

Enhancing Human Security in the Eastern Province

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Road Map Program

Centre for Policy Alternatives

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The Road Map Programme

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The Berghof Foundation established a branch office in Colombo according to the Companies Act of Sri Lanka. The vast majority of activities will be implemented in cooperation with institutions and organisations in Sri Lanka. The RNCST has been discussed with the partner organisations on various levels and has been adapted accordingly. In the course of the pilot phase, this process of regularly assessing the usefulness of the various capacity building measures will be an ongoing task.

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The **Foundation for Coexistence** assists in programs which ensure peace, security and reconciliation for all the communities in Sri Lanka. Its programs are based on promoting preventive diplomacy, early warning rapid response, and developing initiatives for coexistence and reconciliation. It is engaged in policy dialogue with key actors in Sri Lankan society.

Glossary of Terms

CHA	Consortium of Humanitarian Agencies
CMB	Confidence Building Measures
CWC	Ceylon Workers Congress
DII	Directorate of Internal Intelligence
EPRLF	Eelam Peoples Revolutionary Liberation Front
GoSL	Government of Sri Lanka
HSZ	High Security Zones
IDP	Internally Displaced Person
JTF	Joint Task Force
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
LTTE	Liberation Tamil Tigers of Eelam
MoU	Memorandum of Understanding
NGO	Non-Government Organisation
NIB	National Investigation Bureau
NUA	National Unity Alliance
PA	People's Alliance
RRR	Relief, Rehabilitation, and Reconciliation
SLFP	Sri Lankan Freedom Party
SLMC	Sri Lanka Muslim Congress
SLMM	Sri Lankan Monitoring Mission
STF	Special Task Force
TNA	Tamil National Alliance
UNF	United National Front
UNP	United National Party

Executive Summary

The paper examines the current security situation in the Eastern Province, which constitutes a severe challenge to the peace process in Sri Lanka. The assurance of human security must be seen as the strategic priority for a peace settlement in the North and the East.

This paper argues that, whilst Track I diplomacy has been largely successful, Track II initiatives involving citizen-based initiatives are lagging far behind. Unless Track II initiatives are addressed, there is a danger of destabilization and confrontation in the eastern region. An immediate and urgent issue that must be addressed is the question of human security in the Eastern Province. Immediate measures have to be taken to create a comprehensive security framework. The issue of resettlement and reconstruction of the war-torn areas assumes a high priority if it is to meet the needs and expectations of the large numbers of returnees. Confidence building measures must be conducted simultaneously with regards to fishing, the free movements of people, the relaxation of security zones, and the removal of land mines. The immediate grievances of the communities need to be addressed as soon as possible especially concerning land questions. The fundamental challenges facing the communities are: the power-sharing arrangements, representation, minority rights, and protection of human rights. These issues should be addressed. The question of human security remains the paramount concern in the region.⁷

I. Introduction

The paper addresses a crucial issue concerning the process of post-settlement peacebuilding in deeply divided societies. It concerns the question of human security in the transitional period between a negotiated settlement and the establishment of sustainable democratic institutions. The continuation of inter-ethnic enmities, fuelled by mutual mistrust, suspicion, and the resulting fears of further hostilities, seriously threatens the political power sharing which is the foundation of post-war reconciliation, reconstruction, and institution building. In such transitional periods between no war no peace periods, strategies for preventive diplomacy must be deployed as a matter of priority to mitigate the recurrence of violence. Such tools for conflict prevention have been developed over the last two decades and should be applied in the context of Sri Lanka.²

The nature of the conflict in Sri Lanka needs to be clearly delineated. Whilst the conflict has been defined as primarily between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE), it is important to recognize that there are multiple conflicts, which need to be identified and addressed. Otherwise these conflicts will have a decisive impact on the negotiations process. These multiple conflicts can be identified as:

- (a) conflict between the GoSL and the opposition parties, particularly the president.
- (b) conflict between Sinhalese, Tamils, and Muslim in the eastern region, and
- (c) potential conflict between Sinhalese and Tamils living in the Hill country.

The conflict map cannot be restricted to the eastern region since Tamils, Sinhalese, and Muslims also live in the south of Sri Lanka. The conflict in the eastern region could easily spill over to the rest of the country. It is therefore important to identify actors in the conflict and the dynamics that govern their behavior.

This paper is based on an eight-day field visit to the Eastern Province in October 2002. Visits were made to Trincomalee, Batticaloa and Ampara, where meetings were held with the government agents, Divisional Secretaries in each of the districts, the military, police, the LTTE, the Consortium of Humanitarian Agencies (CHA), peace committees, religious organizations such as the Federation of Mosque Institutions, the Governor of the NorthEast Provincial Council and many other non-governmental organizations (NGOs). The study was based on a detailed questionnaire and supplemented by intensive discussions held with a number of individuals.³ I am grateful for the support and patience that they all showed towards my never-ending questions.

I.1 Definition and discussion on human security

The issue of human security is central to the post-conflict peace settlement process. Human security has been presented as a means of reducing the human costs of violent conflict.

Box 1: Defining Human Security

For the purpose of this paper, human security is defined as “the freedom from pervasive threats of people’s rights and ensuring the safety of lives.”² The concept of human security has increasingly centered on the human costs of conflict. Sverre Lodgaard, has pleaded for a definition of human security where the defining criteria is “vulnerability to physical violence during conflict.” In this sense, the concept of human security should be confined to freedom from fear of man-made physical violence, also referred to as direct, personal violence.

State security is concerned with the threats to national security of the state and the maintenance of law and order. The concept of human security arose as a result of the failure of many states to deal with the protection and security of individuals and communities. There are obvious interconnections between state security and human security and this paper will address both these concepts. A Canadian paper on human security identifies a number of priority areas, which are crucial to the protection of civilians. The paper refers to the protection of war affected children, the resettlement of internally displaced persons (IDPs), human rights capacity building, including the deployment of civilian human rights experts, early warning and conflict prevention, and the elimination of land mines.⁴

The Sri Lankan state has not been able to protect the security of any of its peoples. The protracted conflict between the GoSL, the LTTE, and other Tamil militant groups resulted in a situation where the entire peoples of the NorthEast were at risk. The peoples in the south also suffered gross human rights violations. This paper will not go into any detail of the atrocities committed by all sides to the conflict. The litany of massacres, forced evictions of peoples, gross human rights violations, extra-judicial killings, and attacks on civilians, women, and children have been elsewhere well documented. The north and the east were the theatres of war and contention, and the populations went through a traumatic and frightening experience.

I.2 Track I, Track II, and Track III

Track I includes actors from the political and military elite, and representatives of the conflict parties. The activities that occur at this level can include both official and coercive measures, such as sanctions, arbitration, and power mediation, as well as non-coercive measures, for example facilitation, negotiation mediation, fact-finding missions, and good offices.

Track II is defined as unofficial, informal interaction between members of adversarial group to develop strategies, influence public opinion and organize human and material resources in ways that resolve their conflict. Track II initiatives enable space for dialogue in a more unofficial setting. Facilitated dialogue between adversarial groups can compliment Track I activities.

Track III is defined as initiatives to achieve reconciliation, healing, problem solving, and mediation at the grassroots level. These initiatives are community-based initiatives, which

use a variety of methodologies to promote reconciliation and coexistence. These initiatives are multifaceted ranging from work towards healing, trauma treatment and workshops to promote reconciliation and coexistence.

Multi-track diplomacy is defined as “the application of peacemaking from different vantage points within a citizen-based network.” The emphasis is on making citizens a major stakeholder in the process of transformation. Multi-track diplomacy is based on two principles. The first is that *the greater the degree of concern and effort there is to prevent or resolve a conflict, the greater the chance of success*. What is intended is that citizens share the burden of reconciliation, conflict resolution and networking to revive and transform relationships. The second is that *the limitations of each actor or sector can be overcome through cooperation and coordination* with others. What is meant here is that strategic sectors of society such as business elites, trade unions, professional organizations, religious organizations, war victims, NGOs and other numerous peoples are involved in sharing the burden of conflict transformation. (Rupesinghe, Kumar 1998 *Civil War Civil Peace*)

This paper argues that Track I, defined as official diplomacy, has been partially successful.⁵ Already a positive environment has been created and a framework established for the pursuit of constructive negotiations. The current effort has been bold and well structured. The architecture that has been developed at Track I level is the most comprehensive to date.⁶ Nevertheless, no efforts seem to be made to keep civil society informed, consulted or engaged. This feature is also characteristic of the LTTE. There are no regular forums for consultations with civil society institutions; there are no frameworks established where the views of civil society could be obtained in a sustainable manner. A typical failure in Track I diplomacy is to ignore other stakeholders and not to take into consideration secondary conflicts which are likely to take center stage. This point draws sharply into focus the need for developing forms of preventive diplomacy.

An examination of previous negotiation efforts illustrates that Track II initiatives were sporadic and non-sustainable, and citizens were not involved in the process. Mobilization was always against the peace process and a negotiated solution. (Rupesinghe, Kumar (ed.) 1998 *Negotiating Peace in Sri Lanka. Efforts, Failures and Lessons*, International Alert) It must however be acknowledged that a few NGOs have played an important role in advocating an end to the war.

In short, Track II and Track III initiatives are necessary to help transform a traumatized society to one of peaceful coexistence. Civil society organizations need to move from advocacy to promoting coexistence and reconciliation. These initiatives need to be complimented and linked to the efforts of Track I within a comprehensive framework.

I.3 Transitions in the settlement of conflicts

Transitions are problematic and complex processes. It means a transformative process from a state incapable of sharing power with other ethnic communities to one of power sharing between all communities. Transitions mean going beyond conflict management to conflict transformation. There are two aspects in the conflict transformation process. The first is the removal of direct violence and confidence building and the other is the transfer of power. Conflict transformation is here defined as a fundamental transformation of relations of power and power structures that govern a society. In the case of Sri Lanka, it means changing the very nature and character of the state.

Transitions are however a period of great expectation and turbulence with many setbacks. Transitions are not quick fixes but require management of the various processes over a long period of time. It is precisely during such periods of transition that the destabilization of the peace process can take place.

This paper explores several scenarios for the future:

1. The current negotiations drag on for several years where a situation of no war no peace is maintained.
2. A hybrid situation where ad hoc arrangements are developed to suit the day-to-day needs of the parties.
3. A constitutional impasse, with elections and regime change where the PA will form a government.
4. A bipartisan agreement is reached or the formation of a national government.
5. A fully established Interim Administration that is kept going for several years and where core issues are being discussed.
6. A resumption of war where either party decides to call off the peace.

The scenarios, which are outlined above can, have different consequences for human security; all the scenarios elaborated above depend on several key political factors. The southern political constituency is a plural democracy with a highly polarized competitive political culture. The achievement of a two-thirds majority is crucial for a final settlement to the conflict. The competition and contention between the two main political parties in the south will play a decisive role in shaping the negotiations process. The recommendations, which are presented in the paper, are concerned with the prevention of future violence. It is however necessary that the two parties agree that, in the case of a break down in negotiations, there is no automatic resumption of war. It is paramount for the parties to the conflict to agree in greater detail on specific modalities for the best alternative to war.⁷

Section II of the paper examines the demographic features and the context for the conflict in the Eastern Province. It examines in some detail the information gap and the security gap, which is present in the region and argues for an early warning and rapid response mechanism. Section III is a stakeholder analysis where various stakeholders to the conflict are identified. It argues that special attention should be given to spoiler dynamics. Section IV

examines some of the critical issues facing the post-conflict settlement, particularly the land question that is a major issue in the conflict dynamics of the eastern region. The section further considers some questions relating to relief and rehabilitation, the conditions for the success of the Interim Administration and the need to emphasize coexistence and reconciliation as a strategic focus for human security. Section V proposes a series of recommendations to ensure human security in the eastern region. The annex describes in some detail the grievances of the three communities as expressed by those who took part in the discussions.

II Context Analysis

II.1 Demographic characteristics of the region

The eastern region consists of three administrative districts: Ampara, Batticaloa, and Trincomalee, which cover 20, 14 and 11 Divisional Secretary's divisions respectively. The region covers 15 percent of the total land area of the country and has around 7 percent of the population of Sri Lanka. It has a 368km long coastline in the east. The region is predominantly an agricultural area where the majority of the population is engaged in paddy cultivation and other minor crops. The fishing industry plays a vital role due to the length of the coastal belt. Animal husbandry is also one of the major sectors in the region.⁸

Table 1: Population figures for Ampara, Batticaloa, and Trincomalee 1981 and 2001

District	1981	2001
Ampara	389,000	589,344
Batticaloa	330,000	515,707
Trincomalee	256,000	354,553
<i>Total</i>	<i>975,000</i>	<i>1,459,604</i>

Table 2: The ethnic composition of the population in the Eastern region in 2001

District	Sinhalese	Tamils	Muslims	Others	Total
Ampara	231,771	111,590	245,089	1,894	589,344
	39.3%	18.8%	41.6%	0.3%	
Batticaloa	571	384,112	130,864	160	515,707
	0.1%	74.4%	25.4%		
Trincomalee	106,011	113,376	134,376	1,064	354,553
	29.9%	31.9%	37.9%	0.3%	
<i>Total</i>	<i>228,353</i>	<i>607,804</i>	<i>510,329</i>	<i>3,118</i>	<i>1,459,604</i>
	<i>15.6%</i>	<i>41.6%</i>	<i>35.0%</i>	<i>0.2</i>	

Table 2 reflects the ethnic distribution of the population in the eastern region. Muslims are 8 percent of the total population of Sri Lanka and they are scattered all over the island. In the

combined NorthEast, they constitute 18 percent of the population and in the multi-ethnic east they number 35 percent of the population. The Sinhalese are a significant minority in the eastern region and constitutes 16 percent of the population in the eastern region but are the majority population in the rest of the country. The Tamils are dominant in the northern region and is the majority population in the eastern region. Tamils are a significant minority in the south of the country. These demographic features demonstrate the inter-dependence of each community on the other.

II.2 Security threats to the Eastern Province

In June 2002, the relative tranquility of the peace process was destroyed by the violence that gripped the town of Muttur and Vallachenai. The background to the Muttur incident was that the Catholic Church on a hill in the vicinity of Tamil and Muslim villages erected 14 crosses. An army camp was also located nearby. A LTTE cadre, for allegedly destroying the crosses, assaulted a Muslim driving a three-wheeler. The injured man returned with friends and relatives in search of the assailant and broke into the LTTE office and destroyed some furniture and a photograph. A hartal was called by the LTTE against the incidents in Keyts and Muttur. The NorthEast Muslim Brotherhood and Muslim Students Union at the South Eastern University also called for a hartal. This counter hartal provoked significant clashes, some burning of houses and damage to places of religious worship. The security forces eventually quelled these incidents. The intervention of the security forces, the LTTE, and citizens committees helped to calm the situation. However, modern communications are such that news and rumors surrounding the incident quickly spread to other towns. Vallachenai experienced the worst violence. Terror, fear and violence gripped the town for a few days. Fear and insecurity spread to other towns such as Batticaloa, Kathankudy, Kalmunai, and Akkraipattu. Over 12 people died during this incident with more than a hundred injured and over 235 shops belonging to both communities were destroyed. As a result, an unofficial curfew was imposed for a few days.

The Vallachenai incident raised a number of questions that have a direct bearing on the question of human security; How could a riot of such magnitude take place after the Ceasefire Agreement between the GoSL and the LTTE? The Ceasefire Agreement was followed by an agreement by the leader of the LTTE, Pirabakaran, with the leader of the SLMC, Rauf Hakeem, where they issued a joint statement that all issues between the Tamils and Muslims would be resolved.⁹ There is no evidence that either party took the trouble to inform its cadres of the new developments or that joint committees were established to implement the agreements. An important lesson in conflict resolution is that agreements between leaders must be quickly communicated to the ground. This communication did not take place.

There is reason to believe that the events that precipitated the escalation of violence in Muttur and Vallachenai were not spontaneous but manipulated to achieve political objectives. The end result was to deepen the rift between the Muslims and the Tamils. Since the Vallachenai incident in June, it is important to note that there have been a series of

hartals and disturbances in the eastern region: hartals by Sinhalese, shootings by the STF of those participating in a protest outside the STF camps, clashes between Sinhalese and Tamils in Trincomalee, and clashes between Muslims and Tamils in Akkaraipattu add to a recurrent cycle of violence.¹⁰

II.3 The security gap and its implications

The events in Vallachenai raise some larger questions that have a direct bearing on the peace process. What is clear is that there was an intelligence gap as well as a security gap resulting in a failure to protect lives and property. The question is whether this would happen again in the future and what measures need to be taken to prevent it.

Even after Vallachenai, the GoSL and the LTTE seem to have lost partial control of events and reacted to events rather than to develop a comprehensive preventive strategy to meet such situations. It is obvious to any student of the Eastern Province that the region continues to be a volatile area with fears and insecurities faced by all three communities. It is in fact a tinderbox, which could be ignited by an event. Any hostile act by one member of a community against another member of a community could trigger violence. A faked abduction in Akkaripattu by the brother of a member of the EPDP resulted in a serious riot between Tamils and Muslim. The nature of modern communications is such that it is easy to communicate by email and telephone. Rumor is a potent force in the region. This environment provides a hunting ground for spoiler dynamics to come into effect. The event that could trigger a violent reaction could be a demonstration, an abduction, and killing, even an accident. This is why a comprehensive security regime, based on adequate early warning information equipped with rapid response capacity is necessary and vital to ensure peace and tranquility in the region. Such a comprehensive security regime requires cooperation between the security establishment and the LTTE.

A preliminary observation with regards the incidents in Vallachenai is that there was a failure of the security forces to take preventive action. However, in the defense of the security forces it is also clear that the Ceasefire Agreement was ambiguous and they could not take direct action for fear of affecting the peace process itself. The Muslims however assert that, whatever the ambiguity, a fundamental security gap has been exposed and that for the future there was no clarity as to who should assure them of their security.

A comprehensive security regime requires the coordination of the law enforcement agencies, coordination between the intelligence agencies, and a central focal point, which can coordinate activities. Furthermore, it requires cooperation with civil society organizations on the ground. Currently civil society organization are consulted or organized after the event.¹¹

Another serious gap in the security situation in the Eastern Province is that there is no political authority who is responsible for ensuring security to all peoples in the region. This is critical in a transitional period. Grievances of people are not addressed immediately on the

ground. The Sinhalese in Trincomalee feel that they have nobody to turn to. The Muslims feel that their political leaders are too distant and do not consult them. In the case of Sri Lanka, there are ad hoc trouble-shooting exercises, which provide temporary relief. The lack of consultation and communication between leaders and followers is a major reason for the sense of insecurity. I would urge that the government appoint a special envoy or ombudsmen who is in the region where he can manage the complex challenges, which confront the people.¹²

There is also concern that there is a conflict as to who will call the shots if and when such an emergency arises. The security forces and the police drew attention to the sense of demoralization they face. The conflict between the Executive President and the Prime minister within the Sri Lankan State has huge security implications for the maintenance of law and order.

Another security implication that must be raised is the long-term status of Trincomalee. Trincomalee is not only of great interest to the GoSL but also to other powers because of its strategic significance. Trincomalee may also be the Capitol of the future Interim Administration. Furthermore, the presence of the oil tanks also increases its attractiveness as an industrial site. There are allegations that the oil tanks may be a security cover to invite Indian intervention. Muttur and Kinya are divisions, which are adjacent to the oil tanks, and their current demographic distribution also points to potential conflict. The future status of Trincomalee was the basis of civil unrest during the Indo-Sri Lankan Accord. The demographic distribution of the population where Sinhalese villages surround Tamil villages and vice versa is a potential source of violence. The defense agreements signed by the USA-India as a comprehensive security strategy for South Asia will have some bearing on Trincomalee. To what an extent foreign hands are behind the recent disturbances is difficult to assess.

II.4 **The role of information, early warning, and rapid response capacity**

Studies have revealed that early warning systems together with preventive capacity building can help to mitigate conflict.

Box 2: Definition of Early Warning System

Early warning can be defined as an information system which can provide timely information to decision makers on impending conflicts, humanitarian disasters and the mass exodus of peoples. An effective early warning system is “an information system with a well developed database, which can predict, forecast and extrapolate on future conflict scenarios. Early warning information relies heavily on information brokers, experts and analysts who can help to provide qualitative information”.¹³

The mission undertaken by the author attempted to find out if such a system existed at either the state level or at the civil society level. With regard to the military, it is clear that their intelligence gathering is focused primarily on the “enemy”. They felt that their primary task

was to gather information regarding the LTTE. They had no mandate or the resources to engage in information gathering for any impending civil unrest. The military had hastily organized a citizens committee during the height of the violence in Vallachenai and Muttur and such citizens committees were active in Trincomalee as well. These citizen committees were however paralyzed during the recent events in Trincomalee.

The police, on the other hand, did not feel that they were equipped to undertake such an exercise. True, the police already operate an intelligence gathering system, but whether these reports ever reached the policy makers was difficult to know. The police felt that intelligence was the function of the Directorate of Internal Intelligence (DII). However, the DII had little contact with either the police or the military, and nobody knew what they were really up to. The local STF also did not share information with the police.

Civil society institutions are not well equipped for early warning and preventive capacity building. Documentation about victims and past violations plays a central role in human security. Proper records are necessary for the truth to be acknowledged and a memory retained of what happened. It is necessary for human rights protection in the future. These efforts are only just beginning. Very little documentation exists with regard to disappearances, extra-judicial killings, torture, and other human rights violations.¹⁴

It is essential that a civilian based early warning information center be developed as a matter of priority. This information center must build a significant database with data on past events, chronologies of violence and regular monitoring of the events as they evolve in the eastern region. Such an early warning center will require a central information collection unit as well as ensuring that capacity is generated in the region itself. A citizen based rapid response system should be initiated which can provide timely intervention.

III. Stakeholder Analysis

Stakeholders are those who have an interest in the outcome of a particular process. They are those affected by the problem and affected by the solution. It is a truism in conflict resolution experiences that the best possible outcome in a post-conflict settlement is when all the stakeholders have ownership of the process and feel that they own the process. In the experiences of the settlement of disputes, it is clear that if stakeholders are not involved in the process, then it is likely that they would become spoilers and destabilizers. Often stakeholders to a conflict are narrowly defined as the two conflicting parties. This narrow definition of stakeholders has resulted in outbreaks of violence and resumption of war in many other countries.¹⁵

The UNF Government is itself a coalition government with two minority parties, the SLMC and the CWC holding the power balance. The lack of a two-thirds majority severely restricts the government's room for maneuver and provides a stable basis for a negotiated solution¹⁶.

In analyzing stakeholders, the consensus in the south becomes a critical and vital component for the entire peace process. The failures to reach a bi-partisan approach and the politics of attrition and rancor demonstrated by both sides have served to undermine the confidence in the stability of the peace process. The president has often complained of being by-passed by the GoSL and the Norwegian facilitators. To bring about a solution to the problem, I have argued that there is a need for a structured and sustainable mediation between the president and the prime minister and between different groups within the PA and the UNF.¹⁷ The other significant stakeholder in the south is the Janatha Vimukthi Peramuna who after two failed insurrections has now chosen to pursue their politics through democratic means. They are currently trying to draw the SLFP and other fringe groups into a broad alliance against the Cease Fire Agreement.

Another key stakeholder in the process is civil society in all its manifestations. The GoSL has been able to win over and neutralize the Maha Sangha who has always been a force against a negotiated settlement. However, the GoSL and the LTTE should engage and consult other civil society actors. Civil society should not remain a mere by-stander who is regularly fed information through the media and newspapers. Civil society institutions are fragile in war torn societies. Civil society however is not merely NGOs. In the eastern region, we need to look at religious organizations such as the Federation of Mosque Institutions, the Churches, and the Buddhist Temples, which are very close to the people. Furthermore, there are the Universities, lawyers associations and other professional organization as well as organizations of war victims and displace persons. All of these actors must be involved in the transformation process.

A critical stakeholder in the conflict dynamics in the eastern region is the media. The politics of information, or rather disinformation, play a critical role in deeply divided societies. The media in general has played a responsible role in not exciting the passions of people. This restraint is very noticeable in the national daily press. However, the same does not hold for the vernacular press and particularly the ethnic based tabloids in the region. However electronic media, the radio can help to counter this disinformation.

The youth in the region are another stakeholder. Young people of all communities are alienated and disenfranchised. There is serious unemployment and lack of youth participation in the political affairs of the region. Imaginative programs need to be put in place to involve the younger generation where they need to feel that they are stakeholders in a future solution. The energies of young Tamils is to some extent absorbed by the LTTE whilst the Muslim and Sinhalese youth are a potential pool of recruits for extremist organizations.

Another critical stakeholder is the international community, who has provided overwhelming support for the peace process. They provide an umbrella of support for the Norwegian initiative and perform the role of sharing the burden of bearing the economic costs of relief and rehabilitation. The international community however is not a monolithic entity and different focus is given in their emphasis and support for the peace process. The Norwegians, as the custodians of the peace process and the international community, carry an enormous responsibility in ensuring that the peace process stays on track. Several donors have already started pledging large amounts of aid for relief, rehabilitation and reconstruction. Donors have a responsibility for ensuring human rights and minority protection. However, the support for reconciliation, coexistence and peacebuilding is not seen as a priority either within the Triple R program or in the newly constituted JTF. Donors have to give special attention to this neglected area and support the capacity of civil society to develop these programs.

In the Eastern Province, the primary stakeholders in the peace settlement constitute three communities: Tamil, Muslim, and Sinhalese. Each community has a specific history, a specific experience, and specific fears as to the future.

III.1 The Tamil people

The Tamil peoples have enormous stakes in the outcomes of the talks. They have suffered enormously and continue to be insecure with regards the final outcome. Currently the Tamil community is represented by the Tamil National Alliance and politically by the LTTE. The LTTE is considered the sole representative of the Tamil-speaking people. The LTTE claims that it is not a defeated army. They have over the years built a formidable infrastructure both for war and development. Whilst the Tamils believe that the LTTE has fought for their dignity and freedom, there are considerable fears and insecurity with regards to their future. There continues to be a concern with regard to abductions of children and extortion of money. The Sri Lanka Monitoring Mission (SLMM) in its monthly reports does suggest that these incidents have been dramatically reduced. There is very little space for Tamil citizens to air their grievances. Although the LTTE command and control structure appear monolithic, there are some grounds to believe that there are tensions between the High Command in the North and the Eastern Command. The LTTE is in a transitional phase between a tightly controlled military command structures to a broad political structure. There seems to be growing divisions within the organization brought about by the peace process where the organization is more and more divided between the military and the political.¹⁸ Despite proclamations by the leadership of the LTTE, there is no question that there is considerable antipathy towards Muslims in the eastern region. The LTTE cadre shares this antipathy. The leadership of the LTTE has communicated to their cadre in the eastern region that good relations with the Muslims and the Sinhalese should be maintained. These edicts however need to be translated into comprehensive programs where existing prejudices are dealt with. The Tamil National Alliance (TNA) has elected representatives in the region and they have played an effective role

in maintaining the peace. Nevertheless, the unfortunate issue is that the parliamentary representatives of all communities do not work together.

III.2 The Muslim people

A key stakeholder in the process is the Muslim community. The Muslims seek their identity not in terms of language but religion. The distinct identity of the Muslims has only recently been conceded by the LTTE. The Sri Lanka Muslim Congress (SLMC), the National Unity Alliance (NUA) and the UNP currently represent the Muslim community. The Muslims are closely associated with the Mosque as a center of worship and prayer. The Trustees and Katheebis of the Mosque therefore enjoy significant status amongst the Muslim community. There is also a robust network of the Federation of Mosque Institutions that is active in the Eastern region.

There is, however, no consensus or unity within the Muslim constituency. Competition and contention amongst the Muslim parties are likely to have a serious affect on the negotiations.¹⁹ The Vallachanai incident severely undermined the leadership of Rauf Hakeem. Rauf Hakeem is a powerful member of the current UNF government and the SLMC was responsible for bringing the UNP to power. This also introduces a conflict of interest for him as Minister defending the overall interests of the UNF government, and as a leader of a community who must establish a strong position for the Muslims in the future negotiations.²⁰ The more he identifies with the Government the less bargaining power he will have with the LTTE. The Government has, in consultation with the leadership of the SLMC, suggested a Muslim Council where all Muslim MPs from the NorthEast would be represented. The GoSL has also agreed to establish a documentation center to document Muslim issues within the Peace Secretariat.

Another important fact to bear in mind is that only one third of the Muslim population lives in the Eastern Province; the balance lives in the south. Therefore, any future negotiations with regard to a settlement would have a bearing on the Muslim in the south. Muslims could be held hostage if they join forces with the LTTE in a final settlement. The demand for separate Provincial Council by the Muslims is also likely to polarize the situation and create contention. The LTTE is likely to see this demand as a dilution of their power. Rauf Hakeem then as the leader of the SLMC has to balance all these disparate and competing forces in the months to come.

Another significant factor in the Muslim dimension is the radicalization of the youth who are becoming more articulate with regard to Muslim demands. Muslim radicalization was intensified after the events in Vallaichenai. This Muslim younger generation expresses their sympathies with a movement called Jihad. It is difficult to identify the strength of this radical movement. Nevertheless, they do act as a pressure group on their political representatives. What one knows about this group is that it is calling for them to be armed so as to guarantee their security. They are also demanding separate Provincial Council not only to include the Muslim areas in Ampara but also to include predominant Muslim areas in Batticaloa,

Trincomalee, and Mannar. The demands of Muslim radicals are to engage in positional bargaining through the tactics of holding the leadership to ransom. The talks in Thailand are about the problem solving of very complex issues. Positional bargaining and problem solving to reach common solutions are two incompatible positions, which has to be reconciled.

III.3 The Sinhalese people

Sri Lankan governments since the 1930s settled the Sinhalese who largely live in the Ampara district there. There is a lobby group within parliament called the Sinhala Group who is pursuing agitation on behalf of the Sinhalese in the NorthEast. So far no political party or organization has made representations as to their position or demands with regard to the Interim Administration. In general, Sinhalese organizations such as the JVP, the Sinhala Urumaya and the Sinhala Jathika Sangamaya are opposed to the Interim Administration.²¹ Some Sinhalese organizations want the areas carved out and included in the UVA province and are opposed to the granting of a separate council for the Muslims. The Sinhalese population has also suffered during the civil war and the border villages have been attacked by the LTTE, and there has been a considerable harassment of civilians in the border villages.

The Sinhalese problem is closely associated with the history of the land settlement schemes. There is contention with regard to the interpretation of these settlement schemes. There is also serious contention with regard to the status of those settled in Weli Oya where it is claimed that these people were settled for purely military reasons and to separate a Tamil contiguous area. The Sinhalese settled in Weli Oya naturally feel apprehensive about their future. They want the military to remain in their region.

The economy in the Ampara district, which was predominantly agricultural, suffered considerably during the civil war. Agriculture was neglected and some factories such as the sugar cane factory were closed recently. The large presence of the army and the STF also created a situation where the culture and economy became dependent on the military. Therefore, the withdrawal of the armed forces and the STF will be seen as a temporary loss to those who are dependent for their livelihood on the armed forces.

The only active political party in the eastern region is the JVP and the Sinhala Urumaya. Their cadres are very active in the region and have started recruiting cadres and creating branches in the district. Their main claim towards political mobilization is that the country is already divided and that the Sinhalese will be expelled from their lands.

Although the JVP is active in this district, the Sinhalese people in general feel that the Tamils have suffered during the civil war. They wish to live in peace and coexistence with the Tamils and Muslims. There are two options that are available to them during the negotiations process. One is to seek a de-merger and join the UVA district and the other is to actively participate in the Interim Administration. It is important to note that the LTTE has declared that those who have fled the district should return and that they wish to live in peace with the

Sinhalese. The LTTE is not likely to agree to a de-merger of the Ampara district. The best possible option for them is to develop a structured negotiations process in a future power sharing arrangement.

III.4 **Who are the spoilers?**

Apart from these principled stakeholders, it may also be opportune to identify the spoilers who may have a vested interest in the destabilization of the peace process. According to Stedman, there are “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine the attempts to achieve it.” Spoilers are here defined as those who oppose the peace agreement and would seek various means to create uncertainty and turmoil within the peace environment today. As Uyangoda has recently pointed out, “the lesson that political leaders should learn from failed peace attempts is that governments as well as international custodian of peace that initiate a peace process have the singular responsibility to protect the initiative from spoiler intervention.”²²

They are stakeholders who have not been formally or informally associated with the peace process. Currently, they can be identified as sections of the SLFP²³, the JVP, the Sinhala Urumaya and sections of the armed forces, who are disenchanted with the current peace process. On the Tamil side, there are those entities and political groups who have been left out of the current peace process. On the Muslim side, there are those forces that are now calling for an armed movement in support of separate Provincial Council for the Muslims. Whilst these actors are visible, what is difficult to identify are the more covert actors who work within the shadows of secrecy and conspiracy who may wish to exploit current tensions and contribute towards destabilization. In any civil war, there are sectors that lose income and profit from war and there are those who may even lose their livelihoods as a result of war termination. These actors need to be more clearly identified. Some of these actors can be former home guards, deserters, and disarmed Tamil militants who continue to operate in the shadow of the law.

IV. Critical Issues facing the Post-conflict Settlement

IV.1 **The land question: colonization and land-settlement schemes**

The land question will become a dominant issue during the transition period. There are several interrelated issues, which are very complex, and needs to be taken into consideration. The land policy of the GoSL was governed by several factors. Colonization schemes and land settlement schemes gained momentum and took a dramatic turn after independence. Land policy has the following characteristics:

- a) the need to satisfy the land hunger of the Sinhalese peasantry,
- b) a policy to stop the forward expansion of the Tamil population,

- c) a policy to change the demographic pattern of the Eastern Province through delimitation of boundaries and the carving out of electorates favorable to the Sinhalese,
- d) the pursuit of geo-military security interests where Sinhalese settlements were encouraged to create a security zone in such places as Weli Oya.

Divisional boundaries have been and will continue to be a source of conflict. Such conflicts and contention exist over several such divisional secretariats. Disputes arising from the redrawing of boundaries have been largely due to political directives by the central government or to the influence of local politicians.

The three districts have their own peculiarities. Land settlement in Trincomalee district has its own specific features where there was a combination of migration and resettlement schemes. Migrant workers were attracted to employment possibilities in the harbor, the naval headquarters, and the industrial establishment located in and around Trincomalee. Fishing, which had originally been a seasonal occupation with seasonal migration, eventually became permanent settlements along the coastal belt of Trincomalee. Land alienation and the demarcation of boundaries created a sense of continuity for the Sinhalese.

In Ampara, however, the ethnic composition of the district was significantly affected by land settlement schemes. To what extent Sinhalese were settled on crown lands and to what extent these were lands belonging to the Tamils and Muslims is still a matter of controversy.

The distribution of the population based on ethnicity does not provide a proper picture of the way in which the populations are distributed within each province. The demarcation of divisional secretariats and AGA divisions were also used in the ethnic politics of the region. Divisional secretariats were reorganized to accommodate and create contiguous areas for the Sinhalese in the Trincomalee district and Ampara districts. Again, divisional secretariats were reorganized to accommodate Muslim interests in the Batticaloa district, especially in Vallachenai.²⁴

Another aspect of the land question in the region is due to the variations in the redistribution of ownership patterns of land between and within the three communities. Historically, land ownership was dramatically changed with the British colonial period. During this period, the colonial powers granted land to those who had served them well. Through this system of colonial patronage, land was bestowed on Muslims and Tamils living in the region. This policy led to large landholdings being distributed amongst the clients of the colonial system. After independence, through the Grow More Food campaigns of the Sri Lankan state, crown land was allotted to Tamils, Muslims, and Sinhalese. However, what is of significance is how this ownership pattern changed over the last fifty years, and what kind of relationships developed over time. It is important that a study be conducted to understand in detail the changing patterns of land ownership in the region.

An interesting feature of the landownership pattern was the transfer of ownership of lands from Tamils to Muslims through commercial transactions. There are a variety of reasons for the changes in ownership patterns.

- a) Muslims had better opportunities to invest in lands due to their propensity to save and reinvest. Islam prohibits the earning of interest through deposits in banks. Therefore, merchant capital needs to be reinvested in either their trade or in land.
- b) Muslim traders themselves engaging in landownership as a form of investment.
- c) Given economic hardships, the propensity of Tamil farmers to sell their land and become sharecroppers and workers in the lands, which they once owned.

The civil war certainly accentuated and sharpened the conflicts over land and land use. The eviction of Tamils, Muslims, and Sinhalese from their lands was a major factor in the civil war in the Eastern Province. The military actions of the military and the STF served to displace large sections of the Tamil population. This forcible eviction of Tamils is still visible in Trincomalee and the Batticaloa district. The actions of the LTTE also served to displace Sinhalese and Muslim villages and this is particularly visible in Pottuvil, Kathankudy, Eravur, Vallachenai, and as far as the Sinhalese in the border villages of Ampara and Batticaloa.

Another interesting aspect of the land ownership pattern is that agricultural land is often located at a distance from the place of residence. Frequently, Muslim farmers have to travel across Tamil villages to cultivate their lands. This is particularly striking in areas such as Muttur, Kathankudy, Eravur, and Akkaraipattu. This also applies to Tamils who have to travel across Muslim areas. The circumstances of any major armed conflict often provide an opening for lesser vendettas and the pursuit of hidden agendas. The seizure of adjacent lands and residential houses by either community has been an underlying motive, or at least a significant outcome of many of these local disturbances.

A serious and complicated question, which arises out of the forced eviction of people, is that other people have occupied the land and have cultivated the land for over ten years. IDPs, when they return to their land, may find that somebody else is occupying the land. Furthermore, many of the displaced persons may not be able to repossess their land if others are occupying it for more than ten years, unless the land is voluntarily vacated. The original title of the actual owners has proper title to lands and the provision of a legal title to land is an important aspect of human security.

The most significant element about the relationship between Tamils, Muslims, and Sinhalese is that often their villages are adjacent to each other. A Tamil village follows a Muslim village or as in Trincomalee where the three communities live close to each other. The proximity of a Muslim village to a Tamil village creates a frequent and regular process of interaction between the two communities. Interaction between the two communities takes manifold forms and cooperation between the two communities is essential for each other's well being and is the basis for coexistence. Cooperation can take many forms such as during periods of

harvesting where all communities need each other to cut the harvest. Many people depend for their livelihood on such cooperation.

Cooperation is, however, not restricted to agriculture but also to fisheries where again Muslim traders may have provided credit, boats and nets for Tamil fishermen, and also buy the fish when it is harvested. Sinhalese and Muslim traders often dominate this sector of the economy. Trade between the three communities is also manifest in the entire district. Muslim traders travel far and wide to sell their wares and they are often welcomed by all. Tamil traders also travel likewise. The existence of common bazaars in small towns is also a concrete manifestation of coexistence and competition. Whilst there is considerable dependence of the three communities competition over economic resources is a potential source of conflict.

The resolution of the land question assumes urgent priority and should be the subject of a special commission. It assumes considerable urgency for communities who continue to have a strong sense of grievance and want a restoration of their property. Resolution of these complex issues is an important aspect of confidence building and needs to be conducted simultaneously whilst negotiations continue in Thailand. Very little research and documentation is available with regards the history and patterns of land distribution. Mediation of land disputes through a structured process involving all sides to the conflict is now an urgent requirement. Mediation centers should be established as a matter of high priority to assist in this work.

There are some positive signs that the LTTE leaderships are aware of these problems and have indicated its willingness to deal with them. In my interviews with the LTTE, they reiterated the fact that they were committed to a policy of improving relations with all the other communities. They did say that any mistakes that may have been committed by them have been rectified and that the High Command had instructed them that they should maintain good relations with the other ethnic communities. It was clear to me that they were not impressed with the peace committees and felt that they were ad hoc in character and instruments for information gathering by the police and the army. They did feel that the Trustees of the Mosques were a better partner to ensure effective communications and that steps were being taken to improve communications with institutions representing the communities

IV.2 The relief and rehabilitation as trust building

Due to the civil war, the composition of the population in the Eastern Province has been drastically changed during the period 1981-2001. There are internally displaced people in all three districts and about 200,707 families have been displaced from 1983 to 2001 in the eastern region. Out of this, 194,825 families have been resettled up to 31st December 2001. In the eastern region, there are about 15,882 families to be resettled. Families to be resettled

are 1,420 in the Ampara district, 6,836 families in the Batticola district and 7,626 families in the Trincomalee district.²⁵

The civil war has disrupted the social structure and population composition of the Eastern Province. Some people have been displaced several times over. Many of the displaced persons are living in temporary places for more than 10 years. Therefore, priority should be given to resettle displaced families in their original places as a basic human right. Some of them are still living in welfare camps and living in inhuman conditions. The resettlement of those living in welfare camps assumes the highest priority.

The overwhelming view of those interviewed was that the rehabilitation of the refugees and IDPs were of crucial importance for human security and confidence building. Furthermore, priority should be given to the question of title to land of the returnees. Mine clearance was also mentioned as a critical issue, which needs to be addressed. We do not know the full extent of the land mine problem in the east. The casualty information is scant and unreliable. There is a need for a proper casualty monitoring. The east has not been a priority area for either surveys or clearance. The NGO's that are coming to Sri Lanka do not work in the east but in Jaffna and the Wannu. There is also the question of war-affected children who have been traumatized by the civil war. There is no provision for the education and schooling. Healing and treatment of trauma is essential for their participation as future citizens of the country.

The Relief, Rehabilitation, and Reconciliation program (Triple R) forms the basis for humanitarian assistance to the north and east. Some officials were skeptical about its efficacy and complained that officials were continuously summoned to Colombo. It was felt that if the office were located in Trincomalee, that assistance and evaluation would be near the recipients of the assistance programs. However, these criticisms are somewhat mitigated by the fact that the Triple R office is in the prime ministers office and the Secretary to the prime minister is the Commissioner in charge of the Triple R program. It was felt that these shortcoming might be mitigated with the JTF proposed in the talks in Thailand.

There was also overwhelming criticism at the level of corruption that prevails in the provisions of relief assistance. As one official put it "the entire system is corrupt to the core and the recipients are cheated of some of the money." Efforts are now being made to create a situation where the chairman of the village committee is elected. Nevertheless, there is reason to be skeptical as to whether political pressure may not restore the status quo. What is more important is whether the government should not seek partnerships with private organizations and NGOs in the provision of assistance and rehabilitation.

IV.3 The Interim Administration

Will the Interim Administration, if it is successfully negotiated, provide the long-term basis for human security in the NorthEast? This section will explore whether the Interim Administration

will provide the basis for human security and coexistence, and what conditions need to be fulfilled for a successful transition.

Very few people were really aware of the nature and composition of the Interim Administration. This lack of information is certainly a cause for the fears expressed by the citizens living in the districts. Different communities approach the Interim Administration from their own vantage point.

One of the most respected and senior officials characterized the system as the maintenance of structural and cultural violence against the Tamils in the NorthEast. For him and others, the entire system was not only dysfunctional, but Colombo centered. The situation, which exists in the NorthEast, is what is typical of the development of the center at the expense of the periphery. Officials recounted with some amusement how the government agent is more often called for meetings in Colombo rather than presiding at meetings and ensuring efficiency at the office. Colombo centered development means that resources are not allocated to the region, and its administration, schools, health and educational establishments, and other institutions are starved of personnel.

The administrative system was dysfunctional due to a lack of coordination between the Provincial Administration, the government agent, and the military and police; each is a power of its own. The Provincial Administration is not an elected body and is depleted of resources. Even the allocation of a function for the Provincial Council has not been implemented. By all accounts, the current administrative system is a definite obstacle and fetter in the development of the region.

Power sharing in the NorthEast Provincial Council constitutes the core issue in the current negotiations in Thailand. The manner and content of the Interim Administration will shape the future character of the Sri Lankan state. The NorthEast Provincial Council as it stands today was introduced through the Indo-Sri Lanka Accord, through the 13th amendment and was itself the subject of great controversy and political turmoil. The JTF will be the political authority, which will steer the relief and rehabilitation program. The mandate provides the JTF with very wide powers but its mandate needs to be extended to include confidence building measures and reconciliation.²⁶

There are those who do not see the future Interim Administration as merely an extension of the existing administrative system, which they feel is obsolete, and dysfunctional. Furthermore, the LTTE has forcefully argued that they have developed a system of their own which they feel better serves the people. Therefore, there is currently a situation of dual power, which exists in the region. Tamil intellectuals argue that the Interim Administration will be transformed into a modern and efficient system in accordance with the creative aspirations of its people. It is a monumental experiment in rebuilding and restructuring the entire economic and social developments of that part of the country.²⁷

The Interim Administration provides the best possible opportunity for a win-win situation to arise for the entire country. A termination of the war will release extraordinary energies of all communities and the Diaspora can play a critical role in the evolution of its economic well being. Trade, investment and economic cooperation could lead to economic growth in both parts of the country. However this transition needs to be handled with great care and the population educated as to the benefits of such a transformation.

The questions, which are likely to come for discussion, are: the constitutional viability of the Interim Administration, and whether a meaningful transfer of power can be effected within the confines of the 13th Amendment. This is not a question that is constitutional but a question of political will. There have been several important proposals such as in 1995, 1996, and August 2000, which can provide the basis for future discussions.²⁸

A fundamental condition for the success of the Interim Administration will be the nature and extent of power sharing between all the communities living in the Eastern Province. It is clear that the LTTE will be the dominant force in any Interim Administration and it has been their view (as expressed in their statements) that they are interested in discussing power-sharing arrangements with the other communities living in the Eastern Province. How, and questions concerning the specific form of power sharing, can only be answered as the discussions in the Thailand process. It is, however, clear that the litmus test for the LTTE and the Government will be how they correctly handle the minority question in the North and the East.

Another fundamental question concerns human security that is the freedom to live without fear and insecurity. This problem needs to be addressed and confidence-building measures created which can provide guarantees and safeguards for the future. The security environment must provide a sound and stable basis of trust and transparency.

At the level of state security the question of the role of the police and the judiciary will be principled questions, which will be posed over the coming months. Currently, there exists a dual system of police and the judiciary. Furthermore, the Muslims will demand that their own people should be placed in the police stations where they have a majority at the Pradeshiya Sabha level. This also applies to the Sinhalese living in Ampara and Trincomalee. The role of the judiciary and its jurisdiction and powers will be another question, which concerns the minorities.

A reason for the fears and concerns is that nobody really knows about the agenda being followed by the GoSL and the LTTE. A pragmatic approach and joint problem-solving exercises are important in them, but does not assuage the fears of people living in the east. The suggestion that a framework document underlying the direction of the talks, the assurance of minority protection, and human rights will go a long way in proving such assurances for the communities.²⁹

IV.4 The need for coexistence, reconciliation, and settlement of disputes

Coexistence must be a strategic priority to ensure peace and stability in the region. Coexistence is where people of different ethnic and religious differences learn to recognize their differences and live together. It seeks to encourage bridging cross community efforts with the goal of living peaceful and respectfully with neighbors. Building a political community that cuts across cultural communities is the very challenge in post-conflict situations as well as deeply divided societies. Trust building between communities and between the administrations comes through as the most important consideration in many of the empirical studies of war-torn societies.³⁰

As I have argued, coexistence is the political, economic, social, and cultural basis for peace in the Eastern Province. Economic cooperation is essential for all the communities and they depend on each other. Furthermore, there is spontaneous reconciliation, which is happening at the grassroots level, where people cooperate for harvesting, animal husbandry, fishing, and trade. We need to know more about the practices and cultures of reconciliation, which exists on the ground. Reconciliation can be both bottom-up and top-down.

In post-conflict settlement, parties have resorted to various means of affecting reconciliation. The classic example, of course, is the Truth and Reconciliation Commission in South Africa. Truth commissions have become an important tool in the process towards a post-conflict settlement. The importance of truth commissions rests with acknowledgement. It is not a question of forgetting the past but acknowledging that violations have been committed. Telling the truth is part of the reconciliation process. Sri Lanka is still not in a post-conflict settlement process. This does not mean that we should wait for the final agreement for reconciliation to begin. Therefore, what is necessary is to find ways and means of affecting reconciliation in the short term. Addressing some of the grievances of the communities is required now. A general amnesty for all war crimes committed against each other needs to be balanced with issues regarding impunity. A comparative study based on international experiences would be very helpful here.

V. Recommendations

The following recommendations are provided to provoke discussion and comment.

V.1 Confidence building measures

- Give all powers to the Joint Task Force (JTF), which should be the focal point for all matters dealing with security, relief, rehabilitation, and reconciliation. Such a focal point is absolutely necessary. The JTF should be given wide powers to engage in the necessary coordination and decision making. It should ensure confidence-building measures on the ground.

- Remove all restriction on fishing. Fishing continues to be the livelihood for a large proportion of the population in Trinomial. Any step towards relaxing this restriction would go a long way to ensure the economic recovery of the district.
- Ensure the free movement of peoples. Although most of the restrictions on the free movement of peoples have been removed, there are still restrictions with regard to the movement of ferries from one point to another. These are irritants for those who travel from Muttur to Trincomalee where the ferry must take a detour, which takes over one hour more. Whilst the major roadblocks have been removed, there are still minor roadblocks and checkpoints, which irritate the general public.
- Ensure that the Tamil language provisions are implemented in the police, administration and judicial system. Some of the immediate measures that can be taken are to ensure that at least two Tamil policemen are employed at the police stations in the region. This can considerably enhance a sense of belonging and identity for the Tamil and Muslim population.
- Conduct joint meetings between the LTTE, SLMC, UNP, and the TNA, which could demonstrate a unity of purpose. Currently no such joint meetings take place. Such joint meetings between the parties could go a long way to ensure an environment of political coexistence.
- Develop a clear communications strategy, which can inform the people of the region on what is actually occurring. The use of the radio and media focused on the Eastern Province can make an enormous difference in controlling rumor and sensationalism.
- Review progress on High Security Zones (HSZ). This should a high priority issue to the JTF. This has already been announced and will be the subject of further discussions in Thailand. HSZ create a situation where large numbers of refugees are still not able to return to their places of residence.
- Return houses and other properties belonging to the people. Whilst schools and places of religious worship have been vacated by the armed forces, there are still houses belonging to Tamils, Muslims, and Sinhalese
- A paper should be prepared on the Best Alternative to War, which suggests that even if negotiations break down that provision are made for a continuation of a no war no peace scenario with clear provisions to ensure the security of people

V.2 Information and capacity building

- Establish a coordinating unit for information analysis between the military, NIB, and police. It is necessary to establish a coordinating unit, which can coordinate

intelligence activities and ensure that this information and analysis is immediately transmitted to the prime minister and the National Security Council. Create an integrated information system at the state level. Priority must be given to ensuring preventive action. Regular meetings to be held between the police, military, STF, and the LTTE.

- Establish a civilian based early warning rapid response mechanism. This information system requires the cooperation of an independent, non-governmental organization. A fully-fledged documentation system is required, including a chronology of events and a bibliographic database. A group of information monitors need to be trained in conflict analysis. This institute should build a network of information centers in the region. The center should develop forecasting models. International experiences must be mobilized in capacity building for early warning information. The center should also create rapid response mechanisms with the cooperation of citizen committees and other civil society institutions.
- Build capacity at the civil society level for collection and monitoring of information. There is a dearth of information relating to war victims, ex-combatants, political detainees, torture victims, disappearances, rejected political asylum seekers, women students, children and displacements. This capacity building could be attained through a decentralized network with a clear division of labor and provisions made for training in documentation and information handling.
- Establish a Special Envoy/Ombudsmen to work closely with the Prime minister and the JTF. The Special Envoy can be a focal point for coordination of security, intelligence and confidence building in the region.

V.3 Power sharing

- Appoint a committee to look at the modalities of restructuring the administrative system in accordance with the aspirations of the people of the NorthEast. An expert committee needs to be appointed with international experts drawn from the international community.
- Appoint a committee to study international experiences in the reintegration of police and security forces that addresses the ethnic balance in the NorthEast.
- Conduct regular seminars with civil society institutions and citizens into the benefits that an Interim Administration could bring to the entire country. These workshops and seminars need to look at the positive advantages for the entire country in having a strong economic growth centre in the NorthEast.

- Conferences and workshops on power-sharing models and representation in the future Interim Administration should be held in the region.
- The Sinhalese community in the eastern region should be encouraged to develop a position paper regarding future power-sharing arrangements. A series of workshops to be held with representatives of the community.

V.4 Human Security

- Establish a Joint Task Force between the LTTE and state security forces for ensuring human security. Rapid response mechanism to be developed between LTTE and GoSL for any threats to human security.
- Training of police in peacekeeping operations. The police require training in conflict resolution and peace keeping operations.
- Due regard to be given to security and police powers in the Interim Administration. A correct ethnic balance needs to be maintained in any regional police force that will be created. There needs to be equitable distribution in the formation of the police force. The experience of the work in the structural transformation of the Ulster Police Constabulary in Northern Ireland may be useful.
- Ensure the presence of an international unarmed volunteer force, which has been used with good affect in other conflict regions. The creation of unarmed peace monitors who can accompany, monitor, and be present. The Non-Violence Peace Force has offered such a service.

V.5 Relief and rehabilitation

- Establish a special unit to help returnees who have no access to their original titles of ownership.
- Prioritize refugees in welfare centers concerning the resettlement of people. Children affected by the war should be given high priority.
- Highest priority to be given to land mine clearance. People's livelihood in agriculture and the freedom of movement is seriously affected by delays in clearing the area. The signing of the Land Mines Protocol will go a long way in obtaining the necessary donor support for this massive effort. Casualty monitoring and land mine clearance to be given the highest priority.
- Studies to be undertaken on the resettlement of IDPs and refugees in existing villages on how these problems have been solved in other countries. There are many

questions as to the efficacy of a mere cash disbursement. How the victims can be involved with the villages in such rehabilitation efforts needs to be studied.

V.6 Coexistence, reconciliation and dispute settlement

- Given the current climate of good will a paper needs to be prepared with regards a general amnesty for all war crimes balanced with the question of immunity and how these problems have been tackled by other countries.
- Create peace and reconciliation committees within each village based on independence and impartiality. Such citizen committees need to be composed of eminent citizens from all communities. Provide training for such peace and reconciliation committees. Proper authority to be given to such committees.
- Ensure proper documentation relating to victims. The first step in victim protection is that the grievances and past atrocities are properly documented. The documentation relating to disappearances, extra-judicial killings, torture, rape, forced evictions of peoples, have not been systematically documented. It is only now that full documentation is conducted with regards IDPs. Therefore, capacity building for human rights documentation is a first step in a process.
- Record and document the forced evictions of land and property. People expect the land to be returned to them or compensated for their lost agricultural land or homes. To achieve results, rights to the land, titles, and other documentation needs to be developed. A working group should be established to develop a mandate and modalities for such an institution to be established immediately. The JTF should take up this recommendation immediately. Mediation centers to be established as a matter of priority to resolve the land question.
- A study to be conducted on the historical evolution of the land question and the changing pattern of land ownership.
- Establish reconciliation mechanisms at the grass roots level. Until a Truth and Reconciliation Commission is established for the whole country, there are other forms of reconciliation that must be encouraged. Eminent persons from each district, such as retired judges, lawyers, religious leaders and NGOs should start a series of consultations and workshops. These consultations need to be well designed and conducted in a professional manner. International assistance needs to be sought and experts involved in designing such a process.
- Document grassroots reconciliation practices. What are the spontaneous forms of reconciliation that exist in the cultural traditions of the villages? How do they deal with trauma? and What are their perception of perpetrators and victims?

- Create a reconciliation movement consisting of religious leaders who can convene a conference of all religions.
- Develop an institutional capacity for pursuing Track II initiatives. With programs for structured mediation with multi stakeholder involvement. The first stage is to identify key actors within each community and work towards a process of identifying grievances and forms of reconciliation. These consultations should include those working closely with the LTTE, Muslim and Singhalese leaders who enjoy legitimacy within their communities.
- Develop dispute resolution mechanisms at the regional, district, and local level. These mechanisms are necessary since there are numerous disputes, claims, and counter claims that are going to build up over time. These mechanisms need to be placed within the Interim Administration itself and then filter down to the District and Divisional Secretariats. It is important that a centre for mediation and conflict resolution is designed where training can be provided to officials, peace committees, and other personal.
- Study the promotion of coexistence and reconciliation in the NorthEast. This should be conducted with the cooperation of the South Eastern University and the Eastern University. This could lead to a commission or new initiatives that promote coexistence and reconciliation between the communities.
- Conduct a study at the divisional secretariat level on conflict sensitive issues to identify the issues that need to be taken up for dispute resolution. This is necessary as ethnic claims and counter claims surface only at the divisional secretariat level. There needs to be a mapping of the conflict contours in each divisional secretariat. Training programs should be developed for divisional secretaries in dispute resolution.
- Establish a negotiation culture. Encouraging the establishment of a mediation and conflict resolution studies course with the Eastern University and South Eastern University could do this. Currently, there are no courses at either of the universities. There is no inter-university cooperation on these issues either. A research program should be encouraged regarding coexistence, reconciliation, and mediation.
- The donor community should provide significant aid for programs on coexistence, reconciliation, and peacebuilding.

VI. Annex - Grievances of the Communities: Tamil, Muslim and Sinhalese

Civil wars and violence creates a situation where populations experience collective trauma and deprivations. Collective traumas take place when an entire community is subject to attack and intimidation. In such situations demonization of the other becomes a typical manifestation of psychological defense. In situations of stress and trauma, complex phenomena is reduced to simple stereotyping. Demonization is the attribution of evil to another community where any action by the other community is interpreted within a self-fulfilling prophecy. A self-fulfilling prophecy is when actions are judged to take place within a given predictable pattern. Demonization goes beyond ethnic stereotyping. Ethnic stereotyping is a matter of differentiation of one community by another. For example such ethnic stereotyping can be harmless as when a community is seen to be lazy, or when a community is seen to be rapacious in its pursuit of profit. But dirty wars exacerbate stereotypes and internalize fear and distrust towards the other communities.

Therefore in enumerating the grievances of communities, it must be noted that they are ideal typical representations of perceptions, fears and insecurities, which had accumulated over a traumatic and difficult period.

VI.1 Tamil grievances against the Sri Lankan state

Tamil grievances against the Sri Lanka state is well known and has been the subject of numerous human rights reports, documents and books. Basically its main grievance has been that the Sri Lankan state has perpetrated structural, cultural and direct violence against the Tamil community. They claim that the Sri Lankan nation building exercise was at the expense of the Tamil community. They argue that the Sri Lankan state perpetrated state terrorism against Tamil civilians through indiscriminate bombings, evictions and gross human rights violations. Tamil grievances against the Sinhala community living in the Eastern Province are therefore interpreted as a result of Sinhalese hegemonic ambitions into the Tamil homeland. It is argued that through this form of colonization, the customary rights to land were violated. Further, the recent land settlement schemes are seen as outright military exercises to contain the LTTE. The fact that the Sinhalese who were settled in Weli Oya were criminals released from the jails in Colombo is cited as evidence of Sinhala disregard for Tamil sensitivities. Grievances also relate to discrimination in language and employment. The fact that Tamil as a national language is not implemented in the courts, police and administration is a constant source of humiliation to them.

VI.2 Tamil grievances against the Muslim community.

Tamils complain that the Muslims benefited from the patronage of successive Sri Lankan governments particularly in the provision of education, land alienation and favoritism throughout the post independence period.

It is also suggested that successive Sri Lankan governments used the Muslims to pursue their security interests in containing the Tamil insurgency. Tamil grievances against the Muslim community begin to gain ascendancy particularly after 1984-5 periods. The main grievances are as follows.

That the Muslims did not take part in the national struggle of the Tamil people, particularly after 1984. It is also suggested that the Sri Lankan state with the advice of Mossad, used the Muslim factor not only to divide and rule but assisted in creating deep cleavages amongst the communities by the establishment of a Muslim Home Guard. Tamils feel that they had sacrificed enormously during the last twenty years and that as one Tamil politician remarked, "they had a party at the expense of the Tamils". There are complaints that Muslims with the assistance of the security forces and the Muslim Home Guards used the war to evict Tamils from their land and then obtain them at a cheap price.

Another perception about the Muslims in the Eastern Province is that the Muslims are traders and merchants who profit from their trade with the Tamils. Here the argument goes that Muslims systematically bought the lands of Tamils and in some cases appropriated Tamil lands through the use of force and pressure.

The land question, therefore, looms very large in the perception of Tamils. Here, it is claimed that the Muslims gained control over parts of the economy of the Eastern Province through merchant capital, which in turn reinvested its profits in the ownership of land. However, investment and exploitation was not only restricted to land, but extended to animal husbandry and fishing, where Muslim traders had gained control over the means of production.

It is also argued that particularly during the period of Ashraff, as Minister of the P.A., state patronage of Muslims in the Eastern Province through the disbursement of funds for the development of roads, schools, hospitals and infrastructure development was at the expense of developments in Tamil areas. It is also argued that resources allocated for relief and rehabilitation went towards state patronage of Muslims at the expense of Tamils. Some argue that State patronage enabled Muslims to dominate trade and agriculture in the eastern region.

Tamils also argue that the Federal Party right through its history stood for the rights of the Muslims and that Muslims were active members in the Federal Party. They are concerned that Muslims are currently engaged in positional warfare even before substantive discussions are taking place in Thailand and feel that they did not contribute to their national struggle.

VI.3 Muslim grievances

Muslim grievances against Tamils begin to gain ascendancy and intensity after 1984-85. Before this period, there was a general concern that the Tamils had denied a specific identity of the Muslims.

Nevertheless, it is only after the Indo Sri Lanka Accord that Muslim agitation and concerns takes on added intensity. A critical point of departure here is that Muslims complain that neither the Indian nor the Sri Lankan government consulted the Muslims when signing the Indo Sri Lanka Accord. The agreement that President Jayawardene made with Rajiv Gandhi and the enactment of the 13th Amendment, which created, merged NorthEast Council was seen by the Muslims as a grave political mistake. They complain that the referendum, which was promised by President Jayawardene as to whether the merger should be made permanent, has not happened after 15 years. They argue that merged NorthEast Provincial Council is disadvantageous to the Muslims in that their number becomes diluted in such merged NorthEast Provincial Council.

The Muslims are also bitter about their experiences with the Provincial Council which was governed by a coalition of Tamil Militant organizations led by the Eelam Peoples Liberation Front (EPRLF) This was a period of grave hardship for the Muslims. Muslims felt that during that period Muslims were expelled from their land and homes and faced extensive discrimination.

The most significant traumatic event for the Muslims remains the forced eviction of the Muslim population from the Northern Province within 48 hours. Furthermore, the attack on the Mosque in Kathankudy, attacks on Mosques in Eravur and other places of religious worship and attacks on civilians in many parts of the Eastern Province, remains fresh in the minds of the Muslims.

A serious grievance of the Muslims also pertains to the forcible eviction and takeover of over forty five thousand acres of cultivable land from the Muslims and handed over to the Tamils during the last decade. These lands are alleged to be in Pottuvil where a large estate in Komari and Thirukovil belonging to Rasul Muslim. Trusts was appropriated and handed over to Tamils. Significant extents of land are alleged to be appropriated in Eravur, Kathankudy, Vallachenai and Akkaraipattu.

The Muslims also claim that the dominant Tamil ideology is that the land belongs to the Tamils and that the Muslims are allowed to cultivate the land or fish in their waters. They say that this ideology permeates the consciousness of young Tamils including the LTTE.

The Muslims retain a fear of ethnic cleansing through a LTTE dominated Provincial Council. These fears are a result of their experience in the expulsion of Muslims from the North, their experience of the short lived Provincial Council and threats posed to them by the LTTE in the recent past. The continued harassment of Muslims particularly with regards the imposition of unlawful taxes; abductions and ransom serve only to reconfirm these fears.

A significant issue is the fact that local elections were not held in the Eastern Province although elections were held in the Ampara district for the Sinhalese. Elections were not held

for Muslim local bodies whereas elections were conducted in Sinhala dominated local bodies in the Ampara district.

The most serious concern for Muslims remains their concerns about their security and the position in a future Interim Administration. They argue that the LTTE is engaged in consolidating their power in the Eastern Province, through the establishment of the Eelam Police, an Eelam Judiciary and Banks.

These concerns have led the Muslims to demand separate Provincial Council for the Muslims. To quote Rauf Hakeem in a recent statement, "The ultimate demand of the Muslims is for a separate Council in the NorthEast. Muslims should be offered a non-contiguous administrative unit covering all Muslim areas in the two provinces."³¹

VI.4 Sinhalese grievances and fears

The Sinhalese grievances, which have been placed against the Tamil Nationalist Movement, have been that the Tamils have always had a hidden agenda of dividing the country. Efforts by Tamils to ask for devolution of power have been interpreted as an attempt to divide the country.

With regards the LTTE, sections of the Sinhalese, represented by the JVP and the Sinhala Urumaya see the LTTE as a major vehicle for the division of the country. They accuse the LTTE of systematic and gross violations against Sinhalese living in the NorthEast, the suicide bombings, assassinations of political leaders, and the bombings of the Central Bank, the Dalada Maligawa and other religious places of worship.

The Sinhalese in the eastern region feel that their interests have not been represented at the talks. They feel that no organization has come forward to represent them and to represent their interests. They are uncertain about the future of the community and whether they would be included in any power sharing arrangements in the Interim Council.

Some feel that politicians in the south pay lip service to their cause but rarely visit them and discuss their problems. They complain that politicians and the government have neglected their problems and that their areas are in a terrible state of underdevelopment: roads are in misuse, educational establishments closed. They complain that foreign NGOs do not show much interest in their plight, and that they are bypassed in favor of the Tamils.

They are apposed to a separate Council for the Muslims. They feel that Muslims in Ampara have been purchasing land and exercising economic control over them.

It is important to note that the grievances of Sinhalese in Trincomalee, Ampara and Weli Oya are very distinct. They represent three separate historical trajectories and it is important to recognize this difference. It is important that the community prepares a position paper so that their interests can be articulated at the talks in Thailand.

End Notes

¹ The Berghof Foundation commissioned this study. The study is part of the program of the Road Map Papers for Negotiating a Political Settlement and Promoting Conflict Transformation in Sri Lanka. The terms of reference for the paper is to identify the stakeholders, their positions and interests, the framework conditions, the alternatives available and outline possible scenarios and options for shaping future developments. What are the causes and triggers, which led to the current volatile situation with respect to Human Security? What are the fears and expectations, which led to the present situation? Who are the stakeholders involved? Systematic overview of the current threats to Human Security, Trends and Scenarios. Options for enhancing human security during the period of transition period is explored.

² These tools are confidence building measures, consultative mechanisms, reconciliation, problem solving workshops etc. See Rupesinghe, Kumar with Sanam Anderlini, 1998, *Civil War Civil Peace, An Introduction to Conflict Resolution*, for a detailed discussion.

³ I am grateful to the Berghof Foundation, and Dr. Norbert Ropers for his encouraging support for the project, to Alex Austin for editing the paper, Nicola Palmer and all the colleagues who attended the Berghof Workshop to comment on the paper and for their very useful suggestions and criticisms.

² Lodgaard, Sverre September 2000 *Human Security: Concept and Operationalization Canada's Foreign Policy for Human Security*. p.3.

⁴ *Freedom from Fear, Canada's Foreign Policy for Human Security, September 2002*

⁵ *Freedom from Fear, Canada's Foreign Policy for Human Security. September 2002*p.3.

⁶ The establishment of the Peace Secretariat, the role of the Norwegian facilitation effort, the invitation of International Monitors, the delegation of authority to Senior Ministers are certainly better than any initiatives taken in the past.

⁷ A document should be prepared after adequate research on comparative experiences and negotiations texts, which spell out the modalities of a best alternative to war.

⁸ *Resettlement Program for Internally Displaced Persons, Ministry of Eastern Development and Muslim Religious Affairs.Report.2002.*

⁹ The joint communiqué between the two leaders signed on the 13th of April was quite comprehensive. A Joint Committee was to be established to facilitate the return and resettlement of Muslim refugees, the return of lands appropriated by the LTTE and facilitate the return and cultivation of such lands by the Muslims, to stop forthwith the extortion of funds and other forms of harassment, the separate and distinct identity of the Muslims were recognised.

¹⁰ One was a clash between Sinhalese and Tamils in Trincomalee, which occurred after the UNP party conference and the Industrial exhibition organized by the government. The musical show organized by the government where a number of Sinhalese were arrested. A limited hartal was called by Sinhalese in Trincomalee Another was a massive demonstration by the Sinhalese community over the abduction of seven soldiers by the LTTE in Trincomalee. Reports indicate that the JVP and the Sinhala Urumaya together with some Buddhist temples were involved during the latter stages of the demonstration. Reports of Sinhalese in Weli Oya protesting at the withdrawal of Sri Lankan troops from their place have also been reported. Minor clashes between Tamils and Muslims have also been reported. These refer to forcible take over of land of Muslims in Vallachenai. Hartals have been called over the release of Prisoners in Kalutara prison. The recent shooting of 8 Tamils by the STF adds to the list of "disturbances". The recent demonstrations by Muslims in Akkaraipattu are the latest event.

The Hartal organized by the Tamil to grieve over the deaths of Tamils was met with attacks by Sinhalese mobs in Trincomalee where 3 people were killed and 37 wounded. The subsequent hartals and counter demonstrations add to a never-ending cycle of violence.

¹¹ Citizen committees need to be independent and empowered with the power to act. Peace or Citizens committees convened by the Security Forces can only be of short-term viability. The Citizens Committee in Batticalo is a good example of an independent civil society organisation, which has built its legitimacy, by being independent of the State.

¹² Due to the recent clashes between the STF and the Tamils, and the clashes between the Tamils and Sinhalese in Trincomalee the government has appointed a committee to investigate the causes for these incidents. The President has also called for an inquiry. A peace committee has also been hastily created.

¹³ Rupesinghe, Kumar July 2000, "The Establishment of a Rapid Response System for the Prevention & Mitigation of Conflict. The Case of the Eastern Province" in CHA Bulletin. Volume 6, Issue 7

¹⁴ There are some excellent efforts by the Citizen Committee in Batticaloa, the periodic reports by the University Teachers for Human Rights and the reports by the Sri Lanka Monitoring mission.

¹⁵ The example of the Israeli – Palestinian conflict is important where critical stakeholders such as Likud and Hamas were kept out of the negotiations process.

¹⁶ The LTTE has continued to complain that the government is weak and therefore core issues cannot be discussed until a two thirds majority is secured. The Premadasa _LTTE negotiations broke down also because Premadasa was not able to secure a two thirds majority in Parliament.

¹⁷ I argued this point in an Observer feature article in March 2002: Towards a MOU between the PA and the UNF.

¹⁸ See the interview with Trond Furuhoed in the Sunday Island. 13.10.2002

¹⁹ The NUA is leading a major public agitation to promote a separate Muslim Council for the Muslim and is highly critical of the SLMC

²⁰ Currently Rauf Hakeem is facing a boycott from Parliament of 9 of his MPs.

²¹ The Predicament of the Sinhala people in the North and East. A publication of the Sinhala Jathika Sangamaya.

²² Professor Jayadeva Uyangoda, Spoiler dynamics. Daily News, Monday, October 21, 2002

²³ The so-called Coup document, which was left in the Leader of the Opposition by the former Minister Mangala Samaraweera, reveals the strategy for destabilisation of the East. In this it is suggested that the tensions in the Eastern province could propel a situation where the President would have to impose Emergency Rule. Whatever the veracity of the document the Government made full use of the text whilst the PA did not deny the existence of the document.

²⁴ The redemarcation of divisional boundaries to suit the aspirations of Muslims led to a confrontation between the Government of Agent and the LTTE. The Government Agent eventually was forced to resign due to the disagreement.

²⁵ Resettlement Programs for the Internally Displaced. Ministry of Eastern Development and Muslim Religious Affairs.

²⁶ The terms of reference for the Joint Task Force will be the subject of discussions in Thailand. There will be considerable contention with regards representation of the communities, its legal basis and mandate.

²⁷ For a useful insight into these debates see the NorthEast Herald. Administrative Imperatives of the interim administrative council. September 20-26. 2002

²⁸ There is a long history with regards to power sharing arrangements for the NorthEast. For a good discussion on this the papers collected by the International Centre for Ethnic Studies is a useful introduction. Sri Lanka: The Devolution Debate.1998. Colombo

²⁹ See Saravanamuthu, P, Working Paper for the Berghof Foundation. The Centre for Policy Alternatives. October 2002

³⁰ See the final report of the War Torn Societies Project. Available on their website.

³¹ Daily Mirror, Friday. 11 October.2002