

¹¹⁵ "According to the official estimates, 125 individuals: 97 Tamils, 24 Sinhalese, one Muslim and three unidentified had been killed in the riots. Estimated displaced have varied between 25,000 to 50, 000," *Ibid.*, 76.

2. 1978 Constitution

The UNP government introduced the 1978 constitution with a number of concessions to the minority in the country. Tamil became a national language. With the introduction of a proportionate voting system, the constitution replaced majoritarianism and allowed greater political participation for minority political parties. Additionally, while making Buddhism the foremost religion, the constitution granted freedom of religion and the choice of religion for other minority groups in the country. The most significant factor of the new system was that the two main political parties, SLFP and UNP, had to rely on minority parties to form a government and establish the majority at the parliament.¹¹⁶

Additionally, the new constitution removed language-based ethnic quotas or media (science, engineering, etc.) Standardization in the university entrance system provided more opportunity for rural Tamil and Sinhala students to enter higher education in the country. Many argue that the Tamils' entrance to state universities has dropped since 1978, but annual statistics reveal that they maintained a higher percentage of university admissions in proportion to the Island's Tamil population.¹¹⁷ "In the engineering and the medicine faculties they [Tamils] held at least 35 percent of the positions more than a decade following 1978, and around 25 percent for all the science faculties."¹¹⁸

By and large, the Tamils' major grievances of language parity, fundamental rights, educational rights, and political opportunity had been acknowledged and addressed in the 1978 constitution, yet neither TUF nor the Tamil militants embraced this opportunity for a meaningful reconciliation among the Sinhalese and the Tamils.

3. Economic Liberalization

The sudden shift of the existing state-centered welfare economy to market-oriented liberal economic policies had some profound effects for the Sinhala and Tamil

¹¹⁶ Bandarage, *The Separatist Conflict*, 69.

¹¹⁷ Ibid.

¹¹⁸ Ibid., 91.

crisis. Along with economic liberalization, Sri Lanka opened the floodgates for international aid and donor projects. One such program was the Accelerated Mahaweli Development Program (AMDP), a \$1.5 billion World Bank-funded event primarily designed to build 15 hydroelectricity plants and cultivate 360,000 hectares of barren lands in the Dry Zone by re-settling 750,000 landless, which commenced its work in 1978. However, many scholars identify the AMDP as a “source of contention among the ethnic communities of the country over land and population distribution. The majority of the intended settlements became Sinhalese dominated, furthering the Tamil’s claim on “Sinhalaization in traditional Tamil’s homeland.”¹¹⁹ Scholars argue that the new economic reforms not only “produced new inequalities, pauperized the lower-middle class and led to ethnic scapegoating,” but also “expanded the opportunities for ethnically based rent seeking and cronyism.”¹²⁰ In general, economic liberalization produced more grievances between the two communities than opportunities.

J. EMERGENCE OF THE CIVIL WAR

The abolition of the Westminster-based parliamentary system and the introduction of the executive presidency led the state into more authoritarianism and a high state of patrimonialism, which further inflamed the Sinhalese–Tamil conflict and the separatist violence turned into a civil war.¹²¹ In the aftermath of the LTTE killing 13 government soldiers on July 24, 1983, the Sri Lankan South went on a rampage against Tamils and created a black mark in the history of the conflict. Black July is considered one of the most significant events in the Sri Lankan conflict, as the ethnic conflict spiraled into a civil war. Statistics reveal that, “estimates of Tamils killed during the Black July is about 200, some 100,000 were forced to enter refugee camps, and about 30,000 Tamils lost their means of income, as a revenge LTTE killed more than 100,000 Sinhalese since 1983 in the month of July.”¹²² Still, many scholars believe that the “Black July then, was not a

¹¹⁹ Bandarage, *The Separatist Conflict*, 82–84.

¹²⁰ Gunnar et al., *Pawns of Peace*, 21–22.

¹²¹ *Ibid.*, 92–93.

¹²² *Ibid.*, 46.

sudden and spontaneous riot or outbreak of passion, not an inevitable eruption of primordial resentment and hatred between two ethnic groups.”¹²³ It was politically instigated action by both the Tamil and Sinhalese political leadership at that time.

One feature of the aftermath of Black July was the mass-scale migration of the Tamil to different parts of the world as refugees and asylum seekers. It is estimated that “over 100,000 Tamil refugees [went] to India, and another 200,000-300,000 [migrated] to Western countries.”¹²⁴ Later, these groups formed an effective Tamil diaspora, which became one of the active stakeholders in the conflict. Many scholars classify that, “this widespread Tamil diaspora began voluntarily, and then under coercion, to fund the separatist activities of the LTTE movement. These activities were illegal, conducted secretly and were often carried out under the guise of humanitarian aid.”¹²⁵ By 1998, the Tamil diaspora contributed “24–26 million USD to the LTTE, and this figure increased yearly. In the latter stages of the conflict, the contribution reached 200–300 million USD annually.”¹²⁶ At the end of the 1983 riots, both communities suffered frequent and severe atrocities at the hands of LTTE and Sinhalese thugs.¹²⁷

The Tamil Tigers intensified their brutal actions against the moderate Tamil politicians in 1978. Prabhakaran considers that “Tamils and Sinhalese were historical enemies and a Tamil person had no rights to be on the side of Sinhalese establishment. This was not what the majority of the Tamil people thought, but remained Prabhakaran’s central theme all through the years he lived.”¹²⁸ This systematic elimination of

¹²³ Gunnar et al., *Pawns of Peace*, 106.

¹²⁴ S.W. R. de Samarasinghe, “Sri Lanka: The Challenge of Postwar Peace Building, State Building, and Nation Building,” *National and Ethnic Politics*, 2009, 5, accessed October 12, 2016, <http://www.tandfonline.com/doi/abs/10.1080/13537110903393462>.

¹²⁵ Ibid.

¹²⁶ Nadeeka Arabewela and Rodeny Arbewela, “Post-war Opportunities for Peace in Sri Lanka: An Ongoing Challenge?” *Taylor Francis Online*, 2010, accessed October 12, 2016, <http://www.tandfonline.com/doi/full/10.1080/14781158.2010.510272?src=recsys>; Perera, U.L.J. Sylvester, “The Influence of Tamil Diaspora on Stability in Sri Lanka,” Naval Postgraduate School, 2016, accessed October 12, 2016, http://calhoun.nps.edu/bitstream/handle/10945/49365/16Jun_Perera_Sylvester.pdf?sequence=1&isAllowed=y.

¹²⁷ Ibid., 106–107.

¹²⁸ Narayan Swamy, *Tiger Vanquished: LTTE Story* (Los Angeles: Sage Publications, 2010), IVI.

competing Tamil militant group leadership (TELO, PLOTE, EROS, and EPRLF) and Tamil political heads later turned against the Sinhalese and the Muslims in Tamil-dominated areas and the periphery. The sharp increase in violence forced the government to introduce the Prevention of Terrorism Act (PTA)¹²⁹ in 1979, which later became a permanent law in 1982.

By the 1980s, the LTTE's political violence expanded into terrorist actions; thus, the Tamil Tigers carried out a number of "indiscriminate bomb attacks in the Sinhalese-dominated south, particularly in Colombo (LTTE pioneered suicide bombing as a tactic in war)."¹³⁰ Behind this backdrop, Indian government deployed its peace-enforcing troops in Sri Lanka under the Indo-Lanka pact. After suffering a humiliating defeat at the hands of the LTTE, Indian forces left the country by giving international recognition to the LTTE. In 1990, the country observed some of the worst actions of the LTTE, mainly killing and forced expulsion of Muslims and the Sinhalese from the North to create a "mono-ethnic land."¹³¹ Many scholars view this action as the TULF's strategy to pursue their prime intention of "a greater independence."¹³² The famous Tamil scholar Manogaran writes that the "TULF manifesto also stated that Eelam (Tamil Kingdom) would be ultimately established either by peaceful means or direct action or struggle."¹³³ Against this backdrop, many scholars such as Jayathilaka argue that the Tamils had been cleverly used by the LTTE and TULF in their politico-military campaign to win separatism.¹³⁴ During its killing spree in 1990, the LTTE attacked Muslims in the North and East by killing more than 1,000 and forcefully evicting some 75,000 from Northern districts within a period of 48 hours,¹³⁵ with most of these victims living in the refugee

¹²⁹ "The prevention of acts of terrorism in Sri Lanka, the prevention of unlawful activities of any individual, group of individuals, association, organization or body of persons within Sri Lanka or outside Sri Lanka and for matters connected therewith or incidental thereto." See PTA no. 48 of 1979.

¹³⁰ "Tamil Tigers: Suicide Bombing Innovators," KAZU, 2009, accessed October 12, 2016, <http://www.npr.org/templates/story/story.php?storyId=104391493>.

¹³¹ Bandarage, *The Separatist Conflict*, 153.

¹³² Ibid., 115.

¹³³ Manogaran, *Ethnic Conflict*, 156.

¹³⁴ Jayathilaka, *Long War*, 23–41.

¹³⁵ International Crisis Group, 9.

camps of Puttalam district to date. Muslims in the country perceived this event as “ethnic cleansing” by the LTTE.¹³⁶ These attacks followed the LTTE killing some 600 surrendered Sinhalese and Muslim policemen in the East in a Nazi-style execution.¹³⁷

While building up his forces into a semi-conventional status (as the only terrorist organization in the world, the LTTE have maintained a de facto air and a naval force in addition to a formidable ground force),¹³⁸ Prabhakaran intensified terrorist attacks throughout Sri Lanka. During the period of 1989–1994, he carried out a “quadruple whammy” by assassinating top Tamil moderates (TULF leader) A. Amirthalingam (1989); former Indian Prime minister Rajiv Gandhi (1991) and Sri Lankan President Ranasinghe Premadasa (1993); and LTTE’s second-in-command, Mahattaya (1994). Prabhakaran became the only terrorist leader to murder two heads of state in democratic nations (and he narrowly missed Sri Lankan President Chandrika Bandaranayake in 1999).

Apart from political assassinations, the LTTE carried out suicide and bomb attacks on innocent civilians, forced child recruitment, and traded in extortion, money laundering, piracy, human smuggling, arms dealing, and training to foreign terrorist groups; thus, it became the world’s most ruthless terrorist outfit.¹³⁹ The LTTE’s powerful international network maintained direct links with leading terrorist organizations, such as Hamas and Al-Qaida, while maintaining equal ties with organized crime groups in Asia and Europe.¹⁴⁰ Jonathan Goodhand summarizes the LTTE as, “a highly centralized and militaristic organization, with only a weak political wing and galvanized by a nationalistic diaspora, it showed little openness to compromise or internal democratization,”¹⁴¹ which further explains the rigid nature of the organization in any means of negotiations.

¹³⁶ Bandarage, *The Separatist Conflict*, 153.

¹³⁷ International Crisis Group, 9.

¹³⁸ Swami, *Tiger Vanquished*, xxvi.

¹³⁹ Swami, *Tiger Vanquished*, xxv.

¹⁴⁰ Ibid., xxxi.

¹⁴¹ Gunnar et al., *Pawns of Peace*, 27.

Following the September 11, 2001 terror attacks in the United States, Sri Lanka joined the bandwagon of the West for the “War on Terror,” and bolstered its anti-terrorist strategy. Additionally, military actions against the LTTE were further facilitated when the LTTE was designated as a terrorist outfit by many countries around the world, including the United States, the U.K., Canada, Australia, the E.U., and India. As a result, the Sri Lankan conflict changed its dimensions from an ethnic conflict to a terrorist issue.

Amid mediation, peace dialogues, periodical cease-fire agreements, and more interestingly, even under a cease-fire monitoring mission (Sri Lanka Monitoring Mission[SLMM]), the Sri Lankan conflict intensified at unprecedented levels. Prabhakaran’s deliberate violation of cease-fire agreements after every peace initiative and his dubious commitment to a permanent solution to the conflict irked the mediators and the Sri Lankan government. Finally, the government of Sri Lanka sought a military solution and executed it by skillfully managing international pressure. Government forces militarily defeated the LTTE on May 18, 2009, but Sri Lanka still had not achieved a meaningful reconciliation between the Sinhalese and the Tamils.

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III. DIFFERENT APPROACHES TO RECONCILIATION THROUGH THE CONFLICT RESOLUTION: SRI LANKAN EXPERIENCE

Since the beginning of the civil war in 1983, Sri Lanka experienced a number of reconciliation efforts through conflict resolution attempts, albeit with no conclusive results. Many observers argue that in the Sri Lankan context, conflict resolution was used to build reconciliation among the Tamils and the Sinhalese, since “reconciliation is a consequence of successful conflict resolution.”¹⁴² Most peace activists argue that both sides only feigned interest in most of the negotiation process.¹⁴³ Similarly, the “top-down” approach of these resolution efforts sought—and thus received—little or no input from grassroots-level stakeholders in the conflict.¹⁴⁴

Scholars mainly divide these efforts into four distinct time periods: Eelam wars I (1983–1987), II (1990–1994), III (1995–2002), and IV (2006–2009). Throughout this timeline, violence took precedence over peace.¹⁴⁵ Even when conflict resolution was the order of the day, the process was marred by some serious flaws, including, perhaps most notably, the absence of a Tamil political party in the composition. In other words, a legitimate government and a terrorist group tried to build a peace process that did not include the rest of the parties to the multi-polar conflict. Sri Lankan Tamils, mostly Muslim, could choose either to let the LTTE represent them or go without representation in these processes. The LTTE systematically undertook to become the sole representatives of the Tamils, eclipsing any moderate or conciliatory Tamil opinion.¹⁴⁶ Studies reveal a few important reasons for the nonexistence of moderate Tamil political representation: the LTTE’s systematic elimination of rival and moderate Tamil groups to

¹⁴² Gunnar et al., *Pawns of Peace*, 25–26; Kelman Herbert C., “Conflict Resolution and Reconciliation: A Social Psychological Perspective on Ending Violent Conflict between Identity Groups,” *Landscape of Violence*, 2010, 3 <http://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1001&context=lov>.

¹⁴³ Ibid., xv.

¹⁴⁴ Goodhand, *Conflict and Peacebuilding*, 8.

¹⁴⁵ Gunnar et al., *Pawns of Peace* 18.

¹⁴⁶ Bandarage, *The Separatist Conflict*, 97–98.

maintain its hegemony among Tamils and the government's ban of TULF from political activities in 1983 (through the 6th amendment). These reports go on to explain that the vacuum allowed the LTTE to act as the sole representative of Tamil speaking-people.¹⁴⁷ However, Muslims who consider themselves a "distinct religious and an ethnic group" never acknowledged the LTTE claim.¹⁴⁸

Similarly, Sinhalese politicians at power carried out government and party agendas, while leaving the consent of the nationalist and opposition party's views unaddressed. This non-involvement "generated insecurities amongst the parties who were left out, leading to 'spoiler' behavior."¹⁴⁹ As a result, every resolution effort failed amid competing nationalism, political rivalry among the two main Sinhalese political parties, and the authoritarian character of the LTTE.

In retrospect, these failed conflict resolution attempts "added new layers of complexity to the conflict."¹⁵⁰ Among other things, they hastened the involvement of the international community and other interest groups in the conflict. This chapter will discuss conflict resolution attempts in the active phase of the conflict (1983–2009) and the post-conflict period, emphasizing the reasons for the failure of these efforts and the ultimate effect on the reconciliation process. Additionally, this chapter explores the change of political dynamics in Sri Lanka in 2015 and its effect on the reconciliation efforts in the country.

A. EARLY EFFORTS OF INTERNATIONAL ACTORS AND FAILURES IN THE RECONCILIATION PROCESS (1983–2006)

After failing to achieve a viable homegrown solution to the conflict, Sinhalese and Tamil protagonists sought international assistance for a solution. Additionally, the growing violence in the country grabbed world attention, which was required for an urgent intervention. These early efforts followed the conflict resolution process because

¹⁴⁷ Swamy, *Tiger Vanquished*, xxxv.

¹⁴⁸ Gunnar et al., *Pawns of Peace* 21.

¹⁴⁹ Ibid., 8.

¹⁵⁰ Ibid., 3.

stakeholders presumed that “an agreement emerging from a process of conflict resolution within an interactive problem-solving framework and the new relationship it promotes are conducive to stable peace, mutually enhancing cooperation, and ultimate reconciliation”¹⁵¹ in Sri Lanka. One of the main arguments of the international community was that, “war was ‘unwinnable,’ and that a political settlement involving devolution would lead LTTE to give up terrorism and embrace the path of democracy and rule of law.”¹⁵² The prognostications about the military solution proved to be quite wrong, but nonetheless, the most noteworthy contribution to the reconciliation came through internationally mediated dialogues.

1. Indian Intervention

Even notwithstanding the Tamil refugee influx to the country (approximately 150,000 refugees crossed over to India after the Black July),¹⁵³ India viewed the Sri Lankan conflict from a geo-strategic perspective, given the island’s proximity to the Indian sub-continent and its strategic location in the Indian Ocean.¹⁵⁴ At the time, India guarded its nonaligned status but also inclined somewhat toward the Soviet Union. Therefore, some scholars argue that “Sri Lanka’s new (in late 1970s) pro-west foreign policy stand raised security concerns and created an irritant for Indian policy makers, while the representative measures of the government against Tamil ethno-political struggle offered Indian legitimate entry point into Sri Lankan affairs.”¹⁵⁵

For the Sri Lankan polity, the Indian intervention to the conflict was more a “design approach” that was influenced by the Tamil Nadu politics, mainly to obtain comprehensive political powers to the Tamils in Sri Lanka.¹⁵⁶ There are more than sixty

¹⁵¹ Kelman “Conflict Resolution and Reconciliation,”3.

¹⁵² Gunnar et al., *Pawns of Peace* 4.

¹⁵³ Bandarage, *The Separatist Conflict*, 105.

¹⁵⁴ Sri Lanka and India are geographically separate from Palk strait, which is 30 miles from Mannar Island, off the north-western coast of Sri Lanka to Rameswaram Island, off the Tamil Nadu of India. Additionally, Sri Lanka is strategically located closer to Indian Ocean sea lanes.

¹⁵⁵ Liyanage, Sumanasiri, P. Sahadevan, Anisha Kinra, *Perspectives on India-Sri Lanka Relations* (New Delhi, India: Manak, 2011), 22.

¹⁵⁶ Bandarage, *The Separatist Conflict*,99.

million Tamils living in the southern Indian state of Tamil Nadu who share “a common culture, linguistic and religious ties” with the Tamils in Sri Lanka; the two groups perceive themselves as an integral part of the larger Tamil community.¹⁵⁷ Together, Sri Lankan Tamils perceived India as the dominant party at the mediation due to its ethnic lineage and regional dominance. Therefore, the Indian government “cautioned all foreign powers to ‘keep out of the current turmoil in Sri Lanka.’”¹⁵⁸

On the flip side, Indian involvement in the Sri Lankan conflict was largely due to the desire to safeguard the territorial integrity against “potentially expensive, regionally based Tamil secessionist state [Tamil Nadu] basically to avoid a re-emergence of Tamil secessionist aspirations in the South Indian state.”¹⁵⁹ As far as policy was concerned, the Indian government supported power sharing between the Sinhalese and the Tamils within a unitary state.¹⁶⁰ Thus, the Indian central government initiated a number of conflict-resolution attempts with the GOSL, TULF, and LTTE until the signing of the Indo-Lanka Treaty on July 1987. This accord was mainly designed to establish peace and stability by deploying an Indian peacekeeping force in the country.

a. Annexure C

The first initiative of the Indian government came in December 1983 in the form of an outline for regional devolution of power between the Tamils and the Sinhalese—commonly known as “Annexure C.” These proposals called for greater autonomy for the Tamils through the merger of the Northern and Eastern provinces based on ethnic proportionality, thereby accepting the Tamil’s “homeland” demands.¹⁶¹ The same proposals were discussed at the all-party conference in 1984. The Sri Lankan government

¹⁵⁷ Jonathan Goodhand, Jonathan Spencer and Benedikt Korf, *Conflict and Peacebuilding in Sri Lanka: Caught in the Peace Trap?* (New York: Routledge, 2011), 40.

¹⁵⁸ Bandarage, *The Separatist Conflict*, 111.

¹⁵⁹ Ibid., 112; “From the Indian perspective, it was extremely significant that Tamil Nadu first carried the secession slogan in the 1960s. Although the movement died a natural death, residue of the Tamil independent movement are still present in the state. Indian government fear ... successful liberation movement in Sri Lanka could inspire Tamil Nadu.” Ibid., 41.

¹⁶⁰ Ibid., 112.

¹⁶¹ Bandarage, *The Separatist Conflict*, 98.

opposed a merger of the North and East, while TULF supported the Indian plan. As a result, proposals failed.

Meanwhile, due to the ongoing diplomatic tussle between Colombo and New Delhi over Sri Lanka's increased military allegiance to the West, Indira Gandhi's government made a policy decision to support the LTTE and armed and trained the group using state intelligence teams (Research and Analysis Wing [RAW]).¹⁶² Bandarage identifies two reasons for Gandhi's action: regional security due to Pakistan's growing relationship with Colombo and Tamil Nadu political pressure.¹⁶³ Overall, the Indian effort failed to realize any gains in reconciliation. Rather, it came to be perceived as a political bargain between the government and Tamil representatives.

b. Thimphu Talks

The second Indian reconciliation effort was made by Premier Rajiv Gandhi in June 1985. After a three-month ceasefire between the LTTE and GOSL, both parties, along with other militant groups (PLOTE, TELO, EPRLF, AND, EROS, and moderate TULF), met at the capital of Bhutan, Thimphu.

In light of Premier Gandhi's position on a unitary Sri Lankan state,¹⁶⁴ during the meeting the Tamil representative demanded four non-negotiable principles (Thimphu Principles) from the Sri Lankan government: "1) recognition of the Tamils of Sri Lanka as distinct 'Nation'; 2) recognition of an identified Tamil 'homeland' and guarantee of its territorial integrity; 3) recognition of the inalienable right of self-determination of the Tamil nation; 4) recognition of the right of full citizenship and fundamental rights of all Tamils who look upon Sri Lanka as their country."¹⁶⁵ For its part, the Sri Lankan government refused to accept the first three demands, which struck the GOSL as

¹⁶² Swamy, *Tiger Vanquish*; Bandarage, *The Separatist Conflict*, 113.

¹⁶³ Bandarage, *The Separatist Conflict*, 100.

¹⁶⁴ "In July 1985, the Indian Prime minister Rajiv Gandhi, said in a public statement that the Ceylon [Sri Lankan] Tamils should not expect a separate state or a federal state but similar to what India has." Wilson, A. Jayarathnam, *The Break-up of Sri Lanka: The Sinhalese-Tamil Conflict* (Honolulu, Hawaii: University of Hawaii, 1988), 183.

¹⁶⁵ Bandarage, *The Separatist Conflict*, 125.

tantamount to a “surrender by the government at the negotiating table everything they [Tamil secessionists] hoped to achieve by their Civil war.”¹⁶⁶

The second round of Thimphu talks abruptly came to a halt due to the sudden exit of the Tamil representatives who accused the GOSL of violating the ceasefire, which later proved to be a hoax to cover the LTTE’s battle preparations during this period.¹⁶⁷ After failing to achieve a political compromise between rival parties, the Indian effort at Thimphu made no real progress toward resolution.

c. 19 December Proposals

Despite the failed Thimphu talks and the escalation of violence in Sri Lanka thereafter, the Indian government continued outside the framework of Thimphu principles. Finally, in December 1986, India proposed a federal system, slicing the Sinhala-majority district of Ampara from the East and merging a balance with the North. A referendum would precede the redrawing of provincial lines.¹⁶⁸ Due to the worsening of the conflict in the aftermath of the failure of Thimphu dialogue, the New Delhi government came under heavy criticism from its Tamil Nadu political ally, and India in turn redirected its pressure to Colombo. Amid India’s mounting pressure to accept the so-called 19 December proposals, and under a heavy opposition from the Sinhala nationalist movements, the GOSL suffered a number of LTTE attacks in Colombo and the suburbs. Additionally, the LTTE waged war against other Tamil militant groups to become a hegemonic power in the Tamil community.

As a consequence, the government set nine conditions for any agreement to end the conflict: “abandonment of the demand for a separate state; cessation of hostilities; closing down of insurgent training camps; surrender of arms by the Tamil militants; lifting of the emergency in the predominantly Tamil areas; and general amnesty to militants.”¹⁶⁹ Due to fear of the LTTE’s reprisals, the Tamil leadership rejected these

¹⁶⁶ Bandarage, *The Separatist Conflict* 125–126.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid., 119.

¹⁶⁹ Ibid., 127–128.

proposals.¹⁷⁰ Failing to secure a fair political consensus with the LTTE, the GOSL launched its military operations to find a favorable solution to the conflict, amid mounting Indian pressure to cease military actions.

d. Indo-Lanka Accord

After forcing the Sri Lankan government to cease its ongoing military success against the LTTE (Operation Balawegaya),¹⁷¹ in 1987 India signed the Indo-Lanka pact, claiming that the agreement “advanced the cause of ethnic harmony.”¹⁷² According to the objectives of this pact, the Tamil’s ‘homeland’ concept would be acknowledged outright, and the temporary merger of the North and East provinces would proceed without a prior referendum. A majority of the Sinhalese opposed these proposals, claiming first and foremost that they were a violation of the Island’s sovereignty. Further, Muslims and Tamils in the East worried about their existence in the agreement in terms of regional differences in the North and East. Therefore, Bandarage states: “Failing to recognize fundamental differences between the North and the East would doom the accord to failure from the beginning.”¹⁷³

Paradoxically, the Indo-Lanka accord had no concession for reconciliation. Scholars perceived the accord as largely unpopular and “controversial” due to “the loss of Sri Lanka’s sovereignty and acceptance of the ‘Tamil homeland’ thesis.”¹⁷⁴ However, the accord produced the 13th amendment (recognition of Tamil as an official language) and the 16th amendment (establishment of provincial councils) to the Sri Lankan constitution,

¹⁷⁰ Bandarage, *The Separatist Conflict*, 128.

¹⁷¹ Operation Balawegaya is one of the most successful military operations conducted by Sri Lanka military in 1987 and the last phase of the operation successfully surrounded the main command element of LTTE which included Prabhakaran. However, the operation was called off due to the immense pressure from the Indian government in May 1987.

¹⁷² Robert, I. Robert ed., *Creating Peace in Sri Lanka: Civil War and Reconciliation* (Washington, DC: Brookings Institution, 1999), 50.

¹⁷³ Bandarage, *The Separatist Conflict*, 137.

¹⁷⁴ *Ibid.*, 134.

which extended new language rights to the Tamils and strengthened “Tamil political autonomy by devolving power to the northern and eastern sections of the country.”¹⁷⁵

Apart from these concessions to the Tamils, the Indian government sought a guarantee from the GOSL on four important security related aspects:

1. Seek Indian advice prior to employment of foreign military and intelligence personnel.
2. Prevent using any foreign broadcasting cooperation for military or intelligence purposes.
3. Ensure that Trincomalee harbor is not used by any country for military purposes.
4. Operation of the “Trincomalee oil tank farm to be undertaken as a joint venture between India and Sri Lanka.”¹⁷⁶

Many Sinhalese viewed these proposals as surrendering “Sri Lanka’s right to make independence decision over strategic sphere.”¹⁷⁷ Additionally, scholars remark that, “Indo-Sri Lanka accord brought Sri Lanka into the Indian security fold for the first time in her modern history.”¹⁷⁸

This agitation among the Sinhalese sparked violence, with the emergence of a second JVP (a Sinhala radical group)¹⁷⁹ insurrection that took arms against the government. As a result, the Indian government sent the 100,000-man Indian Peace Keeping Force (IPKF) in 1989 to disarm and control the LTTE in the North and East (as per the Indo-Lanka accord) and left the GOSL to fight JVP insurgency.¹⁸⁰ The subsequent events turned into a bloody conflict among IPKF-LTTE and GOSL-JVP: “Apart from thousands of civilian deaths, an estimated 1,555 IPKF soldiers died in Sri Lanka and [IPKF] had killed 2,592 LTTE; while there were approximately 60,000 deaths

¹⁷⁵ Robert, *Creating Peace in Sri Lanka*, 50.

¹⁷⁶ Bandarage, *The Separatist Conflict*, 134.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ JVP re-entered parliamentary politics after de-proscription in 1994.

¹⁸⁰ Bandarage, *The Separatist Conflict*, 148.

that took place in GOSL-JVP conflict.”¹⁸¹ India’s humiliation in the hands of the LTTE drew more national and international Tamil support to the organization.

In the aftermath of these events, the newly elected Sri Lankan government, in a controversial move, commenced negotiations with the LTTE and ceased IPKF operations, sending back the Indian troops in March 1990. India claimed this move was “a great betrayal” by the Sri Lankan government.¹⁸²

Meanwhile, a consensus between the main Sinhala political parties, the UNP and the SLFP, emerged with the view that the “conflict could not be resolved solely through military means, but also required a political settlement... a substantial devolution of power.”¹⁸³ However, in the following year, the LTTE bombed Indian Premier Rajiv Gandhi while he was on election campaign in Tamil Nadu. Two years later, a Tiger suicide bomber assassinated Sri Lankan president Ranasinghe Premadasa while he was attending the May Day parade in the capital city of Colombo. As a result of Premier Rajiv’s assassination, the Indian government proscribed the LTTE as a terrorist organization and stepped back from negotiations.

Many scholars blame India’s dual approach of secretly arming the LTTE on the one hand and pressing publically for a political solution on the other as the main reason that the Sri Lankan conflict resolution process failed.¹⁸⁴ The absence of regional leadership in conflict resolution in the Sri Lankan issue opened a clear passage for international organizations (NGOs and INGOs) and Western nations to intervene.¹⁸⁵ It started with the initiatives of the newly formed People’s Alliance (PA) government in 1994.

¹⁸¹ Bandarage, *The Separatist Conflict*, 153.

¹⁸² Ibid., 152.

¹⁸³ Gunnar et al., *Pawns of Peace*, 128.

¹⁸⁴ Swamy, *Tiger Vanquish*, viii.

¹⁸⁵ Bandarage, *The Separatist Conflict*, 156.

2. The Devolution Package

A newly elected government began negotiations with the LTTE by signing the “Declaration of Cessation of Hostilities” in 1995. Both parties agreed to establish five peace-monitoring committees: two from Norway, two from Canada, and one from the Netherlands. Subsequently, the government launched its peace plan of the “devolution package.” While retaining the portfolios of defense, national security, foreign affairs, immigration, currency, international economic relations, airports, and harbors at the Centre, this “package” granted all remaining powers to the eight regions of the country.¹⁸⁶

Despite the accolades from the international community, the devolution package won neither the Sinhala Buddhists nor LTTE for its implementation. The former charged that the package was Christian-centric and “ill-advised,” while the latter considered it a threat to the LTTE’s fragile claim to be the sole representative of the Tamils.¹⁸⁷ Overall, the government’s reconciliation efforts never reached the grassroots level and it even marginalized Muslims in the East.¹⁸⁸ As a result, Muslims demanded self-determination in the predominately Muslim South East of the country.¹⁸⁹ Even with international support, the devolution package failed to satisfy the LTTE; hence, it resumed violence by commencing one of the worst periods of the conflict in April 1995. The LTTE’s attack on the most sacred Buddhist shrine of Kandy in 1998 (*Dalada Maligawa*: Temple that possesses Lord Buddha’s tooth relic) outraged the Sinhalese youth to fight against Tamil terrorism. As the bloody conflict escalated to unprecedented levels, the Sri Lankan government invited Norway as a mediator in 1999.

¹⁸⁶ Bandarage, *The Separatist Conflict*, 157.

¹⁸⁷ *Ibid.*, 156–158.

¹⁸⁸ *Ibid.*, 158.

¹⁸⁹ *Ibid.*, 159–160.

3. Norwegian Desperation: Failure of Reconciliation Attempt through Liberal Peace Building in Sri Lanka

The selection of Norway as a peace broker was acknowledged by both the GOSL and LTTE as a bone of contention. This choice was based on two main aspects: Norway is a state actor (as per the LTTE's demand), and it did not have any substantial strategic interest in Sri Lanka (as per the agreement between the GOSL and India).¹⁹⁰ There have been many critiques of the selection because although Norway considers itself to be a "global peace power house," others accused the Oslo government of being the agents of a "Washington Consensus," which promotes a neo-liberal agenda on favorable political grounds.¹⁹¹ Bandarage, quoting U.S. anthropologist Francisco Gil White, characterizes Norway's "neo-liberal agenda in delegitimizing, destabilizing, and dismembering existing states to maintain the hegemony of the West," mainly by using its influence on the International Monetary Fund (IMF) and the World Bank.¹⁹² Additionally, due to the active Tamil diaspora lobby in the country, many Sri Lankans were skeptical about the integrity of the Norwegian role as a neutral player.¹⁹³ Nonetheless, as a measure of goodwill, the Norwegian government pledged to triple its financial aid (from 11 million USD to 30 million USD)¹⁹⁴ to Sri Lanka during this period of time.

The Norwegian conflict-resolution process kicked off with thumping international approval. Many Western nations viewed this effort as a "likely peace building success story,"¹⁹⁵ and commentators described it as an "internationalized" effort with the heavy involvement of such international actors as the United States, the EU, and Japan.¹⁹⁶ However, domestically an "uneasy coexistence" prevailed between Prime Minister Ranil Wickramasinghe with his ruling United National Front (UNF—a coalition party) and his

¹⁹⁰ Gunnar et al., *Pawns of Peace*, 128.

¹⁹¹ Bandarage, *The Separatist Conflict*, 179–181.

¹⁹² *Ibid.*, 179.

¹⁹³ *Ibid.*, 179–182.

¹⁹⁴ Senanayake, Shimali, "Norway Nearly Triples Financial Aid to Sri Lanka," *Asian Tribute*, 2003.

¹⁹⁵ Goodhand, Spencer and Korf, *Conflict and Peacebuilding*, 1.

¹⁹⁶ *Ibid.*, 3–5.

rival Chandrika Kumaranathunga of the People's Alliances (PA) as the president. The president and the Premier did not maintain a common agreement on the Norwegian effort, since the former had been largely excluded from the process. Disagreement at the level of political leadership created widespread criticism of the ceasefire agreement (CFA) from the Sinhalese nationalist parties and Muslims.¹⁹⁷

On the flipside, the LTTE controlled a swath of land in the North and the East, running a "parallel administrative system" from banks to courts, and tax collection to national day celebrations; simply, "the movement came to think and act like a state."¹⁹⁸ Against this backdrop, Norway devised its "liberal peace building" plan with a CFA in 2002 between the LTTE and GOSL. The main objective of the CFA was to find a common agreement between the GOSL and LTTE to end the ongoing conflict in the country. Similar to the Indian efforts, Norway, too, committed the grave error of negotiating only with GOSL and the LTTE, while bypassing Muslims and other politically elected Tamil parties.¹⁹⁹ Despite numerous efforts by Muslim leadership, neither the government nor the LTTE included any substantial Muslim representation at the CFA; besides, the LTTE claimed its position as the sole representative of the Tamil-speaking community.²⁰⁰ According to Jonathan Goodhand, the CFA was mainly focused on "thorny issues" of the Sinhala-Tamil problem in the North and East of the country.²⁰¹

As per the agreement, the Norwegian government appointed a group of Scandinavian officials to oversee the CFA, which became known as Sri Lanka Monitoring Mission (SLMM). While maintaining its head office at Colombo, SLMM maintained its staff in every part of the North and East, "except LTTE strongholds of Kilinochchi and Mullaitivu," giving the Tamil Tigers the freedom of action.²⁰² Thus,

¹⁹⁷ Goodhand, Spencer and Korf, *Conflict and Peacebuilding*, 6–8.

¹⁹⁸ Gunnar et al., *Pawns of Peace*, 20.

⁴⁷ Bandarage, *The Separatist Conflict*, 183.

²⁰⁰ Goodhand, Spencer and Korf, *Conflict and Peacebuilding*, 126.

²⁰¹ Ibid.

²⁰² Ibid., 182–184.

many scholars view the CFA as “the policy of appeasement” of the LTTE.²⁰³ In response to the event, the LTTE grossly violated the CFA during this period. In 2003, the Tamil tigers committed 1955 ceasefire violations, mainly child recruitments through abductions.²⁰⁴

Within this context, Norwegian negotiators organized three preliminary discussions with parties from May 2002 to August 2002 at Killinochchi—as well as the UK and Norway. From September 2002 to March 2003, six rounds of talks were conducted between both parties at Norway, Thailand, Japan, and Germany. Owing to its commitment, the Sri Lankan government de-listed LTTE as a terrorist organization in 2002 and created a conducive environment for peace negotiations. To everyone’s dismay, these discussions were largely confined to agreements that were never implemented, including a total donor pledge of 70 million USD in immediate humanitarian aid.²⁰⁵

At one point, the LTTE delegation had agreed to a federal solution within a unitary country, but it was “livid” at Prabhakaran for not consulting about it.²⁰⁶ As a result, in 2003 the LTTE submitted its one and only comprehensive political plan for a Self-Governing Authority (ISGA), which constitutes “a separate sovereign state in the north and east of Sri Lanka rather than a formula for sharing power between the center and region within a unitary state.”²⁰⁷ Many national political leaders of the Sinhalese, Muslims, and even moderate Tamils viewed the ISGA as a looming threat to Sri Lanka’s sovereignty and an emerging security threat for the region and international trade (LTTE claimed control of two-thirds of the coastal line of the country that directly fall under international shipping lanes). Additionally, due to the fear of marginalization and against the ongoing LTTE attacks, Muslims in the east demanded a separate nation that did not

²⁰³ Chandraprema, *Gota’s War*, 266–270.

²⁰⁴ “For instance of the 1955 complaints against the LTTE during year 2003, 670 were related to child recruitment. The second largest category was abduction of adults, numbering 348 cases. Most complaints against the government side concerned harassment carried out by the military and police forces.” Hoglund Kirstine “Violence and the Peace Process in Sri Lanka,” *Taylor and Francis Online*, August 08, 2016, 161, <http://www.tandfonline.com/doi/abs/10.1080/13698280500422843>.

²⁰⁵ Gunnar et al., *Pawns of Peace*, 39–40.

²⁰⁶ Swamy, *Tiger Vanquish*, xxxviii.

²⁰⁷ Bandarage, *The Separatist Conflict*, 187.

accommodate to the Norwegian model. As a result, scholars believe that Norway's conflict resolution efforts in Sri Lanka were responsible for intensifying the growing clashes between the Tamils and the Muslims in the east and the third nation building process in the country.²⁰⁸

In retrospect, the Norwegian effort brought many prospects to Sri Lanka. Relative calm on the battlefield saved many lives. Increased international assistance opened the floodgates for "peace-aid" to flow into the country. But why did the liberal peace process fail? As per the initial assessment, the LTTE's maximal agenda of a separate Tamil Eelam and the GOSL's domestic political turmoil experienced "liberal reforms [that] had illiberal consequences."²⁰⁹ Johnathan Gooddhand argues, "The fate of liberal peace resonated with other liberal reforms in Sri Lanka, which were implemented unevenly and tended to produce paradoxical effects"²¹⁰ at the end. The author accuses Norway of not being able to resolve the fundamental clash of ideas between the local and the international peacebuilding actors. Additionally, the LTTE considers the process an internationally laid "peace trap," which curtailed its freedom of maneuver (this argument is equally applicable to the GOSL)²¹¹; hence, it blamed the international community for being biased toward the GOSL.²¹² There is reasonable truth to this claim because the GOSL linked the peace process to an international safety net in order to subdue the LTTE.²¹³ Prabhakaran's representatives made a similar excuse while leaving the process by not attending the donor conference organized by Japan, the United States, UK, and the E.U at Japan in 2003. Amid the LTTE's joking over the Norwegian effort and its ISGA demands, the political leadership of Sri Lanka refused to continue the process; hence, the president used executive powers to dissolve the parliament. This standoff between the

²⁰⁸ Bandarage, *The Separatist Conflict*, 185–186.

²⁰⁹ Goodhand, Spencer, and Korf, *Conflict and Peacebuilding*, 5.

²¹⁰ Ibid.,.

²¹¹ Article 1.13 of the CFA states, unarmed LTTE cadres freedom to move in the government controlled areas but the similar freedom was not granted to the government troops. Full text of the ceasefire agreement: *Guardian*, 2002, <https://www.theguardian.com/world/2002/feb/22/srilanka>

²¹² Goodhand, Spencer and Korf, *Conflict and Peacebuilding*, 1.

²¹³ Swamy, *Tiger Vanquish*, xxxvi.

GOSL and LTTE, allowed for the creation of a “no-peace-no-war” vacuum at the conflict.

A ray of hope for a negotiation between the LTTE and GOSL was visible in the aftermath of the tsunami in 2004.²¹⁴ However, the disagreement between the two parties over the control of financial aids of the Post-Tsunami Operational Management Structure (P-TOMS) diminished the last chance for reconciliation. Meanwhile, the split in the LTTE’s military leadership (Karuna’s defection)²¹⁵ considerably weakened the power structure in the organization and increased the ceasefire violations due to “intra-Tamil fractional conflicts.”²¹⁶ Many scholars assume that the defection of Karuna had “shifted the military balance decisively in the government’s favor.”²¹⁷ The LTTE further lost its grip on the international stage due to the U.S. directed “war on terror” strategy.²¹⁸

Meanwhile, the LTTE used CFA to re-build and re-arm the organization. C. A. Chandraprema acknowledges this by quoting the U.S State department’s report in 2002: “LTTE is taking advantage of the CFA to strengthen its position militarily through recruiting, training programs, and weapon supply.”²¹⁹ Against this backdrop, a nationalist political leadership under the President Mahinda Rajapaksa of United People’s Freedom Alliance (UPFA) came to power with the support of such ultranationalist political parties as Jathika Hela Urumaya (JHU, predominantly led by Buddhist monks). In 2005, Rajapaksa government tried to commence negotiations with LTTE on several

²¹⁴ “The immediate impact of the Boxing Day tsunami outdoes the war in the short run and has a massive direct effect on the south. Over 35,000 Sri Lankans die on the day itself, at least 21,000 are injured and over 550,000 displaced. The Muslim dominated coast of Ampara District is most affected, followed by (LTTE controlled) Mullaitivu District. The disaster interrupts the war-oriented dynamic, provides a temporary suspension of ‘normal politics’, and people reach out across entrenched fault lines. There thus appears to be a window of opportunity to resume a political process between the Kumaratunga government and the LTTE.” Goodhand, Spencer, and Korf, *Conflict and Peacebuilding*, 52.

²¹⁵ “In March 2004, a split occurred within the LTTE as a result of the defection of its eastern commander known as Colonel Karuna along with approximately 6,000 LTTE loyalists. The LTTE retaliated with military force leading intra-Tamil fractional conflict and growing insecurity in the east.” Goodhand, Spencer, and Korf, *Conflict and Peacebuilding*, 7.

²¹⁶ Ibid.

²¹⁷ Gunnar et al., *Pawns of Peace*, xvi.

²¹⁸ Bandarage, *The Separatist Conflict*, 194.

²¹⁹ Chandraprema, *Gota’s War*, 284.

occasions, but was frustrated due to the intense terrorist activities of the Tamil Tigers and changed his peace building agenda into “war for peace.”²²⁰

B. RECONCILIATION EFFORTS OF THE UPFA GOVERNMENT: PRE- AND POST-CONFLICT PERIODS

Amid the LTTE CFA violations and provocation of government forces, the newly elected UPFA government continued the ongoing peace process by “tolerating the intolerable.”²²¹ During the first few months of the UPFA government under the CFA (2005–2006), the LTTE killed 81 civilians and 67 government military personnel and injured more than 200; these attacks included suicide-bomb attempts on the Sri Lankan Army commander and the Pakistani High Commissioner and the assassination of the deputy commander of the Sri Lankan Army.²²² However, the government was dedicated to the peace process; President Rajapaksa declared, “No other president would have acted the way I have in a situation like this.”²²³ On the president’s direction, a number of emissaries reached out to Prabhakaran to negotiate a genuine CFA. Additionally, during this period, the LTTE and GOSL conducted two rounds of peace negotiations in Norway, though without any substantial results. In the meantime, the ground realities indicated imminent war signs on both sides.

Finally, the LTTE committed its major CFA violation in July 2006 by closing one of the main irrigation reservoirs in the Eastern province—cutting off the water supply to 9,510 Muslims, 8,013 Sinhalese, and 4,439 Tamils in 20 villages.²²⁴ In retaliation, the newly elected government launched a full-scale military campaign to eradicate the terrorist organization that they considered as “the overarching threat and enemy to Sri

²²⁰ Goodhand, Spencer, and Korf, *Conflict and Peacebuilding*, 2.

²²¹ Chandraprema, *Gota’s War*, 298.

²²² *Ibid.*, 299–320.

²²³ *Ibid.*, 302.

²²⁴ “Humanitarian Operation Factual Analysis: July 2006-May 2009,” *Ministry of Defense Sri Lanka*, 44.

Lankan polity and society.”²²⁵ In so doing, the GOSL officially abrogated the CFA in 2008 and launched its “biggest humanitarian operation to rescue more than 330,000 Tamil civilians who were deliberately used by the LTTE as a human shield.”²²⁶ In its latest attempt to defeat the LTTE, the Sri Lankan government mainly dealt with China and Pakistan for military and technical support, while maintaining western support for the conduct of military operations through diplomatic skills. After a series of battles in May 2009, the LTTE lost its last stronghold in Nandikandal by giving victory to the government forces, while promising peace and economic stability in the country—amid questions about the permanency of peace and international accusations of human rights violations.

At the very outset, UN Secretary General Ban Ki-Moon said that “he was deeply trouble by civilian deaths.” In June 2010, he appointed the Secretary-General’s Panel of Experts on Accountability in Sri Lanka, commonly known as the Darusman panel (after the chairman of the committee, Marzuki Darusman) to “advise him on the issue of accountability with regard to any alleged violations of international human rights and humanitarian law during the final stages of conflict.”²²⁷ At the end of the panel’s investigations, the Darusman Report tallied “as many as 40,000 civilian deaths” between September 2008 and May 19, 2009, and accused both the LTTE and Sri Lankan military for contributing to this human disaster.²²⁸ In denial of these allegations, the government announced its own total of “7896 deaths due to unnatural causes (January–May 2009) including LTTE cadres killed in action.”²²⁹ Against this backdrop, the GOSL devised its peace-building strategy, giving priority to reconciliation, political liberalization for the

²²⁵ “Report of the Secretary-General’s Panel of Experts on Accountability in Sri Lanka,” United Nations March 31, 2011, 2, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf; Goodhand, Spencer and Korf, *Conflict and Peacebuilding* 2.

²²⁶ International Crisis Group, 32.

²²⁷ Report of the Secretary-General’s panel of Experts, 1.

²²⁸ *Ibid.*, 41.

²²⁹ “Defense Seminar 2013: Secretary Defense, Mr. Gotabaya Rajapaksa’s Vision for Sri Lanka,” *Local news*, accessed October 06, 2016, <http://www.onlanka.com/news/defence-seminar-2013-secretary-defence-mr-gotabaya-rajapaksas-vision-for-sri-lanka.html>.

Tamil political parties, resettlement of the internally displaced people (IDP), and rehabilitation of the former LTTE members.

1. Reconciliation and Retributive Justice

As Sri Lankan citizens celebrated victory over the LTTE around the country, President Mahinda Rajapaksa addressed the parliament. While ensuring equality for all ethnic groups, he reiterated his commitment to peace in the country by stating, “We must find a homegrown solution to this conflict. That solution should be acceptable to all the communities.”²³⁰ He went on to say that, “it is necessary that the political solutions they need should be brought closer to them faster than any country or government in the world would bring.”²³¹ With these words, the government put its post-war reconciliation efforts on the fast track.

a. Lesson Learned and Reconciliation Commission

President Rajapaksa appointed the Lesson Learned and Reconciliation Commission (LLRC) in the first year after the conflict on May 15, 2010. The LLRC was comprised of a retired attorney general as its chairman and seven members to represent the Sinhalese, the Tamils, and the Muslims.²³² The commission’s mandate “was to look back at the conflict Sri Lanka suffered as well as to look ahead for an era of healing and peace building in the country.”²³³ This mission included inquiry into the “facts and circumstances which led to the failure of the Ceasefire Agreement operationalized on 21 February 2002 and the sequence of events that followed thereafter up to the 19 May 2009,” and strove to identify the perpetrators while proposing a means of compensation for the victims.²³⁴

²³⁰ “Sri Lanka leader hails ‘victory,’” BBC, accessed October 05, 2016, <http://news.bbc.co.uk/2/hi/8056752.stm>.

²³¹ Ibid.

²³² Refer to the “Report of the Commission of Inquiry on Lesson Learnt and Reconciliation November 2011,” *Final LLRC Report pdf*, accessed October 05, 2016, http://www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf.

²³³ Commission of Inquiry on Lesson Learnt and Reconciliation, 1.

²³⁴ Ibid., 5–6.

The LLRC compiled its recommendations based on the evidence it collected through “representatives” hearings of the public, people from affected areas, NGOs, INGOs, field work visits, and by referring to national and international organizational reports (Including UN Secretary General’s Panel of Expert Accountability in Sri Lanka, Channel 4 documentary movie on HR violations in the final stage of the battle in Sri Lanka). Additionally, the commission maintained transparency by opening the hearings to the public and the media.²³⁵

At the end of the hearing, the LLRC submitted its findings and 285 recommendations covering the 2002 CFA, International Humanitarian Law issues at the final stage of the battle, Human Rights, land issues (return and resettlement), restitution, and reconciliation (post-conflict issues and way forward).²³⁶ However, the commission reiterated that in order to achieve the desired result in post-conflict Sri Lanka, “the Government and all political leaders must manifest political will and sincerity of purpose to take the necessary decisions to ensure the good-faith implementation of the Commission’s recommendations.”²³⁷ Subsequently, the mounting pressure of alleged human rights violations on the GOSL compelled the president to appoint another commission to investigate complaints of civilian deaths and casualties that occurred at the final stage of the battle under the 4.359 of the LLRC report.

b. Paranagama Commission

The Presidential Commission of Inquiry, better known as the Paranagama Commission (named after the chairman of the committee, Maxwell Paranagama), was appointed by President Rajapaksa in August 2013 to “inquire into complaints of abductions and disappearances during the conflict in Sri Lanka.”²³⁸ In its initial mandate, the commission was appointed to investigate “complaints regarding Missing Persons.” It

²³⁵ Commission of Inquiry on Lesson Learnt and Reconciliation, 8.

²³⁶ Refer to chapter 9 of the LLRC report for recommendations.

²³⁷ Commission of Inquiry on Lesson Learnt and Reconciliation, 1.

²³⁸ Refer to the report on the Second Mandate Of the Presidential Commission of Inquiry Into Complaints of Abductions and Disappearances, 2015,xii, <https://www.colombotelegraph.com/wp-content/uploads/2015/10/Paranagama-Report-.pdf>.

was comprised of three members, headed by Paranagama (a retired judge), a Tamil, and a Sinhalese, and backed by an internationally recognized legal advisory council.²³⁹ During an inquiry into 2,700 complaints in July 2014, the commission found its mandate expanded to address “the facts and circumstances surrounding civilian loss of life and the question of the responsibility of any individual, group or institution for violations of international law during the conflict that ended in May 2009,” which is known as the Second Mandate.²⁴⁰

However, due to ongoing international claims, the commission confined its focus to the “final phase of the operation,” even though the commission acknowledged this limitation was apt to “attract criticism,” mainly from the Sinhalese.²⁴¹ In August 2015, the commission finalized the Second Mandate report. In the meantime, President Rajapaksa was out of power; thus, the results of this report are rightly classified among the reconciliation efforts of the unity government.

2. Political Engagements

One of the most significant moves at the political front for the reconciliation made by the Rajapaksa government is the conduct of the Northern Province elections after 25 years. This election allowed Tamil National Alliance (TNA) to come to power, which many commentators claim as government failure to “win the hearts and minds” of the

²³⁹ Refer to the report on the Second Mandate Of the Presidential Commission of Inquiry Into Complaints of Abductions and Disappearances, 2015,xii, <https://www.colombotelegraph.com/wp-content/uploads/2015/10/Paranagama-Report-.pdf>.

²⁴⁰ Ibid.

²⁴¹ “The decision to restrict the temporal scope of the Second Mandate is based on several considerations. Most importantly, the principal questions raised in the Second Mandate relate to the period identified as the ‘final phase of the war’. Additionally, the panel of experts appointed by the United Nations Secretary-General on 22 June

“2010 (‘Darusman Panel’) was tasked with reporting on the obligations relating to accountability arising from the ‘last stages of the war’.⁵ Further, on 8 May 2015, the current Sri Lankan Minister of Foreign Affairs, Mangala Samaraweera, spoke of the government’s responsibility ‘to get at the root of all that had transpired during the closing stages of the war’.⁶ Finally, on 13 May 2015, the German Foreign Minister, Frank-Walter Steinmeier, called for a ‘credible domestic investigation of war crimes, during the last stages of the war.’ Therefore, noting both the domestic and international concern to address issues of accountability arising from the final stages of the conflict in Sri Lanka, this Commission will confine this section of its report to this relevant time frame.” Paranagama Report, 2015. ⁷

Tamils due to its slow progress to address the core issues to the conflict.²⁴² Additionally, the government formed an all-party parliamentary selection committee “to discuss the recommendations of LLRC report, contested to the 13th Amendment to the constitution, and the devolution of power.”²⁴³ However, TNA purposely lessened its participation, claiming the government’s unwillingness over the devolution of power.

Most importantly, in 2011 the government lifted the emergency law (that gave substantial powers to the military), with much praise from India and the western nations.²⁴⁴ In addition, the government brought former LTTE military leaders Karuna Amman and Pillayan, with their political parties, into mainstream politics, appointing the former as a cabinet minister and the latter as the chief minister in the Eastern province. Apart from its political moves, the GOSL conducted a number of reconciliation initiatives through social dialogue and political reforms. For example, in 2013, the Ministry of Education abolished the establishment of new schools on the basis of ethnicity.

3. Resettlement and Social Infrastructure Development

In order to assist the people in the war-ravaged Eastern and Northern provinces, the GOSL appointed a Presidential Task Force by including government institutions, international organizations (UN and International Organization for Migration), and national and international NGOs.²⁴⁵ The government’s program in the East during 2007 bore the programmatic title of “reawakening of the east” (*Nagenahira navodaya*), and the program in the North was called “the northern spring” (*uthuru wasanthaya*). Both efforts aimed to stabilize and normalize the Northern and Eastern regions within a short period of time. For example, the government pursued a 180-day program at an initial cost of

²⁴² Dharmawardana, “Sri Lankan’s Post Conflict Strategy,” 9.

²⁴³ Sri Lanka: The Tamil National Alliance (TNA), including the party’s relationship with the current government and the 2011 local authority election results (June 2010-December 2011), Immigration and Refugee Board of Canada, accessed, October 05, 2016, <http://www.refworld.org/docid/4f435cce2.html>.

²⁴⁴ “U.S, India Hail Sri Lanka’s Removal of Wartime Laws,” *World News* 2011, <http://in.reuters.com/article/idINIndia-58997420110826>.

²⁴⁵ “Joint Plan for Assistance Northern Province:2011,” *Government of Sri Lanka, United Nations and Partners*, 3, accessed October 20, 2016, docs.unocha.org/sites/dms/CAP/2011_SriLanka_JPfANP_SCREEN.pdf.

\$360.3 million in the North, for the resettlement of 280,000 IDP due to the final phase of the battle, while spending approximately \$1,840 for resettlement and infrastructure development in the East.²⁴⁶

As a result of the fast-tracked effort, by March 2015, the GOSL was able to resettle 270,230 IDPs in their original locations.²⁴⁷ Large-scale social infrastructure development projects concluded within a period of five years, including roads, railway tracks, bridges, irrigation reservoirs, schools, electricity, water, and institutions such as courts, local administrative hubs, police posts, etc.²⁴⁸ The Sri Lanka Census and the Statistics Department's 2015 report identify Jaffna as one of the fastest growing cities in the country.²⁴⁹ Additionally, the government recruited more than 2,000 Tamil-speaking police officers to the Eastern province, and from 2013–2014 the Sri Lankan Army absorbed 150 Tamil youths from the North in its latest recruitment drive.²⁵⁰

In addition to government efforts, the Sri Lankan Army assisted the government in building infrastructure, de-mining, and restoring security in the North and East regions of the country. In her landmark book, *Sri Lanka: The New Country*, Indian scholar Padma Rao Sudarjee commended the Army for building 15,000 houses for the Tamils in the Northern region.²⁵¹ At the end of 2014, military engineers, in collaboration with international partners, cleared mines in the Northern Province, bringing the total area of minefields down from 506 square kilometers to 78 square kilometers as part of the government's effort to make the country "mine threat free" by 2020.²⁵² Additionally, the

²⁴⁶ "Joint Plan" 4; "Information gateway to Nagenahira nawodaya," *Sri Lanka Guardian*, accessed, October 23, 2016, <http://www.srilankaguardian.org/2008/05/information-gateway-to-nagenahira.html>.

²⁴⁷ "Sri Lanka IDP Figure Analysis," International Displacement Monitoring Centre, accessed October 04, 2016, <http://www.internal-displacement.org/south-and-south-east-asia/sri-lanka/figures-analysis>.

²⁴⁸ "Joint Plan," 25.

²⁴⁹ Census and the Statistics Department of Sri Lanka, Report 2015, <http://www.statistics.gov.lk>.

²⁵⁰ "Nagenahira Nawodaya in full swing," *News Line*, March 2008, http://www.priu.gov.lk/news_update/Current_Affairs/ca200803/20080313nagenahira_navodaya.htm.

²⁵¹ Sudarjee Padma Rao, "A House for Tamils," *The fully Loaded Magazine*, 2015. <http://www.outlookindia.com/website/story/a-house-for-tamils/293781>.

²⁵² "Sri Lanka Join Mine ban treaty," *National Mine Action Program*, <http://www.slnmac.gov.lk/media/news/mine-ban-treaty>.

government appointed retired senior military officers as the governors and district secretaries in the North and East because an “armed forces background provides the governor with the capacity to link his political office with professional oversight” of reconstruction efforts in these regions.²⁵³

4. Disarmament, Demobilization, and Reintegration (DDR) of LTTE Members

At the end of the conflict, the GOSL reported that 12,000 LTTE cadres either surrendered or were detained by troops; this total included 594 child soldiers.²⁵⁴ All the adult ex-combatants underwent two years of rehabilitation before they were re-integrated into society, whereas child combatants stayed in the program for one year. This program mainly focused on the “psycho-social and socio-economic profiling” of the ex-militants. The president granted amnesty for all rehabilitated LTTE members while retaining perpetrators who were directly involved in human rights violations in support of the restorative justice process in the reconciliation model.

The government launched a “6+1 model: educational rehabilitation, vocational rehabilitation, psychological and creative therapies for rehabilitation; social, cultural, and family rehabilitation, spiritual and religious rehabilitation, recreational rehabilitation and community engagement”²⁵⁵ for the rehabilitation of former LTTE combatants in 24 Protective Accommodation and Rehabilitation Centers (PARCs) around the country. In an interview in 2011, the minister for rehabilitation and prison reform, D. E. W. Gunasekara, declared that, “during the period of August 2009 to August 2010, a total number of 4,485 LTTE carders have been rehabilitated and released.” He further stated that 800–900 hardcore carders have been held for further investigations.²⁵⁶ (In 2011, the

²⁵³ Chatterjee Anshu N., “Shifting Lines of governance in insurgencies: India,” Thomes c. Bruneau and Florina Cristiana Matei ed., *The Routledge Handbook of Civil-Military Relations* (Abingdon, Oxon: Routledge, 2013), 170.

²⁵⁴ International Crisis group, 2011, ii.; Dharmawardana “Sri Lanka’s Post Conflict Strategy,” 5.

²⁵⁵ Dharmawardana “Sri Lanka’s Post Conflict Strategy,” 5.

²⁵⁶ “50% of the LTTE carders released in matter of 01 year while JVP insurgents languishing in prisons more than 05 years- Minister of Rehabilitation Prison Reform,” *Rebel of Kandy*, 2011, <http://rebelofkandy.blogspot.com/2011/01/50-of-ltte-carders-released-in-matter.html>.

total number of rehabilitees in all categories fell to about 3,000.²⁵⁷) Similarly, with the assistance of INGOs, NGOs, and private sector organizations, the government spent \$9,136,370 on the DDR efforts from 2009 to 2012.²⁵⁸ Additionally, in 2011 the government provided employment for about 700 ex-LTTE combatants by establishing garment factories at the towns of Jaffna, Mulaitiuv, and Killinochchi.²⁵⁹

Apart from its reconciliation efforts, the UPFA government maintained healthy economic indicators in the country; “economic growth averages 7 percent a year since the end of the civil war in 2009, with inflation declining along with unemployment, poverty, and inequality.”²⁶⁰ Per capita GDP increased from the equivalent of 869 USD in 2000 to 3,256 USD in 2013.²⁶¹ However, this economic divide did not equally distribute within the country due to the slow progress of reconciliation efforts.

C. NATIONAL AND INTERNATIONAL REACTION TO THE UPFA GOVERNMENT’S RECONCILIATION EFFORTS

Notwithstanding its success on IDP re-settlement, the comprehensive DDR plan, basic infrastructure development in the North and East, and limited political devolution, the GOSL came under heavy criticism from national and international observers due to its reluctance to address the core issues of the conflict: meaningful power devolution among the Tamils, good governance, minority rights protection, and economic inequality in the North and East.²⁶² Many scholars argue that the UPFA government basically “violated the cardinal principle that a military victory must [be] followed by a political solution.”²⁶³ Notwithstanding to its firm commitment to rebuild the economy of the

²⁵⁷ International Crisis group, 2011, ii.

²⁵⁸ Dharmawardana “Sri Lanka’s Post Conflict Strategy,” 5.

²⁵⁹ Rebel of Kandy.

²⁶⁰ “Repression, Civil Conflict, and Leadership Tenure; The Sri Lanka Case Study,” *U.S. Army Research Laboratory*, 24, accessed October 21, 2016, https://www.ucl.ac.uk/spp/research/conflict-repression/downloads/Sri_Lanka_case_study.pdf.

²⁶¹ “Central Bank Annual Report, 2013,” Central bank of Sri Lanka, accessed October 21, 2016, http://www.cbsl.gov.lk/pics_n_docs/10_pub/_docs/efr/annual_report/AR2013/English/content.htm.

²⁶² International Crisis group, i–ii.

²⁶³ D. B. S. Jeyaraj, “Power Sharing Quest of Sri Lankan Tamils after Independence,” *Daily Mirror*, September 06, 2016, 8, www.dailymirror.lk.

country, the Sri Lankan government's economic policies had come under heavy criticism for the mounting debts and escalating cost of living. Further, economists question the absence of post-war dividends among the majority of the people in the country. Similarly, the Darusman Report notes, "LLRC is deeply flawed, does not meet international standards for an effective mechanism"; thus, the panel refused to accept the work of the commission. In response to the UN report, Sri Lanka, along with eight countries (Pakistan, Cuba, Algeria, Bangladesh, Malaysia, Philippines, Russia, and China),²⁶⁴ condemned the report as "controversial" and refused to accept the report at the UNHCR council even as an "informative document."²⁶⁵

The most vociferous criticism against the government came from the TNA, South Indian pro-LTTE political groups, and the Tamil diaspora. All of these groups demanded a credible international panel to investigate the 40,000 civilian deaths reported in the Darusman report. Similarly, the tussle between the government and the TNA had further intensified over the Supreme Court's decision to a demerger of the Northern and Eastern provinces in 2007.²⁶⁶ As a result, TNA boycotted the 2008 provincial elections. Apart from the political struggle with TNA, many foreign states, organizations, and right groups criticized GOSL for continuation of the Prevention of Terrorism Act (PTA), human rights violations, corruptions, the increased militarization in the north and East, competitive authoritarianism due to the 18th Amendment to the constitution, and the triumphalist mindset of the government leaders.²⁶⁷ As a result, these international organizations intensified their pressure through economic restrictions. In 2009, the

²⁶⁴ President Rajapaksa maintained strong ties with these governments.

²⁶⁵ Media Reaction to Darusman Report, *The Microscope*, 2013, <http://www.themicroscope.net/sl-Darusman-report-media-reaction.html#toc-Subsubsection-2.5.1>.

²⁶⁶ Jeyaraj, "Power Sharing Quest of Sri Lankan Tamils," 7.

²⁶⁷ "The main features of the 18 Amendment are: 1) The President can seek re-election any number of times; 2) The ten-member Constitutional Council has been replaced with a five-member Parliamentary Council; 3) Independent commissions are brought under the authority of the President; 4) It enables the President to attend Parliament once in three months and entitles him to all the privileges, immunities and powers of a Member of Parliament other than the entitlement to vote," "18th Amendment: Making a Mockery of Democracy in Sri Lanka," *IDSACOMMENTS*, 2010, http://www.idsa.in/idsacomments/18thAmendmentMakingaMockeryofDemocracyinSriLanka_gsultana_071010; "Triumphalism, fear and humiliation: The psychological legacy of Sri Lanka's Civil War," *Dynamics of Asymmetric conflict*, 2010, 1–8.

European Union exempted Sri Lanka from access to the Generalized System of Preferences (GSP) plus trade facility due to human rights related issues (in 2010, the country's garment industry lost 782 million USD). Similarly, in 2014 the European Union imposed a fish ban on the island, causing it to suffer a loss of 100 million USD annual income in fish exports.²⁶⁸ Meanwhile, after assuming office as the Prime Minister of India, Narendra Singh Modi insisted that the Sri Lankan government implement the 13th amendment to the constitution, which promotes more political powers for the Tamils in the North and East of the country. Although President Rajapaksa promised a "13 plus" solution to give further concessions, WikiLeaks revealed that the New Delhi government was "skeptical" of this promise and, as expected, the Sri Lankan government made little progress in its efforts.²⁶⁹

Similarly, these groups claimed Tamil's owned lands in government established high-security zones (HSZ) in the North.²⁷⁰ The GOSL rejected these claims while highlighting the necessity of a continued security presence in the North and East for a number of reasons: the ongoing de-mining process by the military, tracing large caches of LTTE hidden arsenals, supporting reconstruction efforts, and preventing a remnant LTTE threat to civilians.²⁷¹ While many scholars view increased military involvement in government sponsored projects in the North and East as undermining of regional civilian authority, the government perceived the military as a resourceful and disciplined workforce that has the capacity to expedite its efforts with less time and money.²⁷²

²⁶⁸ "it was in December 2009 that EU decided to withdraw temporarily the GSP Plus benefits to Sri Lanka. This decision was based on the findings of an exhaustive Commission of Investigations launched in October 2008 and completed in October 2009. In view of the report, no satisfactory progress was shown by Sri Lanka in the implementation of the three UN human rights conventions such as Civil and Political Rights, Convention against Torture and Rights of the Children which were related to the grant of benefits." - See more at: <http://www.ft.lk/article/534131/Why-is-GSP-Plus-important-to-Sri-Lanka#sthash.wkZpq907.dpuf>.

²⁶⁹ Nirupama Subramanian, "13th Amendment Plus': India skeptical of Sri Lankan promise," The Hindu, march 26, 2011, <http://www.thehindu.com/news/the-india-cables/13th-amendment-plus-india-sceptical-of-sri-lankan-promise/article1571806.ece>.

²⁷⁰ During the conflict government designated high security zones to protect vulnerable installations against LTTE attacks. Most of these zones occupy the Tamil owned lands and civilians were not allowed to visit these areas.

²⁷¹ "Colombo Defense Seminar 2013), Sri Lanka Army, www.slarmy.lk.

²⁷² Hasnat, *Ethnic conflict*, 139.

Additionally, in 2011, the government opened all HSZs for the public while removing some military installations from the Tamils' owned properties.²⁷³ However, the GOSL came under continued pressure from the West, including a U.S.-sponsored resolution in a 2013 UNHRC session to encourage Sri Lanka to mount or allow credible investigations into human rights violations in the conflict while claiming to thin-out its military presence in the North and East. Similarly, watchdogs perceived Sri Lanka's risk factor as moderate and placed the country at the 105th position in the global peace index in 2014. In general, many commentators believe that Sri Lanka gradually lost its Western allies for the ways it dealt—and did not deal—with Tamils after the conflict.

D. RECONCILIATION EFFORTS OF THE UNITY GOVERNMENT

Despite his war victories and effective development programs in the country, President Mahinda Rajapaksa and his UPFA government lost their mandate in the 2015 elections, leaving the door open for a more pro-western UNP and the “unity government” leadership in the country. For the first time in history, the two major political parties of the country (the UNP and SLFP, along with the minority Muslims and up-country Tamil political parties), have joined forces in government. However, within a limited majority and period of two years (the term was extended from January 2016 to January 2020), yet promising new prospects for the reconciliation process in the country.

The unity government did not include the extremist pro-LTTE political party, which had failed to win a single seat in the North and East.²⁷⁴ President Mathripala Sirisena won a majority of the Tamil and Muslim votes; however, the election results indicate Sinhala nationalist support for the former president, which could pose a major challenge for the newly elected president when launching his reconciliation efforts.²⁷⁵

Many Western nations welcomed the political change in Sri Lanka and pinned their hopes on the revival of a meaningful reconciliation process for permanent peace to

²⁷³ Crisis Group, 15.

²⁷⁴ “Sri Lanka’s parliamentary election: Mahinda misfires,” *The Economist*, 2015, <http://www.economist.com/news/asia/21661650-rajapaksa-fails-again>

²⁷⁵ Ibid.

the Sinhalese and the Tamil conflict. Soon after it came to power on a platform of *yahapalanaya* (good governance), the new government laid out its ambitious political agenda: “restoring the rule-of-law and ending impunity for corruption and abuse of power; a new constitution, a complex package of post-conflict reconciliation, justice mechanism agreed with the UNHCR, and major policy changes to jump-start a beleaguered economy.”²⁷⁶ According to the government’s post-election economic pledges on subsidies and increased welfare payments, some scholars believe that “the absence of offsetting revenue gains would jeopardize Sri Lanka’s hard-won progress in reducing its large debt and interest burden”²⁷⁷; thus, the government faced a formidable challenge to strike a delicate balance between incentives and economic reforms when satisfying its political support. Consequently, the government started its journey to build confidence among the Tamils in government institutions, such as the judiciary and parliament.

After less than a year in power, the unity government made some substantial policy changes regarding reconciliation between the Sinhalese and the Tamils. Among these efforts, parliament appointed a Tamil political leader as the opposition leader of the country. Similarly, Tamils took up such positions as Chief Justice and governor of the central bank. More than 23 percent of government ministerial posts were allocated to Tamils and Muslims.²⁷⁸ Additionally, for the first time since independence, the Sri Lankan national anthem was sung in the Tamil language during the independence parade in 2015, to further identify the language parity between the Sinhala and the Tamil. Meanwhile, after its demerger in 2007, TNA participated in the Eastern provincial council elections in 2015 and decided to share power between the UNP and the Sri Lanka Muslim Congress (SLMC), appointing a Muslim as the chief minister in the region.

Furthering its reconciliation efforts, the government released about 1,000 acres of land to the Tamils in the North within a year and removed the number of HSZs and military establishments to allow the locals to attend their routine life without

²⁷⁶ International Crisis Group, i.

²⁷⁷ U.S. Army research Laboratory, 24.

²⁷⁸ The economist.

interference.²⁷⁹ Additionally, the unity government took measures to accelerate the legal proceedings of the LTTE detainees who languished in long jail terms and released a new batch of rehabilitated ex-LTTE combatants after the DDR process. Similarly, the government switched the Northern Province governor's post, held by an ex-military officer, with a civilian administrator. The international community, along with the Tamil political parties in the region, welcomed this move. Moreover, the government reduced the direct and aggressive involvement of the military in civilian affairs in the North and East, which stakeholders viewed as a positive step in the de-militarization process.

Next, the government added a 19th amendment to the constitution that reduced the power of the executive by establishing independence commissions for the judiciary, police, human rights, and election commission. Additionally, the new amendment limited the presidential term and increased the powers of the prime minister. This power shift is important to bring stability to the coalition government, which enjoys a limited majority because it includes many ministers of former government who have a tendency to crossover for political gains. Similarly, the government established a constitutional council in order to bring fresh reforms to the constitution and achieve "distributive justice, including in political economic and social spheres."²⁸⁰ Additionally, the council will oversee the appointments to the independent commissions. Moreover, the new government appointed human rights advocates for the long-pending vacancies on the commission of human rights. It also released two presidential commission reports on human rights violations: Paranagama First Mandate report and Second Mandate report.

During the 2015 UNHCR session, Sri Lanka took a giant leap in signing a resolution along with the United States and other partners on "shared recognition of the critical importance of truth, justice, reparations, and guarantees of non-recurrence in promoting reconciliation and ensuring an enduring peace and prosperity for all Sri

²⁷⁹ "Sri Lanka returns land confiscated by military during decades-long war," *IRIN*, 2015, <http://www.irinnews.org/report/101655/sri-lanka-returns-land-confiscated-military-during-decades-long-war>.

²⁸⁰ M.A.M.H. Barry, "Constitution Should Unite People and Reflect Social Contract," *Daily Mirror*, Feb 2016.

Lankans.”²⁸¹ In the same year, to the satisfaction of much of the Tamil community, the GOSL established the Office of Missing Persons (OMP) to gather data for the missing persons in the country during the conflict and decided to certify the victims’ status as “missing” rather than “deceased” in order to provide more benefits for the dependents.²⁸² Moreover, the government initiated actions to establish the Consultation Task Force on Reconciliation Mechanism (CTFRM), and opened dialogue with the public (including the Sri Lankan diaspora) to seek suggestions for the design of the reconciliation mechanism.²⁸³ The government envisaged OMP, truth and reconciliation, a Justice and Non-recurrence Commission (JNC), an accountability mechanism, and an office of reparation in its new mechanism.²⁸⁴ Similarly, the government pledged to replace the much-debated PTA with a watered-down national Security Act, along with a Witness and Victim Protection Law.²⁸⁵

As a result of these new developments, many Western nations commended the new government’s efforts, which allowed the country to repair the deteriorated relationship among the U.S.-led west. Thereby, in 2016 the EU lifted its imposed ban on Sri Lankan fish exports and assured its commitment to re-instate the GSP plus at the end of the year. In contrast, Sri Lanka’s main international investor, China, cautioned the country on UN sponsored reconciliation efforts. The Chinese ambassador to Sri Lanka slammed UN efforts by stating that, “it would be ill advised to put reconciliation before development because it is only all round equitable development which will prevent social, political, and economic conflict,” which further highlights the strategic interest of Beijing in the island. Tamil political parties continued to push the government via

²⁸¹ “Resolution on Sri Lanka at the 30th Session of the UN Human Rights Council,” *U.S. Department of States*, 2015, <http://www.state.gov/secretary/remarks/2015/09/247268.htm>.

²⁸² “Cabinet Approves Draft Legislation to Issue Certificates of Absence” *Daily Mirror*, June 2016, www.dailymirror.lk; Human Rights Watch 2016, 5.

²⁸³ Malinda Senevirathne, “Scuttling Reconciliation from Within,” *Daily Mirror*, March 2016; “Sri Lanka Invites Diaspora to Make Submissions for reconciliation,” *Daily Mirror*, June 2016, www.dailymirror.lk.

²⁸⁴ *Ibid.*

²⁸⁵ “National Security Act to replace PTA,” *Daily Mirror*, July 13, 2016; “Sri Lanka Events of 2015,” Human Rights Watch World Report 2016, <https://www.hrw.org/world-report/2016/country-chapters/sri-lanka>.

international actors to implement constitutional reforms for devolution and the establishment of an international panel to prosecute human rights violators in the conflict. Additionally, the Sinhalese nationalists who backed the former government accused the government of giving in to the Tamil's demands and intensified their campaign through demonstrations and strikes. Notwithstanding these demands, president Sirisena's coalition government made every effort to strike a balance between the Tamils and the Sinhala nationalist elements while advancing its reconciliation efforts.

Meanwhile, the country's democratic indicators reflected positive signs in their ratings. According to the Freedom House report in 2016, "Sri Lanka's political rights and civil liberties ratings each improved from 5 to 4, which the report maintains improved conditions for freedom of expression, religious freedom, civil society, and judicial independence under the new administration."²⁸⁶ Similarly, the country's rank in the 2016 global peace index improved by 18 notches and was in 97th place out of 163 countries.²⁸⁷

In less than two years in power, Sri Lanka's first UNP-SLFP government had made few positive moves towards reconciliation, yet those few were significant. The government created a few important changes to the constitution through the 19th amendment and took initiative to activate CTFRM to strengthen the reconciliation process. The unity government also made some bold decisions to de-militarize the North and East by reducing HSZs and releasing lands occupied by the military to the Tamils. Also, the government concentrated its reconciliation efforts to win the confidence of the Tamil community by bringing many Tamil politicians and intellectuals to the forefront of the government's machinery. While strengthening its ties with the west, the government created similar relationships with international organizations such as the UN and UNHCR. As a result, unlike in the past, the GOSL could muster international support for its reconciliation efforts.

Despite these positive developments, the Sinhalese and the Tamil nationalists both directed accusations to the government. The Sinhalese feared the government's

²⁸⁶ "Freedom in the World: Sri Lanka 2016," *Freedom House*, <https://freedomhouse.org/report/freedom-world/2016/sri-lanka>.

²⁸⁷ "SL's Rank Improves in 2016 Global Peace Index," *Daily Mirror*, September 06, 2016.

efforts would compromise national security and integrity, while the Tamils accused the government of not keeping its promise on devolution and accountability. As a result, Sri Lanka's unity government makes slow but steady progress at striking a balance between the aspirations of the Tamils and Sinhalese, while preserving their marginal parliamentary advantage over the opposition. While praising the Sri Lankan government's effort, Ban Ki-Moon, in his last appearance as the Secretary General of the UN, agrees that, "there remains much hard work ahead."²⁸⁸ Moon's statement will truly be tested in the government's efforts in 2017 and beyond.

²⁸⁸ "In first visit to Sri Lanka since end of war, Ban flags role of human rights and sustainable development on path to stability," UN News Centre, Accessed, October 06, 2016, http://www.un.org/apps/news/story.asp?NewsID=54830#.V_bv_vkrKUK.

IV. TRUTH AND RECONCILIATION IN SOUTH AFRICA

Today, South Africans have embarked on another journey. Some travel joyfully into the future. Others still carry their baggage, uncertain of whether or how to dispose of it. Thus, although it is a collective journey, it is also an individual journey. A journey that depends on our ability to examine with honesty and with humility the role we have played in the past and, more importantly, what role we can as individuals and as institutions play in the future.

—Truth and Reconciliation Commission of South Africa Report²⁸⁹

The inspirational “Satyagraha” campaign of Mahatma Gandhi in 1906 made South Africans believe that ethnic and racial discrimination could be defeated through truth and love.²⁹⁰ In 1996, Archbishop Desmond Tutu spearheaded a similar non-violent reckoning with apartheid atrocities in South Africa by promoting acceptance, tolerance, and reconciliation by acknowledging the past. The mechanism was the Truth and Reconciliation Commission. Tutu viewed the TRC as a “third way,” a middle ground between a criminal tribunal and “national amnesia.”²⁹¹ Crucially, the commission strikes a balance between the survivor and the perpetrator while attracting global attention, “as it was the first commission to hold public hearings in which both victims and perpetrators were heard.”²⁹² Scholars have come to view the establishment of a truth commission as “the official symbol of a political transition.”²⁹³

²⁸⁹ “TRC Final Report: Volume 4,” Truth Reconciliation Commission, 4, accessed October 12, 2016, <http://www.justice.gov.za/trc/report/finalreport/Volume%204.pdf>.

²⁹⁰ “Satyagraha, (Sanskrit and Hindi: “holding onto truth”) concept introduced in the early 20th century by Mahatma Gandhi to designate a determined but nonviolent resistance to evil. Gandhi’s Satyagraha became a major tool in the Indian struggle against British imperialism and has since been adopted by protest groups in other countries.” Encyclopedia Britannica, 2015, <https://www.britannica.com/topic/satyagraha-philosophy>.

²⁹¹ van der Merwe Hugo and Audrey R. Chapman, “*Truth and Reconciliation in South Africa: Did the TRC Deliver?*” (Philadelphia, Pennsylvania: University of Pennsylvania, 2008), 5.

²⁹² “Truth and Reconciliation Commission of South Africa,” Encyclopedia Britannica, accessed November 07, 2016, <https://www.britannica.com/topic/Truth-and-Reconciliation-Commission-South-Africa>.

²⁹³ van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 1.

The South African constitution shaped the first democratic elections of 1994, with the following clause:

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions of strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt, and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for Ubuntu (the African philosophy of humanism) but not for victimization. In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past.²⁹⁴

The Constitutional explanation was sufficient to conduct the elections, and it paved the way to establish the TRC in South Africa under the auspicious leadership of President Nelson Mandela.

The South African TRC learned from 15 similar commissions between 1974 and 1994 in such countries as Argentina, Bolivia, Chile, Uruguay, El Salvador, Rwanda, Ethiopia, Chad, Zimbabwe, Germany, and the Philippines. These countries not only transitioned from authoritarian governments, but also sought justice for the systematic violations of the human rights of a large number of citizens including mass killings, abductions, torture, and disappearance by former regimes.²⁹⁵ Similarly, from 1979 to 1993, 11 Latin American countries transformed from authoritarianism to democracy and exposed similar types of abuses against humanity.

Moreover, the South African TRC formed with “the most expansive mandate, the widest powers, the greatest resources, and the largest professional staff.”²⁹⁶ In order to find the context of historical oppression and exploitation of the Apartheid rule from 1960 to 1994, the commission organized four main offices around the country with 350 staff members. They successfully concluded testimonies of 1,819 victims through the public

²⁹⁴ van der Merwe and Chapman, *Truth and Reconciliation in South Africa*,.1.

²⁹⁵ Ibid.,303.

²⁹⁶ Ibid., 8.

hearings of 22,000 statement holders, while denying amnesty for 806 perpetrators out of 1,973 applicants.²⁹⁷ Unlike any other TRCs around the world, the commission had the powers for amnesty, subpoena of search and seizure, institutional and special hearings with “non-victim” public actors, and witness protection.²⁹⁸ Thus, the South African TRC “dwarfed previous truth commissions in its size and reach,”²⁹⁹ thereby making it unique throughout the process.³⁰⁰

Given the importance of the South African TRC, it is important to ask: does the South African TRC have relevance to Sri Lanka? I would argue that, although it has a few unresolved issues, the South African TRC largely kick-started reconciliation in the country and provides many procedures and functional aspects that could possibly apply within the Sri Lankan context. Therefore, this chapter explores the commission and identifies factors relevant to Sri Lanka. First, I will briefly sketch the TRC in South Africa, and then study the mechanism and findings of the TRC, followed by the TRC’s impact on the reconciliation process in the country. Finally, this chapter explores the lessons learned from the TRC and its implications in post-conflict countries around the world.

A. BACKGROUND

Due to the multicultural, multilinguistic, and multiethnic nature of its society, South Africa is known as the “Rainbow Nation.” Blacks dominate society, divided among a number of ethnic groups: Xhosa, Zulu, Pedi, Tswana, Sotho, and others.³⁰¹ Whites primarily consist of two distinct groups: Dutch-origin Afrikaners and British-

²⁹⁷ van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 8.

²⁹⁸ “TRC Final Report: Volume 1,” Truth Reconciliation Commission, 57., <http://www.justice.gov.za/trc/report/>.

²⁹⁹ South African TRC is consisted with 350 staff in four large offices around the country and a budget of \$ 18 million each year for two and a half years (with further extensions). Bloomfield David, T. Barnes and L. Huyse (ed.), “Reconciliation after Violent Conflict: A Handbook,” (Stockholm: International Institute for Democracy and Electoral Assistance, 2003), 140.

³⁰⁰ Van der Merwe and Chapman, *Truth and Reconciliation*, 288–291.

³⁰¹ Jay A. Vora and Erika Vora, “The effectiveness of South Africa’s Truth and Reconciliation Commission: Perceptions of Xhosa, Afrikaner, and English South Africans,” *Jstor*, 303, https://www.jstor.org/stable/3180939?seq=1#page_scan_tab_contents.

origin English, who both settled in the country as colonizers in 1652 and 1820, respectively.³⁰² Apart from these groups, colored or mixed-race people and immigrants from east India, commonly referred to as “Indians, or Asians,” comprise the other minority groups in the country.³⁰³

The institutionalized racial marginalization of the blacks originated in the Afrikaners government of 1948. The Afrikaner National Party (ANP) legally instituted the process known as apartheid (“apartness” in Afrikaans), or racial separation. Hugo van der Merwe in his landmark book, *Truth and Reconciliation in South Africa: Did the TRC Deliver?* states:

Apartheid system of compulsory racial separation enabled a white minority, amounting to some 13 percent of the population, to monopolize economic and political power and to relegate the black majority, constituting 75 percent of the population, to a subordinate and politically powerless status. It also marginalized the two other major population groups: people from mixed races...who comprised about 3 percent of the population.³⁰⁴

Institutionalized white supremacy created “deep psychological scars and distrust between groups,” which exist to this day.³⁰⁵

Many apartheid laws were enacted to suppress the Black South Africans while totally exploiting the land (including one third of the world’s gold reserves) and the nation for white supremacy. Van der Merwe and Audrey Chapman point out the “elaborate set of laws that reserved 87 percent of the land and virtually all natural resources to the white population and skewed access to good quality education, decent medical care, and well-paying jobs to the white minority.”³⁰⁶ The ANP government used

³⁰² Vora and Vora , “The effectiveness,” 303.

³⁰³ Ibid., 301.

³⁰⁴ van der Merwe and Chapman, *Truth and Reconciliation in South Africa*,5.

³⁰⁵“Orania is an Afrikaner-only South African town located along the Orange River in the arid Karoo region of Northern Cape province, which is totally dominated by the Whites and the aim of the town is to create a stronghold for Afrikaans and the Afrikaner identity by keeping their language and culture alive. Anyone who defines themselves as an Afrikaner and identifies with Afrikaner ethnicity is welcome in Orania,” “Inside South Africa’s whites-only town of Orania,” BBC, October 06, 2014, <http://www.bbc.com/news/world-africa-29475977>. Ibid.

³⁰⁶ van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 301.

the military and the police services to prevent an uprising against the apartheid system, mainly by imprisonment, torture, and disappearance. Acknowledging this fact, Van Der Merwe states, “NGO HR organizations estimate that as many as two hundred thousand South Africans were arrested between 1960 and 1992, many of whom were tortured while in detention.”³⁰⁷

Apartheid, as well as the process by which it ended, met with increasing violence throughout the years. According to the HRC statistics, “21,000 people died in political violence in South Africa during apartheid—of which 14,000 people died during the six-year transition process from 1990 to 1994.”³⁰⁸ In the guise of counterterrorism, the South African state intelligence service or the Bureau for State Security (BOSS) carried out a number of political assassinations of their opponents.³⁰⁹ In the aftermath of a failing military struggle, Mandela successfully rejuvenated his non-violent resistance movement with international support and sanctions to force the white government to enter negotiations. Following a historic election win in 1994, Mandela’s government in 1995 adopted the Promotion of National Unity and Reconciliation Act by establishing the TRC in South Africa.³¹⁰

B. THE SOUTH AFRICAN TRANSITIONAL JUSTICE MODEL³¹¹

The South African TRC most effectively captured public attention around the world, while designing a model for any truth commission to follow.³¹² The Promotion of National Unity and Reconciliation Act of 1995 covered a wide range of objectives beyond truth and recovery. These objectives mainly covered four additional measures in

³⁰⁷ van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 6.

³⁰⁸ “The greatest number of deaths took place in the conflict between the ANC and government-backed Inkatha Freedom Party,” Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 140; “How many Blacks died under Apartheid?” I Luv South Africa but I Hate My Government, 2011, <http://iluvsa.blogspot.com/2011/06/how-many-blacks-died-under-apartheid.html>.

³⁰⁹ Kevin A. Obrien, *The South African Intelligence Services: From Apartheid to Democracy, 1948–2005* (NY: Routledge, 2011), 63.

³¹⁰ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 140.

³¹¹ Ibid.

³¹² van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 8.

the mandate: “creating a collective memory for the society, establishing and nurturing a culture of human rights in South Africa, transforming the society, and enhancing reconciliation, in addition to granting amnesty to those admitting to involvement in gross human rights violations.”³¹³ Thus, “the TRC was the first truth commission mandated to balance truth finding with reconciliation.”³¹⁴ According to James Gibson, the main truth recovery functions of the TRC were to establish:

- As complete a picture as possible of the causes, nature and extent of the gross violations of human rights that were committed during the period between March 1960 and May 1994, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings.
- The commission’s report must be able to provide as thorough an account as possible of its activities and findings about the gross violations of human rights along with its execution of its other functions.

Apart from these functions, the act mandated that the TRC:

- Promote national unity and reconciliation in a spirit of understanding that transcends the conflicts and divisions of the past.
- Facilitate the granting of amnesty to persons who make full disclosure of all relevant facts related to violations associated with a political objective.
- Restore the human and civil dignity of victims by granting them an opportunity to relate their own accounts of the violations affecting them and by recommending reparation measures in respect of them
- Make recommendations to the president on measures to prevent future violations of human rights.³¹⁵

Archbishop Desmond Tutu and 17 commissioners began their work on the TRC in 1995. President Mandela appointed these commissioners following a public nomination and selection process that included lawyers, human rights activists, doctors, and ANC-defected (some of the members were former political figures of ANC

³¹³ James Gibson, “The Contribution to Truth to reconciliation,” *SAGE journals*, 412, accessed November 07, 2016, <http://jcr.sagepub.com/content/50/3/409.full.pdf+html>.

³¹⁴ Ibid., 12.

³¹⁵ *SAGE journals*, 12.

government and later defected due to the increased human rights violations of the government)³¹⁶ politicians. The commission is formally constituted into three committees: a Human Rights violation committee, which was responsible for witness hearing and data collection on human rights violations, an Amnesty committee, which processed the amnesty application requests of the perpetrators, and a Reparations and Rehabilitation Committee (RRC) with selected eligible candidates for reparations. Similarly, an investigation unit was assigned to each committee, while a Research Department collected overall data. Apart from its substantive organizational structure, the TRC received an annual budget of \$18 million from the state's contribution and donations from USAID, Norway, Belgium, the Netherlands, Finland, Austria, Sweden, and the European Community.³¹⁷

Apart from its justice framework, Christian thought and traditions heavily influenced the South African TRC model.³¹⁸ Among the South Africans, "Biblical language and Christian discourse resonate powerfully, and theological discourse on political matters is taken seriously."³¹⁹ Therefore, from the beginning of the TRC process, the Christian church was concerned about reconciliation, confession, guilt, and forgiveness.

Tutu believed the "witness hearing" process was an important function during the democratic transformation process in South Africa.³²⁰ The TRC "took 23000 victims and witnesses, 2000 of whom appeared in public hearing."³²¹ All of these public hearings received a wide range of national and international publicity through electronic and printed media. This large publicity was an important reason for the TRC to secure an

³¹⁶ Truth Reconciliation Commission, 317.

³¹⁷ Ibid.

³¹⁸ Graybill S. Lyn, *Truth and Reconciliation in South Africa: Miracle or Model?* (Boulder, Colorado: Lynne Rienner, 2002) 25.

³¹⁹ Ibid.

³²⁰ Ibid., 147.

³²¹ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 140.

international recognition to its process. About ten to twelve survivors testified each day, mainly in townships, small towns, and city centers.³²²

In all, the committee granted amnesty for 849 perpetrators out of 7,112 applicants, and others withdrew their applications.³²³ The Amnesty committee of the TRC process was a “unique innovation” deviating from the formal blanket amnesty practice, whereas it resorted to a strict scrutinizing process of the applicants only after hearing a full disclosure of the crime.³²⁴ “Crimes committed for personal gain or out of personnel malice, ill will or spite were not pardoned.”³²⁵ Due to the fear of consequences, many political leaders and military commanders of the apartheid regime did not appear before the commission.³²⁶ However, the “commission’s power of subpoena, search, and seizure were stronger than other commissions”; thus, the TRC had immense power to call witnesses and alleged perpetrators during the process.³²⁷

At the end of the hearings, the TRC compiled its five-volume report and handed it over to President Mandela in October 1998, but the Amnesty committee worked through 2001 and submitted the sixth volume in 2003. Among its primary findings, the TRC accused apartheid government of committing gross human rights violations by the use of security and law enforcement agencies. The TRC also accused the government of committing criminal activities from 1970 to 1990 in that it “knowingly planned, undertook, condoned and covered up the commission of unlawful acts, including the extra-judicial killings of political opponents and others inside and outside South

³²² “The victim hearings were events rather than sustained community engagement process. The TRC usually spent a few weeks informing local political and church leaders about the process, collecting victim statements, and then, making arrangements for hearing. The local community had very little substantive input in the process. The TRC conducted primarily research on the local dynamics, and selected cases from those given to them that reflected some of the main events and types of incidents in the area to be presented at the hearing.” van der Merwe, *Truth and Reconciliation in South Africa*, 8.

³²³ “South African Truth Commission,” Cornell University Law School, accessed October 12, 2016, https://www.law.cornell.edu/wex/south_african_truth_commission.

³²⁴ “Individuals, but not groups or organizations, could apply for amnesty to obtain immunity from civil claims and criminal charges. To be eligible, applicants had to show that the acts for which they requested amnesty were politically motivated and they had to provide full disclosure about the events. Ibid

³²⁵ Bloomfield, Barnes, and Huyse, *Reconciliation after Violent Conflict*, 141.

³²⁶ Ibid.

³²⁷ Van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 12.

Africa.”³²⁸ Additionally, the commission found other political elements as collusion partners of the government, most importantly the Inkatha Freedom Party (IFP).³²⁹

Meanwhile, the TRC accused the National Intelligence Agency of South Africa of the systematic destruction of sensitive documents covering the period of 1990–1994.³³⁰ Similarly, the final commission report named the individual perpetrators along with their crimes.³³¹ So, why did many perceive that the South African TRC was a success? James L. Gibson identifies six reasons: 1) wider media coverage, 2) free participation of the victims, 3) impartiality of its decisions, 4) shared blame for all parties to the conflict, 5) retributive and distributive (compensation) justice, and 6) the roles of Tutu and Mandela.³³² Thus, if a TRC is to be successful, it basically needs three aspects: transparency, impartiality, and political concession.

C. TRC AND ITS IMPACT ON THE SOUTH AFRICAN RECONCILIATION PROCESS

Ten years after the TRC process, researchers have found that the effect of the commission on South African reconciliation is “moderately positive.”³³³ Others, notably Jay A. Vora and Erika Vora in their statistical research on the *Effectiveness of South Africa’s Truth and Reconciliation Commission: Perceptions of Xhosa, Afrikaner, and English South Africans*, reveal that with the exception of Xhosas, Afrikaners, and English, South Africans did not agree that the TRC was effective in bringing

³²⁸ “TRC Final Report: Volume 5,” Truth Reconciliation Commission, 212, accessed October 12, 2016, <http://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf>.

³²⁹ Ibid., 212.

³³⁰ Ibid.

³³¹ Ibid.

³³² Gibson, “The Contribution to Truth to reconciliation,” 418.

³³³ Grange Jaonle, “The Truth and Reconciliation Commission: Did it Fail to Resolve Conflict Between South Africans?” *Electronic Journal of Negotiations*, 1, Accessed, October 15, 2016, <http://www.ejournalncrp.org/the-truth-and-reconciliation-commission-did-it-fail-to-resolve-conflict-between-south-africans/>.

reconciliation in the country.³³⁴ Even Tutu began to argue that it was not the promise of the commission to achieve reconciliation, but to “promote” it in the process.³³⁵ Acknowledging the fact, in its first volume of the final report the TRC insists that, “truth reconciliation is not easy; it is not cheap”³³⁶; thus, the commission justified its action of victim hearing as the main approach to promoting meaningful reconciliation. Because, the commission conceptualized that the “truth contributes to reconciliation,” hence, reconciliation to consolidate the South African democracy.³³⁷

In this context, the commission promoted the concept of the “truth” as a level of individual acceptance of the collective memory of the past, while “reconciliation” had four components: “(1) interracial reconciliation (rejection of interracial stereotypes and prejudice), (2) political tolerance (willingness to allow one’s political foes full rights of political contestation), (3) support for human rights principles (and, in particular, the rule of law), and (4) the extension of legitimacy to the political institutions of the New South Africa (Parliament and the Constitutional Court).”³³⁸ In retrospect, James L. Gibson argues, “Citizens participating more in the TRC’s truth are more likely to respect and trust those of other races, to tolerate those with different political views, to support the extension of human rights to all South Africans, and to extend legitimacy and respect to the major governing institutions of South Africa’s democracy”³³⁹; thus, achieving a relative success in the democratic consolidation of South Africa through reconciliation.

In contrast to these views, some scholars identify a number of drawbacks in the TRC process. Paradoxically, the TRC report defines reconciliation as both a “goal and a

³³⁴ “Twenty-seven participants made qualitative comments explaining their perceptions of the TRC in bringing about reconciliation. All 7 Afrikaners who offered comments (100%) indicated that the TRC was not effective in bringing about reconciliation. However, 9 out of 12 English (75%) and only 3 out of 8 Xhosa (37%) indicated that the TRC was not effective in bringing about reconciliation.” Vora, “The effectiveness of South Africa’s Truth and Reconciliation Commission, “Debating South Africa’s Truth and Reconciliation Commission,” *The University of Toronto Law Journal*, No 3, 1999, 310.

³³⁵ Desmond Tutu, “Chairperson’s Foreword,” *Truth and reconciliation Commission of South Africa Report*, vol.1, 106.

³³⁶ *Truth and reconciliation Commission of South Africa Report*, Volume 1, 18.

³³⁷ Gibson, “The Contribution,” 413.

³³⁸ Gibson, “The Contribution,” 413.

³³⁹ *Ibid.*

process” because the main task of the commission was to promote national unity and reconciliation.³⁴⁰ Nonetheless, in practice, the TRC made a little progress to promote reconciliation among rivals or competing groups by revealing the widely accepted version of the truth of historical events.³⁴¹ Scholars reproached the mandate for not being specific about intended activities of the commission that influenced the reconciliation.³⁴² Similarly, Van der Merwe states that even “the legislation does not identify the parties that are to be reconciled... whether between races, the architects of apartheid and the remainder of the society, contending political movements and parties, or victims and perpetrators.”³⁴³ The commission worked mainly to bring micro-reconciliation or reconciliation between the victim and perpetrator. Thus, a continuous process of conflict resolution is necessary to build a macro-reconciliation on the foundation of the TRC.³⁴⁴

Similarly, the TRC adopted four different conceptualizations of truth for its findings: “1) factual or forensic truth, 2) personal or narrative truth, 3) social or dialogue truth, and 4) healing and restorative truth.”³⁴⁵ The first one reflects the objective truth, whereas the other three types represent the subjective truth category. Some scholars believe that the TRC deliberately undermined the objective truth in its process.³⁴⁶ Due to this particular approach, the TRC factually lacked evidence. Therefore, some scholars critically question the credibility of the commission’s findings based on “hearsay” evidence.³⁴⁷

Politico-judicial and Christian clergies produced two different versions of reconciliation at the TRC process. Tutu influenced healing and forgiveness following

³⁴⁰ Van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 46.

³⁴¹ Ibid., 45.

³⁴² Ibid., 46.

³⁴³ Ibid.

³⁴⁴ Brandon Hamber, Tlhoki Mofokeng & Graeme Simpson, “Evaluating the Role and Function of Civil Society in a Changing South Africa :The Truth and Reconciliation Commission as a Case Study,” CSVr, accessed November 07, 2016, <http://www.csvr.org.za/wits/papers/paptrce1.htm>.

³⁴⁵ Gibson, “The Contribution,” 145.

³⁴⁶ Ibid., 146.

³⁴⁷ Ibid., 143.

religious teachings, while the lawyers and politicians “equated reconciliation with the end of overt conflict.”³⁴⁸ These two concepts never harmonized during the public hearings, in the media, or at the final TRC report.³⁴⁹ Ultimately, the commission had no clear vision about a national unity and reconciliation, but tried to create an interpersonal one between the survivors and the perpetrators. Scholars acknowledge that in most instances, forgiveness, truth-telling, apologies, and the commissioner’s perceived new political culture (of human rights) were used as tools to promote reconciliation during the process, yet failed to make any meaningful connection.³⁵⁰ Though these hearings attracted public attention, Van der Merwe states, “[V]ery few whites attended the hearings. In some cases, the only whites were foreign observers and researchers.”³⁵¹ Thus, the lack of white participation indicates that racial tension and fear psychosis prevailed among the society.

The general perception of TRC was that it was not a process of promoting reconciliation, but a human rights violations hearing. Criminal justice practitioners argue that, “the institution of the TRC justifiably sacrificed justice to other ends, truth and reconciliation” because the South African TRC had to incorporate amnesty in its model in order to achieve compromise between the victims and apartheid rulers.³⁵² As a result of the granting of amnesty and failure of the commission to prosecute the perpetrators, South Africans still feel that “revelations had ... made them angrier and contributed to worsening of race relations.”³⁵³ Similarly, during the process, the majority of the abusers did not show any remorse for their actions; thus, “over 65 percent of amnesty applications provided no-or only superficial-expression of remorse at their hearing.”³⁵⁴ Despite the subpoena powers it had, the commission was unable to summon either P. W. Botha or a majority of high-ranking officials of the apartheid regime.

³⁴⁸ CSVr., 47.

³⁴⁹ Ibid.

³⁵⁰ Ibid., 53.

³⁵¹ Ibid., 9.

³⁵² Gibson, “The Contribution,” 312.

³⁵³ Van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 62.

³⁵⁴ Ibid., 83.

Consequently, while recovering and documenting truth, the commission ended up polarizing rival parties more than supporting reconciliation efforts.

Many scholars argue that, “individuals with TRC relevant experience would simply be re-traumatized by participation in the process.”³⁵⁵ Sadly, there had not been adequate supportive measures available with the TRC to treat these post-traumatic stresses.³⁵⁶

One of the biggest setbacks in the South African TRC was the lack of cohesiveness among the members at the final stage of the commission. As a result, many key figures in the commission disintegrated during the final report-compiling stage, and the report lacked cohesiveness.

Many South Africans believe that since the end of the apartheid regime, little has changed in the police and other government institutions that warrant reconciliation in the country.³⁵⁷ Similarly, political marginalization and economic inequality are largely visible in South African society today.³⁵⁸ In recent history, South Africa made few controversial decisions against human rights violations in other countries. The Congressional Report of 2008 highlights that South Africa vetoed against UN resolutions for the human rights violations in Burma and Zimbabwe in 2007, which Tutu criticized as “deeply disappointed.”³⁵⁹ Thus, South Africa’s current human rights approach clearly indicates the lack of impact on the TRC in country’s polity.

In contrast to these views, many scholars argue that apart from its criticisms, more positive signs emerged as a result of the TRC in South African society today. One of the most important outcomes of the TRC has been the ability to support the psychological

³⁵⁵ “The impact of the truth and reconciliation commission on psychological distress and forgiveness in south Africa,” NCBI, accessed November 07, 2016, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222912/>.

³⁵⁶ Van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 289.

³⁵⁷ Ibid., 67.

³⁵⁸ Ibid., 287.

³⁵⁹ Ploch, Lauren. “South Africa: Current Issues and U.S. Relations.” *CRS Report for Congress*. RL31697 October 2008. <http://fpc.state.gov/documents/organization/112039.pdf>.

distress of survivors and the perpetrators through “knowledge and acknowledgment of the past.”³⁶⁰ Richard Goldstone, an ardent supporter of the TRC, comments:

If we had not had a truth commission, the denials of apartheid era abuses by members of the prior regime would no doubt continue to this day and still be believed by a large number of people. But in the aftermath of the truth commission, even the hard right wing of the apartheid regime can no longer deny the worst abuses.³⁶¹

James L. Gibson argues, “The presumption of South Africa’s truth and reconciliation process is that acceptance of the truth—participation in the collective memory unearthed by the truth and reconciliation process—contributes to reconciliation.”³⁶² As a result, the TRC uncovered a great amount of information that largely supported the reconciliation process, and racial violence in South Africa is almost nonexistence today.

Similarly, the TRC empowered the civil societies of South Africa. These civil societies actively involved in perusing government to implement the commission’s recommendations, while conducting community building programs to educate race and identity together, attempt to build dialogue among the divided communities. Many NGOs in South Africa conduct an awareness campaign about the government’s reactions to the TRC recommendations through social media networks. Paradoxically, the TRC remains a “reference point” for South Africa due to its symbolic nature as a reminder of the brutal past and the unfulfilled obligations of the government.

D. LESSONS LEARNED AND IMPLICATIONS FOR OTHER COUNTRIES

During the conflict resolution process, a Truth commission was considered an official symbol of “beginning a political transition to a system with greater respect for human rights and the rule of law.”³⁶³ The South African TRC opted to find truth through

³⁶⁰ Dan J. Stein et al., “The impact of the Truth and Reconciliation Commission on psychological distress and forgiveness in South Africa,” Springer Link, April 26, 2008.

³⁶¹ Tepperman Jonathan, “Truth and Consequences,” *Foreign Affairs*, No. 2, 2002, 135–136.

³⁶² James L. Gibson, “Does Truth Lead to Reconciliation? Testing the Causal Assumptions of the South African Truth and Reconciliation Process,” *American Journal of Political Science*, March 3, 2004.

³⁶³ Gibson, “Does Truth Lead to Reconciliation?.”

a public hearing process in order to identify the human rights violations of the apartheid regime and its institutions. During the period of its conduct, the commission had encountered a number of challenges and practitioners adopted them as “lessons learned” for their future studies. Similarly, scholars identified some flaws in the TRC mechanism. Therefore, these contradictions create lessons that are imperative for other countries to incorporate in their TRCs.

The TRC used restorative justice as a conceptual framework to demonstrate its justice system because restorative justice “focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.” Due to its high rate of victim satisfaction, a restorative justice system in a TRC model could effectively be used in post-conflict countries.

Another important innovative aspect of the South African TRC is the institutional hearing. These hearings were mainly conducted in the health sector, media, and business community, and with lawyers and intellectuals to discover their level of involvement with the apartheid regime. This process is important to recover macro-truth, or the structural failures of the regime and its policies. Practitioners suggest research development with an investigation unit embedded in future TRCs for an effective macro-truth analyzing process in institutional hearings.³⁶⁴ Additionally, data should be made available to the public by documenting it in national archives.

Similarly, the victim protection aspect of the TRC allowed many survivors to participate in the proceedings with confidence and without fear. Therefore, countries without victim protection in their legal system can benefit from the TRC process.

Although the restorative justice adopted in the TRC was considered as an alternative to prosecuting perpetrators, the South African commission handed over its findings to the national Prosecuting Authority for further investigations. After nominating perpetrators in its final report, the South African government pressed criminal charges. Notwithstanding this judgment, it is fair to think that perpetrators in the future are going

³⁶⁴ Van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 291.

to avoid voluntary testimonies. Therefore, it may be necessary to use TRC evidence against non-participants charged with gross human rights violations.

This system had many limitations. The government's refusal to continue its effort toward reparation represents one such limitation. The RRC of the commission recommended an annual grant of \$3,500 (for six years) for each victim or family who appeared before the commission. Many commentators believed that the dramatic amount of victim participation reflected a quest for reparations.³⁶⁵ At the end, the South African government compensated "only 21, 000 [to] victims [\$450 to each survivor] [which] was far lower than the amount recommended," and refused to release the money reserved for the remaining sufferers.³⁶⁶ To avoid government interference, it is important to direct the reparation funds through a TRC process in the future.

In general, South African society was frustrated and confused about the amnesty mechanism in the TRC.³⁶⁷ Many scholars view amnesty as an undermining factor of the commission's credibility; therefore, they recommend that the amnesty commission have a separate mandate and an integrated justice system and operate separately from the TRC.³⁶⁸ Paradoxically, amnesty is largely important in a TRC in a post-conflict scenario, where an integrated justice system doesn't exist. Similarly, amnesty is the appropriate means to clear names of falsely-accused perpetrators.

The TRC was imbued with a broad mandate to be achieved in a very short time span, yet the precise path to reconciliation was not conceptualized in the mandate. As a result of over-mandating, the commission exceeded resources and capacity, conflicted with these findings, and undermined the effectiveness of recovering the truth. Therefore, in any TRC, the legislature must design a narrow and clearly-defined mandate. Since reconciliation is a long-lasting process, truth commission mandates should be designed to

³⁶⁵ Gibson, "Does Truth Lead to Reconciliation?"

³⁶⁶ Van der Merwe and Chapman, *Truth and Reconciliation in South Africa*, 12.

³⁶⁷ Hamber, Mofokeng and Simpson, "Evaluating the Role and Function of Civil Society."

³⁶⁸ Hamber, Mofokeng and Simpson, "Evaluating the Role and Function of Civil Society."

achieve micro-reconciliation among individuals and reconciliation among a larger community. Also, the mandate needs to provide clear steps to achieve the basic objectives of the reconciliation.

Many commentators identify that the South African TRC lacked psychological resources to handle the unprecedented level of post-traumatic stress of the victims during the truth-telling process.³⁶⁹ As a result, many survivors got frustrated and grew reluctant to support the commission. Thus, in the future, TRCs should include psychological counselling and support services.

Essentially, the TRC used forgiveness as a theological framework, and a similar framework could be employed to other countries that practice forgiveness in religious teachings.

Apart from its vested powers, due to resources, the South African TRC made its prominence among the other TRCs it followed. Most importantly, due to its huge financial support, the commission could maintain its sustainability amid criticisms. Similarly, widespread media coverage allowed the TRC to grab international recognition and attention. Thus, open hearings with a greater awareness plan could allow any TRC to obtain the much needed international recognition for wide acceptance of its findings and financial assistance.

The South African TRC empowers many civil societies to be involved in the reconciliation process and brings the pending grievances to the notice of the international community. These social groups could effectively be used as monitoring sources to keep tabs on governments' reactions to the TRC's recommendations.

Due to its impartial report and collective blame directed on all parties to the conflict, the South African TRC maintained a fair amount of political and public support throughout its operation. In many instances, the commission effectively battled against the political pressure created at various level of the government due to the effective role played by the Archbishop Tutu and President Mandela. Ideally, a recognized apolitical

³⁶⁹ Hamber, Mofokeng and Simpson, "Evaluating the Role and Function of Civil Society," 289.

figure should be appointed as chairman/president of any TRC with the firm backing of the government leadership of the country. Similarly, a locally appointed body of a commission such as the one in South Africa could be utilized as an effective mechanism to pacify the nationalist upheavals against truth findings in post-conflict scenarios.

In order to maintain cohesiveness in its final report, a TRC would have to conclude its findings at the earliest possible time with sufficient staff. Drafting should link with the dissemination plan and it should be open to the public. Similarly, for greater information, the salient aspects of the TRC report should be compiled and disseminated to the greater public. Refuting the South African TRC's practice, a public sector publisher should be avoided to safeguard the originality of the content.

TRC is not a panacea for every transitional justice system in post-conflict countries. Similarly, it is not a one-size-fits-all solution to every type of ethnic conflict. Therefore, in every conflict a locally-designed conflict resolution mechanism is important, and the international actors can provide technical and financial support for its conduct.

The South African TRC, with its broad mandate and wide coverage, instantly grabbed the world's attention. Similarly, its "open victim hearing" process has brought a new dimension to the transitional justice process. This paradigm shift of truth-telling became a model that later influenced many countries. By appointing the South African TRC, President Mandela avoided any future backlash as a result of the Victor's Peace in South Africa. Moreover, the commission successfully disclosed the atrocities of the apartheid regime to global attention and eased the suffering of many survivors of the country. The commission not only brought the recognition on its own, but also put South Africa on top of the world's political sphere. Similarly, the TRC process significantly influenced the prevailing peace among the racial groups in the country. This security attracted many foreign investments and linked South Africa to the global financial network to become the second-largest economy in the region. Additionally, as a united country, currently South Africa is the third strongest military force in the African continent.

Apart from these positive indicators, the TRC could not adequately support the majority of the apartheid victims, mainly by reparation or prosecution of perpetrators. After finalizing its report, the commission had no mandate to monitor or influence government for implementation of the TRC's recommendations. Similarly, the government largely ignored the commission's report mainly to maintain its political support from alleged perpetrator groups. However, social groups that bore out of the TRC continuously voiced against the government's inaction and continued the struggle where the South African TRC left off.

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V. QUEST FOR THE RECONCILIATION: ANALYSIS AND RECOMMENDATIONS

The reconciliation of the Tamils and Sinhalese will depend not on constitutional guarantees but on the goodwill, common sense and humanity of the government in power and the people who elected it.

—Lord Soulbury³⁷⁰

After a comprehensive examination of the causes and consequences of the Sri Lankan conflict, along with the ongoing efforts of the Sri Lankan government and other stakeholders, it is desirable to provide recommendations for a meaningful reconciliation among the Sinhalese and Tamils in the country. Similarly, the South African TRC provides much needed inputs to the Sri Lankan context, including drawbacks that could be useful to policymakers as they devise a new framework to curb the longstanding national question in Sri Lanka.

This particular investigative study converged on a few major questions: is reconciliation possible in Sri Lanka? How do different societies within Sri Lanka feel about the reconciliation? This last question must be answered through the lenses of the Sinhalese and Tamils, while still addressing the Muslims and the international community's perspectives. After looking at the unfolding of events since the beginning of the Sri Lankan conflict, it could be argued that a meaningful reconciliation is possible if the Sri Lankan government can devolve power within an acceptable framework to all communities while providing good governance. However, to do so, the government will need the unbiased involvement of the international community. Thus, this chapter will evaluate the current status of the reconciliation process in Sri Lanka, mainly studying the perspectives of the Sinhalese, the Tamils, the Muslims, and the international community. Subsequently, the study will draw out the existing challenges posed by these stakeholders. Next, I will point out relevant aspects of the South African TRC to use in the Sri Lankan context before making recommendations to both national and international stakeholders.

³⁷⁰ Ranga Kalansooriya, "National Anthem Sung in Tamil a Step in Reconciliation?" *Daily Mirror*, February 12, 2016, www.dailymirror.lk.

A. STATUS OF THE RECONCILIATION

More than seven years after the defeat of the LTTE, Sri Lanka has made slow but steady progress toward reconciliation among the Sinhalese and Tamils in the country. Although successive governments have rebuilt a significant amount of infrastructure in the war-ravaged North and East, some underlying problems have remained. As a result, both the Sinhalese and Tamils live with mistrust and desperation, a situation that risks the re-emergence of violations in the country. Nationalist elements of both communities, along with their politicians, have intensified this societal gap, while many other spoiler groups have gradually hindered the progress of the reconciliation process. Similarly, international actors have pressured the government to address its accountability on past human rights violations and provide a political solution mainly through a power devolution, which infuriated the Sinhala nationalist masses. Similarly, the Tamils mobilized their forces to increase international pressure, but barely negotiated on core issues of the conflict. The current government's commitment to resolve this issue brought a fair amount of international appreciation, yet the local political atmosphere ultimately restricts these policymakers. In this context, the following study highlights how each community views a possible reconciliation and details their fundamental differences.

1. Tamil Perception

Generally speaking, the Tamils are using the government's reconciliation effort as an opportunity to win the demands that they had lost with the defeat of the LTTE. While appreciating the liberal reforms, the Tamil community has criticized the government for not taking substantial efforts to decentralize power, de-militarize, and conduct an international inquiry into the alleged human rights violations in the country. Similarly, Tamil political leadership is increasingly relying on the international community to pressurize the government to achieve these demands. The prevailing suspicion and the mistrust of the Tamils about the Sinhalese are continuing in the absence of a meaningful dialogue between these communities at the grass-roots level. Thus, it has badly hampered any reconciliation effort. Meanwhile, the Tamil diaspora and the South Indian Tamil politicians have continued their demand for a separate Tamil state, or an *Eelam*, in Sri

Lanka. It is apparent that, apart from other grievances, all these Tamil parties use the devolution and transitional justice as the main conditions for a meaningful reconciliation with the Sinhalese government.

In the 2015 presidential elections, the Tamils overwhelmingly voted to bring the new unity government to power, mainly due to its manifesto on bringing reconciliation and justice for the conflict and the community. Close to two years in office, the unity government made substantial progress toward reconciliation. Apart from addressing the basic issues of the Tamils who live in the North and the East, the government has brought many liberal reforms to improve the standard of good governance in the country. Peace and policy makers have availed the governments' liberal democratic strategy to intensify their activities in the country. As a result, these groups have brought the Tamil's grievances to international attention to increase influence on the Tamil's demands. While it appreciates the government's efforts, the Tamil community is concerned about issues such as the devolution of power through federalism, the military's presence in Jaffna, land issues, accountability on past human rights violations, Tamil women's rights issues, the repeal of the PTA, rising poverty, and poaching of the Indian fishermen in Sri Lankan waters.

Apart from these concerns, the Tamil diaspora has continued to push for its goal of separatism and de-militarization. Similarly, these diaspora groups have strongly lobbied against the Sri Lankan government in global events, and a recent referendum among the Tamils living in North America and Europe demonstrated that close to 100 percent agreed for a Tamil separate state in Sri Lanka.³⁷¹ Meanwhile, the south's Indian states of Tamil Nadu, along with the Indian central government, have continuously pressured the Colombo's administration for full implementation of the 13th Amendment to the Constitution. While they ignore the Darusman report's accusation of LTTE's human rights violations from the past, the Tamil diaspora groups, along with the Tamil Nadu political parties, vigorously campaign for a Hybrid court system to address the government's accountability aspect.

³⁷¹ Hoglung, "Winning the Peace," 11.

TNA, the main political party of the Sri Lankan Tamils, has rightly positioned itself at the vacuum created by the LTTE. However, some segments of the Tamil community perceive an increased vulnerability in the absence of their militant group, while others reject this idea and blame the LTTE for the present plight of their community. Despite these different opinions, scholars generally view the LTTE's defeat as a setback on the part of the Sri Lankan Tamils and the Tamil diaspora.³⁷² However, TNA, along with its strong propaganda machine, has successfully mustered the international support to pressure the Sri Lankan government for the devolution of power, de-militarization of the North and East, and international organization of the TRC process. Similarly, some Tamil politicians play a blame game over the government's effort while promoting their personal agendas to stir agitation among the Sinhalese nationalist masses. The Northern chief minister organized the "Ezhuga Tami (rise up Tamils)" rally as one such incident. The TNA also sponsored an annual LTTE's "heroes' day" commemoration event, which came under heavy criticism from the Sinhalese nationalist elements. As a result of these acts, most Sinhalese in the south have perceived Tamils' aspirations as only directing to the separatism. Similarly, a re-emergence of the LTTE has become a distant possibility, yet, in the absence of a meaningful reconciliation, the further polarization of the Tamils and Sinhalese becomes inevitable. In this context, ultra-radicalized Tamil groups could commence violence against the government administration in the North and East.

Above all, there had not been any meaningful dialogue among the Tamils and the Sinhalese about the reconciliation.³⁷³ This non-engagement at the community level has increased the mistrust among the Sinhalese and Tamils. Although many social groups are initiating different cultural and sports activities to build a consensus between the two communities, a national policy is required to build a meaningful dialogue, with support from the government and non-government organizations. This reconciliation is about

³⁷² Eranda Jayawickrama, "Triumphalism, fear and humiliation: The psychological legacy of Sri Lanka's civil war," *Taylor and Francis Online*, 2010, accessed November 04, 2016, <http://www.tandfonline.com/doi/abs/10.1080/17467586.2010.531031>.

³⁷³ Malinda Senevirathna, "NPC Resolution is both a threat and an opportunity," *Daily Mirror*, April, 08, 2016.

“mutual acknowledgement of pain and losses, the shared responsibility for a broken relationship and felt need for repair born out of interdependence, recognition and commitment to common destiny.”³⁷⁴ However, a large part of the Tamil community worries about the uncertain future in the reconciliation process due to the growing distrust among two communities and the triumphalist mindset of the Sinhalese radical elements. Moreover, the Tamil’s fear that post-war Sinhalese triumphalism could further marginalize them on the island.

In contrast, Tamil ministers in the coalition government are reasonably satisfied with the government’s efforts on reconciliation. This is mainly due to its establishment of the OMP and the Office of the National Unity and Reconciliation (ONUR), which carry out its island-wide public opinion survey on reconciliation. Similarly, these politicians place their confidence in the government’s constitutional reform process, which can be identified as a positive indicator to solve the national issue. Power sharing between the Sinhalese and the Muslims at the Eastern Provincial Council is another healthy indicator of reconciliation.

Though there is substantial evidence available to prove an honest effort of the government in the reconciliation process, many Tamil’s are not satisfied due to some unresolved issues on the ground. Meanwhile, in the absence of a meaningful dialogue between two communities, the reconciliation efforts of the government have a limited effect.

2. Sinhalese Perception

Paradoxically, the Sinhalese political leadership is currently divided over their perception of the reconciliation process. While the government is planning for decentralization through constitutional reforms, JO, along with the Sinhalese nationalist lobby, are opposed to this move, citing “constitutional ethnocide,”³⁷⁵ or giving into the Tamil’s demands. As a result, this political division has created a clear difference in

³⁷⁴ Pakyasothi Sarawanamuththu, “Seven Years Since,” *Daily Mirror*, May 18, 2016, www.dailymirror.lk.

³⁷⁵ Dayan Jayatilaka, “Political Ethnocide, State Suicide,” *Daily Mirror.lk*, August 31, 2016, www.dailymirror.lk.

opinion about the reconciliation among the Sinhalese. Some view power devolution in any form as an appeasement of the Tamils, whereas others favor limited power sharing under a unitary state. The defeat of the LTTE has created a triumphalist attitude in the minds of some Sinhalese and they aligned with the nationalist groups that supported a united Sri Lanka and its security forces. Additionally, due to prevailing mistrust and the continuous demand for separation by the Tamil diaspora groups, the Sinhalese are reluctant to share a substantial amount of power with the Tamil political leadership. Additionally, the group perceives the international transitional justice process as biased and a betrayal of their security forces. Thus, the Sinhalese nationalist lobby has vehemently opposed any type of power sharing because they view it as putting the country's sovereignty in danger. Yet, due to their religious obligations, many Sinhala-Buddhists have acknowledged the Tamils' grievances and accepted a meaningful reconciliation as the way forward.

During three decades of the armed conflict in the country, the Sinhalese population suffered an equal amount of atrocities at the hands of the LTTE. Continuous manipulation by the Tamil politicians and the LTTE during past negotiation attempts has created mistrust and suspicion of the Tamils in the Sinhalese mind. Similarly, ultra-nationalist political elements have successfully deepened this communal gap and generated anti-Tamil sentiments among some segments of the Sinhalese community. Apart from their mass protests and rhetoric against the Tamils, Sinhalese civil society has largely refrained from physical violations to the Tamils since Black July.

Victory against the LTTE brought a sense of pride to the Sinhalese and security from the constant violence of the LTTE infused nationalism. Soldiers who fought against the Tamil militancy were regarded as "national heroes" and the Sinhalese perceived the war as a "just war."³⁷⁶ Sinhalese politicians gradually transferred this triumphalist mindset to the masses and gathered popular support along ethnic lines. Although the 2015 election brought a liberal government into power, nationalist elements are capable of mobilizing the masses on any day against the government's reforms that threaten either

³⁷⁶ Chandraprema, *Gota's war*, 271.

the security forces or the sovereignty of the country. As a result, the majority of the Sinhalese are opposed to a UN engineered truth-finding commission and a federal solution because they perceived this as betrayal of security forces and the country.

Similarly, a majority of the Sinhalese have argued the rationale behind this commission due to its biased prosecution attempts. Incidentally, all U.N. allegations are focused on the final stage of the armed conflict and are mainly concerned with the Tamil killings, whereas the equal number of Sinhalese and Muslim killings at the hands of the LTTE for the past 27 years were not considered. Similarly, if this commission is preceded, it would have only the Sri Lankan military leaders for its prosecution, since the complete LTTE leadership has either been dead or hiding among the Tamil diaspora. Paradoxically, due to its favoritism over the Tamils since the beginning of the conflict, the majority of the Sinhalese are skeptical about international involvement. Additionally, there is a clear division about international support among the Sinhalese: one group favors the view of the countries that supported the defeat of the LTTE and took the side of the country in international allegations, while others favor the view of the Western countries that promoted good governance.

Due to its appeasement to Tamil demands, the members of the Joint Opposition (JO) demand for a referendum for newly designed constitution reforms, while pledging their veto for a two-third majority to pass it. Additionally, the residual fear of a Tamil militancy is entrenched in the Sinhalese mind. Consequently, in the face of south Indian Tamil hegemony, the Sinhalese view them as a regional minority without an alternative settlement in the world. Thus, these groups' perceptions reflect that a substantial power sharing agreement with the Tamils has become a remote possibility.

In contrast to the Sinhala nationalists views, the majority of the Sinhalese recognize the Tamils' grievances as legitimate and worthy of a permanent solution. Similarly, Sinhala-Buddhists, who cultivate tolerance and forgiveness on the basis of Buddhist teachings, promote the same values to build reconciliation among the Tamils by educating the Sinhalese society. Since the beginning of the armed conflict, Buddhists fundamentally denied the Sri Lankan conflict as an ethnic conflict, but perceived it as a

terrorist problem; thus, in the absence of the LTTE, any attempt towards reconciliation could win the support of the majority of the Buddhist community.³⁷⁷

Additionally, Sinhalese in the South demonstrated their willingness to empathize with the Tamil community on a number of occasions: during the aftermath of the 2004 tsunami, for the internally displaced Tamils after the armed conflict in 2009, and for the flood victims of the North and East in 2014, 2015, and 2016; in all these events, ordinary Sinhalese immensely assisted the Tamil victims, moving beyond ethnic divisions. Apart from this, security forces in the north and east support the Tamil community in many ways: infrastructure development, medical assistance, financial and material assistance for underprivileged groups, community projects, and disaster relief assistance. Although many Tamil politicians make direct accusations against the military for these efforts, ordinary Tamil citizens favor the military's involvement over the regional administration due to their efficiency and lack of corruption.³⁷⁸

In the absence of a national dialogue towards reconciliation in the country, many Sinhalese social groups, along with religious leaders, conducted a substantial amount of confidence-building measures through cultural activities, arts exhibitions, sports activities, and youth interaction programs. During these events, participants of both communities had the opportunity to express their views on reconciliation; finally, they delivered a collective message by understanding each other's point of view. Apart from civil society, the Ministry of Cultural Affairs (MCA) and the National Youth Service Council (NYSC) have conducted many reconciliation-focused, state-sponsored events in the north and east. All of these events resemble Sinhalese willingness for reconciliation and their total rejection of the violence in the country.

Behind this backdrop, although they are opposed to a direct threat for the country's sovereignty and armed forces, a majority of the Sinhalese are amicable and willing to reach a mutually-agreed upon solution to the Sri Lankan conflict.

³⁷⁷ Mahinda Deegalle, ed., *Buddhism, Conflict and Violence in Modern Sri Lanka* (NY: Routledge, 2006), 2.

³⁷⁸ Sudarjee, "A House for Tamils,."

3. Muslim Perception

The Muslims are basically playing a waiting game in the reconciliation process. Consequently, they are insisting on their participation and inclusion in any form of power sharing in the country, with equal concessions with the Tamils. Yet, they distanced themselves from Tamil politics due to the cordial relationship with the Sinhalese political leadership. Similarly, Muslims are skeptical about reconciliation between the Sinhalese and the Tamils, since they view both parties as not compromising to each other's demands. In recent times, Muslim politicians have campaigned against the Tamils' forceful occupation of their lands in the Jaffna and brought it to national attention. The increased radicalized activities in the East have added separatist sentiments among these groups.

The second minority party to be highly discriminated against at the hands of the LTTE is the Muslims who lived in the north and east. As a result of the LTTE's atrocities and forced eviction from the North and East, Muslims consider themselves a distinct religious and ethnic group in the country, which many correspondents believe was a negative move by the Muslim politicians.³⁷⁹ Their main political party, SLMC, acts as a "kingmaker" by aligning with the Sinhalese political parties to form the governments, while "adopting moderate standpoints in return for ministerial portfolios and associated patronage."³⁸⁰ As a result of the anti-Muslim riots carried out by the hardline Sinhalese nationalist elements in 2014, the majority of Muslims view their rights in the country to be protected by giving equal attention as to the Tamil.³⁸¹ Similarly, the community

³⁷⁹ A.R.M. Imtiyaz and Amjad Mohamed-Saleem, "Muslims in Post-war Sri Lanka: understanding Sinhala-Buddhist Mobilization Against Them," *Routledge*, 2015, 196–197, accessed November 05, 2016, http://www.academia.edu/11382786/Muslims_in_post-war_Sri_Lanka_understanding_Sinhala-Buddhist_mobilization_against_them.

³⁸⁰ Gunnar et al., *Pawns of Peace*, 21.

³⁸¹ "The 2014 anti-Muslim riots in Sri Lanka were religious and ethnic riots in June 2014 in south-western Sri Lanka. Muslims and their property were attacked by Sinhalese Buddhists in the towns of Aluthgama, Beruwala and Dharga Town in Kalutara District. At least four people were killed and 80 injured," Dinuk Kolabage, "In Pictures: Sri Lanka Hit by religious riots," *Aljazeera*, Jun 18, 2016, <http://www.aljazeera.com/indepth/inpictures/2014/06/pictures-sri-lanka-hit-religio-2014617112053394816.html>.

demands enhanced laws against hate speeches by other ethnic groups against the Muslim religion and its ideologies.

The internally displaced Muslims who had been expelled by the LTTE are still languishing in the IDP centers, while few of them are moving back to their original lands, thereby creating a rift between the Tamils in the North and East. Many Muslim IDPs accuse the government and the Tamil political leadership of turning a blind eye to their problems by concentrating only on the Tamil's issue. Many scholars view the continuous power struggle among the Muslim political leadership in the past as one of the major factors in Muslims being excluded from peacemaking efforts in the country.³⁸² However, at present, Muslim political leadership has increasingly focused on maintaining its regional power at the Muslim-heavy Eastern province, while rejecting the Tamil's demand for a merger of the North and East.³⁸³ Additionally, Muslims reiterate of their inclusion in any form of power sharing deal to the conflict, by claiming their role as a part of a solution and not as an additional problem in the making. Scholars warn that, if ignored as they were in the past, both the Sinhalese and Tamil political leadership pose a possible threat of Muslim radicalization in the Eastern province, along with increased global influence by other Islamic jihadi groups.³⁸⁴

4. International Perspective

Generally speaking, the international community has seen a window of opportunity for a meaningful reconciliation with the unity government of Sri Lanka. Thus, these groups differently reacted to the ongoing government efforts. As a result of the government's liberal reforms, these international actors became increasingly involved in Sri Lankan conflict by applying politico-economic pressure on the government, in exchange of reforms for reliefs. Many Western nations and the UN organization continued to persuade the government to address the power sharing, demilitarization, and a credible investigation for alleged human rights violations at the final stage of the arms

³⁸² Goodhand, Spencer, and Korf, "Conflict and Peacebuilding," 119.

³⁸³ M.S. M., Ayub, "Muslim Council and merger of Provinces no Longer Valid, " *Daily Mirror*, March 04, 2016, www.dailymirror.lk.

³⁸⁴ Goodhand, Spencer, and Korf, "Conflict and Peacebuilding," 130.

conflict. However, the U.S. government has maintained a more liberal approach towards the Sri Lankan government. Amidst increased Western activities, China has continued its dominance in the country's economic sphere while protecting its strategic interest. Nevertheless, the majority of the Western countries pledge their support to the government for its efforts to address the national issue.

Many international actors such as India, China, the U.S., the UN, and the EU have reacted to the ongoing situation in Sri Lanka in different ways. India is mainly concerned about a viable power-sharing model among the Sinhalese and Tamils within a unitary state, largely due to the spillover effect of the conflict. Due to the growing pressure in Tamil Nadu, the New Delhi government reiterates the importance of the investigation of the alleged human rights violations of the LTTE and the Sri Lankan government forces at the final stage of the armed conflict. Notwithstanding its demands, the Indian government initiated a number of post-conflict rebuilding activities in Sri Lanka. Construction of a 800 million USD northern railway track and 208 million USD worth of housing projects to support 50,000 Tamil families in Jaffna are a few important Indian ventures.³⁸⁵ Although it plays a silent role in the reconciliation process, India is one of the decisive factors in any form of a solution to the conflict; whether it is devised internally or internationally.

China, on the other hand, wants to increase its economic activities in post-conflict Sri Lanka. Many observers view Chinese involvement in Sri Lanka as a part of its Indian Ocean strategy "to facilitate trade and secure China's energy imports."³⁸⁶ Today, China is the largest investor, top government lender, and the leading trade partner of Sri Lanka.³⁸⁷ However, while supporting Sri Lankan government decisions on the conflict, the Beijing government is concerned about the increased Western involvement in the country. The

³⁸⁵ T. Ramakrishnan, "India's \$318-million aid for Sri Lankan railways," *The Hindu*, July 27, 2016; "India Launches Rs 1, 300 crore housing project in Sri Lanka for Tamils," *The Economic Times*, October 02, 2012, [rticles.economictimes.indiatimes.com/2012-10-02/news/34218227_1_tamils-and-muslims-houses-jaffna](http://articles.economictimes.indiatimes.com/2012-10-02/news/34218227_1_tamils-and-muslims-houses-jaffna).

³⁸⁶ Susan Aaronson, "Repressions, Civil Conflict, and Leadership Tenure: The Sri Lankan Case Study," *The George Washington university*, April 2016, 26, <https://www2.gwu.edu/~iiep/assets/docs/papers/2016WP/AaronsonIIEPWP2016-9.pdf>

³⁸⁷ Ibid.

recent response of the Chinese government indicates economic development as a solution to the conflict rather than a Western advocated transitional justice system.

As for the United States government, post-conflict Sri Lanka is viewed as a mixed bag of hope and potential. While re-aligning its much strained relationship with the previous Sri Lankan government, the U.S. expects the Colombo administration to be more “open, moderate, and nonaligned to encourage its territorial integrity and domestic institutions, and to stimulate social and economic development through better partnerships.”³⁸⁸ While it appreciates the commitments of the present Sri Lankan government, the U.S. has perceived the Colombo administration for investigations into alleged human rights abuses. However, by realizing the country’s internal political dimensions, U.S. policymakers allow the Sri Lankan government to conduct these investigations under a credible domestic mechanism.³⁸⁹ Similarly, Washington maintains a soft approach towards the Sri Lankan government’s slow but steady pace towards reconciliation.

Apart from partner countries, the UN and E.U. use political pressure and economic incentives to bolster the reconciliation process in post-conflict Sri Lanka. The Sinhalese nationalist lobby considers these organizations’ role as a “western conspiracy” and China claimed that their involvement is “infringement of [country’s] sovereignty.”³⁹⁰ In addition to its fresh bid for international participation during the alleged human rights violation investigations, the U.N. acts as the main leverage between the Tamils and Sri Lankan government. Due to its ratification of the resolution adopted in the UNHRC in 2015, the Sri Lankan government implemented many reforms to improve the country’s human rights standards. Similarly, the experts and policymakers of the organization are working with the Sri Lankan government to improve its political institution to establish good governance. The 27 years of armed conflict have seriously weakened the democratic governance in the country.

³⁸⁸ Aaronson ,”Repressions, Civil Conflict.”

³⁸⁹ Ibid., 27.

³⁹⁰ Jude Ial Fernando, “Negotiated peace Verses Victor’s Peace: the Geopolitics of Peace and Conflict in Sri Lanka,” *Taylor and Francis Online*, 2014, 26.

Meanwhile, using its trade leverage, the E.U persuades the Sri Lankan government towards good governance. Based on the country's improved human rights standards and trade policies, the EU lifted the fishing ban on the country in 2016 and advised the government to replace the current PTA to obtain once-lost GSP plus benefits for the country's garment sector. These results indicate that the UN and EU are deliberately using the sagging Sri Lankan economy as leverage to force the government to implement reconciliation policies. Apart from these organizations, many Western countries and NGOs pledged their support to the Sri Lankan government for its reconciliation efforts.

In retrospect, the current international perceptions of the Sri Lankan issue indicate two main aspects: increased involvement and a renewed Western relationship. Therefore, the Sri Lankan government and Tamil community should be able to accept the new prospects as an opportunity and not as a threat. Similarly, politicians of both communities will have to develop a broader awareness campaign among the ultra-nationalist groups about the latest international involvement.

B. FUTURE CHALLENGES FOR THE RECONCILIATION PROCESS

Following the study of different perspectives of the stakeholders in the conflict, there are a number of challenges to reconciliation that can be identified between the Sinhalese and Tamils. Although most of these challenges existed since the beginning of the armed conflict, past reconciliations failed to address these issues substantially. Although successive governments had looked into these issues in different magnitude, Tamil political parties still claimed those efforts to be inadequate.

1. Devolution of Power

Power sharing is one of the main root causes in the Sri Lankan conflict. There had been a few modules proposed by the stakeholders in the conflict, but none of these measures were able to convince the other party, mainly due to the power politics in the country. While Tamils, along with India, prefer a federal solution, the Sinhalese political parties were opposed to this idea mainly due to the substantial power vested in this module. In its latest attempt, the Sri Lankan government is reforming the constitution to

devolve power within an undivided country. However, so far the government has not indicated its desired module, and the Tamil political parties have not shown any sign of compromise of their stance. If this political stalemate continues, Sri Lanka cannot achieve a meaningful reconciliation between the Sinhalese and the Tamils.

2. Militarization and Insecurity

Since the end of the armed conflict, the Sri Lankan government has maintained its level of force in the North and East due to some important reasons. Apart from its humanitarian de-mining efforts, the military is mainly involved in infrastructure development in the region. Moreover, recent failed attempts of LTTE remnant leadership to revoke their violence had prompted the government to bolster the security in the region. However, Tamil political parties and the international actors view the military's presence as the government's deliberate effort for militarization. As a result, these groups demanded the Sri Lankan government to either thin out or completely remove the military from the region by making alleged claims on security forces for human rights violations.³⁹¹ In response, the government barred the military from getting involved in civilian organizations and largely deploying police in the area. Ironically, the ordinary Tamil people have a positive perception of the military, mainly due to the continuous humanitarian assistance they received from the organization. Additionally, the increased number of criminal activities carried out by the alleged LTTE groups had made the Tamil civilians seek military assistance for their protection. Therefore, if the military been removed, the security of the regions could be compromised. Similarly, the government's action could create a stir among the Sinhalese majority. The troop's continuous presence would intensify Tamil political dissent.

3. Lands Issues

The military's occupation in the Tamil's lands is yet another concern of Tamil political groups and international supporters. In recent times, the government had released much of these lands to the rightful owners of the regions. Similarly, the

³⁹¹ International Crisis Group, 15.

government relaxed its restrictions on security measures by allowing the locals into military designated HSZs, while compensating for the currently occupied civilian properties. However, Tamil politicians relentlessly pursued the government for complete evacuation of the HSZs of the region. Such a move could once again directly jeopardize the country's security, since all of the HSZ are within the most strategically important locations of this region.

4. Repeal of the PTA

The Prevention of Terrorism Act has been one of the major issues discussed at various levels in the post-conflict Sri Lanka. Under its mandate, PTA provides extraordinary powers to security forces. Tamil political parties, along with international actors and right groups, demanded a replacement of the act, while the E.U. placed a similar condition to grant the GSP plus trade concession. As a result, the government announced its willingness to replace the PTA with a watered-down security act. However, the main intention behind the Tamil political parties is to bail out most of the LTTE detainees who had been convicted under the PTA, which could provide a lifeline to the dead terrorist organization.

5. Economic Challenges

Despite becoming a middle-income country after the conflict,³⁹² the Sri Lankan government currently faces potentially severe economic problems.³⁹³ This situation left the government to obtain more financial loans with relatively high interest rates.³⁹⁴ Economists indicate that, “this contributed to high debt, some \$4 billion of which is due for repayment in 2016, and rating downgrade has made raising new funds more expensive.”³⁹⁵ Additionally, due to the relatively weaker mandate it has, the government is unable to bring substantial economic reforms to control the government expenditure on subsidiaries. Moreover, recent government efforts to establish new financial deals with

³⁹² “About Sri Lanka,” UNDP, <http://www.lk.undp.org/content/srilanka/en/home/countryinfo.html>.

³⁹³ International Crisis Group ,5.

³⁹⁴ Ibid.

³⁹⁵ International Crisis Group ,5.

India came under heavy criticism of the opposition and the nationalist elements. Scholars view that, “the loss of popular trust could cause the more politically risky reforms on demilitarization, transnational justice, and devolution of power to slip out of reach.”³⁹⁶ Thus, Sri Lankan’s current economic status poses a formidable challenge to the reconciliation process.

In the context of the individual group perspectives and the challenges at hand, a meaningful reconciliation attempt among the Sinhalese, the Tamils, and the Muslims would be an enormous task. However, the government’s ongoing efforts have created a “political and a social space” for these stakeholders to begin a dialogue to understand each other’s experiences and concerns; thus, the most appropriate way is a truth-telling process.

C. IMPLICATIONS OF SOUTH AFRICAN TRC TO SRI LANKA

Though it has a few unresolved issues, the South African TRC largely kick-started the reconciliation in the country, and there are many procedures and functional aspects that could possibly apply within the Sri Lankan context. The South African TRC’s principle argument of “acceptance of the truth—participation in the collective memory unearthed by the truth and reconciliation process—contributes to reconciliation,” could be equally applicable in the Sri Lankan transitional justice model. As practiced in South Africa, the Sri Lankan TRC may have to examine the grievances of all communities covering the total period of the armed conflict in the country (1983–2009). Although a laborious effort, this process could be greatly beneficial in achieving the larger interests of justice and avoiding the possibility of being “fixated on fixing a single party” in a war in which multiple forces were engaged.³⁹⁷

The UNs’ main allegation against the LLRC was “lack [of] independence, mandate and witness protection capacity”; thus, the South African TRC provides a mechanism to overcome these issues. By following the TRC’s model, Sri Lanka could

³⁹⁶ Ibid., 7.

³⁹⁷ Malinda Senevirathne, “Who Doesn’t Want Accountability and Satisfaction?” *Daily Mirror*, August 11, 2016, www.dailymirror.lk.

incorporate a witness protection aspect and equal participation of prominent apolitical persons from the Sinhalese, Tamils, and the Muslims as its commissioners. However, to achieve the desired results, the mandate of this TRC should be clear and narrow.

Similar to the South African TRC, the Sri Lankan commission could reach out to the international community for financial assistance. This would be possible by establishing a TRC with international standards, and hosting an “open truth hearing” with grater media coverage. Moreover, an internationally acclaimed commission would eventually attract the Tamils’ participation with confidence.

The amnesty commission with the same subpoena powers as the South African TRC could equally be applicable to the Sri Lankan context. Consequently, amnesty would largely clear Sri Lankan military from alleged human rights violations. Apart from the subjective truth findings, the commission has to incorporate forensic experts and social science experts for the subjective truth-finding process. Thus, evidence against any perpetrators becomes reliable. Similarly, an amnesty process could act as the influential factor to attract the perpetrators of both communities.

As practiced in South Africa, theologically-based forgiveness could be more applicable in the Sri Lankan context, since followers of Buddhism and Hinduism greatly practice this principle. Therefore, representatives of these religions could be incorporated as members of the commission.

Apart from these aspects, the TRC must appoint a reparation commission with the representatives of all communities. Similarly, the commission should have the power and means to compensate the victims without any political interference.

One of the most important aspects of the Sri Lankan context is the socio-political consent for a TRC in the country. Among the constant opposition from the Sinhalese majority, this possibility becomes too narrow. Thus, before its operation, the government and the TNA will have to conduct a broader awareness campaign among all communities about the conduct and mechanism of the TRC. The main theme of this campaign should clear the delusion of the community: TRC is not a just a judicial process to prosecute

perpetrators for human rights violations; it is has the means to promote reconciliation for permanent peace in the country.

D. RECOMMENDATIONS

Since the beginning of the conflict, there had not been many opportunities available for the Sinhalese and Tamils to achieve a lasting solution. The presence of LTTE had diminished the last hope of achieving reconciliation among the two communities. However, in the present context, there is a window of opportunity available for all communities, but any attempt to build an understanding among the major stakeholders to the conflict requires careful planning with greater awareness of the socio-political aspects of the country. The following recommendations are suggested based on the current situation and keep the sensitive nature of each actor's concern in mind. Additionally, these recommendations address the stakeholders who are directly challenging the success of the reconciliation process.

- (1) To the Tamils, Specifically the Tamil Political leadership
 - Maintain accommodation, tolerance, and compromise to honor the Sinhalese and Muslims' perceptions on power sharing under a unitary state.
 - Immediately stop raising emotions among the Tamils, which leads them to hate the Sinhalese.
 - Immediately stop spreading false allegations against the government forces and the reconciliation efforts in the North and East.
 - Accept Sri Lankan forces as a common and legitimate force of the country that equally represents the Tamil community.
 - Accept the indispensable nature of some of the lands that are occupied by the military due to their security value.
 - Negotiate with the GOSL over redistribution or reparation for lands seized from the Sinhalese and Muslims in 1991.
 - Declare a ten-year regional development plan and publically request the government to provide necessary funds and allocations for the benefit of Tamil war widows and the children of the North and East.

- Immediately discontinue the support to the LTTE remnants in the North-East and the Tamil diaspora.
 - Increase direct participation on nationally-important matters that affect all communities (specifically, the opposition leader R. Sampanthan).
- (2) To the Tamils, Specifically the Tamil Diaspora:
- Desist from demanding a separate state for the Tamils in Sri Lanka.
 - Renounce the LTTE's brutality against the Sinhalese, Muslims, and Tamils and its repression of dissent within the Tamil community.³⁹⁸
 - Accept power sharing under a unitary state.
 - Admit the LTTE's human rights violations against the Tamils in the final stage of the armed conflict.
 - Support and cooperate with the investigations against alleged LTTE violence during the transitional justice process.
 - Support Sri Lankan reconciliation efforts through a broader dialogue with the government.
- (3) To the Sinhalese, Specifically the Government of Sri Lanka:
- Adopt a national policy on reconciliation to foster a sense of togetherness among the communities.
 - Immediately commence a dialogue between the Sinhalese, Tamils, and Muslims at the regional level to build unity based on mutual understanding, recognition, and trust.
 - Bring constitution reforms through a referendum by gaining the two-thirds majorities in the Parliament to share power in a favorable manner for all other communities. Additionally, new constitutional reforms on devolution should be aimed to unify the diverse society, building national integration.
 - Bring constitutional reforms to strengthen the judiciary and law enforcement agencies to curb corruption and improve transitional justice.
 - Establish a locally designed TRC to address the human rights violations from the period of 1983–2009.

³⁹⁸ International Crisis Group.

- Create a conducive environment for all social groups to conduct community-sponsored programs, including cultural festivals, arts, music, and multi religious ceremonies.
 - Conduct an international symposium with the participation of NGOs, INGOs, and human right groups to educate and clarify the military's role in the North and East.
 - Release all possible lands (without jeopardizing national security) in the North and East to their rightful owners, including the lands that belong to the Sinhalese and the Muslims presently occupied by the Tamils. Similarly, compensate for the security-sensitive lands that are occupied by the military.
 - Declare a national day to commemorate all communities that were affected by the conflict. Additionally, build a reconciliation monument as a symbol of peace.
 - Include reconciliation as a separate subject in the school curriculum. Teaching can be started at the primary level, and extra credit should be awarded to those students who excel in this subject.
 - Increase the number of Sinhalese and Tamil government officials in the North and South institutions, respectively. Similarly, government documents should be published in all three languages: Sinhala, Tamil, and English.
 - Find a permanent solution with the Indian government against illegal poaching in Northern Sri Lankan waters, and create a conducive environment for the Sinhalese and Tamil fishermen to conduct fishing in their traditional sea beds in the northern seas.
 - Commence a meaningful dialogue with the Tamil diaspora and absorb them into the reconciliation process.
 - Commence large-scale investment in the North and East with the assistance of local and foreign investors and the business community to address the region's underdevelopment.
- (4) To the Sinhalese, Specifically to the Sinhalese nationalist lobby:
- Accept power sharing with the Tamils in a unified state.
 - Move away from party politics and act as a unified force to persuade the government toward good governance.

- (5) To the Muslims, Specifically the Muslim political leadership:
- Give a viable option to Muslims in the proposed power-sharing plan.
 - Denounce the radicalized Muslims' demand for a separate state in the Eastern province.
 - Participate in a locally-designed transitional justice process.
- (6) To the International Community:
- Provide technical and judicial advice during the transitional justice process by accepting a locally-designed panel of commissioners. Similarly, accept the grievances of all communities in the time frame from 1983 to 2009 for the TRC.
 - Refrain from exerting unnecessary pressure on the government for quick reforms due to the country's current political atmosphere.
 - Provide financial assistance to develop the North and East.
 - Release immediate humanitarian aid in the amount of 70 million USD that a donor pledged in 2006.

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VI. CONCLUSION

Seven years after pulling off an impressive military victory, Sri Lanka has yet to achieve permanent peace in the country. If post-independence had reflected a country with great hopes and prosperity, early assessments turned out to be hopelessly optimistic. The two major ethnic groups, the Sinhalese and the Tamils, simmer their tensions over distribution of resources and goods and the ideological direction of the country. Once these tensions took to the streets, political differences deepened and each felt itself to be the genuinely aggressive party. As the political system embraced the nationalist path, conflict turned into a fully-fledged war that has proved enormously costly. The bloody conflict between the LTTE and the government of Sri Lanka has grabbed international attention due to the devastation and spillover effects.

Repeated attempts to bring a permanent solution to the conflict had failed, mainly due to the maxima list of aspirations of both communities. Once liberal peace efforts turned to shambles, both LTTE and the GOSL resorted to the “war for peace” strategy, which ultimately eclipsed the Tamil Tigers from the contention. The much-anticipated reconciliation after the arms conflict was seen as a distance prospect once the government came under the international microscope for its alleged human rights violations and dragged its feet on the core issues of the conflict; yet with an impressive re-building process. Once nationalism overwhelmed with a collective political effort, a historical coalition government with increased international support came to power with much hope for reconciliation in the country. Amid substantial efforts toward a good governance and national concession, Tamil political leadership, along with the international community, asked for more actions in quick succession. Thus, the reconciliation was once again pushed to a complex situation with little hope for becoming a reality.

These unfolding situations prove my hypothesis: the success of a meaningful reconciliation in the Sri Lankan context is mainly dependent on the political accommodation, tolerance, and compromise of both the Tamils and the Sinhalese. Hence, there need to be genuine attempts from all sides to reduce the gaps and cement the fault lines that divide communities in Sri Lanka. Similarly, while absorbing some important

aspects from the South African TRC process, Sri Lanka, too, can form an indigenous truth-finding commission to investigate much-demanded alleged human rights violations in the armed conflict because a direct international intervention would meet with stiff resistance from the Sinhalese nationalist lobby, further alienating two societies. Consequently, it is understood that, “reconciliation is both a process and a goal. Hence, it will necessarily require time to bear fruit. Reconciliation cannot be imposed or forced on a nation as an event. It requires both a strategy and systematized response mechanism by the state and other stakeholders to deal with the likely obstacles that will emerge along the way.”³⁹⁹ Thus, in post-conflict Sri Lanka, reconciliation between the Sinhalese and the Tamils is possible, provided they bridge the gap to negotiate their own obstacles.

³⁹⁹ Arun Kumarasena, “Wining ‘Hearts and Mind’ of the South-A Challenge to Tamils Living in Sri Lanka and Its Polity,” *Colombo Telegraph*, September 20, 2016, www.colombotelegraph.com.

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