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**Winning the peace: conflict prevention after a victor's peace in Sri Lanka**

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Kristine Höglund & Camilla Orjuela

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## **Winning the Peace: Conflict Prevention after a Victor's Peace in Sri Lanka\***

By Kristine Höglund, Department of Peace and Conflict Research, Uppsala University, and Camilla Orjuela, School of Global Studies, University of Gothenburg.

### **ABSTRACT**

How can a relapse into violent conflict be prevented in Sri Lanka? This article examines how the case of Sri Lanka effectively exposes the limitations of the international discourse and practice of conflict prevention. Conflict prevention in Sri Lanka has to take place within a global and domestic context which is largely unaccounted for in the conflict prevention literature and policy discourse. Changes in the international power balance over the last decade have decreased the room of manoeuvre for actors such as the US and EU while giving Asian powers such as China – with a different approach to conflict prevention – more influence over domestic policies in countries like Sri Lanka. Moreover, the conflict prevention discourse and ‘tools’ tend to assume a negotiated peace agreement where the conflict parties have an interest in preventing conflicts rather than merely suppressing them. The significant power-asymmetry between the winning and the losing sides in the Sri Lankan conflict, coupled with the lack of power or interest of international actors to influence Sri Lanka’s domestic affairs – have rendered ‘conflict prevention’ a tool for continued domination and containment of conflicts. The article further highlights the risks that conflict prevention measures may exacerbate conflict or undermine other conflict prevention measures. A number of challenges for conflict prevention – in the areas of 1) demilitarisation/militarisation, 2) political power sharing, 3) justice and reconciliation, and 4) post-war reconstruction and economic development – are addressed in the article.

### *Introduction*

When the Sri Lankan government declared victory over the Liberation Tigers of Tamil Eelam (LTTE) in May 2009, this marked the end to one of the world’s most protracted and brutal internal armed conflicts. During the course of the 26 years of civil war, an estimated 84,000 people have lost their lives, while hundreds of thousands have been forcibly displaced.<sup>1</sup> The end of the war was reached at a very high cost in terms of human lives. At least 7,000 people

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<sup>1</sup> Uppsala Conflict Data Program. UN reports estimate around 80,000–100,000 deaths in the same period.

are estimated to have been killed during the last few months when the LTTE and Tamil civilians under their control were squeezed into a narrowing stretch of land in north-eastern Sri Lanka – making the Sri Lankan conflict one of the major conflicts in recent years, on par with Somalia and Afghanistan.<sup>2</sup>

It is a well-documented fact that an end to a war does not guarantee a sustainable peace. Research shows that around 30 percent of all terminated armed conflict relapse into violence within 5 years.<sup>3</sup> Since the 1990s, the interest among international actors in conflict prevention has increased significantly – one rational being that it is much more cost-effective in terms of both human lives and economic resources to prevent violence than to manage it once it has erupted. The risk of renewed violence in the aftermath of a war makes post-war conflict prevention particularly urgent.

In Sri Lanka, the government did win the war as they defeated the LTTE in 2009 – however, winning the peace remains a much greater challenge. Many of the underlying conflicts which had spurred the LTTE's violent struggle for Tamil self-determination remain unresolved. The brutality of the war, the centralised and Sinhalese-dominated political system, and the Sri Lankan government's lack of interest in political reforms for power sharing and minority rights suggest that the 2009 victory has not only failed to address many of the problems underlying the conflict, but also aggravated some of them. While the LTTE are virtually eradicated in Sri Lanka, the support for Tamil separatism remains high among the large Tamil

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<sup>2</sup> Uppsala Conflict Data Program. Battle related deaths in 2009 are reported at 7,544. The International Crisis Group estimate the number of civilians killed in the first five months of 2009 to tens of thousands (International Crisis Group 2010c).

<sup>3</sup> 31,2% of armed conflicts that were terminated in the period between 1950-2005 recurred within five years (Mack and Nielsen 2008). It is important to note that the estimates generated by global cross-country studies have differed – sometimes quite substantially – depending on the methodology and sub-set of cases which have been analysed (Shurke and Samset 2007).

diaspora, which was a key contributor of funds for the LTTE during the war (International Crisis Group 2010b).

The natural question for a peace researcher is to ask how a relapse into violent conflict can be prevented in Sri Lanka? However, a recurrence of war is unlikely in the immediate future given the near annihilation of the LTTE. Any kind of armed resistance is expected to take a fundamentally different form than the prolonged struggle between the LTTE and the Sri Lankan government forces. For conflict prevention, the relevant questions in the Sri Lankan context are instead about the kind of peace which is currently emerging and how stable such peace will be? This article addresses these vital questions and shows how the case of Sri Lanka effectively exposes the limitations of the international discourse and practice of conflict prevention. Conflict prevention in Sri Lanka is faced with a global and domestic context which is largely unaccounted for in the conflict prevention literature and policy discourse. Changes in the international power balance over the last decade have decreased the room of manoeuvre for actors such as the USA and EU while giving Asian powers such as China – with a different approach to conflict prevention – more influence over domestic policies. Moreover, the conflict prevention discourse and ‘tools’ tend to assume a negotiated peace agreement where the conflict parties have an interest in solving conflicts rather than merely suppressing them. The significant power-asymmetry between the winning and the losing sides in the Sri Lankan conflict, coupled with the lack of power or interest of international actors to influence Sri Lanka’s domestic affairs, have rendered ‘conflict prevention’ a tool for continued domination and containment of conflicts. The article further highlights the risks that conflict prevention measures may exacerbate conflict or undermine other conflict prevention measures.

The article starts with a critical discussion of the international debate and research on post-war prevention of armed conflict. Thereafter we sketch out the background to the Sri Lankan conflict, highlighting how it was a result of numerous failed conflict prevention attempts and discussing the post-war situation of ‘a victor’s peace’. The article goes on to analyse a number of challenges for conflict prevention when it comes to 1) demilitarisation/militarisation, 2) political power sharing, 3) justice and reconciliation and 4) post-war reconstruction and economic development. Lastly, we draw some conclusions about the challenges and limitations of post-war conflict prevention in the contemporary global system and in armed conflicts terminated through a victor’s peace.

### *Conflict Prevention: Theory, Practice and Critiques*

Conflict prevention as an idea took root in the post-Cold War era and is by now an established field both in theory and practice. Its rationale is straightforward – it is easier and less costly – in terms of human suffering and in economic and material expenditure – to take early action than to respond to violence once it has erupted. In addition, given the efforts put into solving armed conflict – in Bosnia, Liberia and Timor Leste to mention only a few examples – there is a need for initiatives undertaken once violence has subsided, guided by the objective of preventing a re-emergence of conflict and to build a durable peace. Such efforts have also been referred to as ‘relapse prevention’ or ‘secondary prevention’. In practice, the conflict prevention initiatives in this phase of a conflict overlap with concepts such as peace building and post-war reconstruction. In contrast to these concepts, conflict prevention is a useful conceptualisation since it emphasises the conflictual and potentially conflict-generating aspects of war-to-peace transitions.<sup>4</sup>

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<sup>4</sup> As an example, the Peacebuilding Initiative defines peacebuilding as “initiatives aimed at preventing the eruption or return of armed conflict” ([www.peacebuildinginitiative.org](http://www.peacebuildinginitiative.org)).

Conflict prevention in the aftermath of war is a twofold undertaking. First, it includes preventing a relapse to violent conflict, and second, it includes constructing a self-sustained peace. Both are necessary for the long-term stability of a country which has experienced a war. The tasks correspond to and overlap with the concepts of direct (or operational) prevention and structural prevention. Structural prevention addresses factors that are likely to alleviate conflict in the long term, such as support to reform the political system in favour of increased participation, the bridging of social or ethnic cleavages, and the promotion of economic development. Direct prevention bring attention to measures which may address conflict in the short-term, such as diplomacy and crisis management, direct economic incentives or sanctions, and the disarmament and demobilisation of armed actors. Thus, by combining measures from both direct and structural prevention, relapse prevention will aim not only at immediate reconstruction, but also address the root causes of the conflict. A war leaves marks on society in the form of broken lives and shattered communities, as well as the emergence of new actors, interests and political agendas. After prolonged violent conflict, consolidation of peace is typically held back by deficiencies in three interconnected areas: political and institutional incapacity; economic and social debility; and a deficit with regard to physical security and the military sphere. Hence, measures to prevent a relapse to violent conflict have to be targeted towards these policy areas.

Since the first systematic formulation of a conflict prevention model, laid out by Michael Lund in *Preventing Violent Conflicts* in 1996, there has been a number of developments in the theory and practice of conflict prevention.<sup>5</sup> In particular, conflict prevention has become the official policy of many countries, regional and international organisations, and mechanisms have been developed to carry out this policy. International NGOs are involved in advocacy

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<sup>5</sup> As examples, see Ackerman (2003); Carment and Schnable (2004); Mason and Meernik (2006); and Moolakkattu (2005).

for early action and in training of their staff to increase prevention capacity. Development agencies have adjusted their aid programmes to integrate concerns about conflict prevention and conflict sensitivity (see Menkhaus 2004, for an overview). Moreover, there is an emerging body of knowledge outlining the conditions under which conflict prevention may work, which highlights the importance of timing and sequencing of initiatives (Lund 2009; Heldt 2009). However, there are remaining shortcomings to the conflict prevention field which broadly can be divided into 1) conceptual confusion and lack of clarity of what conflict prevention is and the strategies which follows, and 2) a mismatch between official rhetoric to act early and deficiencies in actual response which is a result either of lack of capacity or lack of willingness (Menkhaus 2004).

In this article we take a different approach to the critique of conflict prevention. First, we argue that the current state of relapse prevention is modelled on a situation in which efforts to prevent a resurgence of violent conflict often takes place in the context of a jointly agreed to ceasefire or peace agreement.<sup>6</sup> There is an assumption of a negotiated settlement which serves as a basis for direct and structural prevention. Although the agreement may not address all issues in a conflict, the agreement itself is seen as a signal of the parties' willingness to move towards a peace which involves the recognition of the other side as a legitimate actor.<sup>7</sup>

Our second concern is that the conflict prevention paradigm has not adequately addressed who has the power or leverage to undertake conflict prevention. There are two dimensions of this argument. First, while there is a recognition that local capacity for conflict prevention is

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<sup>6</sup> See, for instance, Lund's model, 1996, p. 38.

<sup>7</sup> As an example of how this assumption plays out in practice, the UN Peacebuilding Commission has made clear that it is "likely to deal only with countries emerging from conflict, once a peace accord has been concluded and a minimum degree of security exists. Countries would be expected to express an interest in appearing before the Peace Building Commission. A referral against the wish of the Government is unlikely to take place" (UN Peacebuilding Commission).

required, the perspective is very much one of the outsider. The idea of the international ‘community’ or ‘society’ involved in conflict prevention – the UN, regional organisations, great powers and other concerned countries – excludes a thorough discussion on the involvement of local actors in these processes (Tønnesson 2004). Second, even with the outsider’s perspective, the conflict prevention literature has not sufficiently taken into account the rapidly changing international context. The conflict prevention literature presupposes an international community, consisting of like-minded actors, which has leverage and legitimacy in the countries in which they intervene. With the emergence of, in particular China as a global power with economic and military power and with an interest to expand its influence globally, the UN, EU and the Western powers are losing the leverage it had in the immediate post-Cold War period.

#### *Peace of the Victor: Sri Lanka’s Post-War Context*

The war in Sri Lanka was the result of a range of failures to prevent armed conflict. Ethnicity was politicised during British colonial rule (1815-1948), through, for instance, the practices of census taking and representation in the Legislative Council. The post-independence political system, however, lacked a mechanism for protection of minority rights (Wickramasinghe 1995). The Sri Lankan Tamil minority (about 13% of the population) consequently lost the somewhat privileged position they had held under the British, and was gradually marginalised in a state dominated by the Sinhalese majority (74% of the population). Language reform which made Sinhala the sole official language, university admission reform working to the disadvantage of the Tamils of the northern parts of the island, the granting of a special place to Buddhism (the religion of the Sinhalese) and resettlement of landless Sinhalese in Tamil-dominated areas all contributed to the sense of Sinhalese domination and Tamil marginalisation. This caused grievances which gave rise to the Tamil demand for self-



determination in north-eastern Sri Lanka. Agreements negotiated between Tamil and Sinhalese political leaders regarding language politics and devolution of power in 1957 and 1965 were never implemented (Gunatilleke 2001). Failures to gain support for Tamil demands within the parliamentary system and through non-violent protests, as well as violent riots targeting Tamils contributed to the raise of Tamil militancy and the outbreak of full-scale war in 1983 (Wilson 2000). The decades of brutal armed conflict between the Sri Lankan government and the Tamil militants (most prominently the Liberation Tigers of Tamil Eelam, LTTE) further increased the grievances of the Tamil population, as they were disproportionately affected by violence and ensuing underdevelopment.

The armed conflict in Sri Lanka has since its outbreak been characterised by asymmetric power relations between a rebel movement (the LTTE) and an internationally recognised state (Sri Lanka). Apart from the Indian support in the mid-1980s, the Tamil militants have not received support from any other states and their separatist demand never received international recognition. However, the LTTE – with merely a tenth of the military strength of the Sri Lankan armed forces – managed through a combination of conventional warfare and terrorist tactics to capture and control a substantial part of northern and eastern Sri Lanka, where it ran a pseudo-state between 1990 and 2009. The peace process commenced in 2002 with Norwegian mediation was based on a ‘parity of status’ between the two negotiating parties – the Sri Lankan government and the LTTE. A ceasefire agreement recognised the LTTE’s control over territory and granted the rebels a position as the sole representatives of the Tamils in the peace talks (Rupesinghe 2006). This temporary symmetry between the parties however soon collapsed. The LTTE’s many ceasefire violations and subsequent withdrawal from the peace talks impaired its international legitimacy, while a split of the organisation in 2004 substantially weakened its military strength. As the ceasefire gradually

fell apart, the Sri Lankan government could successfully frame its war against the LTTE as part of the international war on terrorism. The split of the LTTE and international support, including from Asian powers such as China, helped the Sri Lankan government to gradually capture LTTE-held territory and finally kill the LTTE leadership and declare victory in May 2009.

This very decisive victory has made the post-war context of Sri Lanka differ substantially from that which the theory and practice of relapse prevention has normally been applied to. With the total defeat of the LTTE there was no apparent ‘other side’ to reconcile and negotiate a post-war future with. The dominant discourse of the Sri Lankan government after May 2009 has been that the conflict is now solved and that there hence is no need for reconciliation. The problem – terrorism – was eradicated with the LTTE. While the military might of the LTTE made them a key actor at the negotiation table in the 2002 peace process, the annihilation of the LTTE also to a large extent annihilated the interest of the Sri Lankan government to listen to and negotiate Tamil demands. When announcing the victory over the LTTE, the president, famously, stated that:

We have removed the word minorities from our vocabulary [...]. No longer are the Tamils, Muslims, Burghers, Malays and any others minorities. There are only two peoples in this country. One is the people that love this country. The other comprises the small groups that have no love for the land of their birth.<sup>8</sup>

This statement can be read as an indication of the President’s determination to treat all citizens, no matter ethnic identity, equally. But it can also be seen as an attempt to justify repression against those believed to ‘have no love for the land of their birth’ and to deprive

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<sup>8</sup> [www.president.gov.lk/speech\\_New.asp?Id=74](http://www.president.gov.lk/speech_New.asp?Id=74) (accessed 2 February 2010).

the minorities of the possibility to voice their ethnically-based concerns (see International Crisis Group 2010a: 13). In an interview before the presidential elections of January 2010, when asked what message he wished to convey to the Tamil people, the President toned down any Tamil grievances, saying ‘Now I too speak Tamil. So there is no problem at all’.<sup>9</sup> The official post-war discourse pictures Sri Lanka as a multi-cultural society where all ethnic groups live in harmony – but where the Sinhalese, being the majority population, rightfully dominate (cf. Kapferer 1988). This view of post-war Sri Lanka is contradicted by Tamils who maintain that the conflict has not ended, that Tamils are insecure and marginalized in Sri Lanka and that the Tamil struggle for rights and/or self-determination needs to continue. This counter-discourse has not been strongly articulated by Tamils in Sri Lanka, but is vociferously voiced by groups in the diaspora, where referendums among Tamils residing in Europe and North America have demonstrated a close to hundred per cent support for a separate Tamil state among voting diaspora Tamils.<sup>10</sup>

The reluctance of the Sri Lankan state to address underlying conflict causes such as state centralization and minority marginalization can be explained both by domestic power politics and the international context. Domestically, politicians depend mainly on a Sinhalese constituency to stay in power, and hence have little to gain from giving in to minority demands. The increased importance of Asian powers globally, and the competition for influence in the Indian Ocean (and over the crucial sea route between the Middle East and East Asia), has enabled Sri Lanka to forge links with new international partners. Pakistan, India, China, Iran and Burma have all developed closer economic and military ties with Sri Lanka. China has emerged as Sri Lanka’s largest military and aid partner, providing nearly 1 billion USD in 2008 (House of Commons 2009: 36). As foreign development assistance from

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<sup>9</sup> [http://transcurrents.com/tc/2010/01/post\\_486.html](http://transcurrents.com/tc/2010/01/post_486.html)

<sup>10</sup> See International Crisis Group 2010b and various articles at [www.tamilnet.com](http://www.tamilnet.com).

Europe and North America have dwarfed in comparison to the resources coming from Asian countries, the power and legitimacy of the West to influence the Sri Lankan government have diminished. The post-war government in Sri Lanka has increasingly framed Western demands related to human rights and peaceful conflict resolution as ‘imperialist’ and ‘pro-terrorist’. At the same time, the concentration of power around the President and his family has increased after the 2009 victory, while critical media and civil society activists have been attacked.

Internationally, the defeat of the LTTE has also attracted attention from regimes fighting their own internal rebellions. Countries like Burma and Thailand have actively sought the Sri Lankan government’s advice on counter-terrorism (The Economist 2010). At the same time, many other countries have called for investigations into war crimes committed by the Sri Lankan government (and the LTTE) during the last phase of the war, and the UN Secretary General in June 2010 instituted an advisory panel to this end. The Sri Lankan government has vehemently opposed such moves on the grounds that they violate the sovereignty of the country, and that the international actors behind it – many of which had defined the LTTE as a terrorist outfit – were applying double standards.

### *Conflict Prevention in Post-War Sri Lanka*

The conflict prevention literature commonly highlights four areas in which direct and structural prevention should be focused in order to avoid a relapse into violent conflict once a war has been terminated: 1) in the military sphere, 2) within politics, 3) with regards to justice and reconciliation, and 4) in the economic realm. We now turn to an analysis of activities in all these four arenas to identify challenges for conflict prevention in the Sri Lankan post-war context.

### Demilitarisation/Militarisation

The conflict prevention paradigm highlights demobilisation, demilitarisation and reintegration of former combatants as critical steps in relapse prevention (Spear 2002). Basic security is required to move forward with other processes such as political and social reconciliation, and economic development. In addition, the former combatants have the military know-how to pose a potential security challenge in case entrepreneurs of violence are seeking to remobilise for renewed conflict (Themnér forthcoming 2011). In a longer term, reform of the security sector and a demilitarisation of society at large are necessary for building a self-sustainable peace (Call and Stanley 2003; Call 2007; Schnabel and Ehrhart 2005).

The Sri Lankan post-war context poses significant challenges for such reforms. More than 20 years of civil war has resulted in a highly militarised society, and the last years of the conflict resulted in unprecedented levels of militarisation. The government's strategy rested – among other things – on a 40% increase of the security forces over a two-year period (Jane's Intelligence Review 2009). While the war is over, there are few signs of demilitarisations. In fact, the defence allocation reached record levels in the government's first post-war budget proposal, with a 15 per cent increase compared to the year before (Perera 2010b). New permanent military bases are being set up in areas previously held by the LTTE in the north and in the east.<sup>11</sup> Since the army constitutes a major source of employment and economic activity, there are concerns for what a slimmed peace-time military would imply for economic development and growth in Sri Lanka.

There are also major concerns about the fate of suspected LTTE cadres encamped in Sri Lanka. Militarily, the LTTE was crushed. In the last phase of the war, the LTTE leadership inside Sri Lanka was either killed or captured and the military structures inside of the country were destroyed or dismantled by the government. The LTTE diaspora leadership

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<sup>11</sup> See, information from Sri Lanka's Ministry of Defence, [www.defence.lk](http://www.defence.lk)

was further weakened by the arrest of the LTTE top overseas leader in August 2009. After the war Tamils suspected of ties with LTTE, numbering approximately 11,000, were held in extra-legal detention centres. Human rights organisations raised severe criticism against the government for their handling of the suspected LTTE cadres due to the lack of legal process, lack of registration of who is held, and suspicions of ‘disappearances’ and torture. There has been no access for even the International Committee of the Red Cross (ICRC) to the detained LTTE suspects (International Crisis Group 2010a).<sup>12</sup> A year after the end of the war, in May 2010, the government announced that over 2000 ex-LTTE cadres had been released after having gone through ‘rehabilitation.’<sup>13</sup> Ceremonies have marked the return of the ex combatants, including children, to society, after having been provided with vocational training, opportunities to complete their basic education or garment industry employment.<sup>14</sup>

A DDR program was launched in 2009 to disarm and demobilise TMVP – the political party which was formed by former LTTE commander Karuna who splintered from the LTTE in 2004. After the TMVP turn to the government side, they retained their arms and continued to constitute a security risk in the eastern parts of the country after the east had been captured by government forces in 2007. The TMVP has been politically integrated, and competed in local and provincial elections during 2008, but failed to secure any seats in the April 2010 parliamentary election. There is little indication that a DDR process is serving as a vehicle for building trust among former enemies, in either of the LTTE or the TMVP case. Instead, the treatment of the many former LTTE cadres that have remained in detention is a source of new grievances for part of the Tamil population who viewed the LTTE as its voice in the struggle for self-determination.

In Sri Lankan society more broadly, the military has gained an important role. In the immediate aftermath of the war there were jubilant celebrations of the military as heroes. It

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<sup>12</sup> See also Human Rights Watch 2010.

<sup>13</sup> [http://www.defence.lk/new.asp?fname=20100520\\_03](http://www.defence.lk/new.asp?fname=20100520_03)

<sup>14</sup> See various articles at [www.defence.lk](http://www.defence.lk).

has also been announced that a Victory Parade will be organised by the Government on May 18 on an annual basis to commemorate the victory over terrorism.<sup>15</sup> Posters portraying the military as heroes became a common feature of Sri Lankan public space during the last phase of the war. The militarisation has also entered into popular media. As an illustration, the society magazine *Hi!!* issued a 10-page cover story to salute the war heroes (the Sri Lankan military forces) with the front cover with a heavily armed special forces commander resembling an action film character. While the military has an important role in any war context, the glorifying depiction of the soldier in these posters and magazines is new in the Sri Lankan context and is at odds with the need of society to demilitarise and reconcile.

To prevent conflict, civilian control over the military is required and a separation between military and civilian functions is recommended. However, in the Sri Lankan context there have been concerns about further militarisation also in the political arena. The entry of former General Sarath Fonseka into the presidential election campaign in late 2009 was indicative in this regard. Fonseka was in command of the Sri Lankan Army in the defeat of the LTTE and went straight from the military to political campaigning without any civilian experience. There were fears that there would be a blurring between military and civilian government in case Fonseka won the election (Perera 2009a). However, Fonseka was defeated in the election and was immediately after the election arrested. He was subsequently sentenced to imprisonment for having bypassed military procedures in purchasing military equipment and involving his son-in-law in the dealings during his time as the army commander. However, the arrest of Fonseka was generally seen as a way for the president to use the military tribunal to do away with a political opponent rather than an effort against the blurring of the political and the military. The appointment of several army officers in Sri

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<sup>15</sup> "Victory Parade at Galle Face Every May 18", Ministry of Defence, Sri Lankan Government, May 1, 2010. [www.defence.lk](http://www.defence.lk).

Lanka's foreign service and the prominent role of the military in the rebuilding of the war-torn areas raises concerns about a possible militarisation of civilian functions.

In conclusion, in the Sri Lankan post-war situation, prevention of a relapse to violence is done through heavy militarisation, rather than extensive demilitarisation and trust building between former armed actors.

### Political power and reform

In many cases of armed conflict, exclusion from political influence for large sections of society is at the very core of the conflict and is the underlying grievance driving the conflict. A post-war context provides an opportunity for political reform. The conflict prevention paradigm calls for political transformation, inclusion of former political opponents in the political process, and further democratisation to address the root causes of the conflict (Jarstad and Sisk 2008). A number of countries have taken the opportunity to reform the constitution in the wake of a war ending (Reilly and Reynolds 2000).

The Sri Lankan post-war situation can primarily be described as a series of missed opportunities with regards to political reform. The president has consolidated political power in a series of provincial elections as well as in the presidential and parliamentary elections in January and April 2010. This consolidation of power could have been used to carry through with the reforms of the state structures in favour of devolution of power and decentralisation of the state, which have been on the political agenda as a solution to the conflict for decades (Uyangoda 2010). Instead, the consolidation of power has entrenched the reform resistance which has dominated Sri Lankan politics. There have also been no signs of political will to implement important amendments to the constitution. For instance, the 17<sup>th</sup> amendment, which was aimed at depoliticising institutions such as the police and election commission, have remained unimplemented due to unwillingness of successive power-holders to restrain



their own power. Although the president has announced an implementation of the 13<sup>th</sup> amendment to the constitution from 1987, according to which power should be devolved to the provinces, this is yet to materialise. The centralisation of power and presidential control over the state was further strengthened by an 18<sup>th</sup> constitutional amendment in September 2010, which repealed the 17<sup>th</sup> amendment and allowed for a re-election of the president for more than two terms.

The ending of the war has had severe implications for minority politics in Sri Lanka. The political representation of the Tamil population remains an unsolved issue. For decades, the LTTE's military strength gave them credence to push for a political solution. With the end of the war, the Tamil community's position has been severely weakened and their issues of concern have been close to obliterated. The entry of General Fonseka into the presidential contest in 2010, however, meant that both Sinhalese candidates were dependent on the Tamil vote, which resulted in a raised profile of Tamil concerns in the campaign more broadly and an alignment of the Tamil parties with the Sinhalese parties. However, dynamics in the parliamentary elections only a few months later were fundamentally different. In fact, there appeared to have been an adaption among the Tamil parties to the political reality and an acceptance that opposition was more or less futile, which resulted in an extremely low Tamil voter turn-out.

A proposal by the government to ban ethnically-based political parties (parties with ethnic or religious labels in the party name) in 2009, was seen as further sign of the government's strive to consolidate power for the Sinhalese majority at the expense of the minorities (Perera 2009b). However, the proposal was deemed unconstitutional by the Supreme Court.

The weakening of Tamil parties in Sri Lanka stand in stark contrast to diaspora politics, where several initiatives have been taken to continue the Tamil struggle for self-

determination in Sri Lanka post-LTTE. The establishment of a Transnational Government of Tamil Eelam, and referendums held in numerous diaspora countries confirming the Tamils' support for a separate state, as well as a range of other initiatives indicate a strong engagement in the diaspora which does not necessarily match the limited room to maneuver and more pragmatic stance of Tamils in Sri Lanka (see International Crisis Group 2010b).

Moreover, Sri Lanka continues to be fraught with a violent political culture. In the presidential and parliamentary elections in 2010, violence was used as a tool against political opponents.<sup>16</sup> Critics of the government in the media and civil society have been silenced with threats and attacks, while emergency legislation has continued to allow for arbitrary arrests and detentions.

The international influence in the political arena is limited. Although Western powers, such as the US and EU, continue to argue for the need of a political solution to the conflict over minority concerns, they have little leverage over Sri Lanka's government. India, which hosts a large Tamil minority, has also been raising the concern of devolution of power, but with little success. The country with most economic clout – China – remains silent on political issues.

In conclusion, the prevention of relapse to conflict in the political arena is done through political dominance of the majority and the further centralisation of the state, while repression continues to be a tool to silence or weaken political opponents, civil society and media actors.

### Justice and reconciliation

There is a general agreement in the literature on post-war conflict prevention that for peace to be sustainable past atrocities need to be addressed and relations need to be restored between

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<sup>16</sup> See reports issued by the monitoring agency Center for Monitoring Election Violence (CMEV), [www.cpalanka.org](http://www.cpalanka.org).

groups divided by conflict. How this should be done is however contested. Atrocities have, for instance, been dealt with through truth telling and amnesty (in South Africa), or through bringing perpetrators to trial (in Rwanda). Efforts towards post-war reconciliation have, among other things, focused on dialogue and interaction between people from different sides of a conflict divide.<sup>17</sup>

Throughout the years of armed conflict in Sri Lanka, a culture of impunity has been deeply engrained in society. Perpetrators of violence against civilians and other war crimes have only rarely been prosecuted. Almost all alleged crimes during the over 20 year long civil war have gone unpunished. The escalating violence and the many war crimes have served to deepen the grievances held by all ethnic groups in the conflict. Failures to hold perpetrators accountable have led to lowered restraints and a worsening of abuses (International Crisis Group 2010c).

The end of the war could potentially create an opportunity to put an end to impunity and rebuild trust in the judicial system and across the ethnic divide. However, there has been strong resistance in Sri Lanka against any investigations into alleged war crimes. The government has claimed that “there were no civilian deaths at all” in the end phase of the conflict,<sup>18</sup> despite ample evidence of the contrary. Calls by the UN and international human rights organisations for thorough investigations and prosecution of perpetrators have so far not led to any substantial outcomes. The fact that the UN Human Rights Council meeting in May 2009 congratulated Sri Lanka to its victory over the LTTE, rather than condemned its blatant human rights violations, illustrates the inability of the international community to act. Countries such as China and Russia have repeatedly supported the Sri Lankan government, blocking any international action against Sri Lankan war crimes.

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<sup>17</sup> For different approaches to reconciliation and justice see, see Long and Brecke (2003) on public ceremonies of forgiveness; Hayner (2010) and Rotberg and Thompson (2000) on truth commissions; Golstone (1998), Holsti (1991) and Kritz (1995) on domestic or international judicial processes.

<sup>18</sup> See e.g. address by President Mahinda Rajapaksa at the ceremonial opening of Parliament, May 19, 2009, [http://www.president.gov.lk/speech\\_New.asp?Id=74](http://www.president.gov.lk/speech_New.asp?Id=74)

A civil society initiative to investigate Sri Lankan war crimes in the so-called 'Dublin tribunal' in early 2010, which unilaterally condemned Sri Lanka and disregarded LTTE crimes, was deemed too one-sided to be taken seriously. Tamil diaspora groups have campaigned for justice to be made for the Tamil victims of the war, and have also pursued prosecution in the USA for Sri Lankan top politicians and militaries holding citizenship or permanent residency there. A commission on reconciliation and "lessons learnt from the recent conflict", instituted by Sri Lanka's president – largely in response to international criticism – began its hearings in August 2010. The focus was to a large extent on criticism of the 2002 peace process and the former government that initiated it, while the hearings of Tamil victims in the former war zone received less prominence. Human rights organisations have criticized the commission for "failing to meet basic international standards for independent and impartial inquiries" and deemed it unlikely that its work would lead to any serious investigations into government atrocities during the war (Perera 2010c). The expert panel set up by the UN Secretary General to advise him on how to deal with alleged war crimes in Sri Lanka has been rejected by Sri Lanka's government.

Protracted violence and, particularly, the exceptionally brutal end phase of the war has created a rift in Sri Lankan society, clearly visible in the aftermath of conflict where large sections of the Sinhalese population celebrated the victory, while large parts of the Tamil population mourned their dead and worried about the future. The fate of close to 300,000 internally displaced Tamils who for many months after the war were confined to camps in appalling conditions further eroded the legitimacy of the Sri Lankan government in the eyes of many Tamils. The one year anniversary of the war further illustrates the ethnic divide in Sri Lanka: while the government declared a 'Victory day' and a 'Sri Lankan war hero week', the largest Tamil party (TNA) and Tamil diaspora groups instituted a time of mourning.

A number of UN organizations, international NGOs and local civil society groups are engaged in activities which aim to provide space for dialogue and collaboration across the ethnic divide. These, however, are often donor driven initiatives, that are not given publicity and recognition in official discourse, and that have a limited outreach. Some ‘dialogue attempts’ have been initiated by Sinhala nationalist organisations, or even the Sri Lankan Armed Forces,<sup>19</sup> with an aim to reach out to the Tamil victims of war and build a unified Sri Lanka (that is, a Sri Lanka without ethnically-based political and military struggles).

Generally, reconciliation efforts have been overshadowed by triumphalism and patriotism. However, the government has simultaneously portrayed itself as the savior of the Tamil people and Sri Lanka as a multi-ethnic country. This is visible for instance in posters such as the one where three children – a Tamil, a Muslim and a Sinhalese – all show their respect to a soldier. ‘Reconciliation’, hence, is conditioned on the recognition of the Sri Lankan government as the victor and the Sinhalese armed forces as heroes.

At the same time, areas that were isolated during the war have been made accessible, allowing for increased inter-ethnic interaction. The flow of Sinhalese tourists and pilgrims to the Tamil cultural capital of Jaffna has been massive. While this could potentially enable dialogue and reconciliation, the local Tamil population has expressed concerns that the Sinhalese visitors do not show respect to local religious customs (Perera 2010a). Increased ‘ethnic mixing’ in the north and east of the country has also been in the form of an inflow of Sinhalese settling in Tamil areas (for example in military camps that are newly established or made permanent). What the government may describe as inter-ethnic ‘reconciliation’ is by many Tamils interpreted as intensified Sinhalese dominance (see International Crisis Group 2010a).

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<sup>19</sup> See [http://www.defence.lk/new.asp?fname=20100621\\_08](http://www.defence.lk/new.asp?fname=20100621_08)

In conclusion, it is clear that Sri Lanka's approach to both justice and reconciliation is characterized by the asymmetry of the war ending: the winning side has a very limited interest in imposing justice on perpetrators of war crimes, while inter-ethnic interaction post-2009 takes place largely on the conditions of the government and the majority population.

### Reconstruction and economic development

While justice and reconciliation is largely absent from Sri Lanka's post-war policies, the importance of reconstruction and economic development, on the contrary, is emphasized by the government as a main path towards sustainable peace. In the conflict prevention literature, economic stability and swift rebuilding of war-torn areas is stressed as important factors for successful conflict prevention. Since economic instability can exacerbate grievances that motivate renewed violence, while also leaving groups of the population unemployed and hence easily mobilized, economic stability is a key concern for conflict prevention (Collier and Hoeffler 2000; Debiel and Klein 2002).

To be a country affected by protracted civil war, Sri Lanka's growth rates have been surprisingly high, averaging just over five per cent between 1995 and 2008 (Shastri 2004; House of Commons 2009). However, economic development is unevenly distributed geographically, with the main economic prosperity found in the west of the country, particularly around the capital Colombo, and the north and east of the island falling behind due to both a lack of investments and the destruction caused by the war (Sarvananthan 2009). The end of the war has provided opportunities for large development and reconstruction initiatives in these areas, as well as elsewhere. The government has – with the help of foreign donors – focused on a number of large-scale infrastructure projects. Two ports are under construction (in the south and the east), a new airport is planned (in the south) and several coal, wind and hydro-power plants are being built or in the planning stages, along with roads,

railway and a range of urban development projects. Development and reconstruction efforts are reportedly planned and carried out by the central government, with very limited transparency and consultation with the local population (Bulathsinghala and Parakrama 2009). Hence, what could have been an opportunity to move towards greater devolution of power – for instance by increasing the role of the Provincial Councils in reconstruction and development – has instead replicated the centralized nature of the state in Sri Lanka. Although economic development and reconstruction in itself may contribute to decreasing the grievances of minority groups in the war-torn areas, it may also increase their sense of distress through the entrenched centralization, lack of popular participation and allegations of corruption. Concerns have been raised that reconstruction projects are carried out without sensitivity to potential conflicts, and that development and security interventions in the north and east of Sri Lanka have paved the way for an inflow of Sinhalese settlers to traditionally Tamil areas (cf. International Crisis Group 2009; Fonseka and Rahim 2010: 31f). The displacement of Tamils during the war has in some cases been taken advantage of to make room for large-scale development investments, such as the coal power plant in Trincomalee district. This lack of conflict sensitivity is facilitated by a lack of coordination among donors, and key donors' minimal interest in making human rights and conflict sensitivity a condition for support. Asian powers such as China play an important role in post-war reconstruction and development in Sri Lanka, and have showed limited interest in pushing for conflict sensitive development. Western donors who may be more interested in conflict prevention lack leverage as their contributions dwarf in relation to the resources provided by Asian development partners.

Nevertheless, one instance where the European Union has had some leverage to influence Sri Lanka in the economic field is in relation to its trade preferences for Sri Lankan

garment exports. Sri Lanka was added to the so-called GSP+ scheme<sup>20</sup> of vulnerable countries (that have agreed to uphold certain environmental and human rights standards) in the wake of the 2004 tsunami. The scheme has been vital for Sri Lanka, which depends heavily on the European market for its garment exports. The review process to determine whether Sri Lanka would be given an extension of the scheme after its first five years enabled the EU to put some pressure on the Sri Lankan government when it comes to human rights, for instance the treatment of the internally displaced Tamils. However, GSP+ is an example of how measures to ensure direct conflict prevention (immediate human rights concerns, for instance) may undermine structural conflict prevention. EU's threat to end the trade agreement was able to instigate limited short term changes in Sri Lanka. However, the subsequent termination of the GSP+ scheme could potentially undermine long term stability, as it would severely affect Sri Lanka's economy in general and employment of young people in particular.

In conclusion, reconstruction and development is the conflict prevention area where the Sri Lankan government has made the most efforts. However, there are many examples of how development initiatives may create new conflicts and exacerbate the grievances of minority groups. International actors can help boosting economic growth that may have a conflict preventing effect, but at the same time they risk supporting conflict-fuelling development initiatives.

### *Concluding Remarks: Challenges Ahead*

What are the challenges ahead for the theory and practice of conflict prevention generally and in the Sri Lankan context specifically? Several important points emerging from the analysis are worth highlighting.

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<sup>20</sup> Generalized System of Preferences



A first issue relates to asymmetry and conflict prevention. The conventional way of thinking about relapse prevention in peace research – also underlying the activities of concerned international actors – has been to assume a basic symmetry between the primary actors involved in the conflict. Such symmetry emerges from a negotiated settlement which in turn is the result of military stalemate and a realisation of both parties to the conflict that concessions to the other side is required to achieve peace. The Sri Lankan situation clearly challenges these assumptions. The conflict prevention paradigm – with its distinction between direct and structural prevention and different tools – does not give much guidance to relapse prevention in post-war contexts where there is a clear victor and the victor lacks a political will to address the root causes of the conflict through political reform as well as to use the reconstruction process as a vehicle for building trust. In Sri Lanka, conflict prevention is above all carried out through the suppression of opposition. The power advantage is used to strengthen the dominant position of the majority group generally and the power holders more specifically.

A second point, that runs parallel to discussions on asymmetry, is the normative debate on the War on Terrorism (which focuses on the military tool, criminalisation and financial sanctions to deal with armed groups) versus conflict resolution (which focuses on negotiation, dialogue and the issues underlying the conflict). The War on Terrorism has increasingly come to dominate the international response to internal violent conflicts. The military tool is replacing the negotiation- and compromise-based solutions. Internationally, the Sri Lankan defeat of the LTTE was heralded as a great success in the war against terror, albeit the human cost associated with winning the war. The difference in approach to dealing with internal armed conflict is, on the one hand, a normative one. On the other hand, the consequences for durable peace are ultimately an empirical question, where conclusive evidence is still lacking. While more research on the consequences of military defeat versus

negotiated settlement is still needed, there is evidence indicating that victories to larger extent than negotiated settlements generate severe consequences for human security. For instance, while military victories are generally more likely to end civil war than negotiated settlements are, genocides are more common in the wake of military victories (Licklider 1995).

Sri Lanka faces a number of challenges that need to be urgently addressed to ensure durable peace. While a post-war context in many countries create opportunities for a move towards further democratisation, Sri Lanka instead appears to be consolidating a semi-authoritarian and highly centralised state (DeVotta 2010). Activities are currently undertaken to reconstruct the war-torn areas. While such reconstruction is clearly required to alleviate the hardship experienced by the people in these areas, there is great risk that these initiatives – due to its centralisations and further domination and marginalisation of minorities – will serve to exacerbate or create conflict in Sri Lanka, rather than serve as a vehicle for building trust.

The case of Sri Lanka vividly illustrates the limitations to conflict prevention efforts as the map of global power is being redrawn. International actors with human rights and conflict prevention on their agenda have less leverage when rising powers such as China provide both large-scale funding for development and protection against international criticism and reprisals. It is also worth noting that conflict prevention is difficult to exercise also because some conflict prevention measures may in fact undermine other measures. An example of this is the politics around EU's trade preferences, where the threat to withdraw the scheme did put some pressure on the Sri Lankan government, but which also came to be used by the government to further strengthen nationalistic anti-west sentiments (EU being framed as an imperialist power intervening in Sri Lanka's domestic affairs). The withdrawal of the trade preferences as a consequence of the human rights conditionalities, risks undermining Sri Lanka's economic stability and cause large-scale unemployment, hence potentially laying the ground for new conflicts. Similarly, demobilisation of Sri Lanka's large armed forces, while

being an important step towards sustainable peace, could cause instability since that would do away with crucial employment opportunities for the rural youth. Moreover, initiatives taken towards justice, reconciliation and reconstruction risk to instead undermine trust if they are perceived to serve only the winning side and to marginalise those holding legitimate grievances. Whether Sri Lanka will succeed in preventing renewed violent conflict – in spite of the limited possibility and will to implement the conflict prevention measures prescribed by conflict prevention literature and policy – remains to be seen.

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