

## Preface

Can peace be audited and how can peace be audited? The evaluation of a process of peace and judging how far peace is sustainable is not new, but it is a question that is increasingly drawing the attention of policymakers and peace activists both. Freed from wild promises, illusions and quick disillusion, are we in a position to answer the question realistically and thereby take measures to broaden the process of peace and make it sustainable? Hard nose security specialists may say that the idea of a peace audit is too nebulous, and as a policy framework is impractical. The peace audit exercises undertaken by the South Asia Forum for Human Rights (SAFHR) are intended to suggest that the concept and programme of a peace audit can be implemented in a way that will show how a process de-linked from a broader process of democracy, human rights and justice cannot sustain peace. In asking in these audit exercises the questions, *peace for whom, peace for what values, and peace from what*, peace activists can present measurable norms and methods by which policies for a sustainable peace can be pursued. Or, the falsity of random promises of peace can be faced. Threats to peace, as peace audits show, come not only from the state, but also from lack of democracy in the process of peace, of plurality of actors and levels in that process, and from an absence of a clear idea of the appropriate means. These exercises suggest possible directions and the future course, and point to a proper method. Measuring the structural weaknesses of the peace process, the consequences of de-linking human rights and democracy from peace, the ability of social constituencies in favour of peace and the possibility of their participation in the process, is both a qualitative and quantitative exercise - an imperative for peace and human rights activists working in conflict-torn societies.

This is our second peace audit report. In this peace audit report we present a summary of the views and notes presented to the audit exercise on the peace problematic in Sri Lanka held in Bangkok on 30 August - 2 September 2000. The summary, bearing fragments of documents, news and tracts, reflects the tortuous path of justice and peace in Sri Lanka and is not intended to give us a comprehensive picture of how it all began and where it went wrong. Also it is not necessary to present an absolutely exhaustive picture, for that search for a complete and exhaustive account of peace is illusory in conditions of modern political rule, where democracy becomes an insensitive regime forcing minorities and various communities to embark on a sustained path of resistance against the centralized state machinery legitimized through the holy-book of the majority wish. Peace itself, being a plural phenomenon, constantly produces many viewpoints and many moralities. In a democratic reflection on peace process and in order to ensure a democratic peace, we require the exchange of views of various peace constituencies and the examination of the problematic of peace at various levels. In Bangkok, as in Dhulikhel, we had political activists, human rights campaigners, religious figures, social activists, jurists, women's rights campaigners, journalists and academics exchanging notes and engaging on issues in auditing peace in the trouble-torn land of South Asia.

The first peace audit was held in Dhulikhel, Nepal on 8-11 September 1999 to reflect on the peace processes in Nagaland and the Chittagong Hill Tracts. The report of the first audit was published as SAFHR paper 5. As that report brought out, though not as clearly as this one (for the war has been more severe in Sri Lanka), these documents, fragments as they are, carry the stories of pacts, alliances, reforms, parliamentary illusions, and the wily plans to subsume peace politics in state politics that is backed by militarist strength. Indeed, these fragments speak of the complexities of peace politics. They also speak of the need to gaze at this politics in the long glass of an almost fifty-year history (Bandarnaike-Chelvanayakam pact in 1957 to the devolution imbroglio today); and taken as a whole conversing among themselves, the cacophony they produce is enough to make the peace activist realize that howsoever pacts and alliances are crafted, justice and dignity of the self, its autonomy, and its determination bounce back to

confront the agenda of peace with renewed force. In this sense, a peace audit is not fundamentally an exercise in forming a historical judgment. It is irreducibly a political task. A peace audit such as this is a genealogical exercise for peace activists, for it squarely grounds itself in the present to glance back at the past, not to understand how we have reached that stage, but to know how we can escape that stage, and go beyond the follies, binds, traps and compulsions that made up the past of the peace question. The method of peace audit is thus informed by concerns of the present. Ideally therefore its structure of study, participation, interaction and report should help us in appreciating visions of peace and forge a vision inscribed by justice

As an audit report, reflection on the peace problematic is built upon our reading of the political present. We can identify some of the aspects that mark our reading. As a whole they make up what we can term the complex of peace.

*First*, we have to note the various ways in which peace politics is carried out. In politics of alliances, accommodation, pacts, fronts, and forums we have the incipient politics of peace. Its multiplicity is its strength. But the same multiplicity stuck in the conditions of modern parliamentary games as is evident in Sri Lanka, disallows a peace politics to make itself coherent and articulate sufficiently the fundamental issue of justice. The convenient politics of peace takes its toll in several forms. It is necessary therefore to interrogate the various forms in which the question of peace is socially articulated. A study of forms and visions of peace is significant.

*Second*, blessed by a constitutional culture and tutored in modern politics by the colonial power in this region, we forget that sometimes rule by men is better than rule by laws. The history of this region is replete with instances where demands of justice, recognition, and autonomy were caught in the quagmire of laws, constitution, parliamentary debates, and electoral alliances. As the politics of recognition gained momentum, periods of constitutional frenzy followed. Such frenzy often acts as a mask for the failure of a constitution to lay down the basic lines along which a just peace is to come, and communities are to co-exist in dignity and recognition. In the general climate of madness, frenzy, and delirium, the fear of the masses is at its greatest. In fact it will not be wrong to say that fear of the masses has often driven rulers and governors to delirium. The following pages show similar experience coming out of each phase of the struggle for Indian independence, when demand for freedom or autonomy of the communities was followed by reform acts, round-table conferences, Government of India Act(s), missions and constitutional proposals, or the experiences in independent India where demands of statehood, social justice, economic rights, state autonomy, or agrarian rights were followed by renewed bouts of constitutional activism, but invariably marked by lack of trust, to be more specifically followed by measures that aimed at destroying the trust. One of the implications of this is that we cannot afford to remain impervious to the dynamics of building trust and conducting dialogue that lie at the heart of democratization and reducing inequality. The political class thinks, constitution can take the place of conversation. The issue is, can constitution replace trust as the critical element in a politics of reconciliation and just peace?

*Third*, pacts, accords, talks, amendments of the basic law, convey a picture of a monolithic peace, as wars provide a monolithic image of hostilities. But if we trace at the very least the history of the growth of the Tamil political forces such as the Federal Party, the Tamil United Liberation Front (TULF), the Ceylon Workers Congress (CWC), the Liberation Tigers for Tamil Eelam (LTTE) and other actors, we shall see that no single actor can monopolize the urge for justice and recognition, in as much as no single war lobby produces war. It explains the well-known aphorism that the methods and war policies of the militant Tamil forces may not gladden every Tamil heart, but each defeat of the said forces appears as a humiliation to every Tamil heart. The multiplicity of peace constituencies is not just a fact to be acknowledged, its political import is

enormous. Yet we find the peace process stuck in its monolithic profile. The moment dominant powers are able to erase justice from the process of peace, it becomes easy to make it technocratic, beyond the popular plebiscite. War for peace, constitutional reforms for peace, devolution of powers for peace, elections for peace, dialogues among religious communities for peace, anti-terrorism for peace, peacemaking for peace, intervention for peace, and waging for peace – all these have one thing in common. They do not oppose war as the first priority for peace. In other words, it is important to study the politics of peace that is often subsumed under martial politics, camouflaged at times by the parliamentary politics of *normal* times. Even the most primary necessity of a ceasefire becomes a part of the politics of maneuver. The fragments of history placed here suggest the futility of technocratic solutions in the absence of an articulation of the overriding need – the imperative to forge an anti-war stand.

*Fourth*, the passion of peace politics has to be inscribed with the notion of human rights and justice. The language of rights takes us to the door of that politics; to enter that very contentious world of conflicts, injustice, lack of trust, compromise, reconciliation and a possible future of peace, we need the language of justice. The experience of struggles for peace show that the language of rights has to be combined with that of justice. Why should communities appreciate peace? Why should the victim think of reconciliation? Why should parties, groups, communities, nations, appreciate the politics of peace if it is not inscribed with notions of trust, accommodation, compassion, and dialogue? What is termed as barbarity and total loss of civility is often the total breakdown of trust between communities, and hence of dialogue. How can trust be restored? How and why will the weak, the victims of asymmetries of power, agree to dialogue or communities agree to restore their relation to some form of co-existence? How will dialogue become the key to restoration of trust and thus reconciliation? In other words, how can the reconciling practice, that is the restoration of trust and dialogue, inhere *justice*, or conceptualize *minimal justice* as the path to peace and democracy? These issues suggest that, first the mechanics of dialogue would have to be such that dialogue is not subsumed under the asymmetries of power. Second, the middle space (often called the humanitarian space) should be able to organize modes of dialogue so that the truth about (how populations became) victims, inequalities, and injustice comes out to reinforce the point that reconciliation and justice are inseparable. Third, truth and reconciliation become the reason for dialogue – because this truth about the destruction of trust and about barbarity, cannot be and is not single. Dialogue becomes a totality of several strands of dialogue and reconciliation is effected through dialogues at several levels. In other words, justice is the site on which dialogue takes place, restores the moral content of trust and strengthens the political ethic of democracy.

*Fifth*, this report also brings out how asymmetry of power is reflected in asymmetry in the peace movement and peace constituencies. The asymmetries bring out the imperative that the civil society can pursue its historical task of carrying on a peace movement by embracing the urge for an expansion of the *political society*. The state often wants to limit the peace activists to a task of relief and rehabilitation, which is then assumed to be the “third track” of diplomacy, for they undoubtedly create “islands of civility” in the midst of ethnic/nationalist polarization. But bereft of a democratic-political perspective, even this minimal target fails, as an asymmetric peace movement binds this in its asymmetry. The peace movement thus becomes a victim of ethnic asymmetry, religious asymmetry, gender asymmetry, locative (urban/rural, southern/eastern-southern) asymmetry, and finally political asymmetry. Therefore, if the audit of the peace process in Sri Lanka brings out anything, it is the political nature of the task of peace that peace activists are engaged in. One participant in this peace audit remarked that there could be an ethnic problem, but there could be only a democratic solution. Without an acknowledgement of the fact that what passes as ethnic problem is in actuality a democratic problem, we cannot even begin thinking of a democratic solution.

*Finally*, to be sure, the Bangkok audit exercise brought out the important nature of defining in the interest of peace the humanitarian space in a conflict. Often, the flag of humanitarianism is a false one, behind which the politics of interventions, interests, and hegemonic politics enters the conflict zone, and the humanitarian space is usurped by pretenders and is thus devalued. It is important therefore to understand, what constitutes the *humanitarian*? As the deliberations showed, this is a strategic task. Defining the humanitarian space in a perspective of trust, compassion and friendliness forms the core of a politics of understanding and accommodation. Defending the non-combatants, the hostage population, defending their civil, political and social rights, calling for an immediate end to war, striving for an expansion of the humanitarian space is one of the most strategic tasks of the peace agenda.

As both of our peace audit reports bring out, peace politics in the time of war is the politics of dissent. It is a dissent against the current political culture of treating conflict as a matter of ethnicity, and not democracy. It is a dissent against the ideology of refusing the minority its due status related to its nationality. Besides, it dissents against the prevailing zero-sum political culture that originates from a state-centric approach to peace, and refuses to broad base the process of peace, whereby the issue of peace becomes trapped in a zero sum game, for that is an end to reconciliation. Fundamentally, therefore the report poses the moral issue for all of us, namely, against what do we dissent?

To be against war, against war lobbies, against macho and gringo attitudes, against parliamentary and constitutional machinations for prolonging war, against making peace a part of war, therefore against asymmetries of peace politics, against the disjunction between rights and justice - is the career of such a dissenter. To dissent in a situation dominated by war phobia means to accept civic death in high circles of power, but gain a place in the kingdom of myths, for only hopes drive the politics of peace. Peace cannot but be a passionate vocation of dissent. If passion requires empathy for justice, rights and friendship, what leads us to empathize? To borrow words from the immortal playwright Bertolt Brecht, to empathize we need not look always for deeper meanings, but interweaving of other souls. In the practice of a politics of peace we have therefore the transmutation – from a calculus of audit to empathy, from history to currency, from rights to justice, virtue to understanding, judgment to accommodation and reconciliation with this (another) soul.

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*December 2000*

## Section 1

### **History of the Peace Problematic in Sri Lanka**

We begin this report with a select history of the contentious narrative of peace in Sri Lanka, for in delving into the chronology of that contention we get a glimpse of the plurality of actors in politics of peace, also the events that raise hopes for peace only to belie them in their afterlife. Gazing at the various visions and perspectives of peace that a war-torn society has within it and produces in greater number, we shall realize how peace is essentially a plural process, a process that connects peace with values of democracy and human rights. This contentious history, albeit selective, further impels us to understand that if there is any value in the much referred notion of “humanitarian crisis”, it is that the humanitarian response to such conflicts and wars lies not in abstracting the humanitarian from the political, but in bringing forth a politics and strategy of peace that is built on human rights, justice and democratic reconciliation.

For that, the first two questions that a peace audit faces are - Can an audit engaged in such exercise be true to its purpose if it is not transparent? And why is transparency required for the audit to be objective?

### **Can peace audit be an objective exercise?**

The issue of objectivity in evaluating peace process was raised by the secretary-general of SAFHR, Mr. Tapan K. Bose, who in course of his introductory remarks described the peace process in Sri Lanka as hostage to the dictates of militarism. He said that the objective of this exercise was to critically examine all the peace-building efforts since the beginning of the war in Sri Lanka nearly 16 years ago. In the context of the said objective he raised the intriguing issue of objectivity in evaluation. As he put it, each of the participants in the peace audit exercise was influenced by a whole gamut of factors – kinship, religion, language, ideologies, also by the powers that controlled the daily life of the people. The question was, how could the peace audit be made “objective” or an unbiased exercise? He said that subjectivity itself was conditioned by the external world as the view or the consciousness of the external world was also conditioned by subjective consciousness of the viewer. The issue therefore was not how “objective” the participants were, but how conscious they were about their own subjectivity. However it was important that the collective or the group involved in the audit exercise should be committed to transparency. Each member of the collective should agree to reveal his/her bias, personal preferences and relationship with different forces involved in the conflict. In other words, objectivity could be achieved if they were transparent about their identities and preferences on the peace process. It was also important that they shared their common understanding with those suffering because of this conflict.

Bose also spoke on SAFHR’s perspective on peace. He said, SAFHR viewed peace as an integral part of the right to life. Peace, he said, was a part of the democratic process. To SAFHR, peace could not be achieved through mere diplomatic efforts and closed-door negotiations between two warring parties. Peace, in order to be meaningful and sustainable, had to address the issues of justice and reconciliation. Without justice, peace could not be sustained. And as experience showed, most peace agreements arrived at in closed door meetings in recent times had miserably failed. He said that most conflicts in South Asia had arisen out of discrimination and the denial of social justice. It was the inability of the South Asian governments to address the grievances of the people at the social and political level that had transformed these conflicts into militancy. The resultant spiral of violence had shrunk the democratic space. Consequently, in conditions of acute conflict, the civil society and political parties had become redundant and the military and the militants had emerged as all-powerful players. The logic of war had taken over, where each

warring party became weaker and weaker and yet each of them continued to believe in its ability to vanquish the “enemy”.

The vast number of the non-combatants, the majority of the country’s population, as a result had been sucked into this logic of war. The identity of the victim and the victimizer had become blurred. And as both the warring parties as part of their effort to win over the people had started empowering selected groups of “people” by conferring privileges on them, the war also extended into the arena of the ‘civil society’. As the situation in Sri Lanka showed, in such situations even sections of traditional political parties ended up empowering the military or the militants, depending on which side of the spectrum they belonged to. They became the “force multipliers” of the military or the militant. The peace process in Sri Lanka had become a victim of this logic of war. Thus people were engaged in prejudging the success or failure of every peace proposal on the basis of anticipated the responses of the two warring parties, the LTTE and the Government of Sri Lanka. On the other hand, the suppression of human rights of the people of Sri Lanka had been shrouded in secrecy in the name of national security and the media had willingly submitted itself to the state imposed censorship. It had failed to report the humanitarian disaster caused by the so-called economic blockade imposed in the interest of the integrity of the nation. The only way out, as he saw, was to ensure that voices of the victims be heard and addressed. In the background of a failure to do so any solution would be limited, only to be challenged by another group of militants in a not so distant future, as the experiences in other parts of South Asia showed.

### **Select chronology of a contentious history**

Let us begin in with a chronology of a contested process to see how events of conflicts, war and peace shaped themselves in their sequence, conjuncture and disjuncture - in a theatre where many forces and actors played out their roles and which now makes a monolithic strategy of peace a certain failure. Needless to say, this is a select account, a selection that itself can be contested.

1915 First ethno-religious conflict recorded in the history was a clash between Sinhala Buddhist and Muslim communities in Kandy.

- 1948- Ceylon Citizenship Act of 1948 was passed aiming to remove the citizenship rights of the “Indian Tamil Community”.
- 1949- Formation of the Federal Party led by S. J. V. Chelvanayagam.
- 1950- Demand for a federal political structure put forward by the Federal Party as a way forward to democratize the majority- minority relationship.
- 1956- United National Party (UNP) and Sri Lanka Freedom Party (SLFP) demonstrated their commitment to make Sinhala the official language of the island. Parliament passed the official language act, making Sinhala the only official language. The Act instigated a demand for a federal system. The Federal Party came to the forefront as a response from the Tamils.
- 1956- SLFP led alliance wins elections. The Official Language Act makes Sinhala the sole medium of state affairs. Communal violence kills 150 people, mostly Tamils. Federal Party launches non-violent civil resistance.
- 1957- Bandaranaike-Chelvanajakam agreement was signed to address some of the grievances of the Tamils. S. W. R. D. Bandaranaike was the Prime Minister and S. J. V. Chelvanayagam (Federal Party) was the leader of the largest Tamil political party. Later, Bandaranaike unilaterally abrogated the agreement because of the massive protest organized by the opposition, i.e. the United National party and the Sinhala Buddhist forces.
- 1957- Bandaranaike signed a pact with Chelvanayagam pledging devolution of powers through regional councils, recognizing Tamil as a national minority language and agreeing to a

- slow down of Sinhala settlements in the North and East. Anti-pact protests Sinhala Buddhist stronghold in Kandy spurred mob-attacks on Tamils throughout the southern provinces.
- 1958- As communal violence intensified, government abrogated the “Bandaranaike-Chelvanajakam pact” but passed Tamil Language (Special Provisions) Act, which allowed the use of Tamil in education, public service entrance examinations and administration in Northern and Eastern Provinces.
  - 1958- Introduction of “SRI”, a Sinhala letter replacing English letters on number plates of the vehicle.
  - 1959- First Sinhala -Tamil riots in several parts of the country.
  - 1960- The Official Language Act was amended to make Sinhala as the language of the Courts.
  - 1965- Dudley-Chelvanayagam agreement was signed. Dudley Senanayake was Prime Minister and the Federal Party was a partner in his government.
  - 1966- Chauvinish protest movement started against the Dudley- Chelvanayagam agreement. The opposition party leadership despite having been a party to the agreement signed in 1957 joined the Sinhala Buddhist chauvinist forces in these protest activities. These protests created a situation in which the implementation of this agreement became an impossible task.
  - 1968- Due to opposition pressure, District Councils Bill emanating from Senanayake-Chelvanayagam pact was abandoned, and the 1966 Tamil Language (Special Provisions) Regulation was not implemented.
  - 1971- Educational “standardization” led to higher university entrance requirements for Tamil speakers. Consequently, many Tamil students became radicalised. Most Tamil members withdrew from Constituent Assembly after parity status for Sinhala and Tamil language was rejected.
  - 1972- New constitution is adopted and Republic of Sri Lanka born. New provisions stipulate that the state will ‘protect and foster’ the Buddhist religion, giving it “the foremost” place in the life of the nation. Sinhala is also affirmed as the single official language of the courts and the state administration. Federal Party and other groups representing Sri Lanka and up-country Tamils come together to form Tamil United Front (TUF)
  - 1976- Armed-response by the Tamil youth in the north begins.
  - 1977- Anti-Tamil violence in August leads to the crystallization of separatist tendencies.
  - 1978- New Republican Constitution was adopted. But, the new Constitution did not provide any guarantee as promised and nothing was included to satisfy the legitimate aspirations of the Tamils and therefore they rejected this Constitution.
  - 1983- Anti-Tamil violence of the worst type was witnessed. This event paved the way for the internationalization of this conflict and pushed the Tamils further to feel that separation was inevitable.
  - 1983- The government introduced the 6<sup>th</sup> amendment to the constitution, making separation unconstitutional. The TULF parliamentarians who were elected on a mandate to campaign for a separate state resigned. The government decided to launch intensive military operations to fish out the Tamil militants and the Tamil militant groups in return decided to expand and strengthen their capabilities to launch a military offensive against the government forces to achieve their aim of a separate Tamil state.
  - 1984- India’s direct and indirect interventions in this dispute began in 1984.
  - 1987- The Indo-Lanka Accord was signed between the Indian Prime Minister and the Sri Lanka President on 29 July 1987 to find a political resolution to the ethnic conflict by granting a limited devolution in the regions.
  - 1992- A Joint Consultation of Citizens’ Committee for National Harmony in Sri Lanka and Indo-Sri Lanka Friendship Society was held on January 21-24 1992 in Hong Kong. The

participants included among others several members of parliament, academics, human rights activists and jurists, trade union leaders, and religious leaders. The consultation resolved that in view of the fact that Sri Lanka is a multi-ethnic, multi-religious and multi-lingual plural society it was necessary to respect and preserve the distinct religious, cultural and linguistic identity of each ethnic group in Sri Lanka. It also declared that there was an imperative to recognize the political aspirations of Tamils and Muslims within the framework of a united Sri Lanka. The conference also urged the LTTE to halt the on-going armed conflict with government and other Tamil groups. The conference emphasized immediate constitutional measures to end all kind of discrimination against minorities by guaranteeing equal political, socio-cultural, religious and economic rights of minorities on the island.

- 1994- People Alliance government came to power on a peace platform. Peace negotiations began in Jaffna between the representatives of President Kumaratunge and the LTTE.
- 1995- Negotiations with the LTTE came to an end on 19<sup>th</sup> of April 1995 with the unilateral decision taken by the LTTE to withdraw from this negotiation process.
- 1997 Introduction of a new draft constitution as a solution to the ethnic problem.
- 2000 A new constitution bill of Sri Lanka submitted to the parliament on 3<sup>rd</sup> August 2000. A massive protest organized by the opposition, the United National party and the Sinhala-Buddhist forces. Elections held and the People's Alliance returns to power. War continues, notwithstanding statements from both sides indicating a desire to hold talks.

### **Fragments from the contested chronicle of peace**

#### **Bandaranaike - Chelvanayagam Pact of 1957**

The identification of the state and the interests of the Sinhala people became increasingly close after the 1956 election, when S.W.R.D. Bandaranaike of the Sri Lanka Freedom Party formed the government. The coalition government promised that Buddhism would be restored to its rightful place and that Sinhala would be the official language. The Official Language Act of July 1956, which is often referred to as 'Sinhala Only' was a major step towards defining Ceylon as a majority Sinhala state. In August 1956, the Federal Party made four demands to the government. Those were for a federal constitution, equality of status for the Tamil and Sinhala languages, grant of citizenship to the up-country Tamils, and immediate halt to Sinhalese resettlement in traditionally Tamil-speaking areas. Eleven months later, Prime Minister Bandaranaike and Federal Party leader S.J.V. Chelvanayagam agreed on a pact, which offered devolution of powers to Tamil speaking regional councils and recognition of Tamil as a national minority language. The salient points of the pact were:

- The Northern Province will form a regional council and the Eastern Province will be divided into two or more regional areas. Regional councils will be able to amalgamate or divide themselves and two or more regions can collaborate for specific purposes of common interest.
- Provisions were made for direct election of regional councils and delimitation commissions for carving out electorates. Government will look into the question of government agents being regional commissioners and their supervisory role over larger towns, strategic towns and municipalities. These councils should have powers over specified subjects including agriculture, cooperatives, lands and land developments, colonization, education, health, industries, fisheries, housing, social services, electricity, water schemes and roads and power to select allot-tees for land.
- The government will revise the powers concerning regional councils vested in the Minister of Local Government. In addition, central government will provide block grants

to the regional councils. These councils shall also have powers of taxation and borrowing.

### **Senanayake - Chelvanayagam Pact of 1965**

Dudley Senanayake (UNP) and S. J. V. Chelvanayagam discussed the concerns of Tamil-speaking people on March 24, 1965. UNP leader Dudley Senanayake agreed to take action to redress the Tamil grievances on the following lines:

- Tamil will be the language of administration, courts, and business transaction throughout the island and of record in the Northern and Eastern Provinces.
- Action will be taken to establish district councils with mutually agreed upon powers, the land development ordinance will be amended and land in Northern and Eastern districts will be granted to landless persons of the district and preference will be given to Tamil speaking people.

### **Seventh Amendment to the Constitution, 1983**

The seventh amendment that was brought in by amending article 5 of the Constitution provided provisions for sub-division or amalgamation to constitute different administrative districts in the Northern and Eastern provinces. The amendment also emphasised a temporary increase in the number of high court judges.

### **The Thimpu Declaration - July/August 1985**

The Thimpu Declaration was a joint statement of the Tamil Delegation made on the concluding day of Phase I of the Thimpu talks on July 13, 1985 in Bhutan. The statement read, " It is our considered view that any meaningful solution to the Tamil national question must be based on the following four cardinal principles".

- Recognition of the Tamils of Ceylon as a nation
- Recognition of the existence of an identified homeland for the Tamils in Ceylon
- Recognition of the right of self determination of the Tamil nation
- Recognition of the right to citizenship and the fundamental rights of all Tamils in Ceylon

### **Indo - Sri Lanka Working paper - 1985**

After the breakdown of the Thimpu Talks, the governments of Sri Lanka and India discussed the issue and came up with an informal working paper to resolve the protracted conflict. The proposal contained six major areas of concern, e.g., system of government, establishment of provincial councils, the devolution of powers, executive powers, financial powers and elections. However, the Tamil militant movement rejected the proposal. Below are some of the main provisions of the working paper.

- The accord accepted provincial councils, district councils and *Pradesheya Sabha* as the principal agencies for the exercise of the powers of the government within the framework of the constitution.
- The parliament will enact a bill by amending the constitution for the establishment of provincial councils and devolution of powers - such powers shall not be revoked or altered in any manner except by an act of parliament.
- With regard to devolution of powers, provincial councils will have powers to enact laws on subjects specified in the Act of Parliament.
- The president shall appoint the chief executive of a provincial council and the members of the executive committee on the recommendation of the chief executive to exercise executive powers. Executive powers shall include all areas of legislative powers delegated to the provincial councils and the chief executive and executive committee will not be accountable to the Parliament.
- The provincial councils shall have the power to levy taxes, fees and to mobilise resources defined by parliament. Financial resources will be apportioned to the provinces on the recommendations of a representative Finance Commission.

- Provincial council elections will be held based on proportional representation. The number of members of each council will be determined according to the population.

#### **The “December 19th Proposal”, 1986**

Indian External Affairs Minister Mr. Natwar Singh along with Home Minister P. Chidambaram visited Sri Lanka to discuss a political solution to the conflict along the lines of the “Eastern Province Trifurcation proposals” of Sri Lankan President J. R. Jayawardene in 1986. India suggested that the predominantly Sinhala Amparai electorate be de-linked from the Eastern Province and attached to the Uva Province. The proposals emerged as a result of the discussions of the Indian delegation with Muslim and Tamil Militant Groups. The proposal suggested that,

- The present territory comprising the eastern province minus the Amparai electoral district may constitute a new eastern province with separate provincial council.
- The institutional linkages between the Northern Province and the Eastern Province will be further refined in order to make it more acceptable to the parties concerned.
- The Sri Lanka government will consider a proposal for constitutional development providing for the northern province and the new eastern province to come together, subject to the modalities being agreed upon.
- The government of India may invite five Muslim members of parliament of the eastern province to discuss matters of mutual concern with the Tamils.

#### **The Indo-Sri Lanka Accord, 1987**

The President of Sri Lanka J.R. Jayawardena and Indian Prime Minister Rajeev Gandhi met in Colombo on July 29, 1987 in order to establish peace in Sri Lanka. They signed an accord, which acknowledged the unity, sovereignty and territorial integrity of Sri Lanka. It recognised that Sri Lanka is a “multi-ethnic, multi-lingual plural society” consisting of Sinhalese, Tamils, Muslims (Moors) and Burgers. Each ethnic group has a distinct cultural and linguistic identity and northern and eastern provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples. Under the Accord, it was resolved that,

- The government of Sri Lanka will permit the northern and eastern provinces to amalgamate or form separate administrative units through a referendum under the supervision of the Chief Justice, followed by elections of provincial councils.
  - Displaced people will have the right to vote in the referendum and necessary conditions will be created for their repatriation. The government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the northern and eastern provinces in electoral processes.
  - The official languages of Sri Lanka shall be Sinhala, Tamil and English.
  - For law enforcement and maintenance of security, the government of Sri Lanka will utilize the same mechanisms as are used in the rest of the country. The emergency will be lifted and the militant groups will surrender their arms.
  - Army and other security personnel will be confined to barracks in accordance with the provisions of the agreement.
  - The President of Sri Lanka will grant a general amnesty to prisoners in custody under The Prevention of Terrorism Act and other emergency laws. The government will make special efforts to rehabilitate militant youth with a view to bringing them back into the mainstream of national life.
- Whereas the government of India would;
- Underwrite these resolutions and will co-operate in the implementation of these proposals;
  - Take action if any of militant groups operating in Sri Lanka does not accept this framework for settlement;

- Will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka;
- Indian navy/coast guard will cooperate with the Sri Lankan navy in preventing Tamil militant activities;

### **Sinhala nationalist groups**

Hardline Sinhala nationalists have been busy since 1994 developing their ideology within the academic and civil society groups such as Jathika Chintinaya and the Sinhala Commission. The latter body, established in December 1996, has rejected the peace package of the current government. The Sinhala nationalists were however divided over whether to embrace the devolution proposals agreed to under the 1987 Indo-Lanka Accord.

### **The Sangha**

The *Sangha* (Buddhist clergy) is highly respected and closely integrated into the life of the Sinhalese community. Through a strict clerical training commencing in childhood, Buddhist monks receive what they consider the sacred trust of Lord Buddha to protect his 'pristine' teachings on the whole of Sri Lanka. The *Sangha* has played a major role in the politics of Sri Lanka and in shaping opposition to Tamil self-determination. A significant number of monks favoured the Peoples Alliance government's peace package in 1997.

### **Other Tamil Organizations**

Douglas Devananda leads Eelam People's Democratic Party (EPDP). The EPDP broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) around 1988. Since 1990, it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been a significant force in electoral politics in Jaffna. Within the Marxist wing of the Tamil national movement, the Eelam People's Revolutionary Liberation Front (EPRLF) split from the Eelam Revolutionary Organisation of Students (EROS) in 1980. In later years, the EPRLF emerged as a favoured ally of the Indian government and was returned as the leading party in the North East Provincial Council created under the terms of the 1987 Indo-Lanka Accord. As the IPKF departed in early 1990, EPRLF leaders unilaterally declared Eelam but then fled to India where the LTTE assassinated most of them. The Eelam Revolutionary Organisation of Students (EROS) was formed in London in the mid-1970s as an academic research group of left-wing Tamil nationalists. In its early days, EROS built links with Palestinian militant organisations and spearheaded military training for the whole Tamil militant movement. EROS has split into several factions over the years and some of its cadres have joined the LTTE. The People's Liberation Organisation of Tamil Eelam (PLOTE) was originally an LTTE splinter group. Its military activities remained low key. In time, internal feuds and a souring of relations with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. The Tamil Eelam Liberation Organisation (TELO) emerged in the mid 1970s. It champions narrow nationalism. TELO benefited from the mass recruitment and Indian training of the mid-1980s. Like the PLOTE, its cadres were also killed by LTTE. With the Indo-Lanka Accord, TELO was revived and fought with the IPKF and the Tamil National Army. Since India's retreat from Sri Lanka, TELO has maintained a residual armed cadre.

### **Tamil United Liberation Front (TULF)**

The TULF emerged in 1976, bringing together a range of Tamil groups, the largest of which was the Federal Party, led by the 'father of Tamil nationalism', S.J.V. Chelvanayagam. Advocating a separate state of Tamil Eelam, TULF achieved huge success in the 1977 parliamentary elections. Subsequently, however, the TULF could not control the militant movement it had helped foster. Through the 1980s, TULF has been a prominent participant in the peace initiatives driven by the

Indian government. It returned to Parliament in 1988 and in 1994 presented a manifesto clearly articulating a federal, and not secessionist, Tamil nationalism.

### **Ceylon Workers' Congress (CWC)**

The CWC is the primary trade union of Sri Lanka's tea estate workers and the main channel of political expression for the 'up-country' Tamils of the island's central provinces. Its role of power broker with the dominant political forces of the south, together with its prominence in a major export industry, has helped the CWC win significant gains for its up-country constituency, including a range of labour rights and, most notably, uncontested Sri Lankan citizenship.

### **Sri Lanka Muslim Congress (SLMC)**

Established in 1980, SLMC represents predominantly rural, eastern Muslims increasingly caught up in violence between the security forces and Tamil militants. In 1988, the SLMC won almost half the eastern district seats in the ill-fated North East Provincial Council. The party is an ally of the People's Alliance coalition and has backed government policy with regard to the war and peace process.

### **Janatha Vimukti Peramuna (JVP)**

Fired by limited economic opportunities for educated Sinhalese youth, the JVP (People's Liberation Front) led powerful anti-state insurrections in 1971 and 1988. In 1988, they mobilised around Sinhalese fears of Indian imperialism arising from the Indo-Lanka Accord. They destabilized the entire south of the island, assassinating scores of government representatives and moderate political rivals.

### **Up-country Peoples' Front (UCPF)**

Since the early 1990s, the UCPF has made some inroads into the political hegemony enjoyed among up-country Tamils by the Ceylon Workers' Congress. Its primary constituency comprises educated unemployed youths.

### **The media**

Sri Lanka has a well-established radio, print media and television industry. The media have a varied ownership structure and regularly criticize government actions. Nevertheless, government representatives often censor and intimidate journalists; restrictions have curtailed the flow of information in and out of war-affected areas. The media have self-censorship also on issues of war.

### **'Peace-building' NGOs**

Although civil society in the North and East has been worn out by war, migration and the enforced hegemony of the LTTE, there remains a large number of NGOs throughout Sri Lanka working for an honourable settlement to the ethnic conflict. Civil society initiatives mushroomed throughout the south, with numerous rallies, peoples' peace delegations, grassroots awareness-raising campaigns, community based conflict resolution workshops, and election and human rights monitoring initiatives.

### **Regional actor - India**

The Indian government has argued that it would like to see the civil and political rights of Sri Lanka Tamils ensured. But it is careful that its advocacy should not stir separatist demands within its own southern state of Tamil Nadu. It also does not want an active presence and intervention by other international powers. India's methods of pursuing these objectives have varied considerably. The Indian government trained and armed Tamil militant groups, and later coerced the militants and the Sri Lankan government into peace talks. India also dispatched a Peace

Keeping Force (IPKF) to secure a ceasefire in the island's north and east. As a result, ex-Prime Minister Rajeev Gandhi was assassinated and the role of the Indian government became relatively mute. Since 1994, India has supported the devolution package and international campaign to marginalize the LTTE. Any settlement of the Sri Lankan conflict will need to have the approval, tacit at least, of the Indian government.

### **International Actors**

The Scandinavian governments have been persistent in monitoring the Sri Lankan armed conflict and promoting peacemaking initiatives. Their contact with the LTTE and Tamil nationalist groups has, however, stirred accusations of a pro-Tamil bias, particularly against Norway. Together with its Canadian and Dutch counterparts, the Norwegian government dispatched representatives to participate in monitoring committees under the provisions of the 1995 Cessation of Hostilities agreement. The International Committee of the Red Cross (ICRC) was admitted to Sri Lanka in 1989 after prolonged campaigning from civil rights groups. Since that time, ICRC has played its usual role in the country, treating war victims, visiting prisoners and promoting the Geneva Conventions. In the years of the LTTE administration in Jaffna, the ICRC maintained wireless contact with the LTTE, at times the only organisation to do so. It also acted as an intermediary for the extensive correspondence between the government and the LTTE in 1994-95. The most active UN agency within Sri Lanka is United Nations Development Programme (UNDP) and United Nations High Commission for Refugees (UNHCR). The UNHCR has been particularly successful in establishing open relief centers, while UNDP manages a range of programmes in the northeast, giving technical assistance to the Sri Lanka government in the rehabilitation of Jaffna. Special mention has to be made of the United States. After 1977, US interest in Sri Lanka increased due to the opening up of the Sri Lanka economy and a cooling of relations between the government of Sri Lanka and Indian governments. US Special Forces have trained the Sri Lanka army, even in combat situations. US government has also played a high-profile role in denouncing the 'terrorist' activities of the LTTE.

### **International donors**

Sri Lanka has proved a relatively co-operative member of both the World Bank and the International Monetary Fund due to its open-door trade policy and general macroeconomic stability. A broad and efficient tax base, impressive economic development and significant support from the Asian Development Bank, Japan and other bilateral donors have been the factors facilitating the role of the international donors in the reconstruction of war-ravaged areas. Multilateral institutions can now significantly influence national finances. While they have generally remained detached from the course of the armed conflict, international donors have been put under intermittent pressure to impose peace and human rights conditions on their aid.

### **The Diaspora**

As with many exiled groups, politics abroad is at least as polarised as at home. Expatriate Tamils continue to provide a large proportion of finance and campaign in support of the LTTE, while the Sinhalese abroad are very active in the government's anti-terrorist campaigns.

### **What worth is a peace accord if not accompanied with justice?**

Justice Krishna Iyer in a commentary on the Indo-Sri Lanka Accord (a987) had pointed out that there were five fundamentals in the accord-formation of a single administrative unit telescoping the North and East and the setting up of apparatus of a ministry on their behalf during the "interim period" between "the elections to the Provincial Council" and the referendum for determination of the will of the people of the Eastern Province to separate or live united with the North. It was agreed upon that the election to the provincial council would be held within the next three months and in any event before December 31, 1987. But this agreement was not

implemented. There was a condition that emergency would be lifted in the eastern and northern Provinces by August 15, 1987 for a free and fair election. Again, it remained unimplemented. A prelude to the peace was to be the cessation of hostilities and that condition was to come into effect all over the island within 48 hours of signing the agreement. The surrender of arms and confinement of the Sri Lanka security personnel also had a time-bound provision the process was to be completed within 72 hours of the cessation of hostilities. It was obvious that unless there was a general amnesty the hostiles would not come out into the open, nor would normalcy be restored. Clause 10 of the Agreement provided, “the President of Sri Lanka will grant a general amnesty to political and other prisoners held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants” (again not implemented except as a first installment gimmick). The core of the Agreement was the holding of elections, revocation of the Emergency, grant of amnesty and the beginning of the formation of a joint province. A priority item was the quantum and quality of devolution of powers, so that the minorities could place their faith in the constitutional process of devolution. There was a pledge also in Clause 14 that these matters would be resolved between India and Sri Lanka within a period of six weeks of signing the Agreement. Again this was not carried out.

Justice Iyer pointed out further that the manner in which the two bills were introduced and passed in Parliament fell far short of the aspirations of the Tamils. Indeed, there was no legislative sanction forthcoming for bringing the north and the east under one umbrella. No effective power for the administration in the north and the east regarding land was mooted. More fraudulent was that instead of state autonomy, what was granted was an illusory triarchy among the President, the Governor and the Regional Councils. Moreover, the President and Parliament retained plenary powers, which could effectively nullify state legislation and action. The TULF leaders therefore informed the Prime Minister of India that the two bills were unacceptable and that it was impossible for them to sell the scheme to the island Tamils. The major Opposition party, the Sri Lanka Freedom Party, the Buddhist clergy, the extremist Sinhala groups such as the JVP along with 34 other organizations opposed the Tamil minimum. Only the Left, a sensible but negligible political factor, supported effective decentralization of powers and minority authority for Tamil-dominant Jaffna and eastern sectors. But they too did not expose the spinal weaknesses of the Accord.

From this perspective of the Accord’s weakness, Justice Iyer proposed that intellectuals should meet, people should hold conferences, drawing participants from both countries. In his words, “Let bi-national consultations on the needed mutations be sponsored and human rights activists suggest positive measures to guarantee democratic decentralization. At the bottom, the challenge is to engineer a *modus vivendi* between Sri Lanka and India without a touch of Cyprus implications or Finlandization”.

### **An implementing mechanism - more war to achieve peace?**

The present government proposals have to go through a long constitutional process before they become part of the Sri Lanka constitution. As presented, the proposals are not more than a discussion document. The present climate characterized by an increased military offensive by the Sri Lanka armed forces is not favorable for a settlement of the conflict. Therefore, what needs to be done at moment is to create a conducive environment for the effective implementation of any future proposals. If, as it appears, that the government is aiming at achieving a military victory over the LTTE so that the LTTE’s unchallenged position can be weakened, then these proposals will only add to the history of failed peace packages. The government also seems to think that the military defeat of the LTTE would facilitate obtaining a new political mandate in the south. It may be true that this strategy is based on pragmatic considerations, but it contradicts the original peace strategy of the PA government and can only drag the government deeper into the war trap.

## Section 2

### Issues in the Peace Process

The themes taken up in the Bangkok audit for a critical discussion of the politics of peace in Sri Lanka reflected the contentious path that we have mentioned earlier. These themes also reflected the plural nature of the peace question. Given the importance accorded by the political class in Sri Lanka to constitutional reforms for an end to war also given the the plurality of peace actors and the variety of suggestions to strengthen the peace process, the enormity of the humanitarian crisis engulfing large number of population in the war zone and elsewhere, the role that the media has been playing in exacerbation of the conflict, the critical role of women in peace activism and humanitarian work, it was almost natural that the audit would be exercised with themes reflecting these issues. The participants also continuously reflected on the relation of democracy with the peace process. Several participants presented their views in writing, some presented their reports orally; the participants also met in working groups to detail out the recommendations based on written and orally presented views.

Some of the presentations are summarized below. A close perusal of these presentations will help the readers to appreciate the recommendations of the audit exercise mentioned in section-3.

The entangled history of recent constitutional reforms

Jayampathy Wickramaratne, a noted constitutionalist, presented before the audit exercise the tortuous path of constitutional reforms in Sri Lanka. He stressed the need for a new Constitution premised on democratizing the state and providing for power sharing between different ethnic groups in order to achieve a lasting political solution of the problem.

According to the last census, Sinhalese constitute 74% of the population, Sri Lankan Tamils 12.7%, Tamils of recent Indian origin 5.5% and Muslims (Moors) 7%. Of the Sri Lankan Tamils, 73% live in the northern and eastern Provinces. In the northern Province, they are over 90%. Sri Lanka adopted its first Republican Constitution in 1972. The failure of the Constitution to address the demand of the Tamils for regional autonomy led to the Tamil parties forming the Tamil United Liberation Front (TULF). In 1976, the TULF adopted as its objective the creation of a separate state called Tamil Eelam in the northern and eastern Provinces of Sri Lanka. At the elections held in 1977, the TULF campaigned on a separatist platform and swept the north and east. The killing of 13 soldiers in July 1983 was followed by ethnic riots. A large number of Tamils lost their lives. The destruction of property was colossal. The exodus of Tamils out of Sri Lanka internationalized the problem and a full-fledged civil war began. India intervened in the conflict in 1987. President Jayawardene (UNP) was forced to introduce legislation to set up provincial councils. Riots broke out in the South with the SLFP and the radical Janatha Vimukthi Peramuna (JVP) taking the lead in opposing devolution. The other parties however, led by Vijaya and Chandrika Kumaratunga under the banner of the United Socialist Alliance (USA), supported the move towards devolution and suffered the consequences of losing a large number of its cadres in the process, including Vijaya, to the bullets of assassins. Although the 13<sup>th</sup> Amendment granted a degree of self-governance to regional units, it was doomed to fail for political and structural reasons. Provincial Councils were imposed on the Sri Lankan polity as a result of the Indo-Sri Lanka Accord that lacked legitimacy among all major political parties.

At the Presidential elections in November 1994, President Kumaratunga reiterated her stand on the ethnic problem and received an unprecedented 63% of the vote. Unfortunately, for the country, Mr. Gamini Dissanayake, a supporter of devolution and the candidate of the UNP, was assassinated during the election campaign. In October 1997, the Government placed its proposals,

in the form of a draft constitution, in Parliament. The draft included a number of important proposals made by the UNP and the minority parties. The Government proposed a constitutional order aimed at solving the ethnic problem by a process of meaningful and extensive devolution. Sri Lanka would be a "Union of Regions" with a clear shift from a unitary state to a quasi-federal set-up. Powers of government would be shared between the Centre and the regions. The proposed Bill of Rights was far ahead of anything existing in the Region. The Presidential system of government would be abolished, with a return to a Westminster-style parliamentary form of government. Language rights would recognize complete parity of status between Sinhala and Tamil, though the primacy of the Buddhism as the state religion would remain.

At the Presidential elections of December 1999, the main plank of President Kumaratunga's platform was a political solution to the ethnic conflict. After the elections, the People's Alliance (PA) and the Tamil parties had several rounds of talks followed by talks with the UNP. In search of a consensus, the PA had to give in to the UNP on a number of issues relating to devolution, which resulted in the final product being watered-down version of the 1997 proposals. However, it is important that the UNP did finally agree to doing away with the unitary state. The government nevertheless decided to place the Constitution Bill before the Parliament. UNP did not agree to four provisions, namely, the transitional provisions relating to the abolition of the Executive Presidency, elected Interim Regional Council for the north-east, future amendment of constitutional provisions relating to devolution and the composition of the Constitutional Council. The Constitution Bill provides for extensive devolution of power. The subjects and functions devolved include regional planning, domestic and international borrowing, foreign direct investment and grants, excise and other duties, specified taxes, regional public service, health, education, state land, agriculture, fisheries, industries, trade, transport within the region, local government, cultural activities, tourism, law and order, etc. The exercise of powers in relation to subjects such as international borrowing and grants and environment should be in conformity with national plans or standards.

The Regional Executive would be multi-party one, as in Northern Ireland. The member best able to command the support of a majority in the Regional Council would be appointed Chief Minister. The other ministries would be apportioned among the various political parties on the basis of proportional representation. The Central Government may intervene in the Regions only in clearly specified circumstances. For instance, when, the security or public order in a Region is threatened by armed insurrection, grave internal disturbances or by an act or omission of the Regional Administration and presents a clear and present danger to the unity and sovereignty of the Republic.

Under the proposed Constitution, all constitutional amendments require a two-thirds majority in Parliament. Amendments of the basic features also require the approval of the people in a referendum. However, any amendment of the chapter on devolution, the provisions relating to the regional units and the reserved and regional Lists would not come into operation in a region unless the Regional Council approves such an amendment. This is an important safeguard.

The Bill has attracted the criticism that it does not provide for power sharing at the Centre. The minority parties as well as the UNP emphasized the need to have power-sharing arrangements at the Centre. The Government has responded to this favourably and accepted a proposal to have two Vice Presidents who will be from communities other than the one to which the President belongs. The two Vice Presidents would also be members of the Constitutional Council.

A very sensitive issue is the unit/s of devolution in the north and east. The recognition of the North East as the traditional homeland of the Tamils is a key demand of the Tamil nationalist

movement. In the 1997 proposals, a referendum was envisaged in the districts of Trincomalee and Batticaloa of the eastern Province where Tamils form 56.5% of the population. This proposal was opposed by the UNP, which took the position that any referendum should cover in the entire East. The PA and the UNP however agreed on the establishment of an Interim Council, which shall administer the north and east for a period of five years from the commencement of the Constitution. There would be safeguards for the Sinhala and Muslim minorities. The PA proposed that the elected Interim Regional Council that would administer the north and east for another five years should follow the Interim Council. A referendum would be held in the tenth year in the entire East to decide whether the merger should be made permanent.

The situation in Sri Lanka is complex for several reasons. First, the Tamils, particularly the main adversary of the state, the LTTE, have not taken part in the dialogue on constitutional reforms. Second, the minorities are concentrated as well as dispersed. The Tamils dominate the Northern Province. Sinhalese, Tamils and Muslims are found in roughly equal proportions in the east but are not confined to contiguous areas. The Indian Tamils mainly live in three provinces in the central hills. Muslims are found in all Provinces dominated by the Sinhalese. There are sizeable populations of Sri Lankan and Indian Tamils in the western province. Third, the problem is seen as one of minorities and not nationalities. The constitutional proposals represent the thinking that the basis for the solution of the question of political power is to be found in a federal arrangement with a clear-cut division of legislative and executive powers between the centre and the Regions. Nonetheless, as Mr. Jayampathy argued, the proposed constitutional restructuring would be an important step towards solving the problem of political power through the democratic restructuring of the Sri Lankan state.

### **Constitutional reform and peace process**

As Ninan Koshy, a peace activist and a noted theologian from India noted in this context, the politics of constitutionalism itself calls for study. The discussion on constitutionalism around the world came as a result of mainly two developments. The end of the Cold War led to the redrawing of a number of states especially in Eastern and Central Europe. Even before the end of the Cold War, ethnic and sub-nationalist struggles came to the fore, redefining the politics of many nations. A combination of these two led to discussions on appropriate constitutional models accommodating ethnic issues and demands. This was by no means an easy process as the violent break-up of Yugoslavia shows. Even long-settled model constitutions like that of the U.K. had to be refashioned to accommodate the nationalist aspirations of Scotland and Wales. Devolution became an accepted principle in the new discussions. However, the principles of the secular state suffered a setback in many places.

In the Sri Lankan context, Koshy found, observations of Neelan Tiruchelvanm on trends in the discourse on constitutions were helpful. Neelan had commented, "The first trend is characterized by an intense faith in the capacity of modern constitutions to enthrone popular sovereignty, to empower disadvantaged groups and individuals and to fashion institutions of democratic accountability. This intense faith in the triumph of constitutionalism is accompanied by an equally intense skepticism about the efficacy of constitutional arrangements to deal with the horrors of ethnic fratricide, political violence, religious bigotry, and the crude and cynical manipulation of electoral and political processes." ("Crisis of Constitutionalism: Securing Minority Rights in Plural Societies", "Communiqué", No.54, February 2000). In the post-cold war era there has been widespread discussion on the nation-state. Challenges to the nation-state have come from within and without. Neelan had further noted, "The discourse of constitutionalism and international human rights jurisprudence have yet to respond imaginatively to challenges which place in jeopardy not merely the nation state but the very foundations of a

constitutional order. These concerns compel reappraisal of the very nature of the nation-state and the concept of national sovereignty.”

From 1995 onwards the proposals for constitutional reform by President Kumaratunga have as their main features broad local autonomy, with a quasi-federal structure and complex guarantees for both the central and provincial authorities. It may be pointed out that the most critical issues in the long constitutional debate are:

- “Merger” or whether or not the Tamil north and ethnically mixed east of the country should be treated as one unit;
- “Devolution’, or the degree and extent of provincial autonomy, a subject on which there is room for negotiation but a history of badly implemented agreements;
- The content of devolved powers, especially with regard to land, education and law and order;
- A number of issues relating to the nature of the central government, symbolic equality of the Sinhalese and Tamil people in it, the status of Buddhism, distribution of powers, language policy, etc.

While these are all constitutional issues, before they can be settled through a constitution, the politics of each of these will have to be negotiated. Overshadowing them remains the basic question as to whether the demand of the Tamils for “self-determination and nationhood” can be accommodated within the Sri Lankan state or not. Thus, the nature of the state becomes very crucial in any process of peace negotiations and constitutional reforms. All these will be debated against the background of the critical issues mentioned above in any discussion on a future constitution and any peace negotiations. The choice before the Sri Lankan people is between a multi-ethnic, multi-religious, pluralistic, democratic state with decentralized and shared sovereignty or allowing the country to further drift towards two mono-ethnic and hostile political entities.

### **Partisan politics over national interests in peace process**

Jehan Perera, a noted peace campaigner and a leading member of the National Peace Council of Sri Lanka, noted in the context of the discussion on constitutional reforms that the draft constitution put before parliament by the government was a document that had been produced during a time of severe ethnic conflict, polarization, erosion of democratic values and war. Despite the efforts to reach a balance of interests, it remained incomplete and controversial, failing to address many of the fears, real and perceived, of the communities inhabiting this country.

Until the postponement of the debate on the constitutional bill on August 8, 2000, agrim scenarios of a replay of the events of 1958 and 1987 loomed. Buddhist monks, the JVP and Sinhalese nationalist groups were demonstrating in thousands against the proposed new constitution. The government’s decision to postpone the debate on the constitutional bill provided space to defuse growing political tensions in the country. The inability of government leaders to implement agreements to resolve the ethnic conflict has been responsible in great measure for the loss of faith of the Tamil people in the country’s political leadership. And after 17 years of devastating war, it seems unlikely that people on both sides would re-consider their unwillingness to trust in documents for the sake of peace.

Intensive negotiation on the draft constitution took place between the government, UNP and the constitutional Tamil parties. UNP’s contribution helped to make the draft constitution more acceptable to the Sinhalese majority. However, by its last minute decision to pull out of the reform process, the UNP not only left the government with a disgruntled Tamil population, it also

provided the space for extremists to take the centre stage. However, Jehan Perera felt that the bipartisan consensus was a major accomplishment. For the first time since independence, the two major political formations of the majority community sat together, agreed on a substantial departure from past constitutional practice, and worked out details of an agreement. The discontent of the Tamils with the government-UNP consensus was not surprising. Creditable though it was, this consensus embodied what was basically a Sinhalese majority consensus. But the ethnic conflict has been primarily between the Sinhalese and the Tamil. Hence, the Sinhalese consensus alone could not provide the full answer. It is inevitable that such a bipartisan Government-UNP consensus would be within the “comfort zone” of the Sinhalese majority, or at least of its enlightened leadership. However a solution to the ethnic conflict with the Tamils would require going beyond that comfort zone. The Tamil parties have objected to some major features of the Government-UNP consensus. These pertain to the non-federal nature of the state, the vesting of land in the central government and the provision for a referendum on the issue of the merger of the northern and eastern provinces. This reverses the Indo-Lanka Accord, and the 13<sup>th</sup> Amendment. The Tamil parties have also cited the LTTE’s outright rejection of the Government-UNP consensus and have pointed out the futility of supporting anything that the LTTE has rejected.

Perera discussed also the issue of engaging with the LTTE. The LTTE’s swift rejection of the constitutional reform process was not surprising. In a statement, the LTTE spokesperson, Anton Balasingham said that the draft constitution did not reflect the national aspirations of the Tamil people, and the LTTE would not study or comment on it. There is no doubt that given the tenacity of the LTTE and its support base amongst the Tamil people, the LTTE will be a prominent feature on the Sri Lankan landscape in the near future. Any government that intends to preserve the unity of Sri Lanka will have to deal with the LTTE politically.

The LTTE has rejected the proposals because they do not incorporate the Thimpu principles. Negotiation with the LTTE based on the Thimpu principles and a united Sri Lanka is not impossible. A deficiency in the present devolution proposals is that they have been prepared without the participation of the LTTE. In addition, since these proposals first emerged shortly after the LTTE pulled out of the 1995 peace talks, they were designed to exclude and marginalize the LTTE. It is .... if a peace process based on such a partisan attitude could achieve peace. Therefore, there must be a conscious and systematic effort on the part of the official mainstream to keep the door open to the LTTE. It is true that to enter that door to a democratic and human rights-respecting future, there is no doubt that the LTTE would also have to undergo a transformation. Nevertheless, that choice must be left to the LTTE, instead of deciding beforehand that they must be marginalized and excluded. The government cannot sacrifice the vision of a multi-ethnic, plural and human rights respecting society for all. In this respect, Perera drew attention to the proposals of a leading constitutional scholar, Rohan Edrisinha who has drafted a set of “modified Thimpu principles” which are compatible with both a unified country and the prevalence of human rights and democratic norms.

The interim constitution has been deficient both in content and in transparency. The constitution provides for only limited powers of judicial review, which is a negative departure from virtually all democratic constitutions worldwide. It permits laws that violate the constitution to remain in effect in some cases. Leading Buddhist organizations are also complaining that they have been left in the dark about the political negotiations. It is telling that even important coalition partners of the government, such as the Sri Lanka Muslim Congress, should be complaining on the same score. More creative concepts such as participatory democracy, power-sharing by different communities at all levels of government and transparent constitution making are essential features

of a peaceful Sri Lanka in the long term. The present process is too flawed and politicized to be elevated as the final constitution of Sri Lanka. It may have a limited purpose, which is to prepare a basis to end the ethnic conflict and restore peace to the country, and probably peace talks with the LTTE without such a basis cannot succeed. But, it is important to bear in mind that the present Government-UNP consensus is not the end of the road for constitutional reforms for peace and democracy. For all these reasons the draft constitution should not be seen as the final constitution of Sri Lanka.

The postponement of the constitution bill has dejected and disappointed those who believed that it was a critical step forward in the conflict resolution process. Though the proposed constitution went only a little further than the existing one in its actual devolution of powers, yet it set forth a scheme of devolution that could be developed in the future. But the constitutional bill could not overcome its main weakness despite all the strengths it contained. From its very inception, as with the devolution package of August 1995, the new constitution was seen in win-lose terms. It was largely motivated by a desire to isolate and marginalize the LTTE both politically and militarily. No wonder that the preamble to the constitutional bill failed to mention that this was a document for the reintegration and reconciliation of a divided polity. In this context it is important to note how a reliance on constitution making as a conflict resolution tool without the necessary political dialogue can face severe damage. At least on two occasions when the government came close to finalizing the constitutional reform bill, in February 1998 and then again in July 1999, hurdles appeared. First, the sacred Temple of the Tooth was bombed. And second, Dr. Neelan Tiruchelvam, the co-architect of the devolution package, was assassinated. The LTTE correctly saw that the devolution package if passed into law would pose a formidable political challenge to them. In a different manner, the UNP saw the passage of the constitutional bill as being credited to President Chandrika Kumaratunga, which they took as a political threat to themselves. One of the difficulties of the conflict resolution process in Sri Lanka has been the inability of political actors to create a win-win framework. This would be one in which the main conflicting parties see a benefit accruing to themselves from a negotiated solution. Unlike military solutions in which one party seeks to destroy the other, political solutions require mutual acceptance based on mutual gain. Obviously, the constitutional bill failed to satisfy either the UNP or the LTTE on this score.

### **Democratic governance and conflict resolution**

Paikiasothy Saravanamuttu, a peace activist and a scholar of international politics and governance, discussed the zero-sum political culture that has made the conflict in Sri Lanka intractable, as recently highlighted in the failed attempt to utilize constitutional reform for conflict resolution. Amidst accusations and counter accusations of bad faith the reforms did not materialize, attesting yet again to a perennial impediment to peace in Sri Lanka - consensus between the principal political parties. In this respect, what has been illustrated is the inextricable connection between democratic governance and conflict resolution in Sri Lanka. What is at stake is the settlement of the question of both nation and the state and therefore the distribution of political power both within as well as between communities.

This prevailing zero-sum political culture together with other factors combine to make up the “old paradigm”, which militates against democratic governance and conflict resolution. Such a paradigm is wedded to the past and is still in large measure wedded to the notion of *status quo ante bellum*. The features of this old paradigm can be enumerated as follows:

1. The zero-sum political culture emanates from the culture of competition for power and its consolidation between the two main parties. History is replete with examples of each one frustrating the other's attempts at resolving the ethnic conflict. And whilst the pathological obsession with the unitary state has lessened, it still retains a powerful hold

on sections within the two main parties as well as a number of smaller political parties and popular opinion.

2. Perceptions of discrimination and insecurity follow ethnic lines. The historical antecedents and political manifestations of the Tamil minority's grievances in this respect have been widely stated, but insufficiently acknowledged or appreciated.
3. Attention has to be on the role that the *Sangha* or Buddhist clergy has played as defenders of the rights of the Sinhalese. Whilst the *Sangha* cannot be categorized as a monolithic bloc of chauvinist opinion - sections of it support the government's devolution proposals - their allegiance to the trinity of *land, race and faith* has militated against them acting as a powerful peace constituency and one able to provide the moral impetus for peace through negotiation and constitutional reform.
4. The minority complex of the majority community also affects the media and given the three language media there is insufficient dialogue between the communities. The same story is treated very differently and coverage of the ethnic issue reflects ethnic bias and stereotypes. Coverage falls well within the confines of the prevailing orthodoxy and there is no attempt to go out in pursuit of information not incorporated into official accounts. Independent accounts are rare. The absence of media coverage and sensitivity is a key factor in the failure to successfully build a critical mass of popular opinion in support of peace. The role of the media is compounded by censorship and worse still by self-censorship. The division between state and non-state media also compounds it.
5. Civil society organizations too are inhibited in their attempts to forge broad-based mass alliances for peace with grass roots counterparts, independent of government and/or political party support and patronage. This relates to their structure and mandates. The absence of a well-established tradition of popular, peaceful demonstrations of opinion and dissent is an inhibiting factor to be noted in this context.

Neither side can win a cheap and quick military victory, yet both are determined to negotiate, if at all, from strength. Consequently, offensive and attrition characterize military conflict, with each gaining the upper hand, albeit, temporarily. Strategic incoherence on the part of the government is evinced in the lack of systematic planning and preparation for negotiation. The unwillingness or systemic inability to acknowledge the importance of process and incorporate that appreciation of it in a viable negotiating strategy hampers the pursuit of peace through negotiations.

On the other hand the LTTE seems to operate on the belief that time is on its side and that as long as it stays in contention as the key protagonist, it will achieve its objective eventually. At all times they are keen to uphold the primacy of their armed resistance and its justification on the grounds that the Sri Lankan state is neither able or willing to comprehend the ethnic conflict and therefore to resolve it through due recognition of the rights of the Tamil people. The inability and/or unwillingness to reach a southern consensus on meaningful devolution, has indirectly justified the determination of the LTTE to push the discourse beyond the majority/minority axis devolution. The absence of a political wing of the LTTE is also a factor militating against the resolution of the conflict. It reflects on the negotiating capabilities of the LTTE as well.

### **LTTE's Position on the Peace Question**

This brings us to one of the most critical issues – relating to LTTE's position on the peace question and peace process. As was noted by a participant active in humanitarian assistance this is the most obvious question to be taken into account, but most neglected by the rulers of Sri Lanka. In 1995, when Chandrika Kumaratunga on her accession to power called for discussions, the LTTE had put forward the following concerns:

1. The Sinhalese ruling class has foisted itself on the Sri Lankan people and created the ethnic problem by subverting democracy. Therefore, it needs to be removed from the political discourse. This class has attacked minorities as well as violently

suppressed the uprising of the poor Sinhalese masses. The LTTE took arms after thirty years of democratic struggle. There was no democratic space for Tamils in the political mainstream. Tamil MPs were shouted down in the parliament, rights were taken away, emergency regulation acts were enacted and as a last straw, the government brought in a “standardization” process, which eventually deprived Tamil youth of all social mobility.

2. The Tamil community was the victim of four major attacks (1956, 1959, 1971 and 1977) and the government’s response was very disappointing. President J. R. Jayawardena led the attacks against Tamils in the riots of 1983. Since LTTE’s understanding is that Sri Lankan government cannot understand the language of peace, therefore, LTTE uses violence as a defense mechanism. LTTE (in 1995) was willing to drop the idea of a separate state provided the Sri Lankan government guaranteed the right to life, property and language, including investigation into massacres and restoration of all property looted from Tamils and parity of status of the Tamil language. Also, the government was required to fix a date to determine the status of the forced colonization schemes.
3. When The LTTE leader Pirabhakaran says that we shall solve this problem by talks, he is saying that he is willing to sit down and discuss the sovereignty question and the boundaries. When Chandrika says she desires peace, she is speaking of autonomy and devolution of powers within a unitary constitution. This is far from what LTTE wants to achieve.
4. The role of India is very important. Even if the Sri Lankan ruling class agrees to a separate Eelam, it cannot exist without the recognition of India. The LTTE and the Jaffna intelligentsia feel that India has made the Tamils in Sri Lanka a sacrificial lamb in its regional geopolitics. First, it militarized a whole generation of frustrated Tamil youth after Sri Lanka had colluded with Pakistan during the Bangladesh liberation war. This is one of the reasons why the Indian intelligence agency RAW (Research and Analysis Wing) trained the militants. RAW divided the Tamils into various groups to subdue Tamil aspirations and to get the strategic Trincomalee Harbour, a design that became clear in the Indo–Sri Lanka accord. The accord fulfilled the regional aspirations of Indian government. It did not guarantee any long-term solutions to the Tamil issue. One of the reasons for India’s intervention in Sri Lanka was to counter the interest of the US in Trincomalee Harbour. In addition to Diego Garcia and bases in Philippines, the US was in a strategic island to place its ICBMs and nuclear warheads in the region, because of the search of Indian Ocean. China, too was showing an extra ordinary interest in the region. Its emergence as an economic power in the region was perceived as a threat to US interests. The LTTE thinks that rightwing governments in India and United State have formed a coalition against the emerging threat of China and the Afghan-Pakistan Islamic nexus. According to this game plan, Israel will be the arms supplier and collaboration (if possible) to track down the LTTE leadership and kill them. India to the LTTE is one of the greatest obstacles to its aspirations.
5. The LTTE once called the peace groups “peace mongers driven by Western money”. According to the LTTE, human rights groups have become the new missionaries of Western interests. The overriding interest of the West today is markets. The efforts of the human rights groups have been to the nationalistic aspirations of struggling people. In the name of peace making, these groups have “documented human rights violations of non-state actors”, thus preventing any serious discussion of the real issue. According to the LTTE, peace groups should only address state violence especially a situation where the international community is highly selective in the way it determines perception of the viability and desirability of a new nation state. The international community has worked for Kosovo and East Timor. It has dismantled Yugoslavia and has encouraged Kurds against Iraq and Iran. It does all this only when its interests are not affected, or more correctly, when its interests are facilitated by such encouragement. The main agenda of

the international community is to capture the market at the cost of the self-determination of the people.

In the context of the hard position of the LTTE, and the reality of a civil war that has wrecked the lives of Tamils and other ordinary citizens, it is quite undent that for the LTTE peace is not the an overriding concern. Attaining justice and honour through self-determination is their continuing principal concern. In order to attain parallel power, the LTTE taxes people, imprisons them and in many cases, kills them. There is no one to take account of the tears of ordinary civilians trapped, starved and bombed in areas under LTTE control. Its recruitment of children for militancy has drawn condemnation from various quarters. However, it needs to be acknowledged that the relationship is not one of new corium. The people, too are willing to fight.

In such an intractable situation, one of the impending tasks of the peace movement is to link the peace question with the humanitarian agenda. Peace activists need to address the plight of ordinary citizens caught in the war. The continued economic blockade, denials of basic rights, and the refusal of asylum, are issues in dire need of attention. This goes beyond the imperative to become pro-LTTE or anti-LTTE in peace politics. Unfortunately, not many people are willing to speak up for the suffering of people trapped in the war zones between LTTE and the Sri Lanka military. There are 56 items banned in the Tamil areas, including medicine, cotton and milk food. Their denial is a crime against humanity and needs to be redressed at once. Food items are being used as a weapon, both by the military and the LTTE. Movement of the people to other areas is prohibited or curtailed by other repressive measures like the pass system. More importantly, humanitarian agencies are compelled to carry out their relief activities under the good will of the army and the LTTE. International and national humanitarian agencies must be allowed to work freely in the war-ridden areas.

### **Main constraint in the peace process**

Sivapragasam, a peace campaigner and a social activist among the tea plantation workers in Sri Lanka, drew attention to the centrality of the fact of the emergence of LTTE as the sole political representative of the Tamils in the peace process in Sri Lanka. Therefore, any effort for a meaningful and enduring peace must include the LTTE as the rightful spokesperson of the ordinary Tamils, notwithstanding the fact that the activities of the Tigers have had a negative impact on the peace process, due to particularly their involvement in the assassination of intellectuals and the political opposition, attack on places of worship, expulsion of Muslims, and use of children in war. On the other hand, arms-dealers, politicians and the armed forces of Sri Lanka also have stakes in prolonging the war. In such a war-ridden milieu, Siva pointed out, thinking of anti-war alternatives is not an easy task. The armed forces and the LTTE are not willing to give any space to the peace constituency. If the militants are determined not to accept anything less than Eelam, the armed forces are equally adamant about everything else, the territorial integrity of the Sri Lankan state. The armed forces also have economic interests in this war. For instance, the ex-commander in Chief of the Sri Lanka armed forces Anton Muthukumar remarked, "The size of the today's military is huge. If, those (soldiers) engaged in war today who draw attractive salaries, are demobilized without any alternative employment, they might contest such action on the ground of being trained to die for the nation". Therefore, if peace emerges without alternative employment opportunities for thousands of soldiers now engaged in the battlefield, it could poses a challenge to the existence of the Sri Lankan state.

In such an atmosphere the most desired exercise should be to invent creative methods of building trust and confidence between the two communities. This is a sine qua non to any political solution of the issue. To make the peace process viable, people's participation in it at the local, national and international levels must be ensured.

### **War or peace – option or an issue survival?**

Basil Fernando, the representative of the Asian Human Rights Commission, remarked that in the context of Sri Lanka the peace audit in Sri Lanka cannot but be a survival audit. The lives of the ordinary people of the south and in the north are more unstable than ever. In fact, life has become so precarious and so hard that large sections of the common people have withdrawn into finding their own way of managing day-to-day survival and security. The debate on peace, in terms of this or that constitutional argument or in terms of winning this or that, inch of territory, is far from the minds of ordinary Sinhalese, Tamils and Muslims. Discourses limited to working out the details of pseudo-solutions miss the point about the thing, which is most important to the people—their survival.

The continuation of the present state of affairs is bound to drive Sri Lanka to join the ranks of nations that have regressed to primitive times, such as Burma or Cambodia. Sri Lanka is traveling on the same path. Therefore, Basil Fernando felt, it would be worthwhile to examine, first, the conditions of life in the country today. To keep this discourse within ethnic confines is to lose sight of the social and political content of the enormous crisis. What the ethnic explanation does is to obscure the conscious and deliberate aspects that go into the making of the crisis, so that the roots of the conflict can be attributed to uncontrolled elements residing in the human psyche due to race. However, the crisis in Sri Lanka is not one that has been brought about by accident nor by mere animal instincts associated with race. It has been brought about by choice. The conscious decisions that keep the civil war alive need to be confronted with conscious decisions to abandon the civil war and to live another way of life. Among the options open to various groups in society, the dominant groups chose the path of civil war, for they had the power to impose their options on others. Weaker groups can impose their choices on society only when dominant groups become weak or when the choices made by dominant groups corner the weak in such a way that the weaker groups find no option but to fight back.

A related question in this context is why should a dominant group choose the option to fight in lieu of finding a peaceful solution to the conflict? Is it because they find peaceful solutions not available? This is not likely, for in any given situation, there are bound to be many approaches to solving problems. Is it that the choice of civil war is based on the perception that it is a better choice than a peaceful one? If the answer is in the affirmative, why should the path of war be seen as better? As the choices are historical ones, it is to history that one must turn to find out why options leading to severe conflict are seen as better choices than the peaceful ones.

In any case, what is quite manifest in Sri Lanka today, according to Basil Fernando, is a rise in social consciousness among the ordinary people. The loss of faith on the ruling groups and their style of rule is a fact that will determine the future of political institutions and other democratic institutions in the country. The unwillingness of the people to adjust to the false promises of the ruling groups poses the single greatest threat to the continuity of any political authority. To try to impose authority already rejected as irrational will only worsen the situation. Changes in mass consciousness demand a rational response. A rational response on the part of the ruling groups can come only if they are ready to accept the burdens created out of war. Ruling the country without facing these burdens is no longer possible today.

### **War, humanitarian crisis, and human rights**

Sunila Abeysekera, a noted women's rights activist in Sri Lanka, drew attention to the large-scale displacement of civilians as the inevitable part and consequence of the ongoing war with - some of the displaced crossing national borders and becoming "refugees" under the classical definition of the Refugee Convention, and others unable to flee the country, remaining within and moving from one region to another. Though both groups are equally worthy of attention, she pointed out

that, of the two groups, the displaced persons crossing the international border are protected by the 1951 Refugee Convention and by the UN High Commissioner for Refugees (UNHCR), but internally displaced persons (IDPs) are worse off. They lack any international or national protection. In the circumstances of displacement, these civilians caught up in the conflict have been deprived of their freedom of mobility and have consequently in most cases lost their means of subsistence. They have become almost totally dependent on paltry relief from the state and welfare agencies, and are often deprived of the most basic amenities such as access to health and education, transport and communication. They fled their homes because of their inability to carry on a “normal” life and now they end up in temporary locations, camps or shelters where they find themselves, owing to innumerable indignities, and loss of independence and community.

What adds to the difficulty is that in countries such as Sri Lanka, the classification of an internally displaced person (IDP) is based on an assumption of temporary displacement due to floods or some other natural disaster. The issue of dry rations and relief to such persons is also based on this understanding of displacement being short-term in nature. Thus, when the displacement extends to months and even years in some cases, as is the situation in many parts of the north and east of Sri Lanka, the structures and institutions created to support IDPs prove unable to cope with the extent and nature of the problem. Moreover, there is no national legal framework that protects the rights of the internally displaced persons. Legally, the assumption is that they remain citizens of Sri Lanka and are entitled to all the protections of law and provisions of basic amenities and facilities that every citizen is entitled to enjoy; hence there is no need to justify the creation of any special legal and administrative framework that would protect the rights of displaced person. This assumption has proved wrong because the fact is that through the process of displacement, they fall through the safety net and are deprived of many of their rights as citizens.

In Sri Lanka, access to the public amenities and relief provided by the state sector is dependent on one’s registration within one’s own community. Each village has a Village Officer (Grama Sevaka) whose duty it is to register people as members of a particular village or community. This registration entitles one to a range of facilities. Whether it is to draw poor relief, to get a child into school or to inscribe. One’s name on the voters’ list, one needs to have a Grama Sevaka certificate. Once a person is displaced, the “grama” (Village) disappears and so does the Grama Sevaka, along with one’s ability to get a child into school or to register to vote. Her/his registration is as a displaced person in the camp. This entitles the person to draw dry rations calculated at the rate of goods to the value of Sri Lanka rupees 450 per week for a family of six members, which is barely adequate.

Education and health services become more complicated for Internally Displaced Persons. Displaced often are persons members of different ethnic, linguistic or religious group from the settled communities, where they seek refuge. Consequently, children of IDPs may not be able to gain entrance to a school where they can study in the medium of their choice or receive religious instruction in their own religion. On top of that gaining access to an already existing school may be a problem for an internally displaced child. There are many reports of discrimination against the children of IDPs within the school system. Displacement also creates problems for women and children to gain access to maternity and child welfare clinics that operate within the state health sector. Pre-natal medical care, infant inoculations and even childbirth become hazardous undertakings where the basic medical facilities are not available. Administrative regulations governing entry to state schools demand a birth certificate as a prerequisite for enrolment. In many instances, people fleeing war zones do not bring relevant documents with them or the documents get destroyed. Given the breakdown in administrative structures in conflict areas,

obtaining certified copies of such crucial documents is often impossible. Thus, a displaced child may not be able to attend school through no fault of her or his own.

Displacement roots out people from their place, leaving them without any substitute mode of earning a livelihood. They become dependent on relief provided by the state and by non-state welfare agencies. Restrictions placed on their mobility, which are justified on the grounds of security, deprive them of access to fields, forests, lakes and the sea which have traditionally provided them with sustenance and livelihood. Displaced persons also move into communities that are already under stress themselves and are not very welcoming of IDPs in the long-term. The IDPs are perceived as the “outsiders” - the ones who have come to snatch away scarce jobs and resources, who bring in alcohol and drugs and all other social vices. In areas where they are re-settled, tensions of various kinds arise between the displaced people and the native inhabitants of that place. Due to the perception of the state that displacement is essentially a short-term phenomenon, there are very few employment programs or self-help programs for IDPs that aim at providing them with independent means of existence. It is unlikely however that a state engaged in war will consider the consequences of war in a humanitarian manner, though it becomes imperative for a political system claiming to be democratic, to create special administrative and legal regulations in order to facilitate a framework within which the displaced may enjoy their rights as citizens of the state without any bias and inequality.

### **Humanitarianism and human rights**

The discussion on humanitarian aspects of the peace process brought out some important elements, which relate to the possibility of a democratization of the humanitarian process. Democratization of peace process implies, as Jeevan Thiagarajah pointed out, discarding the stereotypical idea about humanitarian assistance. Humanitarian assistance is not only about food and shelter, but freedom to access assistance also. Such a freedom has to be seen as a wider human rights issue.

In Sri Lanka, in the un-cleared areas, the government has given away the responsibility of relief supply to the army, which denies some of these supply items and thus prevents the war-ravaged population from fulfilling basic needs. In determining the framework of humanitarian assistance, it is to be regarded in the context of human rights, which means that representatives of the people from the affected areas will have a say in determining priority and process. In developing such a framework, it is necessary to conceive of a three party process - combatants, civil society institutions, and international donors. One of the problems in developing such a framework is that the two combatants may not recognize the same set of humanitarian institutions and civil society organizations. It is important therefore to evolve a consensus towards developing such a framework. Sometimes, it may be a part of the diplomatic process. However, one has to be careful so that the distress of a section of the people is not manipulated with the ulterior motive of making humanitarian assistance a part of war strategy.

One example is that the Muslims of the north are really affected by the war, while in the north east it is more a political problem. In Mannar people have accepted that Muslims have been badly affected, and the LTTE is ready to accept its mistake now. And if the LTTE admits this mistake openly, this will help play down the Eastern Province situation with the Muslims. In a situation characterized by two warring parties, a political solution is not forthcoming. Authorities such as the *Sangha* are non- constitutional bodies, which have little interest in humanitarian assistance, and to the victim Tamils, the NGOs are not identified with the suffering people. Everything has become a weapon - food, mind, indeed existence. And thus, as in the Vavuniya, food supply or population movement is at the discretion of the local commander, and only 25 per cent of the required food reaches the area. Food is now used as a major weapon. All are at fault in this,

including the church. All those who have a uniform eat - the army, the combatants and the church. In Kosovo, the UNHCR had responded differently.

The use of children for warfare is another important area. Education depends, or becomes unavailable, depending on the child's ability to be a future combatant. The government sees to it that the children in war areas are not in a position to sit for their examinations. This happens in an ethnicized situation, where one looks to events and problems with only ethnic eyes. Soldiers are killed, sometimes without even knowing where they are being commissioned. The ICRC appeals to the LTTE to treat captured soldiers with dignity.

These various dimensions show that the issue of the humanitarian crisis should be brought to the core of a discussion on peace. And this can be done when humanitarian assistance is seen as a part of the human rights of the war-affected people. Without such an agenda and programme, how can peace activists encourage a spirit of reconciliation from a wronged man and a suffering people who have lost trust in civil institutions, and as a victimized community lives in its own world? Humanitarianism does not imply lack of justice. If wrong doers are not brought to book, the victims will always look with suspicion to what is euphemistically called "humanitarian activities and humanitarian intervention", which never take into account the normative costs, that is, the fundamental standards, the human costs, the economic costs, the social costs and the physical costs of war.

### **Mapping citizens' voices for humanitarian space and peace**

Jeevan Thiagarajah, a noted organizer of humanitarian assistance in the war-ravaged island, pointed out that the cry of the distressed escapees of violence is only indicative of the widespread desire for humanitarian space and peace. Since in the audit exercise discussions on the humanitarian crisis and the humanitarian needs frequently referred to the issue of human rights to get such assistance and the role of people to determine for themselves what constituted the crisis and the need, Jeevan drew attention to the report of a two-day workshop (Colombo, 3-4 April 2000) organized by the Consortium of Humanitarian Agencies on the profile of humanitarian needs of the population in various districts. This was a workshop where people defined for themselves what were the felt needs and suggested necessary measures. The basic objectives of this workshop were to provide:

- A platform for a cross-regional and inter-ethnic dialogue between different district representatives,
- A space to share discussions and recommendations of the findings of each district workshop,
- An opportunity to clarify and prioritize issues, and to make recommendations together with the identification of the organizations that are potentially responsible for each of the four main components of the framework.

In this workshop, the participants had been asked to work in district groups and to identify and prioritize five major issues, together with the three main causes for each issue. The findings were presented in a given format followed by recommendations to be implemented by different bodies in the state, NGOs, and private sector. The findings are important towards developing a comprehensive structure of humanitarian assistance in a war-torn situation. And given its significance, we reproduce below in tabular form a summary of the findings of the workshop. The findings are presented on a district basis:

Prioritized issues along with recommendations for each District

**AMPARA DISTRICT**

Categories as per frame work	Prioritized Issues	Causes	Recommendations (what)	Responsibility (who)
Program Priorities	Why does agriculture fisheries not livestock bring enough income?	Restrictions on the peoples movement. Lack of investment. Gov't's economic policy	Stop war Divert funds away from war Change the policy towards peoples aspirations	Gov't, LTTE & other Millitant groups Gov't Gov't
	Why are the women affected?	Loss of the bread winner Lack of awareness/social & cultural setup No proper plans for women dev	Stop war Awareness programs A national program for women District level programs	Gov't, LTTE & other Millitant groups NGOs & CBOs Gov't & NGO Coordination Gov't & NGO Cordination
	Why is there degradation in Health & Sanitation?	War & Economy Living without basic requirements	Stop the war Awareness programs Allocate more funds	Gov't & other Militants Gov't & NOGs Gov't & NGOs
Peace & Reconciliation	How can we avoid discrimination?	No equal treatment The parties concerned to not understand the reality Communalism	No partiality (avoid) Awareness programs By enacting & implementing new	Implementing agency Implementing agency Implementing agency Gov't Implementing agency
			laws Selecting dedicated officers	
	How does language influence peace building?	Lack of knowledge of other's language Unwillingness to learn other's language Lack of proper policy making in	Encouraging people to learn other's language Providing opportunities to learn other's language Awareness programs Compulsory from yr.1 Provide needed	Gov't & NGOs Gov't & NGOs NGOs Gov't Gov't Gov't

		regard to education	resources (teachers) Proficiency bar for language teachers (Vs)	
	What are the proper methods for peace building?	Non awareness in understanding the reality  No peace ideas within us	Awareness Visiting different areas Awareness Meditation Religious activities Social activities	Gov't/NGOs NGOs NGOs & Civil society & religious groups/ NGOs & Civil society & religious groups/ NGOs & Civil society & religious groups/ NGOs & Civil society & religious groups/

### JAFFNA DISTRICT

Categories as per frame work	Prioritized Issues	Causes	Recommendations (what)	Responsibility (who)
Programme priorities	Persons who have lost their livelihood	Civil war Ethnic violence Disappearing persons	Stop war Bring peace Bring peace	Gov't, LTTE. Third party Gov't, LTTE. Third party Gov't, LTTE. Third party
	Unemployment	Lack of industries Vacancies not filled Restricted areas for fishing/agriculture activities	Establish industrial estates Establish free trade zones Fill all vacancies Remove restricted zones	Gov't Gov't Gov't Gov't
	Education and vocational training	Lack of laboratory/computer facilities in schools Lack of vocational training institute and some courses Restricted youth Service Council activities	Supply chemicals, glasswares, equipments, computers to schools and vocational training centers	Gov't and NGO
	Agriculture fisheries, livestock farmers etc	Restricted areas Restricted time of activities Lack of marketing facilities High costs of inputs	Allow free movement in all the areas Transport facilities to be improved between Jaffna and Colombo	Gov't Gov't/NGO

	Transport: passenger commuting and transport of goods	No transport facilities by road/rail No regular transport services by sea/air	Stop war	All parties
	Land mines	Civil war	Stop war	All parties
Peace and reconciliation	Discrimination	In almost everything, such as employment, promotion, price of essential items, allocations of funds	Impartial implementation of gov't policies	Gov't
	Language		Implementation of gov't policies	Gov't
	War as a means of income	Commission to be paid for several middlemen in business, politics, gov't officials in obtaining services, goods, etc.	Remove restriction on transport of passengers goods, etc	Govt
	Peace building efforts	Civil war	End war Peace negotiations Supply of items, services comparable to Colombo prices	Gov't

### TRINCOMALEE DISTRICT

Categories as per frame work	Prioritized Issues	Causes	Recommendations (what)	Responsibility (who)
Programme priorities	Persons who have lost their livelihood	The ethnic violence after 1983 Employment discrimination Discrimination in education	Restore peace by negotiations Treat all alike, purely on merit	Gov't militants, international agencies Gov't and private sector Gov't
	Gender based issues	Prevailing civil war in NEP Male domination in society Culture based Customary behaviour	Restore peace early Develop mutual understanding by discussing problems Awareness programme about civilized societies	Husband and wife Religious institutions and NGOs
	Unemployment	Improper planning by state sectors in investment for industries Lack of organizational facility to train	Proper planning by state sector to have even distribution among districts Youth to be trained in demanding fields by state and	Gov't and donor forum Gov't and NGO's Gov't , militants, international bodies

		youth in specialized fields Displacement caused by prevailing war situation and restriction imposed by security forces	NGOs Restore normalcy early by ending war by negotiations	
	Health and sanitation	Lack of facilities in the state run medical institutions, especially in uncleared areas	State run institutions to be equipped with staff and drugs. Restoration of medical facilities in uncleared areas	Gov't and NGO's Gov't
		Displacement of people as a result of ethnic violence causes overcrowding of welfare centers and camps	Early resettlement after restoration of infrastructure	Gov't and NGOs
		Unplanned activities permitted by authorities (industrial pollution, drainage problem, etc)	Regulations to be observed by authorities in granting permission for activities	Gov't and NGO's
	Education and vocational training	Denial of education for orphans and children in uncleared areas where father and mother go for odd jobs	Institutional support to be provided for orphans and poor children in uncleared areas	Gov't and NGO's
		Step motherly treatment by state sector (free books and clothes)	State sector to treat all alike by distributing free books and clothes at the same time	Gov't
		Unplanned activities of the state sector as well as private sector to cater fro the drop outs of schools	State and private sector to have training programmes in demanding fields	Gov't and NGO's
		Lack of training facilities in the traditional employment fields (fisheries, agriculture) to modernize their techniques	State sector and NGO's to go in for training programmes in these fields	Gov't and NGO's

Peace & Reconciliation	Language	Though Tamil also was made an official language the so called Govt administrators failed to honour and implement Tamil language provision in the constitution through administrative machinery Lack of understanding between communities because of language barrier	Govt to take firm action to honour and implement same immediately Adequate facilities to be extended to all communities to study other's language	Govt Govt & NGOs
	Discrimination	Employment and higher education non availability of higher educational institutions Harassment by security forces. Lack of state investment in NEP	Equal opportunity for all in employment and higher education Strict regulations for security forces, proper training by international institutes like ICRC State investments to be equally distributed among districts	
	Peace building efforts	Lack of peace building efforts in the south where as in the North people have suffered enough and are looking peace Huge amount of money spent for war machinery depriving development activities Degree of uncertainty is high all over Sri Lanka	Awareness workshops and seminars to be conducted in the South with demonstrations especially through religious bodies Stop war by negotiation	Govt, NGOs & Religious bodies Govt, Militants and international bodies
	Encouraging inter-ethnic ties	Misunderstanding among communities created by Politics Denial of equal opportunities in all aspects by the	Bring communities together for inter cultural exchange programmes All opportunities to be given purely on merit basis in	Govt, NGOs Govt Govt Sector, NGOs & Religious Bodies

		state. Not understanding the inner feelings of each other	state sector Cultural exchange programmes and get togethers at religious institutions	
	War as a means of income	Not for all but for a few 2000 year old rich culture is being ruined Law abiding is lost	Restore peace by negotiations Stop war with negotiations Restore peace through negotiations and enforce law and order. Using Govt machinery	Govt, Militants and Internatioanl bodies -do-
Development	Rehabilitation alone is not enough to create a balanced situation in the country To pave a sustainable peace situation in the future	Prevailing situation in NEP has prevented new investment or industries For last 15 years. Same time existing industries also were destroyed	Development activities in infrastructure facilities & new investment programmes to be boosted in NEP to bring a balanced situation among regions in the country	Govt and International Donor Forum

### VAVUNIYA DISTRICT

Categories as per framework	Prioritized Issues	Causes	Recommendations (what)	Responsibility (who)
Program priorities	Socio economic deterioration	Inter racial harmony disturbed Breakdown of traditional employment's The downfall of Vanni Market	Political Administrative and religious leaders to crate awareness of the inter racial, social and cultural and religious values and also promote correct attitudes	The state and the LTTE Different politicians, religious leaders and NGOs
	Education and Vocational Training	Schools are not held regularly Lack of facilities for the displaced students Irregularity in allocation of resources	The state to provide school facilities, buildings, trained teachers according to the need To provide transport to the students	Central Govt & the Provincial council
	the Loss of means of earning	Agricultural inputs for the farmers in the unprotected areas	Permit the transport of un prohibited goods in required	Security forces The state

		The difficulty of farmers living in protected areas to go to unprotected areas for cultivation The exodus of the business community from the town	quantities All un official payments collected by different organizations to cease	
	Health and Sanitation	No specialist consultation No facilities for additional patients The deficiencies in preventive program	Provide specialist consultant doctors, officials and also with the necessary instruments and materials	Central Govt and Provincial Council
	Gender	Cultural deterioration Right to marriage being curtailed The identity of young girls being lost	The state and the NGOs to take necessary measures to develop the economy	Govt, NGO, Religious organizations
Peace and Reconciliation	Language	Both the groups lack the knowledge No facilities for adult education Both the groups tend to depend on English	Appoint security personnel with adequate knowledge of Tamil language Orient children from pre school stage to bi-lingual practice	Security forces Central Govt Provincial Council
	Discrimination	Mutual disrespect for each others culture False promises of the rulers State policies not accommodating	To launch a program for the appreciation of cultural values by the inter cultural district committees	The district secretary
	War as a means of income	The livelihood by the security services Transport of prohibited goods to the	To establish an Institutional framework to regularize transport of goods, un protected areas and issuing licenses to unauthorized persons Sending prohibited good to the unprotected areas at a higher price	The state security forces, and peoples organizations, passengers, trade and other official duties and implement the regulations
Peace and Reconciliation	Breach of Peace	Unbalanced allocation of	To make the allocation and	The state and Donors

		resources Building mistrust among the ethnic groups Wrong political promises	distribution of aid and resources transparent	
	Unbinding of the Inter-racial binding	Partial political outlook Misunderstanding among the ethnic groups Terrorist activists	In organizing development and other relevant activities to make it interracial and ethnically heterogeneous	The state , The NGOs, Multi racial organizations.

### POLONNARUWA DISTRICT

Categories as per framework	Prioritized issues	Causes	Recommendations (what)	Responsibility (who)
Programme priorities	The decrease of income from agriculture, Fisheries and livestock activities	House, Paddy lands, livestock lost and no new enterprises Because of the open market economy, the rice mill owners and the buyers are lowering the prices The scarcity of labour and the higher wages for labour	Security operations to be minimized during the paddy cultivation seasons Fixing fair prices and implemented by the state for the produce Introduce new technologies at affordable prices for the farmers Revive the labour sharing practices Ensure security for the immigrant labour from other areas	The District secretary Responsible security personnel Civil Committee State sector, farmer organizations, rice mill owners, NGOs, Credit supplying institutions Voluntary Organisations Brokers, Relatives
	Socio economic deterioration	Unsuitability in the life style due to the are psychosis Inability to take the cows to the jungle for feeding, the loss of paddy fields, decrease in income Demotivation for work due to psychological drawbacks	To encourage the development of the personality and the capacity building within the context of the present reality Formalising the security situation and to make the civil security committee to function without disruption	Govt & NGOs District secy, Security, chiefs, civil security committee Community leaders
	The deteriorating health condition of the communities	Inability to have a balance diet Inaccessibility to health services	To prepare an awareness programme on preparing a	Govt and NGOs -do-

		Not taking preventive measures to prevent diseases, lack of education	balance diet with the food resources available in the area To activate the inefficient health institutions and appoint officers Provide health education Promote indigenous medical system	
	The spread of alcoholism among the people	The feeling of insecurity and unsuitability created by the war situation Escapism from problems Free availability of illicit liquor and state sponsoring of liquor	Openings for a new approach towards life and encourage for the same To help them to get motivated to become aware of the reality of the problems by providing education Controlling of illicit liquor, minimizing the state sponsorship for liquor	The religious leaders counseling services, women's organizations -do- Police, excise dept, women's organizations Politicians, The religious leaders and NGOs
	Child and women abuse and the situation of insecurity	The breakdown of the institution of family due to the prevailing war situation Emigration of father/mother Death due to war of father/mother Suicide mother/father Child labour	To ensure the identity of the family Provide facilities, Ensure security Controlling of mother of under 16 children migrating for foreign employment introducing new projects. To have a long term programme for with widows and the orphans of the war TO take legal action against those who employ child labour	the village leaders, Religious leaders, Govt, NGOs The department of probation and child care The children's secretariat Voluntary Organisations The department of labour
Peace and Reconciliation	Breach of peace	Prevailing political party system Economic inequalities Strengthening of	Strengthen non-partisan peoples organizations for promotion of politics at the	Peoples organizations, Sarvodaya The state sector, private sector,

		LTTE organisation	village level To improve the market to guarantee the The Tamil community and their organizations to pressurize the LTTE to come for peace negotiations Invite them for such dialogues To encourage peace efforts through international organizations	efforts integrate institutions UNO university, Teachers associations of the North and the East Voluntary organizations
	The ethnic disunity	LTTE attacks Displacements Attitudes of some security officers	Not to arouse racial feeling by terrorist attacks To change the perception of some security officers regarding the Tamil people	Govt, NGOs, Security forces
	War as a means of living	Unable to engage in cultivation No other employment opportunities Easy access to join the Armed forces and terrorist organizations	Provide security measures to the paddy lands Introduce new projects Create employment opportunities	Security forces, Govt Agencies NGOs, and the private sector
	Increased use of arms in the area	Martial and terrorist activities Issuing guns to the villagers Illegal ownership of arms	Minimise the terrorist activities To give training on firearms and make them responsible through awareness To arrest those who possess illegal arms	Security forces -do- -do-
	The language problem among the ethnic	The Sinhalese language act Inability to use one's mother tongue to get things done Deficiency in Communication	Both groups to learn the language To appoint translators to do things in one's own language	The department of Education The State

## BATTICALOA DISTRICT

Categories as per framework	Prioritized Issues	Causes	Recommendations (what)	Responsibility (who)
Programme priorities	How could the ill effects of environmental degradation be improved in Batticaloa District	Indiscriminate felling of trees and mangroves for security and other reasons Unplanned construction of infrastructures in urban and town areas in the district No sewerage system in the town	Create awareness among security forces and public about the detrimental effect to the whole Island Formation of special planning committees comprising GO/NGO (local) in district level Major scheme for sewerage system	GO/NGO/Defence authorities -do-
	How far education is affected in the district	Inadequate attention to fulfill the needs of school buildings, staff and basic facilities in uncleared areas Government policies in acquiring school buildings, to use the army personnel Political and ethnic discrimination allocating funds for development activities	Bring this issue to the notice of Hon Minister of education and Donor agencies Change in Govt policies to evacuate army personnel Formation of multi ethnic advisory committees to advise the allocating authorities	Parliamentarians, local heads of Departments Defence officials Govt: Agent/NGOs
	What factors could be attributed to social and economic deterioration	On-going conflicts Economic embargo to the cleared and uncleared areas	Changing present policies Lifting restrictions	Govt/Parliamentarians/Security personnel NGOs
	What are the social impacts brought upon the society due to mentally and physically disabled persons	Denial of funds for the development activities in uncleared areas Indiscriminate arrests, torture, sexual harassment and detention Indiscriminate shelling shooting and presence of pressure/landmines	Formation of advisory/monitoring groups comprising local leaders, NGOs and Govt: Officials (Ds.s) Create awareness among army and para military personnel Give awareness of the legal education	GO/NGO/Peace committee

		in whole area Cordon operations restricted movements and lack of recreational opportunities	and setting up of unit within Ministry of Justice. Peace committee members to get involved in such instances Provide recreational opportunities to disabled	
Peace and Reconciliation	How does language affect peace and reconciliation	Implementation of language policy Distorted history of Tamils in text books No opportunities for children multi ethnic group to understand each other	Implement programmes according to the constitution. Tamil education lists to be in the editorial board Arrange picnics, Sports, get together among children of	Govt: Ministry of Education. Local authorities
	Why war has become a means of income	Power hunger Selfishness Fishing in troubled waters	all ethnic groups Power hungry people to be chased away Earning motivation to be discouraged Highlight them in Mass Media	Govt: NGOs Peoples Organisations
	How political policies affect peace	Recruitment methods Decisions/plans taken at top level Party politics	Bring back competitive examinations instead of quota system Decentralise programme Keep away from party politics	State State

### ANURADHAPURA DISTRICT

Categories as per framework	Prioritized Issues	Causes	Recommendations (what)	Responsibility (who)
Programme priorities	Agriculture and other related activities as a source of living has been lost	Agricultural activities of the border village farmers have been affected Farmers leaving border villages due to the terrorist activities Being limited to the refugee camps farmers have	The war to be ended	All the stake holders of war, Gov't People in the civil society

		become dependents		
	Children orphaned and victims of abuses	Parents lost due to war Children in the refugee camps Loss of parental care	Facilities to be made available for the protection of children	-do-
	Education and vocational training	Educational resources lost due to war Intellectuals are less attractive to the area Increase of poverty	Start poverty alleviate programme Provide facilities to upgrade education and vocational training Create	The Govt: NGOs
	Drugs and alcohol	Becoming addicted to liquor due to the stress created by the war The laws not enforced Easy availability of liquor due to state sponsorship	awareness through animation programmes Govt: To take action to enforce the law	The Govt, NGOs, Religious institutes
Peace and Reconciliation	Discrimination	Unequal treatment based on ethnicity. Officials influenced by political interferences The corrupt practices of officials	Equal and just treatment to all the ethnic groups	Govt: People
	The language	The languages not given equal opportunity Even at a critical situation, opposition against the equal opportunity for the languages The protest against equal language opportunities arousing radicalism	To protect the human rights by providing equal language opportunities and thereby ensure right implementation	The state, Peoples Organisation
	War as a means of living	A majority being engaged in earning large income through improper means due to war The socially abused victims created as a by-	End to the war and create peace	Stakeholders of war, people

		product of war Through this another group becomes rich		
	Peace building efforts	Those related to the problem have not explicitly stated about their willingness or commitment	Peace efforts to be made transparent and genuine Failure to implement practically the peace effort Some groups using the peace efforts to realise their selfish motives	All the stakeholders of the war
	Encouraging the inter racial relationship	The influence of the extremist racists Mass media not providing the necessary corporation The members of the two ethnic groups not knowing each other's languages	To create human rights awareness Make the media to provide equal services to all the ethnic groups Learning each other's language	Govt: NGOs Politicians of the two ethnic groups
	Participatory methodologies	Being limited to books and lectures Lack of transparency in the project implementation In the preparation of the estimates The beneficiaries are not made aware of the above Difficulty in implementing the project due to ignorance	Make all those who participate in the participatory methodologies aware of the programmes	NGOs, Beneficiaries, Donors
	Continuous monitoring an devaluation	In practice not really being implemented Loss of confidence due to lack of transparency in financial transactions	To have a continuous monitoring and evaluation	Govt: NGOs Beneficiaries

### **War widows and other victims**

Ranjani Morawaka, a member of the UNP, focused on the need for immediate attention to the sufferings inflicted by the war on women. According to the official figures, 3.8 million people have been displaced from December 1994 to December 1996. The actual number could be even higher as these figures included only those who received relief from the government agencies. In addition, a large number of displaced people are living in the “unclear areas” under LTTE control and approximately two hundred thousand refugees are in south India. Among these approximately 60/70% are women - almost all from the Tamil community. The trauma of abandoning permanent abodes without any knowledge of the day of return has had a drastic impact on women. Mental and physical trauma has affected them enormously as they cope with trying to families in over-crowded camps, euphemistically called welfare centers. The collapse of community and family structures, and the lack of privacy, security and mobility, and inadequate facilities for education, food, clothing and housing have increased their social and economic vulnerability. Since schools are used as camps in the conflict zones. The education system has been severely disrupted. Children and women suffer more from mal-nutrition as compared to men. Though a large number of local and international NGOs are working in conflict-ridden areas and are providing people with food, shelter and agricultural inputs both in the cleared and “uncleared areas”, the assistance is insufficient.

Seventeen years of battle have produced about 4000 widows of soldiers. There is no exact data available of the missing soldiers like those of disappeared civilians and those who have been declared dead according to military rules. The loss of spouse or male relatives has pushed these women to become primary breadwinners of the family. Ranjani referred to Sepali Kottegoda who in “Nivedini” had commented on “Female headed households in situations of armed conflict” that, at the personal level, the loss of the spouse and/or sons was in itself an event of great sadness in any circumstances and a sudden loss always produced additional shock. The loss of such an individual in the context of a socio-cultural milieu, which set high value on men and enforced a dependence on men, has had a particular impact on women who suddenly found themselves in situations of being the main decision makers and economic-providers for the families. This has been true of Sri Lanka, as most of these war widows are young, in fact 95 per cent are below 35 years in age and have small children. The state has provided compensation to the amount of (Sri Lanka) Rupees 75,000 to the 100,000 families of soldiers who died in war. In addition, the salary of deceased is also paid to his family until he reaches the age of 55, with all due titles and promotions. The army has also opened up rehabilitation centers for disabled soldiers and their children get preference in school admission.

### **Geneva conventions and women**

In the discussion on women as the worst victims in the ongoing civil war, Sunila Abeysekera referred to the fact that the impact of war and internal conflict on civilians has been a matter of concern to the international community since the late 19<sup>th</sup> century. In 1949, following a series of wars in Europe, four conventions, on the treatment of the wounded and the sick of the armed forces, the treatment of prisoners of war and the protection of civilians in war, were adopted in Geneva. In 1977, two additional Protocols were adopted to these Conventions, protecting the civilian victims of international and non-international armed conflicts. It is an acknowledged fact that women are especially affected by war and conflict. The rape and sexual abuse of women of the “enemy” and the “violation of women’s honour” as well as the enslavement and trafficking of women who are taken as prisoners of war or abducted by the “enemy” are all commonly observed phenomena in wars through the centuries. Various international laws against slavery and

trafficking have been instituted as a response to this situation, while “outrages upon personal dignity” including rape and enforced prostitution are included as violations of international humanitarian law in the additional Protocol II to the Geneva Conventions. In addition, the recent Ad Hoc Tribunals on gross violations of human rights in the former Yugoslavia and in Rwanda have led to the establishment of a range of internationally accepted norms regarding the sexual and physical abuse of women in times of conflict, including the extended definition of rape and the creation of a series of “protections” for women victims who testify against the perpetrators of violence. These have been further amplified in the statute of the International Criminal Court, which now awaits ratification.

In this background Sunila pointed out five critical issues affecting women in armed conflict as in Sri Lanka. These are:

1. Living in conflict areas exposes women to all forms of physical and sexual violence, including rape and harassment. It is difficult and life threatening to bring the perpetrators before the law due to the constraints placed on normal law and order by the conflict. In these situations, women who are victims of violence face severe difficulties in seeking justice and redress for their grievances. In conflict situations, where the perpetrator of violence is a member of the security forces, and special laws in place to curb terrorism, women are even more vulnerable. For example, in Sri Lanka, there are cases where mothers and wives of “wanted” persons have been taken into custody as hostages. Besides, being a member of the Tamil community could be the basis for extended questioning and other forms of harassment at checkpoints. The military charged with law enforcement in conflict situations enjoy impunity and if one of their members is a perpetrator of an act of violence against a woman, there would be a tendency to delay or even hush up the case. To prosecute violations by non-state armed groups is even more difficult. In Sri Lanka, members of opposition armed groups have been known to murder women, shave their heads and humiliate publicly those whom they suspect to be “informers”, or of having a relationship with members of the security forces. It has proved virtually impossible to engage in a dialogue with these groups about these acts of violence, let alone to bring the perpetrators to justice.
2. The circumstances of displacement heighten the vulnerability of women to all forms of violence. The frustration of losing home and livelihood, and the stress of living in “camps” takes a toll on every person but displaced women become easy “targets” of those who are appointed to “care” for them and who are in a position to give or take away various privileges, in their official capacity or as non-state welfare agencies, who are mostly male.
3. From a woman’s perspective, displacement also means losing access to means of livelihood. For example, in the eastern part of Sri Lanka, women used to weave rush mats, catch fresh-water fish and gather produce from the jungle and this was for their own use as well as for sale. But the security situation has declared these areas “no-go” zones, result with that women cannot go to these areas for economic activity. This deprivation of sources has serious implications on the health nutrition of the entire family. It does not only deprive women of their dignity but also gravely affects their social status and their capacity to negotiate key decision-making processes within the family and community.
4. In addition, the ideological framework developed by extreme forms of nationalism and fundamentalism in conflict situations constitutes a grave threat to women’s autonomy and their capacity to enjoy their human rights. The idea of women’s inferiority is propagated, along with an emphasis on her role within the home and family as the bearer of the ‘culture’ and ‘values’ of the community, which is under siege. At the same time, she is perceived as the vehicle through which the community may expand its membership, and

there is a focus on her reproductive capacities, going so far as to call on women to desist from using any form of contraception.

5. There is also a tendency to ignore the role of women combatants in 5. There is also a tendency to ignore the role of women combatants in discussions on women in armed conflict. In the Sri Lanka case, there are women involved in both the Sri Lanka security forces and in the forces of the LTTE. In 1998, the state printed and broadly disseminated a poster that depicted denuded female combatants on the battleground as a part of the campaign to remind the people of the horrors of the period between 1987 and 1989 when there were gross violations of human rights throughout the country. At the same time, women members of the LTTE are arrested and detained under the Emergency Regulations and under the Prevention of Terrorism Act. The conditions of women in prison, especially those women who are political detainees, leaves much to be desired. There is also a tendency for the media to exploit these women detainees by focusing on their stories with little respect for their rights or their dignity.

### **Women's participation in popular movement in north and the east**

Shanthy Sachithanandam of the National Peace Council brought into discussion the important issue of women's participation in popular movements in a war-ravaged country. The post-independent history of the Tamils of the north and east provinces of Sri Lanka has been dominated largely by the debates and struggles revolving around Tamil nationalism and its quest for the right to self-determination. The 1950s and the 1960s saw the non-violent popular struggles of the Tamil parties demanding parity for Tamil language and a federal structure. The 1970s saw the rise of Tamil militancy, which grew into a full-blown war in the face of mounting state violence. Until the middle of the 1980s, participation of women in these movements had been restricted to a token presence or at best as cadres who to function away from the decision-making centers. It is significant that the political leadership of the democratic political parties have been unable to send even a single woman to the Sri Lankan parliament till date. After the rapid militarization of the society that increasingly undermined the political space available to conventional democratic activities, women simply disappeared from the mainstream of Tamil politics for the reason that they were unarmed.

During the late 1980s the major Tamil militant movement, the LTTE, began to recruit women into their fighting force. At present women form a significant number of their battle front forces, having formed independent battalions. It is necessary to look into the changes that these developments have wrought within Tamil society.

This is what Shanthy Sachithanandam described as the eternal dilemma around the issue of private versus public spheres on the basis of gender. A young woman, enthused to play a part in community development processes, enlisted herself as one of the animators of an NGO program in the district of Trincomalee. She was highly motivated towards the issues concerning gender and development. But once she started her voluntary work, she began to realize the obstacles in her way. Her neighbours began to indulge in gossip. Her family members started questioning, "Where are you going? Are you earning, are you being paid? If not, then you must be an immoral woman to gallivant in the area, day in, day out." A woman starting her public life as a highly motivated animator withers away like this due to the family pressure and her's is not the only case. The fundamental question is that of legitimacy for women to use public space. The on-going war in the northeast has changed gender roles within families significantly. Women have begun to undertake many responsibilities related to their livelihood. In numerous instances, they have become the sole breadwinner of their families. Yet, the public space outside of the traditional extended family network has not been made available to women by society. It will allow women to traverse that line only in search of some economic or some material benefit, and that too

preferably in the absence of the male members of the family. But their attempt at a self-fulfilling activity or the espousal of a public cause is not easily appreciated. This seems to be the primary cause of the lack of equality in women's participation in matters related to war and peace.

The atrocities committed against Tamils in the early 1980s led innumerable young people to become cadres for the Tamil militant movement. The aspirations of these cadres revolved around the right to self-determination of Tamil people and in this the unprecedented participation of women invariably brought the issue of women's rights to the forefront. It was felt that the struggle for the right to self-determination should encompass in its fold issues relating to women's equality. It was emphasized that liberation from majoritarian rule on the principle of democracy should neutralized all suspicions that it was for the benefit of only the upper classes. The issues and concerns of the oppressed classes, castes and women needed to be addressed in order to make liberation meaningful to all. In this context, the idea of an independent liberation army of women was put forward but was vehemently opposed by the male leadership of the militant groups.

Later the women impressed upon the militant Tamil leadership that unless they freed themselves from the shackles of tradition and prejudice, they could not play a creative role in the struggle. Even then, the main leaders still harked back on women's role of keeping Tamil tradition alive by avoiding modern dress and abstaining from riding bicycles. Internecine conflicts of mid 1980s wrecked the romantic era of the Tamil movement. Many young men lost their lives and others left the movement and preferred refuge in the West. As a result the major militant group, the LTTE has obliged to change its recruitment process. More women began to be recruited and they were named "Birds of Freedom". These "free birds" could ride bicycles, wear jeans, but all others were still obliged to sport long skirts and saris. The needs of the armed struggle were such that the LTTE formed battalions of female cadres and later they also formed suicide commando units. Unlike early days of the Tamil militant groups when only women from the upper middle classes joined the ranks, in the 1990s women from the poorest of the poor joined them.

But joining war was not the only expression of women's activism. Peacemaking also became another area of activism. As democracy is the anchor on which peace can rest securely, attempts to promote democratic practice and good governance can be considered as strengthening the peacemaking capacity of the society. In the early 1980s, the women of Jaffna first organized a movement for democracy named the Mother's Front. This movement began with demands related to the release of detainees and protest against the indiscriminate arrest of the Tamil People. This movement, dominated by a few upper class women, did not seek to widen its support base and fell prey to the militant groups. Thus, the original objective of forming an independent women's movement for democracy was thwarted. After two years, its old leadership had to withdraw, and severe internal conflicts led to the assassination of the president of the Mother's Front. After the Mother's Front, the only sector where women are visible is the sphere of the non-governmental organizations but their mobilization programs are restricted only to micro-credit projects, income generation, and observation of events such as international women's day. The noticeable factor here is that most non-government organizations assume their role to be non-political, and "neutral". They define peacemaking not as movement for democracy but as bringing all communities together in an artificially created neutral space. The ethnic conflict in Sri Lanka is a political problem; therefore the bulk of the NGOs working in the north-east are unable to grapple with the issue. In this context, it will be well to remember that, if democratic practices do not include women as a significant constituency in the agenda of peace making as well as in activities in mainstream politics, the erosion of democratic values will further increase. A parallel movement for democracy should be in place that gives due recognition to women's participation in politics – in struggles for justice and peace.

Attempt made to propose an alternative to the war, including the 13<sup>th</sup> Amendments. There was no serious attempt to implement the proposal besides the 13<sup>th</sup> Amendment remained so self-contradictory in nature that there was no possibility of its real implementation.

4. Any genuine solution to the problem must include the following factors:

- Taking into consideration the overall collapse of the democratic system in Sri Lanka any attempt at the resolution of the present conflict must include serious proposals for democratization of the whole country. In this the majority community, particularly in the majority community the most suffering section, has to feel that such reforms will be to their advantage;
- The proposals for devolution must thus be linked to proposals of greater democratization of the country;
- The proposals for devolution must be strong enough to encourage the Tamil people to place their faith on them and to persuade those pursuing the path of war to alter their path to one of peaceful negotiations;
- At present neither the government nor the UNP have offered sufficiently attractive proposals of devolution;
- Such a package of democratic reforms coupled with suggestions for devolution could come only if there is a push from among the people themselves, the political leadership of the country, the government as well as the opposition. On the other hand the leaders of the country themselves must show courage and bold leadership in proposing and pursuing such an extensive reform programme;
- To encourage the people into voicing the demands for democratic reforms, it is necessary to have a movement for such reforms and devolution. Such a movement does not exist at the moment. The democratic organizations have to give thought to the creation of such a movement throughout the country.

5. The efforts by third parties towards facilitation of peace negotiations are welcome. Such third-party mediation is an essential component in bringing about a solution to the present crisis. Extensive use of United Nations mechanisms must be made in order to expedite the peace process. Particularly, human rights monitoring by the UN can help bring about a constant dialogue between the international community and the parties to the conflict in Sri Lanka, leading to various forms of assistance from the international community to resolve the present crisis. International NGOs and other organizations must play an active role in supporting the people of Sri Lanka thus making it possible for people to intervene in the present situation.

#### **B. Humanitarian issues and humanitarian crisis**

1. There is a need to democratize and civilianize the entire relief operation in Sri Lanka. Humanitarian assistance should be seen as not only provision of food and shelter but as a wider human rights issue of freedom of access to such assistance. The responsibility of relief services should be taken away from the army and people at large should be involved in the process. The UN agencies, international and local NGOs, government institutions and representatives of the Tamils should be included in the organization and management of humanitarian assistance.
2. There is need to evolve a mechanism for planning and coordination in the four major areas - institutional coordination, modalities of conduct of distribution of assistance, programmatic priorities and reconciliation process. Planning should be participatory and people concerned should be involved in the whole process right from planning to distribution of relief services.

3. Families of the combatants have special concerns and all involved in the process should focus on this area particularly. These families should not be ignored or deprived of their right to access humanitarian services only because their sons, daughters, or relatives are combatants.
4. The Indian government and the civil society in India have a great role to play in the humanitarian crisis. Civil society in India should put pressure on the Indian government to accept refugees pouring into the south and provide them with all available services in accordance with international law. The government of India can play a major role in pressing the Government of Sri Lanka to provide more humanitarian relief.
5. The need to lift the economic embargo on the Tamil areas is immediate. The government of Sri Lanka and the militants are urged to de-escalate the war. Both the LTTE and the security forces are urged to stop using food and other basic amenities as a weapon of war.
6. The state cannot abdicate its obligation to protect and provide for the welfare of all its citizens. The obligations of the Sri Lankan government and the LTTE as a non-state actor under international law, need to be strongly emphasized.
7. The way Tamils are treated by the pass system, the arbitrary detention of Tamil youth, and the denial of legal redress in their own language gravely impede the process of reconciliation. Redress in these areas can and should be the starting point for confidence building. The humanitarian plight of the Muslim and Sinhala minorities in the combat zones needs attention and they should not be made a pawn in ethnic politics.
8. In the context of escalating conflict, a humanitarian corridor should be created under the supervision of the ICRC or any other neutral organization to assist the civilian population to move to safe areas.

### **C. Media in Peace Activism**

1. The audit exercise looked at the issue of media in peace activism, and in this context looked at the role, responsibility, constraints and opportunities of the local, national and vernacular media in the peace process in Sri Lanka. The media has been part of the problem in the sense that it too has impeded the peace process. It is important to find out the modalities through which the civil society organizations can work with the media and frame appropriate media strategies that can help further peace activism.
2. The audit exercise identifies the following areas of concern that need to be focused in a programme of sensitizing the media in peace activism:
  - Media encompass print, electronic, theatre and film. Also the three languages in which newspapers are published - Sinhala, Tamil, and English - should be reckoned with. In the Tamil media there is more space for the human rights dimension, while in the Sinhala media the military dimension and the ambitions and rights of the Sinhalese get more coverage.
  - In understanding media coverage of the conflict, constraints such as the existence of state and non-state media, censorship and self-censorship, and lack of professionalism, should be taken into account. Self-censorship is a major constraint. The absence of professional journalist bodies and professional training facilities for journalists further compound the problem of partisanship and a polarized media in Sri Lanka.
  - The alternative media is limited in outreach. Its impact is marginal in terms of dissemination of information on human rights issues. In particular, there is an acute lack of human rights perspective in the Sinhala media and a bias in coverage and comments.

- There is a problem of credibility of NGOs; they are seen as partisan (i.e. pro-LTTE) and carrying out a foreign-funded peace agenda. The label of being a foreign-funded NGO undermines the capacity of peace building NGOs, especially in cases where an NGO has to work with the section of the media.
- The problem of ‘what is news?’ is also present. Beyond the ethnic conflict, when it comes to issues of social justice, the media shows no inclination to engage. The media does not have a reporting style in which the harassment of ordinary people by the people in power can be adequately highlighted. The changing structure of the ownership of the media has reinforced tendencies in the media to ignore issues of social justice.
- The role of access to Internet has to be emphasized in identifying new media possibilities. Usually Internet access is associated with elitist communication, but the Kothmale experiment demonstrates that rural communities have been able to effectively use the Internet and e-mail. It is important to make full use of alternative resources like the South Asia Citizens’ Web. Ways to de-mystify the Internet usage and overcome resistance of NGOs to information technology have to be found out.
- The possibility of using radio and TV, particularly buying time from FM radio and TV for the purpose of information dissemination related to peace activism has to be explored also.

3. The audit exercise recommends that,

- A workshop should be organized with Sinhala NGOs to de-mystify the use of Information Technology (IT) and to demonstrate how useful the Internet can be for lobbying, and information dissemination. In this context, the Asian Human Rights Commission (AHRC) could assist in organizing the workshop.
- The peace constituency should buy time on FM and state radio and television. Peace building NGOs should lay emphasis on media strategizing.
- Training programs for sensitizing and building the professional capacity of journalists is important. The problem of self-censorship can be countered with better professional training. Also there is need to engage with the larger question of and interrogate “what is news”.
- Making more use of the alternative media is important. Along with this, greater use of South Asian resources, such as the use of traditional resources of communications like the Buddhist stories, is recommended so that the philosophic musings on the wastefulness of wars can be deployed in peace campaigns.
- NGOs as a strategy should access national funding - particularly corporate funding for peace activities. This will expand not only the peace constituency; it will also ensure the commitment of the donors to the cause. It will expand the credibility of organizations that are seen as foreign-funded.
- A campaign should be launched for the enactment of legislation for the “Right to Information Act.”
- The peace constituency should campaign for the right of access of the journalists to the war zone.

#### **D. Women in Conflict and Peacemaking**

1. The audit exercise realizes that the women in various parts of Sri Lanka have different perceptions of the conflict. Their perceptions on ways of peacemaking efforts also differ from each other.

2. War has adversely affected women as a direct result of the conflict and also as an indirect consequence of the conflict. In the war-torn areas of the north and the east, the women are dying, directly due to conflict.
3. The conflict has forced women to become combatants. This again is especially true of women in the north east of Sri Lanka.
4. Women constitute over fifty per cent of the displaced population. Although, the majority of displaced people of the north and east areas are Tamils, Sinhala community members have also been displaced in the border areas.
5. As a result of displacement women are called upon to shoulder the responsibilities of taking care of and earning a livelihood to sustain their families. They have played a pivotal role in holding society together amidst the destruction of war.
6. More and more women face the reality and the prospect of widowhood as a direct consequence of the conflict. Even in such difficult situations, the society and the community around them expect women to be the guardians and torchbearers of the special traditions of the family and the community. They are forced to carry the symbols of ethnic identity.
7. Women are in constant danger of violence against their persons and of being raped. The environment created by the conflict has exposed women to all kinds of sexual exploitation.
8. The living conditions in the camps do not provide adequate privacy and private space to the growing girl child. Due to displacement, parents living in the camps tend to marry off their girls as early as possible. This has increased the incidence of teen marriages. Displacement, lack of infrastructure in camps, and the uncertain security conditions have increased school dropout rates, particularly of young girls.
9. Women belonging to the Tamil community when arrested on suspicion are brought to detention centers and prisons in the south where they have to languish alone in cells without basic sanitary conditions. They have no access to legal assistance.
10. Ethnic polarization has forced women in various communities to think and act in terms of their own community and ethnicity alone. This polarization has made it difficult for women activists of civil society to work together, let alone bring the women of various communities together.
11. In view of the situation mentioned above, the audit exercise recommends ways in which civil society groups need to approach their future work:
  - Women of the three communities may have to be organized separately taking into consideration the different ground situation and the specific needs of communities.
  - There has to be plurality of approach in the tasks undertaken.
  - It has to be accepted that economic empowerment will not always lead to political empowerment. Therefore, the issue of political empowerment has to be specifically addressed.
  - Without political empowerment of women, the movement towards peace will not gather momentum.
  - The notion and the concept of peace differ in different communities. Therefore, the ways and means of peace building will have to be planned and carried out through community- specific activities. Children growing up in camps do not have any notion of a settled peaceful life and co-existing with a community different from theirs.
  - Attention has to be paid to the current situation where on one hand conflict has changed to a great extent the roles that play. On the other hand, women are being made to identify with and communities are forcing women to go back to orthodox and discarded social practices.
  - The goal has to be in the direction of leading peace-building efforts towards democratization of the group and community, which alone will provide women their due space in society and

allow them to take part in the peace building processes. In order to accomplish this, civil society organizations in Sri Lanka have to traverse the entire range of political discourse. Since these are human rights issues, information collected on the ground should be provided to the human rights organizations and they should make these priority issues.

### **Bangkok Statement of Understanding on the Peace Process in Sri Lanka**

We the participants at the Peace Audit Exercise on the Sri Lanka Peace Process being deeply concerned about the prevailing situation stress the importance of greater democratization of the pursuit of peace and the primary role of civil society in this regard. The concentration of the peace process at the highest levels of political decision-making has restricted the space for wider participation of the people and has been a key factor in contributing to the lack of progress. This lack of progress in turn reinforces militarism and polarization of society and has led to the intense suffering of all the peoples of Sri Lanka, particularly those living in the combat zones.

In recognition of our complete opposition to war and the crucial need for a viable civil society agenda for peace, we focus on four themes and identify courses of action to further the peace process - a) Review of the Peace Process; b) Humanitarian issues and the peace and reconciliation process; c) Media and peace activism, d) Women in conflict and peace-making.

We feel that any genuine solution to the problem must include the following factors:

- There has to be recognition of the diversity and respect for the human rights and democratic rights of all peoples of Sri Lanka irrespective of their numerical strength as communities; taking into consideration the serious deterioration of the democratic system, the reform of institutions and processes of governance in the country.
- Proposals for devolution and power sharing must instill faith and confidence in the democratic and non-violent forms of conflict resolution and be just and comprehensive in addressing root causes of the conflict.
- The role of the LTTE must be recognized as integral in any peace process.
- The necessity of a people's movement for democratic reform is considered an essential component of the peace process.
- Third party assistance in the peace process is necessary and unavoidable in ensuring constructive dialogue between the protagonists and the role of the UN and international organizations in monitoring human rights violations and encouraging the peace process is important in the peace process.
- We feel that in defining humanitarian space there is need to go beyond the stereotype of what constitutes humanitarian assistance - humanitarian assistance should not only refer to such items as food, clothing and shelter but also the right of access to these means of existence.
- We deplore the weaponisation of the basic means of survival, for example, food, medicine and shelter and stress the fundamental link between humanitarian issues and human rights. The justification of the intensity of the conflict cannot be used to deprive people of their basic rights and to injure the human dignity of all persons. The state cannot abdicate its obligation to protect and provide for the welfare of all its citizens. The obligations under international law of the Sri Lankan government as representing the state and the LTTE as the non-state actor need to be strongly emphasized.
- The delivery of relief and humanitarian assistance should be handled by civilian authorities and agencies supervised by international humanitarian institutions; there has to be a humanitarian corridor for such supplies supervised by these international institutions.
- The way Tamils are treated by the pass system, the arbitrary detention of youth, denial of legal redress in their own language, gravely impedes the process of reconciliation. Redress in these areas can and should be the starting point for confidence building.

- The humanitarian plight of the Muslim and the Sinhala minorities in the combat zones needs attention and they should not become a pawn in ethnic politics.
- In the context of escalating conflict, a humanitarian corridor should be created under the supervision of the ICRC or any other neutral organization to assist the civilian population to move to safe areas.
- The role of Indian civil society, in particular, in raising and providing humanitarian assistance and urging the government of India to provide shelter to the fleeing population of Sri Lanka is of special importance and will go a long way in evolving norms of South Asian solidarity with the victims.
- Efforts have to be geared towards demystifying the information technology in the interest of the capacity building of the civil society organizations and enabling them to employ the said technology in their campaign and other dissemination programmes.
- The creative use of multi-media and the dissemination of programs promoting peace on radio and TV both private and state owned, are important.
- Training programs for sensitizing journalists to issues of social justice and “what is news” in conflict situations are important and better professional training can be the first step in countering the problem of self-censorship.
- The need for a Right to Information law is crucial. The audit exercise condemns the use of draconian, emergency and censorship laws to restrict freedom of expression and the right to information, and demands their immediate removal. It also calls for immediate free access of the journalists to the war zone.
- The audit exercise feels that women throughout Sri Lanka are the most adversely affected by war both directly and indirectly. Women constitute 50 per cent of the displaced population, and the war experience has affected both their self-perception and the dynamics of gender relationships within communities. In some cases, conflict is forcing the revival of hitherto discarded social practices undermining women’s autonomy in the process. The phenomenon of women headed households has imposed an additional burden on women, but it has also opened up spaces of empowerment.
- Conflict has forced women to think and act in terms of their ethnicity and this polarization has made it difficult for civil society women activists to work together, let alone bringing together the women of the various communities.
- Whilst there has to be a search for common ground on the basis of shared experiences and values, there needs to be a plurality of approach in organizing women from the three communities, taking into account the different ground situations in which they are placed and the specific needs of their respective communities.
- Humanitarian relief and economic empowerment by themselves will not alleviate the situation of women in conflict - the centrality of political empowerment has to be emphasized.
- Democratization of the peace process is as an indispensable condition for the participation of women. It will provide women their due space in society and strengthen their role in the peace building process.

The agony that all the peoples of Sri Lanka are currently enduring demands on one hand a vibrant discourse on democratization and on the other hand comprehensive democratization, devolution and sharing of power. This situation creates an enormous obligation on civil society and its organizations. It also places a duty on the civil society in South Asia to support the people of Sri Lanka at this crucial hour.