



ICES Research Papers

**Post-War Sri Lanka:  
Is Peace a Hostage of the Military Victory?**

**Dilemmas of Reconciliation, Ethnic Cohesion and Peace-Building**

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INTERNATIONAL  
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## **Acronyms and Abbreviations**

Ceasefire Agreement	CFA
Government of Sri Lanka	GOSL
Indian Peace Keeping Force	IPKF
Interim Self-Governing Authority	ISGA
Internally Displaced Persons	IDPs
Janatha Vimukthi Peramuna	JVP
Lessons Learnt and Reconciliation Commission	LLRC
Liberation Tigers of Tamil Eelam	LTTE
Multi Barrel Rocket Launchers	MBRLs
Parliamentary Select Committee	PSC
People's Alliance	PA
United National Front	UNF
United Nations	UN
United National Party	UNP

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## **Post-War Sri Lanka: Is Peace a Hostage of the Military Victory? Dilemmas of Reconciliation, Ethnic Cohesion and Peace-Building**

*“Representations before the Commission were equally loud and clear that the people of all communities are ready and willing, as they have always been, to use this opportunity to promote reconciliation, amity and cooperation if the political leadership from all parties on all sides of the ethnic divide, are willing and able to lead the way. The Commission was further informed that it is possible to do this if the political leaders of all successive Governments, including the present Government, can **summon the political will and the courage** to introspect and reflect on the past failures and agree to nurture consensual decision making on issues of national importance and do not resort to the adversarial politics of the past, that sought short term electoral gain as against the long term national interest”.*

(LLRC Report, 8.143)

After the outbreak of Elam War IV following the Mavil Aru incident in 2006, it took only three years for the Sri Lankan forces to militarily defeat the LTTE. Three years after the military defeat of LTTE the country seems standing at the cross-roads, bewildered as to the direction it should take regarding post-war peace-building and the realisation of ethnic cohesion and inclusive development. The key issue that Sri Lanka has yet to address is how to transform the hard-fought military victory over the LTTE into a foundation for sustainable peace on the basis of democratic inclusion and justice. The end of a civil war does not necessarily mean the end of an ethno-political conflict; rather it redefines the conflict in conditions of no-war, thereby necessitating new strategies for post-civil war peace-building and reconciliation. The transition from conflict to post-conflict society is long and a complex process which encompasses short-term priorities and long-term goals which must be decided with a clear political vision as to the direction of post-conflict society and the state should take. By redefining the conditions of the ethno-political conflict in a no-war context, the military defeat of the LTTE has opened a new historical space to find a durable solution to the ethno-political conflict. Simultaneously, it has created many constraints due to ‘triumphalism’ and the majoritarian mindset of the regime and its ethno-political clientele. This paper intends to discuss some of these dilemmas.

### **The LTTE Challenge and the Ethnic Conflict**

The political and military challenge of the LTTE which carried out a conventional cum guerrilla war against the Sri Lankan state for over two and a half decades was undoubtedly the most decisive predicament that Sri Lanka confronted since independence. During this period the LTTE evolved from just one of the Tamil youth militant groups that cropped up in the mid-1970s to one of the most powerful terrorist groups in the world. At the height of its power the LTTE was able to bring a large portion of territory in the north and east of the country under its control and to mobilise a sizable suicide squad, in addition to having naval

and air arms. The challenge posed by the LTTE to the Sri Lankan state was manifold. In the main, it challenged the territorial integrity and sovereignty of the Sri Lankan state, the two key elements of the modern nation state system. It is true that that armed threat to territorial integrity appears as the main aspect of the LTTE challenge but more crucial was the violent rejection of the ideological fundamentals of the Sri Lankan State and their legitimacy on ethnic grounds. The state exists primarily on the socio-political plain (Buzan 1991:72-73). The ideological fundamentals of the state are expressed in concrete terms in the political sphere through its constitution and other institutions of power and governance. While rejecting the ideological basis of the state, the LTTE challenged the authority and legitimacy of the institutional apparatus of the state in a very violent manner. Furthermore, by attacking the authority of the law-enforcement agencies and armed forces, the LTTE practically challenged the state's 'monopoly of organised violence'.

It was a long and brutal armed conflict. The armed challenge of the LTTE and the armed response of the Sri Lankan state were both very violent. The terror and violence that the LTTE relentlessly employed to attain its objectives made it one of the most ruthless terrorist organisations of the world. In its military campaign against the state, the LTTE integrated conventional battleground military strategy and command structure alongside an insurgent terrorist programme. Within a short period after the outbreak of open warfare in mid-1984, the LTTE held a territorial command of its own, and was prepared for trench/bunker warfare. The LTTE ground fighters were equipped with AK 47 and T-56 assault rifles. It tried to match the fire power of the GOSL forces with a similar type of military hardware: mortar launchers (60mm 81mm,) artillery fire power, cannons (120/130mm), Multi Barrel Rocket Launchers (MBRLs) etc. A series of well-planned assassinations which included a long list of Sinhalese and Tamil political leaders and high ranking security personnel remained a key tool and also the hallmark of LTTE military strategy, symbolised by the cyanide capsule. Another key aspect of the LTTE war strategy was land mine warfare. As far as the general public in the south is concerned, bomb attacks in public places and commuter trains and buses remained the greatest hazard. Vehicle-mounted bombs were used for larger targets in the South such as the Central Bank building and the World Trade Centre. Sea Tigers took the frontier of the war to the sea. At the last stage, the LTTE was able to have a rudimentary air arm too. The human, economic and physical toll of the war was very high. The actual death toll in the war is yet to be determined. But it is estimated between 80,000 and 100,000. The total direct economic cost of the three decades of the war is estimated at US\$ 200 billion.

It is a fact that the LTTE carried out a war against the Sri Lankan state for nearly 30 years. How was it able to survive as a fighting force *vis-a-vis* Sri Lankan state over such a long period of time? Can it be explained in terms of strategic and military blunders in terms of successive Sri Lankan regimes? It must be stated that the violence that the LTTE mastered had a definite political content and it used terror as a political tool. The ultimate objective of the use of terror was to achieve a separate state for Tamil people in Sri Lanka. The political driving force of the LTTE was Tamil nationalism. Its every move was justified in terms of 'Tamil national aspirations'. Indeed, the LTTE represented the militant and extremist manifestation of Tamil nationalism in Sri Lanka. In order to understand this militant phase



of Tamil nationalism it is necessary to project it in the trajectories of Tamil nationalism since independence. At the same time, there was a symbiotic relationship between Tamil and Sinhala nationalism in post-independence Sri Lanka. The structural crisis of the post-colonial state and the use of naked state violence to suppress Tamil dissent bestowed a certain degree of legitimacy on their struggle. The LTTE's ability to present itself as the epitome of militant Tamil nationalism contributed greatly for it to become the main force in fratricidal struggles on Jaffna soil.

The cruelty and ruthlessness of the modus operandi of the LTTE cannot be isolated from the composite culture of violence in Sri Lanka. The LTTE was ruthless in carrying out their targets in disrupting civil and economic life by planting bombs in civil locations in the South. It showed no concern for human life, either of their membership or of the perceived enemy population. It firmly believed that the end justified the means. The origins and spread of the use of terror by the LTTE must be understood in the context of the use of force by the Sri Lankan state to suppress dissenting views and non-violent political protest. The culture of political and mass violence in Sri Lanka was not invented by the LTTE though they mastered it well. We should not forget the violence perpetrated against the Tamil people in 1958, 1977, 1981 and 1983 in the South. During the period of the second Janatha Vimukthi Peramuna (JVP) uprising in 1987-89, the South also experienced a high degree of violence and terror possibly on even more intense scale than the North up to that time. As such we need to look at the LTTE violence also as a part of the composite culture of violence that had gradually become part and parcel of the body politic in Sri Lanka since independence, especially after 1977.

In order to understand the politics of the LTTE it is necessary to trace the symbiotic relationship between the ethnic crisis and the separatist political project of the LTTE. Without conducive ground conditions, it is not possible for an organisation to survive only with external support. The unresolved ethnic problem created conducive conditions for the LTTE to get its support base. An ethnic conflict is not simply a conflict between two or more ethnic identities. It is mainly a crisis of the hegemony of the state emanating from its inability to resolve the state-nation link satisfactorily to all nationalities/collective identities and its failure in winning over the consent of all ethnic identities by constitutional, political and other non-coercive means. Collective fear and mutual suspicion among different sub-national groups in a multi-ethnic social context form the primary condition of the ethnic problem. The failure to give recognition and space to multi-ethnicity in the ideology of the state and its constitutional arrangements of power and governance often generates collective fear among those who are structurally alienated from the decision-making process. In the context of the ethnic crisis, the ideology of the state, its institutional apparatus and physical and human bases are challenged on ethnic grounds.

### **Cycles of War and Peace**

There were cycles of conflict, demarcated by a short spell of ceasefires and the cessation of hostilities during two and a half decades of war. The first phase of the Eelam war began in 1984 and ended in 1987. It was during this time that India came forward to play a role as a

self-appointed mediator. The first phase of the Eelam war ended in 1987 with the signing of the Indo-Sri Lanka Peace Accord and the arrival of the Indian Peace Keeping Force (IPKF) in Sri Lanka. The second phase of the Eelam war began in October 1987 after open war between the IPKF and the LTTE flared up. The first attempt of the Sri Lankan Government to talk to the LTTE directly was during the Premadasa regime in the last phase of IPKF operations in May 1989. These talks dragged on till June 1990 but collapsed miserably with the IPKF leaving Sri Lanka. The ferocity and intensity of renewed fighting surpassed the violence of the period that preceded the truce. After a decade of continuous conflict, intense political violence and pervasive social turmoil, the Peoples' Alliance (PA) came to power in 1994 which promised a new approach to the ethnic problem and emphasised the need for a negotiated political settlement. After an exchange of correspondence between the leader of the LTTE and President Chandrika Kumaratunga, an Agreement on the Cessation of Hostilities was signed between the Government of Sri Lanka and the LTTE on 8 January 1995.<sup>1</sup> The euphoria of a quick peace based on a negotiated settlement of the ethnic conflict was shattered after the collapse of direct talks with the LTTE in April 1995. Eelam war III began in April 1995.<sup>2</sup> In late-1998 the Government tried to open a land route to Jaffna but it failed at severe human and material cost. During the same time the Kilinochchi, Mullaitivu and Elephant Pass military camps collapsed. The armed forces experienced continuous set backs on the military front in the period of 1999 to 2000. The military stalemate and the assassinations and attacks on selected targets in the South resulted in a very gloomy atmosphere once again. In 2002 a fresh initiative for a negotiated settlement was taken by the United National Front (UNF) government led by Ranil Wickramasinghe and the Ceasefire Agreement (CFA) was signed on 22 February 2002.<sup>3</sup> As part of the Agreement, a team of International Monitors came to the island to monitor the ceasefire. In view of the enormous suffering and destruction caused by the protracted armed conflict and the grim atmosphere that prevailed at the time, the solace brought about by the ceasefire to the people was significant. However, the peace initiatives of the UNF had also reached an impasse by November 2003 as the LTTE was adamant that any future peace talks must be based on the proposed Interim Self-Governing Authority (ISGA) drafted by them. At this stage President Kumaratunga decided to use her executive powers and dissolved Parliament.

At the time when Mahinda Rajapaksa became President after the Presidential Elections held in November 2005, the ceasefire was limited to paper and it posed no hindrance for military action. Another attempt on the part of the Norwegian facilitators to revive the stalled dialogue between the GOSL and LTTE paved the way for the talks in Geneva in February

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<sup>1</sup> All together, six rounds of talks were held until 11 April 1995. During these negotiations and also in the exchange of letters, the LTTE carefully avoided discussing any political issues directly related to a sustainable solution to the ethnic problem. The LTTE demanded during this period of dialogue that the Sri Lankan army should vacate key military positions indicated that they were not yet ready to think of a negotiated settlement.

<sup>2</sup> After a fierce battle, government forces were able to liberate Jaffna from LTTE control in October 1995. This military operation, code-named 'Riviresa', was carried out at a heavy price killing 600-700 soldiers and wounding 3,000. The LTTE reacted to the loss of Jaffna by bringing the war into Colombo and the main oil installation in Sapugaskanda near Colombo was attacked in the same month.

<sup>3</sup> The peace process initiated by the UNF regime had three components: (1) the Ceasefire (CF) Agreement, (2) direct talks with the LTTE, (3) the Sub-Committee activities covering, not exclusively, but mainly rehabilitation and reconstruction.

2006. It was abundantly clear at this meeting that both parties were not ready to politically invest in talks any more. The speedy escalation of violence reached the level of full scale war once again after the Mavil Aru battle in August 2006. The GOSL forces were able to clear the territory militarily controlled by the LTTE in the Eastern province in September 2007. After that the GOSL forces embarked on the second phase of its military offensive against the LTTE in the Mannar district in the Northern province. In the face of the advancing Sri Lankan forces, the territory held by the LTTE in the Vanni area contracted rapidly confining it to a narrow strip of land in the Mallaitivu district. Finally the total military collapse of the LTTE, with the total annihilation of its leadership in the final battle at the Nanthikadal lagoon in May 2009 marked the dramatic end of nearly three decades of armed struggle.

This brief historical recounting and tracing the symbiotic link between the ethnic crisis in Sri Lanka and the secessionist challenge and its gravity is essential to have a clear perspective as to the real socio-political issues linked with post-war reconciliation and re-building.

### **Importance of the Present Historical Juncture**

It is against this background that the historical significance of the political juncture that Sri Lanka has presently reached could be understood. What really is the historical significance of defeating the LTTE militarily? As Camilla Orjuela noted that “it had been a long war which analysts had predicted could be ended militarily” (2010: 11). The LTTE was the most serious challenge to the territorial integrity and sovereignty that the Sri Lankan state faced since independence. Considering the enormous pain and destruction caused by protracted armed conflict, the ending of the war, by whatever means, generated a sigh of relief and created a hope that peace has come to this fractured land at last. At the same time, power relations in the country have changed decisively after ending the war by defeating the enemy militarily. The victorious regime in Colombo earned enormous political capital by ending the war and continuous V-day celebrations indicate that it is eager to use it as political insurance in the face of growing other economic and political problems and challenges. Furthermore, Sri Lanka’s geo-political position has evolved considerably since its military victory vis-à-vis the LTTE. Sri Lanka’s strategic drift towards the countries that backed her in global diplomatic theatres during and after Eelam War IV and the re-charting of foreign policy priorities of Sri Lanka after the war is clearly visible. The manner in which the Sri Lankan regime handles the Indian and other international concerns in relation to post-war peace building is an important factor in peace and stability in Sri Lanka.

The military defeat of the LTTE in the final battle in May 2009 which marked the end of the long war could be a potential turning point in ethnic relations and ethno-political dynamics of the country. However, at this potential turning point whether history does turn or not depends on the ability of various stakeholders of peace to use the new historical space to sustainable peace through national reconciliation and social cohesion. It is decided by the way in which the new political space created by the end of the war is utilised to bring broader political reforms into the centre of political discourse of post-war peace-rebuilding. The general perception of the Tamils is that their bargaining power with the government over the political reforms has reduced after the war. The way in which the military defeat of the LTTE was received in the North is different from the way it was celebrated in the South. It

is necessary to understand and be sensitive to the feeling of the Tamils. Irrespective of who takes the blame, the stark reality is that a considerable number of non-combatants was killed during the last phase of the war. At the end of the Vanni war, as at 25 May 2009, there were 262,629 internally displaced people in the North. Before that during the flushing out operations in the East, 139,302 people were internally displaced in the Batticaloa district alone.

**Table 1: IDP Centres as of 25 May 2009**

	Name of the Welfare Centre	Families	Male	Female	Total
1	Aruvithoddam	322	519	534	1,053
2	Ananda Cumaraswamy				39,671
3	Kadirgamar R.V.	5,863	10,523	10,538	21,061
4	Arunachalam R.V. (Zone 3)	14,318	19,985	20,663	40,648
5	Cheddikulam M. V.	543	872	897	1,769
6	Ramanathan R.V. (Zone 2)				80,584
7	Zone 4				35,400
8	Andiay Puliyankulam School	616			1,564
9	Pampaimadu Hostal	1,387	2,229	2,285	4,514
10	Nelulkulam Kalaimakal Vidyalaya	1,353	1,539	1,485	3,024
11	Saivaprakasa M. V.	1,262	1,578	1,741	3,320
12	Tamil M. V (senior)	1,705	2,412	2,411	4,823
13	Vauniya Muslim M. V.	498	722	794	1,516
14	Gamini M. V.	818	859	1,008	1,867
15	Kovikulam M.V.	481	756	824	1,580
16	College of Education	1,970	2,978	3,125	6,103
17	Poonathottam M. V.	484	796	819	1,635
18	Tamil M. V. (Primary)	458	613	650	1,263
19	Kanthapuram Vani Vidyalaya	422	552	564	1,116
20	Thandikulam School	512	671	757	1,428
21	Puthukkulam School	807	1,855	1,365	3,220
22	Velikkulam School	436	576	652	1,228
23	Komarasankulam M. V.	735	1,035	1,140	2,175
24	Samankulam Elders W. C.				103
	Total				262,629

Source: Compiled by the author using various reports)

Even three years after the military collapse of the LTTE there has been no serious political discourse in civil society and in academic circles in the country to analyse and explain the factors and conditions that led to the military collapse of the LTTE. Because of this lacuna the political lessons offered by the collapse of the LTTE have not been grasped yet.

### **What has Happened?**

The total military defeat of the LTTE in May 2009 marked the dramatic end of nearly three decades of armed struggle associated with the demand for a separate Tamil state in Sri Lanka. At the end, to put it in different words, the Sri Lankan state was able to militarily crush the separate alternative Tamil state project in Sri Lanka. The separate alternative state project was not simply a brainchild of Pirabakaran. Through him and the LTTE it got its

most forceful representation, advocacy and catalyst. The Eelam state project did not exist in an empty space. It was based on a certain political ideology and a particular idea of the state. At the same time, behind this political ideology and the associated separate alternative state project were the interests of certain social classes in Tamil society. The leading social force, at least at the beginning, behind the LTTE was the frustrated youth segments of the intermediary social layers who are identified in the Marxist vocabulary as *petit bourgeoisie*. They are more or less the Tamil counterparts of the southern social forces who led the first and second JVP uprisings in the South. However, due to the fact that even the upper classes in the North did not share state power, unlike in the South, those social forces in the North were able to present their political interests as the interests of the entire Tamil society. It is also important to take note of the drastic changes that took place in Tamil society in the North during the long years of the war. Some left the country and some others were lost in the battle ground. These developments had a serious impact on the political dynamism of those social forces that gave leadership to the Eelam political project from the outset.

The emergence of the LTTE is closely related to the structural crisis of the post-colonial state which exploded at its weakest point, i.e., the state-nation relationship. All earlier attempts taken by the ruling parties to restructure the state to integrate other ethno-national identities in the country into the decision-making process were abandoned in the implementation stage, even after the signing of agreements. The failure of the earlier attempts on the part of the democratic Tamil political parties from 1948 to 1972 to come to a constitutional compromise paved the way for the militant brand of Tamil nationalism after the mid-1970s. However, recognition of the fact that there is an unresolved ethnic problem that gave birth to an organisation such as the LTTE, does not justify all the extremism and violence perpetrated by the LTTE.

The structural crisis of the post-colonial state and the use of naked state violence to suppress the peaceful dissent bestowed a certain degree of legitimacy to their struggle. The relentless killing of Tamil political opponents and an over-reliance on arms and military strategy rather than social forces and political strategy and the ruthless suppression of 'other' voices in Tamil society watered down the moral justification of their struggle. As a result, the terrorist face of the LTTE, rather than that of the liberation fighters, came to the fore more and more with the passage of time.

However, the LTTE alternative was a more overt, mono-ethnic state within a multi-ethnic Sri Lanka. In view of the multi-ethnic character of Sri Lankan society, a mono-ethnic separate state alternative is not tenable as well, especially in the light of the geo-political realities in South Asia. As Jayadeva Uyangoda aptly observed, "the LTTE's project of a separate state [is] built on a conception of the state which is the mirror image of the Sinhalese ethnocentric state. Social bases of the Tamil ethnocentric state formation project run parallel to the social bases of the Sinhalese ethnocentric state" (2011:55). The totalistic perception and ultra-Tamil nationalism of the LTTE prevented it from having a parallel dialogue with the reformist forces in the South. There were many forces in the South who were sympathetic to the Tamil cause that wanted to restructure the state by peaceful means. The LTTE did not pay any attention to political dialogue with these forces in the South

about the Sri Lankan national question. These inherent contradictions and limitations of the alternative state project of the LTTE made it possible for the state to crush it militarily at the end. Militarily defeating the separate state formation project does not necessarily mean the wiping out of the political ideology linked with a separate state and Tamil national aspiration in political sphere. Furthermore, the defeat of LTTE on the military front does not automatically create a more cohesive society.

In this context, how post-LTTE Tamil national aspirations are dealt with is a major challenge that the post-war regime in Sri Lanka is compelled to address. In this regard, the impact of the military collapse of the Tamil state formation project presented by the LTTE needs to be analysed carefully. There are two pitfalls in dealing with post-LTTE Tamil nationalism in Sri Lanka. The first is not to accept the possibility of its existence and to attribute the Tamil state formation project to the mental aberration of the leadership of the LTTE. If the post-war regime does not recognise it and accommodates it in a positive way to promote political reforms with appropriate responses, there is a possibility that extremist elements would come forward once again to lead it and direct it on a suicidal course. The second is to consider Tamil nationalism as a monolithic body and put all the variations in one basket and go for a head on confrontation in order to defeat it politically and ideologically. In the short run, it may appear successful in dealing with Tamil nationalism, but in the long run it would create political instability and alienation, not integration, while creating a situation for all the variants of Tamil nationalism to form a united front.<sup>4</sup> From the objective of achieving sustainable peace, social cohesion and political stability what is to be done in the post-war context is to recognise the diversity of Tamil nationalism and, while isolating confronting Tamil ultra-nationalism, the term used by D.B.S. Jeyaraj (2010), to engage in a constructive dialogue with the other elements of Tamil nationalism. The key challenge in post-war Sri Lanka is how to promote such a dialogue aimed at strengthening democracy and good governance through systematic political reforms. The role that credible and democratic Tamil political and civil leadership can play in this regard is also very important. Labelling all the Tamils who are not with the government as traitors or LTTE agents would not create conducive conditions for peace and stability.

Closely related to the issue of how to transform post-LTTE Tamil nationalism into a potent force for political reforms to promote good governance and democracy is the problem of how to integrate the social forces identified with the Tamil state-building project with a Sri Lankan state. The military defeat of the LTTE in itself does not provide an answer to these two key issues. The political space opened up by the collapse of the LTTE offers an opportunity to address these issues without being governed by dictates of military conflicts. In addition to the political character and its modus operandi and the ideological basis of the Tamil state formation project pursued by the LTTE discussed above, the manner in which the war was ended should be taken in to account in identifying the priority of issues in post-war reconciliation, rehabilitation and reconstruction ('Triple R') and social cohesion endeavours. It was definitely a hard-fought victory on the part of the Sri Lankan government. Both parties accused each other of violating the norms of International

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<sup>4</sup> Issue of how to address post-war Tamil national aspirations see Keerawella, 2011.

Humanitarian Law. It is, however, not the intention of this paper to discuss responsibility for war crimes.

After the collapse of all the LTTE military strongholds and realising that it could not hold its territory any more in the face of the massive military offensive of the government forces, it was planning to create a 'grave humanitarian crisis' that would warrant a some sort of international intervention. The LTTE hoped that such an eventuality would subsequently be followed by a transitional authority under UN supervision in the North and East and a plebiscite after a certain time frame [East Timor model]. The LTTE was planning for this three-step plan to achieve its political objective of Eelam during the final phase of the war. The LTTE systematically planned this scenario by taking over 250,000 ordinary people with them and hoped to keep them till such an eventuality took place. The LTTE firmly believed till the last minute that these Tamil people would remain with them. But, as soon as the Sri Lankan forces broke the siege, the people deserted the LTTE leaving them vulnerable to attack. The LTTE held the misplaced belief that the Tamil people would be behind them in any situation because it was fighting for the Tamil cause. When they realised that its plan did not work it was too late. The misperception of the LTTE about the unconditional allegiance of the Tamil people paved the way for its final debacle.

In this context, there were some very urgent issues that needed to be addressed immediately after the war. The most urgent among them was to avoid an immediate humanitarian crisis due to the influx of a massive number of IDPs. The government had to face this challenge first in the Eastern province. For example, after the flushing out of the LTTE from the East, in the Batticaloa district where the LTTE had more control, one fourth of the entire population of the district became internally displaced. The IDP challenge in the Vanni was more difficult than in the East and the destruction and landmine problem was far more extensive in Killinochchi and Mulaitivu. The first urgent task was to establish safe gathering centres for immediate accommodation and the provision of day-to-day basic needs and other facilities to avoid a humanitarian crisis. The government was able to absorb the initial shock satisfactorily. Indeed, providing shelters, water, medical care, food supply, water/gully services, garbage clearing remained a gigantic task.<sup>5</sup> In addition, other administrative procedures such as the identification and the registration of IDPs and their security clearance had to be completed soon. It had to quickly take the transitional step namely the establishment of welfare centres, which was a more systematic arrangement by the Ministry of Resettlement. The government established 25 welfare centres to accommodate 262,629 in Vavuniya in the period November 2008 and May 2009. The next in the order of things was the resettlement of IDPs. Before resettling IDPs in their original villages the government had to attend to the reinstatement of all the basic infrastructural facilities which were totally damaged due to the intense fighting. Furthermore, clearing landmines remains a time consuming task as the area had been densely mined. Once the dust of the final battle had settled, there was a concern, nationally and internationally, that there would be a long stay

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<sup>5</sup> According to Ministry of Resettlement, about 38,500 semi-permanent shelters, emergency shelters and emergency tents were constructed in order to meet the immediate shelter demand and 151 tube wells, 1,470 water tanks and 390 bathing places were provided to meet water requirements.

for IDPs in transitional arrangement at the welfare centres, waiting to be resettled without a clear time frame. With all the practical constraints the government was able to send most of the IDPs back to their villages within a period of one and a half years. However, “the re-settlement is an integrated process where economic and social dimensions must be taken into account, not simply the provision of a makeshift dwelling and sending them to their original places. The social and economic wellbeing of the people goes beyond the mere provision of emergency relief and the restoration of essential services. A well integrated capacity-building programme is required to promote sustained livelihood and restore their dignity” (Keerawella 2011:70). This will invariably be a long-term venture. Despite the government’s claims that there were only 6,647 IDPs as of December 2011, many more still continue to live in displacement though they do not come under official recognised as IDPs. A working draft prepared by Bhavani Fonseka, Luwie Ganeshathan and Mirak Raheem of Centre for Policy Alternatives (CPA) observes that “This continued displacement may be due to a variety of reasons including the occupation of their land by the military or other civilians, or difficulties in securing services in resettlement areas and in reconstructing lives.....there is a lack of understanding among policy makers and the general public of the continuing issue of displacement, including the various caseloads and the various problems that they face” (2012: 16).

In the light of the fact that the widespread availability of small arms among members of the LTTE, another immediate concern is how to arrest proliferation of small arms which have long term negative consequences.

According to G.L. Peiris,

it has been the empirical experience of nations that when a conflict of this kind comes to an end there is a considerable instability in the region arising from a variety of causes, not least of which is the proliferation of small arms.... This was a very serious problem along with a turbulence of considerable magnitude within an extensive geographical region with the proliferation of weapons and lawlessness. This did not happen at the end of the conflict in Sri Lanka, neither within the country nor in the neighbouring countries. (2011: 11-12)

Even though the Sri Lankan government addressed immediate issues and related negative consequences after the dramatic military collapse of the LTTE fairly satisfactorily without making room for ‘complex emergencies’,<sup>6</sup> the transition from conflict to post-conflict society has proved to be a long and complex process which must be carried out with a clear political vision as to the direction of post-conflict Sri Lankan society and the state. It is the manner in which the government uses the political space created by the demise of the LTTE to initiate broader wider-deck structural reforms to facilitate the transition from conflict to post-conflict society that makes the military defeat of the LTTE a real turning point. The

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<sup>6</sup> Complex emergencies are defined as “situations of disrupted livelihoods and threats to life produced by warfare, civil disturbance and large-scale movements of people, in which any emergency response has to be conducted in a difficult political and security environment”. *Environmental health in emergencies and disasters: A practical guide (WHO, 2002)* Complex emergency combine internal conflict with large-scale displacements of people, mass famine or food shortage, and fragile or failing economic, political, and social institutions.



post-war reconciliation, rehabilitation and rebuilding that cover the political, economical, social, administrative and educational sphere are to make way for this transition. It requires going beyond the immediate priorities and proceeding with a systematic approach and a broader vision towards the Sri Lankan state and citizenry.

### **Reconciliation and Justice**

A clear perspective and direction is required to move forward on a transitional path towards a post-conflict society. In this process the recognition of two key socio-political realities of Sri Lanka society and politics is essential. Firstly, the admission of the fact that Sri Lanka is a multi-ethnic society and the equality and partnership between majority Sinhalese and Tamil, Muslim and other minorities are fundamental for social harmony and political stability. Secondly, the acceptance of the fact that there is an ethnic crisis in Sri Lanka and that it is not possible to separate it from the war. The ethnic crisis is an outcome of the unresolved 'national question', namely, the inability to determine the relationship between the state and the nation acceptable to all nationalities/collective identities within its territory. With the escalation of the armed conflict, the war over-determined politics of the country. In the post-war reconstruction process, core issues relating to the unresolved national question need to be addressed in a no-war environment systematically. Therefore, post-conflict rehabilitation and reconstruction should not simply be a technical or economic venture.

The breakdown of societal communication between the North and the South in the years of the war in the background of the mutual fear and suspicion associated with the ethnic crisis draw the Sinhala and Tamil communities apart. Furthermore, many scars left by the war in the collective psyche of the people on both sides linger for some time. During the war, both parties presented the character and behaviour of the adversary as the main cause of war and justified one's actions *vis-a-vis* the other. The people behind the each party believed that their actions were defensive and those of the others offensive. Even after the conflict, the tendency is to look on your scars and bruises and tend to overlook the scars of the 'others'. In the context of pervasive post-war 'triumphalism' and the majoritarian mindset of the ethno-political clientele of the regime, how to reach out to the Tamil people and make them and feel organic and equal shareholders of the state is a real challenge. Even after the war if both parties continue to carry out the ethno-ideological conflict on non-military battle fronts in the same conflict frame, the prospect for reconciliation is very remote.

Indeed, as Nirmal Ranjith Devasiri (2012) aptly traced, after the war the importance of non-military battle-fronts has gained momentum. According to Devasiri

Sinhala-Buddhist pilgrims who are flocking into Jaffna peninsula in large numbers I will argue are engaged in a politico-ideological act rather than a religious act. Beneath the official rhetoric of bringing about ethnic harmony through North-South people to people encounters, these pilgrimages reproduce conflicting interests between Sinhala and Tamil ethno-nationalist identity politics. Sinhala-Buddhist pilgrims flocking in to Jaffna peninsula and sites claimed to be linked with the early Buddhist activities of the island have become their popular destinations. These visitors are

highly emotional about the 'historical significance' of these places and being watched by politically sensitive Tamils with utmost caution.

In this environment judicial mechanisms such as truth commissions and political instruments such as devolution of power would be ineffective as means of reconciliation. Objective mapping of ground realities is required to initiate the reconciliation process. In this regard, two perceptions presently prevailing among the Tamil people should be given due attention: (a) it is a Sinhalese Army (b) post-war Jaffna is an 'Occupied Territory'. As long as these perceptions are perpetuated among Tamil people it would be difficult to reach national reconciliation. Therefore, practical and effective steps need to be taken to remove these perceptions and to convince them otherwise. In the real sense of the term, reconciliation is a broader and deeper process. As Onigu Otite states it aims to replace suspicion, hatred, animosity, stereotypes, and fear with comprehension, consciousness, sympathy, possibly forgiveness, and in rare cases, compassion. In a broad sense, Otite writes, "openness to change, flexibility, the ability to peacefully modify approaches and learn from process is what conflict transformation is all about" (1999: 10).



**Figure 1: Integrated Components of Reconciliation**

A key aspect of reconciliation is psycho-social healing. Truth and justice play very important role in the healing process. It is why transitional justice becomes a key element in reconciliation. National and international concerns of the violation of international humanitarian law during the last stage cannot simply be brushed off. Accountability definitely helps reconciliation. In this manner the woes and pain of the victims or their relatives could be healed. The observations and recommendations of the LLRC Report (9.36 and 9.37) should be noted here.

9.36 It is the considered view of the Commission however, that eye witness accounts and other material available to it indicate that considerable civilian casualties had in fact occurred during the final phase of the conflict. This appears to be due to cross fire, the LTTE's targeted and deliberate firing at

civilians, as well as due to the dynamics of the conflict situation, the perils of the geographical terrain, the LTTE using civilians as human shields and the LTTE's refusal to let the hostages get out of harm's way.

- 9.37 The Commission therefore recommends that action be taken to;
- a. Investigate the specific instances referred to in observation 4.359 vi. (a) and (b) and any reported cases of deliberate attacks on civilians. If investigations disclose the commission of any offences, appropriate legal action should be taken to prosecute/punish the offenders.

Healing, truth, justice, mercy and peace need to go in hand in hand. In addition to justice through formal institutions or procedures, apology and mercy covering both sides would contribute to heal pain and facilitate the transformation. In this regard, the LLRC commission recommends that

...a separate event be set apart on the National Day to express solidarity and empathy with all victims of the tragic conflict and pledge our collective commitment to ensure that there should never be such bloodletting in the country again. Based on testimonies it received the Commission feels that this commemorative gesture, on such a solemn occasion, and at a high political level, will provide the necessary impetus to the reconciliation process the nation as a whole is now poised to undertake. (LLRC Report 9-285)

The twin process of apology and forgiveness is the main goal of a truth commission which may pave the way for attitudinal change. The attitudinal change is a precondition for the move from post-war to post-conflict society. It is not possible to do it overnight. But there is a systematic and practical course of action in that direction. Implementation of the recommendations of the Lessons Learned Commission appointed by the government is important as an initial step in this direction. However, as long as the Sri Lankan government remained a hostage to its ethno-political clientele in the South, the reconciliation process cannot be set in motion effectively. According to Laksiri Fernando, "apart from the extremist influence on the government, there is an ideological or policy disorientation that precludes its move towards reconciliation.... the belief that after the defeat of the LTTE, there is nothing left to reconcile and the Tamil people might slowly adjust to the new reality" (2012).

### **Security Concerns and Militarisation**

Another area which has profound bearing on reconciliation is post-war security-building. Here also the government needs clear vision and direction as to the role of the military after the war. The changed ground conditions following the military defeat of the LTTE demand reframing security concerns and security-building mechanisms. The continued presence of the military and its expanded role in non-military spheres of daily life has created a serious concern internally and internationally. The claim of the government that it is not possible to reduce the military presence because of the threat of a re-emergent LTTE reflects that it has not moved from the earlier conflict mind frame. In the present context, any re-emergence of a secessionist threat from the LTTE has to be checked in the political sphere. The firm foundation of security is invariably the successful peace-building process. It does not mean

that military forces have no role in security in the post-war situation. After a nearly two and a half year war, it is not realistic to expect the armed forces to withdraw overnight but what is required is the reframing of security concerns and security-building mechanisms to suit the changed environment. While deviating from more coercive practices, new operational mechanisms relating to security need to be introduced as part of post-conflict reconstruction and reconciliation. A more subtle mechanism for security surveillance and intelligence gathering, which should not appear offensive, is needed. The analysis of security intelligence also needs more sophistication. The difference between dissent and subversion should be clearly identified. Dissent needs to be accepted and allowed as a healthy safety valve embedded in democracy and subversion needs to be dealt with appropriately. Putting dissent and subversion in one basket would definitely be counter-productive politically and strategically in the long run. The execution of security functions must be regulated in terms of the rule of law to win the trust and confidence of the people. A heavy and visible military presence in every nook and corner of the North is practically counter-productive as far as peace and security interests are concerned. The security interests of the state can be taken well care of by well-trained, strong but not heavy and smartly less-visible military presence. Dayan Jayatilaka's observations on the establishment of permanent housing for military families and the acquisition of privately owned land for that must be noted here. He opined that

Today, the state must deploy the armed forces in the North and East in a manner that deters and prevents future conflict, rather than sows the seeds for it, either in the forms of terrorism, guerrilla cells or unarmed civic resistance. The establishment of permanent military bases strictly within state 'Crown' land is doubtless imperative to guarantee the first objective, but the acquisition of private land and the settlement of military families could trigger the latter... The wrong kind of security policy for the post-war North and East in which Sri Lankan armed forces cantonments become interlinked oases embedded in a hostile local population may turn the entire area into a high insecurity zone. (2010: 11)

The military victory of the government strengthened the narrow perception of state-centred security. Accordingly, security is nothing but territorial integrity and national sovereignty of the state. Security equals power and power is defined only in terms of military power. Any other way of thinking is considered a downgrading of the military victory. Territorial security is important but the security of the state goes beyond that. Three main constituent elements of the state, namely the ideological basis of the state, human and physical base and institutional structures must be taken into account in the consideration of state security. In that sense, security of the state must be achieved first of all on the political-ideological plane. It is imperative to develop a comprehensive phenomenon of national security in which the security of the state is integrated with the security of the individual and their collective identities. Human rights which are vital for the security of the individual must be an inseparable element of national security. Suppression of human rights for the sake of national security actually deepens national insecurity. In the post-LTTE context, the Sri Lankan state cannot afford to consider a section of its own citizenry a security threat. Deviating from the earlier framework of thinking that emphasised more on security than

freedom, it is necessary to move forward with a new policy framework defining security in terms of broader socio-political considerations. A London based Economist observed that “having made a strong case that it was liberating millions of its own people from the terrorist yoke, Sri Lanka’s government seems to be doing its best to make those people feel newly oppressed. That is not the way to win reconciliation. It is a prescription for renewed rebellion” (*Economist* 2009). The possible outcome of the contradiction between the state’s perception of security and the people’s perception of security is the insecurity of both parties.

The narrow perception of security coupled with overwhelming war triumphalism has paved the way for the increasing pace of militarisation which will have serious future political repercussions. The military is an important institution of the state. It has a precise role. In contrast, militarisation is a process. Countering militarisation is by no means opposing the legitimate functions of the military. Militarisation is not simply the expansion of the numbers of military forces. In militarisation, the military infiltrates other ‘non-military’ spheres and expands its role into other branches of governance which should be under civil administration. One of the key challenges that society confronts after a prolonged war which ended with military victory is the continued militarisation of society and polity. The militarisation process begins with the idealisation of military and militaristic values. The war triumphalism and the victorious mindset create fertile ground for idealisation of military and militaristic values. Another aspect of militarisation is the acquisition of the policing function by the military and the utilisation of military forces to maintain civil law and order. As a result, the military comes forward to play a crucial role in day to day affairs of the people even after the war. In the process the military has infiltrated into other spheres of civil administration such as trade, city planning and local administration and even higher education bringing the civil administrative organs under their authority. As a result, the military comes forward to wield substantial political and economic power. According to the Crisis Group Asia report

The heavy militarization of the province, ostensibly designed to protect against the renewal of violent militancy, is in fact deepening the alienation and anger of northern Tamils and threatening sustainable peace. Major new military bases require the seizure of large amounts of public and private land and the continued displacement of tens of thousands. The growing involvement of the military in agricultural and commercial activities has placed further obstacles on the difficult road to economic recovery for northern farmers and businesses. (2012)

Lanka Business Online (LBO) quoted military spokesman Nihal Hapuarachchi saying “we are now engaged in five hotel projects in Nilaweli, Arugam Bay and Yala” (May 2012).

Closely related to militarisation is moving towards a national security state. The concept of national security came into political discussions in a Latin American context after in the connection with military regimes. The rationale of the existence of regime in national security states derives from the need to ensure national security. In a national security state, as Jack Nelson-Pallmeyer (1992) identified, state maintains an appearance of democracy but ultimate power rests with the military establishment. The systematic creation of ‘enemy

images’ constitutes a key social element of militarisation. In this mindset, there are enemies of the state everywhere. There are conspiracies against the state in every nook and corner. The main task of the state is to identify and counter internal and external enemies who are waiting for an opportunity to destroy the country. In this situation, people should ignore other ‘petty’ things (such as corruption, the economy, good governance and the rule of law) and rally around the state with a real ‘patriotic’ spirit because the country is in danger. Therefore, any means used to destroy or control these enemies is justified. The state’s paranoia of any return of a secessionist threat once again is understandable; however, it should not be used by the regime as a political weapon to hunt all its political opponents. There is a grave concern that certain developments associated with the increased pace of militarisation since the end of the war tend to create a national security state at the expense of sustainable peace and national reconciliation.

### Post-War Reconstruction

The immediate priority of the government after defeating the LTTE has undoubtedly been post-war reconstruction. The pace of transition of the North and East towards a post-conflict society depends on the success of post-war reconstruction. In view of the enormous destruction caused by the war in all aspects of social, economic and political life, the rebuilding of society remains a formidable challenge to be addressed with broad political foresight as to national reconciliation and ethno-social cohesion. In addition to the long-term socio-economic consequences of the protracted war in the North and the East, some immediate issues emerged at the close of the war, such as the almost total devastation of infrastructure of two districts Mullaitivu and Killinochchi and the displacement of entire population of these two districts. The two and a half decades of war severely damaged the entire road transport network and railway lines in the North. The social impact of the long-drawn war in the North and East is reflected in the selected health indicators given in Table 1.

**Table 2: Selected Health Indicators for the North and East**

	Infant Mortality Rate 1,000 live Births in 2000	Maternal Mortality Rate 1,000 live Births in 2000	Low Birth Weight in 2001	Under Weight in 2002	Home Deliveries in 2002	Safe Sanitation in 2001
Si Lanka	11.2	14	16.7	29.4	4.0	72.6
North and East	14.7	81	25.7	46.2	19.4	48.2
Ampara	10.3	24	22.7	44.1	19.8	52.7
Batticaloa	15.8	117	24.3	53.2	31.4	28.4
Trincomalee	4.6	57	30.5	44.7	13.6	25.6
Jaffna	22.3	62	30.5	43.1	4.4	79.0
Killinochchi	27.8	158	N.A.	N.A.	NA	N.A.
Mannar	22.3	97	12.7	38.3	39.4	70.9
Mullaitivu	20.3	123	N.A.	N.A.	N.A	N.A
Vavunia	8.8	76	38.8	50.6	12.3	71.0

Source: Saman Kelegama, Socio-Economic Challenges in Post-Conflict Reconstruction in Sri Lanka, www.ips.lk , September 2011.

The government launched two integrated initiatives for post-war reconstruction covering the East and the North. The first one, “Negenahira Navodaya” began after the flushing out of the LTTE from the East. Second, “Uthuru Wasanthaya” launched soon after the war in 2009 focusing the North. “Uthuru Wasanthaya” had two phases. First, a 180-day programme focused on de-mining, resettlement of IDPs, energy grid, telecommunication reconstruction of damaged socio-economic infrastructure, and livelihood recovery. The second phase focused on infrastructure development, electricity, transport, water supply, health, education, cultural affairs and livelihood development programmes. The government was able to mobilise a wide range of inter-governmental donors. Approximately 64 percent of funds for Northern developments came from the international donors.

The main emphasis in the post-war rebuilding and reconstruction is on physical infrastructure development, mainly roads and bridges. In the last three year period 11 large bridges were completed with a total of 2,538 meters in the North and East. The total cost of developing the A-9 Highway with ADB assistance was said to be Rs. 710 million. A total of Rs. 380 million will be spent on the Vavuniya-Horowpathana road and Rs. 360 million on the Medawachchiya-Mannar road. In addition, widespread building construction programmes have been initiated, including building schools and townships. As a result of these large-scale development projects the appearance of the region has changed rapidly since the war.

**Table 3: Main Bridges Built in the North and East in the Last Three years**

Bridge	District	Location	Length (m)	Road / Railway	Crosses	Completed
Kinniya	Trincomalee	Kinniya	396	A15 Batticaloa-Trincomalee highway	Kinniya Lagoon	2009
Irakkandi	Trincomalee	Irakkandi	300	B424 Pulmoddai-Trincomalee road	Irakkandi Lagoon	2009
Mannar	Mannar	Mannar	157	A14 Medawachchiya-Talaimannar highway		2010
Upparu	Trincomalee	Upparu	315	A15 Batticaloa-Trincomalee highway	Uppu Aru	2011
Sangupiddy	Jaffna/Kilinochchi	Karaitivu/Sangupiddy	288	A32 Jaffna-Mannar highway	Jaffna Lagoon	2011
Gangai	Trincomalee	Gangaithurai	245	A15 Batticaloa-Trincomalee highway	Mahavali Gangai	2011
Arippu	Mannar	Arippu	258	B403 South Coast Road (Mannar-Puttalam)	Aruvi Aru	2011
Ralkuli	Trincomalee	Ralkuli	175	A15 Batticaloa-Trincomalee highway		2011
Verugal	Trincomalee	Verugal	105	A15 Batticaloa-Trincomalee highway	Verugal Aru	2011
Kayankerni	Batticaloa	Kayankerni	85	A15 Batticaloa-Trincomalee highway		2011

Source: [www.wikipedia.org/wiki/List\\_of\\_bridges\\_in\\_Sri\\_Lanka](http://www.wikipedia.org/wiki/List_of_bridges_in_Sri_Lanka)

In view of the multi-faceted impact of the war, the post-war rebuilding process should invariably be a multi-dimensional process. The physical infrastructure development is only one dimension of the process. Other dimensions are also equally important. Broadly speaking, post-war reconstruction encompasses four areas: (1) security, (2) justice and reconciliation, (3) social and economic well-being, and (4) governance and participation.<sup>7</sup> Therefore, the true success of post-conflict rehabilitation and reconstruction cannot be measured only in terms of the construction of new roads, bridges and buildings. It is not simply a technical or economic venture. The political overtones of the large scale projects carried out by the state need to be given due attention. There is no doubt that the state must take the lead in the post-war reconstruction projects with international assistance. It should not appear that everything in post-war reconstruction is imposed from above and directed from Colombo. Post-conflict rehabilitation and reconstruction needs a clear political vision. Rehabilitation and reconstruction could be used as a tool for reconciliation. The people of the area must own the reconstruction process. Implementation of post-conflict rehabilitation and reconstruction projects could be used as avenues for economic, social and political empowerment of the people and local communities in the region and the construction of civil society in a post-conflict setting. Finally, if it is properly handled, post-conflict rehabilitation and reconstruction could develop a matrix of reconstruction, community resource building, and civil society and legitimacy reconstruction.<sup>8</sup> What is essential here is a clear vision and the political will.

It must be noted that development is a discourse. As political understanding of development is very crucial, it is necessary to take into account political aspects of development in this regard. As Sumith Chaaminda (2010) has pointed out

The articulation between development and post-war reconstruction is one of the main aspects of the current ideology of development in Northern and Eastern provinces. In the present day dominant discourse of Sinhalese patriotism, Northern and Eastern development is defined merely as post-war resettlement, reconstruction and establishing normalcy in the lives of people. It has become common sense among Sinhalese nationalists that state-led development is necessary to prevent another uprising of Tamil militancy in Northern and Eastern provinces. This political strategic reasoning of development was there from the outset of these development projects, initiated when the government forces were fighting with the LTTE.

As far as the social dimension of post-war reconstruction is concerned the ultimate outcome would be reconstructing the life of the people in the region. The final objective would be to have a more cohesive society. Jane Jansen (1998: 15) identified five dimensions of social

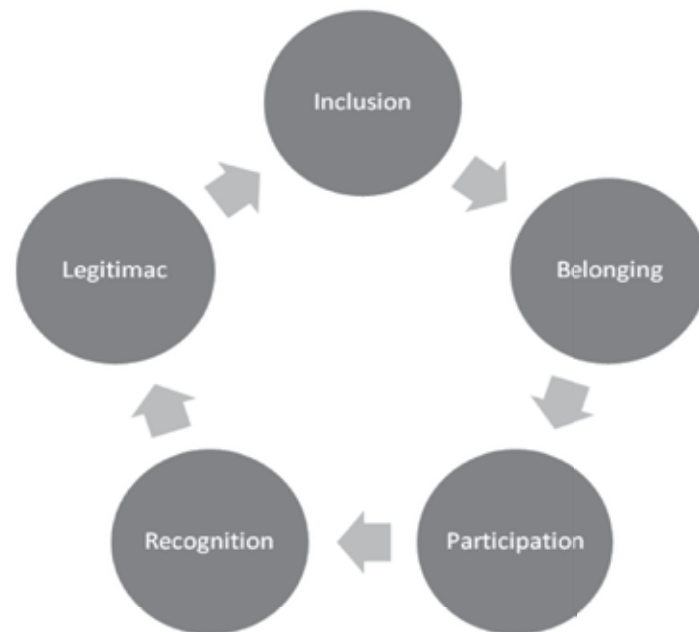
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<sup>7</sup> According to Commission on Post-conflict Reconstruction of the Center of Strategic and International Studies (CSIS), in the area of governance and participation has four main themes should be addressed: (a) strengthening the rule of law and respect for human rights; (b) developing more genuine and competitive political processes; (c) fostering the development of a politically active civil society; and (d) promoting more transparent and accountable government institutions. See, Post-Conflict Reconstruction, (A Joint project of the CSIS and the Association of the United States Army (AUSA), Task Framework. May 2002.

<sup>8</sup> See Ian Macduff "Capacity Building in Conflict Transformation: Integrating Responses to Internal Conflicts, <http://www.>



cohesion. The feeling of social belonging constitutes the key aspects in that people should feel that they are a part of the same community. It comes as a result of political, social and economic inclusion. In contrast, a feeling of exclusion from the decision-making process constitutes a key element of the ethnic crisis. The feeling of exclusion pushes communities into isolation which would manifest at different levels. Therefore, space should be created and widened for the people in the North and East to participate in the political, social-cultural and economic life, nationally and regionally. Post-war development projects should be designed as participatory development projects so that people in the region would be a party to the decision-making process. The recognition of group-specific values along with shared values is the key to social cohesion. The recognition of group-specific values bestows them with a high degree of legitimacy.



**Figure 2: Five Key Dimensions of Social Cohesion**

In the final analysis, all five dimensions of social cohesion relate to the ability of the government to offer adequate political space to the people of the North and East. Inclusion, participation and recognition could be ensured in the political space only by political reforms. Devising a political solution to the ethnic problem thus occupies the centre of post-war rebuilding. The LLRC Commission admitted that “the root cause of the ethnic conflict in Sri Lanka lies in the failure of successive Governments to address the genuine grievances of the Tamil people” and “a political solution is imperative to address the causes of the conflict”. However, the Commission does not specify what it meant by a political solution.

### **Political Reforms**

In order to base post-war reconstruction on a firm political foundation, what is really required is to widen the political space through necessary constitutional and institutional arrangements to include those who feel excluded from the political decision-making process. Indeed, the ultimate success of post-war rehabilitation and reconciliation and long-term peace and stability will be determined by the progress of the political process. Devolution of

power as a viable political solution to the ethnic problem has been part of the political discourse of the country for some time. However, it appears to have been trapped in Catch 22 situation — earlier devolution of power was considered not possible because of the secessionist challenge of the LTTE and after the military defeat of the LTTE the logic is that there is no urgency for devolution of power as there is no secessionist threat and development is the priority. Nevertheless, the urgent need for political reforms to be launched as an integral part of post-war building has been discussed extensively.

As a new initiative towards devising a political solution, the Mahinda Rajapaksa regime established the All Party Representative Committee chaired by Minister Tissa Witharana in July 2006. The committee met 126 times over three years. Its final report was presented to the President in July 2010. Later the government proposed a Parliamentary Select Committee (PSC) ostensibly to reach a consensus among the main political parties.

Another related issue is the implementation of the 13th Amendment. It should be noted that the Sri Lankan government has repeatedly assured the international community that “Sri Lanka will take measures for the effective implementation of the 13<sup>th</sup> Amendment to the Constitution” (Human Rights Council 2008: para 103). In the joint press release issued on 17 May 2011 after the visit to India by External Affairs Minister G.L. Peiris,

...the External Affairs Minister of Sri Lanka affirmed his Government’s commitment to ensuring expeditious and concrete progress in the ongoing dialogue between the Government of Sri Lanka and representatives of Tamil parties. A devolution package, building upon the 13th Amendment, would contribute towards creating the necessary conditions for such reconciliation. (Joint Press Statement: 2011)

Before that, in India-Sri Lanka Joint Declaration on 9 June 2010, after President Mahinda Rajapaksa’s visit to New Delhi,

...the President expressed his resolve to continue to implement in particular the relevant provisions of the Constitution designed to strengthen national amity and reconciliation through empowerment. In this context, he shared his ideas on conducting a broader dialogue with all parties involved. The Prime Minister of India expressed India’s constructive support for efforts that build peace and reconciliation among all communities in Sri Lanka. (Joint Press Statement: 2011)

In this context, it is not possible to avoid the issue of political reforms anymore as the credibility and legitimacy of the government is closely linked with its willingness to go forward with the devolution of power and widespread distribution of political power.

Despite these repeated statements of the government expressing its willingness to proceed with a political solution to the ethnic problem, there has been very little progress in that direction. The key issue here is whether there is a political will on the part of the Mahinda Rajapaksa regime. As Jayadeva Uyangoda vividly pointed out,

... as part of the overall political strategy to make the war success, President Mahinda Rajapaksa forged a broad coalition of political and ideological forces. At the core of this coalition were hard-line Sinhalese nationalist parties, groups and movements that not only stood for a military solution, but also rejected the very idea of an ethnic conflict emanating from minority specific political grievances. (2011: 60)

In this context, the prevailing line of thinking of the regime is grievances first; devolution later. Furthermore, the reluctance on the part of the ruling regime to deviate from the majoritarian mindset is also responsible for the lack of political will. Therefore, the regime is not convinced of the need to devolve power to offer a new political space for the minorities for political participation. In this context, in view of past experience, there is a serious concern that the proposed PSC would be another device to buy time to avoid the issue of devolution. The fear is that the new initiative would also end up as the earlier initiative under President Chandrika Kumaratunga where a PSC met on 77 occasions in Parliament, in addition to meeting delegations of the PA and the United National Party (UNP) on over 17 occasions to reach a consensus over the constitutional proposal based on devolution of power. Finally, 'A Bill to repeal and replace the Constitution' was rejected by the opposition in August 2000.

The main objective of political reforms in the post-war context should be the widespread distribution of political power among the people. Devolution is only one aspect of this process. It is why devolution has to be a part of the broader political reforms aimed at promoting good governance: rule of law, accountability and transparency. Furthermore, it needs to cover administrative, economic and education spheres. In the administrative sphere, necessary steps should be essential to promote a devolution-friendly administrative culture both at the centre and the provinces along with the devolution of power to ensure service delivery mechanism capable of responding to the requirements of a multi-ethnic society. The experiences of the Eastern Provincial Council since 2008, the first and the only national minority-controlled Provincial Council clearly reveal the serious limitations of existing arrangement of devolution in the face of the overriding powers of the central government which hampers even day-to-day administrative functions of the Council. In order to go forward, what is needed is a new constitutional arrangement to ensure clarity and consistency in the distribution of power between the centre and the provinces. It must be a part of the broader political reforms pursued with the objective of broadening the democratic political space in the country. The stark reality is that the present regime is averse to the democratic political reforms; the fact is clearly highlighted by the 18<sup>th</sup> Amendment to the Constitution. In the context of a pervasive war triumphalism any attempt at state reforms with the objective of widening the democratic political space through devolution is viewed by the ethno-political clientele of the regime as an instance of presenting on a platter what the LTTE failed to achieve on the battle front. In the light of the regime's inability to summon the political will or to show the required courage to overcome these constraints, the political reforms and peace in post-war Sri Lanka seem to have become a hostage of the military victory.

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Having militarily defeated the LTTE, Sri Lanka presently stands at a critical historical juncture in its endeavour to attain a sustainable peace. The peace and stability of post-war Sri Lanka depends on the ability of key stakeholders in peace to utilise the new political space opened up at the end of the war to systematically address the root causes that generated and sustained ethnic conflict and violence. The transition from conflict to post-conflict society is not a simple process and a *fait accompli* with the silencing of the guns by defeating the 'enemy'. It is a long and complex process which encompasses clearly identified short-term priorities and long-term goals which must be decided with a clear political vision as to the direction of post-conflict Sri Lankan society and the state. The military defeat of the LTTE was possible due to its internal political collapse which was a cumulative outcome of the conceptual, organisational and operational weakness of its political project. The paper proposes to reconfigure the post-war peace-building from a human rather than physical infrastructure-focused approach. The Archimedean screw of the entire post-conflict peace-building is the ability of the government to bring the core issues of political reform into the forefront of post-conflict peace-building in order to offer a durable solution to the ethnic problem. The paper argues that the end of the civil war does not conclude an ethno-political conflict; rather it re-defines the conflict in conditions of no-war, thereby necessitating new strategies for post-civil war peace-building and reconciliation. By redefining the conditions of the ethno-political conflict in a no-war context, the military defeat of the LTTE has opened a new historical space to find a durable solution to the ethno-political conflict but simultaneously created many constraints on that path in the context of post-war 'triumphalism' and the majoritarian mindset of the ethno-political clientele of the regime. The prospects for peace and stability of the country depend on the way in which this paradox is resolved to use the new political space created by the end of the war to bring broader political reforms into the centre of political discourse of post-war peace-rebuilding and reconciliation to strengthen participatory democracy and the mechanisms of socio-political inclusion.

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