

Doctoral Dissertation

**Nexus between Reconciliation and Security in Post-War Sri Lanka:
An Evaluation on the Implication of the
Report of Lessons Learnt and Reconciliation Commission**

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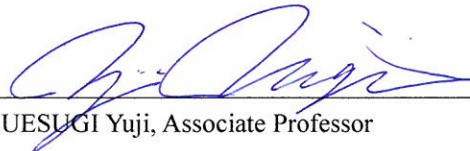
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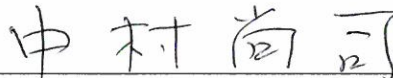


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List of Acronyms and Abbreviations

ACF	-	Action Contre La Faim'
AI	-	Amnesty International
APRC	-	All Party Representative Committee
CAF	-	Conflict Assessment Framework
CFA	-	Cease Fire Agreement
CJ	-	Chief Justice
CL	-	Concurrent List
CWC	-	Ceylon Workers Congress
DDR	-	Disarmament, Demobilization and Reintegration
DRP	-	Demobilization and Reintegration Program
ECOWAS-		Economic Community of West African States
EPDP	-	Eelam People's Democratic Party
EU	-	European Union
GA	-	Government Agent
HRW	-	Human Rights Watch
HSZs	-	High Security Zones
ICCPED-		International Convention for the Protection of All Persons from Enforced Disappearance
ICG	-	International Crisis Group
ICRC	-	International Committee of the Red Cross
IDPs	-	Internally Displaced Persons
IHL	-	International Humanitarian Law
IIGEP	-	International Independent Group of Eminent Persons

IOM	-	International Organization for Migration
IPKF	-	Indian Peace-Keeping Force
IR	-	International Relations
ISGA	-	Interim Self-Governing Authority
ISLA	-	Indo-Sri Lanka Agreement
JVP	-	Janatha Vimukthi Peramuna
LLRC	-	Lessons Learnt and Reconciliation Commission
LTTE	-	Liberation Tigers of Tamil Eelam
MOU	-	Memorandum of Understanding
MRGI	-	Minority Rights Group International
NERF	-	North East Reconstruction Fund SIHRN - Sub-committee to oversee the Immediate Humanitarian and Rehabilitation Needs in the north-east
NFZs	-	No Fire Zones
NGO	-	Non-Governmental Organization
NLC	-	National Land Commission
PCL	-	Provincial Council List
PCs	-	Provincial Council system
PLOTE	-	People's Liberation Organization of Tamil Eelam
PSC	-	Parliamentary Select Committee
PTA	-	Prevention of Terrorism Act
REPPIA	-	Rehabilitation of Persons, Properties and Industries Authority
RL	-	Reserved List
SLFP	-	Sri Lankan Freedom Party

TJ	-	Transitional Justice
TMVP	-	Thamil Makkal Viduthalai Pulihal
TNA	-	Tamil National Alliance
TRC	-	Truth and Reconciliation Commission
TUF	-	Tamil United Front
TULF	-	Tamil United Liberation Front
UN	-	United Nations
UNHCR-		United Nations High Commissioner for Refugees
UNICEF-		United Nations Children's Fund
UNIDIR-		United Nations Institute for Disarmament Research
UNP	-	United National Party
US	-	United States
UXOs	-	Unexploded Ordinances

Abstract

The central thesis of this dissertation is to draw a new framework to the connection between security and reconciliation on the current progress of implementing the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) in six key structural issues that are contesting in Sri Lanka, political solution, militarization, resettlement and land return issues, rehabilitation and reintegration of ex-combatants, abduction, arbitrary arrest and disappearances, and war crimes and accountability, after the cessation of the protracted civil war between the Sri Lankan Government Forces and the Liberation Tigers of Tamil Eelam (LTTE). The issues and the recommendations were selected on the basis of security as structural measures and have psychological impacts thus it relates for bringing genuine reconciliation.

Reconciliation in this study is understood as a way for transforming conflict, and structural approach of reconciliation is viewed as a measure that can facilitate psychological change and thereby can contribute to constructing a framework for stable peace. This is true in the Sri Lankan case because structural measures needed on the ground will undoubtedly facilitate psychological change between the ethnic groups due to the following couple of reasons: major causes and effects for the prolonged conflict and civil war that are highly related to the structural elements and they flared up negative attitudes among the different ethnic groups; and the issues that are obstructing the ongoing reconciliation process identified as more structural in nature significantly associated with security, some are left over after the protracted war.

Due to the link between structure and security, this research strongly emphasizes that neglected feeling of insecurity caused by structural and psychological means will face more hardships and challenges in promoting reconciliation in

post-conflict as well as post-war situations. In order to proof this argument, this study puts the LLRC and its Final Report as the subject of analysis because of the following two reasons: firstly, the LLRC had the hope that providing structural measures to address the existing conditions, that are need to be transformed, is the way to promote reconciliation in Sri Lanka; and, secondly, the current post-war reconciliation process being undertaken on the ground is based on the proposals made by the LLRC in its Final Report.

In light of the above understanding, the fundamental question arises regarding the implementable deficits of the recommendations made by the LLRC for genuine reconciliation, and at the same time, it is not used a great deal on the ground. Significantly, it is still found nervousness about promoting reconciliation, and clearly the holding process is not adequately supported or understood, by both the Sinhalese and the Tamil ethnic communities on the ground.

The research assessed the Report of the LLRC into the selected six key structural issues, mentioned in the beginning, and the progress of implementing the recommendation being taken place on the ground so far, the reality found from the study shows that the sense of security of two major ethnic communities, the Sinhalese and the Tamils, encompasses with structural and psychological means, fully differs thereby, it became as the hindering factor to promote true reconciliation process on the ground. The study found fault on the LLRC since it was not paid sufficient attention on security, on the part of two major ethnic groups, in its focus of analysis as well as in the recommendations related with the issues selected.

In conclusion, this dissertation demonstrates that the LLRC's approach to reconciliation was meager due to its insufficient and inefficient attention paid on the

sense of security that relates to the two major ethnic groups with whom reconciliation is expected in post-war Sri Lanka. Due to this prime shortfall, the progress of implementations, in accordance with the LLRC recommendations, are being questioned and activities are being obstructed. It is also an indication that the LLRC had not sufficiently understood the different sense of security needs of both the ethnic groups from different levels that selected in this study as state, community, and individuals, and its dimensions that is interchangeably contrast within a certain issue and its level of operation. In order to achieve a true reconciliation, that is an essential need on the ground after having three decade of conflict and protracted civil war, these contested security aspects that embodied in the existing structural issues should be thoroughly identified with its security nuances. It is clear in fact that in any reconciliation practices for the countries, whether they have experiences of prolonged conflict or protracted civil war, security-reconciliation nexus should be understood in a fully manner then the efforts will get smooth implementation on the ground.

Introduction

Table of Contents:

Introduction

Background of the Study

 The LLRC and its Structural Engagement

The Focus of the Research

Statement of the Problem

Research Question

Hypothesis

Field Research and Methodology

Expected Results

The Significance of the Research

The Structure of the Dissertation

Summary

Introduction

This study contextualizes an understanding of reconciliation as a way for transforming conflict to reconciliation within the broader debates regarding peacebuilding and conflict resolution. One of the main arguments in this study is the need to focus more on security, or a sense of security for the both sides of the former conflict parties, as a part of reconciliation process, in the emerging body of theory and practices. Furthermore, this research strongly emphasizes that neglected feeling of insecurity caused by structural and psychological means will face more hardships and challenges in promoting reconciliation in post-conflict as well as post-war situations. In this respect, the approach of this study can be significantly advanced by bringing security and reconciliation together in the range of literatures related to reconciliation in the overall process of peacebuilding.

Moreover, this study also looks at the particular relevance of connecting security with reconciliation to the Sri Lankan context where the appropriateness of the approach of the Report of the LLRC published to foster reconciliation in the nation is being questioned.

Background of the Study

Sri Lanka is multiethnic in character, comprising a Sinhalese majority of nearly 75% and three substantive minorities (Sri Lankan Tamils, Muslims, Indian-origin Tamils). The country had been experiencing a large-scale war for over 26 years due to the prolonged nature of ethnic conflict, which finally concluded in 2009 after defeating the LTTE. Soon after the military victory over the LTTE, tasks have been undertaken by national and international initiatives, either bottom or top level on the ground, to rebuild the country thereby constructing long-lasting peace in the nation; fostering

reconciliation is one of the main focuses to bridge the divided ethnic relationships. In order to implement this endeavor, as a prime national level initiative, the Government of Sri Lanka started to establish various measures.

In this context, establishing structural measures and constructing institutional changes for reconciliation in Sri Lanka is highly needed. Though the structural elements are viewed as just to establish formal relations without necessarily fostering psychological changes among the society members (Bar-Tal & Bennink, 2004: 17), Sri Lankan case is quite exceptional from this view point because structural measures needed on the ground will undoubtedly facilitate psychological change between the ethnic groups due to the following couple of reasons: major causes for the prolonged conflict and war are highly related on the structural elements and they flared up negative attitudes among the different ethnic groups; and the issues that are obstructing the ongoing reconciliation process identified as more structural in nature significantly associated with security.

The following are the six key structural issues that are being hindered the proper implementation due to the sense of insecurity of either Sinhalese or the Tamil community.

(1) *Political Solution*: Despite repeated attempts committed in the past to devising a political solution to the prolonged conflict in Sri Lanka, there has been little or less progress in reaching a consensus on the political solution. In the meantime, most of the million-strong diaspora still claimed to a separate state and support renewed violence. In this standpoint, as the solution to the long sustaining ethnic question, the full implementation of the 13th Amendment to the Constitution and devolving the powers to the provinces is still being hindered due to the sense of insecurity of

Sinhalese ethnic community.

- (2) *Militarization*: While expected demilitarization in post-war Sri Lanka is removing the military presence in both civil administration and civil life, yet there is no progress on the ground of phasing out the process of security forces involvement because of the cognitive dimension of security. Still the military leaders are occupying the top level administrative posts in the provinces, and at the bottom level, the heavy military presence remains in every nook and corner of the area, thus it highly disturbs the daily life of the ordinary people. State and the Sinhalese community considered this as a security measure, however, for the Tamils, the sense of insecurity is accelerating due to this measure.
- (3) *Resettlement and Land Issues of Internally Displaced Persons (IDPs)*: Although the government has met certain obligations through its commitments on this issue, it has not yet met IDPs' expectations. The first obstacle from the government side is to have an early resettlement of IDPs because the areas for resettlement are still with landmines. This puts the newly returned in danger and makes travel, work and farming much more difficult. Furthermore, many of those being resettled have not received the promised supplies and financial resources, and raising questions about the sustainability of the returns under current situation. In the meantime, the government's activities that try to send Sinhala settlers, as a security measure for preventing the re-emergence of terrorism, into Tamil region of north and east also apprehended by the Tamils as a measure to impose insecurity by bringing demographic change and thereby, neutralizing the Tamil nationalist ambitions. Another issue that relates to resettlement is the issue of returning lands to the legal

owners who are intended to resettle in their original lands. The Government, for security reasons, establishing military cantonments, high security zones and special economic zones in those public lands, however, this act is preventing many thousands of Tamil re-settlers from settling in their own lands.

(4) *Rehabilitation and Reintegration of Former LTTE Combatants*: rehabilitation and reintegration of ex-combatants into civilian life is yet another area identified as another contesting challenge to promote reconciliation in Sri Lanka due to security reasons. Although this is undertaken officially by the Government of Sri Lanka, the exact nature of the act and the process are not clear due to the absence of any external monitoring. Insecurity from the detained suspected LTTE combatants addressed as, no access to lawyers, their families, International Committee of the Red Cross (ICRC) or any other protection agency, and legal basis on detainees, are totally unclear and arbitrary. The sense of insecurity from the Sinhalese, including the Government as well as the community, that they are not yet sure about the future activities of ex-LTTE cadres after their rehabilitation and reintegration because of the fear of their grown-up gun culture and the guns held in their hands for years.

(5) *Abduction, Arbitrary Arrest and Disappearance*: a huge denunciation still prevails on the ground regarding a grave shortfall in the protection of human rights in dealing with extrajudicial killings, abductions, enforced disappearances, illegal detentions, physical attacks and death threats against civilians, including journalists and political opponents of the Government. The feeling of security, therefore, is fully declining after hearing and looking at those isolated events thereby, civilians, mainly in north and east, are being afraid about their safety and security.

(6) *War Crimes and Accountability*: higher degree of criticism goes on related to accountability issues for the alleged violations of international humanitarian law, occurred during Sri Lanka's recently concluded war. International actors and Tamil diaspora are putting pressure for abuses committed by the Government forces and seeking for security through receiving justice. However, the Government of Sri Lanka feels that the efforts made for international judicial intervention into the domestic matter is a threat to state sovereignty and strongly stated that hard realities of a flawed system of global justice should not only to hold small and vulnerable nations to account rather to strong and powerful states.¹ Furthermore, this pressure put on by the international community is taken by the Government as well the Sinhalese-Buddhist population as a hidden agenda to attack the religion of Buddhism and its followers by the Christian dominated world. Therefore, accountability for such violations is a critical component in the ongoing reconciliation and thereby is producing negative feelings and outcomes.

While having the above identified issues, in the post-war scenario, security is vastly required as an essential and pre-requisite element to integrate in the process of reconciliation thereby can facilitate a more peaceful and orderly environment. More precisely, return to normalcy in Sri Lanka needs to prioritize security aspect in the structural measures to uphold reconciliation process. Therefore, the secure feeling should not be undermined in the current reconciliation process.

With those considerations in mind, this research focuses on the newly formed Commission of LLRC and its report as well as recommendations for promoting

¹ Cited in the statement made by the Hon Mahinda Samarasinghe M.P. Minister of Plantation Industries and Special Envoy of the President on Human Rights Leader of the Sri Lanka delegation to the 19th Session of the UNHCR high level segment February 27, 2012, Geneva

reconciliation in Sri Lanka by incorporating the major structural issues, stemmed directly for reconciliation and obstacle for security to implementing.

The LLRC and its Structural Engagement

Approaching reconciliation in practice, the application of Truth and Reconciliation Commissions after violent conflict has reflected the most common model² though they vary in power, mandate, resources and forms of operation. With variations in the commissioning approach of reconciliation, this study restricts its scope to the Government formed Commission and the issues identified in its Report from the angle of the nexus between security and reconciliation. In this way, this study on reconciliation chooses the LLRC, appointed by the Sri Lankan government, and its final outcome of its effort.

The Report of the LLRC is, to some extent, accepted by the domestic and international community as a good starting point to address past injustices and bring normalcy in post-war Sri Lanka. Once the final Report of the LLRC came out, it took the center stage and pushed out the *UN Panel Report*³, which was very critical on the

² Different types of truth commissions that have been employed in post-conflict societies over the last few decades, most were statutory government bodies (e.g. South Africa's TRC), although some have been inaugurated by executive decree (Chile), under a United Nations mandate (El Salvador and Timor-Leste), and others by international (Rwanda) or domestic NGOs (Brazil). Most commissions work to a limited timeframe, although those of Chad and Uganda are to run for an indefinite period. The commission's terms of reference may allow it to look at a pattern of abuses over a number of decades (Chile and South Africa), or instead focus on specific crimes or specific groups of perpetrators. Some may reveal the identities of perpetrators (Timor-Leste) and some may not (Chile, Guatemala). Some attempt a massive exercise in public participation and mobilization (South Africa, Sierra Leone), whereas other commissions are smaller and more secretive (Guatemala, Sri Lanka, Haiti) (Pascoe Daniel, 2007: 95)

³ The UN Panel reported to the Secretary-General Ban Ki-moon in March 2011 finding 'credible allegations', which if proven, indicate that a wide range of serious violations of international humanitarian and human rights law was committed by both parties, some of which would amount to war crimes and crimes against humanity. The Panel's central recommendation imposed the Secretary General to create an independent international mechanism, which should be established by a political organ of the United Nations, rather than him, with various functions to ensure justice and accountability. Two and a half years, after the President Rajapaksa's commitment to ensure accountability, President released the LLRC's Final Report (Conte Alex, 2012: 2-3).

Government of Sri Lanka. Yet, compare with the reports which have been released over the decades from official and semi-official or autonomous Sri Lankan Commissions, the Report of the LLRC provides a framework for setting in motion processes and mechanisms to promote a meaningful reconciliation in the post-war peacebuilding.

Although the Report has been made public, its contents had not been translated into the country's two main languages, Sinhala and Tamil, until late 2012. In November 2012, the translation of the Report was made available in the website of the Government of Sri Lanka.⁴ The reasons for the delay stated from the Government as the lack of both the expertise and the staff who are capable of translating even complex financial data.⁵ However, according to the responses of some interviewees, who are unsatisfied on the process of reconciliation and the LLRC, in this study claimed that lack of political will and ignorance from the Government on the implementation of the recommendations of the LLRC only caused for delay. Furthermore, in substantive terms, the Report has effectively dismissed any claim that the Sri Lankan armed forces may have used excessive force or targeted civilians as the war drew to a close in the Jaffna peninsula. Finally, there is a huge criticism on the regime in power as no particular hurry to implement its relatively anodyne recommendations.⁶

The basic structure of the Report is a 388-page lengthy document consisting nine chapters, including Preamble, and contains a detailed and perspective analysis of past errors, along with those that led to the failure of the peace process, and came up with a series of nearly 285 recommendations of which 135 may be called main

⁴ Cited in the Chairman's Report by Tsuneo Nishida in *Observation of the Progress of National Reconciliation and Reconstruction in Sri Lanka*, (2013:10)

⁵ Cited in <<http://www.sundaytimes.lk/120527/Columns/political.html>> Last visited on May 4, 2013

⁶ Cited in

<<http://thediplomat.com/flashpoints-blog/2012/08/02/sri-lankas-fragile-gains-in-the-balance/>> Last visited on August 04, 2012

recommendations as they have several sub recommendations. It can be believed that the LLRC labored to bring forth a document that could serve as a blueprint for Sri Lanka's renewal as a success story of post-war development, democracy and reconciliation. Most importantly, the LLRC has recommended to setting up a new mechanism to deal with a specific set of problems. This might be due to its recognition that existing governmental mechanisms are inadequate to resolve those issues. Under these circumstances, the LLRC's findings and recommendations including: the need to credibly investigate widespread allegations of extra-judicial killings and enforced disappearances, de-militarize the North of Sri Lanka, implement impartial land dispute resolution mechanisms and resettling the IDPs, re-evaluate detention policies on former ex-combatants, strengthen formerly independent civil institutions, reach a political settlement involving devolution of power to the provinces, promote and protect the right of freedom of expression for all, and, enact rule of law reforms.

This study puts the LLRC and its Final Report as the subject of analysis due to the following reasons: firstly, the LLRC was established soon after the cessation of protracted war in Sri Lanka to deal with the issues left over by the war as well as emerged after the termination of war, therefore, it has devoted a considerable amount of its time to dealing with those issues, flavored with structural as well as psychological, and are immensely hindering the ethnic harmony; and, more importantly, the measures proposed by the Commission as contributing to reconciliation predominantly address the structural issues rather than cognitive or emotional concerns. This approach shows, if looked at through the lens of the aim of this study, the LLRC had a hope that by providing structural measures to address the issues can deal with the existing conditions that are need to be transformed, such as destructive tensions among members of society,

violent attitudes, emotions, goals and motivations about the conflict and the parties involved. Secondly, the current post-war reconciliation process, being undertaken on the ground from the top to bottom level, is based on the proposals made in the Commission's Final Report. Thirdly, those structural issues identified in the Report are becoming as hinders to the ongoing reconciliation process because of the different sense of the security between the majority and the minority communities. Finally, it was believed that by dealing with those issues in a genuine manner, the LLRC would make the expectation of the victims of the prolonged conflict and war ever stronger and having their voices to be heard; so that they could come to terms with their horrifying past. Unlike the previous commissioning experiences in Sri Lanka, the Final Report of the LLRC proposed predominantly with structural engagement methods, and received domestic and international authorization, so that it came to public. As they rightly pointed out that whatever shortcomings included in it, the most important for the reconciliation process to be successful would let the Commission's recommendations implemented in full.

The fundamental question arises regarding the implementable deficits of the recommendations made by the LLRC for genuine reconciliation, and at the same time, it is not used a great deal on the ground. Significantly, it is still found nervousness about promoting reconciliation, and clearly the holding process is not adequately supported or understood by both the State included Sinhalese and the Tamil ethnic communities on the ground, because the barrier between the both ethnicities primarily related to their different sense of security, while the issue is concerned. This is understandable while examining the causes for the failure to move the reconciliation process from the paper to practice and the poor record of implementing the findings of the Government's own

Commission of Inquiry. The main critic commonly was made in the surface that lack of political will from the Government in step into implementation due to the following reasons: lack of awareness and ignorance hold regarding the current status of issues; length of time is being taken for implementation; and, lack of synthesis between the activities set out in the Action Plan and the Report. This is reflected the reality regarding the implementation that limited efforts are being undertaken to date thereby, it creates debates and criticism about the delay and ignorance relating with an important document to provide an impetus to the ongoing reconciliation process. However, this study found the fact, beyond the critics, that insufficient attention paid by the LLRC in its Report on the security dimension of the identified issues and the ways it proposed to overcome, meaningful implementation has not yet arisen. Especially, in the Report, security and reconciliation nexus has not been understood and focused in depth. From this point of view, restricting this study to the Report of the LLRC is significant as it explores the linkage between these two, just mentioned above, concepts. Furthermore, this study dwells its focus on the six selected outstanding issues addressed in the LLRC recommendations, which are hardly implemented on the ground.

The Focus of the Research

This study, in a broader term, sets forth its main objective as to draw a new framework to the connection between security and reconciliation by stimulating the analysis on six key structural issues, identified in the earlier section; those are found in the final observations and recommendations of the LLRC of Sri Lanka. In a more precise term, this study assesses the main cause for the lack of acceptance and lack of legitimacy granted for the selected key issues related to the recommendations of the Commission, by the two major ethnic communities, the Sinhalese and the Tamils. In order to find the

fact, the study first to identify the measures undertaken by the initiatives of various reconciliation attempts in Sri Lanka since the past, meantime, addressing the different causes and triggers of the conflict stereotypically characteristic of ethnic ‘others’ during the conflict. Subsequently, to approach the nexus between security and reconciliation as the focal point in this research, the work developed a fuller account of the tasks tackling reconciliation related structural elements with reference to the Report of the LLRC and their selected key issues and recommendations. Accordingly, the study analyzes the critical challenges on the ground confronting post-war Sri Lanka related to security by using the structural approach of reconciliation.

Statement of the Problem

Today, Sri Lanka is facing the toughest challenges due to the key structural issues prevailing on the ground. Those challenges are extremely critical while relating with the sense of insecurity of both the Sinhalese and the Tamils caused by structural elements in state, community and individual levels. However, this has not been fully understood and incorporated in the study of the LLRC and the efforts for implementing its recommendations in the ongoing reconciliation process in post-war Sri Lanka. Although various national and international bodies and officials have criticized the delayed in implementation of the recommendations of the Report of the LLRC, there has been no substantive progress made so far. However, when the Report of the LLRC was made public, the Government has made a series of pledges that it would implement the recommendations of the Report. Though this Report still considered as an important document to provide an impetus to the ongoing reconciliation process,⁷ still there has

⁷ Still the concentration on the Report of the LLRC is alive and active. For instance, the LLRC was brought back into focus in February 2013 when the United Nations Human Rights Council (UNHRC) passed a resolution at its 22nd Session, which called on the Government to implement the

not been adequate engagement put forward effectively on implementing those respected recommendations on the ground.

Research Question

Why the recommendations of the LLRC proposed through structural approach to deal with structural issues are getting delayed in and struggled for implementation on the ground? What are the obstacles and undermining factors for implementation?

Hypothesis

Because the structural issues and the ways proposed to deal with are not addressed by the LLRC and its Final Report in terms of the sense of security, or different senses of security of the majority and the minority communities, its recommendations are resisted to be implemented on the ground.

Field Research and Methodology

This research is a qualitative study and aimed to evaluate the recommendations of the LLRC, in six key structural issues, and its implementable deficits, caused by the difference sense of security of the two major ethnic communities of Sri Lanka. As one of the key tools in qualitative research is the interview, and this form of data collection forms the central plank of data collection in this research. The type of interview in this study is the semi-structured interview, in contrast to the structured and unstructured interview format. The selection of such an interview type is closely related to argument, which has put forward in the hypothesis. In the meantime, it aimed to explore the six key issues and its security concerns, then to look for connections with the process of

entirety of the Report of the LLRC (Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, February 11, 2013)

reconciliation. The objective was to get the interviewees ideas and experiences by asking questions regarding these issues and the sense of security of major two ethnic communities and look to see how it broadly linked to the ongoing reconciliation process.

Due to the above respect, this study relied on two broad sources of data: primary and secondary. In terms of collecting documents for the study as primary source, there were a substantial number of documents collected from relevant departments, ministries and authorities.

In setting up the actual research interviews, data collection procedures are planned into two series of visits to Sri Lanka in the second half of 2012 and the first half of 2013. First field study was carried out during the period between July and August 2012 in the Colombo district. This district is the prime and largest district and the country's commercial capital, Colombo, and the political capital, Sri Jayewardenepura, are located; has the highest population density; and comprised with mix of all ethnic groups, Sinhalese, 76.6%; Sri Lankan Tamils, 11%; Muslims, 9.01%; Indian Tamils, 1.1; Burghers, 0.7%; Sri Lankan Malays, 0.97% and others, 0.62%.⁸ In all, eighteen interviews were conducted in this area with respondents from various groups in Sri Lanka. Targets of the interviews were drawn from a broad spectrum of society: political and religious leaders, government ministers, prominent thinkers, non-governmental organization staffs and journalists, irrespective of ethnicity, language they speak or where they reside, with the aim of eliciting their opinions on the recommendations of the LLRC into the identified key structural issues and its security nuances. The interviews were designed to allow participants to respond on the views and opinions on

⁸ See <<http://en.wikipedia.org/wiki/Colombo>>

the post-war reconciliation process in Sri Lanka and the Report of the LLRC and how it relates to one's work and voluntary activities; significance of the key issues, which have to be considered seriously in promoting reconciliation; the implementability of the Report recommendations for settling those issues on the ground for true reconciliation and peace in the country; and finally, the relationship between security and reconciliation in the current scenario. Each interview was recorded and lasted between 30 minutes and 2 hours, depended on the wishes of the interviewees.

Aiming to gain more updates as well as balanced and comprehensive picture of this particular research and to complete all interviews, next field visit was planned and made in the first half of 2013. Here too semi-structured interviews were used with the same series of questions added with security aspect and to update the situation therefore, provided space to the interviewees to spontaneously express their thoughts and feelings on the issues relevant to the themes discussed from the beginning of this work. All together this researcher involved in conducting the interviews with 27 individuals during these two sets of field visits. However, some among them were not willing to be frank and spoke out in some realities due to their own motives.

For secondary sources, this study relies on related textbooks, reports, journals and periodicals and other written secondary sources. Therefore, during the first field visit numerous documents gathered, at the library, in the media and at the offices of the interviewees, in order to combine the facts from different sources, which gave a profounder understanding of the local context. In addition to this, the oral and written submissions made to the Commission which held public hearing on the issues addressed in the Report of the LLRC also utilized in the study. Finally, many documents were provided by the political parties, newspaper interviews and media materials which do

give sufficient depth of insight related to this particular Commission and its report are used in this study.

At last, this study compiled with a qualitative in-depth “case study” methodology, based on the Report and the issues identified. The data from the interviews formed the basis of much of the analysis. This was systematized by identifying and diagnosing the three Fs, featured through *Facts*, as nature and causes of the issues and insecurity, *Feelings* as about the sense of insecurity and safety needs on the ground; and, *Forecasts* as an analysis of the results and the judgments about future, of the issues selected. Given the semi-structured interviews along with other raw data, identified structural issues were easily extracted, categorized and interpreted by the author of this study.

Expected Results

The study expects that the results will show a strong correlation between security and reconciliation, which has not been closely focused by the school of thoughts of reconciliation. By referring to the outstanding structural issues prevailing in Sri Lanka as a post-war country is a unique angle to study both security and reconciliation, as concepts as well as practice. Though the term ‘security’ monopolized for the discipline of International Relations (IR), more emphasis on the literatures of reconciliation is also vital when such situations are concerned. Meantime, to some extent, notion of security conceptualized by the scholars, like Johan Galtung and the late Kenneth Boulding, that has not been incorporated in their works on reconciliation. Therefore, the author of this study believes that, to identify the links between these two concepts may produce an effective outcome.

Secondly, the study found that feeling of insecurity associated with structural

elements will not engineer and guarantee a genuine reconciliation. Furthermore, cognitive aspect of security vacuum in a post-war situation should be put into deep considerations since the essence of reconciliation mainly considered as psychological change of the majority of society members. Therefore, this study proved that imposing structural measures to ensure the feeling of security has an efficacy to achieve the task of reconciliation.

Final important aspect is the connection between structural elements and the psychological repertoire in relation to reconciliation process in a post-war phase by looking at the Sri Lankan case. Previous literatures strongly portrait the story that applying structural measures to the process of reconciliation may facilitate reconciliation but not establish or produce psychological transformation as it has less impact on the people's subjective experiences. However, the country like Sri Lanka constitutes counterevidence against this generalization when considering the issues existing on the ground and its link with the aspect of security. For this reason, this research showed another perspective from the existing knowledge that why structural elements are significant and how they can play a vital role in promoting reconciliation process, by connecting the cognitive aspect of security.

The Significance of the Research

There are probably a number of literatures on reconciliation, as well as on security in the post-conflict society. However, the existing studies fail in any way to treat in great details the intricate range of problems and arguments related to security and reconciliation links, especially with regard to the Sri Lankan context. Connecting both concepts, by applying in the post-war Sri Lankan situation, is essential. While, on the one hand, peace and reconciliation are advocated by various initiatives throughout the

nation building process in post-war Sri Lanka, and on the other hand, immense challenges are sustained in relation to the key controversies, only the negative peace is in practice. The security dilemma is still observed in a greater degree as a legacy of the prolonged nature of the unresolved conflict. Operationalizing the proper structural measures to ensure security via reconciliation process is highly required for both the ethnic communities. Feeling secure from each side is a pre-condition, and undoubtedly, that is one of the important factors to promote reconciliation. This sense of security can be supported not only by socio-psychological measures but also through structural measures, such as transformation of the institutions, upholding law and order, social reform-which is necessary to prevent future abuses and atrocities, and changes on distribution of power and resources as well as reconsideration of fundamental group values and identity (Ho-Won Jeong, 2005: 157). Therefore, this research attempts to fill the knowledge gap of empirical local as well as international studies by linking the sense of security and the structural approach.

It is important for deciding on the type of reconciliation process that is needed, as well as what form the final outcome must take in the post-war phase. Traditionally, as Charif (1994); Corm (1994); Saidi (1994); Lederach (1997); Lipschutz (1998); Wilmer (1998); Murray and Greer (1999) pointed out, peacemaking techniques, have focused on the structural aspects of restoring or forging relations between former rivals (Bar-Tal Daniel and Bennink H. Gemma, 2004: 15). Therefore, traditional approaches to conflict resolution and peacebuilding have not always been effective when conflicts involve massive cases of trauma (Karbo Tony and Mutisi Martha, 2008: 15). Osaghae (2000) pointed that because the relevance and applicability of traditional strategies have been greatly disenabled by the politicization, corruption and abuse of traditional structures,

especially traditional rulership, which have steadily delegitimized conflict management built around them in the eyes of many and reduced confidence in their efficacy (Ibid: 23). Though the essence of reconciliation is a psychological process, imposing structural measures, undoubtedly, can facilitate psychological changes. Therefore, reconciliation process cannot be restricted with psychological elements which do work on changing deeply rooted beliefs, attitudes and emotions of the public. Abu-Nimer (2001: 247) argues that,

“The process of reconciliation only succeeds, develops, or gains momentum among the different communities if it is not divorced from structural arrangements. Reconciliation without addressing or beginning to address physical reconstruction of houses, returnees infrastructural elements, redistribution of resources, and other economic needs will be resented if characterized as a sell-out by a large number of the communities.”

This is incontrovertibly true in the Sri Lankan case since the requirements of reconciliation on the ground are significantly different since structural elements are greatly needed toward imposed psychological change. According to Corm (1994); Corr (1995); Kriesberg (1998a); Lederach (1998); Arnson (1999b); Murray and Greer (1999); Zalaquett (1999), structural outcome of reconciliation requires political integration, with all groups in the power system to be included, the establishment of structural equality and justice, and the observance of human and civil rights as well as democratic rules of political governance (Bar-Tal Daniel and Bennink H. Gemma, 2004: 16). Then, encompassing many structural measures in the process of reconciliation, while addressing the key issues, will unquestionably accompany the complementary psychological changes in the multi ethnic nature of society. Due to the understanding of the essentiality of the structural approach, the result of this research will carry important theoretical as well as practical implications for recent discussions (Rosoux Valerie, 2009; Barbara Joanna Santa, 2007; Porter Elisabeth, 2007) of the boundaries of

effectiveness of reconciliation.

Academics and practitioners have with divergent views concerning with the elements that can constitute reconciliation in post-conflict situations. These views have given rise to another approach for addressing gross human rights violations that occurred in a country's past history. Not unexpectedly, a variety of mechanisms have been suggested for healing the wounds of the past thereby facilitating national reconciliation and peacebuilding in post-conflict societies. Truth Commissions is one of the methods, which generally investigate and report their findings about the causes of major human rights violations, and, sometimes, they grant amnesty. In the same manner, Sri Lanka also experienced truth commissions to deal with the past. However, establishment of the LLRC is the main turning point in the post-war phase since it dealt with wide spectrum of structural issues and provided benchmarks to move forward. Furthermore, the LLRC identified the past wrongs and present-day injustices and provides "quick fixes" to those challenges while coping with the future on the long road to political settlement and post-war peacebuilding. Therefore, focusing on 'Commission' has important methodological as well as conceptual implications to have a constructive reconciliation in a post-war nation.

Beyond the methodological and conceptual implications, in fact, this study integrates reconciliation with the selected structural issues: political solution, de-militarization, resettlement and land issues, rehabilitation and re-integration of ex-combatants, abduction, arbitrary arrest and disappearance and war crimes and accountability, and commitment to the theoretical significance. Each of this structural issue, from the perspective of security and reconciliation linkage on the ground, implies different definitions and requirements and the interconnection among each other on the

one hand, and the different mechanisms through which they are likely to have an impact on cognitive aspect of security, on the other.

The Structure of the Dissertation

The chapters in this dissertation are structured in terms of a logical flow of analysis rather than reflecting the development and growth of ideas. The ideas that are laid out in the initial chapter on Sri Lankan Conflict and the theoretical chapters on reconciliation and security have, for example, been influenced by the subsequent research.

The chapters are structured in the following manner. Firstly, chapter one (Origin and the Evolution of the Sri Lankan Ethnic Conflict: Internal and External Dynamics and their Security Implications) provides the reader to understand the history and conflict dynamics of Sri Lanka integrates the security from the perspective of the two major ethnic communities: ethnic framing of Sri Lankan conflict for reconciliation; a historical overview of deteriorating Security Situations; the internal and external actors being involved; and finally the chapter includes the causes of the conflict. It is argued that these understandings relate with insecurity of the major ethnic communities are necessary to follow the rest of the segments by linking insecurity to reconciliation.

Chapter two (Reconciliation Theory for Sri Lankan Conflict) reviews the theoretical context that shapes the research: definition of reconciliation in various focuses of views: reconciliation for a conflict emerging societies; and its practice as a process as well as an outcome. In the later part, the approaches; dimensions; and, the operational levels of reconciliation, as initiatives as well as practice, also discussed. Finally reconciliation relates with truth commissions is explained.

Chapter three (Redefining Security for Reconciliation in Sri Lanka: A Structural and a Psychological Approach) uses the literature on security to illustrate: the

definitions and discussions including the both structural and psychological views of security; dimensions; levels; and the conditions and measures expected to ensure security, that can be subjected to the post-war structural and psychological needs and challenges.

Chapter four (Framework for Reconciliation in Sri Lanka: To Understand Sri Lankan Conflict and Reconciliation) focuses on the theoretical and analytical framework employed and that links the insights from both chapter one and two of this dissertation. In order to do that, the chapter divided into three major sections: the theoretical framework of this study; operationalization of the selected framework in the study; and, finally the analytical framework of the investigation.

Chapter five (Reconciliation in Sri Lanka: History of Commissioning Mechanism) reviews the practice of reconciliation through commissioning during the civil war and the post-war phase, elaborating specifically on the LLRC and its Report along with the past Commissions: national political context within which the Commissions were conceived, conceptualized and legislated. The LLRC as a major focus in this research, the elaborations built on the establishment, key features, the legal basis, mandate, function on the agendas, and the remarks for the Commission and its end product.

Chapter six (The Report of the LLRC: Dealing with the Structural Issues and Challenges Ahead) utterly focuses on the product of the LLRC by portraying, first, the structure of the Report; then, the evaluation Framework of the selected key issues in the Report; and, finally addressed the observations and recommendations made by the Commission, with related to the six selected outstanding issues.

Chapter seven (Discussion and Analysis of the Nexus between Security and

Reconciliation: The Ground Reality of the Structural Issues) presents the primary research findings and analysis. It looks at how the concepts, security and reconciliation, have nexus while analyzing the selected outstanding issues ahead in post-war Sri Lanka. In this sense, the selected outstanding issues that addressed in the Report and its recommendations are assessed with the existing ground reality and portrayed the reason for the delayed implementation that linked to security.

Conclusion of this dissertation incorporates the insights developed in all the preceding chapters and draws some theoretical and practical implications of the research. This is followed by some suggestions and recommendations.

Summary

The research is essentially about the nexus between security and reconciliation. However, the significance to focus on this nexus is not been well explored in the literature on reconciliation so far. In order to fill this gap, this study selected the structural approach of reconciliation by choosing the case of post-war Sri Lanka and its current reconciliation practice, based on the on hold mechanism of the Report of the LLRC. Though this Report still considering as an important document to provide an impetus to the ongoing reconciliation process, there is huge implementation deficit exists in relation to the findings of the LLRC, the reason has identified in this study that lack of focus on the security dimension and the levels of operation in its observation and recommendations. Therefore, throughout the focus nexus is explored and explained by selecting six outstanding issues as an evaluation of the Report of the LLRC.

In order to fulfill the purposes addressed above, the following chapter is intended to incorporate the all mentioned conflict features and dynamics and attempted to justify and show the necessity for fostering reconciliation in post-war Sri Lanka

through structural measures. To find the nexus between security and reconciliation, it is necessary to show the general background of the conflict in Sri Lanka where the ethnic affiliations considered as a major issue thereby, dealing with the main issues through reconciliation is expected in the affiliation of ethnicity.

Chapter 1

Origin and the Evolution of the Sri Lankan Ethnic Conflict: Internal and External Dynamics and their Security Implications

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Introduction

In order to understand the necessity for the approach of reconciliation in post-war Sri Lanka, this chapter is mainly to deal with the internal and the external dynamics in the evolution of the conflict in Sri Lanka that create the sense of insecurity of both Sinhalese and the Tamil communities. The first part of this chapter concentrates the nature and development of the sense of insecurity of these two ethnic groups and the role of internal and external actors who are involved in the conflict and thereby deteriorating the cognitive aspect of security either to the Sinhalese or the Tamils. The next part focuses on structural features of insecurity, relates with the two major ethnic groups in the conflict in Sri Lanka and still those causes are considered as major barriers to bridge the gap between these two communities due to the nature it produced the feeling of insecurity. Therefore, the sense of insecurity of the two ethnic communities and the basic structural requirements for meaningful reconciliation expected on the ground, conflict in Sri Lanka understood in this study as ethnic conflict develops through the sense of insecurity by domestic and external sources. Final focus mainly on the post-war phase, including the selected structural left over issues as well as challenges erupted after the final phase of battle. This chapter at last briefs with a conclusion.

Holding this chapter in this dissertation is vital because the necessity for reconciliation expected on the ground between the two ethnic groups, Sinhalese and Tamils, and at the same time, although the military conflict itself was ceased by the Sri Lankan government over the LTTE, conflict itself is not been resolved yet because of the different sense of security of the two major ethnic groups. Therefore, it argued that reconciliation should be done between the ethnic groups by developing the sense of

security of the both Sinhalese and Tamils. Furthermore, the depiction fell as a historical background to proof evidentially and argued for the essentiality of reconciliation to transforming the peace from negative to positive by building the sense of security through structural measures in the post-war phase. Therefore, at last, this chapter found that: the sense of security requirements of both ethnic groups gradually create the conflict further protracted; the intervention and influence by the regional and international actors on the domestic affairs further creating security dilemma within these two communities; this leads towards rising insecurity of others and thereby, each started to engage with several attempts and interprets their own measures as defensive, the Sinhalese, mainly the historically ruling Sinhala government, used several structural measures and the Tamil ethnic group, mainly Tamil militants, attempts for secession; and, at last the conflict concluded militarily, however, the concern of security of these two ethnic groups is still strong and pursuance of their sense of security is following and demanding by several strategies. These findings are important to show the way to build the feeling of security of these ethnic communities by applying the structural measures and bridging the gap between them for meaningful reconciliation in post-war Sri Lanka.

1.1 Ethnic Framing of Sri Lankan Conflict for Reconciliation: Ethnic Antagonism and the Confronting Sense of Security

Sri Lanka suffered from one of Asia's most intractable civil wars (Hoglund Kristine and Svensson Isak, 2009: 175) throughout its prolonged nature of conflict over the last three decades. However, a large body of scholarly literature exists on the Sri Lankan conflict highly limited conceptually in two ways: problem between an extremist secessionist group and the Sri Lankan state (Bandarage Asoka, 2009: 3; Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim & Yamin Saira, 2009: 1; Behuria, K. Ashok,

2006: 93); and, a primordial and intractable ethnic problem between the Sinhalese majority and the Tamil minority (Bandarage Asoka, 2009: 3; Fernando Laksiri, 1999: 78; Manogaran Chelvadurai, 1987: 2).

Further explanations with regard to the above mentioned two claims made by different scholars: Hideaki Shinoda (2012: 8-10) argues that the nature of war, due to the prolonged conflict, is different from the understanding by the international observers as the conflict in Sri Lanka is an ethnic conflict. He pointed that without saying the level of ethnic mixture between the two competent parties in the civil war, it is hard to admit this conflict as ethnic conflict because, the LTTE was not represented the entire community of Tamils and the Government of Sri Lanka is not represent the Sinhalese community to the detriment of the Tamil community. Therefore, for the Government, the war was conducted by the Government against terrorists and not was about majority Sinhalese against the Tamil minority.

In turn, a prominent Sri Lankan political scientist Jayadeva Uyangoda (2007: 2) firstly admitted that conflict in Sri Lanka is purely *ethnic* and it is generating and sustaining by structural factors, such as group discrimination, limited access to public resources, and cultural marginalization, those are the key components of the minority experience, thereby, the ethnic conflict produced and caused for the demand for autonomy. Similarly, David Little (1999: 41) also says that conflict in Sri Lanka is “really” ethnic. In his argument, the struggle between the Sinhalese and the Tamils is about the dispute between the two ethnic communities over the political and cultural control of given territory. Though the major cause of the conflict due to the failure of the centralized Sinhalese-dominated state to respond effectively to minority aspirations, it is an ethnic conflict since it understood one dimensionally as the Sinhalese-Tamil conflict

while looking at the historical and contemporary conflicts are interpreted and a mindset in which stereotypes and fear of the ethnic 'other' are bred (Orjuela Camilla, 2008: 6). Neil Devotta (2004: 293-294) pointed that the predominance of the two ethnocentric groups, Sinhalese and Tamils, spiraled into a gruesome ethnic conflict, however, since 1983, Sri Lanka has experienced a bloody civil war between the majority Sinhalese-led government and the LTTE.

By holding the conflict in Sri Lanka as an ethnic conflict, several expanded related focus has been driven in the academic writings. In that respect, many studies have portrayed on the so-called hegemony of Sinhala Buddhist nationalism, generally depicting that the Sinhalese majority as a monolithic aggressor and the Tamil minority as a monolithic victim (Bandarage Asoka, 2009: 3). However, this has examined further by adding Hinduism, which is practicing by majority of the members of the Tamil ethnic group. Even though, this religious conceptualization not to be the central consideration for analyzing this conflict because the dispute itself not to be over religion. Certainly, the conflict has not been about competing converts to Buddhism or Hinduism rather, ethnicity has become profoundly important in distinguishing the both Sinhalese and Tamil ethnic groups (Little David, 1999: 41).

Though certain literatures and scholars attempted on the conflict in Sri Lanka to move beyond ethnic aspect, static Sinhala-Tamil antagonism and the differences in the sense of insecurity are still being remained throughout the history; this has incorporated with various powers and dimensions during its process. Therefore, under the all above considerations, this study seeks to develop an analysis of the Sri Lankan conflict by focusing on the ethnic aspect and its link with the sense of security.

Following from the empirical claiming as an ethnic nature of conflict in Sri

Lanka it is apparent to portray the demographic pattern of ethnic groups residing in the Sri Lankan territory. This is essential since in post-war Sri Lanka, reconciliation is expected on the ground majorly between the above discussed two ethnic communities. Therefore, the next part will be included: population figures of the ethnic groups; religion they belong; language they use to communicate; and the geographical areas where particular ethnic communities are concentrated.

1.1.1 Demographic Pattern of Ethnic Groups

According to the Census of Population completed in 2012, the total population of Sri Lanka was estimated to be 20 million. The population is classified mainly into four ethnic communities; very small ethnic communities are not included. Furthermore, the two minority ethnic groups, Indian Tamils and Sri Lankan Muslims, also not the subject of focus in this chapter because the conflict and reconciliation is expected and understood primarily between the majority, Sinhalese and the first minority, Tamils. The percentage of each ethnic community is drawn here since 1921 till 2012 as follows:

Table 1: Percentage of Major Ethnic Composition in Sri Lanka

Ethnic Group	1921	1931	1946	1953	1963	1971	1981	2001	2012
Sinhalese	67.0	65.3	69.4	59.3	71.0	72.0	74.0	74.5	74.9
Sri Lankan Tamil	11.5	11.2	11.0	10.9	11.0	11.2	12.7	11.9	11.2
Indian Tamil	13.4	15.4	11.7	12.0	10.6	9.3	5.5	4.6	4.2
Sri Lankan Moor	6.3	5.6	5.1	6.3	6.5	6.7	7.0	8.3	9.2

Sources: Sri Lanka Department of Census and Statistics, 1921-1981; Sri Lanka Population and Housing Census, 2001; Sri Lanka Department of Census and Statistics, 2012

The ethnic markers tied with this demographic composition of communities variably on language, culture, history, tradition, religion, geographical locality and race. According

to the Sri Lanka Department of Census and Statistics of 1981 till 2012, the largest ethnic group in the nation is the *Sinhalese*, speaks the Indo-Aryan language, *Sinhala*. They are predominantly *Buddhists* and a significant minority is *Christians*. The second largest ethnic community in Sri Lanka is the *Sri Lankan Tamils* who speak the Dravidian language, *Tamil*, and are predominantly *Hindus* and a significant minority is *Christians*. *Indian Tamils* are differentiated from the *Sri Lankan Tamils* by the time of their arrival into Sri Lanka. They are the descendants of Southern part of India brought to Sri Lanka by the British during their colonial rule in Sri Lanka to work on the tea and coffee estates; their language speak is *Tamil* and majority of them are *Hindus*. Finally, *Muslims* are considered as ethno-religious community in the Sri Lankan demographic pattern and practicing *Islam* as their way of life more than a religion. Muslims also speak Tamil, same as ethnic Tamils. All ethnic groups are further diverse in accordance with their areas where they reside. This territorial element also has a strong impact on the prolonged nature of conflict in Sri Lanka. This geographical distribution has estimated in the last Census Report, 2012: Northern part of the island predominantly Sri Lankan Tamils; East comprised with Tamils (40%), Muslims (38%), and Sinhalese (21%); Indian Tamils concentrated in the central hill lands of the nation; and, Sinhalese are located in the rest of the territory of the country.

In this broad diversity of demographic pattern with the Sinhalese majority and the three substantive minorities in the Sri Lankan population, it is apparent to portray the ethnic conflict between the major ethnic groups along with the deteriorating situations that developed the sense of insecurity, focusing the both pre and post-independent phase.

1.2 The Ethnic Conflict and the Deteriorating Security Situations: A

Brief Historical Overview

The origin of the conflict and the rise of the feeling of insecurity started among Sinhalese due to the treatment of inequality that rooted in the colonial practices. The English speaking Tamils had favored positions in the colonial administration, therefore, as a group numerically comprised majority in the total population of the country, the Sinhalese felt alienated within their own country (Carlsson Kenneth, 2011: 11; Sivasekaram S., 1976: 3).

After all, the island of Sri Lanka gained independence from British colonial rulers in February 4, 1948, in accordance with the Ceylon Independence Act of 1947, and the state was officially ruled under the democratic principles. However, the Sinhalese nationalist movement influenced the Government and they in turn left the Tamil minority group with a disproportionate political share. In this stage, there were attempts made for generating fairness and equal opportunities among the people, irrespective their ethnicity, to prevent further anti-Tamil feelings. Yet these efforts got failed when the newly elected government proclaimed the ‘Sinhalese Only Bill’ in 1956. This act was looked as a way for the Government of Sri Lanka to secure the Sinhalese representation in the highest administration by giving the country only one official language, Sinhala. With further extension of disadvantageous committed against the Tamils and deteriorating their sense of security, which included being denied equal opportunities for education and employment, the mainstream Tamil politicians first demanded autonomous powers for the island’s northern and eastern region. Then by the mid-1970s, this demand became for a separate state. From a non-violent political movement led by moderate Tamil politicians, the Sri Lankan Tamil movement for equality became subject to pressure and control by radicalized militant youths who

advocated armed form struggle to achieve a separate state (Shastri Amita, 2009: 79). In the late 1970s, the armed forces of the Sri Lankan state were given increasingly draconian powers to search and destroy these newly formed 'terrorists' (Ibid).

Ethnic rioting and violence against the Tamils in 1983 by the Sinhalese extremists led to the start of the vicious civil war in Sri Lanka, between the Sri Lankan government forces and the LTTE (Skinner Jassica, 2005: 18). Efforts were made by India to mediate this insecure escalating situation between 1983 and 1987 and to pressurize the Sri Lankan government in Colombo to reach a negotiated agreement with both parties. In July/August 1985 peace talks were held in Thimbu, Bhutan between representatives of the Government of Sri Lanka and the Tamil political parties, included the Tamil United Liberation Front (TULF), the LTTE and the other Tamil separatist groups. After the failure of these talks, a more successful set of discussions were occurred in Delhi in August 1985 to resolve the conflict, as a result of the discussions, both parties were called to sign a draft accord, called 'Delhi accord', however, due to the pressure from the LTTE the Tamil political parties refused to sign (De Silva K.M., 2001: 455). These efforts at last culminated in the Indo-Sri Lanka Accord of 1987, signed by the Sri Lankan President J.R. Jayewardene and the former Indian Prime Minister Rajiv Gandhi, under which the Sri Lankan government promised to devolve power to the provinces, while the Indian government promised to send an Indian Peace-Keeping Force (IPKF) to the north-east to take custody of the arms to be handed in by the LTTE and guarantee the agreement (Ibid). Thereby, the 13th Amendment of the Constitution, passed by the United National Party (UNP)-dominated parliament, recognized Sri Lanka for the first time as an ethnically plural society, Tamil as a national language, and devolved power to the provincial council level (Shastri Amita,

2009: 79). However, the provincial councils are still remained as weak entities with limited powers, subject to the will of the Sinhalese-dominated national legislature within the existing unitary state of governance. The accord along with the arrangements got failed due to the strident hostility and mobilization against it from diverse groups, politicians even within the ruling government, right-wing religious elements of Sinhalese society and the radical nationalist Sinhalese youths. On the other side, the Sri Lankan government, led by the then President Premadasa after February 1988, attempted to control the situation in the north-east by colluding with the LTTE to send the IPKF home (Ibid: 80). Therefore, the LTTE used this opportunity and started the war against IPKF before attacking the Sri Lankan forces and succeeded in their task.

The following Sri Lankan Freedom Party (SLFP) headed by Chandrika Bandaranaike Kumaratunge, the first Sinhalese leader promising to open talks with the LTTE and to carry-out a wide-ranging devolution of powers to the regional level, made efforts according to her promises, however, those came to nothing as the LTTE pulled out of the talks and ceasefire soon after and returned to war. Furthermore, her simultaneous effort to draft a new constitution, instituting the equivalent of a federal structure desired by moderate Tamils, similarly ran aground. In early 2001, the situation of stalemate compelled the Sri Lankan state to try once again to re-open communication with the LTTE; because the intense fighting caused huge burden on the economy, on the one hand, and the large number loss of soldiers made impossibility to recruit and train adequate replacement, on the other hand (Moolakkattu John Stephen, 2005: 389-390). Therefore, the President Kumaratunge attempted to seek Norwegians serving as third-party facilitation; however, she insisted certain preconditions before talks could proceed. With the failure on reaching those conditions, intense fighting proceeded and

attacks committed by the LTTE on the major economic spots, especially main international airport of Sri Lanka. The heavy battle caused the economy to go into a tailspin and register a negative growth rate of 1.4 per cent for the first time since independence (Shastri Amita, 2009: 80).

Table 2: Peace Efforts made throughout Conflict and Civil War in Sri Lanka

Peace Talks 3				
1st Round	13-Oct-94	Sri Lanka: Jaffna	Mr. K Balapatabandhi	Mr. Karikalan
2nd Round	2-Jan-95			Rt. Rev. Bishop K Fernando
3rd Round	14-Jan-95			
4th Round	10-Apr-95			
Peace Talks 4				
1st Session	16-Sep-02	Thailand: Sattahip Naval Base, Chonburi	Minister G L Pieris	Mr. A Balasingham
	18-Sep-02			
2nd Session	31-Oct-02	Thailand: Rose Garden Hotel, Nakhorn Pathom		
	3-Nov-02			
3rd Session	2-Dec-02	Norway: Radisson SAS Plaza Hotel, Oslo		
	5-Dec-02			
4th Session	6-Jan-03	Thailand: Rose Garden Hotel, Nakhorn Pathom		
	9-Jan-03			
5th Session	7-Feb-03	Germany: Norwegian Embassy, Berlin		
	8-Feb-03			
6th Session	18-Mar-03	Japan: Hakorn Prince Hotel, Kanagawa		
	21-Mar-03			
Resumption of Peace Talks				
Geneva	22-Feb-06	Switzerland: Geneva	Minister N S de Silva	Mr. A Balasingham
	23-Feb-06			
Oslo	8-Jun-06	Norway: Oslo	Dr. P Kohona	<i>LTTE came to Oslo but did not participate</i>
	9-Jun-06			
Geneva II	28-Oct-06	Switzerland: Geneva	Minister N S de Silva	Mr. S P Tamilselvam
	29-Oct-06			
Phase	Period	Location	Head of Delegation	
			GOSL	LTTE
Peace Talks 1				
	13-Jul-85	Bhutan: Thimpu City	Dr. H W Jayawardena	Mr. L Thilakar
	12-Aug-85			
Indo Lanka Talks				
	July-87	Sri Lanka: Colombo	<i>The talks were between the Indian and Sri Lankan Governments</i>	
Peace Talks 2				
	3-May-89	Sri Lanka: Colombo - Jaffna	Minister A C S Hameed	Mr. A Balasingham
	6-Mar-90			

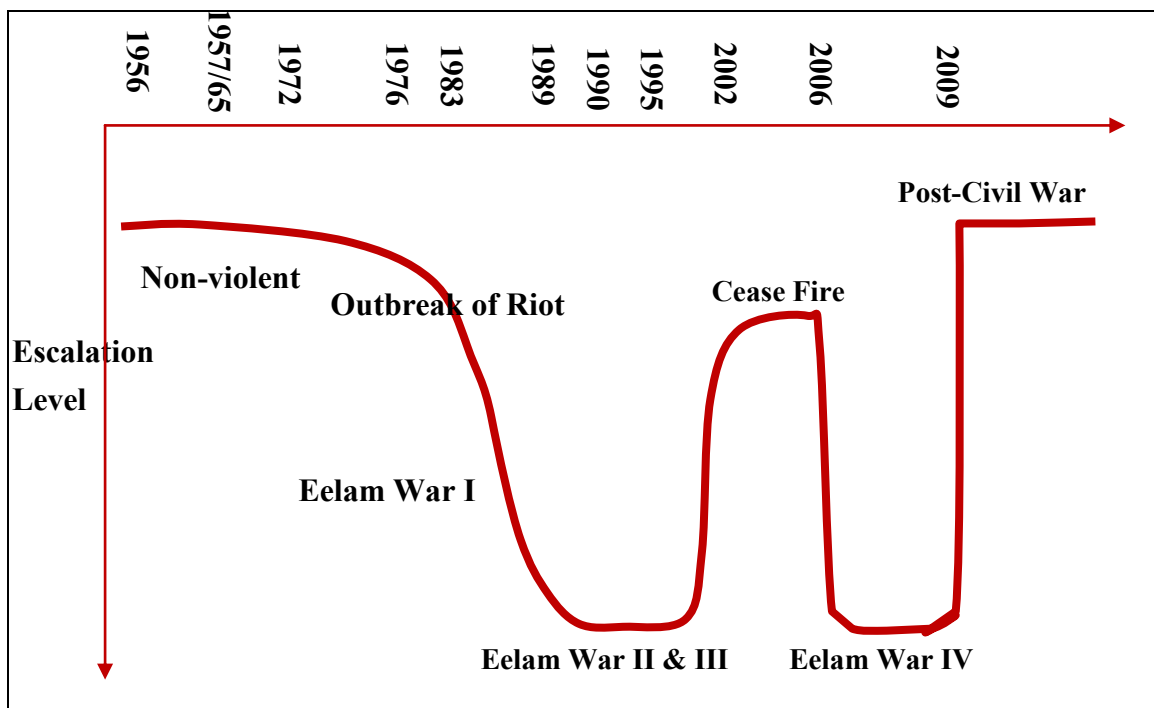
Source: Humanitarian Operation Factual Analysis: July 2006-May 2009

In this scenario, the Norwegian-led peace process under the coalition government, led by the SLFP President and the UNP Prime Minister, was initiated by a ceasefire in

February 2002 in a particularly supportive international environment. On February 22, 2002, the Memorandum of Understanding (MOU) was signed at separate locations by the LTTE leader Prabhakaran and Prime Minister Ranil Wickremasinghe. Following the MOU, repeated rounds of talks were held in a step-by-step process between the Government and the LTTE. The first round of talks held in Sattahip, Thailand, in September 2002, consolidated the Cease Fire Agreement (CFA) and the formulation of a joint task force to deal with humanitarian and reconstruction activities in the north-east; the second was at Nakhorn Pathom, Thailand, in early November, focused on setting up the joint task force in the form of the Sub-committee to oversee the Immediate Humanitarian and Rehabilitation Needs in the north-east (SIHRN), and to raise funds from the international community, and other joint committees were also set up to review the necessity for 'High Security Zones' (HSZs) and to discuss political matters relating to the long-term political structures; the third round of talks, in early December, got venue in Oslo, Norway and broad range of international support was backing the process, thereby, high-level delegations were sent by the US, EU and Japan-who later became Co-Chairs of the conference at Tokyo, along with Norway-included representatives of 37 states and pledged around US\$70 million for reconstruction and development; by having the belied hopes that the talks proceeded less smoothly; during the fourth round of talks in Thailand in January 2003, the HSZs proved contentious because the Government unsuccessfully tried to link the removal of its armed units and return of displaced persons to their areas of origin with a decommissioning of arms by the LTTE, however, the negotiations reached agreement easily on setting up the North East Reconstruction Fund (NERF), which would serve as a joint structure to which funds from international donors would be channeled by the World Bank, and dispensed

to the north-east and the rest of the country; the fifth round talks were held in Berlin in February, though the tension was growing on the ground with regard to the action taken by the Sri Lankan navy against an LTTE vessel caught shipping in arms clandestinely, both parties reached agreement on the need to include Muslims in the subcommittees related eastern province, particularly with respect to land and other issues of mutual concern; and the sixth set of talks were held in March in Hakone, Japan, amid growing security concerns following serious incidents at land and sea between the Government of Sri Lanka and the LTTE (Ibid: 84-86).

Figure 1: Stages of Conflict, Civil- War & Interventions: Post-Independence



Source: Author

In April 2003, the LTTE withdrew from the peace talks because of its exclusion from a donor conference organized in Washington D.C. and then boycotted a subsequent donor meeting in Tokyo in June 2003 (McGregor Lorna, 2006: 47). In the following October, the LTTE introduced its own proposal for an Interim Self-Governing Authority (ISGA)

for the north and east of Sri Lanka; this was invoking severe criticism from the Sinhalese groups. The natural devastation facing Sri Lanka as a result of the Indian Ocean tsunami in December 2004 initially raised hopes of a resumption of the stalled peace talks between the two parties, however, that was only short-lived.

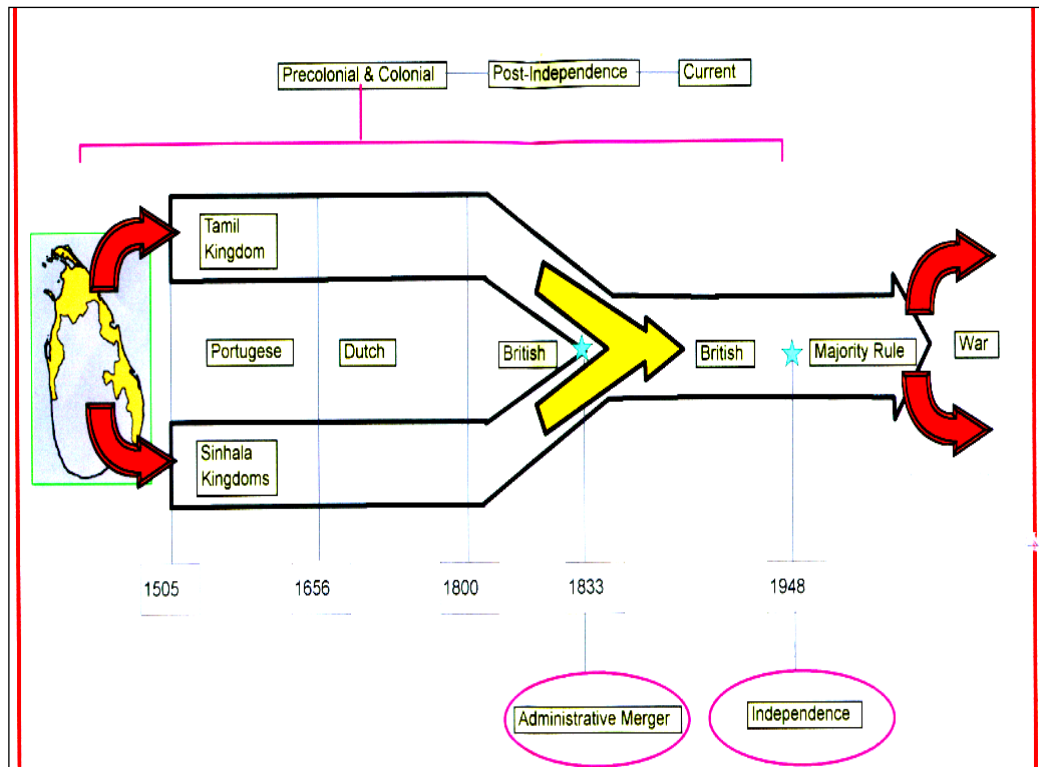
In these above all scenarios, attempts were made time to time to mitigate the situation and resolve the conflict, however, it was not reach success in all efforts, rather fell into restarting the civil war. The timeline of this protracted war is drawn under four main stages as: Eelam War I (1983-1987); Eelam War II (1989-1993); Eelam War III (1995-2002), and, Eelam War IV (2006-2009). The conclusion of the extended armed confrontation, between these two adversaries, reached at its last stage in 2006 with a full-fledged heavy battle and at last ended in May, 2009, after militarily defeating the LTTE. The effects of the brutal civil war is massive, mainly, it has taken the lives of over 70,000 people and displaced millions more (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 2; Shastri Amita, 2009: 76).

1.3 Security Implication of Ethnic Groups in Sri Lanka: Pre and Post-Independence Era

Although having the claim for first settlers in the island, prior to European colonization, there were no more exact evidences available about the conflict between these ethnic communities during the South India invasions: Pallavas, Pandyas and Cholas, repeatedly occurred over a period of several hundreds. Under these occupations, Tamils and Sinhalese lived together as neighbors in many parts of the country, particularly in the coastal trading areas. Moreover, evidences show that there were inter-marriages and trade between these two communities, many shared religious beliefs and customs; in all,

during this period, people would not have necessarily identified themselves as Sinhalese or Tamils. The origin and evolution of the sense of insecurity and the identity formation highly evolved with the European colonialism (Feith David, 2010: 346-347).

Figure 2: Sri Lanka: Pre-Independence



Source: Sangam Research, USA, May 1999

The inception of European expansion held in the sixteenth century while beginning with the Portuguese in 1505 when they made a treaty with the king of Kotte.⁹ In 1658, the Dutch replaced the Portuguese as colonial rulers and conquered the coastal areas of the island of Sri Lanka. Their occupation was finally supplanted by the British in 1796; it is then eventually appropriating the whole island under their control in 1815 (Perera Nihal, 1999: 24). Especially the British colonial era brought many changes and effects in the

⁹ Prior to European colonization in Sri Lanka there were three separate kingdoms on the island-based around Kandy in the central, Kotte in the south-west and Jaffna in the north (Feith David, 2010: 347)

feeling of security to the Sri Lankan population centered on economy, politics, religion and culture.

1.3.1 Ethnic Identity Formation and the Evolution of the Sense of Insecurity

The process of constructing identity is so common to all the colonized terrains in South Asia and mark by clear exclusivisation of cultural idioms, symbols, norms and principles, which seek to differentiate a particular group from another (Behuria K. Ashok, 2006: 97); this act obviously became as a main cause to got a confronting sense of security within different groups and communities. In Sri Lanka, development of Sinhalese and Tamil identities is in part of legacy during the colonial practices. As a result, both the Sinhalese and the Tamils formed and started into practice through revival movements and attempted to define themselves as different from the English colonial rulers, on the one hand, and also to differentiate themselves from the subordinate positions in which the colonial administration placed them, on the other. Amongst the Sinhalese, the revival and nationalist movements emphasized Buddhism and Sinhalese identity. Simultaneously, Tamils, in both South India and Sri Lanka, proudly rediscovered ancient Tamil literature, Hinduism and pride in their Language, Tamil. This identity related enforcements induced and further developed as a result of British colonial administration. The ‘divide-and-rule’ classificatory practices and policies created the conditions in which separate forms of Sinhalese and Tamil nationalisms established (Feith David, 2010: 347). In addition to this, the rigid demand being made for ‘traditional Tamil homeland’ today comprises the Northern and the Eastern Provinces carved out by the British rulers largely from the Kandyan kingdom rather than a unified Tamil political unit claimed to have remained from the beginning of history. The current Northern and Eastern Provinces were established for the

administrative convenience of the British (Bandarage Asoka, 2009: 29-30). Consequently, when Christian missionaries and their organizations (for instances, Church Missionary Society, Salvation Army, Wesleyan Missionary Society, Society for the Propagation of the Gospel, Young Men's Christian Association, Young Women's Christian association) (Devotta Neil, 2004: 300) had been driven towards Sri Lanka to spread their faith and denounce local religions, sought as to undermine Buddhism in the nineteenth century and thereby, anti-Christian feelings were aroused. As a result, local religious elites used the religious-cultural infrastructure to oppose the Christian missionaries. Therefore, Buddhist and Hindu organizations were reacted in a competed manner to propagate their respective religions and promote and secure Sinhalese and Tamil culture, even though those organizations were formed to mediate intra-religious and intra-community disputes (Ibid). This was deepened the conflict between these ethnic groups since both were motivated their actions to protect and proceed their dominant claim and emphasis by having a strong communal sense. Later, the sense of insecurity of Sinhalese community further expanded when the British divide and rule administrative policies and practices prioritized to Tamils due to their knowledge gained through Christian missionaries funded schools in the Northern Province, which taught many Tamils English. This was promoted the notion of insecurity that the majority Sinhalese community had to be kept in a weakened state, ensured that the Tamils became disproportionately represented in the civil service (Ibid: 303).

In another respect, the sense of insecurity was existed during the colonial period with cultural, literacy and religious dimensions due to the different faith they follow. As a result, the Hindu revivalist movement among the Sri Lankan Tamils reached its peak to fight against Christian missionary strategy and tactics for

propagating their religion; education also used as a tool to promulgate. The ways used in the campaign for challenging Christian missionaries, there was little or no trace of hostility to the Sinhalese or to Buddhism (Cheran R., 2009: xv). However, the Sinhalese nationalist movement led by Dharmapala, during this time, was deliberately hostile to the Tamils and to Hinduism (ibid: xvi).

Political and legal dimension of insecurity formed when the demand for balanced representation for the minorities in the national assembly. To have a constitutional reform and full independence were being considered between 1943 and 1946, the Tamils formed a political party in 1944, called 'the Tamil Congress' and came up with the balanced representation in the legislature. This scheme engineered by this party's leader G.G. Ponnampalam to prevent Sinhalese for holding more than 50 per cent of the seats and thereby, the other communities would share the balance 50 per cent. However, this scheme was defeated by the new government by enacting the 'Citizenship Act of 1948', after forth of independence. The results of the legislation were the disenfranchisement of Up-country Tamils, and gave 73 per cent of the seats for the Sinhalese in the legislative council in 1952, and later 80 per cent of the seats (ibid: xxiii-xxiv).

Although the taproots of conflict and the feeling of insecurity predated since the pre-independence period, numerous problems have formulated and country has been seriously constrained and accentuated even after the independence. Along with the historical construction of the sense of insecurity of the two dominant ethnic communities, Sinhalese and Tamils, post-independence politics and practices also influenced and induced that feeling further till date (Nissan Elizabeth and Stirrat R. L., 1990: 19). Especially, communal cleavages got visible due to the language, education,

employment, and resource allocations; those are primarily marginalized and alienated the Tamil population (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 17). Furthermore, a range of issues and arrangements made in the name of security of ethnic groups, in the sense of equality, rights, access to economic and political resources, and non-discrimination; and, in the state security. The security of citizens ensured through laws and state practices. This has created the conflict more durable, resulted to anti-ethnic riots, violence, assassinations, and the protracted civil war.

In this respect, post-independence era ethnic fragmentations deepened by the different feeling of insecurity. Sinhala Buddhist nationalism is a cause to contribute to a relative silence on the chauvinism and fundamentalism of minority ethnic and religious groups in Sri Lanka and their contributions to the creation and perpetuation of conflict (Bandarage Asoka, 2009: 27). When the new Sinhala nationalist government, got into power under the Prime Minister Bandaranaike (SLFP) after defeating the English oriented post-independent Prime Minister Senanayake government (UNP), there were mainly two promises made, while upholding communal identity and ensuring the security of Sinhalese Buddhist, during the political campaign: Buddhism would be restored to its rightful position in Sri Lanka, and, the Sinhala would become the official language. Therefore, the new government had quickly introduced a bill to make the Sinhala as the official language of the country. This made insecure and unrest from the Tamil community and therefore, the ‘Tamil Federal Party’, under the leadership of Chelvanayakam, staged a non-violent demonstration (*Satyagraha*) outside the parliament, which led to a clash with the Sinhala-Buddhist extremists (Nissan Elizabeth and Stirrat R.L, 1990: 35).

These acts were being extended by the Sinhalese leaders when the Tamils started to secure themselves by turning into liberation form of struggle. Mainly, the militant and the separatist turn of Tamils threatened the hegemony of the Sinhalese and provoked among them a crisis of identity and security. Anti-Tamil riots of July 1983 marked a critical juncture in the ethnic relations between the Sinhalese and the Tamils. Soon afterwards, war between the Tamil militants and the largely Sinhalese government forces escalated into a 'National Security' issue and each community's perception of the other became as enemy, hardened with each ambush, assassinations, massacre, bomb explosions, high profile aerial attacks and shelling (Tennekoon Serena, 1990: 205). In addition to this, the Sinhalese rulers often assert their difference from Tamils by emphasizing that they promote a multi-ethnic heterogeneous Sri Lankan society (as long as the Sinhalese have a foremost position due to their numerical majority), contrary to the Tamil militant who fought for an exclusively Tamil state. This feeling of insecurity of Sinhalese further spurred due to the Tamil militant attacks and ruthless killing over the Sinhalese innocent civilians. Thereby, Sinhalese rulers determined that eliminating 'terrorist' is the right and obligation for all citizens of the nation and this is highly required to regain 'a democratic, multi-ethnic and united Sri Lanka' (Orjuela Camilla, 2008: 75).

Sinhala-Buddhist feeling of insecurity was further used to mobilize the whole ethnic group against external threats when the international forces began to extend their involvement to manage and mitigate the prolonged conflict and civil war. This strong Sinhalese sense of insecurity is still prevailing on the ground, though the protracted war concluded in 2009. This international involvement highly related with the heavy criticism over the Government of Sri Lanka and its military forces in relation to war

crimes committed during the last stages of battle against the innocent Tamil civilian.

The process to ensure the security of the Tamils witnessed in the post-independence phase when the Tamil nationalist formed a new political party in 1948, named *Ilankai Thamil Arasuk Katchi* (Ceylon Tamil State Party-popularly known as ‘the Federal Party’, led by S.J.V. Chelvanayakam), after splitting with the Tamil Congress due to their alignment with the Government and supported the act of disenfranchisement. The establishment of this party indicated a significant change in the Tamil politics and nationalism and its first national convention in 1951 declared that the ‘Tamil speaking people in Ceylon constitute a nation distinct from that of the Sinhalese by every fundamental test of nationhood’ (Cheran R., 2009: xxvi).

In fact, the suffering and struggle of the Tamils caused due to the sense of insecurity is a central theme for the origin and growth of Tamils’ sense of insecurity discourse. In spite of this, in May 1972, ‘the Tamil United Front’ (TUF), which later transformed itself into the ‘Tamil United Liberation Front’ (TULF), formed and articulated the idea of Tamil nationality and self-determination. In the same year, Federal Party, Tamil Congress and the Ceylon Workers Congress (CWC) also joined under TUF and issued a six-point plan on May 24, 1972 consisted with six demands: Parity of status for both Sinhala and Tamil languages; Citizenship rights for the Up-country Tamil plantation workers; making Sri Lanka a secular state; fundamental rights and freedom of expressions; abolition of untouchability; and, participatory democracy (ibid: xxix). However, this plan was not agreed by the Government and thereby, it became as precursor for the later demands of separate sovereign nation-state for Tamils (International Crisis Group, 2007: 1).

Throughout the process of ensuring their security by Tamils, the claim for an

independent Tamil state to regain their ‘traditional Tamil homeland’ is being justified on the charges that the Sinhalese own security measures on the Tamils historically when they are trying to make up a separate nation with the right of self-determination. This strong notion led by the Tamil elites, named as TULF, in 1976 and put forward the *Vaddukoddai resolution* to call for establishing a Tamil separate state (Bandarage Asoka, 2009: 19). The post-1977 era is the most important period in the history of Tamils in Sri Lanka because the phase of Tamil militant separatism and the subsequent escalation of the ethnic conflict into a full-scale civil war (Cheran R., 2009: xvii). The Tamil militant group, the LTTE, has engaged in the liberation move towards self-determination for the Tamil minority population in the north-east part of the nation and fought for that goal against the State, which has been dominated by the groups from the Sinhalese majority. Furthermore, the militants involved in the struggle had been Sri Lankan Tamils; the majority was being from Jaffna (Orjuela Camilla, 2008: 77).

1.4 Internal and External Actors in Mounting the Sense of Insecurity of Ethnic Groups

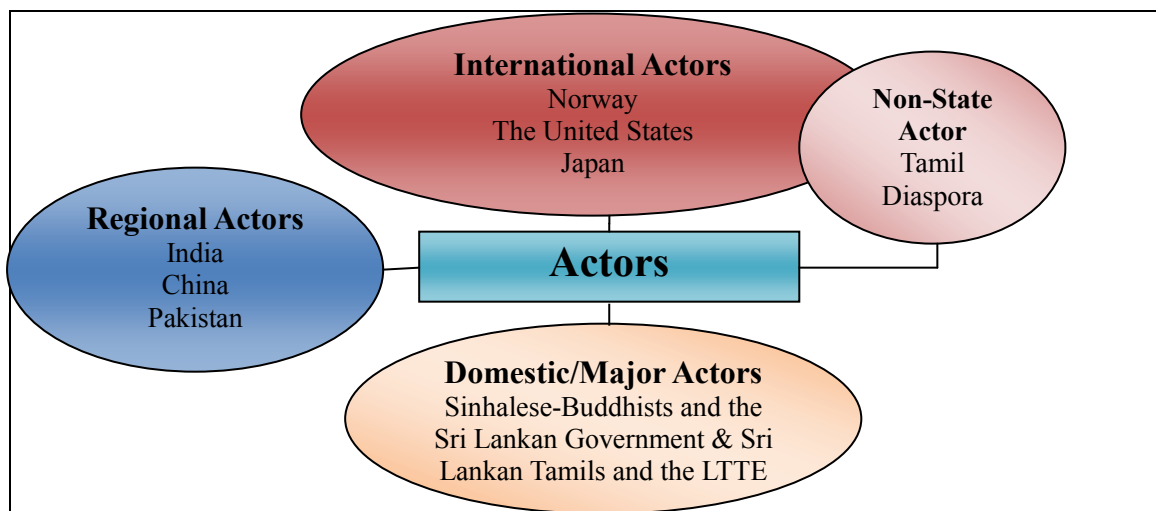
Identifying the parties to the conflict, in general, is an important step prior to understanding their positions, interests, and capacities as well as the level of external support. The growth of relationships between parties and their social context can be examined in terms of short-term and long-term dynamics (Jeong Ho-Won, 2008: 20). This section dissects the participants of the conflict in Sri Lanka, who are still looking by the ethnic groups in a different lens of security, into three: internal, regional, and, international actors.

1.4.1 Internal Actors and their Pursuance of Security Goals

1.4.1.1 Sri Lankan Tamils and the Liberation Tigers of Tamil Eelam

In fact, for the Tamils, as earlier mentioned, the suffering and struggle due to the Sinhalese dominated state practices is a central theme for the origin and growth of their feeling of insecurity in Sri Lanka (Cheran R., 2009: xxix). According to a popular Tamil scholar Karthigesu Sivathamby (1995: 59), the ethnic crisis and the sense of insecurity of Tamils because of the manner the Government of the country had handled the problems in relation to Tamils; in the manner the popular Tamil response to those moves had manifested, and particularly in the manner the militant Tamil opposition had been organized against the Government moves. Therefore, this feeling of insecurity, due to various causes relates with Sinhalese and the Government's actions, has internationalized as the problem of Tamils in Sri Lanka (Sivathamby, Karthigesu 1995: 1). As earlier mentioned, the word *Tamil* refers both to the language and its speakers and when it refers to the speakers, it does not reflect them as speakers of a language but refers to them as also an *ethnic* group with an identifiable culture and a consciousness among them that they belong to one group (Ibid). In this sense, it is clear that Tamils and the LTTE are an actor involved in this conflict.

Figure 3: Actors involve in the Conflict in Sri Lanka



Source: Author

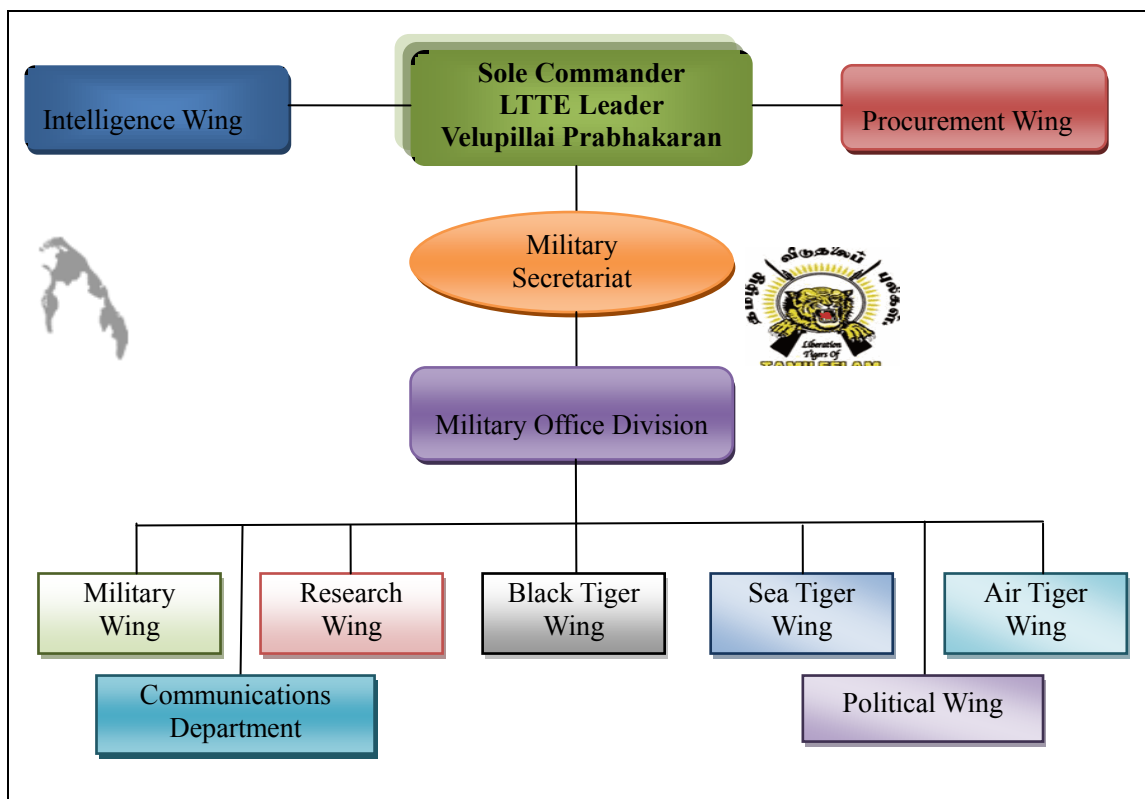
In this respect, Sri Lankan Tamil involvement in the ethnic conflict in Sri Lanka initiated with their efforts to ensure security, as clearly described in the above. Although it has rooted in the pre-independence period when the colonial disturbances were usually aligned mainly on religious lines, the post-independence era became as a milestone. However, the Tamils engagement with this prolonged conflict as an actor can be recognized through the formation of political parties, 'the Federal Party', the TUF and the TULF.

With the support of these moderate Tamil movement, the TULF, the LTTE was founded by 18-year old Vellupillai Prabhakaran in 1972 (Kearney R.N., 1985: 905). The LTTE organization was established to secure their ethnic group concentrated largely around the North and the East parts of the island with a traditional homeland, or *Eelam* (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 5). Although there were over 40 Tamil resistance groups were in operation during the early to mid-1970s, by the end of the 1970s, only five of them (TELO-Tamil Eelam Liberation Organization, EROS-Eelam Revolutionary Organization of Students, LTTE, and, EPRLF- Eelam People's Revolutionary Liberation Front) remained durable and actively committed to create a separate Tamil state; they involved in assassinations, attempted assassinations, bank robberies, and further criminal activities, as well as fratricidal violence among themselves. (Bandarage Asoka, 2009: 97). According to an LTTE spokesperson, since their inception in 1972 and July 1978, their score was 20 policemen to kill, together with five politicians and five informers (Ibid).

By the mid-1980s, the LTTE turned against other groups and killed hundreds of their members on the pretext of being the 'sole true representative' and leading light of the entire Tamil people. The Tamil population is supportive to the LTTE, in part through

instinct, but also through fear (Smith Chris, 1999: 35). After the worst outbreak violence and insecurity culminated in ‘July 1983’,¹⁰ the LTTE, under their leadership Velupillai Prabhakaran, dramatically increased their forceful acts against Sri Lankan Sinhalese government by targeting government security forces, government ministers, and civilians in north and south (Lilja Jannie, 2009: 311).

Figure 4: Structure of the LTTE Organization



Source: Humanitarian Operation: Factual Analysis July 2006-May 2009, Ministry of Defence, Democratic Socialist Republic of Sri Lanka

1.4.1.2 Sinhalese-Buddhists and the Sri Lankan Government

The Sinhalese Buddhists in Sri Lanka represents the vast majority of the ethnicities. By having the numerical strength, sense of insecurity, caused due to the earlier and following experiences as mentioned formerly, Sinhalese started to believe and rigidly

¹⁰ This riot popularly known as “Black July” was a pogrom, ‘an organized and officially encouraged massacre or persecution of a minority group’ (Bandarage Asoka, 2009: 106)

portray that the island of Sri Lanka is largely a Sinhalese-Buddhist country and all other ethnic, religious or language groups are aliens (Hennayake K. Shantha, 1989: 402); this is because to safe themselves from the past experiences again. In fact, the Sinhalese-Buddhist ideology, in this regard, has been quite effective in associating the Sinhalese ethnic group with the religion of Buddhism and the politico-cultural history and territory of the island (Ibid). Therefore, this journey is fundamentally a cultural process associated with Buddhism and its consolidation throughout the land (Sitrapalam S.K., 2009: 28). In the other sense, religion, language, and the historical heritage are significant for Sinhalese sense of security (Orjuela Camilla, 2008: 74).

The polity and the idea of ‘Sinhala-ness’ can be seen as a forcing element behind this feeling of insecurity. Furthermore, the Sinhalese stand, even till today, is that pre-colonial Sri Lanka, prior to the advent of European invaders, was a mono-ethnic and mono-religious Sinhala Buddhist state where the ethnic Tamils were migrant aliens. Further they added that Tamil Nadu of India is the ‘country of the Tamils’ or the ‘land of Tamils’, not Sri Lanka (Bandarage Asoka, 2009: 18). Due to this respect, Sinhalese demands relate with security have often been described as ‘a majority with a minority complex’, feeling threatened and unsecured in a regional and global context where nearly 50 million Tamils live across the Palk Strait in Tamil Nadu, India and large numbers reside in Malaysia, Australia, North America and Europe; for the Sinhalese, the island of Sri Lanka is the only place that they have in the whole world (Orjuela Camilla, 2008: 74).

Furthermore, the Sinhalese claims have so often been pictured as a pursuit of justice for their own security in a post-colonial situation and retrieving power and economic improvement for the deprived Sinhalese. More importantly, the demand of

Tamil leaders of 50 per cent representation for the minorities in the legislative body for safeguarding their rights before independence was-and still-is seen by Sinhalese as a measure to cause insecurity for them and it deeply unjust (ibid) because they are comprised more than half of the total population, historically.

In the meantime, support by the population mainly divides between two extremely competitive major Sinhalese political parties, the ruling SLFP and the opposition UNP. These two have great support from the Sinhalese, which is much equally divided between the two parties. Each of this Sinhalese dominated political party normally reaches up to 1/3 of the Sinhalese voting electorates and the Tamil and Muslim minorities usually prefer to vote for their ethnic political parties (Carlsson Kenneth, 2011: 15). When these two major ethnic parties compete for the allegiance of the same ethnic group, any concession by the party in power will be seized upon by the party out of power as a sign of weakness, and again, of “selling out our people” (Singer R. Marshall, 1992: 714). That is exactly what has been continually happening in Sri Lanka. Indeed, two major decisions have taken by these two different political party leaders during the period when they held power: first, by the UNP government in February 2002 after having several years of ‘hurting stalemate’ and signed a cease-fire agreement (CFA) with the LTTE, though the CFA was welcome by both sides and laid the foundations for a peace process, it began to falter by mid-2003 and finally collapsed in 2005 (Pavey Eleanor and Smith Chris, 2009: 192); second, the SLFP Presidential candidate Mahinda Rajapakse’s victory in the Presidential election November 2005 and his determination to defeat the LTTE, thereafter, a full-fledged military offensive had been launched and he made declaration of victory over the LTTE in May, 2009 (Ibid).

1.4.2 External Involvement and the Deterioration of Internal Security

1.4.2.1 Regional Powers

Third-party intervention by external facilitation in resolving conflict and, more specifically, in negotiated process, has been analyzed in various studies in several respects by using different cases. The conflict and civil war in Sri Lanka has been internationalized since a few years after its inception in the 1980s (Robert C. Oberst, 2004: 165, 169-170). Especially as regional powers, role of India, China and Pakistan are becoming the country's most important players during and after the civil war in Sri Lanka (Carlsson Kenneth, 2011: 15), compare with the other countries in the region.

Although the three nation-state actors as well as regional players, above mentioned, are considered as important contributors to the conflict in Sri Lanka, the crucial role of India in the conflict and post-war phase is more important to look at in relation to a prime cause for generating difference sense of security of the Sinhalese and the Tamils. Contribution of China and Pakistan were more successful in 'ending' the protracted civil war by giving more leverage to the Sri Lankan government with military aid, however, India's involvement has internal security implication within Sri Lanka. In this respect, this section will provide India's role in influencing the feeling of insecurity of ethnic groups, as regional player in the Sri Lankan conflict and still it is an obstacle for the current process of reconciliation in post-war Sri Lanka.

India

Amongst the several actors around the globe being involved in the Sri Lankan conflict, as a prime regional power in South Asia, from a purely security point of view, India has been most heavily and consistently entangled throughout the conflict by playing various roles (Destradi Sandra, 2010: 5). The main reasons for its interest and involvement can be addressed as: the steady stream of Tamil refugees escaping from Sri Lanka to India;

the formation of the LTTE network in the South of India; and, most notably, a great interest in the Sri Lankan affairs displayed by the Tamil population of the state of Tamil Nadu (Ibid: 5-6). Furthermore, due to the entry of India into the Sri Lankan affairs with several diplomacies from time to time, the Sinhalese government and the community has been started more conscious about their security, thereby, they have been followed different strategies to keep them safe and secure (Jayasekera P.V.J., 1992: 3). However, these measures in turn started to cause insecurity to the ethnic Tamils.

India's initial involvement in the conflict in Sri Lanka commenced in the early 1980s when the Government of Tamil Nadu and the central government under Indira Gandhi had supported Tamil militant groups by providing them with military assistance and training in the Indian Territory (Dixit Jyotindra Nath, 2003: 55; Anne Noronha dos S., 2007: 54). This is the prime cause for the feeling of insecurity of Sinhalese about India's any involvement in Sri Lankan domestic affairs even after the cessation of war. India's another involvement in the name of conflict-management started on July 29, 1987 by signing the Indo-Sri Lanka Agreement (ISLA) after having a secret negotiation between the Indian and Sri Lankan government (Uyangoda Jayadeva, 2007: 32). Shortly later, India deployed its Peace Keeping Forces (IPKF) in the North and East of Sri Lanka with the task of supervising the ceasefire and disarming the LTTE (Destradi Sandra, 2010: 9). However, after the assassination of former prime minister Rajiv Gandhi, son of Indra Gandhi, by a suicide bomber in Tamil Nadu in May 1991 and the judgment and attribution by the Indian Supreme Court stated as the assassination committed by the LTTE to revenge for the IPKF operation in Sri Lanka, India took a more neutral stance on the issue and officially interrupted the military support for the Tamil militants (Ibid). Most importantly, after the judgment on the assassination, the

LTTE was classified as a terrorist organization in India and its leader, Prabhakaran, became a wanted man in India to be punished (Ibid). This rigid stand taken by India affected the secure feeling of Tamils in Sri Lanka since they feel that this paradigm shift in the Indian policy towards the LTTE and the Tamils will give more confidence to the Sri Lankan Sinhalese governments to take any steps towards them in a discriminatory manner without any questions. Moreover, this sense of insecurity further developed, after the horrible event committed by the LTTE in India, when the Congress led government came into power from 2004 to 2009 where the Indian National Congress Party has been headed by the wife of the assassinated Prime Minister, Sonia Gandhi, since 1998 and her attitudes on the LTTE and her assistance to the Government of Sri Lanka to utterly defeating the offenders who killed her husband (Destradi Sandra, 2010: 10).

The IPKF failure made the stand for India that any kind of military intervention on Sri Lanka impossible, and the proscription of the LTTE precluded further diplomatic involvement by India as a mediator because it became impossible for New Delhi to have any direct contact with the LTTE (Smith Chris, 1999: 19-20). In light of these events at last forced India to pursue a “hands-off” policy towards the conflict in Sri Lanka, as a result, the Indian government accepted the involvement of external actors in the Sri Lankan conflict, however, the non-involvement was not keeping India to alienate from Sri Lankan issues. Therefore, India constantly kept a watchful eye on the developments and dynamics in the conflict and civil war of Sri Lanka and having cooperation with the Government of Sri Lanka on security, intelligence, trade, and aid (Goodhand Jonathan, Klem Bart, Fonseka Dilrukshi, Keethaponcalan S.I., and Sardesai Shonali, 2005: 68), as a result, the interest and involvement of Tamil Nadu factor has declined (Ibid).

Nevertheless, the Indian government's involvement is still somehow made the Sri Lankan government and the Sinhalese polity to be alert on India for the country as well as the particular nation's own security.

From 2003 to 2009, India repeatedly expressed its stand on Sri Lanka regarding conflict settlement as "negotiated political settlement" encompassing forms of power devolution, meeting "the aspirations of all communities" (Destradi Sandra, 2010: 12). Most importantly, India had a clear preference for the "unity, sovereignty and integrity" of Sri Lanka, which was strategically related to New Delhi's fear of secessionist spill-over effects on single Indian states, most specifically in Tamil Nadu (Ibid). Indian's indirect involvement in Sri Lankan internal affairs changed slightly in the period between 2007-2009, due to the escalation of violence in Sri Lanka, and the growing pressure from Tamil Nadu induced New Delhi to put some degree of pressure on the Government of Sri Lanka, concerning its approach to civilian in the battle, thereby, in the diplomatic level, it expressed its unhappiness on Sri Lanka for conducting the war (Ibid: 13). However, in 2007, India radically changed its policy of non-involvement approach and started to take an indirect but highly significant role in the military conflict, because the new approach was manifested for three main reasons: first was to crackdown the LTTE networks in Tamil Nadu, which helped the Sri Lankan government in its fight against the LTTE; second, while providing military hardware in the form of defensive equipment, India could develop its military cooperation with the Sri Lankan government (Ibid); and third, by seeing China's influence in Sri Lanka, which was grew as the conflict spiraled, India became more proactive in its support of the Sri Lankan government (Castillejo Clare, 2011: 2). By 2008, India further extended the annual training slots for the Sri Lankan armed forces (Destradi Sandra, 2010: 14).

The shift in India's approach during the last phase of Eelam War IV was made public, to a certain degree, stated by the External Affairs Minister Mukherjee in January 2009 that the military victories can offer a political opportunity to restore life and bring normalcy in the Northern Province and throughout Sri Lanka after years of conflict, which mainly legitimized the strategy adopted by the Sri Lankan government. As a result, the statement portrayed by India as their support to the Sri Lankan government for defeating the LTTE because bringing normalcy in the nation and restore the life of the people. However, the view on India by both the Sinhalese and the Tamils still fearful due to its high level of dynamic diplomacy throughout the conflict as well as war. This is, in fact, being followed even in the post-war phase where any measures proposed for reconciliation relate to India in whichever means; however, the sense of security differs between the two major ethnicities.

1.4.2.2 International Actors

International engagement, during and after the civil war ending is very essential, on the one hand, to get a clear picture about the conflict in Sri Lanka, on the other hand, to find the reason for the present sense of security about them, which varies between both major ethnic communities. Especially, when the war proceeded towards its ending phases, civilian casualties began to escalate; the LTTE forces held civilians hostage, and the Sri Lankan army was sat under hard pressure from international media, donors, human rights groups and the huge Tamil Diaspora. This critical situation forced the international community to beg the Government of Sri Lanka to cease the war and start negotiation with the LTTE (Carlsson Kenneth, 2011: 14). Mainly, the Western powers have put hard pressure on Sri Lanka to ensure human rights, labor rights and good governance (Ibid). In turn, the Sri Lankan government has hailed the winning of the

civil war as a success story in the global war on terrorism, however, this made contrary to the West and called for an investigation of human rights violations even during the current post-civil war phase (Ibid). This stand is being looked by the Government of Sri Lanka and the Sinhalese community as a measure holding by the international community to cause insecurity for them by intervening into domestic matters. Meanwhile, they highly criticized this act and blaming as it is the Western states' hypocrisy that is having in the ongoing missions in Iraq and Afghanistan (Ibid). Furthermore, much blame put on the Tamil Diaspora as well by believing that they are lobbying some states politicians into biased position against Sri Lanka (Ibid).

As key international players in the conflict in Sri Lanka, Norway and the United States had been two important nation-states outside the South Asian region that had been critical in impacting the Sri Lankan conflict. Other nation-states with smaller influence can be identified as Israel, Canada, and Japan. Furthermore, as a non-state actor, who is being played an active role in the Sri Lankan conflict, is the international Sri Lankan Tamil Diaspora. In this respect, this section will focus the major non-state player, the Sri Lankan Tamil Diaspora, since their presence during and after the cessation of war is most highlighted and massive, unlike the international state actors who were engaging especially during the peace talks and negotiation processes between the two competent authorities, the Government of Sri Lanka and the LTTE. Due to this respect, the involvement of Tamil Diaspora is still considered as an important source for increasing the level of insecurity of the communities, especially of the Sinhalese.

The Tamil Diaspora

The Sri Lankan Tamil Diaspora is being played an important role in the Sri Lankan conflict, primarily in strategic, political, and economic basis, even after the cessation of

civil war, through the means of offering a source of financing to the LTTE when they were holding fight in the battle field, external lobbying towards host countries, and, internal influences in the feeling of insecurity (Hargreaves Caroline, Karlsson Martin, Agrawal Surabhi, Hootnick Jonathan and Tengtio Katharine: 20). Though the Sri Lankan diaspora includes with Tamil and Sinhalese ethnicities; focus here solely on the Tamil diaspora. The Sinhalese diaspora has relatively little input in the political realm, on the one hand, and they are not as a cause to develop the sense of insecurity to the Sinhalese, on the other hand (Ibid). The Tamil diaspora estimated that they are accounts for 23-30 percent of the global Sri Lankan Tamil population of approximately 2.7 million, mostly concentrated in Canada (approx. 300,000), Switzerland (approx. 40,000), Norway (approx. 10,000), France (approx. 40,000), the United Kingdom (approx. 110,000), and the United States and Australia (approx. 30,000 each) (Feargal Cochrane, Bahar Baser and Ashok Swain, 2009: 688).

The establishment of the Tamil diaspora is intrinsically linked to the conflict and became as a major source to develop insecurity to the Government and the Sinhalese population since the outbreak of the open civil war between the Tamil militants and the Sri Lankan state in 1983 (International Crisis Group, 2010: 1). As of 2001, the total number of the Sri Lankan Tamil diaspora was estimated at 600,000-800,000, accounting for approximately one-quarter of the global Sri Lankan Tamil population (Human Rights Watch: 10).

Diaspora, as a central player in the Sri Lankan conflict, extended its contributions by providing money for weapons and through Tamil organizations, provided the political advocacy in Western countries in support of the struggle for an independent state of *Tamil Eelam* (International Crisis Group, 2010: 1). During the

heavy battle in the last stages of war, which claimed over 100,000 lives, the diaspora contributed an estimated \$200 million a year to the LTTE (Ibid). Due to these all respects, the Sri Lankan Tamil diaspora and its involvement in the conflict and post-war phase is viewed as a source of threat for Sinhalese.

1.5 Causes for the Internal Insecurity of Ethnic Groups in the Sri Lankan Conflict

The causes of the conflict and thereby developing a sense of insecurity have structural conditions and socio-psychological factors (Jeong Ho-Won, 2008: 92). According to Lederach J. P. (1997: 83), the structural condition or dimension highlights the underlying causes of conflict as well as insecurity and the patterns and changes it brings about in social structures. Further he added that this may encompass with the issues, such as human needs, access to resources, and institutional patterns of decision making. In a socio-psychological dimension, the major cause for the struggle may be based on feelings of deprivation, injustice, inequality, and frustration beyond incompatible roles and positions (Jeong Ho-Won, 2008: 15). Especially, many conflicts of injustice are rooted in a history of colonialism, ethnocentrism, racism, sexism, or human rights abuses (Ibid: 16). The denial of identity, security, and recognition is a critical and fundamental concern for most of the intractable conflicts, such as Northern Ireland, Palestine, Chechnya, Nepal, Tibet, and the Muslim regions of China (Ibid: 28).

Figure 5: Causes and Effects of the Conflict in Sri Lanka



Source: Author

More often, people are threatened and create insecurity under circumstances of oppression, discrimination, and isolation, therefore, the process of conflict resolution should bring about social, economic, and political changes that cater to human needs; institutions also can be adopted to satisfy the essential human requirements (Ibid: 29). In this sense, conflict in Sri Lanka and the causes for the feeling of insecurity of the different ethnic communities have rooted with both structural and psychological; as a result of these conditions triggering events also happened to lead the conflict for further prolonged.

1.5.1 Structural Conditions

Political Causes

Structural issues in the political aspect, in general, related to the distribution of state patronage and the Government policy over issues, such as official language, regional devolution, demographic encroachment and the availability of university places and public sector employments (Venugopal Rajesh, 2003: 3). Especially, inadequacies practice by the Sri Lankan government in the democratic politics lies in the system of governance. This was initiated before independence by the colonial administration under the constitutional experiments on the Donoughmore Constitution of 1931 and the Soulbury Constitution of 1947 and sought to bring in majoritarian representative system in a multi-ethnic society (Behuria K. Ashok, 2006: 97). Before this, the colonial administration had encouraged a system of equal communal representation in the largely nominated legislative councils (Ibid). In this respect, democratic practices in the political domain during the post-colonial years saw an increasing assertion of the Sinhalese community due to their sense of security, which progressively shut one door of privilege after another on Tamils and took every step to cut-down their

disproportionately high presence in bureaucracy and administration (Ibid). This situation has been strengthened by the existing presidential system of government, which has created an exceedingly centralized state structure and provides broad institutional framework for the centralization of security decision-making structures (Uyangoda Jayadeva and Bastian Sunil, 2008: 22).

Furthermore, Tamil-Sinhala political divide was represented in the existence of Tamil political parties throughout 1950s and 1960s mainly became as a cause for the sense of insecurity of Sinhalese, because they lobbied for greater federalism, language rights and economic concerns (Venugopal Rajesh, 2003: 4). In the mid-1970s, the level of insecurity was further increased due to the continuous political and cultural marginalization by the Sinhalese state and then Tamil politics became radicalized. By the late 1970s, the Tamil politics had converged into the demand for separate state of Tamil Eelam (Ibid).

In the meantime, the PC system has not been functioning since 1990 in the Tamil majority residing Northern and Eastern provinces, where the devolution of power is required and claimed. The main purpose for created PC system was to provide a political-institutional framework to accommodate Tamil minority demands for regional autonomy. In fact, this system of devolution was also expected to act as an effective alternative to secession, however, the PCs were not given any direct powers concerning security; especially the central government has not devolved police powers to the PCs. In a bitter dispute between the provincial administration of the North-East Province, the central government, the President of the country, dissolved the elected council and brought the province under the direct rule of the central government in 1990 (Uyangoda Jayadeva and Bastian Sunil, 2008: 22).

Legal Causes: Constitutions, Regulations and Acts

The Soulbury constitution of 1946, which advocated territorial constituencies, gradually made the elites of the both Sinhalese and Tamil communities aware of their respective numerical strengths and weaknesses because of their feeling of insecurity created throughout the past experiences. As a result of this, in the post-1970 era, the Sinhalese established parliamentary majorities and ratifying two constitutions, in 1972 and in 1978, without Tamil input or representation. The 1972 republican constitution was replaced by the second republican constitution of 1978. The latter constitution was based on the model of Fifth French Republic and introduced an executive presidency with a diminished role for the Parliament. Chapter VII, article 30 (1) in the constitution declares the power of president: “president of the republic of Sri Lanka, who is the head of the state, the head of the executive and of the government of the armed forces.” According to article 33 (e) the president could also have the right to declare war and peace. There were no major changes concerning the status of state religion and language. The official language was still Sinhala while the Tamil language classified as a national language. The special treatment of Buddhism was still present in the constitution of 1978 (The 1978 constitution of Sri Lanka, 1978). Although the 1978 constitution made a provision, including Tamil as an official language, the marginalization of the Tamil ethnic group had reached its boiling point (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 18).

In the meantime, implementation of both the Emergency Regulations and the 1979 Prevention of Terrorism Act (PTA) also legal measures proceed by the Sinhalese thereby, it caused insecurity to the Tamils and then it became as causes for the conflict in Sri Lanka. The extended periods of enforcement of both of these legislative

instruments, combined with the sweeping powers that such regulations confer upon the Sri Lankan government security forces, have plunged the country into a permanent human rights and civil liberties crisis, creating gaps and shortcomings in accountability and oversight of the country's security sector (Pavey Eleanor and Smith Chris, 2009: 201). Both legislations give the security forces wide powers to search, detain and arrest without a warrant any person suspected of committing certain offences under the criminal code. While authorizing indefinite detention without trial, the regulations oblige anyone who is detained to answer questions. These questions posed by the security forces usually presented in Sinhala language even to Tamil speakers. Furthermore, any confessions and statements extracted under such conditions are admissible in legal proceedings, and there have been cases where suspects have signed confessions in languages they cannot read or write (Ibid). As a result, the Sri Lankan Sinhalese military came to be viewed as an occupying force and its violation of civil rights led to further alienate the Tamil population; these all only due to the fear of the ethnic Tamils on Sinhalese military (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 19).

Judicial Causes

In the perspective of security, Sri Lanka's post-independence judiciary never thought of itself as an institution to protect minority ethnicity rights (Uyangoda Jayadeva and Bastian Sunil, 2008: 26). This was evidenced by two major cases, involved with the non-protection of minority rights, the citizenship legislation of 1949 and the official language legislation of 1956. In those two cases, the Supreme Court refused to exercise its powers of legislative review and confirming the political agenda of Sinhalese majoritarian nationalism (Ibid). These all made Tamils to felt insecure that the

Government and the judiciary were denying them their cultural heritage and identity, and those acts would prevent Tamils from enjoying all rights as citizens of Sri Lanka (Feith D., 2010: 348).

Economic Causes

The period of transition in the economic system from a laissez-faire plantation export economy to a public-sector based import substitution economy in the late-1950s gave birth to the contemporary ethnic conflict in Sri Lanka (Venugopal Rajesh, 2003: 8). The growing pervasiveness in this situation due to these economic circumstances, such as environment throughout the 1960s and 1970s caused more sense of insecurity that affected all communities more or less equally and magnified the division between these ethnic groups (Ibid). Furthermore, regional development during this period created greater inequalities in the North relating to the unequal distribution of public sector projects and the acceleration of demographically sensitive irrigation; resettlement schemes also led the long-standing sense of insecurity and the Tamil grievances (Ibid: 10).

The trend had been changed in 1977 with the landslide victory of the UNP Presidential candidate Jayawardene and he created history in post-independent Sri Lanka by changing the political system of the country toward a centralized power system and introduced economic liberalization policies that were contrast to the import-substitution policies of the previous coalition government led by the Bandaranaike government from 1970 to 1977. As a result, free market economic system was introduced and local and foreign companies imported goods and services and set up their productions and manufacturing plants (Gamage Siri, 2009: 249). The impact of these economic policies and activities engendered inequalities and loss therefore,

generated further sense of insecurity and exacerbated the ethnic conflict more. The direct consequence of the policies of economic liberalization, introduced in 1977, therefore, the Tamil people in the Jaffna peninsula highly affected and their structural and cognitive aspects of security extremely deteriorated. Most importantly rural social policies were dramatically withdrawn and all import controls were removed without any compensation (Ibid: 253). Furthermore, the expanded flow of external financial assistance and its benefits were skewed in favor of the Sinhalese (later this assistance of foreign donor money operated for war with the LTTE). This state patronage for specific ethnic group due to ensure their security fuelled communal tensions (Ibid: 254). At last, economic marginalization also became as a prime cause resulted in youth uprising and fought against the Sri Lankan government.

Social Causes

Prior to independence, Tamils were able to take full advantage of the education sector, and concomitantly, enjoyed employment opportunities, mainly within the Government sector. This privileged status of Tamils in education and employment made Sinhalese unsecured. Therefore, since independence there have been measures taken by the Sinhalese to ensure their security. In this respect, in early 1960s, legislation to nationalize all secondary schools carried out and came to affect large number of (Christian) mission schools, particularly in the Tamil provinces in the Northeast of the island. Tamils, particularly in Jaffna (city in the Northern Province), lost one of their most important sources of income since private schools were forbidden to charge fees. Moreover, Sinhalese-led government had taken education decisions discriminately regarding university placement (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 18). As a result, a new “standardization” policy

was adopted in 1971 to ensure that the number of students qualifying for university entrance was proportionate with the number of students who take the entrance examination in the university in Sinhalese language so that the Tamil students must to score higher than Sinhalese students to gain admission to universities, especially to the faculties of medicine and engineering. The Standardization of marks and the imposition of district quotas had unfavorable impact on the share of Tamils admitted in science faculties. The proportion of Tamils in university dropped dramatically due to quotas in university admissions.

Furthermore, pre 1977 settlement policy of the Government also became as a key factor for the sense of insecurity of the Tamils. Under the policy of land colonization, the Sinhalese settlers were chosen from non-Tamil areas and settled with the Government assistance in border areas while displacing the Tamil occupants of land in some instances (Gamage Siri, 2009: 256). The huge increase in the Sinhalese settlers in the Tamil region exaggerated Tamils sense of fear and grievances. According to Thangarajah Y. (2003: 26), “Tamils began to see themselves as a threatened group in view of the potentially motivated Sinhalese settlers (and with the establishment of police units in the newly re-settled areas) a definite path towards militarization of the society from peasant to frontiersmen begins.”

Cultural Causes

Sense of insecurity of the two major ethnic groups of the Sri Lankan island is started to contest in the beginning with the Sinhalese and the Tamils by having different interpretations about who were the first to settle the island of Sri Lanka. Most Sinhalese demand an Aryan and North Indian pedigree, settled in the island around 600 B.C.E. By contrast, the Tamils are of South Indian origin and claim always to have lived on the

island. This is conceivable given that the distance is only twenty-two miles from South India and the Northern, most Tamil areas in Sri Lanka. The Tamils subsequently demand that the North and the East is their traditional and historical homeland, while the Sinhalese claim that the entire nation is *Sinhadipa* (the island of the Sinhalese) and *Dhammadipa* (the island ennobled to preserve and propagate Buddhism) (Devotta Neil, 2004: 299). However, it is not possible to know with certainty whether the Sinhalese or the Tamils first settlers in Sri Lanka; Ludowyk. E.F.C. (1967); Mendis G.C. (1940); Ponnambalam Satchi (1983); and Peebles Patrick (2006) pointed that the early settlers into the nation almost appropriately would not have identified themselves as Sinhalese or Tamils; it is clear that the early settlers came from India (Feith D., 2010: 346).

1.5.2 Psychological and Perceptual Factors

Due to the above mentioned structural causes that are created insecurities and competing security dilemmas between both the Sinhalese and the Tamil communities, the two ethnic groups started to perceive themselves as defenders against aggressive opponents. The Sinhalese see themselves as guardians of Buddhism whereas the LTTE obviously view themselves as the ultimate liberators/guardians of Tamil rights; therefore, the LTTE determined that military revolutionary response is an appropriate form of conflict resolution or transformations (Lewis David, Jastrow Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 13-14). Furthermore, Sinhalese majority perceives an acute sense of insecurity and threat to their identity in equitably co-existing with the minority community due to their historical experiences since the colonial era (Ibid: 15-16). In fact, the British “divide-and-rule” policy favored the minority Tamils, thus, when Sri Lanka was granted independence, the majority Sinhalese took it upon themselves to reclaim their ethnic heritage and reassert their

position as the majority (Ibid: 16-17). In terms of insecurity to the both communities, the Tamils felt threatened by the Sinhalese majority, whereas the Sinhalese felt insecurity by the large numbers of Tamil-speaking Hindus (60 million plus) throughout Southern India (Jayawickreme Eranda, Jayawickreme Nuwan and Miller Elise, 2010: 213). Therefore, as earlier mentioned, the Sinhalese demands have often been described as ‘a majority with a minority complex’, while feeling threatened and unsecured in a regional and global context, including Tamil Nadu in India, Malaysia, Australia, North America and Europe. As a result, for the Sinhalese, the island of Sri Lanka is the only place have in the whole world (Orjuela Camilla, 2008: 74). In the long run, these collective fears from both Sinhalese and Tamils also lead to an escalation of conflict in Sri Lanka, thus, it has heightened inter-group animosity, group-level distrust and imposes barriers on reconciliation.

In addition, among the Sinhalese many feel that the Tamils made unfair demands on the Sinhalese polity since the past, most importantly, as earlier mentioned, the long history of excessive demands by Tamil nationalists, beginning with G.G. Ponnambalam request for “50-50” power sharing immediately following independence in 1948 (Jayawickreme Eranda, Jayawickreme Nuwan and Miller Elise, 2010: 211) and concluding with the demand for a separate Tamil state, first by the TULF in the 1976 Vaddukoddai Declaration, then in the subsequent armed struggle. These also have contributed to a feeling among much Sinhalese population that the Tamils are unreasonable on the ethnic issue (International Crisis Group, 2007: 18), therefore, it led the denial that the Tamils are a constituent people of Sri Lanka; the refusal to accept their claims of discrimination and cynical quests for power (Ibid) and thus, they have more troubling and explicitly exclusionary vision of the country as culturally Sinhala

and Buddhist tradition. This cultural practice that comes from this tradition is argued by the majority of Sinhalese to give the state the right to institutionalize those practices in the political system and the people as a whole (Ibid: 17). In turn, Tamils feel that as citizens of the country they have equal rights with others and they should not be treated as a minority in a Sinhala and Buddhist island (Ibid). In sum, feeling of insecurity and its dynamics, due to victimization, historical enmity, and inter-generational transmission of hostility, fuel the conflict and develop sharp divisions and a distinct polarization between these two ethnic groups.

1.5.3 Triggering Events

Along with the structural causes and it created psychological roots several events during the conflict also triggered the sense of security of the ethnic communities in Sri Lanka. As earlier mentioned, introduction of the act in 1956, to make the Sinhala as the official language of the country, deteriorated the relations between the Sinhalese and the Tamil communities mainly due to the exclusion of Tamils from government jobs, a major source of employment (Feith D., 2010: 349); the Tamil community caused insecure and unrest. Therefore, the 'Tamil Federal Party' under the leadership of Chelvanayakam staged a non-violent demonstration (*Satyagraha*) outside parliament, which led to a clash with Sinhala-Buddhist extremists (Nissan Elizabeth and Stirrat R.L, 1990: 35). This was the first serious ethnic riot between the Sinhalese and the Tamils, one which caused many deaths and damages; Tamils were attacked, raped, humiliated, and their homes were ransacked and burned. Approximately 300 to 400 people were killed (Feith D., 2010: 348), and 12,000 Tamils fled their homes in Colombo (Jayawardene Kumari, 1984: 171-172) and other parts of the South to find safety in the Tamil majority living Jaffna; this was a form following by future decades those violent attacks on the Tamils

in the South forcing them to flee to the North. In fact, this pattern and purpose of attack on the Tamils led to a growing perception that there were two separate states on the country, the Sinhalese South and the Tamil North (Feith D., 2010: 349).

In 1981, again a serious communal rioting broke out. Army and police participated in burning down the public library in Jaffna, had the repository of 100,000 irreplaceable rare and ancient Tamil manuscripts (Ibid). This was looked and believed by the Tamil civilians as a violent symbolic attack by the government forces on Tamil language and culture and they could not be guaranteed safety by the Sri Lankan government, thereby, the Sinhalese police and army in the Northern Province were seen as enemy occupying forces (Ibid).

The July 1983 riots against the Tamils were became as a significant turning point in the Sri Lankan conflict, in one hand, and internationalizing the conflict, on the other hand. That month, the LTTE ambushed an army patrol in Jaffna and killed 13 Sri Lankan government soldiers, in response, the Sri Lankan army killed more than 50 Tamils in the Northern Province, but it was the LTTE attack on the 13 soldiers as the media and the Government focused on. When the soldiers' remains were returned to Colombo, South, the anti-Tamil riots erupted. Violence exploded in Colombo and systematically targeted Tamil residential areas, businesses and set on fire, looted, destroyed and murdered. The mobs of Sinhalese, engaged in attack for about a week, had electoral rolls that identified the Tamil properties, provided to them by people allied to the Government, including government ministers (Tambiah S.J., 1986: 21-22). The violence spread to Trincomalee, eastern part of the country, and continued for more than one month, resulted with assault, rape, killing of Tamil civilians, however, the police did not intervene to protect them (Feith D., 2010: 350). Impact of the events of July 1983 on

Tamils estimated that 3000 were killed; nearly 70,000 became as homeless in Colombo and more in other cities and towns due to their flee to Jaffna, among them many of them joined the LTTE and other militant groups and others sought refuge overseas; more than 100,000 Tamil refugees fled to Tamil Nadu, India, by boats and several thousand others sought refuge in many countries around the world, including England, Canada, the USA, Australia, New Zealand, Germany, Switzerland and several other countries in Europe (Ibid); 18,000 households were affected; 100 industrial plants were severely damaged; 150,000 became jobless; and, millions of dollars' worth of properties were destroyed (Ramanathapillai Rajmohan, 2006: 8).

In turn, insecurity started to cause by the Tamil militants to Sinhalese. Since 1983, the LTTE started to reciprocate in kind. In 1985, the LTTE massacred 120 Sinhalese civilians, including Buddhist monks and injured 85 people in Anuradhapura which is the most sacred city to Sinhalese Buddhist. Between 1990 and 1995, there were 56 LTTE attacks in the capital and its suburbs, costing 1,607 civilian lives (Ibid: 10). In 1996, suicide bomb attack was made on the Central Bank building in the heart of Colombo, kills more than 100 and injures 1,400. After one week of this event, in the South of Colombo, alleged LTTE bomb blasted in a railway station and killed 70 innocent civilians. Suicide bomb attacks further committed on Sri Lanka's holiest Buddhist shrine, Dhaladha Maligawa (Temple of the Tooth) in 1998 and killed 17 people; and, on Bandaranaike International Airport, costing 14 lives (Hariharan R., 2009: 18-19). There were over 240 suicide attacks took place before 2001. Political assassination also committed by the LTTE, including three heads of state, Indian Prime Minister Rajiv Gandhi (1991); Sri Lankan President, Ranasinghe Premadasa (1993); and, former Prime Minister, Gamini Dissanayake (1994) (Lewis David, Jastrow

Cassandra, Jonas Christopher, Kennedy Tim and Yamin Saira, 2009: 27). In 1999, the LTTE attempted to assassinate Sri Lankan former President, Chandrika Kumaratunga, however, she narrowly escaped from their target.

In sum, due to the all above causes, structural, psychological, and triggering events, the minority as well as majority ethnic community members sustainably believe that there is a great insecurity prevails in their own country. Though the majority ethnic group has its own arguments and claims regarding their insecurity due to their larger victimization throughout the Sri Lankan history, the Tamil minority group greatly feels that their needs, interests, and concerns are being deprived, therefore, created more insecurity mainly by the historically ruling Sinhalese government and its institutions. As a result, they are highly required and demanded for equality, protection and promotion of human rights, as well as the guaranteed identity as a different community that has its own history and uniqueness recognized. In conclusion, throughout history internal and external causes and circumstances create the sense of insecurity to both Sinhalese and Tamils, thereby, it leads them to hold their own defensive measures and ensure their security. This is resulted by protracted civil war and long lasting prolonged conflict in the nation.

The final five months of the battle in the field was more crucial part in the history of conflict in Sri Lanka since this certain period produced a heaviest civilian casualties, unfortunately, there are no official casualty figures after this time period but estimates of the death toll for the last four months of the heavy fighting (mid-January to mid-May 2009) range from 15,000 to 20,000.¹¹

Since the end of the decisive military victory over the LTTE in May, 2009, the

¹¹ Cited in <http://en.wikipedia.org/wiki/Casualties_of_the_Sri_Lankan_Civil_War> Last visited on May 17, 2013

post-war policies have made by the Government to reconstructing the nation as a whole and reconcile the various ethnic and religious groups for their peaceful co-existence. Though the feeling of insecurity produced ill feelings, suspicions, and bitterness, engendered by decades of conflict and the atrocious civil war, it is yet to be forgotten and reconciled even after the cessation of civil war; along with, structural causes and psychological repertoires also deepening and challenging this situation.

Conclusion

Conflict and Civil war in Sri Lanka is marked by several causes and effects involving with various actors, for nearly three decades, however, those causes and effects are the evidences for the sense of insecurity of both Sinhalese and Tamil ethnic communities during and after the civil war. This chapter gave evidences that the both major ethnic groups are the victims of the prolonged nature of both conflict and civil war, thereby, their feeling of insecurity over each other is being sharpened. Though peace attempts made, by internal and external involvements, for time to time to mitigate and ceased these situations, all got failed and, at last, resulted with huge effects, such as loss of lives, displacement, gross human rights violations, and giant economic costs. After the military defeat over the LTTE in 2009, country has been posed into conflict transformation and peacebuilding process through structural and psychological means. This transition is highly expected nationally as well as internationally to overcome the past immense suffering of the ethnic groups and the injustices committed against them, thereby, both communities can be reconciled and ensure their security. In the all respects, the way reconciliation is to be promoted between these two ethnic groups is essential to find out, therefore here, first review the literature of reconciliation in a theoretical and practical point of view and then find the possible and proper approach on this particular

case. In order to do this, the following second chapter of this dissertation demonstrates reconciliation oriented with the purpose of study and tries to provide a clear illustration of all the theoretical arguments made.

Chapter 2

Reconciliation Theory for Sri Lankan Conflict: A Structural Approach

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Introduction

Rather than search for wide range of different interpretations on the reasons why reconciliation is to be pursued, the dissertation focuses the call for reconciliation by relating to decreasing the level of conflict for the sake of post-war Sri Lanka. In the meantime, it looks at the selected theoretical relevance to the Sri Lankan context where the “Report of the Lessons Learnt and Reconciliation Commission” presents a unique manifestation of the post-war reconciliation process. All in mind, therefore, in this chapter the theoretical literature relating to reconciliation is reviewed to dwell upon its structural insights. After looking at the ways in which the concept of reconciliation is viewed in conflict emerging societies and nations, this study first started with developing a generic definition of reconciliation in a broader theoretical and practical framework. This emergence encompasses with the conceptual basis of transforming conflict by linking to reconciliation, as a process as well as an outcome. Second, the three main distinguished approaches: structural, psychological and spiritual, are spelled out and discussed. Among them the structural approach is explored in-depth due to the central focus in this study by referring three key dimensions (political, economic, and juridical). These dimensions form the theoretical framework within which the aim of the dissertation is derived. Finally, the various substantive levels also identify in the perspective of initiatives (top, middle and bottom) as well as operational levels of intervention (national, community, and individual).

2.1 Defining Reconciliation

In the academic literature, the terminology of reconciliation approached by eminent scholars, for instances Lederach (1997); Kriesberg (2001); Bar-Simon-Tov (2004); Rigby (2001), trying to address it, many of whom have worked hard to develop

definitions and understandings of the dynamics involved (Bloomfield David, 2006: 5). However, no-one agrees how to define reconciliation since it is a complex term and thereby, interprets by split views on its definition, understanding and practical implementation. Thus, this section will start by presenting definitions among analysts and researchers in the forefront field.

The phrase of reconciliation originates from the two Latin words *re+conciliare*, which means *put together* or *to unite* (Webster's Encyclopedic Unabridged Dictionary of the English Language; 1996). In the Swedish word *forsoning* means *to settle a strife* which is related to reconciliation. Simultaneously, the Swedish national encyclopedia defines this term as "the re-establishment of peace and solidarity between divided peoples, in religion between deity and mankind" (Brouneus Karen, 2003: 13). In Tamil language the word reconciliation (நல்லிணக்கம்) means as *compose (iron out) differences between; make friends again; and, appease and bring together* (Lifco Dictionary). Sinhala language refers reconciliation (ජරනිසන්ධන) as *the re-establishment of friendly relations; and, the end of estrangement between human and God as a process of atonement* (Sinhawap.net). Galtung refers this word with Latin origin and made up two concepts: *closure*, which means not reopening hostilities, and *healing*, means in the sense of being rehabilitating (Galtung Johan, 2001: 4). In dictionary terms, reconciliation has three meanings: first, reconciling differences; second, resignation or acceptance; and, third, restoring a relationship after estrangement or conflict. All three are relevant in post-conflict peacebuilding, however, they individually convey entirely different meanings and intent (Mani Rama, 2005: 513).

The term *reconciliation* usually refers to the process of developing a mutual conciliatory accommodation between enemies or formerly antagonistic groups

(Kriesberg Louis, 2007: 2). According to Dwyer Susan (1999: 81), reconciliation is being urged upon people who have been bitter and murderous enemies; upon victims and perpetrators of terrible human rights abuses; and, upon groups of individuals whose most self-conceptions have been structured in terms of historical and often state-sanctioned relations of dominance and submission. She further added that reconciliation has almost carry positive connotations that suggesting an end to antagonisms, the graceful acceptance of disappointment or defeat, the healing and repair of valuable friendships, and so on.

Simultaneously, meaning of reconciliation is also different in each country.

Daly Erin and Sarkin Jeremy (2007: 5) describe it as:

“In Angola, for example, national reconciliation has been seen as “the coming together once again of Angolans to live together peacefully in the same Fatherland and in a spirit of cooperation, in the pursuit of the common good.” In Fiji, the goal of reconciliation is “to promote racial harmony and social cohesion through social, cultural, educational, and other activities at all levels within the indigenous Fijian community and between various racial groups.”

In this context, as a broad concept; has multiple meaning; can vary context to context, defining reconciliation is complicated and thereby, universal understanding of what reconciliation means is yet to be found.

2.2 Reconciliation for Societies Emerging from Conflict

Conflict, particularly in a violent form, often does considerable damage to the social fabric and leaving societies in substantial need of repair (David and Webel, 2009: 455).

Another perspective in the empirical and theoretical discussions that are subsumed related with reconciliation and the end of conflict as the result of removing the emotional barriers that exist between the rivals. These emotions associated with two major aspects: parties’ perceptions of having been victimized by their adversaries; and

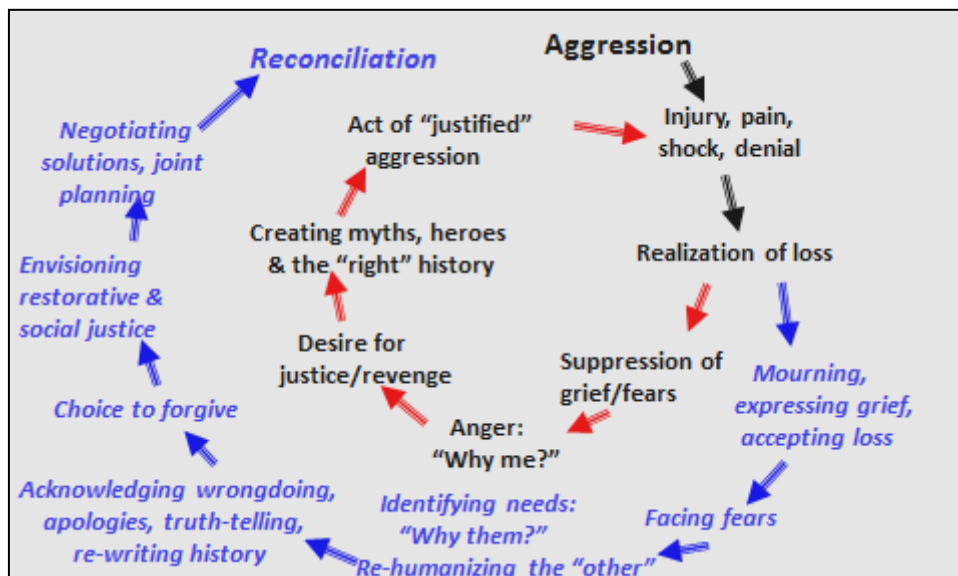
feelings of distrust that have accumulated during the period of conflict (Nadler Arie & Saguy Tamar, 2004: 4).

Generally, societies emerging from prolonged nature of conflict, violence, and war face an immense task with numerous challenges after a formal peace agreement is signed or the conclusion of war. Although the journey of transition begins from war to peace, and the task involves in dealing with the damages, and suffering without increasing tensions among the members of society, potential peaceful future overshadowed by deep scars caused due to the experiences of the past. Unlike tractable conflicts, intractable conflicts¹² are hard to deal with and difficult to resolve. This conflicts named as “deeply rooted”, “protracted” and differ with respect to causes, contradictory goals, intensity, involvement, actions, and other characteristics, involve psychological investment on the part of society members with widely shared beliefs, attitudes, motivations, and emotions (see figure 6). The prolongation of these conflictive situations and the protracted nature of the conflict became as obstacle to the progress in the peacebuilding phase and endure to obstruct the development of peaceful relations among group members though the group’s leaders settled the conflict peacefully and signed a peace agreement. Therefore, it is clear that the nature of stable and lasting peaceful relations required psychological changes, where the conflict starkly damaged the coexistence of different groups, as a real outcome that can be slowly occur through a

¹² Tractable conflict can be defined as a conflict that is part of a normal process of relationship between individuals or parties who perceive that they have incompatible goals. Features of these conflicts generally are related to the issues in contention, resistance to resolve is at a low level, the intent to harm is rare and low-level where it occurs, and the conflict lasts a “normal” amount of time. Alternatively an intractable conflict is defined as a prolonged conflictual psycho-social process between (or among) parties that has three primary characteristics: resistant to being resolved; involving with some conflict intensifying features not related to the initial issues in contention; and, comprises attempts (and/or successes) to harm the other party, by at least one of the parties (Kriesberg Louis, Terrell A. Northrup, Stuart J. Thorson, 1989: 62) (for example, Sri Lanka, Northern Ireland, Kashmir, and the Middle East)

reconciliation process.

Figure 6: Conflict and the Need for Reconciliation



Source: UNDPKO Civilian Police Division Draft Training Module, 2005

In this sense, a basic definition of reconciliation with related to conflict is given by conflict resolution practitioners, for instances Lederach (1997); Miall, Ramsbotham & Woodhouse (1999), as; reconciliation is a psychological and social concept having to practice with rebuilding fractured relationships (Mani Rama, 2005: 513), meantime, most of the reconciliation literature addresses intractable inter-ethnic, inter-religious or international conflicts with well-identified characteristics. According to Azar (1985); Bar-Tal (1998); Burton (1990); Goertz & Diehl (1993); Kelman (1999); Kriesberg (1998); Kriesberg, Northrop & Thorson (1989), such conflicts are usually perceived as survival-threatening, and are thus total, violent, painful, of a zero-sum nature and protracted (Shamir Jacob and Shikaki Khalil, 2002: 186). A more detailed definition connected with conflict stating that,

“reconciliation is required when the societies involved in a conflict evolving with widely shared beliefs, attitudes, motivations, and emotions that support adherence to the conflictive goals, maintain the conflict, de-legitimize the opponent, and thus negate the

possibility of peaceful resolution and prevent the development of peaceful relations. Widely shared societal beliefs often foster the emergence of collective emotional orientations which formed in the course of the conflict, disseminated to society members, maintained by societal institutions, and supported by collective memory. The continuation of the conflictive relations became as an obstacle to the progress of peacemaking” (Bar-Tal Daniel and Bennink H. Gemma, 2004: 13).

These situations leads to reconciliation after the cessation of the conflicts that are labeled as long lasted, as earlier mentioned. Moreover this type of deep rooted conflicts last at least a few decades, concern existential issues for the rivaling parties, involve violence, extensively preoccupy members of the implicated societies, and are perceived as of zero-sum nature and irreconcilable. Though these conflicts are resolved peacefully and formal, mutually accepted agreements are signed, they still require a reconciliation process for rebuilding the relations between the societies. In contrast, the above mentioned conditions do not require reconciliation in tractable conflicts, which are eventually resolved peacefully through negotiation, since they do not involve psychological investment on the part of society members, no societal beliefs about them are formed, and they do not penetrate the cultural infrastructure of the societies involved. These conflicts last for a short period, involve mainly leaders, and are hardly noticed by society members (Ibid). In a simplest form, Ackermann (1994); Phillips (1998); Arthur (1999); Gardner-Feldman (1999); Kelman (1999a); Kriesberg (1998a) pointed that meaning of reconciliation based on restoring friendship and harmony between rival sides after resolution of a conflict, or transforming the relations between rival sides from hostility and resentment to friendly and harmonious relations (Bar-Siman-Tov Yaacov, 2004: 72).

In this respect, reconciliation is a societal process involving with mutual acknowledgement of past suffering and the changing of destructive attitudes and behavior into constructive relationships toward sustainable peace. Therefore,

reconciliation is, among researchers and practitioners in the field, focused as a central phase for unifying a divided society and among some seen as a prerequisite for lessening destructive tensions within the population and thus avoiding a relapse into armed conflict.

Meantime, as a process, reconciliation is for addressing conflictual and fractured relationships, while embracing a range of voluntary activities. These are generally involving with five interwoven strands: developing a shared vision of an interdependent and fair society; acknowledging and dealing with the past; building positive relationships; significant cultural and attitudinal change; and, substantial social, economic and political change (Hamber Brandon & Kelly Grainne, 2005: 7).

In addition to the mentioned above, a further debate in the scholars work on reconciliation concerns the relative merit of the concept of coexistence. Those who work on would argue that this is more realistic goal in societies in conflict. Those preferring coexistence seek to establish a base line for human relations and a situation in which such disagreements might be peacefully discussed and resolved; coexistence is both a means to an end and an end in itself (Ibid: 20). In fact, as Bar-Tal (2000b) stated, reconciliation needs a long process via which the parties “form new relations of peaceful coexistence based on mutual trust and acceptance, cooperation, and consideration of each other’s needs” (Bar-Siman-Tov Yaacov, 2004: 72). This can be fostered through structural as well as psychological measures.

Concurrently, though the essence of reconciliation is more psychological in promoting changes in its process, and involves with transforming the negative psychological impact as above mentioned, structural conditions can contribute to precipitating a conflict or to constructing a framework for stable peace. Richard Jackson

(2009: 179) pointed that existing structural based conditions, for example, corruption, instability, ethnic division and the like, poverty, unemployment, discrimination, and state incapacity, are sometimes perceived as irrelevant to the process of reconciliation because it is not necessarily spreading the new message of reconciliation among society members and do not induce a deep change in the public's psychological repertoire (Bar-Tal and Bennink, 2004: 15). Therefore, establishing structural measures, which are clearly needed and combined with structural-institutional conditions, such as a high level of interaction and cooperation, joint institutions and organizations, and social learning with basic cognitive-emotional changes (Bar-Siman-Tov Yaacov, 2004: 62), can facilitate psychological change; however, they alone cannot really establish reconciliation.

From the above point of view related with reconciliation and structural elements, development of a sense of security for each group is identified as a component of reconciliation (Kriesberg Louis, 2004: 85). In this sense, security is a central condition for action that afford the confidence of being able to function, to go on, to get by, and to make sense of the particular segments of activity. Bill McSweeney (1999) stated that when material conditions critically affect the condition of security, the cognitive dimension of the structure will be created and thereby, they do inform the pattern of meaning or mutual knowledge in relation to the feeling of secure or insecure (Grobbelaar Janis and Ghalib M. Jama, 2007: 7-8). Making a more specific understanding of the concept of security, it addresses all aspects of public safety, especially the establishment of a safe and secure environment and the development of legitimate and stable security institutions. In the most pressing sense, it concerns the secure life of the citizens from immediate and large-scale violence. In post-conflict

situations, security vacuum is an identified core issue that is often the proximate cause for external interventions (Feil R. Scott, 2002: 97). By combining the above mentioned description on the concept in mind, the security in the reconciliation process means that the gross disparities from any means for well-being are reduced, and by doing so the members of former antagonistic groups believe that now they are safe from any injury or harm caused by the other side and thereby can live in cooperation with considerable degree of harmony. However, the more enhanced security would entail the absence of *structural violence*¹³ and the attainment of *positive peace*¹⁴ while being guaranteed by constitutional provisions and by changes in the policies and composition of government agencies, such as police and security forces (Kriesberg Louis, 2004: 89).

2.3 Reconciliation as a Process and as an Outcome

Several literatures concern a *process* and *outcome*¹⁵ outlook of reconciliation viewed this dichotomy by stick with process or outcome or even both. Bloomfield D. (2006: 6) rightly noted this view by reviewing some scholars' work that reconciliation to be "dynamics, adaptive processes aimed at building and healing" and "a process of change and redefinition of relationships" (Lederach, 2001: 847); "national reconciliation can best be understood as a multi-dimensional and long-term process" (Audrey Chapman, 2002: 1); and "the idea that reconciliation is a *process* of building or changing

¹³ Johan Galtung originally framed the term *structural violence* to refer to any constraint on human potential due to economic and political structures (1969). Unequal access to resources, to political power, to education, to health care, or to legal standing, are forms of structural violence (Winter, D. D., & Leighton, D. C. (2001)

¹⁴ Galtung (1964& 1969) identified a *positive peace* as the integration of human society with 'cooperation', 'integration', and 'social justice', and thereby higher levels of these factors indicating higher levels of peace

¹⁵ "Process is defined as a naturally occurring or designed sequence of operations or events, possibly taking up time, space, individual initiative or other resources, which produces some outcome. A process may be identified by the changes it creates in the properties of one or more objects under its influence" Behuria K. Ashok, (2006: 94)

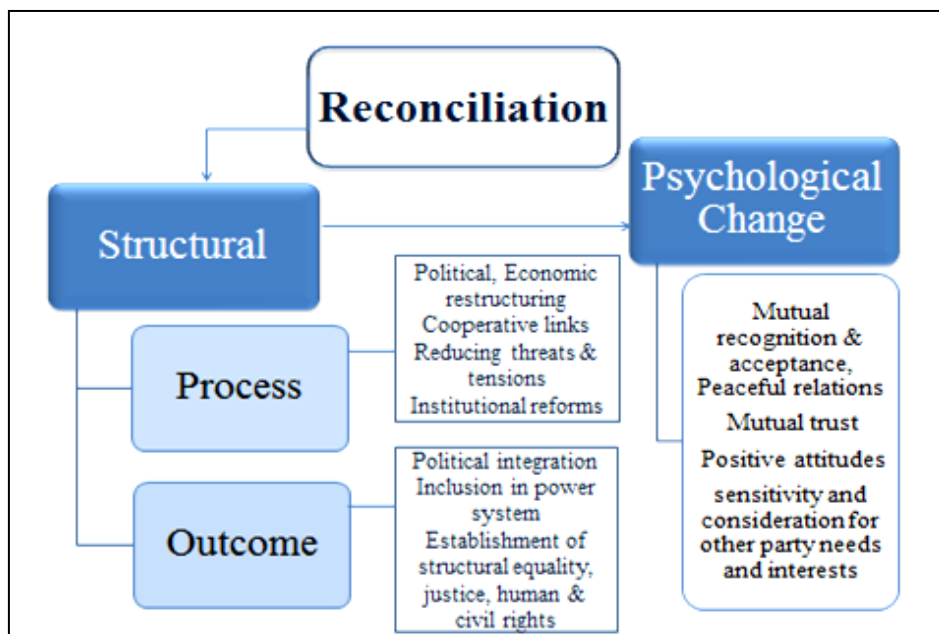
relationships is growing” (Erin McCandless, 2001: 213). For Bar-Tal and Bennink (2004: 15), stable and lasting peace, achieving through reconciliation, is characterized by mutual recognition and acceptance, invested interests and goals in developing peaceful relations, as well as fully normalized, cooperative political, economic, and cultural relations based on equality and justice, nonviolence, mutual trust, positive attitudes, and sensitivity and consideration for the other party’s needs and interests.

“It might be at the negotiating table, or when perpetrators are indicted and prosecuted, or when there is the release of political prisoners, or the acceptance of a new constitution or free and open elections for all (Bouraine 2005: 330). Huyse suggests three main stages are necessary for lasting reconciliation. First, fear must be replaced by ‘non-violent coexistence between the antagonist individuals and groups’....Second, when fear no longer rules, ‘coexistence evolves towards a relation of trust’ (2003a: 20) whereby victim and offender can grow gradually confident in dealing with each other. Institutions and structures such as an impartial judiciary, a well-functioning legislative structure and active civil society are necessary to the transition from violent conflict to sustainable peace. Much of the trust-building happens through informal contexts. Third, reconciliation must be supported by democratic values that ensure human rights, economic justice and the honoring of political commitments” (Porter Elisabeth, 2007: 157).

In the meantime, according to the Christian theology, reconciliation with God always involves the covenant between God and the individual. Moreover, this further includes the process with one’s neighbor, engaging with number of steps: confession, repentance, restitution, and forgiveness. (Hamber Brandon & Kelly Grainne, 2005: 20). Huyse (2003) pointed that there are three stages in the process of reconciliation: replacing fear by non-violent coexistence, building confidence and trust, and moving towards empathy (Ibid: 21). He further argues that, the final stage of this process needs to be accompanied by building democracy and a new socio-economic order (Ibid); this aspect relates with the structural aspect of reconciliation. In order to develop this process in a broader sense, according to Huyse, different instruments are needed: truth telling, reparations, restorative justice and processes to promote healing. Elisabeth Porter (2007: 157) emphasis that different writers and practitioners stress different aspects to this

process - governing principles, goals, stages, strands and the psychological changes needed to move into what it calls ‘reconciliatory spaces’. She further pointed that Norman Habel (1999) addresses about three governing principles of the reconciliation process: truth, justice and identity principles, the forgiveness factor and the suffering dimensions. However, the process of reconciliation is not linear and its starting point varies (Ibid).

Figure 7: Reconciliation as Process and as an End Goal



Source: Author

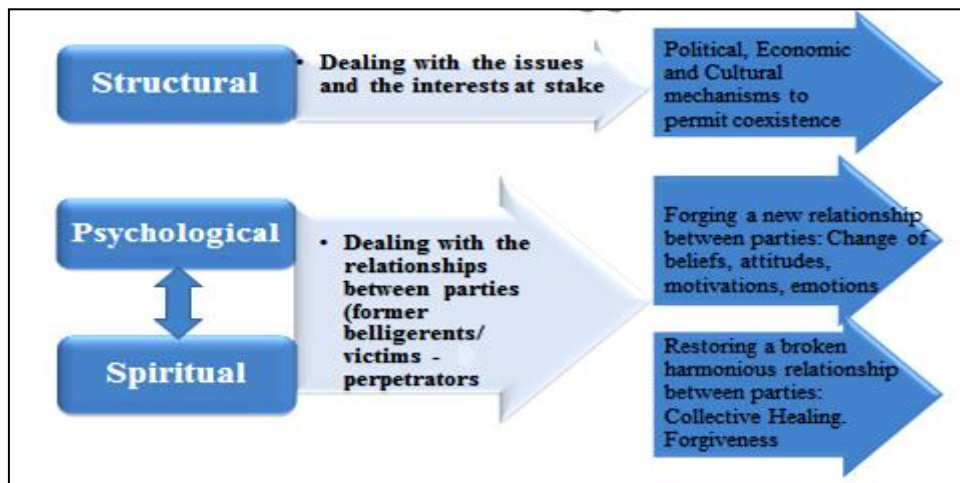
In this respect, though reconciliation identified as a process, the final stage become as an end state. If specifically addressing reconciliation as a psychological outcome, it requires positive emotions about the peaceful relations with the past adversaries (Bar-Tal and Bennink, 2004: 22). Anyhow, Elisabeth Porter (2007: 157) stated that David Bloomfield (2003) suggests as reconciliation is both ‘a goal’ or ‘an outcome’ and ‘a process’. These characteristics considered as an end-state of reconciliation included both structural and psychological elements. As a result of different standpoints,

reconciliation is presented in this study incorporates both criteria: process and outcome.

2.4 Approaches of Reconciliation

There are roughly three main strands in the literature to explain reconciliation as a concept as well as approach. One strand is essentially structural and institutional in nature; one view concentrates on socio-psychological perspective; and a third approach focuses on spiritual/holistic in nature. The literature on reconciliation still surrounds with some deep confusions, much of it reflecting the fact that there is no universal agreement on how to define reconciliation and its practice in post-violence peacebuilding. However, the wide range of literature is basically studied reconciliation in an interpersonal, group and national level, seen as a process as well as an outcome and focused bottom-up and top-down simultaneously.

Figure 8: Approaches of Reconciliation



Source: Author

In this sense, what is explained in this section, therefore, will address the nature of the term as what reconciliation actually means and, drew on useful elements from all of the structural, psychological and spiritual aspects. Valerie Rosoux (2009: 544) pointed that, structural approach offers priority to security, economic interdependence, political

cooperation between parties (Kacowicz, 2000), and justice for past injustices; and the psychological approach emphasizes the cognitive and emotional aspects of the process of rapprochement between former adversaries (Bar-Siman-Tov, 2004). Unlike these both approaches, she further addresses the spiritual aspect of reconciliation that accentuates a process of collective healing based on the rehabilitation of both victims and offenders (Ibid). In order to find the nexus between reconciliation and security, the focus looks closer into the structural approach, that “generally deals with the interests and the issues at stake, whereas the two others concentrate on the relationships between the parties” (ibid), in which how the structural measures of reconciliation can align in the policy and practice, operating in the interethnic post-conflict settings. When all three aspects align under the above mentioned two approaches in the review, the concept of reconciliation is understood as a process and as an outcome.

2.4.1 Structural Approach

After the violent acts ceased, the atmosphere provides the parties in conflict to establish some institutional frameworks that can provide trusted structures through which diverse groups can meet and negotiate peaceful settlements (Glick B. and Levy Laina R., 2009: 40). In the meantime, combined structural-institutional conditions-especially a high level of interaction and cooperation, joint institutions and organizations, and social learning with basic cognitive-emotional changes (Bar-Siman-Tov Y., 2004: 76) - that are clearly needed, and mechanisms in a mutual consent can lead to reduce the common perception of threat and thereby, settle any possible disagreements.

Structure refers primarily to the relative position of perceived power of the parties. It is known that a sense of *equality*, or symmetry, is beneficial to the efficient and effective achievement of results, and negotiators are well advised to cultivate that sense so they can move from tending the atmospherics to resolving the problem (Zartman W., 2009: 325).

As John Paul Lederach (1997: 83) pointed as “the structural dimension may encompass issues such as basic human needs, access to resources, and institutional patterns of decision making.” Hamber B. and Kelly G. (2005: 29) linked the structural dimension with reconciliation as:

“deeper reconciliation practice might include: ‘Liberating structures; Innovative social technology; Trade unions and law reform; Civil society; Use of technology to deepen democracy and social partnership ownership and participation; Equity, diversity, interdependence, proofing/ monitoring of social structures and institutions’. (This would be located at the intersection of changing culture and structure in terms of reconciliation depth and ‘reconstruction’ as type of work.)”

Traditional peacemaking techniques have operated on structural aspects of restoring or forging relations between former rivals, for example, the Economic Community of West African States (ECOWAS) engagement in Liberia (1989-1996-1999-1999-2003), Sierra Leone (1997-2001), and Guinea Bissau (1998) (Kehinde A. Bolaji, 2011). This is because, as Ackermann (1994); Elhance and Ahmar (1995); Weiwen and Deshingkar (1995); Gardner-Feldman (1999) pointed, it is assumed that equal interactions between the parties, together with economic and political restructuring, lead to new, cooperative links that stabilize peaceful relationships (Bar-Tal and Bennink, 2004: 15). In addition to this, Bloomfield explained about structural initiatives in his work (1997) engage in the reconciliation process as:

“structural initiatives are those that aim at achieving progress through structural and/or institutional change. Innovations or alterations in systems of governance and societal structures...are the tools of the structural approach. They are generally devised, negotiated and implemented in the political arena” (Bloomfield D., 2006: 27).

In the situation where the belligerents live in two states requiring structural elements which can take the form of confidence-building measure ¹⁶ like exchanging

¹⁶ Successful structural measures implemented to establish confidence building, such as the development of peaceful relations between France and Germany in 1951, 1963, and 1988; creation of the extensive economic and political linkages between Germany and Poland in 1991; efforts taken

representatives in various political, economic and cultural spheres; maintaining formal and regular channels of communication and consultation between public officials; developing joint institutions and organizations to stimulate economic and political interdependence; reducing tensions by disarmament, demobilization of military forces, demilitarization of territories (Valerie R., 2009: 544). The formal acts on structural mechanisms to establishing stable and lasting peaceful relations are different when the rival groups has the condition to live together in one state. It mainly focused on internal institutional reforms, mostly in the political and economic systems. Here the structural elements of reconciliation as an outcome requires political integration, such as the inclusion of all groups in the power system, the establishment of structural equality and justice, and the observance of human and civil rights, and democratic rules of political governance. In the economic domain, the inclusion of all the society's groups in the economic system, the creation of equal opportunity for them, and often the redistribution of wealth (Bar-Tal and Bennink, 2004: 15-16). Kelman (1999a) identified five components of the reconciliation: resolution of the conflict, which satisfies the parties' fundamental needs and fulfills their national aspirations; mutual acceptance and respect for the other group's life and welfare; development of a sense of security and dignity for each group; establishment of patterns of cooperative interaction in different spheres; and the institutionalization of conflict resolution mechanisms (Ibid: 20).

In the view of reconciliation as a process, one of the important pre conditions, which addressed by Kelman before, is to adopt the principle of peaceful conflict resolution and the cessation of violent acts. This basically requires the establishment of mutually accepted structural mechanisms that can resolve any possible conflict and

by India and Pakistan to reconcile the difference between each other in 1983 (Bar-Tal and Bennink, 2004: 25)

disagreement that may erupt after the documents of peaceful conflict resolution are signed. In the post-conflict scenario, establishing structural mechanisms for building trust, reducing the perception of threat and feelings of fear to prevent violence represents a major challenge since both competent authorities encompasses with lack of trust each other and are insensitive to each other's needs (Bar-Tal and Bennink, 2004: 23). In general, as Ball (1996); Canas and Dada (1999); Spalding (1999) pointed, this situation can be overcome by incorporating structural measures to facilitate in developing trust and positive perceptions (Ibid). Furthermore, this situation can be expanded on long-term reconstruction, restructuring, re-stabilization, and rehabilitation. Mostly these methods were practiced in the countries which are functioning under the same political system, such as Nicaragua, South Africa, El Salvador, Guatemala, Chile, Argentina, and Northern Ireland. Along with this, the process of reconciliation depends on the development of policies that aim to create linkages, which foster inclusion and integration of all the groups in the society. Horowitz (1993); Charif (1994); Saidi (1994); Corr (1995); Kriesberg (1998a); Murray and Greer (1999) stated that the purpose can be achieved by setting superordinate goals that are agreed on by all the parties, constructing inclusive identities, and abolishing all forms of discrimination (Ibid: 24).

Though the above generally explained structural measures practiced on political, economic and ensuring justice processes are most important factors in fostering reconciliation (see figure 9), it needs to be explained in some detail in the following section, particularly due to their utility with security, in this study, on the one hand, and to get a clear understanding of reconciliation, on the other hand.

2.4.1.1 Political Dimension

In the first systematic attempt on the dimension of reconciliation here is political one. Charif (1994); Corr (1995); Arnson (1999b); Zalaquett (1999) pointed that political restructuring can encourage reconciliation by creating new structures of governance, meanwhile, democratization identified by many analysts as the first condition for reconciliation in intra-state conflict (Ibid). According to Bloomfield D. (2006: 8-9) reconciliation is a necessary requirement for the long-term survival of democracy (Bloomfield, 2003a: 15) because lack of legacy of past violence will undermine the best democracy. He further (2003: 10) stated that the IDEA Handbook was trying to look at democracy relating to intra-state conflict and dealing with structural aspects:

“..the resolution of intra-state conflict requires not new or reformed government structures that have not eradicated the difference(s) over which the conflict was fought, but rather structures that are designed, through a negotiation process, to manage those differences peacefully. And the most popular way to construct such a system nowadays is to base it on the principle of respect for human rights in the form of democratic structures. As we move away from either-or, win-lose solutions to conflict, democracies become the practical manifestation of cooperative, win-win solutions.”

Moreover, he added that (Ibid: 10-11) this same Handbook further portrayed in this regard as:

“A functional democracy, then, is built on a dual foundation: a set of fair procedures for peacefully handling the issues that divide a society (the political and social structures of governance) and a set of working relationships between the groups involved. A society will not develop those working relationships if the structures are not fair and, conversely, the structures will not function properly, however fair and just they are, if there is not the minimum degree of cooperation in the interrelationships of those involved.”

Therefore, as Charif (1994); El-Hoss (1994); Corr (1995); Lipschutz (1998); Arnson (1999b); Azburu (1999) pointed, it is clear that the process of reconciliation, in its political dimension, comprises with establishing democratic rules and realizing formal democratic procedures, including freedom of expression and the right to political organization and political activity (Bar-Tal and Bennink, 2004: 23). Significantly,

according to Horowitz (1993); Canas and Dada (1999), democratization process encompasses with various measures: such as electoral system perceived by all parties as free and fair, and create incentives to moderation; new distribution of political power, restoration of civil and human rights, emergence of new democratic political institutions and organizations, enforcement of democratic principles and rules of governance, and wide political participation; replace the political and military leaders who were associated with the abuses perpetrated during the conflict (Ibid). Especially, when democratic negotiation produces solutions with regard to the *issues* in conflict, reconciliation addresses the *relationships* between those who will have to implement those solutions. It is significant to point out here that this applies not only to the politicians and the deal-makers who are engaging in the negotiation, but to the entire population too. In a very important sense, reconciliation underpins democracy while developing the working relationships is essential for its successful implementation (Bloomfield D., 2003: 11). Besides these, Azburu (1999) pointed that establishment of democracy in a legal system to ensure and managed the principles of justice, equality, and fairness (Bar-Tal and Bennink, 2004: 24) is also essential structural measure, however, that should be functioned independently from the political, economic, and military bases of power. Also, Azburu (1999); Spalding (1999) indicated that the reconciliation process requires the evolvement of civil society, whose values, laws, and norms support peaceful and democratic life (Ibid).

Moreover, in most post-conflict countries societies are being rehabilitated by transforming the institutional structures that would lead to pursuit justice and ensure human rights cultures that are embedded in the system. In fact, institutional reform is a non-judicial transitional justice mechanism that aims to purify institutions by

eliminating elements, or individuals within the state administration that have been part of past abusive practices. Under this circumstance, reconciliation as a process to approach through structural measures could be placed upon institutional reform to deal with past abusive systems (UNDP, 2007: 26).

In sum, political dimension of the process of reconciliation, is mostly, political and governance as well as military related by incorporating democratic institution building, free and fair elections, power sharing arrangements, devolution of political authority, institutional capacity and building for governance, judicial and legal reforms, establishing or restructuring law enforcement system based on the rule of law, and observance of human rights (Kumar K., 1999: 2). In the meantime, if the military functions are being under politicized in nature, then, civilian control over the military, professionalization of the military, demobilization, and reinsertion and reintegration of former or demobilized soldiers are considered as the political dimension of the structural approach of reconciliation. However, the elements fall under this dimension may vary case by case due to the nature and the context of the focus.

2.4.1.2 Economic Dimension

In the studies concerning different aspects of reconciliation show that post-civil war societies are more likely to experience civil war again than societies with no prior experience of war (Brouneus K., 2003: 23). According to Barbara Walter, one of the factors that imperative for this vicious circle to reoccur is, people feel as continuing life in the current condition is worse than the possibility of death in war (Ibid). Walter's study of civil wars, specifically, suggests that improvement in economic well-being together with increased political openness importantly reduces the risk of experiencing war anew (Ibid: 23-24). Collier and Hoeffler also argued this in their view that negative

economic growth rates are the primary source of civil war (Ibid: 24). Therefore, it is undoubtedly clear that war greatly strains the economy, thereby potential for the risk of expanded war caused by economic deterioration.

In this scenario, economic development is essential for peace, and peace is essential for reconciliation. More precisely, in the structural approach of reconciliation, Charif (1994); Corm (1994); El-Hoss (1994); Elhance and Ahmar (1995); Weiwen and Deshingkar (1995) pointed that the necessity of the economic processes focus on: fostering economic interdependence, including all groups in economic development; removing past discrimination and inequalities (Bar-Tal and Bennink, 2004: 25), redistributing land, wealth, and economic power; allowing equal opportunity for economic participation; and providing compensation to groups that have suffered systematic discrimination (Ibid). Ackerman (1994); Barua (1995); Elhance and Ahmer (1995); Ganguly (1995); Weiwen and deshingkar (1995); Gardner Feldman (1999) pointed that if the rival groups are going to live under different political system (such as in South Africa, El Salvador, Guatemala, Nicaragua, Chile, Argentina, or Northern Ireland), the focus should be based on creating economic and political linkages that foster cooperation (Ibid). There are numerous structural measures are in the reconciliation practices after the inter-state conflict resolved, such as diplomatic relations, visits of leaders, exchanges of delegations, trade, joint economic projects, and cooperation in different areas of common interests (Ibid). Elhance and Ahmar (1995) further added in this measure as promoting cooperation in economics, health, science and technology, sports, travel, tourism, and consular matters (Ibid). However, Rothstein (1999b) stated that in any situations whether the rival groups are going to live in one state or in two, the improvement of the economic situation of all members of the groups

is always important (Ibid: 26). Members of all the groups must feel that peaceful relations are worthwhile, and thus they will extend their support and contribution to the reconstruction of the economy after the conflict. This not only facilitates the economic growth and employment but improves their living standard too. Moreover, these economic benefits can contribute as a powerful tool for peace. For this purpose, special efforts are often made to encourage financial support, investments, and economic planning in the post-conflict phase by various national and international organizations and institutions (Ibid).

Furthermore, Krishna Kumar (1999: 2) pointed that, holding economic dimension in the activities of reconciliation process in post-war societies can focus on its target towards economic growth by incorporating: rebuild war-shattered economy; employment and income generation; increased economic integration of excluded ethnic, social, or political groups in the economy; land reforms; economic decentralization; and, inter-communal trade.

In the work of truth commissions around the world, the importance of economic compensation is understood as an indispensable need and that can deliver economic justice for victims. Survivors of atrocity and past injustices have habitually been denied access to, for examples, education, jobs, housing, and medical care. When the time comes for building or restore a new relationship between former perpetrators and survivors in all areas, the gaps are always vast (Brouneus K., 2003: 24). As Robert I Rotberg noticed as reparations and compensation strengthen the rule of law, and the overall process of institutional reform (Ibid), that can pave road to reconciliation.

In conclusion, though the economic dimension, somehow, relates with the earlier and the following dimension of reconciliation and its structural approach, it can

support the surviving victims to build a better life and reduce the gaps is thus necessary for reconciliation.

2.4.1.3 Judicial Dimension

Finally, it should be specially mention about the factor that paves the road for reconciliation in cases of inter-state as well as intra-state conflict is establishing and ensuring justice by setting up policies, institutions, and mechanisms. Deutsch, (2000) indicated that conflicts by their nature violate principles of justice and as a result reconciliation process requires specific structural acts that signal to the groups involved that justice has been restored (Ibid). Moreover, the connection between justice and reconciliation becomes critical in times of transition, particularly in societies where the past has been characterized by strife, violence, polarization, and caste (Daly E. and Sarkin J., 2007: 6). Therefore, it should be importantly captured the juridical aspect in this structural approach by addressing the field of *Transitional Justice* (TJ), which sets for reconciliation.

In the aftermath of violent conflict, the expectations of people who have been victimized often demand *justice* is very high. Indeed, as a primary component of reconciliation reducing the sense of injustice is essential, then, to removing the basis for many conflicts (Krisberg L., 2004: 83). Justice, in relation with reconciliation, understood to mean as punishment of those who had previously inflicted injuries and correcting the prior unjust conditions, which might include ending discriminatory and other oppressive practices (Ibid: 84). In this sense in practices for reconciliation, horrendous situations like Rwanda, Yugoslavia, Cambodia and others, many consider that reconciliation is not appropriate because it is too soft on criminal conduct of offenders. According to many victims, there cannot be reconciliation without justice

(Rosoux V., 2009: 554). While comprising the justice element in its term and practices, Transitional Justice (TJ) has become a growing research interest among scholars and governments (McCandless E., 2001: 212). Authors writing on TJ universally acknowledge the treacherous-legal, ethical, and political-quicksand that must be traversed in order to achieve the multiple goals of national reconciliation, rule of law, and respect for human rights (McGinn C., 2000: 159). The concept and the definitions for TJ are deliberately wide and understood in broader sense due to its range of approach, applications in particular contexts and practices. Despite these diverse notions, in general TJ refers to the short-term and often temporary judicial and non-judicial mechanisms and processes that address the legacy of human rights abuses and violence during a society's transition away from conflict and authoritarian rule (Anderlini Sanam N., Conaway Camille P. and Kays L., 2004: 1). According to the United Nations (UN), working definition of TJ is, "the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuse, in order to secure accountability, serve justice and achieve reconciliation" (2010: 3). The philosophy of TJ is a concept which is to be contrasted with vengeance; dictates that a high value be placed on the life of a human being; inextricably linked to the values of and which places a high premium on dignity, compassion, humaneness and respect for humanity of one another; dictates a shift from confrontation to mediation and conciliation; dictates good attitudes and shared concern; favors the re-establishment of harmony in the relationship between parties and that such harmony should restore the dignity of the plaintiff without ruining the defendant; favors restorative justice rather than retributive justice; operates in a direction favoring reconciliation rather than estrangement of disputants; works towards sensitizing a

disputant or a defendant in litigation to the hurtful impact of his actions to the other party and towards changing such conduct rather than merely punishing the disputant; promotes mutual understanding rather than punishment; favors face to face encounters of disputants with a view to facilitating differences being resolved rather than conflict and victory for the most powerful; and favors civility and civilized dialogue premised on mutual tolerance (Peiris M., 2011: 24). The goals of TJ include addressing, and attempting to heal, divisions in society that arise as a result of human rights violations; bringing closure and healing the wounds of individuals and society, particularly through “truth telling”; providing justice to victims and accountability for perpetrators; creating an accurate historical record for society; restoring the rule of law; reforming institutions to promote democratization and human rights; ensuring that human rights violations are not repeated; and promoting co-existence and sustainable peace (Anderlini Sanam N., Conaway Camille P. and Kays L., 2004:1). International, national and local actors are involved in TJ mechanism while encompassing with variety of tribunals, court trials, commissions and local level resolving processes in post-conflict situations. The International Center for Transitional Justice broadly categorizes the options as inclusive of criminal prosecutions, reparations, institutional reform, truth commissions, and memorialization efforts.¹⁷

Franklin Oduro (2007: 16-17) on his notes connected TJ in the perspective of reconciliation facet. He pointed as, the aspect of justice including both retributive and restorative has also featured considerably in the literature on TJ as a contributive source for achieving reconciliation. Further he noted, the retributive justice suggest that failure to prosecute and punish offenders of human rights abuse in times of transition creates a

¹⁷ See <<http://ictj.org/about/transitional-justice>> Last visited on September 2, 2012

culture of impunity and is detrimental to the rule of law and reconciliation at the interpersonal level. However, the restorative justice approach is more in line with reconciliation unlike retributive notion, places less emphasis on criminal trials and punishment of perpetrators and focuses on the victims' side through restoration, rehabilitation, restitution, reparation and compensation. Further he pointed that,

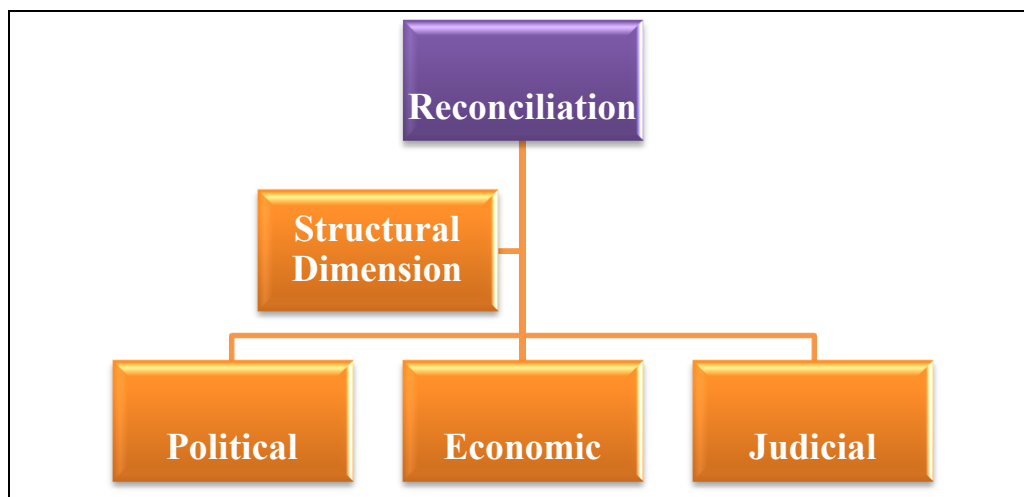
“Beyond the conventional two-sided forms of justice-retributive and restorative-Bloomfield highlights other forms of justice that are emerging in the TJ discourse. There is the regulatory form of justice, which deals with a broader issue of establishing fair rules and social behavior. The other, he notes, is social justice, which seeks distributive and economic justice. These two forms of justice, together with the retributive and restorative, could contribute to a wider multi-dimensional concept of justice.”

With this TJ background, all descriptions are somehow linked with the two sided conventional form of justice-retributive and restorative. Retributive justice is how a social system protects its members from various forms of harm, or transgressions by other members. Here, the threat and imposition of punishment against perpetrators is seen a basic to the functioning of a society. Recently, there has been increasing interest in the concept of restorative justice that goes beyond simple punishment to seeking healing of conflicted relationships as the most reliable way of defending against recurrence of crime (Montville V. Joseph, 2001: 129). Many Societies victimized due to the problems related with revenge, have set up some arrangements to deal with the perpetrators. A court of some kind is interposed between victim and offender. There are measures to ensure innocent people are not accused, that there is reasonable evidence of wrongdoers, that victim and offender have the benefit in front of law and the punishment fits the crime. Simultaneously, there have been attempts to move the system away from punishing the wrongdoers and towards rehabilitation, especially in the case of young offenders. Simultaneously “there has been a global effort, on the bases of

fundamental moral principles concerning the State as murderer and also on the significant proportion of mistaken convictions in all courts, to abolish death as a punishment for any offence. This system, however, continues the fundamental idea of returning ‘bad’ for ‘bad’” (Joanna Santa-Barbara, 2007: 180).

In sum, thus far identified above all as, structural measures are essential to facilitate reconciliation in transforming psychological investments into positive. Nevertheless, those must necessarily being implemented on the bases of equality and sensitivity to the parties’ needs and goals.

Figure 9: Structural Dimensions of Reconciliation



Source: Author

2.4.2 Psychological Approach

Although the structural changes can facilitate reconciliation and be implemented relatively quickly after the cessation of the conflict, the transformation of the psychological repertoire does not occur in the same way. Most often, violent conflict, especially of a virulent ethnic form like the genocide in Rwanda, destroyed much more than structural elements. The psychological aspect of healing is imperative in this situation because those who have experienced the horrors of violent conflict are often

scarred emotionally and left traumatized. In addition, healing at the psychological level allows rebuilding and mending the broken relationships, which is essential for the human society to remain intact. This is agreed by scholars and practitioners that psycho-social healing is an effective way to reconstruct and rebuild society with an improved quality of life (Karbo T. and Mutisi M., 2008: 2). Scholars dedicated their work on reconciliation and emotional changes agree on the point that the process is slow and arduous to achieve however, their vision of the transformation is diverse. Apart from this diversity, this review employs this approach to explore its major elements and measures on the necessity for establishing meaningful reconciliation in a post-conflict situation. In brief, in one way, descriptions of the psychological aspect of reconciliation point to emotional, spiritual, and psychodynamic components of forgiveness; a reaching beyond past grievances; and, an acknowledgement or taking of responsibility for harm done to the other in the past (Lederach, 1998; Minow, 1998, Azar et al., 1999; Staub, 2000), on the other, describes more cognitive based aspects such as belief and attitude change as well as increased readiness for cooperation, peaceful relations, and concession making (Kelman, 1999a; Mi'ari, 1999; Bar-Tal, 2000b; I. Maoz, 2000b; Bar-Siman-Tov, 2004).

This is important to mention here, which pointed by Shriver (1995); Lederach (1998); Staub (2000); Philpott (2006), the earlier mentioned spiritual approach is connecting with the psychological approach by asserting the practice of forgiveness for the adversary's misdeeds (Rosoux V., 2009: 545). Though the both psychological and spiritual approaches dealing with relationships between the former belligerents or victims and perpetrators, the essence of the focus relating to forge a *new* relationship between parties by changing beliefs, attitudes, motivations and emotions in one way,

and in the other way, *restore* a broken harmonious relationship between parties via collective healing and forgiveness (Ibid).

As it cited already as the essence of reconciliation is related to psychological change, the process almost never begins with a large-scale change by the majority of society members. Instead, the slow process of releasing and changing the beliefs and attitudes toward the societal goals, the conflict, the adversary, one's own group, or the resolution of the conflict always begins with a small minority. At first this minority is often perceived by the majority as traitorous, and a long process of persuasion has to occur before psychological change encompasses the majority of society members (Bar-Tal and Bennink, 2004: 27).

The relationship-oriented description in the literatures emphasize that reconciliation is as a process of relationship-building. Such de-emphasis of reconciliation as an end-state of harmonious existence (although it remains important as a motivating ideal for some, and has particular salience at the interpersonal level), avoids the risks of raising unreal expectations of harmony and perfect peace, and of putting pressure, especially on victims, to forgive for the sake of peace (Bloomfield D., 2006: 28). Bloomfield (2003a) defined reconciliation as a "a process through which a society moves from a divided past to a shared future," (Ibid: 7) and, more usefully, as "a process that redesigns the relationship" (Ibid). However, this process of change is comparatively long which takes time; deep that demands changes in aspirations, emotions and feelings, or even beliefs; and broad which applies to everyone, respective on those who suffered directly and those who inflicted the suffering and also in a community and their culture, and those beliefs can effectively block the reconciliation process if they are left unaddressed (Ibid 8). Bloomfield (ibid) depicted some views of

scholars regarding relationship building and reconciliation in their works as: “Reconciliation is first and last about people and their relationships,” (Lederach, 2001: 842); which “establishes the framework for new types of relationships,” (Chapman, 2002: 1); in particular for “social and political relationships” (ibid: 3); “see reconciliation as moving from the premise that relationships require attention to build peace. In addition to this, reconciliation is the process of addressing conflictual and fractured relationships,” (Hamber B. and Kelly G., 2004: 3); in short, it is “a relationship-building process” and the goal of which is “a more co-operative relationship,” rather than to do with “structures and procedures needed for establishing peace,” (McCandless E., 2001: 213); however, under reconciliation “the processes by which parties that have experienced an oppressive relationship or a destructive conflict with each other move to attain or restore a relationship that they believe to be minimally acceptable,” (Louis Kriesberg, 2001: 48; Estrada-Hollenbeck, 2001; Babbitt, 2003).

According to Bloomfield (2003b) unreconciled relationships, “those built on distrust, suspicion, fear, accusation...will effectively and eventually destroy and political system based on respect for human rights and democratic structures” (Bloomfield D., 2006: 9). Robert Rothsten (1999: 238) warns that “total failure at reconciliation will guarantee a very cold peace and perhaps a return to violence” (Ibid). In fact, the IDEA Handbook was trying to look at reconciliation processes as they relate to the political arena, specifically to democracy-building; in fact, this is somehow related with structural measures applying in the process of reconciliation.

2.4.3 Spiritual Approach

Beyond this psychological approach, spiritual approach of reconciliation also needs to be addressed to completing the review within the scope. The aspect of restoring

relationships after estrangement or conflict is given to a special attention in the process of reconciliation; even here there are two primary and distinct levels: individual reconciliation and national reconciliation. These two levels would require different processes and approaches, and it is not guaranteed that promoting one would automatically induce to the other (Mani R., 2005: 513).

In another view focused peaceful relationship by relating with *harm* and *healing*. Reconciliation can be thought of as the restoration of a state of peace to the relationship, where the entities are at least not harming each other, and can begin to be trusted not to do so in future, which means that the feeling and motivation of revenge is foregone as an option” (Joanna Santa Barbara, 2007: 174). In a deeper sense, *peaceful relationship* prevails between two or more entities (persons, states, etc.) that will at least do no harm to each other, and at best will maintain harmonious, cooperative and mutually beneficial relationships (Ibid). Along with this, the study of reconciliation related to *harm*, which inflicted by one entity on another, and healing for the victims who victimized due to the outcome of serious and repeated events (Ibid). In order to do that endeavor, some elements have brought out in general though the application of those elements may differ in every situation. The elements relevant to this process are: uncovering the truth of what happened during the past; acknowledgement by the offender(s) of the harm caused; remorse expressed in apology to the victim(s); forgiveness; justice for the injustices in some forms; planning to prevent recurrence; resuming constructive aspects of the relationship; and rebuilding trust over time (Ibid: 176).

Following from the above, healing for the harm causes became as a central concept in the reconciliation literature, same in the psycho-social literature where

reconciliation is understood as a therapeutic goal. Process of healing is involved with recognition of victims, acknowledge the past wrongs, and allocate the responsibility, to bring closure and heal (Elin S., Siri G. and Astri S., 2005: 4-5).

In certain contexts reconciliation is often accompanying with *forgiveness*. In general perspective, understanding of forgiving is often associated with forgetting. It means a victim acknowledging harm and putting it behind, and thereby it will no longer be part of and sustain the relationship with the perpetrator. In the theological perspective of reconciliation, Christian religious faith relates the term reconciliation with the ideas about confession, forgiveness, and catharsis (Ibid: 6). However, Long J. W. and Brecke P. (2003: 28-32) drew a '*forgiveness model*' of reconciliation linking to four key elements: first is acknowledgement or 'truth-telling' which necessary to achieve by mutual acceptance and thereby each side must acknowledge the harm they did to the other; second, the sides who victimized due to the violent acts must forgive, in the sense that they change their understanding of their own identity and that of the adversary, that is, modify their group mythology, so that they see themselves not merely as victims (and the adversaries merely as victimizers), but in terms of more positive identities; third, the sides must give up on the hope of retribution or complete justice and settle for 'partial justice', especially with regard to punishment of criminals and victimizers; and lastly, the parties must agree to build a new, more positive relationship.

While having all the presented definitions and ideas of broad nature of reconciliation in mind, determining the success of reconciliation either as a process, or as an outcome, is never being assured due to its feature by getting influenced by various different factors. This has discussed by Kriesberg (1998a); Gardner-Feldman (1999); Bar-Tal (2000b) (Bar-Tal and Bennink, 2004: 35). Kelman (1999a) pointed that those

affecting factors in the reconciliation depends on the establishment of the structural as well as psychological measures, such as peaceful resolution of the conflict (ibid); Hayner (1999); Zalaquett (1999) stated as conciliatory acts by both parties in both formal and informal ways (ibid); determination of the leaders involved in the peacemaking and the good and trustful relations that they build with each other (ibid); Elhance and Ahmar (1995); Kriesberg (1998a); Gardner Feldman (1999); Bar-Tal (2000b); Asmal et al. (1997); Thompson (1997); Zalaquett (1999); Gardner-Feldman (1999); Bar-Tal (2000b); Hume (1993); Elhance and Ahmar (1995); Lederach (1997&1998); Kriesberg (1998a); Gardner-Feldman (1999); Bar-Tal (2000b) identified that activism and strength of those who support the process; mobilizing society's institutions, relates to political, military, social, cultural, as well as educational institutions; to support the process; and the international contexts-specifically, the level of interest shows by international community to the particular reconciliation (Ibid: 36).

In fact, from the forgoing study and discussions, there is no doubt that post-conflict reconciliation is more complex, delicate, and even uncertain process. It is significant to note that reconciliation traverses the whole gamut of post-conflict activities to include both structural and psychological elements. However, success or failure of the reconciliation process itself would highly depends on several critical factors which cannot be demarcate whether they purely structural or psychological in nature. The main emphasis in the literatures very clearly portrait that successful reconciliation requires the active involvement of everyone in the society: perpetrators, victims, and guarantors of peace agreements. Thus, for the purpose of the study, fostering reconciliation in post-conflict countries has been looked in the main literatures as an outcome as well as process by approaching with structural, psychological and

spiritual aspect. However, the direction views on the approaches of reconciliation vary, the particular emphasis of this study placed upon the structural approach from the angle of security.

2.5 Levels of Initiatives: Top, Middle and Bottom Dichotomy

Scholars depict on reconciliation, as a process, having diversion views as have seen in the process and outcome criteria. However, in terms of understanding, not much arguable compare with the question of effective process or not, reconciliation operates either top or down level. In some cases middle level initiatives also play their roles. Rosoux V. (2009: 552) pointed that bottom level of reconciliation deals at the local level where the groups are described in terms of networks of individuals, each of them are considered as a vehicle of change. In addition, the improvement of interpersonal relations among community members is highly expected in a reconciliation work and thereby home-grown and grass roots initiatives are being viewed as the key to success. Bloomfield D. (2006: 25-26) was adding his idea in this view point that, community level initiatives can promote cross-community relationship-building or individual healing work throughout their way of implementing. Furthermore, at a local level, traditional and indigenous methods for reconciliation also are being used in an attempt to come to terms with the past, for example Rwanda and East Timor (Brouneus K., 2003: 10).

Comparing to the community level initiative, David Bloomfield (2006: 25-26) noticed that, the high-profile reconciliation initiatives tend to be operated in national-level, it means top level, by holding truth commissions, legal processes and reform, national reparation programs, public apologies, and etc. These initiatives can only take place once there is a recognized state-wide system of governance with

sufficiently broad legitimacy that such initiatives can be carried out under its backings. Lederach (1997: 38-40) described about the features of the top level leaders that has portray the implications of their actions made for reconciliation. He pointed that, the top level leaders are highly visible and there is a great deal of attention paid on their movements, statements, and positions and thereby, they receive a lot of press coverage and air time. He further added as due to their high degree of publicity the leaders operating in this level often constrains the freedom of maneuver, on the one hand, and “these leaders are perceived and characterized as having significant, if not exclusive, power and influence”; certainly they do tend to have more influence and power than other individuals and therefore, they are in the position to make decisions and to deliver the support to their constituencies. However, Rosoux V. (2009: 552) fixed with these both by saying that reconciliation requires both top-down, which is more political, and the bottom-up, which is quite public. It means,

“without political support “from above”, the efforts of some individuals and/or groups will not be sufficient to influence the whole population and to give clear signals to the other party. Conversely, without the support of the population, official discourses and public ceremonies are sterile and vain” (Ibid).

However, reconciliation at this level is incomplete in Northern Ireland due to the limited success of the peace process. Merwe Hugo van der (2000: 14) refers this point as,

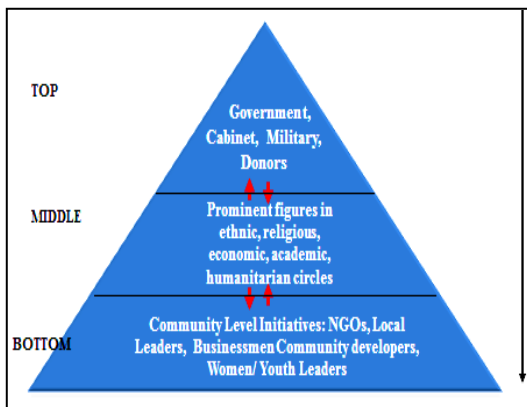
“This is evident in the many localized disputes which continue to emerge. Sectarian division persists, as evidenced by deep residential segregation and continuing tensions in some areas. Broader political conflicts are often linked to local situations, but equally in most societies coming out of conflict localized political conflicts have dynamics of their own. These have to be addressed in their own right to secure a sustainable peace.”

Khalaf (1994); Lederach (1997); Thompson (1997); Lipschutz (1998) pointed that middle-level leaders, such as prominent figures in ethnic, religious, economic, academic, intellectual, and humanitarian circles (Bar-Tal and Bennink (2004: 28), also performed

their roles to mobilize the masses for psychological change. Similarly, Kotze and Du Toit (1996); Ackermann (1994); Chadha (1995); Lederach (1998) addressed that elites, who are individuals holding authoritative positions in powerful public and private organizations and influential movements, play very important role while taking significant part in initiating and implementing policies of reconciliation and reconstruction (Ibid). Important features of this level leaders addressed by Lederach (1997: 41-42) that

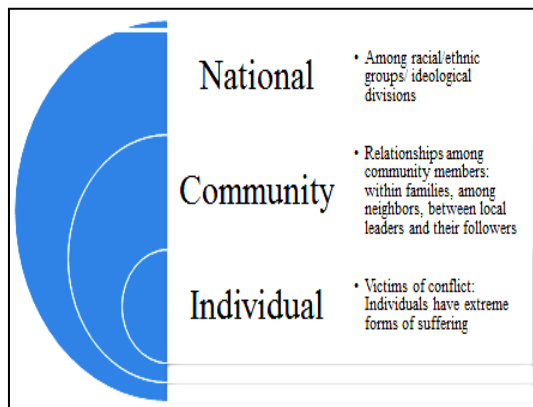
“...middle-level leaders are positioned so that they are likely to know and be known by the top-level leadership, yet they have significant connections to the broader context and the constituency that the top leaders claim to represent....the position of middle-range leaders is not based on political or military power, nor are such leaders necessarily seeking to capture power of that sort. Their status and influence in the setting derives from ongoing relationships.....are rarely in the national or international limelight, and their position and work do not depend on visibility and publicity.....tend to have preexisting relationships with counterparts that cut across the lines of conflict within the setting...”

Figure 10: Levels of Initiatives



Source: Author

Figure 11: Operational Levels



Source: Author

According to Chetkow-Yanoov (1986); Thompson (1997); Lederach (1998); Ackermann (1994); Shonholtz (1998); Volpe (1998); Gardner-Feldman (1999); Kelman (1999a), at the grass root level: local leaders, businessmen, community developers, local health officials, and educators can also expanding their important role in initiating and implementing policies aiming at changing the psychological repertoire of society

members that requires in the reconciliation process (Ibid: 27-28). This leadership operates on a day-to-day basis and having an expert knowledge of local politics and knows on a face-to-face basis the local leaders of the Government and its adversaries (Lederach, 1997: 42-43).

Though the above discussions identified the initiatives focused upon the reconciliation practices, all initiatives bring their activities through various dimensions. The subsequent section focuses reconciliation in terms of the levels in operation.

2.6 Reconciliation into Operational Level

Within the ambit efforts on reconciliation, theoretically and practically, other major aspect in terms of operation has been examined in the literature is social levels of reconciliation. This process activates to transform at individual, community or local and national or political levels.

At the individual level reconciliation is bound with individuals who victimized in the past. Because many victims remain angry and disenchanted, particularly with the release of politically-motivated prisoners as part of the agreement and where no individual, group or state agency has been held account to account (Hamber B. and Kelly G., 2005: 14).

Reconciliation is, however, wider than focusing on the individual level, important as this is. It should engage with the entire community, particularly those who perceive themselves as ‘uninvolved’ in the conflict. Some practitioners like Hamber and Merwe have referred to this community engagement as a community-building ideology of reconciliation (Hamber B. and Kelly G., 2005: 13). Some community projects initiatives are operated this process through practical programs for re-establishing workable relationships in deeply divided societies, focusing on bringing people into

contact with one another and promoting attitudinal change. These generally aim to build societies coming out of conflict and facilitate reconstruction of interpersonal relationships, entrench peace and promote mutual understanding (Ibid: 13-14). However, Lederach (1997) pointed that, as a process of building and sustaining relationships (Ibid: 14), it is needed sufficient trust to manage conflicts between and within communities as they arise. In addition, as a societal process, reconciliation involves mutual acknowledgement of past suffering and changing the destructive attitudes and behaviors into constructive relationships among society members toward sustainable peace (Brouneus K., 2003: 25).

Although the level of reconciliation process is recognized in both above mentioned ways, from the view of reconciliation processing with psychological change provides another outlook of this thinking, is national level. After civil war or internal conflict, in which the State identified as an actor, it is important to accept the truth and offer self-reflection and acknowledgement of past atrocity committed by the State (Ibid: 26). This change from the top level is highly desired for paving the way for reconciliation.

In a national level, Bar-Tal and Bennink (2004: 27) pointed it as,

“Changes proceed from leaders, especially mainstream ones, greatly influences the society members, on the one hand, and, the evolvement of a mass movement that embraces the psychological change has an effect on the leader, on the other. In the long process of reconciliation, both levels usually take place. However, the success of reconciliation process depends on the dissemination of the ideas associated with it among the grass roots. This is essential to convincing the masses to change their psychological repertoire from conflict to peace.”

This national level process can be engineered by several events including as a meeting between senior representatives of the former opposing factions; a public ceremony, covered by national media; and, ritualistic or symbolic behavior that indicates peace

(Brouneus K., 2003: 25). This political attempt is needed in the national level to support the process of achieving long lasting peace and stability.

2.7 Truth Commissions and Reconciliation

Seminal scholars of transitional justice analyze the truth commissions' ability to hurdle the legal, political and economic barriers in prosecutions that are encountered during political transition and their use by new governments to improve their stands, at home and abroad, in pursuit of peace and stability. Yet during successive transitions, these commissions have been expanded by governments to suit a broader range of conflict resolution, human rights and socio-emotional goals, sometimes contributing to criminal prosecutions (Baker Jo, 2011: 6). In this scenario, countries which are emerging from protracted conflict, civil war or authoritarian rule, establish truth commissions are not a new phenomenon in the world now. These commissions, officially sanctioned, temporary, non-judicial investigative bodies, are granted relatively short period, for statement-taking, investigations, and research and public hearings, before completing their work with a final public report (United Nations, 2006: 1). Potential benefits that the truth commissions can gained are: helping to establish the truth about the past; promoting the accountability of perpetrators of human rights violations; providing a public platform for victims; informing and catalyzing public debate; recommending for victim reparation and necessary of legal and institutional reforms; promoting social reconciliation; and helping to consolidating a democratic transition (IDEA, 2003: 125). This can be one of the varieties of strategies suggested for healing the wounds of the past and facilitating peacebuilding in post-conflict societies. To be noted that, truth commissions have significant political impact, even if unintended, in a context where, typically, some of the individuals or political entities, still hold power or wish to gain

power, may be the subject of inquiry.

Apart from these facts, three critical elements should be noticed here that the right moment to create a truth commission. First, there must be a political will to allow and, hopefully, encourage or actively support a serious inquiry into past abuses. Ideally, the Government shows its active support for the process by providing funding, openly access to the state archives or clear direction to civil servants to cooperate. Second, the violent conflict, war or repressive practices must have come to an end. It is possible that the de facto security situation will not yet have fully improved, and truth commissions often work in a context where victims and witnesses are afraid to speak publicly or be seen to cooperate with the commission. If a war or violent conflict is still actively continuing throughout the country, it is unlikely that there would be sufficient space to undertake a serious inquiry. Third, there must be interest and cooperation on the part of victims and witnesses to have such investigative processes undertaken (United Nations, 2006: 2-3).

In this context, truth commissions are being established under fundamentally different nature rather courtroom trials, and function with different goals in mind. Many methodological questions which are central to truth commissions that neither can be answered by turning to any established legal norms or general principles, nor can they be well addressed by universal guidelines. However, these questions require a consideration of the specific needs and context of each country. The questions further come up on how a commission should best collect, organize, and evaluate the many accounts from victims and others; whether to hold public hearings or carry out all investigations confidentially; whether it should name the names of specific perpetrators in its report. These will be answered differently in different countries. The task is made

even more difficult by the fact that, many of these questions are unique to these kinds of broad truth inquires and do not usually come up in relation to trials, for example, where standardized procedures have long been established (Hayner B. Priscilla, 2001: 5). The belief of the significance of establishing an official truth in the aftermath of conflict or even civil war realized through the increased emergence to setting up truth commissions in the world. Though these commissions vary in power, mandate, resources and forms of operation, the common aim is at confronting history by public truth telling (Riesenfeld Camilla, 2008: 17).

Although there have been a great number of truth commissions created either through national legislation or through presidential degree or sometimes incorporated side to side by international bodies with different nature and functions with various goals in mind, this study is to draw attention on the newly established Presidential Commission of Inquiry on Lessons Learnt and Reconciliation of Sri Lanka.

Conclusion

This chapter has explained reconciliation as a significant component during the phase of transforming conflict into peace. Though the term reconciliation is subject to different or competing interpretations by scholars and practitioners, in a conflict emerging societies it is likely to operate in a way that prioritizes and legitimizes particular needs and expectations. In this respect, holding different approaches in those practices are highly required, however, this study argued that similar to psychological measures structural measures also should be given consideration since the nature of needs on the ground are concerned. These structural frameworks can be differentiated in terms of its dimensions. At different levels through initiatives and operational levels this approach may generate operations that can foster to reach the end goal of establishing

psychological change.

Focusing on one substantive structural approach of reconciliation for post-war Sri Lanka, the next chapter will illustrate the implications of security that can be subject to very different interpretations when view through the lens of structural approach of reconciliation. Therefore the review will conduct on the study of security, in relation to structural and psychological terms, will relate to the particular relevance with the scope of study.

Chapter 3
Redefining Security for Reconciliation in Sri Lanka:
A Structural and a Psychological Approach

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Introduction

In order to understand the connection between reconciliation and security and deal with the issues of the prolonged ethnic conflict in Sri Lanka, it is necessary to focus on the meaning of security and develop the focus by relating to the prime attempt of this study. Therefore, for the purpose of this study, this chapter addresses *security* as a ‘reality’ in a structural basis and as a ‘feeling’ in a psychological term. Especially, the nature of the conflict and the continuation of the structural issues and caused psychological impediments fuelled and resulted insecurity within ethnic communities. As a result of this situation mutual mistrust, suspicion and fears induced and triggered further hostilities. The following review first defines *security* and then links it to conflict and war. After sketching a picture on security, this chapter focuses on its dimensions: physical, identity, political, legal, judicial, and military; levels: state, community, and individual; and, the ways which can create security: trust-building measures: power-sharing, elections, regional autonomy and federalism, institutional building and improvements, demobilization and reintegration, coping with uncertainty and fear, and external interventions, in accordance with the fundamental question formed in this study.

3.1 Definitions and Discussions on Security: Structural and Psychological View

Concept of security is more complex and carries multiple meanings. This may be caused due to the lack of widely held common definition which accounts for much of the controversy surrounding security issues. The term is used here as the condition which is an essential basis for post-conflict situation in one hand, and approach the concept of security through structural and psychological means, in another hand.

In the scholarly works in general, the term ‘security’, understood in various ways. Alan Collins (2007: 3) gives an explanation of *security* by applying some scholars’ works:

Security itself is a relative freedom from war, coupled with a relatively high expectation that defeat will not be a consequence of any war that should occur (Ian Bellamy, 1981); A nation is secure to the extent to which it is not in danger of having to sacrifice core values if it wishes to avoid war, and is able, if challenged, to maintain them by victory in such war (Walter Lippman, 1991); National security may be defined as the ability to withstand aggression from abroad (Giacomo Luciani, 1989); Security, in any objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked (Arnold Wolfers, 1962).

Wolfers pointed that “security is a value of which a nation can have more or less and which it can aspire to have in greater or lesser measure” (Baldwin A. David, 1997: 14).

In addition, Buzan (*ibid*) refers this concept as,

“The word itself implies an absolute condition-something is either secure or insecure-and does not lend itself to the idea of a graded spectrum like that which fills the space between hot and cold.”

In another sense, security is based on the mixture of purely defensive means of defence and invulnerability. At the same time, it is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics (Buzan B.; Waever O. and Wilde de J., 1998: 23). Furthermore, security is a self-referential practice, because in this practice the issue becomes a security issue-not necessarily because a real existential threat exists but because the issue is presented as such a threat (*Ibid*: 24).

According to Maslow (1970), the preoccupation with security reflects the need to maintain safety, which involves longings for protection, surety, and survival (Bar-Tal D. and Jacobson D., 1998: 62). Anyhow, these are basic needs and are prerequisites for living normal life. In another sense, the idea that providing basic needs to populations in

countries that have been ravaged by conflict requires obviously a fundamental level of security, thereby long-term security of peoples and states relies on their having access to sufficient resources to enable their survival as well as their development (Beswick D. and Jackson P., 2011: 2).

Meanwhile, the meaning and understanding of *security* in the prominence space of the field of conflict studies largely determined by the context in which it appears. As Herz (1951), Waltz (1979), and Jervis (1978) mentioned as the origin of this concept and its applications brought and from the discipline of International Relations (Saideman S.M. and Zahar M.J., 2008: 2) and later it started to apply in the study of civil war and ethnic conflict (Ibid: 2).

During the post-Cold war phase, intra-state conflicts and civil wars are the most visible obstacle to achieving stable peace. In this situation, security became under threat, and it can no longer be solely defined in military terms, neither can we see the sovereign state as a guarantor of security (Porter E., 2007: 35). However, the well-known fact that security is fundamental that conflict within states has security as a key piece of the puzzle, and thus governments are central. Scholars have argued that other factors motivate conflicts. Collier (2000) and Collier and Hoeffler (2001) stated that, according to World Bank economists, greed in some form drives intra-state conflicts (Ibid). Snyder and Jervis (1999) pointed in their work that some political scientists have discussed along similar, but not identical, lines of thoughts that those seeking domination—predators—rather than security are the key actors (Ibid). Gradually, scholars have started in focusing more on insurgency, which directs attention away from security of the group and emphasizes on the weaknesses of states and the tactics and strategies of small numbers of individuals (Ibid).

Moreover, political researches through the years, for instances by Caroline, 1987; Handrieder, 1987; Karp, 1992; Klare & Thomas, 1991, into the security problem in different national and international contexts have focused mainly on the conditions that either strengthen or diminish security (Bar-Tal D. and Jacobson D., 1998: 60). Among these contributions, many of them treat security as an object or structural phenomenon that can be assessed as such and is influenced by a particular set of factors (Ibid). However, understanding of security also requires psychological analysis. Actually security does not exist in separation from individuals' or groups' perception since they perceive external events and conditions, evaluate them, and subsequently form beliefs about the state of security. It is thus significant to analyze security in a psychological basis because estimation of security is a cognitive process based on the repertoire of personal beliefs that make up people's subjective view of reality (Ibid). Therefore, this study suggested that the concept and the problem security cannot be isolated with structural terms and conditions, but should also be analyzed as a psychological phenomenon.

Concurrently, security is a category of *belief*¹⁸ covering different contents regarding such topics as sense of security, sources of insecurity, conditions for increasing security, etc. Moreover, beliefs about security or insecurity are not viewed as the sole product of either intra-psychic processes or environmental factors, rather they are considered as a consequence of the relations between the subject and his/her environment, which change over time and circumstances (Ibid: 61). Meanwhile, beliefs of insecurity can be triggered by one or more events which are perceived as indicators

¹⁸ Beliefs are units of knowledge which vary in contents, covering an unlimited scope of topics, and they often have affective behavioral implications by stimulating affective reactions and intentions to act (Bar-Tal D. and Jacobson D., 1998: 61).

of threat; this perception depends entirely on the individual's interpretations and evaluations of the diverse information coming from the environment (Ibid: 61-62).

In the meantime, role of group emotions or sentiments in such conflicts, in particular a subset of negative psychological repertoires: fear, anger, resentment, and hatred, is high. Especially, in ethnic conflicts, lack of structural or material opportunities influence these 'emotion' proponents and promote anxiety-laden perceptions, widespread grievances, ethnic prejudices, deep-seated ethnic fears, and latent hostilities towards the other. Furthermore, demographic imbalance, primary commodity dependence, policies which address injustices or a weak security apparatus also can be responsible to cause this psychological nature of insecurity (McDoom S. Omar, 2011: 2). In fact, fear is described as the consequence of a structural condition (Ibid: 10).

More importantly, security is both a feeling and a reality. Bruce Schneier (2008: 1) differentiates these two aspects of security in the following way:

“The reality of security is mathematical, based on the probability of different risks and the effectiveness of different countermeasures...but security is also a feeling, based not on probabilities and mathematical calculations, but on your psychological reactions to both risks and countermeasures....more generally, you can be secure even though you don't feel secure. And you can feel secure even though you're not. The feeling and reality of security are certainly related to each other, but they're just as certainly not the same as each other...”

He further added that in most of the time when the perception of security doesn't match the reality of security it's because the perception of the risk doesn't match the reality of the risk (Ibid: 3).

Moreover, in practice, there are several conflicts that are unrelated to state wars but involve a variety of actors, among them 'warlords', 'pirates', 'dictators' and 'madmen', security is usually top of most people's agendas on the ground (Beswick D. and Jackson P., 2011: 2). In the meantime, a security-first approach, during

peacebuilding efforts and practices, focusing on adequately controlling physical violence and maintaining order, along with humanitarian activities, and take priority over qualitative social development such as economic and social progress (Jeong Ho-Won, 2005: 26).

Though it is understandable that the term *security* tends to be fuzzy, it is apparent to focus the essence of security in various academic points of view as well as in practice. In this respect, the following segment is necessary and unavoidable step in the process of understanding security since it focusing upon what counts as a security issue for the particular referent.

3.2 Dimensions of Security: What Counts as a Security Issue?

To understand the various dimensions of security in this section, various scholars' emphasis on several dimensions according to their focus of study, is explored. Johan Galtung identifies three existential dimensions of security by using his conflict triangle model. The concept of "incompatibility" (of goals) is turned into a need for a predictable and just system for the treatment of different group's different goals, here called as "issue security" (Nordquist Kjell-Ake, 2008: 11). In the same way, the concept of "attitudes" in a spiraling process, transformed into recognition of one's "attitudes", that is one's identity, thus called as "identity security". Finally, "behavior"- means destruction of the counter-party's values linked into spatial security in all respects- no more fear, neither from people, nor from life conditions as a whole (Ibid).

Michael Mann (1986) viewed the dimension of security through the lens of power by distinct as ideology, economic, military and political (Buzan B., Waever O. and Wilde de J., 1998: 7-8). The entire division of social and other sciences preferred the dimension of security as economy, society, and politics without thinking too hard as

how to practice. According to Barry, Buzan.; Ole, Waever. and Jaap, de Wilde (1998: 7-8), dimensions of security are: military, which is about relationships of forceful coercion; political, about relationships of authority, governing status, and recognition; economic, is related to relationships of collective identity; and finally, environmental, based on relationships between human activity and the planetary biosphere (Ibid). This has explained in detail as follows:

The military security concerns the two-level interplay of the armed offensive and defensive capabilities of states, and states' perceptions of each other's intentions. Political security concerns the ideologies that give them legitimacy. Economic security concerns access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power. Societal security concerns the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture and religious and national identity and custom. Environmental security concerns the maintenance of the local and the planetary biosphere as the essential support system on which all other human enterprises depend.

However, to fulfill the purpose of this work, the dimension of security is specified with six major features: physical; identity; political; legal; judicial; and, military, on behalf of the selected six key structural issues in this study.

3.2.1 Physical Security

Ethnicity is not a cause of violent conflict. Most ethnic groups, most of the time, pursue their interests peacefully through established political channels. But, as Newland (1993) stated, when it linked with acute social uncertainty and, indeed, fear of what the future might bring, ethnicity emerges as one of the major fault lines along which societies fracture (Lake A. D. and Donald R., 1996: 8). Vesna Pesic pointed that ethnic conflict is caused by the "fear of the future, lived through the past." Therefore, fear of the future can take many forms (Ibid). She further added that in the contemporary world, two broad types of fear seem particularly salient to ethnic groups. Some ethnic groups fear assimilation into a dominant culture and hegemonic State. This fear drives the politics

of multiculturalism today - and underlies much of the ethnic politics found in developed countries (as for a pressing example struggle over the future of Quebec). Because of the power of the dominant culture and state, however, assimilationist conflicts are unlikely to become violent, as the fearful minority is weak relative to the majority almost by definition (Ibid).

Due to this above scenario, ethnic groups also fear for their physical safety and survival-especially when the groups are more or less evenly matched and neither can absorb the other politically, economically, or culturally. When such fears of physical insecurity emerge, violence can and often does erupt. While fears of assimilation, if left festering, can eventually weaken states and evolve into fears of physical insecurity (Ibid). In addition to this, physical security further means in short-term safety and social order, such as “safety on the street”, as well as long-term stability and trust in institutions, which are responsible for law and order (Nordquist Kjell-Ake, 2008: 11).

Moreover, physical insecurity is a harrowing reality for, particularly, millions of girls, of all ages, ethnicities and religions (Chronic Poverty Research Centre, 2010: 69). Furthermore, this can emanates from the articulation of discriminatory social institutions (i.e. social attitudes, customs, codes of conduct, norms, traditions, value systems) and is rooted in unequal power structures, discriminatory social orders and exploitative relationships (Ibid: 70). In addition, physical insecurity is exacerbated in situations of conflict, for instances while children or girls passing military checkpoints they are under risk of being abducted by armed groups for combat, for trafficking or for sexual enslavement (Ibid: 73).

In the meantime, physical insecurity, as a consequence of gender-based violence, is also a particular risk especially in the times of conflict and social upheaval

(Ibid: 69). Especially, insecurity and the threat of violence faced by girls dramatically escalate in times of state fragility and armed conflict. Meanwhile, conflict significantly changes gendered roles and relationships as well. Among refugees and IDPs in the world, a large percentage of them are women and children (Ibid: 78). Furthermore, rape has been used systematically as a weapon of war in many conflict settings across the world such as in Afghanistan, Chechnya, Sudan, Liberia, Rwanda and Sierra Leone (Ibid). In the meantime, girls also participating in the fighting forces of many countries across the world recruited forcibly through abduction or enlisting 'voluntarily', for examples in Angola, Burundi, Eritrea, Ethiopia, Liberia, Libya, Mozambique, Nepal, Rwanda, Sri Lanka, and Sudan. Mazurana et al. pointed that girls represented between 30 and 40 percent of all child combatants in recent conflicts in Africa (Ibid). These roles in turn during post-conflict reconstruction and rehabilitation programming since girls and women are often ignored and the critical situation led them to marginalized in their communities (Ibid: 80).

3.2.2 Identity Security

This is the dimension for which many conflicts today are fought (for example Bosnia and Herzegovina, Colombia, Germany, Guatemala, South Africa, Northern Ireland, and Rwanda). John Paul Lederach (1997: 8) pointed that almost two-thirds of the current armed conflicts can be defined as identity conflicts, and some estimates count that many as 70 current political conflicts worldwide that involve groups formally organized to promote collective identity issues. Kelman (1997) observed that the establishment of new states engenders incentives for ethnic homogeneity and thus systematic efforts to marginalize or destroy ethnic 'others' can result (Korostelina K., 2009: 231). Keman (1992); Stein 1998; and Stern (1995) pointed that conflict can develop when the identity

chosen by an individual is incompatible with the identity imposed by others or with the social context in which identity is constantly being recreated (Ibid). Recognition and acknowledgement are important factors here, but also reconciliation with (former) enemies, irrespective of ethnicity or religion. In the meantime, new wars, occur within and across states and often involving the State as one of many 'sides' in the conflict rather than simply between states, are underpinned by narratives of identity, such as ethnicity, religion or culture, which are used to recruit fighters, inspire loyalty and encourage citizens to turn away from the State and define themselves by identity (Beswick D. and Jackson P., 2011: 25).

Issue of identity based security refers to the functioning and trusts in institutions that manage and decide about concerns, of any nature basically, that citizens may bring up on the public and political arena through parties, demonstrations, media, or other non-violent methods (Nordquist Kjell-Ake, 2008: 12). In the meantime, identity based insecurity also emerge when a community has unmet basic needs for social and economic security (Lederach, 1997: 8). In order to get rid from this situation, community strengthens its collective influence and struggle for political recognition (Ibid). Furthermore, when group identity conflicts linked to notions of 'tribal' or 'ethnic' conflict and their security is threaten due to their respective identity. When populations displaced by resource scarcity, the awareness of group identity will get heightened and caused clash with other groups over who has rights to access resources, for example in Bangladesh and Philippines (Beswick D. and Jackson P., 2011: 45). In addition, make displacement caused disruptive to their social bonds and their sense of identity (Ibid: 64).

In many states, ethnic identities are often highly politicized and thereby, it is

becoming as a source for insecurity. During the colonial administrations, where the policy of 'divide and rule' followed, some groups were favored and given access to positions of greater political and economic power than others. The favored groups, such as the Tamils in Sri Lanka, the Buhanda in Uganda, the Tutsi in Rwanda, typically had greater access to opportunities in education and positions in the colonial administration, whilst the others treated as non-privileged. This nature of insecurity was encouraged and forced to self-identity in terms of their ethnic group and the facets of identity gets social and political implications and playing crucial role with atrocities and inhuman behaviors.

3.2.3 Political Security

Politics can be focused on political structure, processes, and (inter-unit) institutions. However, political security is different from politics. It is about threats to the legitimacy or recognition either of political units or of the essential patterns (structures, processes or institutions) among them. Political threats are therefore, made to (1) the internal legitimacy of the political unit, which relates basically to ideologies and other constitutive ideas and issues defining the state; and (2) the external recognition of the state, its external legitimacy. Threats from outside are not inevitably directed at sovereignty but can well aimed at its ideological legitimacy, that is, its domestic pillar (Buzan B., Waever O., and Wilde de J., 1998: 144).

By adding the above, the traditional approach of political security involves one state making appeals in the name of sovereignty, trying to fend off some threat from another actor that is always external, such as another state, but that is often combined with an internal threat (Ibid: 154-155).

In the modern state system, as political security, issues of political recognition

are normally matters in recognizing each other as equals; states or powerful groups still dominate and insecurity typically made due to either recognition or legitimacy (Ibid: 145).

3.2.4 Legal Security

Legal security is essential where a State rules by the law. In this respect, the declaration of a state of emergency should only result in derogations from or restrictions to the right to liberty and security of person in the context of pre-established constitutional and legislative provisions, which guarantee the respect of the rule of law. Although under international law derogations from certain obligations under human rights treaties are permitted, the system of derogations is protected by guarantees, and there are rights which are non-derogable.¹⁹

Meanwhile, judges and the law must treat all people equally, and must not discriminate on grounds of race, political beliefs, religion or gender. Equal access to the courts must be guaranteed for all of the citizens. Fair trial cannot be existed unless all courts and judges are independent and impartial, and are granted their jurisdiction by the law. This separation of power is at the heart of the principle of a fair trial. There must also be equality of arms: equality between the prosecution and the defence, in accordance with which both must have equal and reasonable opportunity to present their case, equal access to court documents and equal treatment by the judge. More significantly, legal guarantees are meaningless unless the justice system is independent and the rule of law is respected.²⁰

¹⁹ See Law and Justice: The case for Parliamentary Scrutiny Seminar for members of Parliamentary Human Rights Bodies Organized jointly by the Association for the Prevention of Torture, the Inter-Parliamentary Union and the International Commission of Jurists, Geneva IPU Headquarters, 25-27 September 2006

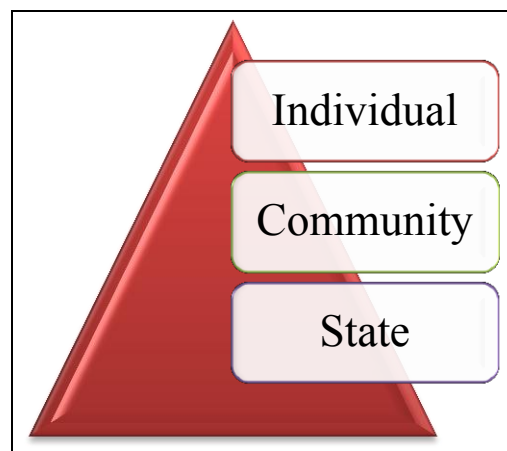
²⁰ Ibid

Figure 12: Dimensions of Security



Source: Author

Figure 13: Levels of Security



Source: Author

3.2.5 Judicial Security

The inability to secure justice in full measure is a practical necessity because of the weaknesses of judicial institutions after a civil war and the valuable for the society as a whole when so many share guilt for the actions and inactions in wartime (Long J. William and Brecke Peter, 2003: 149-150). Kelson Hans (1941: 44) gives a definition that is more in depth with regard to this dimension:

“...from the insecure realm of subjective judgments of value [by establishing it] on the firm ground of a given social order ... Justice in this sense is a quality which relates not to the content of a positive order, but to its application. “Justice” means the maintenance of a positive order by applying it conscientiously. It is "justice under the law”.

In many countries, the reality is that the state justice system does not function, and people turn to alternative forms of justice. In Burundi, where 10 years of violence was active, its justice system was seriously damaged. The Ministry of Justice is now trying to remedy this situation occurred due to the absence of the judicial system, and is releasing thousands of prisoners (The Inter-Parliamentary Union and the International Commission of Jurists, 2006). Efforts are being made to increase the credibility of the justice system and demonstrate that a system of impartial justice is achievable (Ibid).

Engaging in security and justice in a post-conflict environment poses special challenges though it needs to provide immediate security in all means because post-conflict states may be weak or even non-existence, political situations may be fragile and continue to be violent, and economies may, at best, be precarious (Beswick D. and Jackson P., 2011: 117). Meanwhile, post-conflict security interventions, in relation to ensure justice, need to build on both state and people's security (Ibid: 119). States need legitimacy, and they are more likely to be legitimate if they can demonstrate that they are representative and can meet legitimate human security concerns. This is particularly essential concern in post-conflict environments since the rates of violence may actually be comparable with rates during fighting, even if the source of the violence is different (Ibid: 120).

Stover (2004) pointed that in the transitional justice process, many victims and witnesses reported feelings of fear and abandonment on the return to the homes after testifying, for example in Former Yugoslavia (Brouneus K., 2008: 17). Likewise, security for the accused when returning to their homes communities had been a major concern for the International Criminal Tribunal for Rwanda (ICTR) (Ibid). Similarly, Backer (2007) declared that witnesses in the South African TRC also described being stigmatized, abandoned and threatened by their community due to the participation in the TRC (Ibid). Therefore, if security is threatened, this may lead to a number of outcomes such as physical injury, psychological anxiety and ill health, an escalation of violence in order to silent the truth, acts of revenge from any groups, or skewed testimonies also will lead to a distorted picture of the past which may lay the ground for renewed conflict (Ibid: 21).

3.2.6 Military Security

Military security generally links to the efforts of states and empires to protect and extend their control of territory, resources, populations and ideological adherents. This has been pursued in myriad ways:

“through deterrence (making military threats to prevent an action), defence (developing the ability to successfully fight off an armed attack), offence (initiating armed conflict), balancing (internal mobilization of resources or making alliances to offset the power of an opponent), bandwagoning (actively supporting a dominant actor), promotion of particular norms and ideologies and social systems (such as anti-militarism, liberal democracy, socialism and capitalism), creation of positive peace (conflict resolution), treaties, imperial and neo-imperial dominance and even ethnic cleansing and genocide. These concepts and debates are associated with widely differing framings of the military security agenda” (Collins A., 2007: 131).

When securitization is based upon external threats, military security is primarily focused on two level interplay between the actual armed offensive and defensive capabilities of states on the one hand, and their perceptions of each other’s capabilities and motivations, on the other hand. In fact, the separate military capabilities do create a potential for securitization (Buzan B., Waever O., Wilde de J., 1998: 51).

Meantime, military threats and vulnerabilities have conventionally been accorded primacy in the thinking of ‘national security’ for several reasons. Compare with other threats, military ones are frequently intentional and directed. Societies engaged in war put under risk not only the lives and welfare of the citizens but also their collective political, economic, and social achievement. Losing a war against a brutal opponent can be a catastrophe, for example, the Nazi occupation in Poland and Bosnia. Military threats intimidate everything in a society, and they do so in a context in which most of the rules of civilized behavior either discontinue to function or move sharply into the background (Ibid: 58). Simultaneously, militaries are likely to perceive by civilians as subversive threat and have found relatively wrest control of their own security and freedom.

3.3 Levels of Security: Who's Security?

This is the next important step to understand and analyze security. Without a referent object there can be no threats and discussions on security because the concept is senseless without something to secure. In the meantime, security cannot be isolated for treatment at any single level (Baldwin A. David, 1997: 7). According to Buzan (1994c) and Onuf (1995), for more than three decades, the debate relates to levels of analysis has been central to much of International Relations theory (Buzan B., Waever O., and Wilde de J., 1998: 5). In addition, levels too run through all types of security analysis, whether in debates about preferred referent objects for security (individuals *versus* states) or about the causes of war (system structure *versus* the nature of states *versus* human nature) (Ibid). Simultaneously, as Rothschild (1995) stated, in the long process of human history, the prime focus of security has been people. The discipline of International Relations sticks with 'the state' (William D. Paul, 2008: 7). However, another perspective of approach offered from the lowest level, which is 'the individual'. This study approach is focused on the all three in this aspect: the State, society, and the individual.

3.3.1 The State

Traditionally, the concept of security is defined as security of the state vis-à-vis external threats. This is partly because to the fact that the state was taken as the only unit of analysis and problems of internal security were considered outside the scope of international security studies. This approach might be applicable to great powers whose political structures were considered relatively strong and their security taken for granted until the internal crisis in the Soviet Union (Jayasekera P.V.J., 1992: 2). Waever et al. (1993) stated, however, traditionally, the referent object for security has been the state

and, in a more hidden way, the nation. For a state, survival is about sovereignty, and for a nation is about identity (Buzan B., Waever O. and Wilde de J., 1998: 36).

The modern state is defined by the idea of sovereignty-the claim of exclusive right to self-government over a specified territory and its population (Buzan B., Waever O., and Wilde de J., 1998: 49). In this respect, the fundamental purpose of a state-or should surely be-to protect the security and promote the welfare of its own citizens. Simultaneously, the state and state sovereignty are given priority that the ordering unit and organizing principle of world affairs, based upon the principle of delegation of responsibility and power by individual citizens to their state (Strategic Peace and International Affairs Research Institute, 2007: 4). At the same time, state-based conceptions of security have taken precedence, alternative ways of thinking that give priority to individual and societal dimensions of security have also been proposed (Bilgin P., 2003: 203). Furthermore, the practical implication of this referent approach is on the government's domination over society in which the public's sacrifices are viewed as obligation (Ibid: 206).

In another sense, state level of security is concerned with the threats to national security of the state and the maintenance of law and order (Rupesinghe K., 2002: 2). In fact, the concept and argument of human security arose as a result of the failure of many states to deal with the protection and security of individuals and communities (Ibid). As a renowned Sri Lankan scholar and practitioner, Kumar Rupesinghe (ibid) further emphasized this point by showing the example of Sri Lankan state:

“The Sri Lankan state has not been able to protect the security of any of its peoples. The protracted conflict between the GoSL [Government of Sri Lanka], the LTTE, and other Tamil militant groups resulted in a situation where the entire peoples of the NorthEast were at risk. The peoples in the south also suffered gross human rights violations....atrocities committed by all sides to the conflict. The litany of massacres, forced evictions of peoples, gross human rights violations, extra-judicial killings, and

attacks on civilians, women, and children have been elsewhere well documented. The north and the east were the theatres of war and contention, and the populations went through a traumatic and frightening experience.”

In relations between sub-states units, such as ethnic groups, the context is one of hierarchy where the state exists in some form, playing a crucial role in enhancing or exacerbating the violence. Krain (1997), Rummel (2000) and Midlarsky (2005) admitted that, deterring violence is one of the essential roles of government and posing its monopoly of the legitimate use of force and wielding it so then individuals and groups refrain from engaging in serious conflict (Saideman S.M. and Zahar M.J., 2008: 2). This can be quite difficult when a delicate balance failed to exist between deterring violence and repressing dissent. Because, if the state posing much of its coercive capacity, that might cause the greatest threat to most groups. Obviously, in most cases experienced in genocide, the perpetrator is the state (Ibid).

In this sense, two dilemmas exist that reinforce each other. First is, the state, to prevent violence, must be sufficiently threatening to deter potential opponents while obliging enough dissent so that frustration does not build into challenges. This is most clearly relevant to pre-conflict stage, addressed in existing studies, but it is also matter in the post-conflict process when the new institutions became capable thereby, past rebels do not have an easy way out of the political process. The second is that the state must be firm enough to protect any group, but not looked as too favorable upon anyone or else groups will compete to gain control of the state (Ibid).

In addition to this, Zahar M.J. and Saideman S.M. (2008: 206-207) addressed the connection between state and security in a critical perspective by adding some further evidences: Aydin and Gates remind us, unfettered state power was already foreseen as problematic by Hobbes. He allowed that citizens could disobey the ruler

should he fail to meet the basic requirement of the social contract, protection against the state nature; Davenport C. and Armstrong A. D. (2008: 33 & 35) provide empirical evidence in support of this situation. They pointed that, when these situations occur states are not only abuse their monopoly of violence, but, in so doing, they are more threatening to citizens than the dangers of war. Further they added that, politicide/genocide creates eight times more casualties than civil/interstate war. By following this notion, Saideman S.M. and Zahar M.J. (2008: 1) further pointed that abuses by governments can threaten individuals and communities far more powerfully than their opponents, including dissidents and insurgents.

A concern with the security of states widens the scope of security, beyond its traditional emphasis on military threats, while associating with societal breakdown, unsustainable population growth, environmental stress or endemic poverty. This often occurs in the situation where security of people is prioritized rather than states. The broaden approach of security to embrace society informs current views on 'human security' (UNDP, 1994: 22).

In another aspect, when the states aims to reproduce their own survival, often (assumed to be) threatened by external agents or, especially in the case of developing and/or deeply divided countries, by internal forces, external intervention is not unknown, whether to aid the state (for example, the case with the support to the regime of Kabila Senior in the Democratic Republic of Congo in the early 2000s by Zimbabwe, Angola, and Namibia) or to air rebel groups (as was the case with support of the Lord's Resistance Army in Northern Uganda by the Government of Sudan) (Grobbelaar Janis and Ghalib Jama M., 2007: 9).

Apart from the all above, concept of *national security* also somehow related

with state security. Berkowitz and Bock define national security as the protection of the state from external danger (Abdul-Monem M. Al-Mashat, 1985: 21). Therefore, the basic security duty of the nation-state is the maintenance of sovereignty and territorial integrity (Ibid).

3.3.2 Community

In general, the term *society* is often used to designate the wider, vaguer *state population*, which may refer to a group that does not always carry an identity. However, community is about identity, the self-conception of communities and of individuals recognizing themselves as members of a community. Identities are distinct from the clearly political organizations concerned with government (Buzan B., Waever O. and Wilde de J., 1998: 120). In another deeper sense, the term ‘community’ is often used in two different ways. It is sometimes used to discuss a place, such as a neighborhood, village, town or city. However, the term is also used to discuss a social grouping, such as religion, tribe, ethnic group or profession. The ambiguity of this term can be problematic when trying to understand what exactly is being discussed. Operational agencies are often used the term to refer to a place or else a level of operation (for instance, community level versus state level) but they use the term to mean an ethnic group, tribe or simply a group of people who live in a particular location (Derek Miller B. and Lisa Rudnick, 2008: 1).

In this respect, the term community adopted and understood in this study as ethnic group due to the apt for Sri Lanka. Communal insecurity exists when communities face a threat to their survival as a community by holding certain identity. In sum, communal security is regard large, self-sustaining identity groups, however, these are empirically varies in both time and place. The concept of *communal security* refers not to the individual level and to mainly economic phenomena but to the level of

collective identities and action taken to defend (Buzan B., Waever O. and Wilde de J., 1998: 120).

Meantime, Waever et al. (1993) portray that the evolution of *communal security*, as a concept, grew from debates on security in Europe in the post-Cold War era. Later it was developed as a conceptual approach by a group of scholars affiliated with the Copenhagen Peace Research Institute (Bilgin P., 2003: 211). Through this process, communal security and the focus on the insecurities of communities understood as national, ethnic, or religious groups (Ibid).

Waever (1993: 23) defines communal security in the following way:

“...the ability of a society to persist in its essential character under changing conditions and possible or actual threats. More specifically, it is about the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture, association, and religious and national identity and custom...” (Roe Paul, 1999: 193).

In addition to this, Waever (1993b: 191) further added that

“For threatened societies, one obvious line of defensive response is to strengthen societal identity. This can be done by using cultural means to reinforce societal cohesion and distinctiveness and to ensure that society reproduces itself correctly” (Ibid: 194).

Therefore, as mentioned above, the concerns regard to community is basically for community and maintaining its collective identities (Collins A., 2007: 167). Especially, as a fundamental difference in the nature of human rights and peace-building lies in the fact that human rights have an individual approach (to human security). “Peace” is understood not as a “state of mind” but as a “state of community”. Peace-building almost by definition is a collective effort. This difference has wide implications for the policy and practice of creating security in a community, at any given point in time. One such implication for the dilemma is visible in weak, post-conflict societies during the process of rebuilding their social and political infrastructure. In such situations, peace

organizations often argue for collective solutions to security problems, relating them to dialogue, reconciliation, reconstruction, and collective reparation (Nordquist Kjell-Ake, 2008: 4).

In the meantime, a community in which the majority live with such an expectation can be said to be a peaceful society. If the members of community need not fear attack or injury from others, little overt violence would be expected. Furthermore, if most of them can also reasonably expect to have their basic needs met, no significant covert violence or severe injustices would be likely. However, no society can fully guarantee security to offer adequate protection from natural disaster rather than man-made disaster (Reardon Betty, 1982: 14). These communal needs can be categorized in this way as well: economic, social, and, political. Due to the militarization process, these needs can be severely frustrated (Ibid: 19). Economic needs encompass not only basic survival needs, such as food, clothing, and shelter, but also the means and measures for society members to meet these needs through employment and education. Social needs included are recognition of one's personhood; affirmation as a valuable person; have human dignity acknowledged; have access to the benefits of being in community with other human beings; and, access to the means to communicate with and exchange ideas with other society members. These needs are usually fulfilled by social institutions such as churches, schools, voluntary groups, and in some cases by some professional services. Finally, as political needs, people also feel a need to participate in making the decisions that will affect their lives. Particular legally acknowledged political human rights also are recognition of communal needs (Ibid).

It also pertinent to mentioned here that a dysfunctional state also may be the chief source of insecurity for communities, through oppression, torture, imprisonment,

social exclusion or political persecution (Beswick D. and Jackson P., 2011: 11).

3.3.3 The Individual

In the security debate, individual level of security also required and recommended to being considered. Though the definition and discussions of human security is not been accused clear enough its level of approach and application, the range of its features extended to which 'the human', both physically and figuratively, should ever be completely secured (Ibid). In particular relevance for war-torn and post-conflict societies, human security is also closely related to notions of peace which go beyond the narrow definition of the absence of war or physical violence (Ibid). Meantime, positive peace, notably espoused by Johan Galtung (1969) in the context of conflict transformation, refers to a situation where individuals are not experiencing violence, means fear of violence or structural violence. Therefore, ending structural violence means that creating a situation where the life-chances of an individual and their ability to live a full, productive and happy existence, curtailed by the political, cultural, social and economic structures of the society in which they live. In this sense, a focus on the human as the referent object of 'human security' therefore entails much more on individuals. This notion has concretely admitted by David A. Armstrong and Christian Davenport (2008: 33) in their understanding of human security, which means the ability of individuals to remain safe from political violence. In a same manner, Beatriz M. Ramacciotti (2005: 2) stated that human security is ultimately relates to the protection of the individual's personal safety and freedom from direct and indirect threats of violence.

According to Emma Rothschild (1995), historically, a major part of liberal thought had the individual as the referent of security, therefore, there is a respectable

philosophical tradition to build on. In the 1980s, with the projects like the Brandt and Palme Commissions, security thought floated back towards the individuals. Rothschild argues strongly that regardless of whether it is intellectually coherent or ethically ideal, securitization of the individual is a real political practice of our times (Buzan B., Waever O., and Wilde de J., 1998: 36).

Booth (1991) argued the necessity of individual level security as:

“states cannot be assumed to act as provider of security at all times because some are willing to make significant portions of their population insecure in an attempt to secure themselves (for example, the Iraqi government that violates the human rights of its own people), and others fail to respond to the needs of their citizens (for example, Somalia)” (Bilgin P., 2003: 208).

On the other hand, for “human rights organizations”, the individual responsibility and its legal foundation and personal implications-both for the victim and the perpetrator-are the key features of the reconstruction of security in such a society. In addition, Johan Galtung (1982) pointed that one’s own security can be increased in two ways: increasing the invulnerability level of one’s own society, and increasing the defensive capability level (the capacity to reduce outside destructive capability) (Heininen Lassi, 2008: 3).

Yet, it is clear that traditional security approach has failed to deliver fruitful security to a significant proportion of the people of the world at the individual level. Insecurity from the individual perspective usually related with poverty and hunger, threats to health, illiteracy, environmental degradation, civil conflict, resource insecurity, human displacement through war, underdevelopment, the threat of illegal narcotics, and organized crime. However, for most individuals still a greater threat may cause from their own state itself, rather than from an ‘external’ adversary (Strategic Peace and International Affairs Research Institute, 2007: 4).

In the meantime, communal violence has a far-reaching effect not only to the community life but also on individuals (Maynard Kimberly A., 1997: 203). More importantly, intimate exposure to brutality and subsequent displacement and civil disorder leave individuals psychologically scarred and the intricate network of social interaction deeply torn (Ibid). Moreover, at the individual level, psychological illness can stem from exposure to mistreatment as either the subjective or the witness, or both. Shay (1994) pointed that four clusters of traumatic war experience among combat soldiers contribute to psychological trauma, including exposure to fighting, exposure to abusive violence, deprivation, and loss of meaning and control (Ibid: 205). Civilians living in combat zones clearly experience similar conditions and the growing number of them implies that psychological trauma is becoming more pervasive (Ibid). Children and women who witness attacks on family members, or are the victims of rape or assault are usually disproportionately affected by the psychological trauma (Ibid: 206). In addition, the loss of family members due to war is further caused insecurity, therefore it is deleterious physically and psychologically to women, children, and the elderly, who depend heavily on family support. In fact, in today's internal wars, the individual nature of traumatic psychological injury is potentially multiplied by the prevalence of exposure to violence (Ibid).

In another aspect, as individuals evaluate the level of security via cognitive processes, the outcomes are subjective. At the same time, security beliefs are formed on the basis of the perception of threat or insecurity in the environment with which the individuals perceive a difficulty in coping (Bar-Tal D. and Jacobson D., 1998: 59). Meantime, individuals may express beliefs or feelings about insecurity in various situations. In particular, political and military conditions can strongly influence feeling

of insecurity; meanwhile, threats of war, the possibility of terrorism or even just the political isolation of one's country, are examples of situations that affect people's senses of national insecurity. However, individuals base their personal feelings of insecurity not only on issues of national security but internal events may generate such feelings as well (Ibid: 63).

Furthermore, Daniel Bar-Tal and Dan Jacobson (1998: 62) added more by individual level security:

“..individuals strive to satisfy them by recruiting all the capacities of the organism as a safety-seeking mechanism. Security beliefs, as they originate from psychological needs, carry a special emotional meaning. Individuals, in their attempt to fulfill their wish for safety and minimise dangers, may selectively collect information about security, and avoid information that, in their opinion, endangers it. In other words, the underlying emotional needs for safety may act as a guiding force in information processing....”

In concrete situations, in particular societies with scarce resources, these differences can imply dilemmas for practitioners and politicians alike, who are advised very different approaches, depending on to whom they listen (Nordquist Kjell-Ake, 2008: 4).

3.4 Trust Building measures to ensure Security: Dealing with Structural and Psychological Issues

This final section implies that, not only what security means and what it looks like in different parts of the world, but also that there are particular actors which, through their conscious efforts, can shape the future in a desired way. In this point, what is the nature of the secure environment that would come in many shapes and sizes in practice (William D. Paul, 2008: 9). This study selects the measures which are not only related to structural and psychological means of security but also linked to the major focus of this study, reconciliation.

Creating the conditions for this security varies; sometimes it is achieved by

dialogue or negotiation between warring parties, in other places, a stabilization force with robust engagement is necessary. Security does not rest on military might and economic power (Porter E., 2007: 34). However, the traditional notion of trust building (associated to verify reductions in military forces and armaments among state actors) has been operated to mitigating volatile relations between former belligerents coming out of intra-state conflict. Especially in the absence of clear sets of agreed-upon norms and expectations among armed groups in internal conflict, trust building is designed to sustain negotiated settlements (and preventing the dangerous escalation of uncontrolled, local conflict to develop into a serious blow to the entire processes). Furthermore, this measure is affected by the political atmosphere of a settlement process, which may not necessarily end competition for unilateral gains (Jeong Ho-Won, 2005: 40).

3.4.1 Trust-Building Measures

Trust is the end product of respectful relationships. It has to be earned and can easily be lost. Before reaching trust, there are many preparatory stages to build trust. Meanwhile, de Greiff (2004) pointed in a personal level as trust involves more than relying on a person to do or refrain from doing certain things and also involves the expectation of a commitment to shared norms and values (Patel Ana Cutter, 2009: 263). In this sense, trust-building measures seek to reassure ethnic people about their future. Ho-Won Jeong (2005: 4) stated that trust-building measures have to be taken in order to induce cooperation and produce positive attitudes that can create an atmosphere more conducive to the peaceful settlement of differences. Meanwhile, to reduce risks for building trust, as Saadia Touval (1982) pointed that actors may resort to insurance and other forms of risk management (Lake D. A. and Rothchild D., 1996: 26). Through packages of coercive and non-coercive incentives, the state attempts to assure ethnic

minorities about their place in society. By means of these concerns, it seeks to get recalcitrant elites to rethink their belligerent practices and cooperation in joint problem-solving initiatives. In order to overcome minority fears, trust-building measures must be appropriate to the needs of those who feel vulnerable to the majority-backed state. The challenge as I. William Zartman noted, “is to keep the minority/ies from losing” (Ibid). Such safeguards, if handled sensitively over the years, may be able to cope with the central questions of insecurity and making credible commitments to overcome.

Following are the selected major trust-building mechanisms via structural and psychological means for helping ethnic minorities deal with their feelings of insecurity and promoting reconciliation.

3.4.1.1 Power-Sharing

When ethnic minorities fear about their exclusion from the decision-making process will leave them exposed and vulnerable to majority preferences, conflict management requires an effort by the state to build representative ruling coalitions. In conceding to ethnic minority members a proportionate share of cabinet, civil service, military, and high party positions, the state voluntarily reaches out to include these minority representatives in public affairs, thereby offering them an important incentive for cooperation. This can be informal (e.g., Kenya, 1960s) or formal (e.g., Zambia, 1980s) or democratic (e.g., South Africa, mid-1990s) settings. In both Eastern Europe and Africa, there has been a mixed arrangement of “hegemonic exchange” regimes, which is centrally-controlled one, or no-party regimes that let a limited amount of bargaining to take place between state, ethnic, and other elites (Ibid: 27). Simultaneously, institutional alternatives to power sharing emphasize the potential for the development of structures

that encourage individuals and community to move beyond their conflict-centered identities (Hoddie Matthew and Hartzell Caroline A, 2010: 10).

3.4.1.2 Elections

Though the elections are only a brief episode in a larger political process and to settle the contentious issue of the political legitimacy of the Government both inside and outside the country (Kumar Krishna, 1997: 7), they can have massive influence on intergroup collaboration and conflict (Lake D. A. and Rothchild D., 1996: 28). Furthermore, holding free and fair elections with broad-based participation in a responsive, representative political system is widely regarded as an effective mechanism for articulating the political aspirations of minority and other ethnic groups (Kumar Krishna, 1997: 7). In a positive view, Przeworski (1991) pointed that in a democratic political setting, where institutionalized uncertainty allows many players with an incentive to participate, the election process can legitimate the outcome (Lake D. A. and Rothchild D., 1996: 28). All groups are opened to organize through coalition and are given opportunity to gain power in the future. The competing procedural norm of this system not only given to minorities to get reassurance for their interests in an individual and collective basis but also they have get reason to be encouraged by the majority's commitment to the electoral contract. The effect is, undoubtedly, to preempt conflict. In a negative perspective, the implications of elections in multiethnic locations, however, is being troubled due to the limited opportunities and competition for positions and resources intense. When ethnic leaders seek to uphold their parochial interests by endeavoring to outflank their centralist rivals through militant appeals, the result may be to increase strife and undermine the frail, cross-cutting linkages that buttress regimes. This ethnic supremacy intensifies the minority to feel insecure. In some conditions,

leaders can resets and play upon latent grievances in such a way as to raise a collective response highly damaging to their stereotypic enemies. As a result, elections in certain situations can prove very destabilizing, threatening minorities with the possibility of discrimination, exclusion, and even victimization (Ibid).

In order to build trust in practice, elections can play their roles in some ways. Firstly, adopting such electoral systems would likely be to build a degree of confidence among ethnic minorities regarding their future political status. This can be done through by crafting constitutions by setting electoral rules (e.g., Nigeria, 1993) and structuring the elections (e.g., Russian State Duma or lower chamber of parliament, in 1993). By providing these measures, minorities can see electoral laws are reliable foundations for their security (Ibid).

3.4.1.3 Regional Autonomy and Federalism

By enabling local and regional authorities to wield an amount of autonomous power, rulers in the political center can promote trust among local leaders who come to exercise certain set of administrative responsibilities (Ibid). Measures on decentralization, regional autonomy, and federalism featured in peace negotiations, for instances, in Bosnia, Sri Lanka, Cyprus, Sudan, Angola, Mozambique, and South Africa. In attempting to construct a new balance between state and society, groups turn to decentralization as bridled central authority. Politically marginalized groups have vivid memories of disproportionate state penetration and continuing fears of majority domination. Therefore, the measures, holding the principles of decentralization and the authority, allows the local leaders and become trust-building mechanisms that safeguard the place of minorities in the larger society, for example in Ethiopia and the provision of 1994 Constitution (Ibid: 30).

3.4.1.4 Institutional Building and Improvements

First of all, *Institutions* as a concept encompasses many different social mechanism and organizations, from formal institutions, such as parliament, government agencies, academic organizations, business associations, nonprofit organizations, etc., to informal sets of rules, customs, and habits (Glick Beth and Levy Laina Reynolds, 2009: 40). By having their distinct characteristics of resiliency, longevity, versatility, and innovations, institutions can offer most effective outcome for building trust in transitioning societies. In particular, local institutions can offer advantages in which the stability and the trust can be cultivated (Ibid). Meanwhile, trust building lies in devising better mechanisms to engender credible commitment via institutional improvements, which can be included better constitutional safeguards, greater respect for the rule of law and superior regulatory capacities (Murshed S. Mansoob, 2008: 69). Furthermore, the capacity to innovate by institutions adapting new models to particular cultural and social context is possible, thereby caused societal transformations (Glick Beth and Levy Laina Reynolds, 2009: 40). In established democracies, an institution can provide trusted structures through which diverse groups can meet and negotiate peacefully, however, in formerly authoritarian states, especially those with a legacy of civil war, the government sector may lack the capacity, willingness, or legitimacy to bring people together and resolve disputes and promote peace (Ibid). In addition, created institutions can assist to resolve disputes or a conflict peacefully, and that helped to build trust. This could be occurred at the community, regional, or national level (Zelizer Craig and Rubinstein Robert A., 2009: 6). In the meantime, establishing new government institutions in the aftermath of civil war is necessary first step not only towards building trust but also fostering a sense of security and stability among the population. Furthermore, history demonstrates that

post-civil war institutional reforms often have unanticipated and surprising results with great implications for the durability of the peace (Hoddie Matthew and Hartzell Caroline A., 2010: 12).

3.4.1.5 Demobilization and Reintegration

Implementation and the process of demobilization and reintegration of former combatants is another essential measure in trust-building for both political and economic reasons. Successful efforts in the process by integrating both demobilization and reintegration practices, mutual trust among former adversaries can be built, thereby, the risk of renewed hostilities can reduce. According to Refugee Policy Group (1994), the experience of many war-torn societies indicates that when effective demobilization and reintegration programs were not or could not be implemented, fragile peace arrangements could be jeopardized and conflicts reignited (Kumar Krishna, 1997: 11). In addition to this, programs related to this also promote economic growth by reducing public expenditure and by making ex-combatants productive members in their respective communities (Ibid). In addition, Disarmament, Demobilization and Reintegration (DDR) programs seek to build civic trust between ex-combatants, society and the state (Patel Ana Cutter, 2009: 263).

3.4.1.6 Repairing Relationship

Building relationships can be engendered change in behavior and attitudes of the ethnic groups, and these relational changes made trust among each other to deal with the insecurity possible (Zelizer Craig and Rubinstein Robert A., 2009: 5). The security of ethnic people is in no small way based on reciprocity of respect. Ethnic affronts can be highly injurious to a group's pride and self-esteem, widening social distance between

groups and exacerbating fears among ethnic minorities that their children will be relegated to second-class status for an indefinite time, for example in Bosnia, former Yugoslavia and in the Sudan. It is imperative in building confidence that dominant state elites take minority ethnic resentments and anxieties into account rather than refuse consent on their demands. As Asmal et al. (1997), Lederach (1997), Kriesberg (1998a) and Bar-Tal (2000b) pointed out, unless old psychological hurts are taken seriously, it will be unable to overhang the bitterness and suspicion and uncertainty; thereby will contribute to serious conflicts (Bar-Tal and Bennink, 2004: 17).

3.4.1.7 Coping with Uncertainty and Fear

It is obvious that eruption of violence in conflict is compounded with uncertainty and the extremely high costs of sufferings thereby masses are motivated by survival considerations and may be conditioned by emotions, especially fear (Kalyvas Stathis N., 2008:21). Meenakshi Gopinath and Sumona DasGupta emphasized in their case studies that from Bangladesh how people experience security, show 'freedom from fear' is one of the main concerns of people and thus there is a need for a new vocabulary of a different security discourse that takes seriously on the issues of life, livelihood, and human dignity (Porter E., 2007: 23). Charles-Philippe David (2002) stated that, therefore, peacebuilding measures entails with many tasks to prevent the resumption of violence: disarming and demobilizing combatants, re-integrating them into civilian life, reforming the armed forces and the police forces, facilitating the safe return of refugees and displaced persons, de-mining areas affected by conflict and recovering light weapons (Jeong Ho-Won, 2005: 23). In order to conclude a peace agreement signed by the former adversaries, certain security situations are necessary to lend both parties to practice conflict resolution. If these conditions will be reached, it is clear to say, the

uncertainty and fear would be vanished. Successful cases identified, for instance, in Namibia, El Salvador and Nicaragua (Ibid).

In the meantime, in ethnic warfare, emotion of ‘anxiety’ of the other lies at the heart of ethnic conflict (McDoom S. Omar, 2011: 8). Especially, group anxiety is the inevitable consequence of comparisons made between groups and therefore, it limits and modifies perceptions, producing extreme reactions to produce and promote insecurity. In addition, fear of extinction is another one extreme emotional reaction to insecurity. At the same time, insecurity or even threat can be to the group’s cultural identity, its demographic survival, or to its self-worth (Ibid). In sum, ethnic conflict is the result of an insecurity to-or more precisely fear and anxiety over-one group’s status relative to another.

3.4.1.8 External Interventions

The other measure to shape the existing environment in a secured and build trust can be external involvement. When the conflict within the state is not sufficient to overcome the incentives for violence rooted in the strategic interactions of groups, it is necessary to turn to the international environment and ask whether external intervention can safeguard minorities against their worst fears.

External intervention tasks have been undertaking in three broad forms: non-coercive intervention, coercive intervention, and third-party mediation during both the negotiation and implementation stages (Lake D. A. and Rothchild D., 1996: 31). Non-coercive intervention can be helpful in raising the costs of purely ethnic appeals and in structuring the incentives of group leaders prepared to accept international norms for the purposes of recognition and acceptance (Ibid: 33); this has practiced in Bosnia, Chechnya, Rwanda and Sudan. Rather than coercive intervention means, third party

military intervention in intra-state conflicts in a peace-keeping or peacemaking role for a variety of reasons, such as to ensure food deliveries to the starving (e.g., Somalia, Bosnia), protect designated safe areas (e.g., Iraq, Bosnia), defend threatened peoples (e.g., Liberia, Rwanda), and establish a new regime (e.g., Uganda). It is vital to note here that this intervention does not create a desire among the parties to restore normal relations. Finally, third-party mediation is for encouraging adversaries to reconsider their alternatives and to determining for peaceful, negotiated solutions to the diversities. However, the difficulties in this practice normally associated are compounding by the obstacles to implementation. During 1980s and 1990s, several negotiated agreements was signed, fall apart at the implementation stage, for instances Ethiopia and Eritrea (1962), Sudan (1982), Uganda (1985), Angola (1975, 1992), and Rwanda (1994). The main reason for the failure lies with adversary parties and their inability to make credible and reliable commitments (Ibid: 37). As part of the explanation for the failure of agreements is pointed further as below:

“attributable to the international community and its unwillingness to provide the mediators with the needed economic, logistical, police, and military support to oversee the processes of disarmament, integration of the armed forces, repatriation of refugees, and holding of general elections. In addition, the guarantees made to one or more rivals by foreign governments and multilateral organizations may come to lack credibility in the eyes of local actors if domestic publics lose interest in far-off conflicts and retreat from commitments made at the high point of the struggle” (Ibid).

In sum, the internal and external efforts into trust building measures are potentially innovative instruments in the hands of initiatives intent on reassuring ethnic minorities. They designate a sympathetic concern on the part of those in power to the fears and uncertainties of minorities. By acknowledging and showing respect for diverse and by assenting to share resources, state positions, and political power with exposed and vulnerable groups, these measures reduce the collection of perceived jeopardies and

provide incentives for cooperation (Ibid: 29-30).

Conclusion

The all accounts portray about security in the review through structural and psychological means, illustrated the way how security is being understood, in which level security is needed, under which dimension security is functioning, and the ways which can be formed. After all, it has to be noted that understanding the broader concept of security is more challenging task therefore, this study attempts to specify the focus according to its application in this study and seeks a better understanding of security. In fact, a danger that will be caused due to the neglected feeling of insecurity, by structural and psychological means, is a prime barrier for promoting reconciliation in post-conflict and post-war nations. This has clearly understood throughout the study and the above account, hopefully, demonstrated new ideas do exist.

The next chapter entirely devoted to theoretical framework and its application in this particular research. By incorporating this particular chapter and the previous one, this framework will be drawn. Furthermore, to understand the necessity for structural engagement, that create psychological repertoire in the form of insecurity, the following chapter is pertinent. In the meantime, selected case study along with six key structural issues in mind the framework will be designed and outlined.

Chapter 4
Framework for Reconciliation in Sri Lanka:
To understand Sri Lankan Conflict and Reconciliation

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Introduction

This chapter outlines the conceptual framework employed for collecting and analyzing the data and spells out the empirical research questions pursued. This theoretical frame is one that links the conceptual insights from chapter two (Reconciliation Theory for Sri Lankan Conflict: A Structural Approach) and chapter three (Redefining Security for Reconciliation in Sri Lanka: A Structural and a Psychological Approach). The purpose of the designed framework is to clarify the way in which competing conceptions of reconciliation and security can be elucidated through looking at contestations over the strategies employed to promote reconciliation and manage conflict. After presenting the framework for this study, the chapter unpacks into the application and operational framework.

In this respect, this chapter is built upon the theoretically informed and empirically driven current evidence based upon the nexus between security and reconciliation. The specific objectives for this approach are to provide a framework in relation to deal with structural approach and measures of reconciliation and tackling the situation and the sense of insecurity; and, by doing this way of approach into the country-specific focus, where the feeling of insecurity is considered as a prime barrier to promote on going reconciliation process of implementation due to the structural means, the ground reality of insecurity can be identified and explored in one hand, and the strengths and weaknesses of the work and approach into the structural issues done by the newly formed Commission for reconciliation can be explored, on the other hand.

Deriving from both broad objectives, the study tries to find the reality, related to security, on the ground: (1) what is the assessment made by the Commission on the structural issues that are being posed barrier in promoting reconciliation; (2) what is the

real situation on the ground and how does those issues effect the post-war environment due to its nature of the sense of security of the ethnic communities as a reality and as a feeling in tri level. In order to meet these objectives and answer the questions, the intention of the country case study, with the selected six key structural issues, is to develop and understand the nature, extent, efficacy and potential of reconciliation, with a particular focus on the nexus with security. To ensure that research tools and methods are appropriate for the task, a case study was carried out to undertake coherent data collection by having collective critique and knowledge production related data analysis approach.

This chapter begins with the insights of literature review on security and reconciliation that steer the methodological approach. This is followed by a research framework and assessment, methods of data collection and analysis. The concluding part of this chapter summarizes the core features adopted in this study.

4.1 Methodological Approach: Insights from Literature Review

The literature review for this study focused on reconciliation mainly based on: what is the necessity for reconciliation in conflict emerging societies; what are the approaches; what are the initiatives; and, in which level reconciliation is to be initiated and needed. In the meantime, security related review basically outlined: how security can be viewed through the lenses of structure and psychology; what are the structural dimensions of security that create the psychological nature; in which level security related issue may affect and forced the need to ensure; and, how to deal with these dilemmas through structural measures.

Both of these explanations over the two major concepts of reconciliation and security provide a basis for understanding the concept and the application of

reconciliation and security for transforming conflict via structural measures on state, community and individual level employed by top level initiatives. It should be pointed here that big amount of literature, dealt by western scholars, concerned with theory and practice of ‘reconciliation’ and ‘security’ is hugely inadequate to find the structural and psychological interlink within these concepts. This fact was taken into consideration while applying and designing the theory for this particular study on a South Asian country of Sri Lanka, mainly according to its peculiar need for reconciliation by providing structural measures and building an internal and external sense of security.

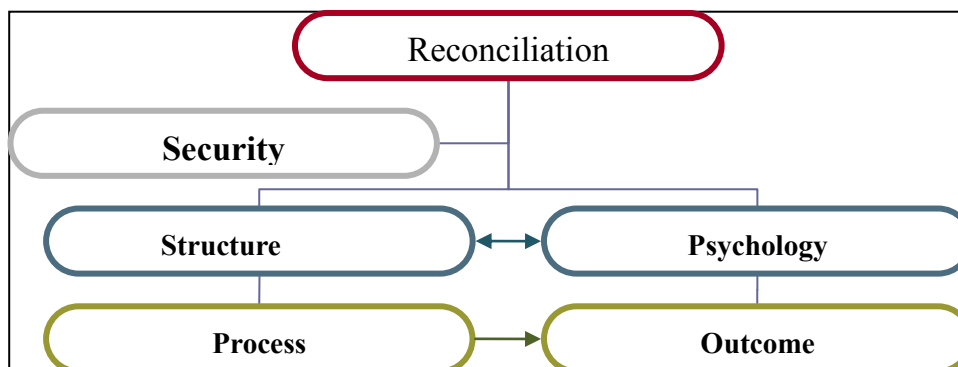
4.1.1 Reconciliation and Security Literature Review: Theoretical Insights

The literature review, both on security and reconciliation, offers a range of insights and guidance for this particular research approach, which is presented below and summarized in Figures.

Firstly, regarding reconciliation, despite the broad and diverse understanding and definitions of reconciliation, addressed in-depth in the chapter two of this dissertation, the literature review on reconciliation as a concept as well as approach in relation to the prime purpose of this study, suggests that into three: structural and institutional; socio-psychological; and, spiritual/holistic. Although the incorporation of the components of reconciliation by in which way it apply can be vary according to its essentiality and the way of selected practices, this study developed a methodological approach that can capture the security aspect and its potential to contribute to reconciliation and its current position within reconciliation operations in post-civil war Sri Lanka is structural approach. Kelman (1999a), Bar-Tal and Bennink (2004), Kriesberg (2004) and Valerie Rosoux (2009) are slightly touched upon security and

structural approach of reconciliation in their works.²¹

Figure 14: Theoretical insights of Reconciliation and Security



Source: Author

Unfortunately, most of the scholars and practitioners related to this concept and practice not much impressed in this particular approach because of their strong stand that structural measures are irrelevant to reconciliation and not necessarily contribute to deep psychological changes and spreading new message of reconciliation among majority of society members, which is the essence as well as end goal of reconciliation. In the meantime, they, somehow, agree on dealing with existing structural based conditions can facilitate reconciliation rather establish. Most specifically relate to the link between structural and psychological approach with security, Bill McSweeney (1999), Scott Feil (2002), and Janis Grobbelaar and Jama M. Ghlaib (2007) pointed in their work as, on the one hand, material conditions that critically affect the condition of security and on the other hand, that can create changes in the cognitive conditions too. Along with this, view through the lens of reconciliation as a process, as well as an outcome, this study incorporate these two concerns since the research itself dealing with security and reconciliation comprised with the features of structure and psychology.

²¹ For detail see chapter two of this dissertation

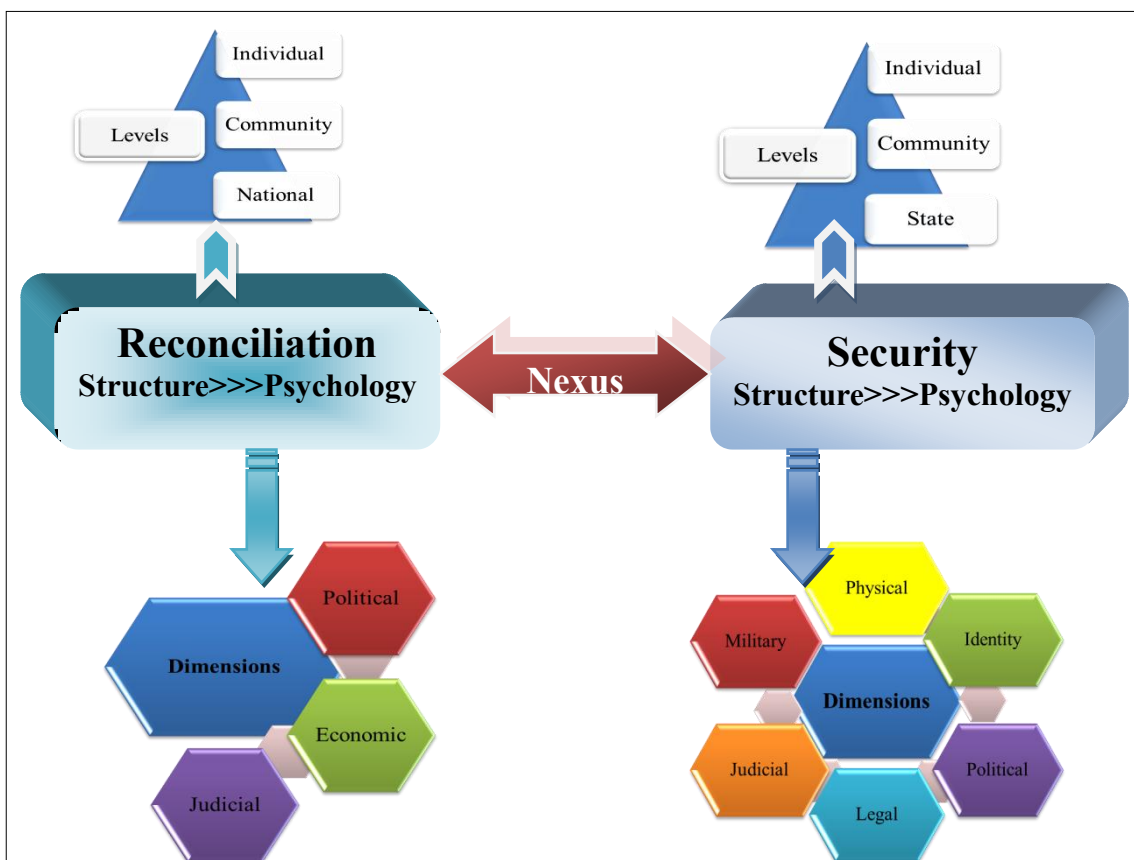
Holding structural measures, by incorporating the key structural security related issues, to tackle the sense of insecurity obviously fall under the process of reconciliation towards its end goal that means changes in cognitive nature (see figure 14).

Secondly, having laid out the key insights from the security related literature review considered as having a theoretical basis under two domains, structural and psychological. Meanwhile, this study is developed a broader analysis of the limitation of current research in the field of security studies to link with reconciliation, in particular its psychological features. Moreover, as Herz (1951), Waltz (1979), Jervis (1978) and Saideman S.M and Zahar M.J (2008) pointed, the concept of security and its application brought from the discipline of International Relations, lack of psychological analysis of security still prevalent in a greater level. In the meantime, this discipline targeted on security in an international level as well as in a defensive means. Though this trend has been changed, as broadly analyzed in the chapter three of this dissertation, by the conflict and peace studies related scholars and practitioners, still the special emphasis on the psychological analysis of security as well as its link with the structural issues and measures taken on the ground is being under estimated. In the literatures of security in brief, as a feeling, security basically categorized as sense of security; sources of insecurity; and, conditions required for increasing security. In the meantime, certain literatures are admitted that dealing with security through structural means is possible and influential and the cognitive dimension of security is described as a consequence of a structural condition. Therefore, they are coming to the conclusion that security has both subjective and objective features. This study is developed from this understanding and the limited focus and locating them within the broader focus on security through structural issues and its psychological impediments as consequences. This can be

enriched the aim of this study to link security with reconciliation.

In these above explanation, by combining the structural and psychological theoretical separation into the selected key issues and analysis, and explores the nexus between security and reconciliation into two analytical domains: dimensional levels (physical, identity, political, legal, judicial and military; and the referent object levels (individual, community, and the state) (see figure 15). In doing so it seeks to locate existing structural issues in their full complexities and trace their effects with the efforts engineered upon reconciliation. The findings of the fact will then be synthesized to draw out broad generalizations on the nexus between security and reconciliation.

Figure 15: Features of Reconciliation and Security adopted in this Study



Source: Author

In sum, the starting point for this research was to draw a new framework to the

connection between security and reconciliation by developing a full account of the tasks of reconciliation oriented with structural elements, specifically examine the hypothesis that unless the structural and psychological needs of security properly address and deal in the reconciliation measures, the process towards it wouldn't be smoothly implemented. Therefore, feeling of insecurity caused by structural and psychological means should be seriously considered in the implantation measures to adopt for reconciliation. Though in the literatures on reconciliation provides the structural and psychological aspects, security related theories not clearly offered the structural and psychological nature of security and its interconnectedness and influential level. It is essential for this particular study to find these two features of security to link with reconciliation, since the study deals with reconciliation through structural measures towards psychological change, as a process and as an outcome. Meantime, theories dealing with reconciliation moves back and forth over security without providing a clear explanation of how the nature and dynamics of security are connected and influenced reconciliation.

4.2 Application of the Theoretical Framework in the Research

In fact, structural measures and issues existing on the ground, (it is important to note here that it is realized by the author of this study), is being played a significant role in creating and sustaining the feeling of insecurity and thereby, impact the ongoing process of reconciliation. Meantime, the most visible dimensions of the selected six key issues, political solution, militarization, resettlement and land issues of IDPs, rehabilitation and reintegration of former LTTE combatants, abduction, arbitrary arrest and disappearance, and, war crimes and accountability, according to their respective nature, in the analysis are the identified and discussed underling priorities that are now need to be dealt with in

more. The all mentioned selected prime issues fall under the given category of six dimensions of security, on the one hand, and these six are at last link with the three major certain classifications on the dimensions of reconciliation, on the other hand. Meanwhile, the required reconciliation in Sri Lanka has to be more practical base on which to ensure security and place reconciliation more centrally in the overall post-war peacebuilding process. Due to the all senses, the selected theoretical framework has efficacy and feather implication.

As stated in the earlier part of this chapter, the overarching objective of the study is to look at how reconciliation links with security in post-war Sri Lanka. In order to achieve the aim, the author intends to investigate the connection between these two concepts by holding six structural issues and comparing with the report of the LLRC and the ground security barrier reality. Furthermore, as clearly showed earlier, especially in the introduction part of this dissertation, this study explains the necessity for dealing with structural issues to reach negative psychological repertoires, which is highly required for promoting and establishing reconciliation.

4.2.1 Contested Structural Issues in Relation to Security

As explored in the theoretical chapters (chapter two and three) structural and psychological factors are highly connected and have overwhelming influences, meantime, appear crucial while linking with security in determining reconciliation as an outcome. A focus on the selected six key issues to deal for reconciliation provides a context within which these nexus and intersecting relations between security and reconciliation can be examined effectively. Most importantly, the issues that are identified are the basic needs related to security in its structural and psychological aspects on the one hand, and are the prime prerequisites on the ground for living normal

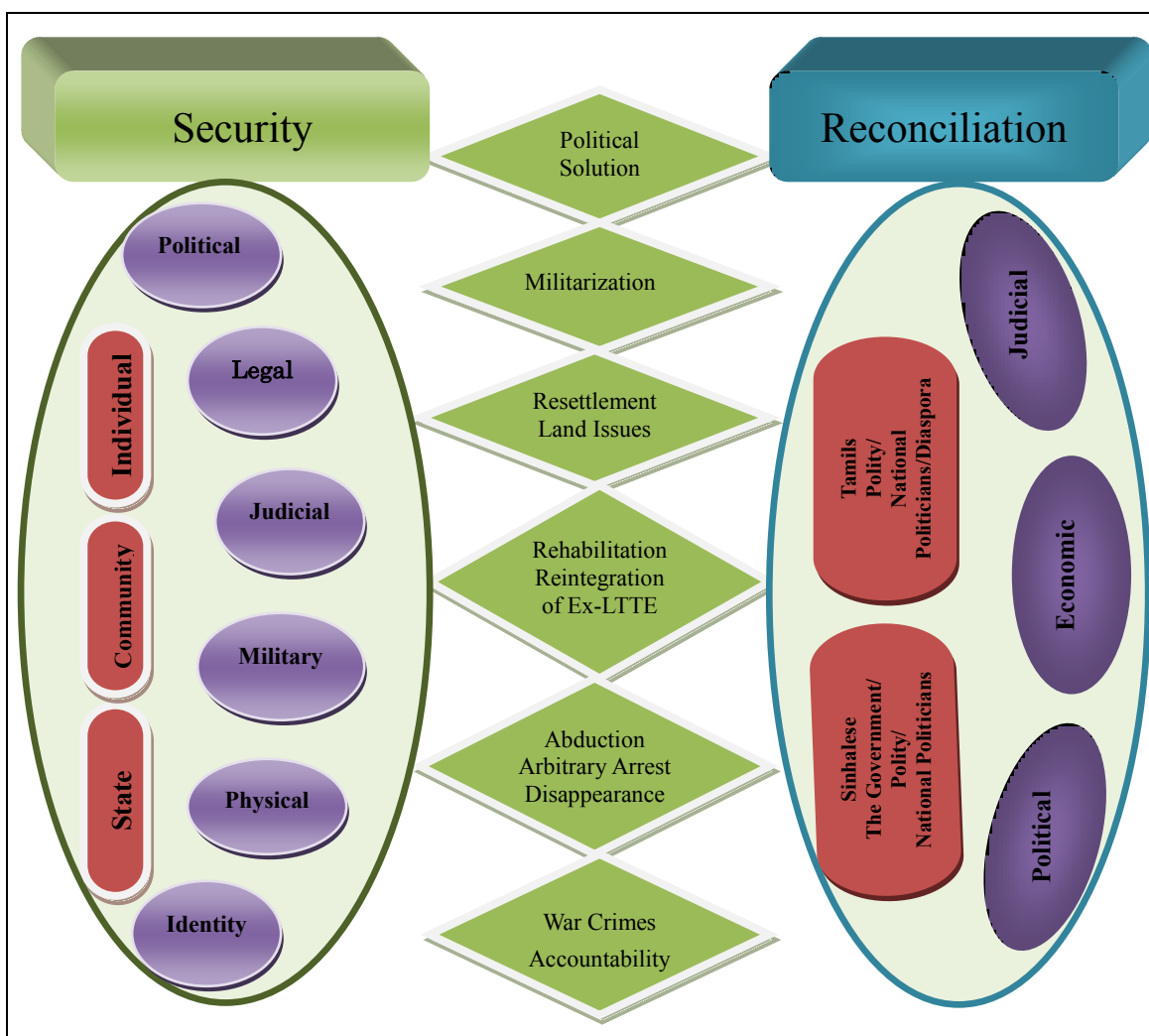
secured life. Simultaneously, the selected issues are in a larger circumstance relates to the all three level of security, state, community and individual. At the same time, these issues were chosen because they are intensely and broadly contesting the process of reconciliation. Other issues addressed in the report of the LLRC are also contested, but less intensely, or for reasons that may be related to simple logistical purposes, rather than arising from deeper negative impacts in the sense of security of the ethnic groups and in the implementations of reconciliation, for examples people's participation in the Governance, transport issues and conditions of roads, language related issues and so on. Furthermore, the six selected issues chosen in this study also contain within them the security aspects that are germane to the understanding of broader structural nature of the conflict and civil war left over issues that have characterized Sri Lanka's violent past. Therefore, these six issues thus provided a very suitable context within which to examine the nexus between security and reconciliation and the implication of the recommendations of the Report of the LLRC. Comparing the contrast situation prevailing on the ground provides an opportunity to examine whether the ground reality produce the need for ensuring security for reconciliation conceptions and strategies by the Government and the LLRC Commissioners.

4.2.2 Dimensions of Contested Issues and its Influencing Levels

Issues that are being influenced in the levels with different dimensions are analyzed in three basic components: state, community, and individual; and, political, legal, judicial, military, physical, and identity. These are not clear distinct categories while the selected issues and its nature are concerned. There is a great deal of overlap among them therefore the distinction is made here mainly according to the issues that are selected for analytical purpose. Furthermore, particular attention is given in the focus as well as

analysis to certain issues by focusing both security and insecurity nature in its structural and cognitive form according to its level of influence (see figure 16). After analyzing the extent and link with security, the broad patterns characterizing the linkage with reconciliation is concentrated.

Figure 16: Security and Reconciliation (Issues/Dimensions/Levels) in the Sri Lankan Case



Source: Author

4.2.3 The LLRC Depiction and the Ground Reality

The dissertation focuses on the Report of the LLRC and its implication in promoting reconciliation in post-war Sri Lanka. The Introduction in Sri Lanka of the LLRC was

greeted with enthusiasm (by most Sri Lankans as well as international commentators) as a unique and innovative way of addressing the issues of the past and the present in a way that could promote reconciliation. Though the central themes of the LLRC's strategy were on structural issues and reconciliation, mentioned above, the commitment towards these structural issues, however, stands in contrast to its broader goals that focus more on security aspects and its ground reality, thus providing scope for competing interpretations and criticism with regard to the implementations of the recommendations addressed in the Report of the LLRC. In fact, there is a grave gap between the ground reality and the depictions of the LLRC in relation to security. It is mainly a question of feeling insecure by both two major ethnic communities, Sinhalese and Tamils that burdens the implementation of the recommendations regarding the particular selected issues.

4.3 Operationalization of the Theoretical Framework

The analysis of the selected key issues in this study refers to the way that the Report of the LLRC dealt with each selected key issue: what were the observations regarding the issue; how the issue studied and analyzed; and, in which aspect the recommendation made on behalf of the issue presented. In the meantime, analyzing the issues on the ground portray as: what is the nature of the issue relates with the sense of security existing on the ground; dimension and the level it affects for the ethnic groups; and, finally, analyze the nexus between security and reconciliation. While comparing the ground situation, the inadequacies of the coverage of issues relating to the security in the Report of the LLRC can be found.

By using the proposed theoretical framework, the author of this study realized that selecting qualitative method is more suitable. Furthermore, in order to provide a

great deal of critical descriptive detail and reporting the fruits of research, it is important for context understanding of the issue, in the report and in the ground. As earlier pointed, the analysis of the certain six key structural issues and its dimension as well as levels of insecurity caused, it is more appropriate to utilize the qualitative method for this particular study.

Moreover, it is to be mentioned that the complex selected structural issues in several dimensions and in certain levels limit the degree of quantitative research applicable. This complex nature of the key issues is examined by evaluating the nexus between security and reconciliation. This study is also naturally case sensitive, drawing on information strictly from the case of Sri Lanka. The complexities of the reconciliation and the need to highlight the structural and psychological aspect of security justify the use of the above-mentioned methodologies.

4.4 The Analytical Framework of the Investigation

In order to be able to find the ground reality with related to security via structural and cognitive means, it is necessary to be aware of the security barrier posed to implement the recommendations addressed by the LLRC for promoting reconciliation in the post-civil war phase Sri Lanka. By ensuring that people or state have the ability or expectation to meet their security through basic needs by either structural means or psychological matters (as mentioned in the chapter three of this dissertation). For these needs to be met, both ethnic groups, including individuals and community, and the State have to be sure of their security in various dimensions. In order to commit this fact, the framework of this study employed with the USAID Conflict Assessment Framework adopted with the features of Human Needs Theories to analyze the selected six key structural security related issues existing on the ground. More specifically, the

objectives of the assessment include the followings:

- ✧ identifying current gaps/needs and opportunities for action in the area of security-including as it relates to the issues related recommendations addressed by the Report of the LLRC in terms of implementation on the ground;
- ✧ involving target levels of operation in the design of the assessment to ensure the security need in various levels and the way it operates;
- ✧ establishing baseline information on the current reality related to the sense of insecurity of the ethnic communities on the ground, regarding the selected issues that are concerned; and,
- ✧ identifying the real challenges existing on the ground in integrating the recommendations of the LLRC into operation due to security.

The questions raised largely focused on the assessment: what the biggest unmet human needs related to the sense of insecurity caused by the selected six issues, structurally and psychologically, to the ethnic communities including individuals, community, and the state, and the link to the ongoing reconciliation process; institutional efforts/initiatives to security issues; and the measures required to prevent.

4.4.1 Description of the Selected Assessment Tool and Adopted Theories

This study is derived tool and theories for assessing the security on the ground based on the perspective of issues as causes for instability that relate to the feeling of insecurity and security as a need. It is important to mention here that according to the United Nations Institute for Disarmament Research (UNIDIR), there are currently no assessment tools dedicated fully to understanding security in an operational level,

though such learning may occur in the course of conducting other forms of assessment such as of conflict or livelihoods (Miller B. Derek and Rudnick Lisa, 2008: 40). In this respect, the selected assessment and theoretical models for this study based on the two aspects, mentioned above.

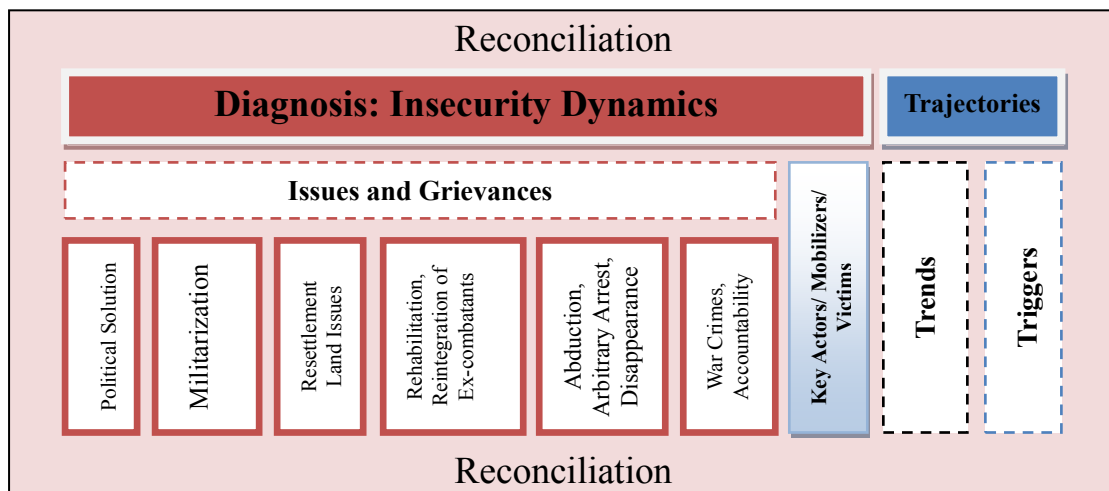
4.4.1.1 The USAID Conflict Assessment: Profile/Criteria/Components

A conflict assessment is a systematic process to analyze and prioritize the dynamics of peace, conflict, stability, and instability in a given country context, by consisting two main features: *diagnosis* and *response* (USAID, 2012: 1). These two aspects focus on examining the dynamics of the particular situation by identifying the current features and future scenarios that could alter the risk factors. This further enables the analytical task by focusing on the issues ranging from policy position and interests to practice and implementation (Ibid).

In the above mentioned two features are consist in the USAID conflict assessment framework, ***Diagnosis*** understood as identifying the current *conflict dynamics* and determining likely *future trajectories*. These two aspects occur within a specific *context*. In this respect, conflict dynamics describe by USAID as the interplay between latent *grievances* and *resiliencies*, and the *key actors* who *mobilize* people and resources based upon them. In fact, mobilized grievances are often the *drivers* of a given conflict. Furthermore, *context* here refers to a range of factors, such as fundamental social and political institutions, economic structures, demographics, international and external connections and so on. Grievances and resilience emerge from an interaction between *identity groups* and *institutional performances* that produce enduring *social patterns*. Trajectories refer to *trends* and *triggers* that can lead to greater stability or instability, conflict or reconciliation (Ibid). By having these components this

particular assessment model comprised with three basic types of analysis for sorting out the data: facts, feelings, and forecasts, or “the three Fs” for brief. Facts mean the situation that caused for conflict, for instances the size of armed forces or the level of inequality; feelings refer to perceptions, attitudes, and judgments that include group perceptions or shared narratives about that particular situation or event; and, forecasts represent a combination of facts and judgments by knowledgeable people to produce and an estimate of how future may unfold (Ibid: 3).

Figure 17: Insecurity Assessment Framework



Source: Author

As a qualitative based research, dealing with the feeling of insecurity of ethnic communities to the promotion of reconciliation, adopt and amend this USAID conflict analytical tool is applicable and pertinent. By having the ethnic conflict, which is still active at present and the post-war issues are being contested on the ground in mind, analyzing the selected six outstanding issues in a systematic way and prioritize security as a major consideration as well as a barrier for the ongoing reconciliation process in Sri Lanka engaging this framework upholds intellectual honesty and integrity. The features of diagnosis insecurity comprised with dynamics, grievances and resiliencies, key actors,

and trends and triggers. These are fall into “**the three Fs**” as identified above. The figure 17 portrays the selected framework in a diagrammatic form.

4.4.1.2 Human Need Based Focus on Security

The focus here seeks to highlight the findings and feedback, which extremely vital for reconciliation that responds to the highly challenging structural, policy and operational needs on the ground.

A “need” is actually means a discrepancy or gap between “what is” and “what should be” (Office of Migrant Education, 2001: 2). According to Rosenberg, violence is a tragic expression of unmet human needs, implying that all actions undertaken by human beings are attempts to satisfy their needs (Gert D., 2005: 3). In the meantime, there are conflicts and violence due to subsistence needs, such as protection, identity, recognition, participation and understanding (Ibid). Giving importance to the basic human needs together with subsistence needs is essential to the wellbeing of all human being; this can able to be addressed in current and intractable conflicts. In this respect, a human need based framework is to be adopted a systematic set of procedures that comprised with determine needs, their nature and causes, and set priorities for future action.

Considering the structural and psychological features of security (discussed in the chapter three of this dissertation) it directly falls as an essential need in any forms either basic need or subsistence need of security; various scholars applied this notion under the theory of human needs, such as Abraham Maslow, John Burton, Marshall Rosenberg, and Manfred Max-Neef.

Abraham Maslow put emphasis on the hierarchy of needs, stating that some are more urgent than others. His idea over human needs relate with security established in a

pyramid form starts from physiological needs over safety needs, safety needs over belongingness needs, belongingness needs over esteem needs, and finally esteem needs. In his explanation of needs, he believed that once the physiological needs are met in sufficient detail, people move on to address the more complex needs. In this sense, the next stage move to safety needs since the physiological needs require maintenance throughout life, so does the need to feel secure; in fact, this is more psychological. With that being said, safety needs may be different for people, depending on where they are in life (Bob P., 2009: 349-350). In the psychological view point of security, safety is the feeling people get when they know no harm will befall them, physically, mentally, or emotionally; and, security is the feeling people get when their fears and anxieties are low (Martin D. and Joomis K., 2007: 74). In this respect, it is clear that psychological aspect of security considered as a need, therefore, in order to full fill this need structural measures and efforts can be influenced and contributed.

John Burton looks at human needs relate to security, in his work on protracted social conflicts, how universal human needs are often neglected, leading groups to use violence to claim their rights and satisfying their needs (Gert D., 2005: 4). Furthermore, what is really a compatibility of human needs, he argues that education and culture make parties manipulate the issues and dehumanizing the other parties (Ibid).

Marshall Rosenberg emphasizes that human needs are universal and meeting them is essential to human survival and well-being. He further states that education and culture often alienate people from connecting with their real needs therefore, he proposes a model for connecting own and others' needs by applying in all levels of community (Ibid).

The Chilean economist Max-Neef proposes nine universal human needs,

through which, in his argument, we can achieve human development and peaceful societies (Ibid). Like Burton and Rosenberg, Max-Neef agrees that no need is superior to other, and that they all are complementary and essential to human life and wellbeing (Ibid). Table 3 portrays the needs defined and addressed by the four scholars, mentioned above. While linking the identified needs, relate with security, by scholars, it directly connected to either structural or psychological nature of security. Furthermore, the selected key issues in this study fall under these divisional categories.

Table 3: Human Needs, as presented by Theorists

Maslow	Burton	Rosenberg	Max Neef
Food, water, shelter (1)	Distributive justice	Physical Nurturance	Subsistence
Safety and security (2)	Safety, Security	Interdependence	Protection
Belongings or love (3)	Belongingness, Love	Integrity	Affection
Self-esteem (4)	Self-esteem	Autonomy	Understanding
Personal fulfillment (5)	Personal fulfillment	Play	Creation
	Identity	Celebration and mourning	Identity
	Cultural security	Spiritual Communion	Leisure, Idleness
	Freedom		Freedom
	Participation		Participation

Source: Danielsen Gert (2005)

Simultaneously, in a more practical view of need applied into an assessment tool, incorporating with security, Security Needs Assessment, by the UNIDIR, is conduct for improving operational effectiveness through the better alignment of agency goals and

resources in a communal level of security needs (Miller B. Derek and Rudnick Lisa, 2008: 41). It aimed to create systematic and rapid means of assessing local security problems. Due to the various levels and different forms of local-level security problems the measure identified the background and essence of the certain issues. In fact, the need, in relation to security, understood in the UNIDIR assessment under two main concerns: how the security prioritizing issue needs operational effectiveness; and, how is increasingly concerned with addressing community security as a means of achieving it (Ibid: 7).

By holding all mentioned above in mind, the framework of this study is brought from the need based theories and is employed security as need, targeted under three principles: structural and psychological need of security and its relevance with the selected issues; security dimensions; and, the operational level the need required. Under this selected framework, all work stemming from those three principles and identified interlinked components, each one centered on assessing a different aspect of implementation.

In this point, along with USAID amended model, security as a need, this study seeks to design and test a way of conducting assessments of individual, communal, and state level of security that puts different dimensions at the center of the assessment process. In order to do this endeavor, it pursues to make explicit the range of structural issues related with security, faced in above mentioned three levels, that are relevant to the implementing process undertake. This is done by systematically assessing those selected key problems by using the experience and explanation.

Furthermore, the assessment exercise sought to gauge the level of knowledge about and available information on the nexus between security and reconciliation

process in Sri Lanka. In doing this, it is also imperative to identify existing gaps, needs and challenges to, as well as opportunities for, the effective implementation of the recommendations related to the structural key issues, not only for ensure security, but also within the broader areas of reconciliation. In order to elicit this information, number of questions was posed and respondents were given the reasons and facts orally during the in-depth interviewing.

In sum, having the selected assessment tool assessing the security situation and its relevance with the reconciliation process in post-civil war Sri Lanka become systematic. In light of the on-going reconciliation process, the assessment model applied to the selected six key issues existing on the ground further intended to generate detailed background information of the certain issues as well as the effects and barriers those issues caused in promoting reconciliation in Sri Lanka. In addition, the assessment is designed to raise awareness on, and enhance the implementation of the recommendations of the LLRC on the ground.

Conclusion

At the more macro and general level, this study is concerned with security towards reconciliation in post-internal war-torn societies. It departs from an understanding that dealing with the structural and psychological needs of security is ultimately required in individual, community, and the state level with the dimensions of physical, identity, political, legal, judicial and military, with respect to the selected issues, for post-civil war-ridden society to build and promote reconciliation. It assumes, in other words, neglecting the feeling of insecurity, created by structural and psychological means, is a key obstacle for fostering reconciliation. Therefore, bringing security together with reconciliation is pivotal and that can make the effort more fruitful and effective.

In this respect, this chapter has portrayed the selected theoretical and operational framework that could help explain the nexus between security and reconciliation. In relation to reconciliation and the implementation of the recommendations by the LLRC, empirical study and respondents from the field found a plethora of different views that related to the gap between the LLRC's approach and recommendations on the selected issues for reconciliation and the prevailing ground reality and the expectations and challenges ahead for implementation. Therefore, the designed analytical framework is employed the Conflict Assessment tool and the components of human needs theories presented by various scholars. This serves to illustrate how structural and psychological position of security is embedded in a deeper impact in understanding the promotion of reconciliation in post-war nations. In this respect, the analytical framework presented in this chapter shows the six key issues, dimensions, and the levels of influencing. The selection of the issues, by relating to the dimensions and the levels of impact, allowed author to draw out the linkages among the issues and also gave to connect with reconciliation and the barrier for implementing the recommendations of the LLRC.

Lack of focus on security aspect by the LLRC is a major reason for delaying the process of implementation. Although the initial reaction for the release of the Report created massive level of appreciations and expectations to move forward from the country's past, the later part fell back on a high level of criticism with regard to the implementation. Due to this fact, the following chapter will focus on the commissioning experiences in promoting reconciliation in Sri Lanka, in general and specifically on the newly formed Commission of LLRC, since the purpose for devoting upon has rationality; the research itself is an evaluation on the Report of the LLRC.

Chapter 5

Reconciliation in Sri Lanka: History of Commissioning Mechanism

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Introduction

To unite the Sri Lankan fabric, polarized throughout the decades of conflict and protracted civil war, there are several policies and practices are being commenced and engineered in the operational phase aimed at reconciling the hearts of rulers and ruled. As a fruitful operation reconciliation requires a multi-layered approach for transforming societies emerging from conflict nature and the practice should also be launched early in the pre-settlement phase and form part of peace making (Dev Anand Ramiah and Dilrukshi Fonseka, 2006: 7); this is evidently pointed in the chapter two of this dissertation. Though the reconciliation practices have been initiated during the protracted civil war in Sri Lanka, the issue of reconciliation has featured prominently in public discourse in the post-civil war phase.²²

This chapter primarily focuses on the post-civil war Commissioning reconciliation mechanism, established by the Government of Sri Lanka, and its major features as well as operational phase. However, it is possible and essential to make a general understanding on the term ‘reconciliation’ and its practices related to Sri Lankan context before the conclusion of civil war. In order to achieve this aim, this chapter preliminary focuses on the understanding of the term and practice of reconciliation given in the Sri Lankan context. After identifying and specifying this, the chapter takes an overview on the process of reconciliation by incorporating the two phases: before and after the cessation of civil war. Then this chapter specifically offers a review on the past commissioning establishments and executions by the Government of Sri Lanka for promoting reconciliation. After reviewing this, it is followed by the primary focus on

²² Cited in *Reconciliation in post-war Sri Lanka*, Accessed in <<http://www.insightonconflict.org/2013/01/reconciliation-post-war-sri-lanka/>> Last visited on June 10, 2013

this study, post-civil war Commission of Lessons Learnt and Reconciliation, featured with its key organs and operations. The conclusion ties together with the all discussions made in this particular chapter.

This chapter is essential to fulfill the purpose of this study as well as linked with the broad picture of the nexus between security and reconciliation due to these following reason: as a method of reconciliation, commissions are playing their role through structural and psychological means; this particular study itself is approached reconciliation practice by holding a commission named LLRC; descriptions and demonstrations on the Commissions, established before the LLRC, are also pertinent due to understand the LLRC along with its significance in the post-war phase, through a comparative focus. The chapter found that compare with the past commissioning experiences the LLRC and its final outcome for promoting reconciliation is a good beginning rather than an end product since the challenges existing on the ground to implement its recommendations due to its limited mandate as well as its lack of focus on the issues; the inadequate focus identified in this study was on security.

5.1 Understanding Reconciliation in the Sri Lankan Context

With the military defeat of the LTTE the protracted civil war came to an end under the *win-lose* scenario; as a result the approach towards reconciliation practices expected more genuine approach since the win achieved their target, however, the lose got failed. In this sense, to deal with reconciliation in post-civil war Sri Lanka it is mainly required to focusing on many structural issues that are left over as well as formed, during and after the cessation of war, respectively. Simultaneously, those issues induce negative psychological outcomes due to the insufficient attention paid so far. Though the civil war concluded, the root causes of the conflict, those identified in the chapter one of this

dissertation, still remain and have not been properly addressed and incorporated in the ongoing reconciliation measures. Furthermore, the long-drawn-out civil war caused additional negative fallouts, such as physical destruction to infrastructure and an amplification of socio-economic deprivation in the war-torn areas and the rest of the parts of country. These structural forms of issues are leading to increase the sense of insecurity between the major ethnic communities and thereby, the gap in trust and mutual understanding between these two ethnic groups are being widened up. It is apparent that holding structural measures to deal with structural issues throughout the reconciliation process can facilitate the psychological impediments, being produced by these issues, to change positively. Thereby, structural and psychological dimension of issues and the feeling of insecurity, created during and after the conclusion of civil war, can be improved by addressing those in the execution of ongoing reconciliation practices. Therefore, the sincere reconciliation process has to be put forward in trying to bridge the gap by involving with the structural issues and its nexus with security.

Especially, in the communal phenomenon, due to the past undesirable as well as harmful experiences, for the Sinhalese community, reconciliation practices need to allay the fears and anxieties about their ethnic ‘other’; even though they are majority in the population pattern they have their own share of concerns, both real and imagined. These negative psychological repertoires have been formed mainly due to the colonial practices and the LTTE’s atrocities committed against the innocent civilians and the historically ruling Sinhalese governments. Conversely the Tamil minority is laboring under a lack of confidence and trust as a result of failed aspirations and expectations, especially, unceasing discrimination, which is seen to lie at the root of the three-decade conflict has been attributed to the conflict between these two ethnic populations, thereby,

it motivated them towards the demand for geographical separation and self-determination (Wijesinha Rajiva and Yusuf Salma: 2012).²³ Therefore, the genuine reconciliation expected process building a sense of security is a prerequisite to operate within the Tamil polity as well as the Sinhalese polity since the currently existing trust deficit towards each other has been established throughout the past practices and experiences till present. It is clear, in this respect that, though the country entered into the post-civil war stage, feeling of insecurity still prevalent from both the Sinhalese and the Tamil community due to the prolonged nature of conflict and civil war on the one hand, and the war left over issues and the post-war arrangements, on the other hand.

5.2 Operating Reconciliation during and after the End of Civil War

In Sri Lanka, during the civil war was on hold, reconciliation practices employed in the operational phase was not fully integrated and motivated to dealing with structural and psychological aspects of conflict and its transformation (Ramiah Dev Anand and Fonseka Dilrukshi, 2006: 11). This got justification for the responsible bodies, which were engaging in it, due to the various challenges headed. For instances, escalating threats to human rights and security prevailed almost entire part of the nation and the increasing fragmentation within and between interest groups were not conducive to move forward with reconciliation; significant resistance from many quarters to mainstreaming reconciliation, this was happened in part to the experiences of previous reconciliation initiatives that were perceived as poorly and ineffectively implemented; and, there had been little effort put on to locate reconciliation in Sri Lanka in ways that are attuned to the needs, interests and fears of the people or that account for political,

²³ Cited in *National Policy on Reconciliation: Working Document-Draft one*, Accessed from <<http://reconciliationyouthforum.org/national-policy-on-reconciliation-working-document-draft-on>> Last visited on March 17, 2012

socio-economic, religious and cultural factors, this in turn explains the disaffection many people feel on the concept and its application to the local context (Ibid: 11-12).

This trend has been changed soon after the conclusion of civil war under two main features. Firstly, need and practices related reconciliation for dealing with the political solution; humanitarian issues such as resettling IDPs, de-militarization of the North and East, release and rehabilitation of detainees and ex-combatants; normalization of the economic situation throughout the country; justices and accountability for the past injustices and wrong-doing; and so on (Sanchez Amaia, 2012: 4-6). These are highly related with structural means and reconciliation sees as addressing and dealing with the issues from both the Government and its related bodies and the ethnic communities and its leaders by using measures, mainly via truth commissions, Government as well as Non-Governmental Organizations' (NGOs) initiated programs and implementations and legal processes and reforms.

Second aspect of reconciliation frames largely in terms of communal relations and the return of friendly relations between opposing groups. These tasks motivate towards transforming the mindsets, attitudes and mistrusts. These are believed to be impeded negative psychological repertoires among the conflicting ethnic societies; building trust and harmonious relationship; spreading the knowledge of nonviolent communication within the ethnic group members; creating awareness and understanding among ethnicities resulting from the prolonged conflict, through training and counseling programs, workshops and seminars, education and youth activities, psycho-social services and supports, having dialogue with other religious and cultural groups, organizing sports and cultural events, etc.

The first aspect of reconciliation has been undertaken by the track one initiatives of reconciliation, which is being held by the Government of Sri Lanka and the legislative bodies and in the meantime, the second task of operations are being dealt by track three initiatives such as, NGOs, religious institutions and civil society organizations. As a country ruled by an elite of powerful family the minor leaders, it means the middle level initiatives (Track two), find hard to get their voices heard and recognized from the top level and do not get recognition from the Government of Sri Lanka. Due to this respect, they are unable to play their roles in the reconciliation practices (Carlsson Kenneth, 2011: 23). Furthermore, these initiatives are sporadic and non-sustainable, and citizen under these category are not being involved in the process (Rupesinghe Kumar, 2002: 1). Most importantly, during and after the cessation of civil war, the local level initiatives are being restricted in their activities and kicking out from the warring zones due to the several blames of being pro-western or pro-LTTE lackeys (Ibid).

In brief, reconciliation in the Sri Lankan context has understood in this study as identifying and dealing with the structural issues which have been producing feeling of insecurity, thereby, causing negative cognitive impediments from both Sinhalese and Tamil polities and its political leaders. Therefore, having security needs in mind making effective transformations in the negative psychological repertoire as an outcome of reconciliation practices throughout the process is essential by holding the Commission, established soon after the conclusion of civil war.

5.3 Commissioning the Reconciliation Practices in Sri Lanka

To date Sri Lanka has been employed a range of devices to deliver and promote reconciliation from the top to bottom level, such as truth commissions, trials,

reparations and official apologies mainly initiated by the Government. Historically, the Commissions of Inquiries have had a significant role in the Sri Lankan politics; numerous inquiries are dealt with various aspects of the conflict. All those investigations have regularly operated in the margins, thus, the political will to end impunity is often lacking (Sujith Xavier, 2010: 499). During the past thirty-five years, eleven Commissions have been appointed to investigate violations and injustices, out of the eleven, four did not submit a report either because of their mandate was not extended or the Commissioners resigned. In case the Commission submitted a report, it was shelved without publishing and the Government did not act upon it due to various circumstances, for instance, a shelved or inaction report may criticized the Government in power or its agents.

The expectations for truth commissions are often much greater than what these bodies can, in fact, reasonably achieve. Some level of disappointment is not uncommon as a truth commission comes to an end (or as a government accepts but then does not implement a commission's report). While there is certainly a room for improvement, some of these expectations are simply not realistic in circumstances where there were very large numbers of victims, where democratic institutions remain very weak, and where the will of perpetrators to express remorse or participate in reconciliatory exercises is tenuous, at best. However, these grand expectations and the resulting disappointment sometimes prevent people from appreciating the significant contributions that these bodies do sometimes make. In the meantime, these mechanisms can have significant long-term consequences that may be entirely unexpected at the start (Hayner B. Priscilla, 2001: 5-6).

In the Sri Lankan context, receiving criticism on the established Commissions is a common phenomenon due to the lack of integration with justice. Amnesty International pointed that “the failure of the formal justice system to check grave violations of human rights has been a focus of domestic and international pressure on the Sri Lankan government for decades. That pressure has, sometimes, led the Government to appoint ad hoc Commissions of Inquiry to look into particularly high profile cases” (Amnesty International Publications, 2009: 2).²⁴ Furthermore, it mentioned that:

“Commissions of Inquiry have not worked as mechanisms of justice in Sri Lanka. Presidential Commissions have proved to be little more than tools to launch partisan attacks against opponents or to deflect criticism when the state has been faced with overwhelming evidence of its complicity in human rights violations. The best that can be expected to these Commissions of Inquiry, given their non-judicial nature, is that they will be a truth-telling exercise. In practice, although in some cases they have managed to secure limited monetary compensation for victims’ families, they have caused delays in “normal” criminal investigations, potentially polluted evidence, and increased risks to victims and witnesses” (Ibid, 2011: 14-15).

Legislation of establishing Commissions of Inquiry in Sri Lanka has evolved since the ‘Commissions of Inquiry Act No.17’ of 1948 made, however, the President of the country has got the authority to create a Commission under the law cited as ‘Special Presidential Commission of Inquiry’ Law No.7 of 1978. The main difference between the ‘Commissions of Inquiry’ and the ‘Special Presidential Commission of Inquiry’ is that the latter is a Presidential Commission whereas the earlier one was just a

²⁴ According to Amnesty International in this report 2009 generally mentioned about Sri Lankan criminal justice system that this justice mechanism and procedures have critical shortcomings that obstruct justice for victims of human rights violations. Moreover, it is subject to political pressure, lacks effective witness protection and is glacially slow. The system is so degraded that the vast majority of human rights violations over the past 20 years have never been investigated, let alone heard in court. Those that do make it to trial rarely conclude with a conviction; defendants are acquitted for want of evidence; witnesses refuse to testify; hearings are subject to repeated delays; even the prosecution has failed to appear in court in key human rights cases. This is not simply a problem of inadequate resources or institutional capacity (although these too are obstacles); it is a problem of political will.

Commission of Inquiry which was however constituted by the Governor General on the advice of the Prime Minister. Later on, when the Governor General was replaced by the President under the first Republican Constitution of Sri Lanka the Commission of Inquiry was established by the President and this followed later on as well. Most notably, it was not felt to provide for very severe provisions to visit severe and harsh sanctions on people who are found *guilty* by the Commission. Hence, the Special Presidential Commissions of Inquiry Act was brought to find people who were guilty of *abuse of power* as well to lose their civic right as well as other rights enjoyed by a person who enjoys civic rights.

The 1978 Constitution has references to recommendations made by the Special Presidential Commissions of Inquiry and how it will have an impact on the people when a report and recommendation of such a Commission is passed by Parliament.²⁵ Under this law, President is being authorized to set out the members for the Commission, in case adds new members at his or her discretion, the terms of reference of the commission of inquiry, and, requires reports, including interim reports. Commissions put in place under this particular law have powers, such as, to procure and receive all such evidence and to examine all such persons as witnesses; to require the evidence of any witness to be given on oath or affirmation; to recommend that any person whose conduct is the subject of inquiry under this law or who is in any way implicated or concerned in the matter under inquiry, be awarded in connections with the inquiry. Furthermore, if the Commission finds at the inquiry and reports to the President that any person has guilt on any act of political victimization, misuse or abuse of power,

²⁵ Refer to Article 81 of 'The Constitution of the Democratic Socialist Republic of Sri Lanka 1978', <<http://www.priu.gov.lk/Cons/1978Constitution/1978ConstitutionWithoutAmendments.pdf>> Last Visited on November 8, 2012

corruption or any fraudulent act, in relation to any court or tribunal or any public body or in relation to the administration of any law or the administration of justice, the Commission shall recommend whether such person should be made subject to civic disability, and then the President shall cause such finding to be published in the Gazette as soon as possible, and direct that such report be published. In addition, any report, finding, order, determination, ruling or recommendations made by the Commission under this law, shall be final and conclusive and, shall not be called in question in any court or tribunal by way of writ or otherwise.²⁶

5.3.1 Commissioning Experiences before the Cessation of Civil War

The following brief description focusing on the seven Presidential Commissions appointed by the Government of Sri Lanka before ending the protracted civil war to investigate the past abuses and injustices: Sansoni Commission of 1977; Kokkaddicholai Commission of 1991, The 1991-93 Presidential Commission of Inquiry into the Involuntary Removal of Persons, the 2001 Presidential Truth Commission on Ethnic Violence, and, the 2006 Presidential Commission of Inquiry. Although these commissions were somewhat very effective than the bodies that had preceded them in terms of their commitment to a balanced and rigorous inquiry into past abuses, certain features of their functioning raised concerns as to whether they had been established as part of a political tactic to discredit the previous regime (Jayawardena Kishali Pinto, 2010: 61).

5.3.1.1 Sansoni Commission of 1977

By using the Commission of Inquiry Act No. 17 of 1948, the Government of Sri Lanka headed by the President J. R. Jayawardene appointed a Commission of Inquiry,

²⁶ Refer 'Special Presidential Commission of Inquiry Law' of 1978 Sri Lanka

popularly referred to as the Sansoni Commission (Ibid: 23). This Commission heard testimony regarding two events where the Tamils' rights were violated: the first event is where the Police attacked the attendees of the fourth conference of the International Association of Tamil Research (IATR) in 1972 (death of ten Tamil civilians), and the second event was the riots against Tamils during the period August 13, 1977 to September 15, 1977 (killing over 500 Tamils) (Kumaran S. Kay, 2011: 4). The abbreviated mandate of this Commission is as follows: (a) the circumstances and the causes for the communal violence during the period August 13, 1977, to September 15, 1977; (b) whether any person or group of persons were involved in the conspiracy and in the Commission of violent acts; and (c) to recommend measures that would prevent the recurrence of such crimes including any measures for rehabilitation (Ibid: 13). The Commission, which had only one Commissioner, former Chief Justice of the Sri Lanka Supreme Court Mr. M.C. Sansoni, gave more weight to the Police testimony than to the lay witnesses. The Attorney General acted both as an investigator for the Commission and as a counselor for the accused government employees (Ibid: 4). In regard to accountability for civilian deaths and property damages, the report identified some police officers who belonged to the majority Sinhalese community. However, no one was prosecuted. Furthermore, the report also did not identify perpetrators on the basis that they acted as a group and not as individuals (Ibid: 13). Meanwhile, his report also detailed loss and damage caused to property of Sinhalese persons domiciled in the North during the violence (though no Sinhalese person lost his or her life). This Commission's report remains an important reference point for the events of that period. Though there was tremendous political pressure on Commissioner Sansoni to avoid giving a prejudicial impression of the actions of the Sinhalese political leadership in

bringing about the outbreak of communal violence (Jayawardena Kishali Pinto, 2010: 69).

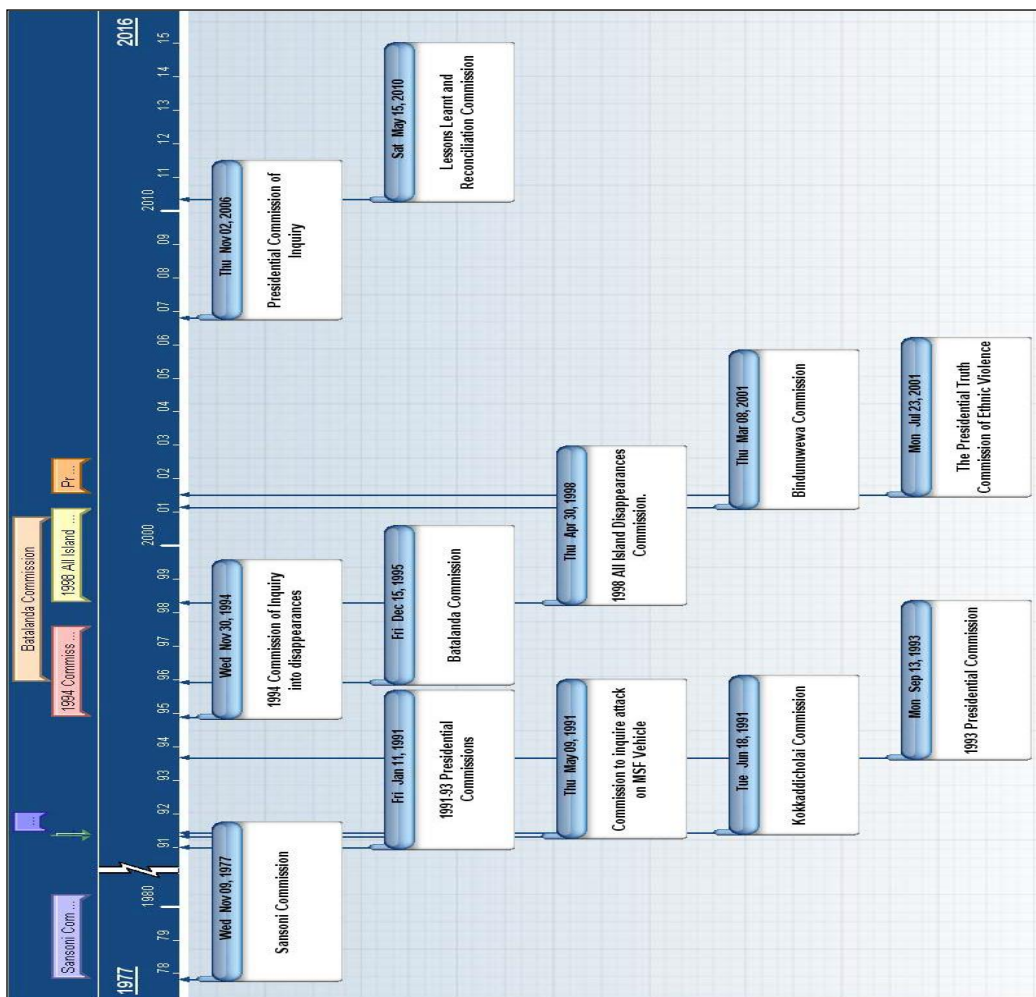
5.3.1.2 The Kokkadicholai Commission of Inquiry (1991)

On June 12, 1991, the explosion of a device was buried under the surface of the road on the Kokkadicholai-Manmunai Ferry Road in the Batticaloa District, located in the eastern part of Sri Lanka, resulted in the deaths of two soldiers and the serious injury of a third soldier. Short while later, rampaging army soldiers brutally killed civilian inhabitants of the villages of Makiladitivu, Muthalaikuda and Munaikaidu situated near the Kokkadicholai army camp. Property also was looted and some was destroyed (Ibid: 68). This massacre is looked as one of the horror and tragedy events in the Sri Lankan conflict history.

The Commission was created by then President R. Premadasa, responding to public pressure to identify the perpetrators of the death of sixty seven civilians and the disappearance of another fifty six civilians. Testimony was given against seventeen soldiers and an officer of the army as being allegedly responsible crime caused (Kumaran S. Kay: 2011: 4). The Commission, in its Final Report, found the killings of the civilians directly attributable to the soldiers stationed in the Kokkadicholai army camp. The actions were stated to disclose penal offences, namely murder, arson, robbery, unlawful assembly and similar offences. However, in an assessment of the context and circumstances surrounding the massacre, it was concluded that the civilian killings were the result of unrestrained behavior of soldiers after the explosion and death of two of their colleagues and the injury of yet another. Commission was recommended that the army would undertake its own investigations and sanctions would be imposed under military law against those responsible (Jayawardena Kishali Pinto, 2010: 74).

The military tribunal was acquitted 17 of the 18 military officers (International Commission of Jurists submission to the Universal Periodic Review of Sri Lanka, 2012) and punished the officer for dereliction of his duties (Kumaran S. Kay, 2011: 4). Nevertheless, the mandate of this Commission was to determine the facts and recommend criminal prosecutions. Therefore, the decision of the Commission not to examine the responsibility of senior officers in command in that particular army camp at the time of the massacre is all the more questionable (Jayawardena Kishali Pinto, 2010: 75).

Figure 18: Commissions Established in the Sri Lankan History (1977-2010)



Source: Kumaran S. Kay (2011) 'The Track Record of Sri Lankan Commissions: The Need for an International Investigation of War Crimes'

5.3.1.3 The 1991 Presidential Commission of Inquiry into the Involuntary

Removal of Persons (1991-1993)

These Commissions mandated to inquire into and obtain information and report in respect of the period commencing 11 January 1991 (thereafter 13 January 1992 and 25 January 1993) until twenty-four months following upon the date hereof. It mandated to inquire into allegations “that persons are being involuntarily removed from their places of residence by persons unknown” (Ibid: 76). The 1991 Presidential Commissions are difficult to characterize in any other way than as efforts to deflect international criticism of Sri Lanka’s human rights record.

The mandate, proceedings and procedures of these Commissions were seriously defective and their mandate did not include the thousands of cases reported prior to 1991 (Ibid: 72). Meantime, apparently, 3,669 cases had been reported to the Commissions however, they were before the mandated time period. Actually it was during the time period between 1987 and 1990, that the time when the worst of the abuses perpetrated by the Government and paramilitaries linked to the Government had occurred in response to the activities by the Janatha Vimukthi Peramuna (JVP) insurrections to overthrow the United National Party government (Ibid: 73).

Commissions’ hearings were held in secret, their reports on some individual cases reported, however, the findings were not made public at any stage. It has been observed that the Commissions had submitted reports on at least 142 cases of disappearance between January 1991 and the end of 1994. In some cases, it is believed, the reports are contained evidence implicating individual officers in perpetrating disappearances (Ibid: 73).

5.3.1.4 The Presidential Truth Commission on Ethnic Violence

This Commission was set-up by President Chandrika Kumaratunga in 2001 to inquire and report on the following matters: investigate acts of ethnic violence that took place between 1981-84; document instances of violence for the historical record; and pay minimum reparations to those affected, who came before the Commission. The three member Commission held public hearing in Colombo and heard over 939 cases (Ramiah Dev Anand and Fonseka Dilrukshi, 2006: 21). The record of this Commission reveals witness testimony and other evidence in regard to the burning of the Jaffna Public Library in 1981, the District Development Council elections (1981), the July riots (1983) and the killing of prisoners at the Welikada Prison (1983) (Jayawardena Kishali Pinto, 2010: 98).

There were positive features in this Commission. Most importantly, it was the first official inquiry to investigate the ethnic pogrom of July 1983, an event regarded as a watershed in the conflict. To this end, it was both a significant and symbolic departure from the typical practice of the state to date, which was to deny or defend its complicity in inciting ethnic violence among communities and failing to take all measures necessary to contain the same (Ramiah Dev Anand and Fonseka Dilrukshi, 2006: 21). Though it contained with constructive features, the Commission report is a weakly structured document and the exercise was not, in any sense, comparable to the truth commissions of other countries, most notably South Africa (Jayawardena Kishali Pinto, 2010: 98). Furthermore, the Commission did little to engage all political parties, particularly the opposition parties, and was soon perceived as a political mud-slinging campaign by the Government against the opposition. The Commission also confined its work to the period between 1981-84, ignoring the periods of violence that preceded and followed this period. Most serious lapses in this Commission were to do little to assess

the needs of those affected or to consult with civil society or educate and inform the public. As a consequence, it became isolated and viewed largely as a political exercise with little number of expert support and low public participation (Ramiah Dev Anand and Fonseka Dilrukshi, 2006: 21). Most importantly, there was no implementation of any of these recommendations made by this Commission except for the payment of certain amounts of compensation (Jayawardena Kishali Pinto, 2010: 98).

5.3.1.5 Presidential Commission of Inquiry 2006

On November 02, 2006, the current President Mahinda Rajapaksa appointed a Commission of Inquiry to investigate serious human rights violations since August 01, 2005 by inviting eleven eminent persons, hailing from India, Indonesia, USA, Netherlands, Bangladesh, France, Canada, Cyprus, UK, Australia, and Japan, were known as the International Independent Group of Eminent Persons (IIGEP), which formed in February of 2007 to ensure that the Commission's work met international standards (Yap James and Scott Craig, 2010: 5). The Commission was to 'investigate' (means in camera proceedings) and 'inquire' (means open to the public) sixteen cases. Out of these sixteen included in the mandate, the two principal cases investigated by the Commission are the killing of five students in Trincomalee, allegedly by the security forces, and the death of sixteen workers of the international non-governmental organization 'Action Contre La Faim' (ACF) in Mutur. Both cities are located in the Eastern part of Sri Lanka and all the victims are Tamils (Jayawardena Kishali Pinto, 2007: 4). Responsibilities for the all selected cases has been attributed to one or other of the warring parties, the Government of Sri Lanka, the LTTE, and the later added third element, the breakaway Karuna faction (Ibid).

The Commission commenced its formal sitting in March 2007 and the team of

observers (including many eminent international jurists), were put into place and action by that time. Meanwhile, this functioning is also governed by a mandate issued by the Presidential Secretariat (Ibid).

After observing the Commission for fourteen months, the IIGEP publicly stated that the Sri Lankan government does not have the political will to pursue the truth. It also identified the following five factors as incompatible with international standards: (a) the dual role played by the Attorney General's Office, defending and investigating the accused; (b) lack of witness protection before, during, and after the testimony; (c) the in-camera proceedings and inadequate protection for whistle blowers; (d) lack of cooperation by the government entities to provide information; and (e) the Commission's lack of financial independence to carry out its duties. After releasing the above statements, the IIGEP terminated its services and left the country. Later, some of the Commissioners resigned and at last the government did not extend the Commission's mandate, and never published its report (Kumaran S. Kay, 2011: 5, 19-23).

5.3.2 Post-War Commissioning in Sri Lanka: The Presidential Commission of Inquiry on Lessons Learnt and Reconciliation

The achievement of reconciliation is one of the principal aims of the government after the decisive defeat of the LTTE by the Government of Sri Lanka.²⁷ A Year after, President of the Government, Mahinda Rajapaksa, appointed the Commission on May 15, 2010 named as "the Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC). By including the word 'Reconciliation' in the title of this Commission of

²⁷ Cited in the statement made by the Cabinet Minister Nimal Siripala de Silva, Leader of the House, when tabling the Report of the LLRC in the Parliament of Sri Lanka in December 16, 2011

Inquiry, the initiative is openly admitted that the post-civil war Sri Lanka is required harmonious relationship among the different ethnic communities to reach positive peace. The reason for calling as *LLRC* mentioned in its official web page as, “it has become necessary to reflect on the conflict phase and the sufferings that the country has gone through as a whole and learn from this recent history lessons that would ensure that there will be no recurrence of any internecine conflict in the future and assure an era of peace, harmony and prosperity for the people.”²⁸

The perspective from one side regarding the establishment of the LLRC, especially, to parts of civil society, the LLRC was a whitewash as the impartiality of the commissioners, since all of them appointed by the executive president of Sri Lanka, the insecure circumstances under which victims and witnesses would be giving evidence and thereby, the legitimacy of the Commission’s functions and contents of their final report came under question (Vimarsanam, 2013: 4). In turn, other parts of civil society looked as this initiative from the Government as a step directed rightly as there was also an assurance given by the Government to implement the recommendations made by the Commission, upon the submission of its final outcome (Ibid).

5.3.2.1 Pushing Factors to Establish the LLRC

The appointment of the Commission was followed by responses of all sorts. They included distrust on the neutrality of several members of the Commission who had close relations with the regime in power, uncertainty derived from the track records of the previous Commissions on disappearances and human rights violations, including the IIGEP (Wedagedara Amali, 2012: 2). Moreover, in a critical eye, to the Government, it was the ideal ploy and an effort for giving a tangible response to the international

²⁸ Cited in <http://www.llrc.lk/index.php?option=com_content&view=frontpage&Itemid=1> Last visited on September 1, 2012

community to ceased their pressure exerted on the Government of Sri Lanka (Vimarsanam, 2013: 4). Most importantly, President of Sri Lanka was to prevent the appointment of an International Commission by the United Nations to inquire into the alleged human rights violations during the last stages of the war between the Sri Lankan military and the LTTE and also to find fault with the previous government that initiated a peace process with the LTTE (Kumaran S. Kay, 2011: 5). The formation of the panel happened after the joint statement made together with UN Secretary General Ban Ki-moon and President Mahinda Rajapaksa to ensure accountability for violations of international humanitarian and human rights law perpetrated during the six-year conflict. Then in May 10, 2010, the President established the LLRC.

The UN Panel reported to the Secretary-General Ban Ki-moon in March 2011 finding credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian and human rights law was committed by both parties, some of which would amount to war crimes and crimes against humanity. The Panel's central recommendation imposed the Secretary-General to create an independent international mechanism, which should be establish by a political organ of the United Nations, rather than him, with various functions to ensure justice and accountability. Two and a half years after the President Rajapaksa's commitment to ensure accountability, President released the LLRC's final report (Alex Conte, 2012: 2-3) in the Sri Lankan Parliament on December 16, 2011 after breaking the doubts lingered about whether be made in public (Wedagedara Amali, 2012: 2).

5.3.2.2 Appointed Commissioners and their Engagement with the LLRC

The eight members comprised the Commission, appointed by the President of Sri Lanka, brings together eminent individuals representing all of Sri Lanka's communities. The

Commission realized that the enormous responsibility placed upon it at this important moment in Sri Lanka's history.²⁹ Five of the eight panelists are Sinhalese, male, and drawn from the ranks of government functionaries. Minority representations in the LLRC: only two Commissioners are Tamils, included the only one female, and a sole Muslim Commissioner. One of the members appointed to the LLRC, Professor Mohamed Thahir Mohamed Jiffry, was resigned with effect from August 31, 2010 due to his failing health; as a result, Mohamed Thowfeeq Mohamed Bafiq replaced him with effect from September 7, 2010 (Report of the Commission of Inquiry on Lessons Learnt and Reconciliation, 2011: 5).

Table 4: Profile of the LLRC Commissioners

Commissioners Name	Affiliation in the Commission	Profession	Ethnicity	Gender
Chitta Ranjan de Silva, P.C	Chairman	Former Attorney General	Sinhalese	Male
Dr.Amrith Rohan Perera, P.C	Member	Former Legal Advisor/ Ministry of Foreign affairs and former member of the International Law Commission	Sinhalese	Male
Dr. Karunaratne Hangawatte	Member	Professor-Department of Criminal Justice, University of Nevada, Las Vegas	Sinhalese	Male
Chandirapal Chanmugam	Member	Former Secretary to the Treasury and a member of the Monetary Board of Sri Lanka	Sri Lankan Tamil	Male
Hewa Matara Gamage Siripala Palihakkara	Member	Former Secretary to the Ministry of Foreign Affairs	Sinhalese	Male
Manohari Ramanathan	Member	Lawyer and Former Deputy Legal Draftsman within the Ministry of Justice	Sri Lankan	Female

²⁹Cited in <http://www.priu.gov.lk/news_update/LLRC%20news/llrc_home.htm> Last visited on September 1, 2012

			Tamil	
Maxwell Parakrama Paranagama	Member	Former High Court Judge	Sinhalese	Male
Mohamed Thowfeeq Mohamed Bafiq	Member	Senior Attorney at Law	Muslim	Male

Source: The Report of the LLRC

After looking at the profile of the Commissioners, the independence of the LLRC was questioned due to several factors: members were appointed by the Sri Lankan government, being accused as one of the perpetrators committed war crime during the last stage of civil war; majority of the members were retired senior government employees, amongst some held senior government employees.³⁰ Human Rights Watch (2010: 2) also pointed this fact and further added that impartial behaviors expected from some members of the LLRC since their appointment due to their past actions:

“...both the chairman C.R.de Silva and member H.M.G.S. Palihakkara were senior government representatives during the final year of the war. They publicly defended the conduct of the government and military against allegations of war crimes. Indeed during two widely reported incidents-the shelling of the first “no-fire zone” declared by the government in late January and the shelling of Puthukkudiyiruppu (PTK) hospital in February-H.M.G.S. Palihakkara, then Sri Lanka’s representative to the UN, told CNN that government forces had confirmed that even though the LTTE was firing out from the “no-fire zone”, the government was not returning fire; and that the military had confirmed they knew the coordinates of PTK hospital and they had not fired on.....there is also evidence that as attorney general, C.R. de Silva actively undermined the independence of the 2006-2009 Presidential Commission of Inquiry [.....]. Mr. de Silva’s conflicts of interest were repeatedly criticized by theIIGEP. The members of the IIGEP resigned in April 2008 and cited Mr. de Silva’s conflicts of interest as a major reason for doing so.”

Furthermore, Commissioners did not question officials on the Sri Lankan government’s many public misrepresentations of the facts during the last phase civil war tragedy. In addition to this, commissioners failed to question closely officials with regard to the allegations of human rights violations committed by their subordinates or followers.

³⁰ Cited in <http://en.wikipedia.org/wiki/Lessons_Learnt_and_Reconciliation_Commission> Last visited on June 15, 2013

The exchanges between Commissioners and the Government Ministers, who have been suspected for human rights violations, Douglas Devananda, V. Muralitharan and S. Chandrakanthan illustrate this reluctance (Amnesty International, 2011: 39). Moreover, Commission members also made personal intervention during the hearing process on hold that went beyond examination of witness testimony, and sometimes this appeared to impose their own views during the process (Ibid: 46). Particularly, during the proceedings, instead of trying to investigate the claims made regarding the violations Commissioners spent significant time for arguing in defense of the Sri Lankan military (Ibid: 25). This attitude was contrast toward pro-government witnesses (Ibid). In the meantime, their responses to the witnesses were often perfunctory and they raised few follow up questions, frequently merely promising to forward written complaints to relevant officers (Ibid: 51). As members of a body expected to investigate impartially and contribute to deal with the issues related to humanitarian and human rights law, however, independency and neutrality during hearings were more critical because the governmental pivotal positions they held; their attitudes that they showed on defending state actions and policies; and, the focus more on abuses by the LTTE.

5.3.2.3 Nature of the LLRC Mandate: Goals and Missions

The Mandate of the LLRC allowed to the appointed Commissioners to inquire and report the matters that may have taken place during the period between February 21, 2002 and May 19, 2009 (Report of the Commission of Inquiry on Lessons Learnt and Reconciliation, 2011: 5). In fact, the LLRC mandated to generate a report on the facts and circumstances which led to the failure of the Ceasefire Agreement and the sequence of events that followed [till the end of the war]; and the lessons that would learn from those events and their attendant concerns for ensuring that there will be no recurrence

(Ibid: 6). In addition to this, whether any person, group or institution directly or indirectly bear responsibility, institutional, administrative and legislative measures which need to be taken in order to prevent any recurrence of disaffection and armed militancy in the future, and to promote national unity and reconciliation among all communities (Ibid). Any other recommendations accommodated within its framework (Ibid).

It is very flawlessly clear that the LLRC mandate strongly incorporated the promotion of national unity and reconciliation which was expanded in its scope than the past commissions set up in the Sri Lankan history. In particular, the mandate allowed for a greater consideration of the ideological and structural factors contributing to the protracted civil war in Sri Lanka. This was apparently reflected in its final report which holds recommendations on macro issues of political solution, language, economic development in the north and the east, access to and ownership of land, education, housing, rehabilitation and resettlement etc.

In some points, the LLRC mandate was criticized for empowering the Commission only in so far as it could recommend the investigation of war-time human rights violations but not investigate and prosecute itself (De Mel Neloufer, 2013: 6). In this respect, there are disagreements who claim that the LLRC did not go far enough and those who have complained that it has gone beyond its mandate (Rupesinghe Kumar, 2012).³¹

Table 5: The LLRC: Timeline From Establishment Till the Submission of the Final Report

³¹ Cited in <<http://www.asiantribune.com/news/2012/08/02/llrc-and-encirclement-sri-lanka>> Last visited on August 04, 2012

The LLRC: Timeline

2010

Day	Event
May 10	President Appointed Commissioners with a Mandate
August 11	The LLRC Commenced its Public Sitting
September 13	The LLRC submitted Interim Report (IR) to the President
October 27	Appointment of the Inter Agency Advisory Committee (IAAC) to facilitate the implementation of IR
November 08	Mandate was extended by six months
November 24	The IAAC commenced its functions

2011

Day	Event
February 04	IAAC's "Progress Report on the Implementation of the Interim Recommendations of the LLRC" released
March 30	The LLRC Concluded public sittings held in Colombo and outstations
April 12	UN panel appointed by UN Secretary General handed over its Final Report to the Secretary General
May 10	The LLRC's Mandate was extended for another six months till November 15, 2011
September 14	"The National Action Plan for the Promotion and Protection of Human Rights" tabled and approved by the cabinet
November 20	The LLRC handed over its Final Report to the President
December 16	The LLRC report presented to the Parliament and made public

Source: Centre for Policy Alternatives (2012)

5.3.2.4 Functioning: Public Hearing Proceedings and the Final Report Submission

The primary source of information for the Commission's work was the general public of Sri Lanka and many submissions were also received from international parties residing overseas, some of whom presented their evidence to the Commission personally. The Commission had received 1,000 oral submissions and 5,000 written submissions by

then (The Centre for Policy Alternatives, 2012: 2), including civilians, civil society, defence and military officials, public servants, political and religious leaders, academics, journalists, other professionals, ex-LTTE cadres, and former members of other armed groups across the country (Wedagedara Amali, 2012: 2). The public attention also generated to create awareness and interest in the Commission's work. The procedure adopted at the public hearings was to first inform the person, who was willing to give testimony, that he or she could be heard in public or in camera and then made the decision according to their willingness (LLRC Report, 2011: 7). In respect to the representers' wish, the hearings were decided to open to the public and the media, except when a person making representations requested confidentiality (Ibid: 8). In addition, the Commissioners provided every opportunity to persons to make representations in a language of their choice, while providing simultaneous translation to English also made (Ibid: 7).

To understand the plight, the LLRC conducted its preliminary public hearing in Colombo, in August 11, 2010 (Vimarsanam, 2013: 4), it then proceeded to many field visits to different locals in the North and the East as well as other parts of the country for further hearings (Panagoda Mathisha and Nanayakkara Dilup, 2011),³² and it was the testimonies of the victims that propelled the Commission to see that justice was done and seen to be done.

Though opportunities provided for people to make their representations relate their 'stories of grief and victimization', it did not, however, provide opportunities for truth telling as how the South African Truth and Reconciliation Commission (TRC) did

³²Cited in

<<http://www.asiantribune.com/news.2011/12/20/llrc-report-quick-review-recommendations>> Last visited on December 21, 2011

after the collapse of apartheid. The following features of the TRC allowed functioning with a very low degree of critics, however, the LLRC was not empowered with any of them:

- ✧ To tackle the broader structures of apartheid by the TRC was through its institutional hearings. In fact, exposing the role of institutions in committing past crimes and formulating recommendations for future reform is a key area where truth commissions can provide a powerful impetus for transformation. In the meantime, that can also serve as a form of reparations in that it is a reassurance of non-repetition to victims of past violations;
- ✧ Commission's powers of subpoena, search and seizure led to more thorough internal investigation and direct questioning of witnesses, including those who were implicated in violations and did not apply for amnesty;
- ✧ Especially, TRC Commissioners were empowered in law to grant amnesty to those who committed abuses during the apartheid era and no side was exempt from appearing before the Commission, including the Government ministers;
- ✧ The TRC was the first to create a witness protection program, which strengthened its investigative powers and allowed witnesses to come forward with information; and,
- ✧ The TRC was several times larger in terms of staff and budget than any Commissions before it.³³

Due to the all mentioned above in respect, it is irrefutable that a system worked in one country, the scope of the mandate given to the LLRC was not meant to be or sufficient enough to provide an occasion for truth telling and unburdening the hearts of

³³ See < <http://www.caritaslk.org/index.php/news-stories/109-study-session-on-llrc-report.html>>
Last visited on October 11, 2013

victims or perceived victims (Selvakkumaran N., 2012).³⁴ In addition to public hearings, the Commission made use of several issues raised in previously published materials, in the form of reports by national and international organizations, including the UN Secretary General's *Advisory Report* on Sri Lanka. Furthermore, despite being invited, Amnesty International, Human Rights Watch, the International Crisis Group, the Tamil National Alliance (TNA), the UNP,³⁵ and former President Chandrika Bandaranaike Kumaratunga did not make presentations before the Commission (Wedagedara Amali, 2012: 3).

In other respect, compare with the other hearing process, the sessions held in the north and east were short and were seemed like brief exchanges and indicate a disturbing lack of compassion. According to the TNA's report:

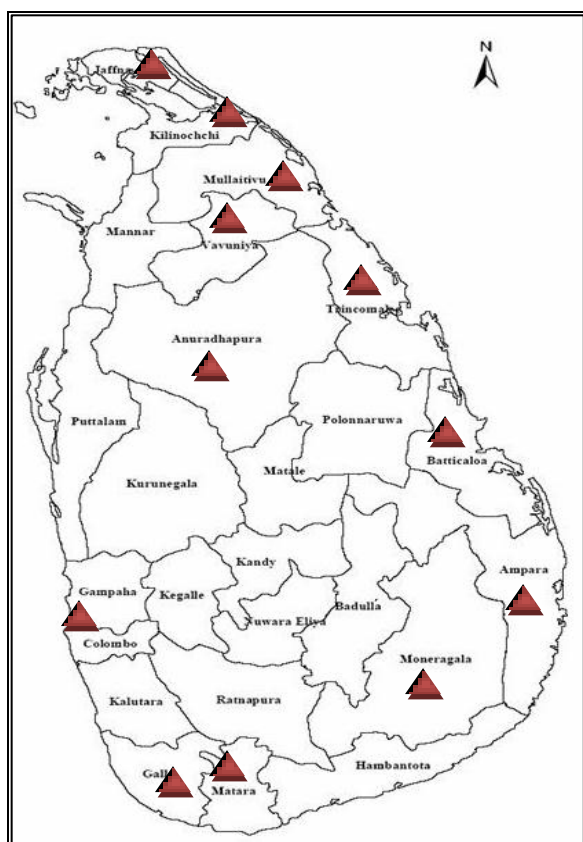
“...the time the Commission spent gathering evidence in the North and East, relative to the time six days spent in Colombo, was woefully inadequate. The Commission spent a mere twenty-two days in the North and East in total, compared to the fifty-six days spent on hearings in Colombo. The Commission often cited the lack of time as the reason for cutting short the testimony of witnesses....” (Tamil National Alliance, 2012: ii).

In the same manner in these two regions the process of the LLRC exposed important evidence of abuse because of their impartiality and failure to investigate the allegations of serious crimes, including enforced disappearances (Amnesty International, 2011: 50). Furthermore, the non-governmental observers who monitored the northern proceedings described that, the LLRC was ill-prepared to deal with the large numbers of civilians coming forward with complaints: timeframes for hearing the victims and witness testimony were too short and the Commission has inadequate Tamil translation (Ibid: 51).

³⁴ Cited in the speech delivered on January 09th 2012 in *Sir Ponnambalam Arunachalam Commemorative Oration-2012*

³⁵ The TNA is a powerful minority Sri Lankan Tamil political alliance in Sri Lanka. The UNP is also a political party and currently is the main opposition party in Sri Lanka <en.wikipedia.org>

Figure 19: The LLRC's Public Sittings held in the Districts of Sri Lanka



Source: Author

After all hearings, the LLRC concluded its public sittings, held in Colombo and outstations, included Jaffna, Puttalam, Mullaitivu, Vavuniya, Killinochchi, Batticaloa, Ampara, Trincomalee, Anuradhapura, Moneragala, Galle and Matara (The Centre for Policy Alternatives, 2012: 2) (see figure 19). By November 20, 2011, all awaited final report of the LLRC handed over to President Mahinda Rajapaksa (Ibid). The multiple recommendations were listed under the following themes: recommendations on international humanitarian laws pertaining during the final phase of war; recommendations of human rights; recommendations on restitution/compensatory relief and recommendations on land issues; and, observations on issues impacting on post

conflict and reconciliation. At last the report presented to the Parliament and made public on December 16, 2011.

5.3.2.4.1 Witness and Victim Protection

Usually, during the public hearing processes, witnesses who come forward to give evidence and record their experiences of the violence or war before the commission expected to protect by the Commission. This aspect mainly considered when evaluating the effectiveness of the commission, established (Simpson Graeme, 1998: 28). Furthermore, the absence of witness and victim protection measures seriously impacts victims and their families' right to access justice for the past injustices committed against them and to an effective remedy (International Commission of Jurists, 2012: 2). Petitioners in torture or inhuman-treatment cases are often compelled into changing their testimony or dropping their case after being subjected to arbitrary detention, torture or ill-treatment (Ibid). In this sense, the LLRC was charged with failing to develop a reliable witness protection program, especially in a context where witnesses had been killed or disappeared (De Mel Neloufer, 2013: 6). The lack of witness protection arrangements and the fear of repercussions from State authorities, witnesses did not come forward to give their testimonies before the Commission (International Commission of Jurists, 2012: 2-3). In particular, the north and east of the country endure subject to serious threats including enforced disappearances and extrajudicial killings, which continue to be reported (Amnesty International, 2011: 53). Though several people told before the commission that they had been threatened during the hearing, the LLRC's interim recommendations, sent to President in September did not reflect any concern for the witness protection (Ibid).

5.3.2.5 Remarks for the LLRC's End Product

The Final Report of the LLRC received a cautious welcome, comments, and criticism from local civil society and the international community and these responses rightly stressed that the success of the reconciliation process would depend significantly on the implementation of the Commission's recommendations in full. Yet, compare with the reports which have been released over the decades from official and semi-official or autonomous Sri Lankan Commissions, the LLRC report provides a framework for setting in motion processes and mechanisms to promote a meaningful process of reconciliation in the post-war peacebuilding.

5.3.2.5.1 Responses from Global Human Rights Movements and Civil Society Actors

Amnesty International has condemned that the report is “fundamentally flawed” and unable to provide accountability for alleged atrocities and would never deliver justice, truth and full reparations for the war victims. According to Human Rights Watch (HRW), “it was an inadequate response to the many serious allegations of wartime abuses; lacked independence and a proper mandate; members weren't impartial or competent; failed to provide adequate and effective protection for witnesses; didn't have adequate resources; and that the Government wouldn't give serious consideration to the Commission's recommendations.” The International Crisis Group (ICG) believed that the flawed LLRC would neither provide accountability nor reconciliation.³⁶ It further added, an independent international investigation on alleged violations of international humanitarian and human rights law is significantly required, that the UN and other

³⁶<http://en.wikipedia.org/wiki/Lessons_Learnt_and_Reconciliation_Commission> Last visited on September 1, 2012

partners of Sri Lanka have been asking for (The Centre for Policy Alternatives, 2012: 9). Asian Human Rights Commission pointed that exercising relating to the LLRC final report as a whole was meant to be a farce since the establishment was to counter the criticism from UN agencies and other outside agencies for a credible inquiry (Ibid). At the same time, Minority Rights Group International (MRGI) welcomed some recommendations of the LLRC however it condemned the failure of the LLRC to deal with the crucial issue of accountability regarding events committed during the latter stages of the civil war (Ibid).

Major civil society organizations, functioning within Sri Lanka, such as the Centre for Policy Alternatives and the Friday Forum, somehow welcomed the final report and accepted it as the initiation of a process of reconciliation. The Catholic Bishops' Conference of Sri Lanka made a fervent appeal to the Government towards the implementation of the recommendations though it felt that the Final Report of the LLRC is not the answer to all the questions on injustice.³⁷

5.3.2.5.2 The International Community Responses

The international responses regarding this report portray diverse views. Australia welcomed the report's recommendations, however, expressed its concern on the failure to fully address alleged violations of international humanitarian and human rights law. While strongly urging the Sri Lankan government to implement the report's recommendations, Canada expressed its concern about the absence of addressing the human rights violations during the last phase of war. The European Union expressed its hope on the Report as it will contribute to the process of reconciliation in Sri Lanka.

³⁷ See

<<http://www.caritaslk.org/downloads/CBCSL-URGES-GOVT-TO-IMPLEMENT-LLRS-RECOMMENDATIONS.pdf>> Last visited on October 16, 2013

Likewise, India welcomed the public release of the Report and expressed its hope to act decisively and with vision on devolution of power and genuine national reconciliation. South Africa, while noting the release of the final report and its positive recommendations, pointed the failure of addressing the people responsible for human rights violations to account in detail. Although the publication of the report welcomed by the United Kingdom, disappointment also expressed at the report's findings and recommendations on accountability.³⁸ Russian Federation showed its confident as the results of the work of LLRC will make a great contribution to the acceleration of the national reconciliation process as well as to the strengthening of peace on the nation (Ibid: 10). UN Secretary-General Ban Ki-moon greeted the public release of the report and put the hope on to the Sri Lankan government to move forward on its commitments to deal with accountability. The United States expressed its concern on the failure to fully address the human rights violations during the final stages of the war.³⁹

5.3.2.5.3 Political Parties on the LLRC Report

TNA criticized that the processes and practices of the LLRC have failed to win the confidence of the Tamil community and dramatically short in international standards applicable to accountability processes. Furthermore, TNA got unsatisfied with some features of the report, such as the ethnic and gender imbalance in the membership; methodology assigned relatively lower importance to victims' perspectives; under-resourced and understaffed for the task of pursuing genuine accountability for violations occurred during final war; did not have an effective witness protection program; delaying progress in implementing the LLRC's interim recommendations;

³⁸ <http://en.wikipedia.org/wiki/Lessons_Learnt_and_Reconciliation_Commission> Last visited on September 1, 2012

³⁹ Ibid

fails to correctly apply the law to the facts; wrongly concludes that the actions of the security forces complied with the Principle of Proportionality; and issues that are not directly related to accountability have positive elements (Tamil National Alliance, 2012: ii-x). UNP somehow accepted this report and showed its support to the Government to implement the recommendations made in the report.⁴⁰ The Leader of the National Freedom Front (NFF) was not agree with all the contents in the LLRC final report, however, the approach of the report was appreciated (Ibid: 7). The secretary of the Jathika Hela Urumaya (JHU) and ultra nationalist political movement is highly critical and totally against on the LLRC regarding its suggestion of devolution of power as the best way to solve the ethnic conflict (Ibid). Furthermore, it stated that the LLRC had over passed their mandate and had failed to look into the 9,878 civil assassinations carried out by the LTTE.⁴¹

Taking the all above presented merits and de-merits in mind, the Report of the LLRC is a good starting point to address past injustices and bring normalcy in the post-war Sri Lanka. This is, to some extent, accepted by the domestic and international community. Once the LLRC's final report came out, it took the center stage and pushed out the UN panel report, which was very critical of the Government. Although the report has been made public, its contents translated into the country's two main languages, Sinhala and Tamil, after receiving more pressure and criticism with regard to the ignorance. Meantime, in substantive terms, the report has effectively dismissed any claim that the Sri Lankan armed forces may have used excessive force or targeted civilians as the war drew to a close in the Jaffna peninsula. Finally, there is a huge

⁴⁰ Cited in <<http://www.srilankabrief.org/2012/03/unp-insists-on-llrc-report.html>> Last visited on September 1, 2012

⁴¹<http://en.wikipedia.org/wiki/Lessons_Learnt_and_Reconciliation_Commission> Last visited on September 1, 2012

criticism on the regime in power as no particular hurry to implement its relatively anodyne recommendations.⁴²

Conclusion

The establishment of the LLRC and the release of its final report and recommendations are a point of departure to provide a golden opportunity for the people of Sri Lanka after having large number of wounds over three decades of cruel war. Although there are questions raised, still linger, related issues on accountability about the last phase of civil war, it is ripe moment for the people and powers to act decisively moving forward and achieving enduring positive peace in the country. This chapter has aimed to demonstrate a full overview of the new State Commission of Lessons Learnt and Reconciliation, including its various features and practices along with the conflicting perspectives among several groups on LLRC and the Final Report. In order to give a clear overall picture of the LLRC, the past commissioning experiences in the Sri Lankan history also be added. This is pertinent to find the significance and the fruitful role expected from the LLRC to play for promoting reconciliation in post-civil war Sri Lanka.

The following chapter is dedicated to focus precisely on the Report of the LLRC and its basic features as well as recommendations related to the selected outstanding structural issues, since the research particularly pays its attention to the implications of the Report of the LLRC, by comparing them to the ground reality.

⁴² Cited in

<<http://thediplomat.com/flashpoints-blog/2012/08/02/sri-lankas-fragile-gains-in-the-balance/>> Last visited on August 04, 2012

Chapter 6

The Report of the LLRC: Dealing with the Structural Issues and Challenges Ahead

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Introduction

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6.3.5 Abduction, Arbitrary Arrest and Disappearance

6.3.6 War Crimes and Accountability

Conclusion

Introduction

The final Report of the LLRC is still considered as a good starting point for promoting reconciliation in post-civil war Sri Lanka, nationally and internationally, despite the critical debates about the Commission's findings and recommendations. These debates range from the identified issues in the contents and extent to the nature and timescale of implementation on the ground. The key issues that are chosen amongst the other structural issues addressed in the report because they were intensely and/or broadly contested, in relation to security as well as reconciliation, on the ground. Other issues (for instance, language issues) are also contested, but relatively less intensely, or for reasons that are needs of security but that not to be done urgently; there were almost no issues that are not contested on the ground for reconciliation, addressed in the report.

Though the general over view of the Report of the LLRC discussed in the introduction and chapter four of this dissertation, as a major focus of analysis to promote reconciliation in Sri Lanka through structural and psychological forms, this chapter is fully aimed to provide a clear and broad picture of the Report in the account on: the major features of the Report; objectives and indicators of the LLRC framework of the key selected issues in this study; and, the recommendations made by the commission with reference to the particular selected six key issues. The concluding part of this chapter brief the features discussed in.

6.1 Structure of the Report of the LLRC

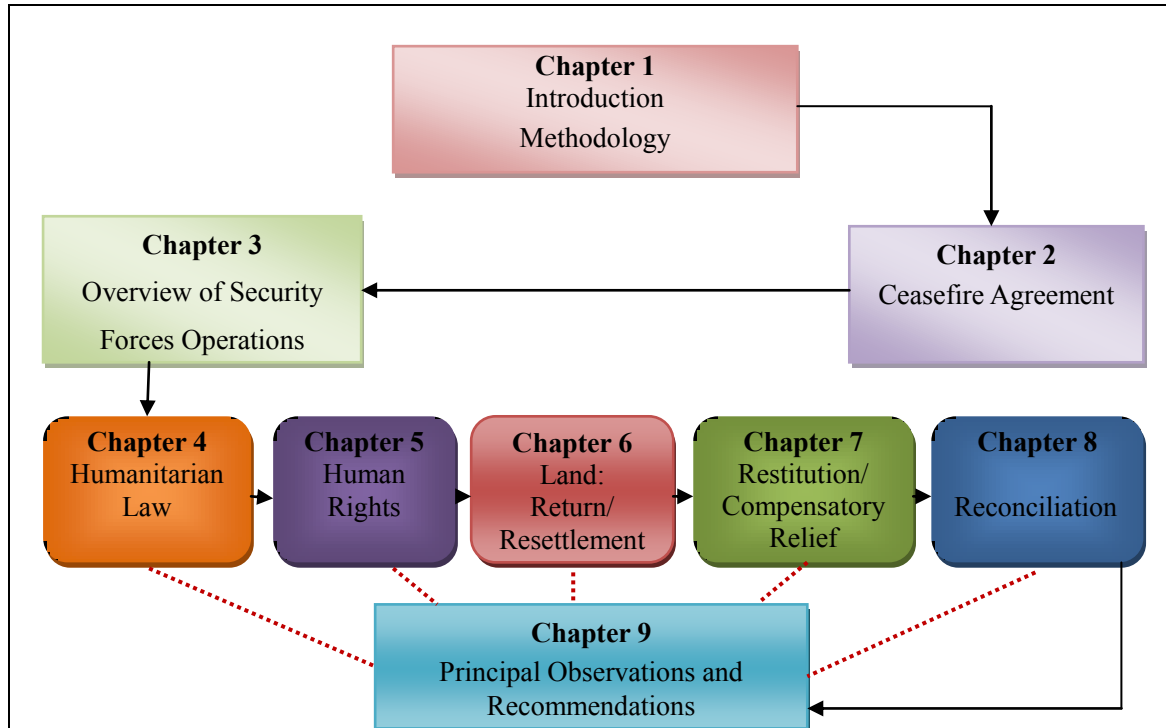
The nine chapters in this report cover different areas and issues, from the need for structural measures and reform to the psychological aspects. In fact, the Report, within a certain limit recognizes the need to address the institutional structural gaps, however, inexplicitly attention paid on those gaps with regard to security in tri-level: individual,

community, and the state, that failed to lead psychological change. The chapters organized and developed in the following ways (see the figure 20): chapter one placed for introduction and methodology; in chapter two, “Ceasefire Agreement” (CFA) includes the background to the CFA in 2002, political and security dimensions, negotiating process, resulting impact on the provisions of the CFA, factors which had a bearing on the implementation of the CFA, economic and social dimensions, and finally observations of the commission; chapter three, “Overview of Security Forces Operations”, focuses on the background, Eastern operations, Wannai operations, and casualties from security forces and the LTTE; chapter four, about “Humanitarian Law issues”, reviews the principles of International Humanitarian Law (IHL), Sri Lanka experience, evaluation of the Sri Lanka experience in the context of allegations of violations of IHL, concluding observations on the IHL regime in its application to internal conflicts, casualties, and, the channel 4 video footage about war crimes; in chapter five, “Human Rights”, human rights issues arising from the conflict discussed; chapter six, “Land issues: Return and Resettlement”, focuses on the situation of people who lost land due to conflict, return and resettlement, current progress in return and resettlement, and, constrains and challenges; chapter seven dedicated to “Restitution and Compensatory Relief”; chapter eight addressed the issues impacting on post-conflict reconciliation; and, the last chapter fully devoted to “Principal Observations and Recommendations” with regard to the themes as well as issues addressed in the all above chapters in the Report.

The recommendations identified in the Report totally 285 of which 135 called as main recommendations that can be categorized under the mentioned above five broad themes: International Humanitarian Law issues (06); Human rights (48); Land return

and resettlement (23); Restitution/Compensatory Relief (08); and, Reconciliation (50).

Figure 20: Structure of the Report of LLRC



Source: Author

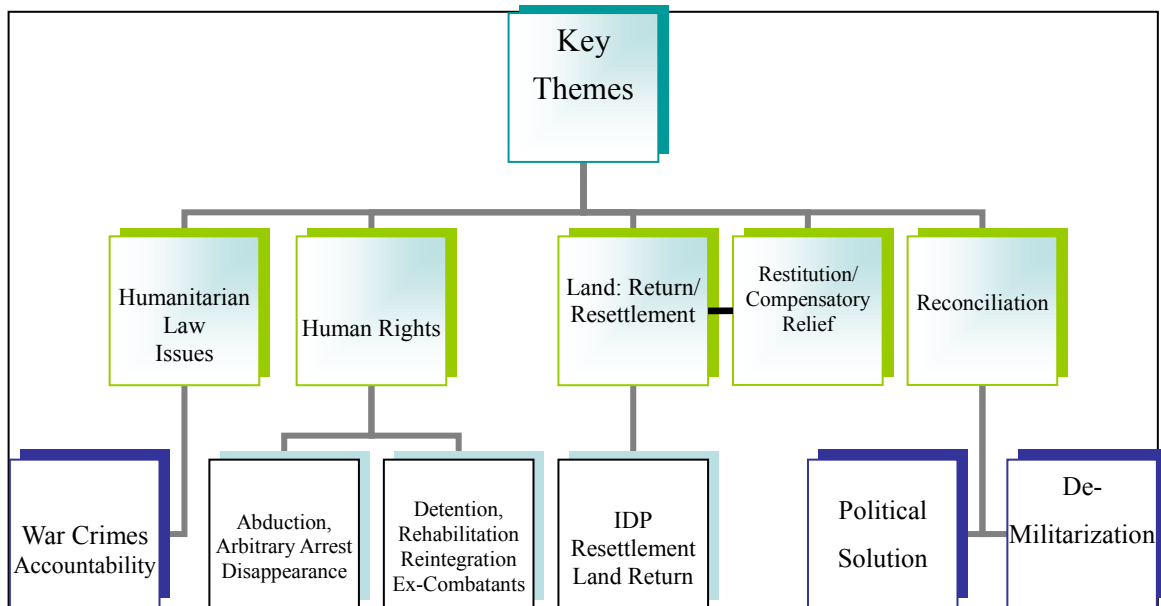
6.2 Evaluation Framework of the Selected Key Issues in the Report

The Report encompasses many diverse issues and seeks to highlight those under five key themes: humanitarian law issues, human rights, land issues: return and resettlement; restitution and compensatory relief, and, reconciliation. Especially, as a Commission holds the term ‘reconciliation’ in its name, the subject of reconciliation is divided into two sections: section one is about the issues impacting on reconciliation, relates to broad category of livelihood and aspects of material human development; and, the section two entitled as ‘Reconciliation’ relates to grievances of the communities, such as issues of governance, devolution, language policy, peace education, people to people contact and art and culture.

Though the LLRC dealt and understood reconciliation with the issues

impacting on and are addressed formally in a structured manner, such an approach must have the capability and incorporate the issues that identified and discussed in former chapters. Including the issues addressed in the chapter specially devoted for reconciliation, the hard core issues, employed utterly in the former chapters, also need to be considered to find the nexus between security and reconciliation. Due to this respect, this study focuses on the six structural issues addressed under the five key themes in the report. Final chapter, related to observations and recommendations is incorporated all the issues addressed in the five prime selected themes in the Report of the LLRC.

Figure 21: Structural Issues fall under the Key Themes in the Report



Source: Author

6.3 The LLRC Report in Dealing with the Structural Issues

6.3.1 Political Solution

The Commission takes the view that the root causes of the ethnic conflict in Sri Lanka lies in the failure of successive governments to address the genuine grievances of the

Tamil people. The country may not have been confronted with a violent separatist agenda, if the political consensus at the time of independence had been sustained and if policies had been implemented to build up and strengthen the confidence of the minorities around the system which had gained a reasonable measure of acceptance. A political solution is imperative to address the causes of the conflict (Para. 8.150, 8.151). In this sense, the Report approached the old questions as to what the grievances of the Tamil community are, which of them are genuine and legitimate and how they differ from the grievances of the Sinhalese community. This is done under the segments entitled as ‘Grievances of the Tamil Community’ and ‘The Historical Background relating to Majority-Minority relationships in Sri Lanka’ and ‘The Different Phases in the Narrative of Tamil Grievances’ (Para. 8.152, 9.187-9.9.191).

Devolution

The manner in which the section on devolution is worded appears to be vague since it states that devolution should necessarily being ‘people-centric’ (Para. 8.216), which means the LLRC is advocating something akin to village-level or grass root devolution only for the decade prolonged ethnic conflict in Sri Lanka. Therefore, the main unit of devolution, according to this stand, seems to have shrunk from the province to the village. Furthermore, the Report talks about a ‘common identity’ (Para. 9.231a), that devolution should not privilege or disadvantage any particular ethnic group. Moreover, the report points out the importance of empowering local government institutions and soon after that, it proceeds to highlight that the shortcomings of the Provincial Council system need to be taken into account.

In this sense, first, the LLRC has clearly discussed the need for devolution as an issue which is of ‘national importance’ (Para. 8.213). Secondly, the Report states that

‘a political settlement based on devolution must address the ethnic problem as well as other serious problems that threaten the democratic institutions’ (Para. 8.215). Thirdly, focus on devolution, according to the LLRC, is to be empowered the people at ‘every level especially in all tiers of Government’ (Para. 8.218). Fourthly, the Report also is emphasizing the ‘critical importance of making visible progress on the devolution issue’ by ‘building on what exists...’ (Para. 8.225). This could well be interpreted as building on the 13th Amendment to the Constitution and the PC system.

Recommendations

The LLRC recommendations related to political solution emphasized two ways: first is a people-centric form of devolution and imperative to address the root causes of the ethnic conflict and the genuine grievances of the Tamil people (Para. 9.231), and the second is the PC system which is specially mentioned in the recommendation to address the needs of the people and the commitment is expected from the all parties to finding a solution (Para. 9.232).

6.3.2 Militarization

This is an issue that is also raised in the Report of the LLRC, which called, in brief, for a phasing out of the involvement of the Security Forces in civilian activities and use of private lands by the Security Forces with reasonable time lines being given (Para. 9.171). Especially on the issue of the presence of the military in the north, the Report firstly highlights some of the representations made before it. For instances, the sense of unease among the people due to an overt presence of the Army; the fear among civilians relating to their security, especially of women, due to harassment by soldiers; the need for clearance from military authorities even to have civil functions like weddings; a weak civilian administration; military involvement in running civilian businesses; and,

the military occupation to private land (Paras. 8.99-8.103). More importantly, the LLRC found that the heavy presence of military personnel within the Northern and parts of the Eastern regions not only limits the basic freedoms, rights and life opportunities of citizens but also maintains an environment of fear and distrust that is incompatible with reconciliation (Para. 8.211). In addition, another issue specifically highlighted by the Report is the use of private land by the military and the continued existence of the HSZs (Paras. 8.99-8.103-8.128).

Recommendations

The LLRC, to some extent, diagnosed the issue of militarization and made its recommendation unambiguously. As a policy, it strongly advocated and recommended to the Government that security forces should disengage itself from all civil administration related activities as rapidly as possible. In its recommendation, “it is important that the Northern Province reverts to civilian administration in matters relating to the day-to-day life of the people, and in particular with regard to matters pertaining to economic activities such as agriculture, fisheries land etc. The military presence must progressively recede to the background to enable the people to return to normal civilian life and enjoy the benefits of peace” (Para. 8.211). Furthermore, for the military occupation of the civilian land, the Report recommends that all families who have lost land or property due to military occupation be given full compensation (Para. 9.142).

6.3.3 Resettlement and Land Issues of IDPs

The resettlement and land issue of displaced persons is a highly complex issue. The LLRC recognizes that the housing issues exist as a major barrier to realizing normalcy in conflict affected areas and are particularly obstacle to the resettlement of IDPs.

Therefore, the Report emphasizes the urgent need for the equitable provision of reconstruction assistance and for an equitable system for property restitution and compensation (Paras. 5.142-150, 9.165, 7.5-7.15). In addition, it expresses concern over the slow progress and limited resources channeled into repair and permanent housing schemes in the Northern and the Eastern provinces (Paras. 5.131, 9.103-9.112, 8.264-27). Furthermore, regarding the land issues of IDPs and re-settlers, the LLRC acknowledges a number of land related issues. The Commission recognizes that, whilst restoring the pre-conflict status-quo in relation to land distribution may not be possible or desirable, measures must be put in place to compensate people who have lost land illegally as a result of the prolonged conflict, mainly through force or coercion (Para. 9.121). In this respect, the main land issue discussed in the Report is about the ownership disputes amongst and between displaced peoples and host communities. These are ranged from problems related to proof of ownership to forcible land grabs.

Recommendations

In order to deal with these all mentioned issues, the Report first commends the Government of Sri Lanka for the quick paced resettlement of IDPs whilst calling for the enactment of a comprehensive, equitable resettlement and reintegration policy for all returnees (Para. 6.87). Furthermore, the Report calls for the domestic government to be clear about the resettlement options open to returnees and to respect the right of returnees to resettle in their place of origin. In addition to this, it recommends that state-owned land be designated for IDP resettlement and that resettled families be granted legal ownership of this land (Paras. 9.103-111). Regarding the long-term displaced Muslim communities, the Commission highlighted the need to be found a durable solution. In relation to refugees and their return from India, the LLRC proposes

that the Sri Lankan government initiate a formal consultation process with India to enable those refugees to make informed decisions about their proposed return (Paras. 9.108-9.113). In order to deal with land related issues, the Report recommends the establishment of a land commission to resolve those issues and propose that all decisions to be made only after consultation with all stakeholders (Paras. 9.133-136). Furthermore, the Commission calls for the implementation of a National Land Commission (NLC) that set out in the 13th amendment to the constitution. The Report assumes that this would develop national land policy guidelines for the equitable distribution of State land (Para. 9.150). In fact, the Commission fears amongst minority groups that the Sri Lankan government's land policy is ethnically-biased. A number of representations to the LLRC spoke of the prioritization of Sinhala-Buddhist developments including the construction of prominent Buddhist structures in traditional Tamil areas. In this background, the Report asserts that land policy must not be used as a tool for demographic change and that such policies would serve to exacerbate ethnic tensions (Paras. 8.104, 9.124). Simultaneously, release the lands being held as HSZs or occupied by the military so as to return land to their legal owners. Finally, it calls for immediate steps that should be taken to remove any remaining restrictions on visiting places of worship with the only exception being made in respect of the restrictions necessitated by the presence of mines and unexploded ordinances (Para. 9.117).

6.3.4 Detention, Rehabilitation and Reintegration of Former LTTE Combatants

The LLRC approach to the issue of the former combatants covers a range of areas including detention, prosecution, rehabilitation and reintegration. The Report also recognizes a number of cross-cutting concerns including the needs of vulnerable ex-combatants (particularly ex-child soldiers) and the potential impact that the treatment

and reintegration of former combatants may have on wider society (with an emphasis on family) (Paras. 5.92, 9.77-9.81). The LLRC commends the Government of Sri Lanka in the relatively quick paced rehabilitation and release of large numbers of the LTTE former cadres and the vocational training and caring in which aspects the rehabilitation programs have been conducted (Para. 5.50). In addition, the Report highlights the need to provide both education and vocational training to the ex-combatants. However, it made a number of recommendations for the improvement, particularly concerning the length and transparency of prosecution and detention of the ex-combatants.

Recommendations

The recommendations fall under this issue is for the betterment of the implementation, particularly concerning the length and transparency of prosecution and detention of the ex-cadres. Regarding prosecutions, the Report indicated that, the LTTE cadres found guilty must be punished and account must be taken of the violation of core Human Rights and IHL principles in a manner commensurate to the crimes committed (Para. 9.26). Furthermore, it recommends that the next of kin of the detained ex-combatants be informed of their whereabouts and be given appropriate access opportunities. To enable this, the Report proposes a centralized database containing a comprehensive list of detainees and detention centers (Para. 9.63). In addition, these former LTTE combatants and next of kin should be considered eligible for compensatory relief from a reviewed and revised Rehabilitation of Persons, Properties and Industries Authority (REPPIA). Moreover, it pointed that development of a comprehensive reintegration and rehabilitation plan for former child combatants including the provision of life/livelihood opportunities and counseling. The Report specifically calls for the implementation of the 2008 joint (Government of Sri Lanka, Tamil Makkal Viduthalai Pulihal-TMVP,

and United Nations Children's Fund-UNICEF) Action Plan to facilitate the release and reintegration of child soldiers (Para. 9.77). The LLRC also calls on the Government of Sri Lanka to work alongside civil society organizations to implement social reintegration schemes for former detainees already in mainstream society (Paras. 9.69-78). By adding from these, the Commission asserts that various human rights issues related to detention of the ex-LTTE combatants without trial serve to undo the positive impact of rehabilitation and that these issues must be addressed as a matter of urgency (Paras. 9.53-9.66). Due to the issue of illegal armed groups continue to operate in the country, the Report calls the Government to take follow-up action to engage in a comprehensive disarmament process throughout the country, thereby the continuing suspicion on the rehabilitated carders might be reduced (Para. 9.204).

6.3.5 Abduction, Arbitrary Arrest and Disappearance

The Report of the LLRC very strongly reminds that Sri Lanka has an obligation to protect human rights due to the constitutional guarantees as well as the international obligations arising from being a party to a number of international conventions (Para. 5.35). This is the aspect indirectly portrayed that the need to re-dedicate the responsible mechanism to protecting human rights due to the experience of LLRC Commissioners' during the public hearings with a number of persons who appeared before the Commission (Para. 5.4). During the public hearing process by the LLRC, a large number of representations were made alleging the violation of fundamental rights including abductions, enforced or involuntary disappearances and arbitrary detention, arrest without any official record and the freedom of people affected by the conflict (Para. 5.7).

In fact, the Report adopts a critical attitude towards human rights violations

existing on the ground, including abductions-especially ‘white-van’ abductions (Para. 5.2), disappearances, arbitrary arrest, etc., allegedly committed by the Government Security Forces and other entities (Para. 5.15). With regard to these, critical representations had been made concerning political interference in the justice system, criminal investigations and police administration as well (Para. 5.33). However, the LLRC falls short on accountability for human rights violations, occurred during the civil war, such as the murder of NGO staff attached to Action Contre le Faim (ACF) in Muttur and the killing of five students in Trincomallee, Eastern Sri Lanka (see Para. 9.207).

Activities of the Illegal Armed Groups

The Report points that activities of illegal armed groups on the ground are serious to be concerned. According to a number of representations made, it appeared as the dominating presence and activities of such groups on the ground created fear among the general public and contributing to an environment of impunity. Furthermore, some of their illegal activities, for instances a number of alleged incidents of abduction, wrongful confinement and extortion, have affected the basic rights of the people. The whereabouts of most abductees are still unknown while some others have since been found dead (Para. 5.66). The groups involved in these activities are identified in the Report as ‘Karuna group’ and the ‘TMVP’ in the eastern part, and the ‘Eelam People’s Democratic Party’ (EPDP) in the northern Sri Lanka (Para. 5.75).

Recommendations

In pointing out the above, the Report emphasized the duty of the Government to investigate all cases, related to these issues, as well as its responsibility. With regard to arbitrary arrest and detention the LLRC suggested two recommendations: “A change in

a person's place of detention should be conveyed promptly to family members of the arrested person and to Sri Lanka's Human Rights Commission" (Para. 9.54b); and, "Either charge or release detainees who have been incarcerated over a long period of time without charges being preferred" (Para. 9.70). It also suggested for the enactment of legislation to criminalize enforced disappearances (Para. 5.46). Further added that proper investigations need to be undertaken as regard the conduct of certain illegal armed groups, and measures need to be taken to disarm such groups (Paras. 5.77-5.78). Also the Report goes on to recommend the establishment of a Special Commissioner of Investigations to investigate alleged disappearances (Para. 5.48).

The Report also makes specific recommendations addressing concerns for detainees. These including policies of cooperation with humanitarian organizations such as the ICRC to ensure detainee welfare, the establishment of a centralized comprehensive database containing a list of detainees to be made available to next of kin, and the implementation of a proper screening process to identify detainees that may require special attention on children and the disabled. Many of the recommendations regarding this have been anticipated by the Government and appropriate action taken.

6.3.6 War Crimes and Accountability

Security Forces Operations and Humanitarian Law Issues

Debunking allegations of the use of disproportionate force by the Government Security Forces and deliberate targeting of civilians, the Report closed the door firmly on this key issue. It conclusively stated that it was the opposite and that the military strategy was carefully conceived, in which the protection of the civilian population was given the highest priority and the movement was deliberately slow by taking all possible measures to avoid civilian casualties (Para. 4.262). While the Report fails to come up

with an estimate of the civilian casualties, during the final phase of war, however, it attributes the considerable number of civilian casualties (Para. 4.359xii) to crossfire, the LTTE was targeting civilians and used them as a human shield and perils inherent in crossing the Nanthi Kadal Lagoon (Para. 4.359-xii). In addition, the Report states that the Government of Sri Lanka took all possible steps in getting food and medical supplies and other essential items across to the entrapped civilians despite enormous logistical difficulties of the operation (Para. 9.16-9.17). Moreover, it pointed that accounts by eyewitnesses suggest that there were a series of disappearances after the surrender or arrest by the Security Forces (Para. 9.23).

The Channel 4 Video

Due to the significant discussion and controversy has been generated by the release of the Channel 4 video the LLRC took this into account in its findings within its limited mandate. In that respect, the Report admitted that irrespective of the incidents being real or staged, the images contained in the footage are truly gruesome and shocking (Para. 4.374a). However, it stated that technical ambiguities in the video remain un-clarified (Para 4.374b-4.374c). Testimony was heard of several experts that raised doubt as to the authenticity of the footage however, due to conflicting expert opinion and the unavailability of the original broadcast footage, the Report was not making a conclusive finding (Para. 4.374e). However, as earlier mentioned, the Report is mindful of the contents shown in the video, and the gruesomeness of what was shown, and therefore recommended an enquiry to ascertain the truth.

Recommendations

Furthermore, the LLRC called for an investigation into any specific instances of excesses or a disproportionate use of force on innocent civilians. In order to do that, the

Report called upon the producers of Channel 4 to cooperate with such an enquiry and requested Channel 4 to make available the original video so that its veracity can be ascertained. Furthermore, it recommends the Government to initiate an independent investigation into the footage allegedly demonstrating grave violations of humanitarian law and human rights.

Conclusion

The Report of the LLRC was established to give room to deal with the roots of the national question and investigating issues of war crimes and human rights violations in Sri Lanka. Despite its limited mandate on the purpose of investigation and contribute to the ongoing reconciliation process in post-war Sri Lanka, weaknesses and shortcomings still prevail in relation to the implementation of the recommendations made by the LLRC. As a government formed Commission, the report is being criticized on its view on war crimes and human rights related violations that were not made in its recommendations based on the evidence. Furthermore, though the Commission does admit the seriousness of the identified structural issues, avoids identifying them in-depth or assessing their gravity fully in the perspective of security, and on the other hand, recommendations made, on behalf of the issues, not concentrated adequately regarding the security situation on the ground in terms of its implementation, in tri-level. In fact, the security dimension of the respected issue and the impact on the level of operation not analyzed comprehensively, though the real situation existing on the ground structurally and psychologically challenging with those issues. Due to this nature the ongoing implementation process of the recommendations made by the LLRC still facing challenges on the ground. Once looking at the ground situation, relating with the existing structural issues, there are shortcomings in the Report of the LLRC, mainly

on the security aspect. In order to evaluate the implication of the Report of the LLRC to practice in the ongoing reconciliation process in post-civil war Sri Lanka and the barrier by the different sense of security of two major ethnic communities, Sinhalese and Tamils, the next chapter will be primarily dedicated to analyze the accumulated data and empirical research by applying the selected analytical framework of this research. By portraying the ground reality related to the feeling of insecurity that caused barrier to promote reconciliation, the irrelevance or lack of focus by the LLRC Report can be found.

Chapter 7

Discussion and Analysis of the Nexus between Security and Reconciliation: The Ground Reality of the Structural Issues

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Conclusion

Introduction

In the aftermath of prolonged war that carried out between the Government of Sri Lanka and the LTTE within the territory of Sri Lanka nearly 3 decades and came to an end in 2009, the Sri Lankan government encompasses with various measures toward post-war reconciliation and capturing the hearts and minds of the long suffering victims of the war. This transition is highly expected nationally as well as internationally to overcome the past grievances since each of the major ethnic groups have immensely suffered and subjected to injustices, occurred during the past, therefore, these historical injustices must be righted. While having this in consideration, the previous chapter focused and outlined the LLRC engagement with the key structural issues, political solution, militarization, resettlement and land return issues, rehabilitation and reintegration of ex-combatants, abduction, arbitrary arrest and disappearances, and, war crimes and accountability, in its report. Though the LLRC did on this endeavor, it's extremely limited mandate not permitted it to prepare on taking detailed fact and observation with related to the selected key issues in the perspective of security. This seems likely to limit the effects of any report with regard to the primary goals of commissions and when it put into the implementation phase the challenges are huge. This is true in the practice of the LLRC Report on the ground since it is being challenged on the ground in implementing, due to the different nature of insecurity of ethnic groups. In the meantime, throughout the study it has been realized that, making a list of recommendations is not a great contribution since the respective issues has to be studied through various dimensions and levels, where it is influenced. This can pave road for implementing process in a feasible manner. As a research about the nexus between security and reconciliation, there are no doubts about the necessity for bringing

reconciliation by dealing with the structural as well as psychological dimensions of security in various levels of operation; in fact, those necessities have, to some extent, identified in the Report of the LLRC within its limited mandate. However, the focus on the selected issues by the LLRC was not adequate on the security aspect that is highly required to tackle the situation on the ground, therefore, challenges are still effectively active on the promotion of reconciliation process in Sri Lanka. This is well understood by comparing the ground situation and the Report of the LLRC by holding six key structural issues that are competing with the ongoing reconciliation practices.

In order to find and explore the fact on the mentioned above, an assessment framework for this study is employed and amended by combining the two basic tools, the USAID Conflict Assessment Framework (CAF) and the theories of human needs, and applied into the selected six key structural issues. Under the CAF model, diagnosis and response are used to examine the dynamics of the particular issue by identifying the current features and future scenarios that could alter the risk factors. This further enables the analytical task by focusing on the issues ranging from policy position and interests to practice and implementation. Simultaneously, the theories of human needs are used to determine needs in a structural and psychological basis, examine their nature and causes, and set priorities for future action. By utilizing the features of the both above mentioned tools, the selected structural issues diagnose via three Fs featured through *Facts* as nature and causes of the issues; *Feelings* about the sense of insecurity and safety needs; and, *Forecasts* is an analysis of the results and the judgments about future (USAID, 2012: 1-3). This is favored to the empirical study by the author with the insights from the interviews and narratives focusing on the issues illustrated and addressed by the Report of the LLRC and the situation prevailing on the ground. In sum,

to analyzing the ground situation, using the above mentioned practitioner model is suitable as well as flexible enough to employ and execute in this study. Furthermore, it is hoped that holding an in-depth analysis, including primary and secondary sources to approach each issue and its characteristics as well as impacts on the ground, is enabled to show the present insights of the respective issues in various perspectives.

The key issues are assessing and analyzing according to the distinct category as above mentioned. However, the issues themselves have a great deal of overlap among each other due to its nature, as structural and psychological, as well as the impact related with security. The distinction is made here mainly as for analytical purpose. In this chapter the real situation, related to security and the structural issues, in tri-level on the ground is analyzed by comparing the LLRC engagement with the issues, based upon various sources.

In fact, strategies persuaded by the LLRC to deal with structural issues on the ground were found to be highly contentious. Different stakeholders, actors, respondents disagreed and came into conflict about the way that the LLRC should have pursued its goals as a Commission established for promoting reconciliation in post-war Sri Lanka. Particular attention is given to differences observed in tri-level (ethnically different state, community as well as individuals) and different interviewee categories, such as Government Ministers, former Commissioners, university lecturers, lawyers, human rights activists, etc. Each interviewee is referenced in this section by using number coding, for instances Interviewee 1, Interviewee 2.⁴³ After assessing the extent and lines of divisions, the broad patterns characterizing these contentions is reviewed.

7.1 Political Solution: Diagnosis of the Three Fs

⁴³ See the appendix of this dissertation for full detail

In this section, the LLRC's approach and the recommendations made in relation to political solution is analyzed, based upon the ground situation. As in the previous chapter, observations and recommendations with regard to political solution are identified, this chapter presents the secondary and primary data collected from various studies, reports and the responses from the field study to the structural issue of political solution. Along with the analysis in the previous chapter, particular attention is given here to gaps observed between the Report of the LLRC and the ground situation, with regard to the respective issue.

After looking at the detailed reflection of the various perspectives of the complexity related to the solution for prolonged nature of conflict in Sri Lanka, the LLRC's strategy to bring normalcy and promote reconciliation proposed as setting up the PC system and devolving power, based on the notion of 'people-centric'. The LLRC did try to acquire the sense of this particular issue, however, the complexity primarily related to security is a very easily obstacle when trying to fit the recommendations into the ground reality. The conflict and insecurity of the past and present, security dynamics of the two major ethnic groups are still largely dominated in this cause. This is laid in the subsequent sections, which look at the issue that divided under three Fs as well as different sections of security of ethnic groups.

7.1.1 Facts: Nature and Causes

Political solution to the ethnic conflict is considered as immediate forthcoming, encapsulates in the post-war phase as political compromise with non-LTTE Tamil parties, however, this does not seem yet to be fruitfully happening on the ground. Though the President of Sri Lanka Mahinda Rajapaksa assured to international actors during the war was on hold that once the war was over he would implement a political

solution. In that respect, soon after the conclusion of heavy final battle, a statement made by the same President in the Parliament as it is necessary to reach a political solution that should bring the needs of the people closer and faster than any country or government in the world would bring, however, the solution will be a home-grown rather than an imported one. He clearly pointed this as, due to the urgency and peculiarity of the nation it is necessary to find a solution that is our very own and should be a solution acceptable to all sections of the people (Melegoda Nayani, 2011: 156). During this time, the President and the Government of Sri Lanka made several assurances to the UN and to India through joint communiques that "...the full implementation of the 13th Amendment to the Constitution and building upon it so as to achieve meaningful devolution" would be the primary means of reconciliation (Sumanthiran M.A., 2013).⁴⁴ By accepting the Government's statement made is true, Interviewee 5 pointed the subsequent steps the Government has taken into finding a political solution, soon after the protracted civil war concluded. He strongly emphasized that "we are in year 2013, till now the present government has failed to give a justifiable and acceptable political solution to the Tamil national problem." In fact, there is increasing emphasis placed by the Government on a yet unspecified and vague "home grown" solution.

In this respect, the Government proposed a Parliamentary Select Committee (PSC) to arrive at a consensus political solution from all political parties, however, the oppositional party, UNP, and the TNA, have not nominated their individuals to the PSC; the lack of progress being made in the bilateral talks between the Government and

⁴⁴ See

<<http://www.colombotelegraph.com/index.php/response-to-tna-2013-npc-election-manifesto-criticism>> Last visited on September 17, 2013

the TNA and they were engaged in eighteen rounds of talks without reaching a positive result. In mid-2006, the All Party Representative Committee (APRC) was established by the current Government of Sri Lanka without the membership of the two political parties; they met 126 times over three years and the Final Report was presented to the President in July 2010, came up with the conclusion as full implementation of the 13th Amendment to the Constitution is the way to reach a settlement for the prolonged conflict in Sri Lanka. This is important to note here again that the LLRC Report recommended this too as a measure to a political solution.

In this respect, the link between the 13th Amendment to the Constitution and the PCs is necessary to portray here for the better understanding about this structural issue in full. Devolving the power to PCs envisaged under the Indo-Sri Lanka Agreement of 1987 is within the provision of Sri Lankan unitary constitution. It is also by means of the 13th Amendment to the Constitution, particularly this system is entrenched in the Constitution (1978), and the legislative provision that has been made for matters concerning the function of the system under the Provincial Council Act No. 42 of 1987, and the Provincial Councils (Consequential Provisions) Act No. 12 of 1989 (Leitan Tressie G. R, 1990: 16). In this scenario, the PC system was established in 1988 with the entrusting of the responsibility of disarming the Tamil militants to the IPKF through the agreement of 1987. The 13th Amendment, which was introduced in the same year, established a second tier government as a political settlement to be policed by the IPKF. At the time of signing the Indo-Lanka accord, there was a belief existed that granting Regional Autonomy to the provinces would facilitate a solution to the ethnic problem. The 13th Amendment of the Constitution facilitated to devolve the legislative, executive and judicial powers of the Government to the PCs. Each PC has a Governor

appointed at the sole discretion of the President of the State, to be the executive head of the provincial administration. But he exercises such power through the Chief Minister and the four Provincial Ministers who are appointed by him. Since the Governor holds office at the pleasure of the President he has to always do what pleases the President. If he or she does otherwise he or she can be dismissed. As for legislative powers, the Ninth Schedule to the 13th Amendment sets out three lists of subjects and functions: the Reserved List (RL), contains powers that are reserved to the Central Government; the Provincial Council List (PCL), holds powers of the PC but are not their exclusive powers; and the Concurrent List (CL), comprises powers that both the Parliament and the PCs can legislate on them. However, the devolution of government power to PCs implemented during the last twenty years was limited only to the legislative and executive functions; there is no devolution of judicial power as envisaged in the amendment yet.

In this respect, expected solution for this prolonged conflict in Sri Lanka, as the LLRC pointed as a people-centric form of devolution by addressing the genuine grievances and needs of the Tamil people, centered on PC system presents serious concerns and issues of security related to different ethnic groups. Therefore, it does not appear that the LLRC recommendations on this issue is not best suited to shed light on reconciliation; the difference sense of security aspect is become a lot clearer when looking at the ground situation.

7.1.2 Feelings: Sense of Insecurity and Safety Needs

7.1.2.1 State and Community (Sinhalese)

First what has to be mentioned here is in the current situation on the ground, there is a great degree of disagreement prevails especially from the Government and the majority

ethnic group on the implementation of the 13th Amendment and devolving the power to PCs, mainly to the Northern Province where the Tamils are located predominantly. Because the Government and the people from Sinhalese ethnic origin are highly feared that it would pave the way for a separate State. The reason for this sense of insecurity has two dimensions relate with this measure, domestic and regional. In a domestic context, this is the fear about giving two powers over land and law and order. Interviewee 4 stated that they feel that if these powers are fully granted to Provinces the other provisions relating to the Governor's powers will abolish any devolution in these matters, on the one hand and on the other hand, the Chief Minister will recruit the police and armed forces that might naturally start recruiting the rehabilitated LTTE carders. If they get armed that can lead to another armed struggle in the nation. It is essential to update here the recent scenario with regard to this issue of giving land power to the provinces. In September 25, 2013 the Supreme Court determined that the much debated land powers under the 13th Amendment are vested with the Government not with the Provincial Councils. This determination comes after the Provincial Council polls in the North, North Western and Central Provinces; especially after the landmark victory of the TNA in the Northern Province (one of the key demands in the election manifesto of the TNA was devolving land powers to the Provincial Councils).⁴⁵

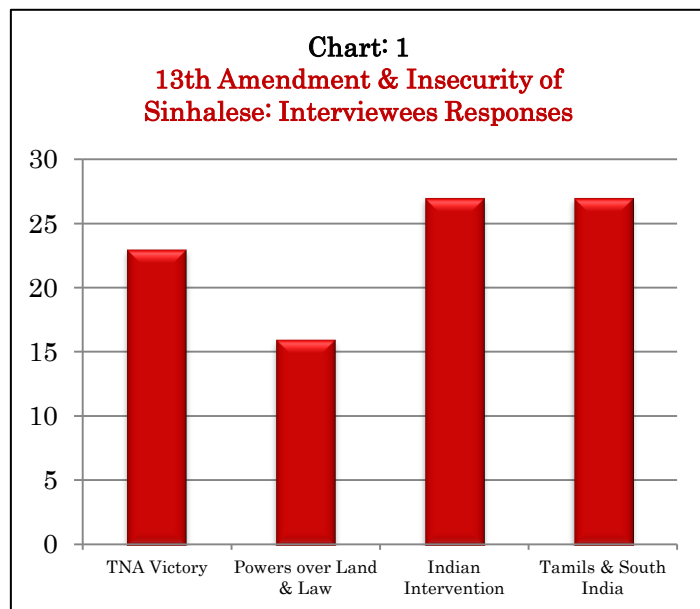
Moreover, having secured territorial integrity and sovereignty of Sri Lanka, the Government of Sri Lanka is now facing its toughest challenge. Despite elimination of LTTE, the possibility of guerrilla strikes cannot be ruled out. The Government feels that political solution should not be based on ethnic lines as it would undermine the notion of nationalism and Sri Lanka would never be able to get out of this ethnic barrier which

⁴⁵ See more in < <http://dbsjeyaraj.com/dbsj/archives/26210>> Last visited on October 1, 2013

should seriously undermine the development and progress of the country. However, Sri Lankan government is facing with serious challenges in finding a political solution to the ethnic conflict.

In a regional point of view, with related to the feeling of insecurity of Sinhalese, the 13th Amendment to the Constitution was promulgated in the context of the Indian effort at mediating an end to the conflict in 1987 and was an outcome of the Indo-Lanka Peace Accord. Interviewee 4 emphasized that this was brought by India only to accommodate the LTTE into

the democratic framework rather than the intention of bringing harmony to the country. Simultaneously, there was an imposed aspect to the 13th Amendment, which is contrast from the Government's "home-grown" stand, because it took place in the aftermath of



the Indian invasion of Sri Lankan airspace and the halting of Sri Lankan military operations against the LTTE. It is therefore to be expected that India would be particularly observant about the implementation of this law. The implementation of the 13th Amendment would help to restore some measure of Indian credibility as Sri Lanka's superpower neighbor. If the Sri Lankan government were to strengthen the PC system along the lines of President Rajapaksa's earlier pledge of 13th Amendment plus 1 there is no doubt that this would be satisfying to the Indian government and help to

maintain its own credibility in the South Indian state of Tamil Nadu which is liable to become volatile on the issue.

In the meantime, due the presence of an ethnic group, the Tamils, with close links with South India with a cultural identity considered as a threat to national security and the internal political dominance of the Sinhalese majority; this is inextricably to the issues of sovereignty and national security. For Sinhalese, the issue constituted an integral part of the threat perception with a potential danger of Indian intervention which could undermine the sovereignty of the state (Jayasekera, 1992: 488-489).⁴⁶

After all above internal as well as external threats in mind, the Sinhalese sense of insecurity, in a national framework, limits the political capacity of the Rajapaksa administration to move in the direction of a political solution acceptable to the Tamil minority, mainly the regime itself is a coalition of Sinhalese nationalists. It is clear that the hesitation from the Government to implement any devolution framework is largely rooted in this complex problem of insecurity. Therefore, a great degree of disagreement exists from the Government and the majority ethnic group on the implementation of the 13th Amendment and devolving the powers to the PCs. Understandably, the urgency of responding to ethnic minority demands is no longer taken as seriously in their basic concerns in the post-civil war context. This shows that the recommended solution for this prolonged political struggle in the Report of the LLRC related to PCs has less feasibility to implement on the ground due to the sense of security.

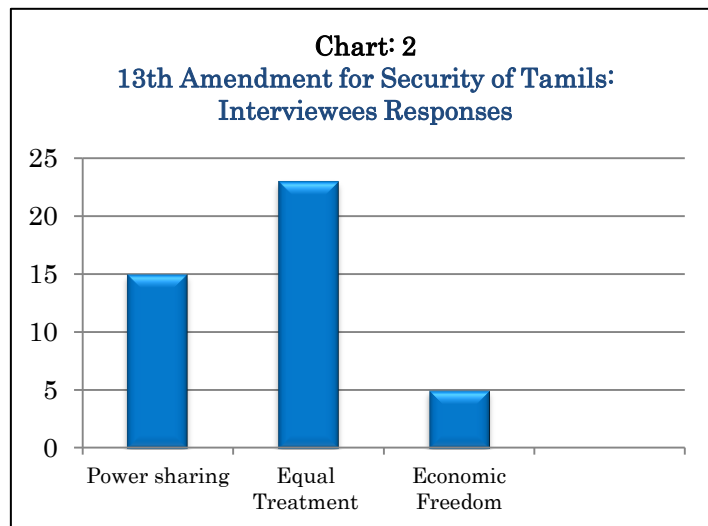
7.1.2.2 Community (Sri Lankan Tamils and the Tamil Diaspora)

Though the implementation of the 13th Amendment to the Constitution not lead to

⁴⁶ See chapter one of this dissertation where the Indian interventions on Sri Lankan domestic affairs and the cause for the Sinhalese fear are clearly discussed.

long-run political power sharing for Tamils, this measure stood at the center of the promise of the Tamil national politicians and the diaspora during this post-war phase. For ensuring their own security fully and establishing a durable peace it is expected that in the medium and longer terms, economic and political power sharing between the center and the provinces is indispensable. The full implementation of the 13th Amendment and devolving the Government's power to provinces, for Tamils, is for ensuring economic freedom and treating equally before the law in the short-run and thereby will satisfy a degree of their aspirations of political power sharing. This is the sense of security of the Tamils

by implementing this recommendation proposed by the LLRC. However, this feeling of security is utterly contradicted to the feeling of Sinhalese, as a result, this structural measure seek to deal



with the long run political question is still getting delayed in its implementation.

7.1.3 Forecasts: Analysis of the Results and the Judgments about Future

The different sense of security between the Sinhalese and the Tamils with related to the issue of finding a durable solution for the prolonged conflict is clearly showed that the complexity to implement the proposed measure of the LLRC. Due to this fact, the post-war government's attitudes with regard to political solution is highly hesitated and later diverted into another direction. The one amongst the others is the Government's

rigid stand on this conflict. Interviewee 7 pointed that for the Government, there are no conflict in the country after the defeat and demolish of the LTTE. According to the Government of Sri Lanka, there was a terrorist problem for decades, now it completely solved by military victory over the LTTE therefore, there is no need for power sharing. Under this predominant position of the current Government, seeking a political solution is the first and foremost challenging factor to promoting reconciliation on the ground.

In the meantime, any devolution for the decades longed ethnic conflict in Sri Lanka should be incorporated the Tamils' grievances because, as Interviewee 4 pointed, those are the people who have suffered more than any other community due to 'terrorism'.⁴⁷ In his opinion, grievances of the Tamils are not the grievances of the Tamil politicians; politicians are enjoying the benefits of the elected, however, people on the ground suffer much more. Therefore, identifiable Tamils' grievances must be addressed and given priority. In fact, the LLRC identified and addressed correctly toward small extent what the grievances of the Tamils, however, in his view, 13th Amendment to the Constitution and the PCs is not going to be the solution for the root causes of the conflict; the LLRC fails to attending the needs and grievances of the Tamil people rather than giving political power to the politicians. In the meantime, Interviewee 8 added from the mentioned above as 13th Amendment to the Constitution is a piece of legislation and it is insufficient and inadequate as a response to the ethnic conflict; the solution has to go beyond 13th Amendment.

In this respect, the LLRC was not much clear about the way or model which is

⁴⁷ Interviewee 4 stated that "if you say that Tamils were responsible for the terrorism that is only part of the story. Tamils were subject to terrorism and their sufferings, due to this cause, are immense, thereby they have greater degree of grievances. Another evident for this is, if you look at the totality of Sri Lanka, the Northern and Southern areas are still backward because of the sufferings that they were subject by terrorism. However, the TNA, who were collaborated with LTTE, still holds the stand of LTTE, so the problem now is TNA, I think much of the blame for today's situation is the TNA."

possible in post-war Sri Lanka to reach a political settlement for this prolonged conflict. Simultaneously, the addressed PC system is not feasible enough to implement on the ground due to its features related to security of both the Sinhalese, including the Government, and the Tamil community. As Interviewee 4 pointed, giving political power to the Tamil politicians has no assurance that fully wipes out the grievances of the people. In the meantime, the direction through the full implementation of the 13th Amendment to the Constitution and meaningful devolution, building upon PCs and the movement beyond, would be an insufficient step to resolving the root causes of the decades prolonged conflict in Sri Lanka.

Concurrently, as a part of the agreement related to the 13th Amendment, there is a strong argument is being existed against India and its statements about the full implementation of the PC system. Interviewee 4 stated that due to India's massive engagement with the LTTE since its emergence, India's efforts step into Sri Lankan affairs are viewed through the eyes of suspicion by the Government of Sri Lanka as well as the Sinhalese polity. Though this particular proposed measure is not invited due to the India's involvement, devolution of power on the basis of shared sovereignty over land and law and order also pervading sense of fear from the Government and the community thereby, it is not allowed for feasible implementation. Meanwhile, diaspora's claim on this is too looked by hatred and fearful eye of Sinhalese while linking to the LTTE and the West in the state. Again Interviewee 4 clarified this point as the West has its own agenda by supporting diaspora that is not always about the interest of the people on the ground; most important need for them is to get votes, for example in marginal constituencies they can make differences, especially in Britain. Meantime, he pointed that the Northern Tamils in Sri Lanka are not same as diaspora; the only link

these Tamils have and listen and obliged to the diaspora due to the remittances they receive. Travelling through these sequences, influencing into the domestic matters diaspora is still powerful, especially to find a political settlement. In all respects, it is recognized that political solution as a structural measure for reconciliation must be made a reality for all the people, respective their ethnicities and the experiences of past rather not continue to be only an aspiration for some.

Under the all above respects, a giant step forward has to be taken in terms of arriving at a political solution to the ethnic conflict through the full implementation of the 13th Amendment to the Constitution. Three months after the establishment of the Northern Provincial Council, the breakdown of relationships is epitomized by the conflict between its presidentially appointed Governor and democratically elected Chief Minister. In order to mitigate this conflict and find and implement a solution through the proposed measure by the LLRC, the Government of Sri Lanka has to step into and initiate a negotiation process with the TNA. This is highly expected a political will not only from the Government but also from the TNA and the Tamil diaspora.

7.2 Militarization: Diagnosis of the Three Fs

This section lays the foundation for a more detailed examination of how ground situation is existed and interpreted to the context of the LLRC's approach and recommendations with related to the issue of militarization. Looking at the various functions, the interpretations and views, and the ways in which situational factors impact on the approach of militarization, this section thus serves to illustrate the three Fs of the selected issue and understanding the problem related to the sense of security for implementing the recommendations of the LLRC. The fact is the Tamils are viewed militarization through the lens of fear and insecurity, however, the approach of

militarization is realized by Sinhalese as a necessary element, not only for their security but also for the nation as a whole.

The LLRC seeks to settle the disputes related to militarization mainly on two bases: phasing out the involvement of the Security Forces in the civilians' activities, and dealing with the occupation and use of private lands in the name of HSZs. However, its ambiguity on the approach in diagnosing the issue as well as in its recommendations is clear because on the ground this issue is extent in various forms and practices under the sense and measures as security. In this respect, challenges ahead in the implementations on disengage Security Forces from all civilian administration and activities as well as military presence entitled as HSZ as a security measure. This is, in turn, triggered the issue in a more different and effective form and caused a deeper shared sense of fear in an intensive way. In another sense, fear of one side is the dominant motivation for keeping militarization, and other side is viewed it as an egocentric and clearly manifestations of the motivation of fear and insecurity. The following sections are discussed these realities under the categories of three Fs.

7.2.1 Facts: Nature and Causes

Sri Lanka presented a classic case where both competent sides, the LTTE and the Sri Lankan Security Forces, followed these patterns of militarism. The civilian victims included not only members of the two contested groups but also the Muslims and many prominent political leaders of the country. Thus, the Sri Lankan army carried out periodic murderous attack on the Sri Lankan Tamils, and the LTTE made military reprisals against the Sinhalese, Tamils and even Muslims. The army's actions were posed either in retaliation to the LTTE's killing of the Sinhalese civilians and soldiers (wounded or captured) or to the Tamils who were supportive to the LTTE. In turn, the

LTTE's campaigns and targets against the civilian leaders of Sri Lanka, innocent civilian and even its own clan group members (see more in chapter one of this dissertation). In fact, the protracted nature of conflict has generated a culture of militarism across the island due to those several causes.

In a conceptual term, demilitarization is a multi-dimensional process that involves the reversal of militarization through the sustained reduction in the size and influence of the military sector in state and society and the reallocation of military resources to civilian purposes. While attempting to deconstruct the cultural, ideological and institutional structures of militarism, this process has divided mainly into two related processes, namely as demilitarization of the state and demilitarization of society. The first one is said to exist when there is an observable combination of the following processes: increasing civilian control over the armed forces; decline in the size of the armed forces; transformation of a state's behavior in internal affairs, where the use of force is superseded by non-violent approaches to conflict as the primary instrument of foreign policy; disarmament; reduction in military expenditure; and the conversion of arms industries. Demilitarization of society is associated with the de-glorification of the armed forces by the media and society in general, the withdrawal of observable military influences in the education system, and a sustained reduction in consumerist militarism (Guy Lamb, 2007: 121-122).

In the current post-war Sri Lanka, there are no improvements from the ground of phasing out security forces involvement in civil administration, discussed in the LLRC recommendations. Eight months after the Final Report of the LLRC was handed over to the President, the Action Plan made by the Government proposes to formulate plan for further reducing involvement of the Security Forces in civil work, which needs

another six months. Further it noted that, 95 per cent were already withdrawn from civilian duties and the remaining five per cent will be covered in another six months. The key performance indicator of the Action Plan is identified as “a marked reduction or withdrawal of security personnel for civil activities.” It is to be noted here that the language confusion where the LLRC pointed “civil administration” rather “civil activities” in its text. Interviewee 5 stated that it is required that the immediate replacement of ex-servicemen in civil administration position instead of such a Major General and the Rear Admiral; public servants are functioning under these ex-military persons. In brief, expected demilitarization in post-war Sri Lanka is removing the military presence in both civil administration and civil life. Interview 2 addressed a recent event in this regard: “Civil Defence Unit gave Montessori teaching appointment for 488 women last time. Why military giving teaching appointment? Rather this has to go through the education department or the social service department. It is clear that the military is engaging many of the civil administration apart from land grabbing.”

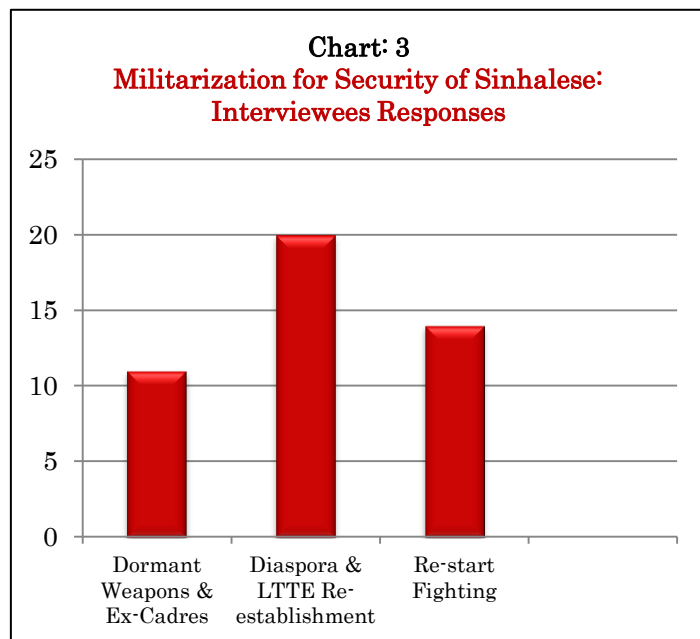
7.2.2 Feelings: Sense of Insecurity and Safety Needs

7.2.2.1 State and Community (Sinhalese)

There is a growing concern from the Government of Sri Lanka over the excessive reliance of the state on the army is to ensure its survival and maintain civil order. Meanwhile, it is apparent to mention here that one of the post-civil war issues that closely linked to security is an agenda of demilitarization. During the war, Sri Lanka saw the emergence of a national security regime in which the defence establishment played a pivotal role. Under the national security regime, the cabinet of ministers and the parliament became secondary to the defence establishment. For this arrangement, the Prevention of Terrorism and the Emergency legislations provided the legal

framework for this national security regime. Once the war concluded, on the surface, the atmosphere of fear, intimidation and reprisals getting far down that previously characterized political life. Unfortunately, de-militarization not become as the part of immediate agenda of either the ruling party or the opposition. Sri Lanka’s Sinhala main political actors appear to take militarization as the normal state of affairs as well as a security measure.

In the meantime, the presence of these regimental units in the north, one cannot simply blame the Government since they also have some compulsion to keep the forces on the ground due to their sense of insecurity by various means. The three decade war has brought a huge destruction to the entire nation and at last obviously the Government could militarily defeat the



LTTE. However, the Government not utterly feels that the nation fully recovered and liberated from the LTTE because there are threats on the ground exist to make the environment insecure, especially the nexus between the dormant weapons and the former LTTE carders. According to Interviewee 1, there are still thousands of weapons, buried by the LTTE, digging and taking by the Sri Lankan forces while rehabilitating and releasing the former LTTE cadres. As a result, the Government is highly aware of this critical situation that can allow the ex-militants to go and take up the buried arms

and commit such anti-governmental activities in any time. In addition to this, lively engagement in the pro-LTTE activities by the Tamil diaspora in the countries where they live persists, the Government has getting suspicion as the efforts in abroad can motivate to re-establish the LTTE again to demand for a separate state with the immense foreign remittance. In this critical adventure, the Government has expanded its military activities towards the ex-militants to monitor their day-to-day activities. In turn, making adjournment on the release of the ex-combatants also would create another problem regarding their detention. Therefore, shrinking the military presence in the post-war phase is felt by the Sinhalese community as well as the Government as a great challenge and also a threat. It is to be noted that unless or until the anti-governmental activities are being carried by the diaspora is lively on the ground the Government has the justification to keep the military presence and function. By adding from this, the Government has already set up numerous police stations and army camps in the areas where the LTTE controlled, and the goal appears to be to blanket the military throughout the northeast and thereby ensure there will never again be a minority insurrection. This is caused increased uncomfortable in the new roles of policing civilians in the absence of a clear terrorism threat.

Another conditional factor from the Government to retain with military is the number of the mounted military forces. Once the war was rapidly started, the Government had to increase the number of fighting troops by way of recruiting large number of army personals to meet the demand on the ground. However, after the conclusion of war, those recruited forces have nothing to do except carrying weapons and standing at a junction or a street. Therefore, the Government has started using the forces and engaging them effectively in the ongoing developing activities (Chairman's

Report by Permanent Representative of Japan to the United Nations, 2013: 20; International Crisis Group, 2013: 18). By doing so the Government started showing that the necessity of army presence and the difficulty for demilitarization.

Notwithstanding, according to Interviewee 4, the legitimate fear by the Government and the Sinhalese community is the fighting will start again. Because there are complex set of risks and insecurity are being continued by adding further even during the post-war phase, for instances, fear between still remaining arms under the ground and the rehabilitated LTTE former combatants, who were growing under gun culture for so long, and, continuing effective demand by the Tamil politicians and the diaspora on the ground for separate Tamil home land. He further added that military involvement in the civil administration is an essential need since the formal civil administration is much corrupted and inefficient.

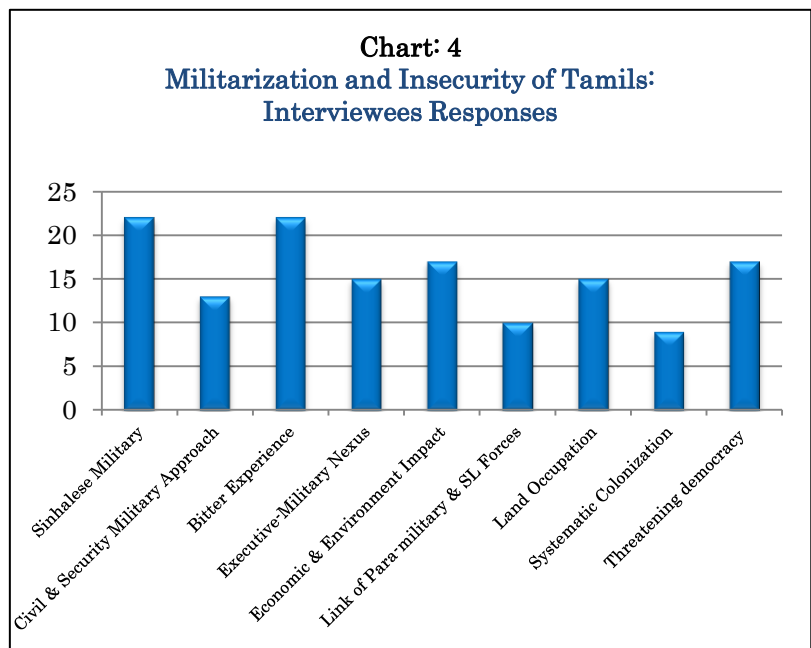
7.2.2.2 Community and Individuals (Sri Lankan Tamils)

Firstly of all, state militants in the conflict in Sri Lanka have been mostly or totally drawn from the dominant ethnic group, which means the Sinhalese-dominated Sri Lankan army. The rise and prolonged deployment of the Sinhalese ethnic militarism on the ground, where the Tamil ethnic group dominantly resides, viewed by the community as well as individuals as a matter of threat or insecurity due to their long wounded experiences molded with the battle between the Government forces and the LTTE. Simultaneously, the general monopolistic tendencies of the hegemonic Sinhalese ethnic groups tend to adopt the militarist approach in the civil and security means as a weaker/deprived Tamil ethnic group seems to go along the militarist path for reasons of fear, position (weak) and failure. This is because with the insecurity that becoming as hallmark for the Tamil community since they used to live under the constant fear of

death and destruction throughout the war. Furthermore, the militarists have brutalized the civil society in Sri Lanka's Northeast that led to the emergence of a new community of unfortunate people, comprising widows, orphans, and destitutes.

Secondly, both regions in north and east, mainly in north, have been under military control for many years, except certain parts in the region under the LTTE control before the conclusion of war. Especially, in the post-war phase, the military has employed to carry out both civil and military functions in Sri Lanka's Northern Province. Though Sri Lanka has never been experienced under military rule at the

national level, a large chunk of their sub-national population has frequently been under the control of the army. Meanwhile, having experience of three decade civil war, people are very much scared of the clutches of military. It



clearly shows that they have had bitter experiences throughout the past due to the protracted armed struggle. Therefore, Tamils identified demilitarization as one of the prime conditions to achieve peace and reconciliation in post-war Sri Lanka. However, the Sri Lankan Government claimed that there have been a substantial reduction in military presence in the Jaffna of North is ongoing, according to the available data it says, a ratio of 1 security personnel for every 5.04 ordinary civilians in the Northern

Province or a force density of around 198.4 security personnel per 1,000 civilian population (A Correspondent, Economic and Political weekly, 2012: 35).

Thirdly, the executive-military nexus, which is viewed as a significant issue by all, internally and internationally, except the pro-government entities. One of the first and most significant features of this nexus is appointments the President of the country made upon, being crowned president, was to nominate his younger brother, Gotabhaya, as Defence Secretary. Gotabhaya Rajapaksa had served in the military prior to going to the US and was hence familiar with many of the military's commanders and the strategic successes and failures of the war against the LTTE (Devotta Neil, 2010: 340). In this respect, Defence Secretary always leads to a close relationship between the military and executive branch. This Rajapaksa regime also recruited retired military personnel to play important roles within the Government and the diplomatic service as entangling the military in the governing process helped consolidate its rule. Indeed, a number of retired military personnel have been provided with sinecures in state corporations while others have been given important positions in the Government ministries (Ibid). Interviewee 2 pointed that "Australia to German to UN through the Middle East we have Ambassadors; who are former military commanders; who are war criminals." All these combined with the fact that it is now hardly a line separating the military and executive branch.

Furthermore, Interviewee 8 strongly stated that militarism has had a deep impact on the domestic economies and depriving the employment opportunities of the Tamil people on the ground. This is caused due to the heavy military presence and restricts the freedom of movement, which have adverse impact on their livelihood opportunities. The military has reportedly been cultivating crops, including on land

which IDPs have been told they cannot return to. It benefits from government subsidies for farming equipment and infrastructure, meaning that it can sell its products at much lower prices than individual local farmers, including returnees. It is also active in fishing, trade and tourism, and continues to run small shops. This has further clarified by Interviewee 2. She pointed that military is engaging in cultivating vegetables in the peoples' land, and running saloon and restaurant in the North. In addition, the military footprint is heavy along the A-9 highway⁴⁸ and armed personnel are being involved in various businesses that are viewed through highly critical eye by the Tamils as an inappropriate and unprecedented involvement of the military in a democratic state.

In addition, Interviewee 7 stated that the locals are still believed that the large-scale para-military operations are still active on the ground due to the support from the Government military forces. This has brought the issue of gross violations of human rights to the fore, about which the local, national and international communities are seriously concerned. In contrast, the negative effect of scaled-down security check-points is the increased criminal activities of pro-government militias and common criminals. In fact, the pro-government militias are undoing the goodwill built-up between the armed personnel and the civilians (Ranasinghe Sergei DeSilva, 2010: 4).

Women in Sri Lanka, predominantly Tamil-speaking north and east, are facing a desperate lack of security even the aftermath of war. The protracted civil war has left women under multiple layers of vulnerability created by death, displacement, detention,

⁴⁸ Between 1994 and 2002, the A9 highway, which is the only land link between the Northern Jaffna peninsula and the rest of the country, remained permanently closed; with the start of the peace process in February 2002 the road was opened. In reaction to heavy fighting, during the last phase of civil war, the Government of Sri Lanka closes the A9. On March 2, 2009 the Highway was reopened for troop movement first and then opened for civilians.

centralized control by military in the areas where they reside, poverty, trauma, and family fragility, thereby, it caused greater insecurity. Interviewee 6 addressed specially about war widows and the complex issues they are facing. She mainly pointed about sexual harassments that are serious concerns to deal with women issues. She admitted that there is a constant reporting on the ground with regard to sexual harassment on resettled women as well as rehabilitated women former LTTE cadres however she was not willing to explore any about further in detail. The cost of these complex set of risks and insecurity are being continued by adding more even during post-war phase, such as inadequate and insecure housing, limited means of transportation and employment opportunities, insufficient funds to feed their families in the set-up of female headed households, domestic violence, and sexual abuse. Most importantly, living under the tight grip of the heavy military presence, and continuously searching the missing and struggling to maintain relations with the detainees is being considered as higher risks among the others. Though the Government is trying to reducing security check-points in the North, very young armed forces personnel on the streets of the north and east still pose a real and perceived threat to young women. The scale of sexual violence against women has been reduced, but still remains. Dharmalingam Siddharthan, who is the leader of the People's Liberation Organization of Tamil Eelam (PLOTE) and one of a member in the coalition TNA, pointed that incidents like gang rapes by uniformed army personnel on resettled IDPs still existing on the ground. With regard to the security measure, he further added, though the local police have apprehended the culprits and produced them in court the military police have been trying their best to get the suspects released on bail (Ibid).

Furthermore, a new form of militarized development is ongoing in various

parts of the country, in the north and south, as a legacy of militarization. Interviewee 2 addressed an issue due to this circumstance was the overnight discover of cultural and sacred land of the Buddhist, in the northern part of Sri Lanka, by showing Buddha statues or stones. This is followed by occupying and controlling those lands by military for Buddhist culture and also for development. As a result of this systematic colonization, people are being relocated into some isolated areas where they don't have any access for anything in the nearest areas. Meanwhile, the places where they are being relocated are under heavy military presence and control all means of livelihoods. This caused high level of insecurity, especially for women, because everything is far away from the relocated areas; if they return home late night they get raped or sexually harassed. Another event also addressed by Interviewee 2 is about the military land encroachment of the village with 69 families held in Amparai district, Eastern part of Sri Lanka. Due to this circumstance people in that village forcibly evicted and now displaced. She stated that with regard to this atrocity by the military fundamental case was filed and then Supreme Court has ordered to the eastern military commander not to touch these people, however it resulted by impeaching the Chief Justice (CJ) who put this judgment and replaced with a puppet CJ. By addressing this incident, she stated that law and order and justice system is fully collapsed and controlled by the Government; justice for injustices are in the hands of "Rajapaksa Brothers."⁴⁹

⁴⁹ Addressed as "Rajapaksa brothers" due to this following reasons: since the current President of Sri Lanka Mahinda Rajapaksa elected in 2005, members of his family have been appointed to senior political positions; his brother Gotabhaya Rajapaksa appointed as Defence Secretary (the most senior civil service position in the Ministry of Defence); another brother, Basil Rajapaksa, was appointed as Senior Presidential Advisor and later, after getting elected as a Member of Parliament, as the Minister of Economic Development. Between them the three Rajapaksa brothers are in charge of five government ministries: Defence & Urban Development, Law & Order, Economic Development, Finance & Planning and Ports & Highways. This means that they directly control 70% of the national budget, however, they deny having control over such amounts. See <http://en.wikipedia.org/wiki/Rajapaksa_family> Last visited on October 2, 2013

Finally, among the Tamil civilians in the north and the part of east fear that the army, (prolonged use) in long run, might behave in a manner threatening to the democratic principles and institutions and ultimately undermine democracy. Such a level of militarization has enhanced the distrust towards the military personals among Tamil civilians in the north and east. This has proved by the Commonwealth Observer Mission's⁵⁰ statement on September 23, 2013, after the Northern Provincial Council election in September 21, 2013. It stated that

“The heavy presence and influence of the military, including persistent reports of overt military support for particular candidates, reported cases of the military actually campaigning for selected candidates, and military involvement in the intimidation of the electorate, party supporters and candidates. The role of the military in the electoral campaign was consistently described to the mission as a significant obstacle to a credible electoral process.”⁵¹

In this respect, military involvement and interference in the democratic process also visibly updated during the recent electoral process in post-war Sri Lanka.

7.2.3 Forecasts: Analysis of the Results and the Judgments about Future

Militarization has got a wider meaning in the Sri Lankan context. For instance, the Governor General of the Northern Province, which is the top level of administrative post in the province, is a retired Major General and the entire province is governed

⁵⁰ The Commonwealth Observer Mission which had been present in Sri Lanka since 14-28 September 2013 to observe the provincial council election in the north. The Mission drawn from across the Commonwealth, and includes persons with political, electoral and local government experience. The Mission led by Stephen Kalonzo Musyoka, Former Vice President of Kenya and tasked to consider all the factors impinging on the credibility of the electoral process as a whole, and to assess whether the election is conducted according to the standards for democratic elections to which Sri Lanka has committed itself, with reference to its own election legislation as well as relevant regional, Commonwealth and other international commitments. See <<http://www.ticonline.org/newsdetails.php?id=246>> Last visited on October 1, 2013

⁵¹ See <<http://thecommonwealth.org/media/news/sri-lanka%E2%80%99s-northern-provincial-council-elections-2013-preliminary-findings>> Last visited on October 1, 2013

under him. Most importantly, next to the central government he is the in-charge for the entire province. It means only under his guidance, under his direct purview, all the government agents, government departments, political institutions, and non-governmental institutions are functioning. Therefore, in the name of Governor on the top level we can see a military person. In the bottom level, the heavy military presence remains in every nook and corner of the area thus it has had practical consequences and highly disturbed the daily life of the ordinary people. Although the war ended, still they have the fear in their mind that they may be assaulted, abducted, or even killed. Most notably, Interviewee 2 strongly emphasized that for women, the fear of sexual harassment at checkpoints has particularly severed to restrict the movement. In a general manner, Interviewee 1 supported this point as, still people don't feel secure fully because of the isolated incidents happened, such as people are being abducted; still missing and disappearances are being taking place on the ground. By hearing and looking at all these events, civilians feel a kind of insecurity in their minds. Furthermore, there are some issues prevailing on the ground related to military encroachment of public lands in the North. These land grabbing plans looked by the Tamils, who are the majority in the country's North, as the policy for eliminating the collective national existence of the Tamils; for the Sinhalese it intends to ensure that any future Tamil insurgency would never materialize.

However, in a positive manner of militarization, the Sri Lankan Army Forces are actively being involved in clearing landmines and building houses for the displaced population, both in Jaffna and the Vanni region. Though the army may do one hundred good things for the welfare of civilians, one horrific incident like the rape of the women has the potential to obliterate the entire goodwill built up over the months/years with the

civilian population. Furthermore, demilitarization to any significant extent is not possible while the ruling government has the strong nexus with the defence in power. Militarization is indispensable for the perpetuation of this strong “dynasty”.

Due to the all respects and the detailed reflections and responses of the various perspectives regarding the specific issue, the LLRC’s engagement with security in the issue was extremely insufficient that involved many elements of disagreement in relation to shrinking military presence as well as solution for the encroachment of private lands of Tamils. Interviewee 2 strongly criticized the LLRC that it was hold this issue what they received from testimonies are heavily diluted and the military atrocities against the community as well as individuals are covered under the carpet. The cause is found throughout the study due to the sense of security. In this sense, it is apparent to say that there is a big gap between the LLRC’s approach and the ground reality that is mainly the question of security; still it is expected to go beyond the issue and its security aspect, which is essentially needed for true reconciliation. In fact, reconciliation is about ensuring security and admitting the need for security on the part of state, community as well as individuals, respective to their ethnicities. Meanwhile, the relationship between the community and the Security Forces is a central issue for reconciliation on the ground. This is centered around the continued presence of military that are seen by the community and individuals as a threat or as a threat that cooperated with the human rights worst abuses that are active on the ground. In contrary, for the state, militarization is considered as a security measure that is taken to prevent the reemergence of terrorism that likely to happen in the foreseeable future. No reconciliation would be possible unless or until the all identified issues, related to militarization, tackle with its many aspects of the different sense of insecurity of ethnic

communities that are far from normal. Still number of troops stationed in the north remained high. Meanwhile, the military continues to play a key role in the administration of the region. Therefore, while having the current contrary security situations from the both ethnic communities, a meaningful and transparent reduction of the military presence in both top and bottom level to peacetime levels required in post-war plans to put forward is a proper security sector reform and demobilization, disarmament and reintegration.

7.3 Resettlement and Land Issues of IDPs: Diagnosis of the Three Fs

Next to the structural issues of reconciliation, resettlement and land issues of IDPs is of great importance for ensuring security thereby promoting reconciliation. This section is sketched and analyzed the wide disparities between the Report of the LLRC and its certain recommendations, related to the respective issue, and the ground situation in terms of security. The LLRC recognized this issue under these categories: housing issues related to repair or build permanent housing, reconstruction assistance, and property restitution and compensation; and, land issues related to lost land by illegally and forcefully or in coercion and ownership disputes between displaced and host communities. In order to overcome these complications, the LLRC proposed these following measures, however, that are less feasible to implement on the ground: immediate steps to take for removing any remaining restrictions for the resettlement of people; land policy must not be used as a tool to change the demographic pattern that would serve to exacerbate ethnic tension; return the lands that are occupied as HSZs to their legal owners; and, the implementation of NLC that set out in the 13th Amendment to the Constitution. Regarding the establishment of NLC to deal with land issue under the expected power by implementing the 13th Amendment in full is already discussed in

the analysis under the issue of political solution. The rest of the recommendations addressed above are being analyzed in the following sections under the tri category of this study, three Fs. By looking at the ground reality in comparison with the selected recommendations of this issue, there are huge competing security related disputes exist on the ground. The barriers to implement the recommendations of the LLRC are visible and contradictory due to security of the state in one hand, and the community and individuals on the other hand. In developing a clear map of the various perspectives of the selected issue prevailing on the terrain, the nexus between security and reconciliation can be explored.

7.3.1 Facts: Nature and Causes

Resettlement, as it is termed by the United Nation's Guiding Principles on Internal Displacement, means, local integration in the areas in which IDPs initially take refuge or relocate to another part of the country. In the framework of the resettlement of conflict-induced IDPs, it is required to exercise basic pre-conditions for resettling families before they resettled. According to the United Nation's Guiding Principle 28 again says, "Competent authorities have the primary duty and responsibility to establish conditions, as well as to provide the means which allows IDPs to return voluntarily, in safety and with dignity, to their homes or places of habitual residence or to resettle voluntarily in another part of the country" (United Nations, 2004: 14). Usually, the resettlement of IDPs at their places of residence causes huge strains for the responsible bodies unless done in a proper manner. Therefore, this process expected international assistance in order to prevent those strains and to avoid further related conflicts.

In the Sri Lankan situation, where the country has entered into post-war phase, according to Interviewee 3, IDPs are being categorized into two main folders: old IDPs,

who have been left out from their places of origin before 2008 and having experience of displacement nearly couple of decades, comprised with Tamil and Muslims; and, the new IDPs who have been displaced during the final phase of war. Both of these categorizations based on their length of displacement.

According to the latest statement from the Government of Sri Lanka regarding the implementation of resettlement is as follows:

“With this last batch of IDPs, the Government has resettled a total of 242,449 IDPs. A further 28,398 have chosen to live with host families in various parts of the country. A batch of about 200 families living with host families has been resettled with their consent in their original habitat in Mullaithivu in September 2012. At the conclusion of resettlement, 7,264 IDPs had left the camps on various grounds and did not return while a further 1,380 sought admission to hospitals. The resettlement of the final batch of IDPs marks a day of historic significance as the **resettlement is now complete and there are no more IDPs or IDP camps in the island**” (The High Commission of the Democratic Socialist Republic of Sri Lanka, Australia, 2013).⁵²

The statement comprised with factually incorrect portray that there are no more IDPs or camps in Sri Lanka due to these following reasons as well as evidence on the ground: based on the Government statistics compiled by United Nations High Commissioner for Refugees (UNHCR), as of December 31, 2012, there were 93,447 displaced persons, meanwhile the respected minister himself recognized that the old case load of IDPs in his opening statement to the Working Group of the Universal Periodic Review on Sri Lanka on November 01, 2012;⁵³ several IDP camps remain open including the Killivetti, Paddithidal and Manichchennai welfare centers in the Eastern Province and

⁵² See the Statement by Mahinda Samarasinghe, the Sri Lankan Minister of Plantation Industries and Special Envoy of H.E. the President of Sri Lanka on Human Rights Leader of the Sri Lanka Delegation, at the High Level Segment of the 22nd Session of the United Nations Human Rights Council 27 February 2013, Geneva. Accessed in <<http://www.slhcaust.org/statement-by-hon-mahinda-samarasinghe-m-p-minister-of-plantation-industries-and-special-envoy-of-h-e-the-president-of-sri-lanka-on-human-rights/>> Last visited on September 21, 2013

⁵³ See <<http://www.lankamission.org/images/2012images/November2012/National%20Statement%20in%20PDF.pdf>> pp. 13

Nilavan Kudiyiruppu and Chunnakam welfare centers in the Northern Province. There are obstacles for many returnees to their land due to military occupation of land and areas being closed off and, there is no information publicly available to suggest the Government of Sri Lanka conducted a comprehensive survey to ascertain the choices of IDPs (Civil Society Collective, 2013: 2).⁵⁴

Despite the factual shortfall in the statement, the following depiction in the same statement admitted the resettlement and land return issues under the subjects of land issues and compensation for land acquisition, military occupation of land and the ongoing demining process on the ground. In this respect, it is apparent to determine that IDP related issues and their resettlement are considered as a vital factor in post-war Sri Lanka. Ensuring IDP resettlement and reintegration, while having secure livelihoods and access to basic social services in their places of origin, is one of the national priorities of the Government of Sri Lanka at present. Meantime, the Government's policy towards resettling IDPs is clear in developing people's livelihood and to build permanent houses. Though the Government has met certain obligations through its commitments on resettlement, it has not yet been met IDPs' expectations.

7.3.2 Feelings: Sense of Insecurity and Safety Needs

7.3.2.1 State and Community (Sinhalese)

Although the fighting has ceased, the Government is extremely anxious about this new IDPs and continuing to treat all IDPs as potential security threat since most of which are of Tamil origin and have lived under the LTTE for the duration of the civil war. As a result, military personnel are taking a primary role in camp management, limiting

⁵⁴ See "Response to the Statement Made by Minister Mahinda Samarasinge at the 22nd Session of the United Nations Human Rights Council"
<<http://www.scribd.com/doc/127776803/Civil-Society-Collective>> Last visited on September 21, 2013

freedom of movement and restricting access to humanitarian support. The failure to go beyond this security framework and offer sustainable solutions for IDPs risks fuelling existing grievances and insecurity, thereby the situation is reinforcing the underlying mistrust between the Sri Lankan government and the Tamil minority population.

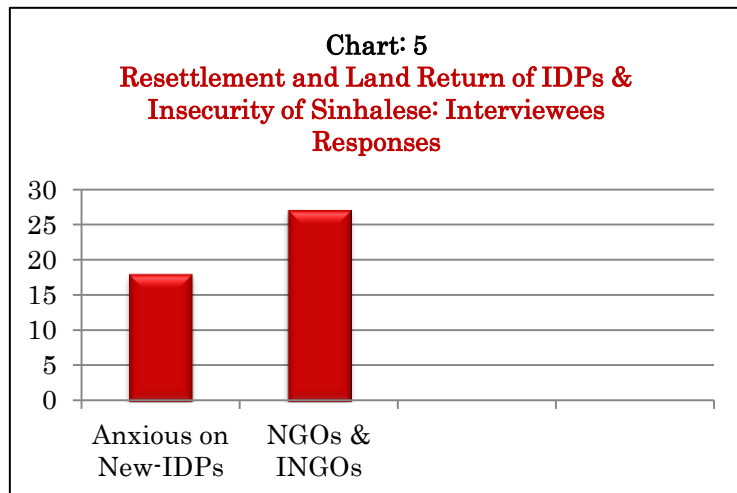
In the meantime, to assist the needy people who have been resettled on the ground NGOs are trying to extend their support in tangible and intangible ways however, the Government is still keep suspicion eye as these NGO involvements may carry some hidden agendas against the country as well as the Government. Interviewee 6 clearly stated the challenges and

obstacles the NGOs have to do their activities on the ground, especially in the northern part of Sri Lanka.

She clarified it as follows:

“in order to do a task by NGO it first requires to get

permission from the Presidential Task Force (PTF)⁵⁵ which is never given permission to execute. I have faced lot of problems when I was trying to launch a UN funded project; at last PTF was not given permission so that the project is shelved. They said this is our problem therefore the Government will do that, why should NGOs do it?” In fact they suspect that all the NGOs are Western funded or LTTE funded, in the meantime, the Government has a feeling of insecurity to allow NGOs on the ground. They don't want to know the entire world what is happening here. Through us they might think after finishing the project we might publicize report so they kept out any projects mainly related to



⁵⁵ PTF appointed by President Mahinda Rajapaksa in May 07, 2009, which comprised with 19 members for Resettlement, Development and Security in the Northern Province. This Force has given the authority to prepare strategic plans, programs and projects to resettle IDPs, rehabilitate and develop economic and social infrastructure of the Northern Province. Mainly the Task Force is subjected to coordinate activities of the security agencies of the Government in support of resettlement, rehabilitation and development and to liaise with all organizations in the public and private sectors and civil society organizations for the proper implementation of programs and projects. See <<http://reliefweb.int/report/sri-lanka/sri-lanka-president-appoints-new-task-force-rebuild-north>> Last visited on September 29, 2013

northern Sri Lanka. UN official from New York level too trying for it and met ministry and all but nothing happened so far and permission not granted yet.”

This all statements by Interviewee 6 recognized by Interviewee 2 and she further added that earlier NGOs were used to be functioned under the Social Service Department but now it has changed under this special task force and keep the NGOs under their radar screen. These depictions and Government’s procedural setups show a very clear fact, which is about the feeling of insecurity. Even any actions taken for the benefits of the people on the ground it is not allowed nor have restrictions in terms of its implementation.

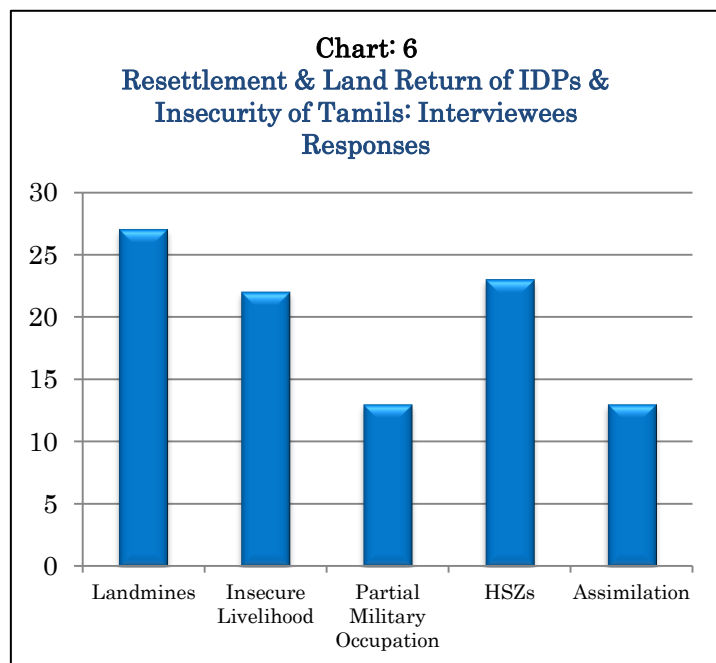
7.3.2.2 Community and Individuals (Sri Lankan Tamils)

The first obstacle for an early return of IDPs is the areas that are still remaining with landmines; those are the areas which were in the very heart of the war during the last phase. Land use is a decisive factor for de-mining where residential lands have to be given priority for livelihood purposes. In fact, de-mining does not only mean the physical clearance of mines and Unexploded Ordinances (UXOs), but also is about the reduction of their social, economic and environmental impact. Though the assistance is provided by the UN, India, Japan, Norway, the UK, the US, still there are lots of works to be done in de-mining.⁵⁶ Most importantly, de-mining agencies that are engaging with this task have not been fully funded as they should be which means their presence is not going to be on the ground for long. As a result, the task will be fallen to the Government and the Army, and the humanitarian de-mining unit utterly. According to Interviewee 3, de-mining organizations informally predict that if the process continues at its current rate, it could take another ten years to complete. De-mining task is comprised into

⁵⁶ References found from Author’s research on “Challenges of IDP Resettlement in Sri Lanka” for fulfilling the Master Degree Program in March 2011

several ways: there must be done a technical survey and then demarcate the areas that are of risk; giving mine risk education to all returnees before they return therefore, both the humanitarian agencies and the Government try to ensure that those aspects are looked in. Yet, resettled IDPs are challenging for their livelihood even after they return back in their places of origin due to the fear of mines. It is very clear that IDP resettlement can't be rushed; it should be done in a huge concern of safety; places of the people should properly clear and certified as cleared.⁵⁷

The return of all the displaced to their own homes and the restoration of active economic activity has become their priority, therefore, their return always central to this need. In the meantime, they need housing, subsistence assistance, at least for a few months and utensils and seed



material to restart their lives. All of which will require massive investments. In addition, the high scale of displacement and the persisting difficult conditions for the return of IDPs reflect the damage inflicted against civilians during the war by both parties.

Furthermore, Interviewee 5 clarified this issue in the following manner:

“Resettlement of IDPs is not been fair. People are been just sent to some of the areas and most of the people are just living under the trees or temporary huts without basic facilities such as safe drinking water, public transport, proper health care and educational, livelihood as well as income generating facilities. The Government claimed that the

⁵⁷ Ibid

resettlement of IDPs is over but I don't think it is over since still the people are displaced; they are not been given an opportunities to live as respected, dignified citizens of Sri Lanka.”

This is to be mentioned here that though the recommendations of the LLRC called for the Government to find solution and conclude this issue, still it yet to be implemented and expected the Government's sincere and transparent commitment on this issue. In the meantime, resettled areas are partially occupied by the military and re-settlers' daily life is highly intervened due to the heavy military presence. Interviewee 2 addressed those inconveniences in the following ways: sometimes military is occupying half of the land of re-settlers; well is half taken by the military; toilets are facing the military camps. This shows that people who are even resettled in their places of origin there freedom of movement and security is fully disturbed and continue to keep them in a vulnerable positions.

Another important security issue remaining is the population displacement and the remaining HSZs, especially with regard to land. Though the Government officially stated, after the end of civil war in 2009, that the HSZs covered 4,098.36 ha and at present it has been reduced to 2,582.45,⁵⁸ the question of land was raised repeatedly, particularly in what concerns proof of ownership of land and the rejection of availability of land by the Sri Lankan government. Areas where the LTTE had settled were in fact public land; this combined with issues of population displacement and landmines have added to the confusion in land entitlement. The security issue is nonetheless multilayered and highly political. Due to the occupation by the military forces and still remain as HSZs, IDPs have obstacles in returning to their homes due to their lands. In addition to this, land related challenges include loss or damage to documentation,

⁵⁸ Pointed in the Statement made by the special envoy of the president on human rights leader of Sri Lanka delegation to the 19th session of the UNHRC high level segment on February 27, 2012 in Geneva.

competing claims, and secondary occupation by civilians as well. However, still there are proper measures have not been taken from the responsible government institutions to tackle this situation.

Along with the mentioned above, the ongoing militarization of the north and east is an important factor that is hindering the return of displaced persons; the wide presence of the Sri Lankan Army as well as their control over the administration of these areas illustrate this situation. Interviewee 3 stated that the UN agencies tried to extend their support as humanitarian assistance and intended to speak with the Government Agent (GA),⁵⁹ who is the one knows the needs of the people in the particular area, to settling this problem, however, due to the heavy military interventions and involvements in the civil administration it is still the ongoing sort of struggle.

Another sense of insecurity from the ethnic Tamils is a fear of assimilation existing on the ground that the Sri Lankan government might now try to send Sinhalese settlers into the Tamil region of the north and east in order to bring demographic changes so that nationalist ambitions may be neutralized; Interviewee 5 named this action taken by the Government as “indirect colonization.” The TNA interpreted this move as an “aggressive colonization” process undertaken by the Government to dilute the Tamil dominance in the north and east; this move leads to further alienation. In addition, TNA criticized it as the Government is deliberately employed Sinhalese majority settlements during the resettlement process to change the demographic profile of the northern and eastern parts of the country where ethnic Tamils were a majority. Furthermore, one could argue that even though Sinhalese settlers were largely settled in

⁵⁹ GA is a Sri Lankan civil servant of the Sri Lanka Administrative Service appointed by the central government to govern a certain district of the country. See <[http://en.wikipedia.org/wiki/Government_Agent_\(Sri_Lanka\)](http://en.wikipedia.org/wiki/Government_Agent_(Sri_Lanka))> Last visited on September 30, 2013

the only loosely populated areas the changes in population ratio (and thus electoral power) were substantial and therefore undermined the political claims of Tamils to their 'homeland'. In addition, Interviewee 2 stated that Sinhalese military going into Tamil schools and teaching Sinhala language, this is viewed by the people on the ground as a huge colonization. Interviewee 10 stated that many Tamils in the north and east have perceived that Sinhala colonization schemes as a threat to their political aspirations and the security of their ethnic integrity.

Furthermore, due to the treatment by the Government on Tamil IDPs as enemy thus forced them into highly militarized 'welfare centers' re-settlers still have lost hopes, therefore, it exaggerates their sense of insecurity. Furthermore, the displacement has contributed to disempower Tamil civilians and thereby, trust on the government still reducing. Simultaneously, the way the military is behaved and interfered into the people's life produced more insecurity and negative attitudes instead of genuinely going through a process of reconciliation.

7.3.3 Forecasts: Analysis of the Results and the Judgments about Future

The return of IDPs and conclude IDP chapter need to be incorporated into the wide post-war reconciliation process, particularly in ensuring physical security. Subsequently, ensuring durable solution for these IDPs is fundamental to the achievement of reconciliation and lasting peace. Meanwhile, highly militarized North is generating a culture of fear among IDPs and re-settlers. This is also viewed as a political will needed from both, the Government and the Tamil political parties, to ensure the security of IDPs and re-settlers from the ground. Furthermore, land expropriations have been hailed as necessary for state security, however, the process of land acquisitions by the

Government has been marked by a lack of transparency and inadequate consultation with those whose land is taken. This lack of clarity on the Government's approach and policy on the land issues of IDPs not only affects the legal and economic dimension of security of the Tamil people but also exacerbates feelings of mistrust and suspicion on the Government and its entities. According to Interviewee 3, if the private lands are highly needed for security purposes of the Government it is better to proclaim clearly as which lands can be released, which will not be released and then lay out a system and procedures, for instance fair compensation for the land owners; after all conclude this issue.

To find a solution, in particular for the old IDPs who are having generations of displacement, Interviewee 3 stated that it is still something nuance on the ground. For her and the organization she belongs, the needs to find a solution for this issue raised some questions: where they are; whether they locally integrated or not; have they got jobs and houses in the host places; do they want to go back to their original places; and what are their intentions. Without really understand these facts it is hard to talk about durable solutions for these long term IDPs and their return or resettlement. Those whose lands are still under military presence in the name of HSZs haven't get any hope that either their lands are going to be released or never going to be released. Moreover, considering about the compensation by giving state lands instead of their private lands still being complicated regard to the location where the land is. Especially, in Jaffna where the protracted IDPs are living in welfare centers, cannot access with their lands yet. Meanwhile, the amount of state land available is very limited; most of the lands are privately owned. The new IDPs' issues are quite far from the old IDPs' since the length of their displacement is short however the scale of displacement was huge. While

considering their resettlement in a massive number, it is still hard for the Government as well as humanitarian agencies to provide soon recover to the wounds and the lost, though it is still felt that their needs are more immediate. As the citizens of the country, victims are still demanding to the Government for their safe and security in this regard.

Furthermore, special attention is being expected on the ground regarding the continuing need of the community, who have been resettled and living in areas severely affected by the protracted war, to rebuild their lives through extending livelihood and other assistance programs. Especially, vulnerable groups, who are living in the poverty stricken areas and female-headed households, are required special needs for their survival. These measures can ensure their physical and economic security needs and wipe out their fear of safety and the feeling of insecurity.

In the meantime, though the de-mining process had been completed in nearly all major residential areas, they are still ongoing in livelihood areas and smaller residential areas. Simultaneously, much land still needs de-mining and this hampers the recovery of livelihoods.

It is clear to be noted here that the inadequate focus on security of the two major ethnic groups, Sinhalese and Tamils, to the relevant issue posed more pain and barriers as well as negligence on the certain recommendations, addressed in the Report of the LLRC, in its implementation on the ground. The most visible level of insecurity of these ethnic communities, in structural and psychological form, on the ground not allowed to tackling the issue. Finding a justifiable and possible solution that might ensure security of these two major ethnic groups is an obvious challenge that is being ahead to foster reconciliation in post-war Sri Lanka.

7.4 Rehabilitation and Reintegration of Former Combatants: Diagnosis

of the Three Fs

In order to link to the issue related to former LTTE combatants and their rehabilitation and reintegration with the sense of security in tri-level of different ethnic groups, this section is laid on the way in which the selected issue linked with security was observed and incorporated in the recommendations of the LLRC is analyzed by comparing the current reality on the ground. It is seen and felt as the LLRC's findings and reflections in its report, regarding this particular issue, has more constraints due to security that limited the ability to implement such recommendations. This study found that rather than simply an analysis of the issues of ex-combatants, security related aspects of the selected issue and its strong ground situation in practice are also reflective of a broader understanding of significant features of the issue and the betterment of implementation as something that has to be driven at the tri-level. Certain recommendations made by the LLRC are still ambiguous, in terms of their implementation, because of the situation existing on the ground. Those recommendations can be briefly addressed as: provision of life and livelihood opportunities and counseling for the ex-cadres; corporation with the Government and the civil society organizations to implement reintegration programs in their returned societies; and, take follow-up action for comprehensive disarmament process and reduce the suspicion on the rehabilitated and reintegrated former LTTE militias. It is to be mentioned that the LLRC's approach on this issue was not comprehensive and had many short falls. In brief, the different levels as well as dimensions of security of different ethnic communities are absolutely lacking, on the one hand, and the in-depth study on the issue by relating to the ground situation was failed, on the other hand, in the views of the LLRC. Though the recommendations for the betterment of the current implementation with regard to the issue this study revealed

that those proposed recommendations are not feasible enough to implement on the ground due to the limitations as well as failures in thoroughly addressing the security sequences of the issue. In this respect, the subsequent sections are trying to proof these loopholes.

7.4.1 Facts: Nature and Causes

Proper reintegration of former militants back into mainstream society is one of the significant components to achieve peace and development in war torn societies. A Demobilization and Reintegration Program (DRP) for ex-combatants is the key to an effective transition from war to peace. The success of this first step following the signing of a peace accord signals the end to organized conflict and provides the security necessary for people affected by war to reinvest in their lives and their country.

In the Sri Lankan case, immediately after the end of war, the total surrendered or identified LTTE cadres, according to the Government of Sri Lanka, went up approximately 12,000 (Chairman's Report by Permanent Representative of Japan to the United Nations, 2013: 7). Report of the LLRC pointed that "according to the Commissioner General of Rehabilitation, the Commission understands that there were 11,954 former LTTE combatants undergoing rehabilitation after they surrendered or who were otherwise taken into custody" (Para. 5.49). The rehabilitation of these militias is being carried out by the Sri Lankan army; 11,456 cadres (9,203 male and 2,253 female), including 594 former LTTE child soldiers, have been rehabilitated and reintegrated into the societies (The High Commission of the Democratic Socialist Republic of Sri Lanka, Australia, 2013).⁶⁰ As of January 15, 2013, 396 beneficiaries

⁶⁰ See the Statement by Mahinda Samarasinghe, the Sri Lankan Minister of Plantation Industries and Special Envoy of H.E. the President of Sri Lanka on Human Rights Leader of the Sri Lanka Delegation, at the High Level Segment of the 22nd Session of the United Nations Human Rights

(378 male and 18 female) are undergoing rehabilitation and 225 are under legal proceeding (under judicially mandated custody remanded or bailed) (Ibid). According to the source from Sri Lankan army, “the primary focus of the rehabilitation and reintegration program based on to equip the cadres with alternative means to a meaningful existence.” This program was adopted the model of ‘six plus one’ for the beneficiaries and rested on six pillars, namely spiritual, religious and cultural activities, vocational and livelihood activities, psychological and creative therapies, sports and extracurricular activities, sociocultural activities and education.⁶¹ Former LTTE cadres were divided by the Sri Lankan Attorney General’s Department into three categories during their surrender: Hardcore, non-combatants, and those who were forcefully recruited, mostly children. All the former combatants were separated into several “rehabilitation centers” to extract maximum information on the LTTE remnants, their “sleeper cells”, further plans of revival, and hidden ammunitions. Meanwhile, community awareness programs were also conducted, and efforts taken to sensitize the public to the needs of the beneficiaries so that they would be more receptive to their integration. Though rehabilitation seems to be taking place as per the ‘National Action Plan for the Re-integration of Ex-combatants’, the exact nature of the rehabilitation process is not clear due to an absence of any external monitoring.

7.4.2 Feelings: Sense of Insecurity and Safety Needs

7.4.2.1 State and Community (Sinhalese)

Council 27 February 2013, Geneva. Accessed in <<http://www.slhcaust.org/statement-by-hon-mahinda-samarasinghe-m-p-minister-of-plantation-industries-and-special-envoy-of-h-e-the-president-of-sri-lanka-on-human-rights/>> Last visited on September 21, 2013

⁶¹ See Rajapaksa Gotabaya, ‘Sri Lanka today is one of the most peaceful and stable countries in the world’, <<http://www.asiantribune.com/news/2012/08/09/sri-lanka-today-one-most-peaceful-and-stable-countries-world-gotabaya-rajapaksa>> Last visited on August 09, 2012

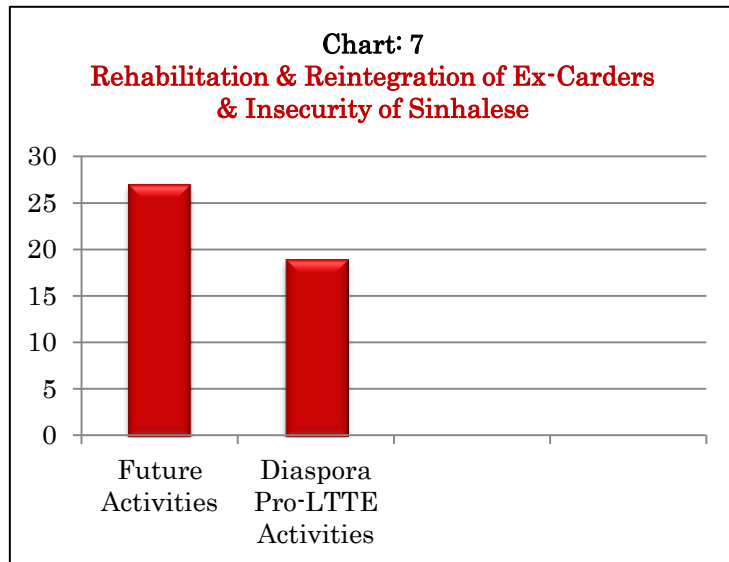
During this post-war phase, the Government of Sri Lanka, even before the establishment of the LLRC, has been engaging with the rehabilitation and reintegration of ex-combatants. However, the Government still has no more guarantees about the future activities of ex-LTTE cadres after their rehabilitation and reintegration because of their grown-up gun culture and held guns in their hands for years. Therefore, no more assertion from the Government side about their complete transformation mentally as well as physically though they rehabilitated. In the meantime, looking at the pro-LTTE activities in abroad also made fear and keeping the ex-militants under the watchful eyes of the security forces. Interviewee 9 stated that the Sri Lankan military forces go behind, search and monitor these ex-cadres even after they reintegrated into their societies. It is hard to confirm the Government that the future activities of rehabilitated LTTE cadres will not slip away from the right path. Therefore, the Sri Lankan government, army and intelligence agencies are being kept a close eye to avoid any such activities by disgruntled groups. Due to these consequences, he pointed that, suspicion and doubt on the ex-cadres is justifiable.

In this sense, due to a serious security concern with regard to these ex-militias the Government is being undertaken steps in a systematic ways. In this respect, former LTTE cadres in the IDP camps were carefully separated and sent to rehabilitation facilities. Over 12,700 were identified, either via a voluntary process or following information obtained by investigators. According to the government source, the Government took the view that other than the hard core terrorists, especially those who had been involved in committing the most serious crimes, the other LTTE cadres treat as victims, rehabilitated and return to their own communities. These included the thousands of child soldiers trained and used for combat by the LTTE. Children, in

particular, treat as victims and not as criminals. UNICEF has played a valuable role in the rehabilitation of child soldiers. Family reunions have progressed; individuals separated from their families are being reunited.⁶²

The government security measures driven towards these ex-cadres to identify them are more systematic even they rehabilitated and reintegrated into their communities. Interviewee 2 pointed that they are given specific identity cards, one card with their rehabilitation number and the other card in white color provided by the Government of Sri Lanka sealed by International Organization for Migration (IOM).

She further stated that “why these ex-combatants should carry different identity cards? We have been accusing international community to corner them.” Due to these measures these ex-cadres are constantly under the radar screen of the Government security forces.



7.4.2.2 Individuals and Community (Sri Lankan Tamils)

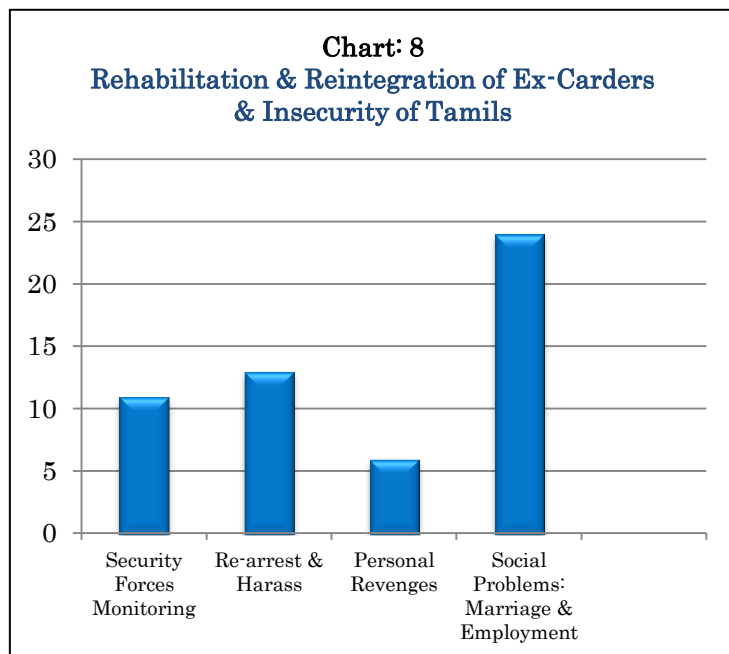
Still there are challenges existing on the ground to ensure a secured reintegration of former LTTE combatants with their own community. As far as these nearly 11,000 ex-militants’ life is concerned, they are struggling for getting into normal life back again.

⁶² Cited in <<http://www.asiantribune.com/news/2010/04/14/sri-lanka-resettlement-idps-and-challenging-road-peace-and-economic-recovery>> Last visited on September 29, 2013

In fact, people from their own community, where they are being reintegrated, is very much scared of these ex-militants since the activities of the ex-combatants are still being followed by the security forces. Interviewee 9 stated that due to the military activities families of the cadres are being frightened; neighbors are being suffered. Furthermore, he added that these government driven actions on these ex-LTTE combatants for those ex-cadres it creates a sense of fear and insecurity that they are still be suspected. In his view, most of the women ex-combatants are not hard cores rather they were conscripted.

Therefore, due to their past activities, the physical security is being under question and highly threatened.

In the meantime, Interviewee 4 pointed that these former LTTE cadres were not went into the terrorism by choice; they



were abducted and they were brainwashed by the LTTE. By adding from this statement, Interviewee 5 stated that after their rehabilitation and send back to their own societies some among those are missing in action now and still their relatives searching for them. He further added about the suspected LTTE cadres who are remanded under the PTA, certain number of them are in custody more than 10-15 years however, still their cases have been getting delayed; some of them have not been prosecuted, just remanded; still they are fighting for general amnesty. Most importantly, in his point, most of these

suspects are not direct LTTE fighters since their offences were given drinking water to the LTTE cadres or given accommodation to the LTTE members or given their own vehicle to the LTTE. Unfortunately due to these circumstances they have been kept over decades.

Furthermore, according to Muttukrishna Sarvananthan, principal researcher at the Point Pedro Institute of Development in Sri Lanka, two of the high-risk categories of people who would want to flee the country illegally or migrate lawfully are ex-combatants and supporters/sympathizers of the LTTE (Ranasinghe Sergei DeSilva, 2010: 6). There are media reports and anecdotal evidence that some released ex-cadres and resettled supporters of the LTTE have been re-arrested or harassed by law enforcement authorities or pro-government militias though they have not necessarily done anything wrong. In the meantime, these individuals do not have arrest receipts or any documentation to prove their arrest (Ibid). EPDP, for example, has recruited some ex-combatants and the LTTE supporters, for whatever purpose. Some of these people joined the EPDP -or any other pro-government militia such as PLOTE -not as a choice, but as a necessity, because it would provide them security from continued harassment by law enforcement authorities or these same pro-government militias. Some others may decide to quit the country either legally or illegally (Ibid). Hence, one of the preconditions to stem the outflow of refugees abroad is for the law enforcement authorities and pro-government militias to stop harassing ex-combatants or sympathizers (Ibid: 7).

Again, Dharmalingam Siddharthan stated an incident that there was one girl who was forcibly recruited by the LTTE and, when released, took refuge at someone's house. She didn't go to her own village because the man who recruited her is working

with the army and is going around and identifying child soldiers, because of the fear she has for him, she is now in hiding (Ibid: 3). Interview 1 also emphasized this sort of situation in another form. In his point, for these ex-combatants, personal revenges from their own society also are heavily present on the ground. During the period of LTTE insurrection, some among these cadres used their military capacity and engaged in killing, attacking, or even assaulting. At present, this is turned as a problem of their own security from their own society since this particular cadre knows that who hate him/her and to whom he/she did atrocities, thereby they live under full of fear as they feel they may be targeted in any time even secretly without others knowledge; open attacks is rarely possible due to military presence and security set ups. Furthermore, this particular ex-cadre is vulnerable to complain his/her fearful situation to the police or security forces since they are considered as suspects therefore, anytime they may abduct or arrest by admitting his/her past faults against their own community members.

Regarding the reintegration of ex-combatants, there is deep resentment towards the LTTE among a significant share of population, due to their callous disregard for human life, recruitment of children and the immense misery that be fell the general population during the final stages of war. There is a lot of antipathy towards the LTTE, which will last for a long time. The LTTE forced civilians to flee along with them-as human shields -right up to the beaches of northern Mullaitivu. The young and old were randomly conscripted to work for the LTTE: either to fight or do subsidiary duties such as manning sentry points or carrying arms, ammunition and cargo. Especially, the Vanni people, who are the direct victims during the last stages of the battle, are very angry and wary of the LTTE, as they were exposed to their brutality, for instance forcibly recruiting and shooting Tamil civilians at the end of the war.

In the meantime, most importantly, Interviewee 2 addressed the issues for women ex-LTTE cadres and the issue of reintegration. She addressed these women as “carrying the burden of the defeat”. She clarified this as many of these women are forced to recruit, fight, and commit violent. Even after the reunification to their community, they are not accepted due to these reasons: first, they have taken a different role during the time with the LTTE, they are not any more an average standard women because they are stepped out of the patriarchal, the Tamil cultural boundaries, therefore their community neglecting them at present. Similar to men ex-cadres, women ex-cadres are also bringing under the consistent watchful eye of the military. In addition to this, she stated that during the process of rehabilitation their head to toe has been videoed; they stripped naked and took pictures of every part of their bodies since it justified by the authorities involved as to make sure that if they engage in any activities related to past roles after they integrated into their communities this video evidence will make them easy to identify the person/s. This shows that even after released, rehabilitated, and, returned to their normal life feeling of insecurity of the ex-LTTE carders still prevails in a high level.

At the beginning many Tamil civilians were unsure whether to complain about the LTTE, because the LTTE top rankers were co-opted by the army. The Tamil civilians are very angry with these people because the men who forcibly conscripted their children are free, but many of the children are still in detention; because of this, they are very angry with the Government. These LTTE leaders put them (child soldiers) in the frontline, and a large number of them were killed as a result, so that makes them very angry. However, these people are unable to complain about the LTTE leaders to the army because they feel that due to the close link between those leaders and the army

they might get into trouble; the LTTE cadres who are working with the army might purposefully identify the people who were opposed to them previously.

Finally, there are some other social problems they are facing, especially to get into marriage life as well as getting employment opportunities; these are also aggravating their struggle in another form. Interviewee 1 stated that due to the continuous attitudes of the Government towards these ex-militias as suspects, people in their own community is not ready to giving employment opportunities or give a regular person to marry. The major problem in this regard is people in their own community are still fear about the future security related issues by looking at their current situations. Especially, if they are willing to start a self-employment, basically, they need investments and social acceptance; unfortunately due to the security related circumstances they are incapable to do so. As a result, they get greater degree of frustration, disappointment and isolation, this effect their entire family as well. He further mentioned that consequences of these structural and psychological effects related with the sense of security resulted with high rate of attempted and committed suicides, ground newspapers are evidenced this fact. Interviewee 5 also addressed the employment issues that these ex-cadres are facing. He pointed that due to their verse vulnerable situation and the weak family connections this is happened. Interviewee 2 stated that for women ex-cadres, to get rid from the insecurity situations posed upon them, the family forces them to marry a very old person or second or third marriage or even sometimes the person is really violent. This is pushed these women into several kinds of abuses, especially in the north of Sri Lanka. Ex-combatants are able to move around but it does not mean that they are enjoying and back to their normal peaceful life. For them, military is constraining in one side, and their own community is neglecting

and forcing in other side. Therefore, while having this security related problems as well as measures taken on them, reaching a real reintegration into their own society is the biggest question at present.

7.4.3 Forecasts: Combination of Results and Judgments about Future

In the post-civil war context, issue related with the LTTE former cadres and their security continue to be problems with arrest, re-arrest, and detention, parallel to their release and rehabilitation. Still large number of former combatants are continue to be under detention accused for variety of violations including involvement in the armed conflict; some among them are detained for prolonged periods without being charged. Meantime, arrest and re-arrest occur with adhering to established legal procedures. As earlier mentioned, the Government still has its own justifications on its measures undertaken towards the ex-LTTE combatants due to its feeling of insecurity. In addition to this, the Government still refuses to provide a list of detention centers and detainees to prevent it from further questioning. Without having proper information, families get confusion whether arrested individuals transferred from detention centers to rehabilitation camps or not. This is fully affected not only the security of those individuals but also their family members in a large scale. In sum, the Sinhalese Government as well as community and the Tamil community as well as ex-militants have fear and insecurity with respect to their own ways. Due to the insecurity of the Sinhalese, the Government is being undertaking measures to follow the ex-combatants and monitoring their day to day activities, this is, in turn, caused more insecurity to the Tamils, especially to the former LTTE cadres.

With regard to the attitudes of the own community of ex-LTTE cadres, Interviewee 1 pointed that, it is very hard to put blame on the community since they had

gotten bitter experience throughout the past in relation to their security and survival; once again they are not willing to go under the dark era. Due to the situations and security measures surrounded to these ex-militants by the Government the community itself changed its attitudes towards these ex-combatants; even they are their own community members. In this sense, he strongly emphasized that the Government has to play a vital and genuine role in this regard, rather than expecting positive attitudes from the community, to ensure the security of these individuals as well as the community, on the one hand, and provide its security measures without harming the day to day activities of the rehabilitated combatants, on the other hand.

In the all above respects, to deal with this contesting issue, some ways can be suggested to ensuring the security of both sides and thereby promoting reconciliation. As an integral part of reconciliation in post-war societies, former LTTE soldiers as combatants become civilians, their security must be ensured. Therefore, in Sri Lanka, a proper rehabilitation and reintegration is necessary to create an environment of trust and security mainly between the Government and Sinhalese population and the ex-LTTE cadres, in one side, as well as the ex-cadres and their own community, on the other hand; this is essential for any reconciliation process to be successful. This is first best done by supporting security sector reform, in particular, by ensuring that the national police resume responsibility for internal security and that there is civilian and democratic control over the armed forces. This process usually entails the reformation of the security forces, intelligence services, judicial and penal institutions, and civil authorities in charge of control and oversight of the security apparatus (OECD, 2004: 7). Once the hostilities have ended, it is therefore essential to reform the police force since its corrupt and abusive acts can soon destroy the community's trust. Along with that

increasing civilian and democratic control over the government forces can lead through military reforms. This measure is necessarily be as a way to guarantee that the police and military does not engage or link with politics or become involved in human rights abuses and resumed responsibility for internal security of civilians, including ex-combatants.

Furthermore, if the suspicion on the rehabilitated cadres is too high, it is possible to relinquish the present responsibility of security to third parties, such as the UN. In fact, the presence of neutral observers for a certain period of time may create a more conducive environment for reintegration as well as ensure the security of the ex-cadres and their own community. In addition to this, during the reintegration phase this could also be used to ensure that returning ex-combatants are not be involved in any anti-government activities.

Simultaneously, ensuring the economic security of ex-cadres is most decisive factor in the post-reintegration phase. If they lack means of securing their economic survival as citizens, there is a high probability that they will take up arms again or re-engage in anti-government activities and violating the laws of the country. Therefore, to provide meaningful occupations whereby they can support themselves and their families is another essential way of doing in this regard. In fact, the Government's rehabilitation program and the vocational training enable them to support self-sufficiency through production or gainful employment. This necessitates the creation of so-called reinsertion packages that can help them overcome the challenging period between rehabilitation and full reintegration into their community. Reinsertion packages can include from cash payments, clothing, food, medicine, tools, and cooking utensils to housing, building materials, and so on (Nilsson. A, 2005: 44). After this

immediate survival is ensured, it is essential to find ways to give them the skills and knowledge that allows them to support themselves in a sustainable manner. Most rehabilitated LTTE cadres lack sufficient education due to their dropped-out from schooling and engaging with the LTTE. Therefore, assistance can be given by the Government to ex-cadres wishing to complete their primary or secondary education. In some situations, support can also be given to persons seeking a higher education. It is to be mentioned here that primary to undergraduate education functioning under the Government is free however the university education is extremely competitive, limited and standardized. In the meantime, Constitution of Sri Lanka provide for education as a fundamental right. Through these all above mentioned efforts, the insecurity related with the former LTTE carders can overcome and, therefore, a more stable secure environment will be created.

7.5 Abduction, Arbitrary Arrest and Disappearance: Diagnosis of the Three Fs

In fact, the LLRC was very critical towards the issue of abduction, arbitrary arrest and disappearances therefore it strongly reminded that Sri Lanka has an obligation to protect human rights due to constitutional guarantees as well as being a part to number of international conventions. Due to these respects, the following recommendations are still facing challenges for implementation due to the nature of structural and psychological nature of security related to this issue: a change in a person's place of detention should be conveyed promptly to family members of the arrested person and to Sri Lanka's Human Rights Commission; either charge or release detainees who have been incarcerated over a long period of time without charges being preferred; investigate the human rights violations being active on the ground; disarm certain illegal

armed groups; and, ensure detainee welfare and call for prepare a centralized comprehensive list of detainees. However, these identified recommendations are not included the real insecurity situation what are being existed on the ground with regard to this key issue. By having all in consideration, the analysis in the following sections is essentially on two basic classifications as whether the recommendations, identified above, of the LLRC related to this issue is something that has feasibility to implement on the ground; and, what are the further contentious fear and insecurity that are closely linked with this issue on the terrain. These are the basic facts to be found and tackled thereby, process of reconciliation can be promoted, facilitated, and actively pursued.

7.5.1 Facts: Nature and Causes

To begin this, first is to mention here is the difference between people who have gone missing and those who have been subjected to enforced disappearance. “Missing typically refers to people whose whereabouts cannot be determined as a result of violent conflict or internal strife” (The Social Architects, 2013: 12). According to the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), enforced disappearance is

“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

By adding from this, in Sri Lanka, disappearance is highly closer to surrendered LTTE cadres, who were voluntarily surrender or handed over by their family members to the state security personnel, after the cessation of war. This disappearance means that a certain number among them went missing after having been surrendered; the families of these surrendeers are still searching for them. The Government of Sri Lanka’s stated that

number of these surrendered LTTE combatants is considerably lower than the actual figure. A survey findings suggest that approximately 13,200 ex-cadres surrendered at the end of the war (Ibid: 10), it means more than 1,000 surrendeers remain unaccounted compare to the Government's official figure about the total number of surrendeers soon after the conclusion of final battle. The Government proclaims that the missing number is unidentified persons, however, the witnesses, especially women, who have handed over those people have clear evident that where, when, to whom and to which state military unit they were surrender or given; this is evidenced by Interviewee 2.

While having all components addressed above, enforced disappearances and abductions, a longstanding and widespread problem in Sri Lanka, continued, especially in the northern and the eastern regions. In one of the bloodiest periods of Sri Lanka's history, from 1988 to 1994, 20,000 people around the country disappeared, although some believe that the true number may be two to three times higher (Shahnewaz Abdullah, 2012: 9). There are 5,727 unresolved cases of disappearances registered with the United Nations Human Rights Council, one of the worst records in the world (Ibid), especially, from January to June 2009, 16 enforced disappearances were reported in Trincomalee district alone (ibid: 10).

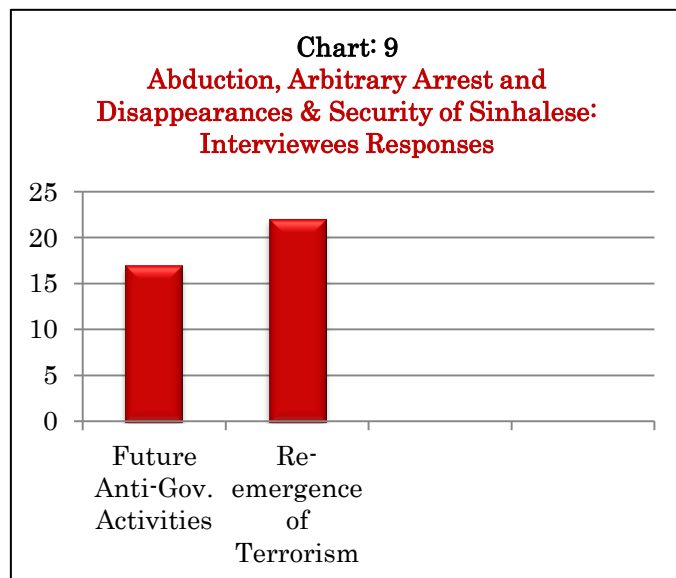
Disappearances and abductions are being suspected, even during the civil war, by the pro-government armed groups acting either independently or conjunction with the Sri Lankan Security Forces. Relatives of the 'disappeared' have often pointed to the Karuna group, which broke away from the LTTE in March 2004 and operates primarily in the Eastern Province and in Colombo. Several abductions in Jaffna stated by eyewitnesses that, actions have been implicated by the EPDP, a pro-government Tamil political party that has long been targeted by the LTTE (Human Rights Watch, 2008: 6).

According to the human rights defenders, 32 unexplained abductions were reported between October 2011 and February 2012, held in Colombo or northern Sri Lanka; further incidents have been reported since (UNHCR, 2012: 17). The victims are a mix of Sinhalese, Tamils and Muslims. Here too suspects engaged with these activities are paramilitary groups. In addition to this, Sri Lanka is particularly known for “disappearances” of people while in the custody of the security forces.

7.5.2 Feelings: Sense of Insecurity and Safety Needs

7.5.2.1 State and Community (Sinhalese)

Another response and measure was taken due to the sense of insecurity of Sinhalese population and the Government during the civil war was the Government’s introduction of two reprisal regulations called Emergency Regulations, in August 2005. In December 2006



these were expanded through the introduction of the Prevention and Prohibition of Terrorism and Specified Terrorist Activities regulations.

In order to prevent future anti-government activities as well as the re-emergence of terrorism, these regulations are still in practice and allow state authorities to search, detain and arrest without a warrant; any person can be suspected for an offence under these regulations. Detainees can be held for up to 12 months without any criminal charge. In the meantime, Interviewee 5 pointed that these

legislations are in fact contrary to the recommendations of the LLRC those are addressed in the beginning of the description on this particular issue. He further added that the regulations on detainees became more rigid even after the LLRC. An example he pointed that after the LLRC's final product released the Government took decision as any accuse who has been taken into police custody extended to double, to 48 hours, the period in which police can hold people in custody without any appearance in court, and then pushed the legislation through the parliament and won by using the 2/3 majority.

7.5.2.2 Individuals and Community (Sri Lankan Tamils)

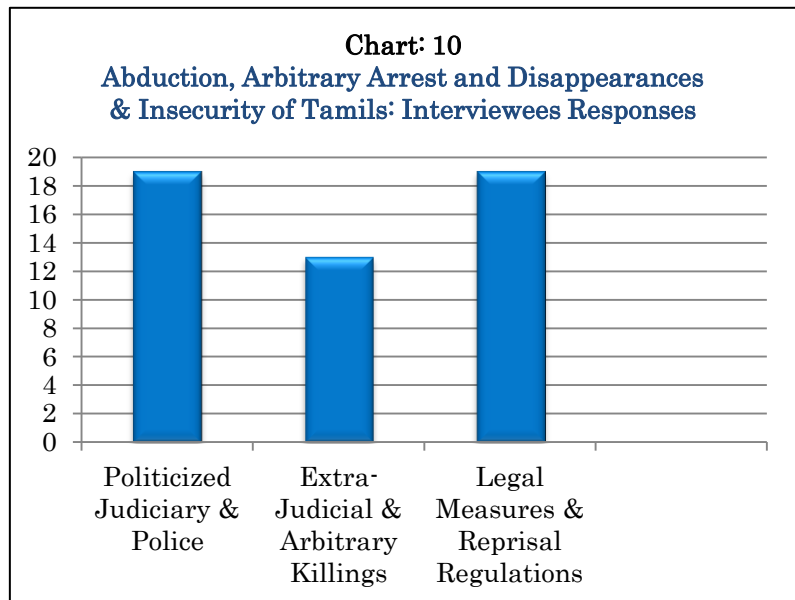
There is strong criticism, from internally and internationally, as the unitary state of Sri Lanka is absolutely out of the question after all the bloodshed and the long drawn out war of over three decades. Moreover, the main risk addressed that the key institutions, mainly the judiciary and the police are becoming heavily politicized. Therefore, legal as well as judicial security of the community and individuals are being under questioned.

Most importantly, the PTA and the Emergency Regulations have been widely used by the Government for arrest, detention, torture and inhuman treatment of Tamil militants and civilians alike. Since 1983, the Amnesty International (AI) has regularly documented hundreds of such cases. The missions of the International Commission of Jurists' in 1981 and 1984 have also noted the growing human rights violations under the coercive state apparatus (Sahadevan P., 2002: 127), while independent Tamil groups have publicized extra-judicial and arbitrary killings in the island. In addition to this, the Report of the office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka (2013: 6) evidently stated that PTA used to arrest four Tamil students from Jaffna University for their reported involvement in an event held at the university to mark an LTTE

commemorative day on November 27; two were released on January 22, 2013. By addressing this incident, Interviewee 5 stated that there is no individual freedom on the ground and the suppression is extended to academics as well; this has further extended the sense of insecurity of the Tamils living in the north. He stated strongly that “without having freedom and security for the people how to find reconciliation?”

Meanwhile, regarding the surrendeers who are unaccounted at present, the LLRC was fully flawed to portray this issue and give recommendation in its report. The Report says, “The GoSL (The Government of Sri Lanka) should bring arrested people

before a Magistrate to be dealt with properly” (Para. 9.54a); this is the simplest way of addressing the issue rather considering its significance and nuances. During the public hearing of the LLRC this particular issue was also seriously



addressed, especially by women while they speak up their grievances. According to Interviewee 2, the recent statement by Defence Minister Gotabaya Rajapaksa asserted that they don't have anybody in undisclosed camps and they have released everybody. This statement made complication to the families who are searching those surrendeers. She further pointed that, “there are 100-200 women in my knowledge, with the limited interaction that I have, are still searching for their family members who were surrendered to the military. They say I got my husband to wear sarong and shirt, not in

uniform, I held his hand and gave him to the military commander in 58 unit.” Without having any proper information about these surrendees, the ex-militants and their families are being under huge security barrier.

In addition, the Government of Sri Lanka detained more than 10,000 displaced persons at checkpoints and from the camps on suspicion of the LTTE involvement, in many cases citing vague and overbroad emergency laws still in force after the end of the war (Shahnewaz Abdullah, 2012: 9). Many arrests were carried out in violation of domestic and international law. The authorities failed to inform families of their relatives’ fate and whereabouts, raising fears that some detainees were forcibly disappeared (Ibid).

Furthermore, key witnesses to the final stages of civil war also targeted in this offence. They are arrested and held for several months, several government doctors who had been working in the areas under the LTTE control had reported on government shelling and resulting civilian casualties. Undisclosed information from the ground stated that while in detention the doctors retracted wartime statements, rising suspicion of undue pressure and ill-treatment.

7.5.3 Forecasts: Analysis of the Results and the Judgments about Future

Human rights violations related abduction, arbitrary arrest and enforced disappearances are committed on the ground understood as the deprivation of the freedom of movement of individuals as well as community. While the Government forces are believed to be responsible for these missing and disappearances trust and confidence on the Government is illusive mirage. Meanwhile, the Government’s draconian policies regarding these human rights violations, by holding such legislative measures, are still

having an extremely negative effect on the Tamil community as well as individuals.

It is obviously seen by the ethnic Tamils in current post-war Sri Lanka as the Sri Lankan government disregards the rule of law. Simultaneously, violations against human rights occur extremely problematic in creating more sense of insecurity on the ground, therefore, it makes difficulties in meaningful progress in this pivotal issue.

At the same time, the Government has failed to fully disarm paramilitary groups and has instead decided that prosecuting the offenders is superfluous, thereby, many members involved in this offence are able to operate outside the boundaries of the law. For instances, Vinayagamoorthy Muralitharan, who is the former military leader and later leader of the TMVP and criticized as a prime human rights offender had been rewarded with a top position in the current government. Similarly, EPDP paramilitaries remain operational in the Northern Province, especially in Jaffna. However, still the Government is stating that paramilitary groups are totally disarmed and the military personnel and the police are the only ones allowed to hold weapons.

In this respect, Interviewee 4 stated that law and order is the most deficient factor in the current post-war Sri Lanka due to these two reasons, weakness of the enforcement taught authority, and, the court structure. He further added that “unless any improvements found in these flaws the rule of laws of mobs will prevail in this country; these broke downs happened due to terrorism. Though the current government is in the position to repair, it is not been taken any meaningful steps to repair.” This situation is thus caused the community and individuals under more structural and psychological insecurity, respective to their different sense of security.

In order to find a way towards a genuine reconciliation, background and the significant consequences of this issue needs to be addressed and analyzed. During the

vicious circle of conflict and civil war, the stronger the military offensive against the LTTE in the North and East, the greater the likelihood of LTTE attacks in the capital of the country and counter-strikes against the military. The more attacks by the LTTE, the more the Sri Lankan Security Forces are likely to use extra-judicial methods to combat the threat (International Crisis Group, 2007: 26). However, the main responsibility for reversing this trend towards lawlessness lies, after the defeat and demolish of the LTTE, with the Government. If the Government does not act for these human rights related issues, it will face increasing pressure of international community, mainly at the UN Human Rights Council sessions.

Due to the all above respects, the first option to ensure security of people by dealing with this issue is to be for a fundamental policy changes to permit existing institutions to function properly. That means, proper police investigations, and, a judiciary that allowed acting independently without any political influence. Though it is a long way off, initial steps are to be needed at present.

To deal with the paramilitaries, the Government of Sri Lanka needs to take the TMVP and EPDP under its firm control and must no longer be allowed to abduct and disappearances. The police should be required to put on the law applications to TMVP cadres engaged in criminal activity and prevent or at least minimize disappearances and abductions that may arise in the future. These measures, undoubtedly, contribute to increase security of both the Sinhalese and the Tamil ethnic communities since, as I earlier pointed, both of them are the real victims of this issue, though the number and the sense of insecurity vary.

7.6 War Crimes and Accountability: Diagnosis of the Three Fs

The confrontations to the violations of war are heavily active on the ground to find the

offenders for accountability as well as gain justice for the victims by which they subjected. In this regard, the objectives and recommendations by the LLRC are more critical and found short in the eye of national and international actors who are intensively call for an international investigation for the crimes committed. As a government set up commission, the recommendations of the LLRC, related to this issue, are fully vague and the factual analysis of the issue was not given the way to be persuaded to overcome the issue for bringing normalcy. This is fully because of the level and dimension of security, with related to the issue, on the ground. The LLRC posed itself from this issue away to huge extent and very limited imprecise recommendations made on behalf of it, however, those are very far from implementation due to the nature of sense of security of both major ethnic groups: one is called to the Government for an independent investigation on alleged war crimes, and called upon the producers of Channel 4 to cooperate with the Government of Sri Lanka for its investigation along with make available the original video, which portrayed the offences committed during the last stages of war. Due to these all circumstances, the following analysis on this issue is based upon two views: comparing the identified recommendations of the LLRC with the current ground reality; and, the fear and insecurity of the two ethnic communities, Sinhalese and Tamils, related to this issue, which were totally failed to address by the LLRC.

7.6.1 Facts: Nature and Causes

While the higher degree of criticism goes on related to accountability issues and legal and factual analysis of the final phase of war in Sri Lanka pointed in the Report of the LLRC, it is important to note that treatment of accountability issues revealed in the report have certain shortfalls in the approach of security for several reasons. Armed

conflict between the Sri Lankan government forces and the LTTE is governed by international treaties and the rules of customary international humanitarian law. Firstly, customary humanitarian law, based on established State practice, binds all parties to an armed conflict, whether States such as Sri Lankan government or non-State armed groups like the LTTE, and concerns the conduct of hostilities. Secondly, relevant treaty law which includes the Article 3 to the Geneva Conventions of 1949, which sets forth minimum standards for the treatment of persons within a party's control (Permanent People's Tribunal, 2010: 17). Simultaneously, holding individuals accountable for serious violations of the laws of war is important as it may deter future violations, promote respect for the law and provide avenues of redress for the victims. When the individuals who commit serious violations of international humanitarian law with criminal intent -that is, intentionally or recklessly- it consider as they are responsible for war crimes which include a wide array of offences, among them deliberate, indiscriminate, and disproportionate attacks harming civilians, using human shield, and committing torture, enforced disappearance and summary executions (Human Rights Watch, 2010).⁶³

In this respect, on May 19, 2009, the Sri Lankan government declared victory over the LTTE, marking an end to a 26-year-long armed conflict that had caused between 80,000 and 100,000 deaths (Shahnewaz Abdullah, 2012: 6). During the last months of the war both the Sri Lankan armed forces and the LTTE repeatedly violated the laws of war, causing unnecessary civilian suffering and casualties. Most importantly, a very serious allegations of war crimes and crimes against humanity for acts committed

⁶³ See

<<http://www.hrw.org/news/2010/05/20/q-accountability-violations-international-humanitarian-law-sri-lanka>> Last visited on September 9, 2013

during the conflict, perhaps most notably in the final stages in 2009, as documented by both the UN Commission of experts and the ICG. Human Rights Watch (2010) stated that forced to retreat by the government offensive operations, the LTTE drove civilians into a narrow strip of land on Sri Lanka's northeastern coast, effectively using several hundred thousand people as human shields. Furthermore, the LTTE shot at and injured or killed many of those trying to flee from the war zone to government-held territory. In the meantime, the LTTE forces also deployed near densely populated areas, placing civilians in increased danger of attack. Representations made before the LLRC are evidenced these facts as follows: according to a high-ranking Defence Official Gotabhaya Rajapaksa,

“...we have many occasions that were reported that the LTTE was firing and preventing their (civilians) escape. Once they realized that this will endanger their motives that they will no longer be able to use them (civilians) as human shields they took all the civilians from the NFZ [No Fire Zone] and took them to Puthumatthalan a very thin area. When we realized that the LTTE had taken all the civilians from the NFZ out to another place, we shifted the NFZ to that area....” (Report of the LLRC, Para. 4.45);

a Government medical doctor who had served from March 2009 till the end of the final battle in the LTTE dominated areas of the Wanni made statement before the LLRC pointed in the Report of the LLRC as,

“...civilians who wanted to move towards safer areas to avoid getting trapped inside the conflict zone were prevented from doing so. This he said was presumably because the LTTE wanted civilians to be there in anticipation of a breathing space in the form of any possible humanitarian intervention in the name of security to civilians. He added that the presence of civilians was also necessary to continue with conscription and rightly or otherwise justify the continuation of the war effort to the people” (Para. 4.47);

a former senior LTTE cadre stated before the LLRC during the public hearing as,

“...what really happened was that at the last stage of the battle, the people converged to a very narrow area....the LTTE launched their shelling attacks on the Army from these places. The Government forces retaliated to the spot that the LTTE was staying, as a result there was a number of deaths which is why I referred to both sides. At the last phase of the battle if the LTTE had allowed these people to go out, all these casualties could have been avoided” (The Report of the LLRC, Para. 4.84);

and, a senior public official also pointed these all above mentioned during the testimony made before the LLRC as,

“...all the time the people were with the LTTE they were not allowed to move. When the safe zones were declared, the LTTE also went to that area...the LTTE mixed with the people. Even in Puthukudiyirippu office when we held meetings the LTTE were also there with my staff...” (Ibid, Para. 4.90).

When the fighting was intensified, the LTTE stepped up its practice of forcibly recruiting civilians, including children, into its ranks and to hazardous forced labor on the battlefield (Shahnewaz Abdullah, 2012: 6).

The Government forces repeatedly and indiscriminately shelled densely populated areas; sometimes using heavy artillery and other areas weapons incapable of distinguishing between civilians and combatants. As the LTTE-controlled area shrank, the Government unilaterally declared NFZs or “safe zones” on three different occasions, calling upon civilians to seek shelter there; nevertheless, the government forces continued attacking these areas. In disregard of the laws of war, the government forces also fired artillery at or near hospitals on at least 30 occasions (Ibid: 7).

Permanent People’s Tribunal (2010: 13) described the atrocities of the last weeks of the war as following:

“The atrocities carried out by the military relate particularly to civilians, and there is evidence of cluster munitions being dropped by warplanes. Some witnesses reported that white phosphorous was used in violation of international law. Several witnesses had seen burn marks on wounded civilians. Others believed that indications of napalm were apparent, and evidence of other incendiary devices has been confirmed by doctors who had cared for hundreds of Tamil civilians wounded in this manner.”

It is clear, after having all mentioned above in mind, the responsibility related to this issue falls on the parts of both the Government and the LTTE. However, due to the total military demolish of the LTTE on the ground, now it is only in the hands of the Government to pursue accountability. As a government established Commission, the

LLRC was not structured to address these violations systematically, therefore, still calls remain for more systematic investigations and possible prosecutions at domestic or international levels.

7.6.2 Feelings: Sense of Insecurity and Safety Needs

7.6.2.1 State and Community (Sinhalese)

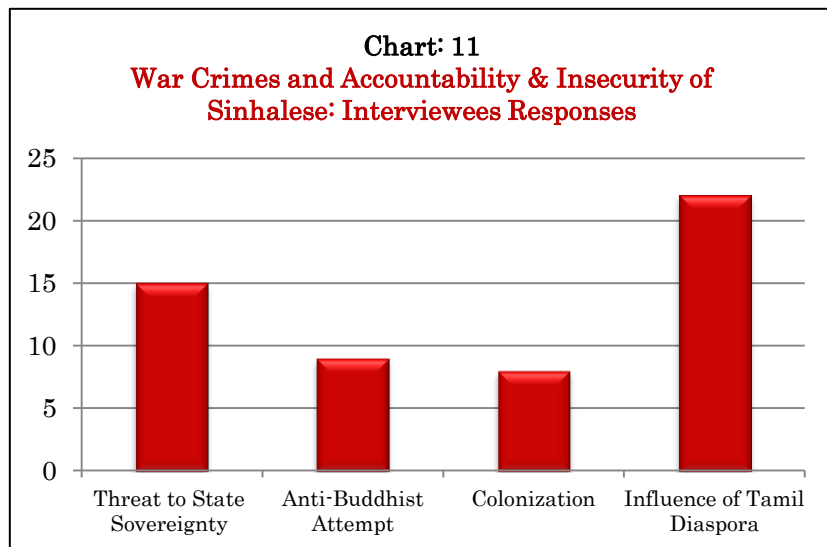
Calling for an international investigation for the events committed against humanity, during the last stages of the battle, is viewed and manipulated by the Sinhalese and the Government as a measure to cause insecurity and threat and as a determination to undermine the Sinhalese Buddhist. As a result, high-level Sinhalese government officials try to justify the events and arguing as people remaining in the war zone were LTTE sympathizers and therefore legitimate targets, indicating possible intent to commit war crimes (Devotta Neil, 2010: 342).

In the meantime, one major tenet of the critique of the West is the idea that the ‘Western powers’ continue to dominate the economic, cultural and intellectual life of the people in the non-Western world (Uyangoda Jayadeva and Bastian Sunil, 2008: 27). In this sense, Sri Lankan Sinhalese nationalist groups have been particularly active in mobilizing against West under this notion. This mentality has been initiated and developed since the international involvement in the ethnic conflict in Sri Lanka to reach a political solution; particularly the European Union (EU), Canada and the United States have emphasized throughout the conflict in Sri Lanka as the importance of a negotiated settlement with the Tamil minority, which would produce political reform package for power-sharing; furthermore, they often highlight the Sri Lankan state’s obligations to ensure minority rights and maintain internationally recognized human rights standards. By linking the past experiences, powerful Sinhalese nationalist parties,

ideological groups, intellectuals and the media have repeatedly denounced this position of Western as “Western colonialism” in action. They have also portrayed such Western positions as interference in the domestic affairs of a ‘sovereign state’.

These feeling of insecurity and negative assumptions about the West are further developed and justified by various other approaches of West towards the ethnic Tamils. They feel that the West is always sympathetic to ethnic and religious minorities at the expense of the ethnic religious majority; the West is influenced by the powerful Tamil diaspora lobby; the West is Christian and therefore intrinsically anti-Buddhist; and the

West wants to colonize Sri Lanka indirectly because of the island’s strategic importance in regional and global geopolitics (Ibid: 27). They posited the



West as a continuing source of threat to the interests of the majority Sinhalese Buddhist community (Ibid: 28).

Interviewee 4 supported the points, mentioned above, that fully favoring the Government of Sri Lanka. He stated that though the concerns of the Western countries on Sri Lanka is justified, it must be remembered that going by the same rules some “Western countries” are also answerable for the war crimes they have committed in Afghanistan, Iraq, and even Pakistan. The political approach of the West raised questions from the ethnic Sinhalese as why the international community is not playing

its role to bring to justice people who were responsible for these operations. Subsequently he stated that the Government of Sri Lanka is a minor offender compare to the West regarding the issue of human rights violations; it was a cruel war and if the Government had to eliminate terrorism there were undoubtedly human rights violations; the victory could have never been achieved without it because 298,000 people held as hostage and the Government was able to defeat the LTTE and rescued those innocent civilians thereby, now Sri Lanka is one of the most secure countries and the Tamils are being freed. It is apparent to quote his statement here:

“Fighting terrorism can’t be like a cricket match; you can’t have rules and regulations; you have to fight terrorism like terrorism that’s what the West does. In fact, there must be some degree of accountability but you can’t have accountability in its perfection.”

In sum, he strongly emphasized that absolving oneself from the guilt and finding faults with others does not serve the purpose of peace and justice.

7.6.3 Forecasts: Analysis of the Results and the Judgments about Future

Sri Lankan government facing with serious challenges of being subjected to investigation by the Human Rights Committee of the United Nations; it made several promises to the international community that helped to sway the vote favor. It is important to note that if the crime committed against humanity by the Sri Lankan armed forces will be clearly proved, some military leaders who engineered the military victory over the LTTE could very well be held responsible for that. The United Nations and certain Western governments are continuously intent on investigating reports of war crimes, which the current victorious Government of Sri Lanka vociferously opposes. It is to be mentioned here that in the last UN Human Rights 24th session, held in Geneva on September 25, 2013, the UN Human Rights High Commissioner Navinetham Pillay

made statement on Sri Lanka's human rights issues. In her assessment, absent meaningful progress on accountability calls for an international inquiry will persist, therefore she calls on the Government to implement the constructive recommendations of the Report of the LLRC and conducting an independent and credible investigation into allegations of violations of international human rights and international humanitarian law before March 2014. She further proclaimed that if the Government failed to do that before the given timeframe the international community will establish its own investigative mechanism to execute in Sri Lanka.⁶⁴ In these heated scenarios in active, once the clear and evidential truth leaking out about how war crimes were committed, who were responsible, then the possibility of prosecution are greater once regime change takes place, so the country's present government and military leaders have a stake in ensuring that the current opposing and preventing arrangements continues in this stand. The strong executive and military nexus highly facilitates bodes ill for those who hope for a regime change in Sri Lanka due to genuinely reveal the truth openly with regard to this issue. Consequently, Sri Lanka may have reached a state where the supposed guardian of society has become its greatest predators.

Especially pressure from the Tamil diaspora towards this issue is still strongly active on the ground since a large number of diaspora has become citizens or permanent residents of the host countries, in fact, they have started gaining more leverage in host country politics as well. Diaspora community clearly has the potential to play a significant role in homeland and hostland politics and the political decision-making processes. In the host countries, they carry influence with policymakers because they often constitute an influential electoral base or because they have become part of the

⁶⁴ See in <<http://www.dailymirror.lk/news/36120-us-backs-navis-assessment-on-sl.html>> Last visited on September 29, 2013

political life. With regard to homeland politics, diaspora matter as they may use political and financial means, such as economic investments, remittances or political contributions, controlling and manipulating the media, to play important roles in influencing decision-making processes. Furthermore, the diaspora's lobbying efforts have been quite successful in promoting state support for their cause, especially on issues relating to human rights abuses by the Sri Lankan government because the density of the diaspora population makes them possible.

Meanwhile, pressure exerted by the West and the Tamil diaspora for the Sri Lankan government to come clean on human rights abuses and war crimes, while requisite, nevertheless plays into its hands; for it allows the state to further legitimize its authoritarian tactics, strengthens the nexus between the executive branch and the military elements who were responsible for war crimes, and makes it even harder to bring about regime change.

Revealing the truth has great implications for reconciliation since it is not only for healing the wound of the victims rather than ensuring security through compensation such measures and making trust on the responsible bodies. However, the situation on the ground is still vague due the government's continuing narration in which the military conflict was ended as the method used for a humanitarian effort to release the civilians as well as inflict a decisive defeat over the LTTE. It is very clearly accepted and stated in the Report of the LLRC as well as UN panel of experts' report that both parties involved in the final battle committed huge violations against the humanitarian law. Interviewee 4 mentioned in this regard as if there were deliberate attacks on civilians, that is totally wrong; but if there were cross fire attacks that were not wrong especially in a human shield operation and people were held at hostage. It is not possible to go into

the kind of investigating operations what the West desires, the country itself has some machinery here to investigate and see whether there were any violations committed under the above mentioned category and if it proved the victims should be compensated; adopting this way definitely be as a realistic attitude to satisfy and ensure the security of Tamils and at the same time be harmed the Sri Lankan government as well as its Security Forces. The Report of the LLRC suggested to setting up a domestic mechanism named as 'military tribunal'. However, Interviewee 9 stated regarding this recommended set up as "the investigation of the domestic military, which is suspected as human rights violators, into the military is not independent; military will be looking at in military view thereby, nobody can expect it as an independent investigation."

However, the Tamil diaspora, who was extended their massive support to the LTTE through various means, is still call for an international investigation with regard to the allegations of war crimes (Feargal Cochrane; Bahar Baser; Ashok Swain, 2009: 693; Devotta Neil, 2010: 342). This is indeed crystal clear that the diaspora is confident that once the investigation found the government forces as a perpetrator, the punishment will fall on the Government of Sri Lanka; this would not pave the road for reconciliation either between ethnic groups or with the Government. As earlier mentioned, genuine investigation to find guilt for the injustice is a structural issue that caused insecurity to the Sinhalese community, in turn, for Tamils it is a measure for ensuring their security.

In the all above respects, it is essential to find the apparent and feasible way to deal with this issue and ensure the sense of security and promote reconciliation between the both ethnic communities. In fact, the LTTE also found as an offender of alleged war crimes and grave violations of human rights law however, a graduated pressure on accountability offers by the international community only to the hands of the

Government to pursue accountability. It is viewed as partial since the pro-LTTE Tamil politicians and Tamil diaspora are continued to have the same spirit, what the LTTE upheld, in their activities till now. Due to this respect, such moves on the part of international community is posed more rifts between ethnic communities and feed public resentment which then erodes the consensus needed to facilitate the process of reconciliation. Especially, the blame put on the Government armed forces, who are honored and praised by the Sinhalese due to their sacrifices to defeat the LTTE terrorists, by the international community will likely deepen and with it the anger and humiliation of many Sinhalese and exacerbates the ethnic tensions.

Therefore, a crucial step in gaining Sinhalese support for accountability procedures for reconciliation and bridging the gap between two major ethnic communities, the Sinhalese and the Tamils, the international community has to persuade important steps to the sections of Tamil diaspora to accept publicly the crimes committed by the LTTE in the final stages of war and in the preceding years. Gaining acknowledgment of the serious nature of LTTE violations by significant numbers of Tamil diaspora would assist in opening up the space for Sinhalese to admit the crimes done in their name. While Tamils are seen as the only victims in Sri Lanka's decades of ethnic war, it is essential to recognize accountability and respond to the sense of embattled identity and victimhood that exists among many Sinhalese. This will offer both the Sinhalese and the Tamils a means by which their suffering and humiliation recognized and assured thereby a new state will build in which their personal and collective security will be protracted. A viable peacebuilding through reconciliation should be aimed to establish the fact and legitimacy of different ethnicities suffering and fears and offer assurances that the threat to the integrity of the island is no longer there.

Conclusion

The establishment of LLRC and the release of the report and recommendations are a point of departure to provide a golden opportunity for the people of Sri Lanka after having large number of wounds over three decade of cruel war. During this post-civil war phase, it is the ripe moment for the people and powers to act decisively moving forward and achieving enduring positive peace in the country. Although the time develops a sweet fragrance and shows the fully ripe state for effective reconciliation meaningful progress has not been made on it yet. There are huge amount of questions raised still linger with the implementation of the recommendations, addressed by the LLRC, for promoting reconciliation. This study found that the sense of security of different ethnic communities caused in the form of structural and psychological means is the major obstacle to implement the recommendations proposed by the LLRC on the ground. This is because the dimension of security of two major ethnic groups, Sinhalese and Tamils, in the tri-level of operation, state, community, and individual, is contradictory among each other, which means one level of security is contrary to the other level in operation; this is found in the study by selecting and analyzing the six key structural issues and its impact on the ground.

The observations and recommendations related with the issues selected fell under the list of the Report of the LLRC, political solution, militarization, resettlement and land return issues, rehabilitation and reintegration of ex-combatants, abduction, arbitrary arrest and disappearances, and war crimes and accountability, have less feasibility to implement on the ground due to the difference sense of security of two major ethnic communities in Sri Lanka. Though the Report of the LLRC, to some extent, put its efforts on identifying the issues and grievances of the people to promote and

foster a united democratic Sri Lanka, to some points it failed to consider its security aspect and thereby, a huge gap remains to move from paper to practice.

If we look at the key issues that are contesting to the ongoing reconciliation process in Sri Lanka, firstly, there are no meaningful progress made so far -particularly in the political solution and devolution of power. In the report, the LLRC made recommendations addressed a way to reach solution for this prolonged conflict, which is a pivotal component of a lasting peace for Sri Lanka, was implementation of the 13th Amendment to the Constitution and the PC system. However, this has unfeasibility to implement on the ground because of the feeling of insecurity of the Sinhalese community that relates with giving the salient powers, land and police, to Provinces, particularly to the Northern Province. Devolution of power on the basis of shared sovereignty over land, law and order to Provinces viewed as insecurity arrangement for the Sinhalese state and the community, on the one hand, and as a security related essential need for the Tamil community, on the other hand.

Secondly, the reality on the ground clearly shows the utter disregard, related through various forms and the levels of security of ethnic groups, for the relevance of the LLRC recommendations on demilitarization. In particular, military installations got increased notably and high level of military surveillance is created high level of the sense of insecurity with risky and dangerous situation at the communal as well as individual levels of the Tamils. The community required a meaningful demilitarization, in any forms on the ground, resulting in the return to the pre-war situation as it existed in 1983, before the commencement of hostilities for their security, however, due to the feeling of insecurity of the Sinhalese community, the Government is constantly taking steps forward, which is utterly contradictory what the Tamils' desires and the LLRC's

recommendations, and justified it as for security related circumstances for the nation as a whole.

Thirdly, the process being carried out on the ground with regard to the issue of resettlement and land return is inadequate in several respect of security of different ethnic groups in the selected tri-levels. Security related problems identified in the issue of resettlement and land return in a communal as well as individual level of Tamils as speedily resettled the people who have been displaced in the north and the east due to the conflict in their original places by providing housing, restoring livelihood, undisciplined behaviors of military, buried land mines, forced eviction, break down the economic and administrative structure of the north and east, respecting dignity and returning the occupied private lands to the owners or providing any form of reparation. In the meantime, the Government is trying to defend against the critics of insecurity and proclaims it as a security measure for the state as well as the people of the entire nation.

Next, the recommendations related to the issues of ex-LTTE cadres found unclear and inadequate while comparing the real problems that are absolutely related to the security of the ethnic communities in all three levels, state, community and individuals. The insecurity and fear is being caused from the ex-cadres, including men and women, and their community, after they rehabilitated and reunited with their family as well as community, found in this study due to the military activities, abduction, arrest, re-arrest and harassment, special identification measures, existing laws and regulations, personal revenges, insecure reintegration with social issues, employment and marriage, and negligence by the own community. In contrast, the sense of insecurity of Sinhalese with regard to this issue clearly see by the direct and indirect security measures put and hold on these ex-LTTE cadres by the Government due to their doubt and suspicion

about their grown-up gun culture, held arms, sleeper cells and pro-LTTE activities and statements from abroad as well as Tamil politicians, TNA.

Fifth, the issue of human rights related to abduction, arbitrary arrest and disappearances are still considered as essential issues to deal with and to incorporate into any legitimate reconciliation roadmap. The progress of implementation regards to the recommendations related to this set of issue by the LLRC is still disappointing due to the high level security and fear of the two major ethnic communities in all three levels. In fact, due to the crisis of law and order, the nexus between the military as well as paramilitary in the act of human right violations and the Government's arbitrary arrest and detention policies as well as legislations the Tamil individual as well as communal level security is overpowered. In contrast, the Government still continue to simply deny the act on human rights violations related abductions or disappearance therefore, it is defensible in the measures undertaken through legislations and policies and proclaimed it for safeguarding the country and preventing the reemergence of terrorism.

Finally, a proper examination of what transpired during the battle's final phases not happened through any investigations yet is the most heated criticism prevailing on the ground. Though the recommendations of the LLRC related to this issue remains incomplete and insufficient, it calls for a domestic investigation procedures by the military. A thorough accounting of the past is a pre-requisite for the Tamil community including diaspora to ensure their safety and security for the present as well as future. Moreover, revealing the truth has great implications for them since it is not only for healing their wounds of the past rather than ensuring their security through structural measures, for instance providing compensation. Unfortunately, still the truth has not

been ascertained and justice to victims not delivered; reparation including compensation not been ensured. In the meantime, the Government of Sri Lanka has shown it as a great security threat systematically posed by the international community, including the West and the UN, in due respects of interfering the domestic affairs of a sovereign state, on the one hand, and a threat to the religion of Buddhism as well as the people who follow that faith, on the other hand. Calling for an international investigation still rejected by the Government, by contrary, domestic military tribunal held to deal with this issue was not accepted by the Tamil diaspora as well as international community because they argued that is not a fair measure to investigate the offences committed by the same military.

After all above, deeply security related all six key structural issues clearly demonstrated that under the divisions of three Fs, the structural and psychological nature of security as well as bridging its different sense between the two major ethnic communities is sufficiently needed to reach a true reconciliation in post-war Sri Lanka. The ground reality is still evidenced this and portrayed the message that impunity and disregard on the sense of security of different ethnic groups in a multi ethnic nation would not pave the road for effective reconciliation, rather will remain beyond Sri Lanka's reach.

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Introduction

In this section, the findings of the chapters are summarized and discussed in relation to theoretical ramification into the broader picture of nexus between security and reconciliation on the one hand, and its significance and implications for ongoing reconciliation in tri-level, state, community and individual, in post-civil war Sri Lanka, on the other. While the research assessed the Report of the LLRC into the selected six key structural issues and the progress of implementing the recommendation being taken place on the ground so far, the reality found from the study shows that the sense of security of two major ethnic communities, Sinhalese and Tamils, encompasses with structural and psychological means, is the hindering factor to promote true reconciliation process on the ground. The study found fault on the LLRC since it was not paid sufficient attention on security in its focus of analysis as well as in the recommendations related to the issues selected. The importance of engaging with the security-reconciliation nexus is made explicit in the following discussion.

Summary of the Chapters

This research was developed to provide a clear, qualitative analysis of the nexus between security and reconciliation on the current progress on the implementation of the LLRC recommendations in six key structural issues that are contesting in the post-civil war phase in Sri Lanka, political solution, militarization, resettlement and land return issues, rehabilitation and reintegration of ex-combatants, abduction, arbitrary arrest and disappearances, and, war crimes and accountability. The issues and the recommendations were selected on the basis of security as structural measures and have psychological impacts, thus, it relates for bringing genuine reconciliation. Rather than a

commission appointed to find ways for reconciliation in post-war Sri Lanka, this dissertation has demonstrated that the LLRC's approach to reconciliation was meager due to its insufficient and inefficient attention paid on the sense of security that relates to the two major ethnic groups to whom reconciliation is expected on the ground. Due to this prime shortfall the progress of implementations, in accordance with the LLRC recommendations, are being questioned and activities are being obstructed. It is also an indication that the LLRC had not sufficiently understood the different sense of security needs of these both ethnic groups from different levels that selected in this study as state, community, and individuals, and its dimensions that is interchangeably contrast within a certain issue and its level of operation. In order to achieve a true reconciliation, that is an essential need on the ground after having three decade of protracted civil war, these contested security aspects that embodied in the existing structural issues should be thoroughly identified with its security nuances.

Given the above understanding and fact-findings, the chapter two and three provide the theoretical contexts that shape the research into the broader picture of nexus between security and reconciliation. By utilizing the structural and psychological dimensions as well as its connectivity between both, the study was enabling us to connect with the broader picture. In a deeper sense, choosing structural approach of reconciliation allows the research to deal with structural issues and shows its essentiality for any measures undertaken for reconciliation. In the meantime, by relating those issues with psychological impediments at last enable us to link the structural-psychological features and argues as structural measures can pave road for the psychological change, that is the final goal for true reconciliation accepted by academics and practitioners of reconciliation. The tie made on this sequence with

security framed by its structural and psychological basis, similar to the approach of reconciliation in this study, and connecting to the structural issues through the lens of security; theoretical and practical understanding of security made ease to this particular endeavor to demonstrate the clear nexus between security and reconciliation. Finally, the broader conceptual picture was drawn under the first two chapters about reconciliation and security, respectively. Chapter two first provides the reader with an understanding of reconciliation and relating its necessity for conflict emerging societies. It then develops the understanding of reconciliation as a process and as an outcome and identifying the three basic approaches, structural, psychological as well as spiritual. It then followed by viewing the structural approach, which is the focal point of analysis in this study, via political, economic and judicial dimensions. It argued that these dimensions present key constituents of the selected structural key issues in this study. Later, level of initiatives in the top, middle and bottom; and the levels of operations in the national, communal and individual, also discussed. At last, truth commissions for promoting reconciliation also reviewed. Similar to this chapter, to certain extent, chapter three also focused in the same sequence except these followings: the dimensions of security illustrated as physical, identity, political, legal, judicial and military; and the levels of security concentrated on the state, community and individual, in due respect of the selected six outstanding structural issues. Finally, certain trust building measures, which are applicable to deal with structural and psychological nature of security, were identified.

In chapter four, the analytical framework and its application in this study presented. By linking the combined theoretical broader picture of reconciliation and security with the ground situation, the research adopted and amended the assessment

models of USAID CAF and the need based theories, both applied into the outstanding selected structural issues. These two application tools made comfort to analyze the issues under their selective features. CAF model employed to diagnose and examined the issues, included dynamics, current features and the future scenarios that could alter the risk factors. This further enables the analytical task by focusing on the issues ranging from policy position and interests to practice and implementation. Concurrently, the basic human needs theories are used to determine the security needs of those issues by examining their nature and causes. Utility of both above addressed tools, the selected structural issues diagnose via three Fs featured through *Facts* as nature and causes of the issues; *Feelings* about the sense of insecurity and safety needs; and, *Forecasts* is analysis of the results and judgments about the future. This is favored to the empirical study by author with the insights accumulated during the field study. In sum, to find the nexus between security and reconciliation in a broader term and discover the gap between the recommendations of the LLRC and its feasibility to implement on the ground adopted framework from the both above mentioned tools were well suited and offered flexibility to employed and executed for this study.

Chapter one and five fully focused on the case study of Sri Lanka reviewed from the conflict to reconciliation, separately. In order to approach the focal area of analysis and assessment of the following chapters, it was essential to portray in the way how it reviewed. Another important point had to do with the case studies in these two chapters for providing a background knowledge that also influenced and incorporated with the strong connection of the security-reconciliation nexus, was the central focus of assessment. Consequently, chapter one reviewed the ethnic conflict in Sri Lanka viewed through the nature of the sense of security of two major ethnic communities shattered

by structural and psychological ways. It is further described that internal and external involvement and influence in the conflict with their various direct and indirect agendas also are the roots to create and develop the different sense of insecurity with ethnic communities. This is apparent that, though the civil war got ceased the selected actors who are being involved in the selected structural issues are still active on the ground. Finally, structural and psychological causes as well as triggering events of the conflict and its implication in the sense of insecurity, followed by the final phase of war in brief, was discussed. For true reconciliation, ensuring security of different ethnic groups who have hostilities throughout the past via structural and psychological measures is necessary to encompass in the process of bridging their gap. Followed from this chapter, chapter five focused on the commissioning experiences of Sri Lanka, major review fell on the LLRC and its key features and functions as well as the remarks placed upon and to its end product. This is appropriately required since a prime objective tried to find the gap, related to security, between the findings and recommendations of the Report of the LLRC to the selected key issues and the ground situation for implementation. In order to do this endeavor, the past commissions for reconciliation were briefly examined and the LLRC deeply reviewed in the way that stated above.

In chapter six, the way that the LLRC dealt the structural issues in its report was presented since the analysis of the selected six issues led on assessment by comparing the approach the Report of the LLRC held. Simultaneously, the feasibility on implementation also evaluated through the lens of security also equated with this report. At last the nexus between security and reconciliation also found through these analysis and assessments. The chapter presented the structure of the Report; evaluation framework located upon the selected issues; and, finally, portrayed the ways in which

the Report dealt with those key issues. The findings of this study showed that the recommendations addressed in the Report have less feasibility to implement on the ground due to, as mentioned in the beginning, the inadequate focus on the difference sense of security of ethnic groups in tri-level in due respect to the issues selected.

Chapter seven, the final chapter, of this dissertation presented the primary research findings and analysis under the framework of three Fs. The findings regarded to contending issues, first, described with the background and the current scenario to the selected issue in each, then, connected it to the psychological nature of the issue related to the sense of insecurity, thereafter, examined the level of security where the particular issue creates negative impact, and, finally, placed the forecast related to the issue by adding the author's impressions. As far as the selected structural issues are concerned in the present Sri Lankan context, the reality on the ground unarguably dominates by fear and insecurity of two major ethnic groups, Sinhalese and Tamils, that enormously obstructs the ongoing process of reconciliation. To efficiently contribute the promotion of reconciliation, the LLRC and its final product failed to fulfill the aspirations of the people on the ground, on the one hand, and brought peace and stability through reconciliation, on the other hand. The study strongly verified that failed to focus adequately on security of different ethnic communities where the recommendations are urge to be implemented; this is the first and foremost need for any countries those are experienced with decade extended war or conflict within different ethnic groups. In fact, the LLRC miscarried its task and delivered its outcomes with huge deficits.

Summary of the Findings

This dissertation demonstrated the assessment and analysis of the ground situation and the LLRC's approach on the selected six key structural issues were totally contrast and

complicated by looking at the sense of security of communities through it several dimensions as well as in the levels of impact. The findings and recommendations of the LLRC to the issues remain incomplete and insufficient; an impartial examination on the structural elements as well as its psychological repertoires of the issues is also highly required for a genuine reconciliation in post-war Sri Lanka. Negligence in the security aspect showed the utter failure of the LLRC without putting all recommendations on the ground in a feasible manner. This is evidently proved by this study by holding six key structural issues that are heavily remaining on the ground, vastly related to security and still leading as pre-requisites for real reconciliation. In this point, nexus between security and reconciliation showed in the surface of analysis.

Deliberate in depth focus into the issues was patently ascertained the above mentioned nexus thus it preventing from implementing the recommendations of the LLRC as well as any forms of improvement in the current situations. Firstly, the present demand consistently prevails about the need for political solution to the country's most serious ethnic conflict is an issue to resolve, however, there are no meaningful progress made so far-particularly in the implementation of 13th Amendment to the Constitution and the PC system. In the Report the Commission made recommendations on the need for a political solution and devolution of power through the earlier discussed PC system that also a pivotal component of a lasting peace for Sri Lanka, regrettably, major parties expected to have commitment and will (the Government of Sri Lanka and the TNA), negotiations have gone nowhere. More importantly, the Government's recent progress report of the national action plan for the implementation of the LLRC recommendations related to political solution has been left blank and noted that the timeframe is not

applicable.⁶⁵ In the meantime, the Parliamentary Select Committee (PSC) seems like another agenda item which focuses more on process than substance. In this respect, a protracted stalemate regarding a political solution related to 13th Amendment and PCs is inimical to Sri Lanka's long-term prospects for lasting reconciliation due to the sense of security of both ethnic groups. Predominantly, the Sinhalese as well as the Government of Sri Lanka's feeling of insecurity leads unwillingness to engage in the above mentioned recommended way to reach solution that could portend heightened gridlock or worse. In the meantime, the consistent attempt towards increased centralization, which is an overarching strategy of the present Government due to their sense of fear and insecurity towards Tamils, only ensures that Sri Lankan society is becoming more polarized and unsecured. Under these circumstances, the LLRC found fault in this respect; this was happened due to the structural forced psychological aspect of security of the selected measure addressed in the Report for resolving the conflict in Sri Lanka.

Secondly, in spite of recommendation that calling for the military presence to “progressively recede to the background,” the reality on the ground clearly shows the utter disregard related through various forms and the level of security of ethnic groups, for the relevance of the LLRC recommendation. Particularly, military installations got increased notably and high level of military surveillance is created risky and dangerous situation to Tamils at the communal as well as individual levels. The latest Government's progress report of June 2013 claims that all security forces had withdrawn from civilian duties, thereby, civilian administration fully functional under the Government officials at the district, divisional and the grassroots levels.⁶⁶ The

⁶⁵ See <<http://www.llreaction.gov.lk/>> Last visited on October 3, 2013

⁶⁶ See <<http://www.llreaction.gov.lk/Downloads/thematicAreas/RECONCILIATION.pdf>> Last visited on October 3, 2013

research findings clearly demonstrate that this is far from the truth, particularly in the north. The military interventions into civil affairs remain widespread and the Government blatantly continues to keep a tight lid on the community and individuals through military interference and the restriction of these peoples' basic freedom of movement and rights. However, the Government is legitimizing these interferences and involvements to the detriment of the mandated security measures. The practical term of security identified in this study, by holding the issues, as a protective measure, on the one side, concurrently violating security, on the other side, in the post-war Sri Lankan context.

Thirdly, the process being carried out on the ground with regard to the issue of resettlement and land return is inadequate and ineffective in several respect of security of ethnic communities. The speedy resettlement of the Tamil civilians, who have been displaced in the north and east due to the conflict, in their original places expected more security for their own relates to provide housing, restore livelihood, seek protection from undisciplined behaviors of military, buried land mines, and forceful eviction. Furthermore, rather releasing lands occupied as HSZs, land encroachment is still in the process due to various reasons of security of Sinhalese. Simultaneously, these acts formed an indisputable fear and insecurity to the Tamil community as well as individuals and led them into critical stage. There are no meaningful efforts made so far in returning the occupied private lands to the owners or providing any form of reparation. In the meantime, the Government is trying to defend against the critics of insecurity made and proclaims it as a security measure for the state as well as the people of the entire nation. The Government's attitudinal outlooks show that land expropriations have been hailed as necessary for national security. There is no question

that resettlement and land return are still major problem in the north and east. The study clearly recognized that there can be no reconciliation without the reform of the existing procedures over land and positive developments in the restrictions made by the military regulations deprived the Tamil community to their agricultural lands and denied their livelihoods. This shows in a tremendous way that how the structural issues caused psychological impacts in terms of its efforts or hope for implementation.

Fourthly, the recommendations of the LLRC related to the issues of ex-LTTE combatants found unclear and dubiously inadequate while comparing the real problems that are absolutely related to the sense of security of both Sinhalese and Tamils in all three levels, state, community and individuals. The fear and insecurity on this issue in various levels have their own justifications due to their own cause. Causes for the sense of insecurity of the ex-LTTE militants, including men and women, and their community, after they rehabilitated and reintegrated with their family as well as community found in this study are quite a lot, such as military monitoring activities, abduction, arrest, re-arrest and harassments, special identification measures provided by the Government, existing laws and regulations that relate to terrorism, personal revenges within their own community, insecure reintegration with social issues, including employment opportunities and finding a life partner, and the high level of negligence from their own community. From the Government, these direct and indirect security measures are being justified due to some reasons: doubts and suspects on their complete psychological transition from fighting and foe mentality to peace, sleeper cells and the pro-LTTE activities and statements from abroad as well as Tamil politicians, TNA. In this situation, insecurity relies as a triangle level of problem connected to each other. In the meantime, the Government's measures to prevent from insecurity caused more fear and insecurity

to the other levels in operation, at the same time they are terribly vulnerable to hold any safeguarding measures to away from these consequences. This is heightened further level of fear and insecurity surrounded by various means, as a result of losing hopes rate of committing suicide is still being increased within these ex-LTTE cadres. Under these circumstances it is abstruse to move forward with the promotion of reconciliation.

Fifthly, the issue of abduction, arbitrary arrest and disappearances are the problems that have been plagued Sri Lanka for decades, yet the LLRC recommendations pertaining to these issues have not been implemented. In fact, the LLRC called for wide-ranging and robust recommendations to deal with these human rights related issues that must be incorporated into any legitimate reconciliation roadmap however the progress of implementation is still disappointing. Firstly, the nexus between the military as well as paramilitary and these human rights issues is well-known and the perpetrators of these offences have managed to get away in any instances because of the close nexus with the Government as well as military. Secondly, the Government of Sri Lanka's disregard for the rule of law has meant that widespread of human rights violations have continued in the post-war phase; steady erosion of the rule of law under the watch of the present Government is still active on the ground. Certain laws, especially the PTA or the Emergency Regulations (ER), prove the prejudiced application of the rule of law, which is still very questionable. Furthermore, arbitrary detention policies have been closely connected to the perpetuation of Sri Lanka's ER, the Public Security Ordinance (PSO) and the PTA. More importantly, draconian policies regarding arrest and detention are still having an extremely negative effect on the Tamil community and individuals. Perhaps most disturbingly, the Government of Sri Lanka has clearly failed to undertake legitimate and impartial

investigations to deal with any of these issues, cases are simply not being investigated. This is negatively affected the road towards reconciliation since security aspect of these issues are hugely severe and it accelerate the sense of insecurity within the Tamil community as well as individuals, however, there has not made meaningful progress in the pivotal areas of this issue.

Finally, a proper examination of what transpired during the battle's final phases not happened through any productive investigations yet. A thorough accounting of the past is a *sine qua non* for promoting reconciliation. An enormous amount of information, ranging from documentaries to articles to books and reports, has been released; they portray war crimes and accountability related issues during the war's final phase. Without knowing what actually happened during those last months of battle, true reconciliation will remain beyond Sri Lanka's reach. Meantime, due to the sense of insecurity in various respects of Sinhalese, the Government of Sri Lanka has shown little interest in it. The military tribunal, suggested by the LLRC, is not be trusted and accepted by the Tamil victims of the last heavy battle; this tribunal is not considered them as a truly impartial investigation since military personnel are suspected as the alleged offenders of the crimes. As long as accountability and war crime is anathema to the present Government, the Tamil minorities will be unable to move positively forward. Without knowing what actually happened during those last months of battle, true reconciliation will remain beyond Sri Lanka's reach. In the meantime, the Government and the Sinhalese Buddhist community is got unhappy, feared and disappointed on the efforts made by the diaspora and the international community, including the West and the UN, because it seemed as a forceful intervention on the sovereign state and its internal matters, on the one hand, and the attack driven towards the religion of

Buddhism and the people, on the other hand. By experiencing with the sense of insecurity through structural and psychological means of this issue by the communities with different ethnic affiliations, fostering reconciliation on the ground is fully eclipsed.

Due to the all respects, mentioned above, the fact is crystal clear that the recommendations addressed by the LLRC have less feasibility to implement on the ground due to the different sense of security of the ethnic communities, as far as the certain issue is concerned. Furthermore, as the responsible mechanism that established a home-grown commission for reconciliation the Government's efforts is being criticized and its progress reports on implementing the LLRC recommendations are deeply flawed. The Government has continued a tradition of vague statements and empty promises before every United Nations Human Right Council session. This hold particularly true for the recommendations related to the selected six key issues, chosen for this research, and the study evidently proved the hypothesizes: (1) unless the deep sense of insecurity, results by structural circumstances, seriously considered, reconciliation would not be smoothly implemented and (2) due to the insufficient attention paid by the LLRC on security aspect of the issues relate differently with the two major ethnic groups the progress of implementing those recommendations is still being obstructed on the ground. Testing these hypothesizes throughout the process of doing this research finally reached and the assumption got true.

Originality and Academic contributions

Reconciliation defined in this study as a fundamental component of conflict transformation and incorporating security in its operation can foster the process more meaningful. There are probably a number of literatures on reconciliation as well as security, however, they do not in any way pretend to treat in great detail to the nexus

between security and reconciliation, in the meantime, existing studies particularly on Sri Lanka totally failed in this regard. Due to this respect, a conceptual mapping to find nexus can fill the knowledge gap of local as well as international studies. Furthermore, the study found that both hypothesized formulated are true results; feeling secure from any side is a pre-condition and foremost step for genuine reconciliation; in fact, this is not viewed with serious consideration in the literatures. Therefore, this research may contribute with this important insight to a country that entered into post-conflict or post-war phase and seeking for reconciliation. Meanwhile, nexus between structural and psychological aspects of security also an effective contribution not only to the literatures on reconciliation but also to the literatures related to security studies.

Likewise, the methodological approach of this research built on the analytical insights of the reconciliation and security literature review, addressed some broader limitations of contemporary research in the area of reconciliation and security in a post-intra-state conflict as well as civil war, and incorporates knowledge exchange opportunities into the approach in order to strengthen in-country efforts and policy reflections on reconciliation.

Besides the above mentioned, there are huge disagreement remains among the scholars of reconciliation that holding structural measures never establish reconciliation; they argue that the essence of reconciliation utterly related to psychology that deals with cognitive dissonance and creates conditions conducive to cognitive changes. However, this particular research on post-war Sri Lanka clearly showed the significance and the needs to be put on the structural measures for true long lasting reconciliation by linking to the sense of security of communities with different ethnic affiliations.

Academics and practitioners hold divergent views concerning what elements

constitute reconciliation in post-conflict situation; this, in turn, has given rise to different approaches for addressing gross human rights violations committed during conflicts. One amongst those is to use transitional justice as a cornerstone for reconciliation, however, this study realized that the overwhelming emphasis on this alone has never paved road to true reconciliation in all cases therefore, for constructive reconciliation it is required additional mechanisms and approaches. Especially in Sri Lankan case holding structural approach is the most important approach which can build a common future for all ethnicities where trust, mutual consideration of needs underpin social relations disregard to their respective ethnic identities and affiliations.

The results of this research has more practical implications because identifying the problematic conditions in the ongoing reconciliation in post-war Sri Lanka is an essential need and contribution to recent discussions of the barriers for reconciliation on the one hand, and for strengthening the country's efforts and policy reflections on reconciliation, on the other hand. In fact, as a country newly entered into the post-war phase, this is the ripe moment to accelerate the implementations by integrating structural measures and bridging the gap between the two major ethnic groups, Sinhalese and Tamils. Addressing and identifying the structural issues and giving special attention on its security aspect is an essential need for reconciliation on the ground. Inability or unwillingness to address this may lead and sustain the possible scenario of discontent, dispute, and grievances between the two major ethnic groups and allow them to feel as people who are being secured and fairly treated. Due to these respects, giving more importance on the security aspects of the hard issues, those addressed as six key structural issues, is a high requirement for genuine reconciliation on the ground. This crystal truth identified, demonstrated and evidenced throughout this

study.

Finally, the applicability of the structural approach on the conflict and reconciliation in Sri Lanka by linking with the sense of security is firstly conceivable where the history of conflict is mainly relates with structures as a result it influences more psychological impediments, in relation to security. Furthermore, after the conclusion of either conflict or civil war to find the way to promote reconciliation through psychological measures rather than the more widespread structural issues is perhaps not the most appropriate route. Where communities were turned against each other or deeply divided due to the fear and feel insecure about others, the approach may be prioritized their different sense of security of both sides in its proposed measures. If the above conditions are met by any countries or societies and engaging with reconciliation endeavors, the model used in this study will support broadly to promote the process in a positive way.

Avenues for Further Research

Certain avenues for additional research on the nexus between security and reconciliation are suggested by this study. In the international and domestic studies on reconciliation, incorporating security, in its structural and cognitive forms, is generally absent in the time frame of this research, therefore, additional work on the reconciliation and the interplay of security may be warranted. Meanwhile, additional case studies will likely qualify and refine the findings presented here. More fundamentally, sense of being secured proved that it is to be critically important to issue identification, preference formation, choice and method of application in the process of reconciliation. A rational approach for reconciliation is essential and that should constitute and consider the possible role of security in decision making in situations where it is being contested.

Moreover, this study formed the basis for future empirically grounded comparative Truth Commission research and policy analysis on home-grown versus externally imposed Commissions tasked with reconciliation. Thus, looking at the home-grown government formed Commission in this study have strongest potential in contributing to the existing field of study related to reconciliation and perhaps collaboration between the authors and those working on the various innovative in the field of reconciliation by dealing with the home-grown mechanisms for promoting reconciliation in post war Sri Lanka and elsewhere.

As a further practical consequence, this study found and generated some recommendations to the new initiatives, commission, government, and the local bodies, who are being engaged in the process of promoting reconciliation in post-war Sri Lanka, on the need for paying special attention on the security aspect. This importance, simultaneously, theorized in relation to post-conflict or post-war studies and therefore, considered as an academic contribution. Because, it portrayed that the special consideration of structure and security, especially in a post conflict or post war countries, are essentially required on the ground to promote reconciliation; this is evidenced by looking at the Sri Lankan case.

Finally, as a qualitative research the methods developed to provide a clear qualitative assessment of the current progress of the implementation of the LLRC recommendations related to the contesting issues driven by fear and insecurity of the two major ethnic groups, Sinhalese and Tamils, in different levels. There is another way to hold survey method and develop the study through quantitative methods; this is indeed similar effective like qualitative study. It would require more consultations with various levels of people thereby results can be assessed and delivered effectively.

Recommendations

First, an overwhelming expectations regarding a Government formed Commission to deal with the outstanding issues of different ethnicities is less conceivable since the structural and psychological causes of the ethnic conflict as well as post-war challenging issues are not purely related either to an ethnic group or certain level of operational impact. This is varied and quite ambiguous due to its nature comprised with huge range of security constraints.

Moreover, connecting the security with the lines of interconnected divisions (structural and psychological) also proved a difficult exercise for the LLRC. It requires a deeper understanding of the nature of issue and its effects on the three selected levels. It thus also requires a broader understanding of responsibility for insecurities; not as simply a process of giving recommendations. It also means that entities across the nation as well as outside the territory have to take responsibility for all the foreseen and unforeseen consequences of promoting the sense of insecurity of the people with different ethnic affiliations as a way to spoil peace and prosperity after the civil war. In the meantime, putting the blame on the LLRC alone seems to be immature since a short-term intervention such as that of the LLRC could not be engaged with this level of analytical complexity of the issues in its security relevant, on the one hand, and the outcome of the findings cannot be expected as the exclusive way to play an utter role for reconciliation to establish in a decade prolonged conflict provoked societies, on the other hand.

Furthermore, this study found that due to the great shortcomings in the approach of the LLRC it is not been considered as the mechanism that explicitly developed as a tool to promote reconciliation in post-war Sri Lanka; indeed,

reconciliation expected on the ground in various levels while the competing issues are concerned. For an instance, political solution alone needs reconciliation between the Government and the TNA, Sinhalese and the Tamil populations, the Government and the Tamil diaspora, the Government and the Tamil polity, the Government and the Opposition parties, the Government and the radical Buddhist nationals, and so on, because of the different sense of insecurity. These deep fractions among several entities related to certain issues lead more complications to the progress of implementation in a positive way. In this respect, it is expected that for reaching a genuine reconciliation while ensuring security of the ethnic groups in various levels of operation, several elements has to be engaged with true commitment towards a constructive outcome. This seems very critical while looking at the ground reality.

Rather than relying on the measures that create a deeply divided feeling of security within the citizens of the nation, though they differ with identity, ethnic affiliation or any past violent engagements, as a responsible mechanism for the country as a whole, the Government should hold measures to ensure security rather posing threat and fear to any people. If the Government still essentially needs some particular measures that are consistently viewed through negative eye of the other side, the Government should try its level best to hold that measures in a peaceful ways and make the opponent understand the essentiality; this can be done via various methods. For instance, militarization found in this study as a most contesting issue since it is highly related to the other selected issues as well, due to its different level of impacts. However, the Government is proclaimed it as a measure not for security of the state but also for the people as a whole. Despite this statement, Sinhala mono-ethnic militarization forced more fear and insecurity to the Tamil dominated areas of the north where the issue of

militarization is highly prevalent. Therefore, to tackle with this situation, the Government can encourage the development of civilian policing structures to monitor security on the ground. In order to do that it can hold multi-ethnic forces with sufficient number of Tamils in the Army to the Police thereby, the Tamils would feel comfort and secure.

Making the negative to positive is a way to winning the hearts and minds of the people however, responsible bodies should have pure will, commitment, and transparency in their engagements to reach it. The sense of security link with reconciliation through its structural and psychological forms found in this study as more complicated situation since it accelerates the current condition to further verse; the prime reason is the nexus mixed with psychological repertoires. Therefore, fostering reconciliation with this strong nexus in a negative form would not be an easy task achieved in a limited time frame. However, if the feeling of insecurity connected with structural issues that have hope to hurdle the barriers since literatures strongly suggest through various practices that trust building can be an efficient way to ensure security that can be engineered through structural measures, such as transformation of the institutions, upholding law and order, social reforms, changes on distribution of power as well as resources, reconsideration of group values and identity, and so on. In this respect, achieving long lasting peace through reconciliation in post-war Sri Lanka still has room for improving its process however, a great level of healthy and true commitments are expected from the three basic levels, communal, state and individual, irrespective to their ethnic affiliations and identities.

Appendix 1: Map of Sri Lanka



Appendix 2: List of Interviewees

No.	Name	Affiliation	Ethnicity	Gender
01	Dr. M. S. Anees	University Senior Lecturer; National Activist	Muslim	Male
02	Shreen Abdul Saroor	Board Member of Women Action Network, Women Activist	Muslim	Female
03	Menique Amarasinghe	Associate Protection Officer, UNHCR	Sinhalese	Female
04	Gomian Diasri	Attorney-at-Law	Sinhalese	Male
05	Late Dr. Jayalath Jayawardena	Deputy General Secretary, United National Party; Former Cabinet Minister for Resettlement	Sinhalese	Male
06	Dr. N. Selvy Thiruchandran	Executive Director, Women's Education and Research Centre	Tamil	Female
07	Ruki Fernando	Chairman, Rights Now Collective for Democracy; Consultant, INFORM Human Rights Documentation Centre	Sinhalese	Male
08	Dr. Pakiasothy Saravanamuttu	Executive Director, Centre for Policy Alternatives	Tamil	Male
09	Jehan Perera	Executive Director, National Peace Council of Sri Lanka	Sinhalese	Male
10	N. Selvakkumaran	Attorney-at-Law; University Lecturer	Tamil	Male
11	Sudarshana Gunawardana	Attorney-at-Law; Director, rightsnow Collective for Democracy	Sinhalese	Male
12	Dr. Farzana Haniffa	University Senior Lecturer	Muslim	Female
13	M.I.M. Mohideen	Secretary General, North-East Muslim Peace Assembly	Muslim	Male
14	Ven. Athuraliye Rathana thero	Parliamentary Group Leader of JHU Party; Buddhist Spiritual Adviser of the President of Sri Lanka	Sinhalese	Male

15	V. Anandasangaree	Attorney-at-Law; Ex-Member of Parliament; Secretary General, Tamil United Liberation Front	Tamil	Male
16	Shanthi A. Sachithanandam	Director, Centre for Human Resource Development	Tamil	Female
17	Dr. Devanesan Nesiah	Chairman, Former Presidential Commission of Inquiry to Investigate serious violations of Human Rights	Tamil	Male
18	Ameen Izzadeen	Editor, the Sunday Times	Muslim	Male
19	V. Thanabalasingam	Editor, Thinakkural Tamil Newspaper	Tamil	Male
20	S. Sivagurunathan	Peace and Human Rights Activist, Leading translators	Tamil	Male
21	V. Muralitharan	Deputy Minister of Resettlement; former Eastern Commander of the LTTE	Tamil	Male
22	Mano Haran Ganesan	Politician, Leader of the Democratic People's Front; Former Member of Parliament	Indian Tamil	Male
23	J. Arulanantham	Program Coordinator Young Asia Television, Sri Lanka	Tamil	Female
24	R. Prabhakan	Former Editor, Veerakesari Tamil Newspaper	Tamil	Male
25	Mahinda Hattaka	Journalist; Social Activist; Secretary of Movement for the Defense of Democratic Right (M.D.D.R)	Sinhalese	Male
26	S.L.M. Hazeem	Senior Assistant Secretary (Social Integration) in Ministry of National Languages and Social Integration	Muslim	Male
27	Anthony David	Deputy Editor, the Sunday Times, Sri Lanka	Sinhalese	Male

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