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Peace Audit

Nepal and Sri Lanka

A Report

A programme on Armed Conflict in South Asia (ACSA)
Institute of Peace and Conflict Studies



Armed Conflict in South Asia (ACSA)

The Programme on Armed Conflicts in South Asia (ACSA) is part of the Centre for Internal and Regional Security at the Institute. The activities of the programme are three dimensional, namely the Armed Conflicts Annual, Early Warning and Conflict Alert, and Peace Audit and Ceasefire Monitor. As a part of studying the armed conflicts in South Asia, the programme constantly monitors the armed conflicts in South Asia. We publish an annual report mapping the armed conflicts which is a review of the conflict status consist the following: a short history, key actors, major developments and trends, conflict management; and the road ahead.

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Peace Audit

In South Asia, there have been cease fires on an ongoing conflict. In certain cases, like Sri Lanka and Nepal, the “armed” conflict has come to an end. Despite the ceasefire and the end of “armed” conflict, peace is yet to prevail. The ACSA Programme also intends to study why ceasefire fails or the end of armed conflict does not lead to positive peace. Besides, it also scrutinize any possible revival of insurgency in South Asia.

The “Peace Audit” of the ACSA Programme intend to watch the peace processes and ceasefires, with an objective to make positive recommendations. This year the event was organized on 15 June 2015 at the IPCS conference room.

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Session I - Nepal

An Audit of the parliamentary democracy and peace process since 2008

Chair

Vikram Sood

Observer Research Foundation (ORF), New Delhi



It is a good thing to discuss Nepal away from the crisis that is underway presently in the Raisina Hill in India. There is a plate full of problems in Nepal. The Peace Audit will acquaint us with the difficulties in Nepal and the probable solutions to it. It will also inform us about the peace dividend that will come out of it or the way it will turn. As such, it is difficult to forecast at the moment but attempts will be made.

Panelist

Nishchal Nath Pandey

Director, Centre for South Asian Studies, Kathmandu

Nepal is in a state of constitutional abyss. The Constituent Assembly (CA) is struggling to draft the constitution as the deadline was dissolved in May 28. as a result, the caretaker government and administration continue to function without a new constitution and parliament. The next round of CA elections proposed for November 2012 cannot be held unless amendment in the interim constitution takes place which appears uncertain in the absence of a parliament. It was the shortsightedness of those who drafted the interim constitution which has led to this predicament.

The extent of the darkness that Nepal is in is such that the interim constitution could not envisage a situation in which the elected CA would not be able to draft the constitution. However, it proposed CA elections in 2008 and also in 2012. To overcome these procedural shortcomings first, the interim constitution needs to be amended. Second, 1.5 million new voters need to be added to the eligible voters list for which a full time Election Commissioner (EC) is required. The current EC is retiring in July and to appoint a new incumbent, the constitutional council has to select an EC for which there is no quorum in the constitutional council. There are also two positions vacant, the speaker and the leader of opposition for obvious reasons.

One proposal that is being mooted by former Members of the Parliament of the CA is that the CA can be reinstated for a short time. Two issues make this plan controversial. First, it would place the legislature in direct confrontation with the judiciary which is not a healthy sign in a democracy. Second, the public mood on the CA on which billions of tax payers' money has already



The disintegration of Nepal, if federalism is not handled properly, is not an imagination. The threat is real and India and China, who have porous borders with Nepal, will be gravely impacted if such an eventuality occurs.



To what extent are the fissures, both ethnic and federal based affecting the army leadership and how will they dominate this constitutional impasse?

Rana Banerji

been spent, with not even a draft is overwhelming. So, it will be catastrophic to challenge both the Supreme Court (SC) and the public by trying to resurrect a dead parliament. Instead of trying to search for legal and political options, the major political parties are pointing fingers at each other for the May 27 debacle.

They are not searching for common ground but are locked in a power struggle within and with each other. Serious rifts have been observed within the Maoist Party and it is on the verge of a split. Nepal already has 17 Madhesi parties, and the Nepali Congress (NC) and the Communist Party of Nepal (Unified Marxist Leninist) [CPN (UML)] are also facing major internal rifts.

The integration of the People's Liberation Army (PLA) combatants in a separate directorate with the Nepal Army (NA) was seen as a positive step, but the failure to reach an agreement on ethnicity-based federalism between the major political parties eventually led to the dissolution of this historic constituent assembly. Carving out federal constituencies in Nepal when no ethnic group is a majority was bound to be a difficult task.

Unlike India, the federal system in Nepal is being introduced with a lot of animosity, grievance and mutual hatred. So this entire issue has become a very divisive and a critical point between those who want single ethnicity-based federalism and those who want otherwise.

The danger of the relapse of conflict is not a possibility in Nepal. However, we have seen many countries coming out of conflict and relapsing in less than 10 years. The solution to this constitutional impasse can be to immediately form a national government very much in the Bangladesh model which will comprise non-parties and individuals contesting elections to calm the current charged and polarized atmosphere and to conduct free and fair elections to complete the remaining task of the peace process.

The stalemate is very dangerous. European Union (EU) ambassadors in Nepal have jointly met political leaders to give an outlet. The Nepalese army has said that they will take orders only from a legitimate government. The internal security situation is also weak as such that a SC judge was assassinated in broad daylight. This power vacuum can only be in the interest of sinister elements.

Panelist

Prashant Jha

Correspondent, The Hindu and the Kathmandu Post

Fragile Peace Process

In the last three to four years, more than the issues of constitution, more

than federalism, it has been the PLA integration and rehabilitation which has been on the country's political class' agenda. The NC and CPN (UML) clearly stated that until this process comes about, they would not cooperate in the constitution writing. The Maoist Party was in favour of both these processes going together.

After the return of Baburam Bhattarai to power in August 2011, there was consensus on this issue but did not led to any breakthrough due to an agreement between NC and CPN (UML) to facilitate the integration process, which would inadvertently derail the peace process. The combatants feel that they were cheated and not rewarded for their achievements and sacrifice by the Maoists as well as the political leadership. The uncertainty of their future makes the current political turmoil eternal. This is the major issue that needs closer scrutiny and braod understanding.

Constitutional deadlock

An agreement was signed on 15 May 2012 to resolve the thorny issue over the type of government can be formed under the new constitution. A mixed form of government format was agreed in which the President is directly elected whereas the Prime Minister is elected by the legislature. Although it believe to be a bad system which would lead to a perennial policy paralysis, this seemed to be the only viable compromise. On the issue of federalism, it was agreed to have 11 provinces whose names will be decided by the provincial assemblies and the territory of these provinces would be decided by the federal commission which would be set up later.

This resulted in immediate backlash by the Madhesis and Janajatis (ethnic groups) who felt that the CA had to deliver concrete federalism and had no faith that these 11 provinces would actually materialize. This is where the discourse on federalism in Nepal has been so illiterate.

Initial demands by the ethnic groups comprised of 8 provinces in the hills and preferential rights or 'agradhikar,' (meaning that only a member of that particular community could become the Chief Minister of that province for two terms) which was deemed unacceptable as it violates the notion of individual rights and citizenship. In the midst of contesting positions, the NC and the UML, under a seemingly designed ploy, on May 27 cited the deadlock as the reason to postpone this issue stating it to be discussed by the parliament at a later stage under article 82 of the interim constitution.

This seemed very logical but the trust deficit between communities in Nepal is so deep that the Madhesis and Janajatis considered this as a ploy by the older parties to stall federalism altogether and hence rejected it. This was the breaking point where the Maoist, Madhesis and Janajatis on one side and the NC and UML on the other. This sort of political division is a manifestation of the social polarization which prevails in the Nepali society even today.



Nepal was attempting multiple transitions and multiple power shifts in a very short time, from a monarchy to a republic, from a Hindu state to a secular state, from a unitary state to a federal state, from a very exclusionary monolithic nationalist structure to a more inclusive citizenship. This was what the political class failed to achieve and this is the core reason why the Constituent Assembly failed.

Prashant Jha



Since the legislature is not there and the executive is functioning with minimal authority, other institutions are dysfunctional, the judiciary is the only institution that we may still operate. Can there be any possibility of the Supreme Court appointing a commission not calling it an election commission. A commission formed of three retired judges under the chairmanship of one of them setting a date for the elections and the authority to work out a generally acceptable schedule. Is that a solution?

Amb. L.L. Mehrotra

Another mistake that was committed was that the legislature did not stand up to the judiciary. If the political class and the CA stayed unified, they could have asked for another extension. If there would have been another extension, may be the passions could have been cooled down and some rational discussions would have taken place. On May 22, there was an agreement on another extension with all the parties, but the NC backtracked and this created the mood and reiterated the Supreme Court judgment against further extension.

A sense of loss may be experienced by the NC and the UML because they drove the country to an unaccountable government with no parliament or street power and with no agenda. Even if elections are held now then it would be completely on identity lines with the issue of federalism on the forefront.

Uncomfortable Status quo

The PM is a de-facto, de-jure caretaker but he is no longer a member of the parliament and his term is not completely legal or constitutional. The PM claims otherwise. This will be a huge difference between the PM and President which may cause institutional disagreement between them and how this power tussle plays out will be an interesting topic. The interim constitution provides for the President to be a ceremonial head but right now he is a power centre.

The Nepali Congress and UML have been insisting the President to dismiss the PM and call for a national unity government. President is reluctant to approve an ordinance pertinent to national budget and rather he has asked the political parties to come out with a national consensus on this matter, which is not possible in the present circumstances. The demand for PM's resignation is unwarranted since he is just a caretaker PM.

In this context, there are four possible scenarios for the future:

1. Prachanda remains the most powerful and influential political actor and serves as both the establishment as well as anti-establishment in Nepal. He would have liked the constitution to be drafted and go on for the Presidential election. His political ambitions have gotten delayed in this process. So Bhattarai staying on is not a situation that Prachanda is happy with but he has made the strategic decision to side with the Janajatis as he sees them as potential vote banks for the future.
2. The role of the President and how that plays out.

3. Supreme Court's decision on elections. There is a writ petition in the SC saying that a second CA election is unconstitutional, not based on a consensus and not provided for in the interim constitution. The government's argument is that we did what the SC said; the SC says that if you can't draft the constitution then either go for the election, referendum or any other appropriate measure. At best the elections would be held in April 2013 but even that would require unity government.
4. The internal realignments within all the parties will become clear in the next few days with probable split in the Maoist party. Kiran and his faction are sounding very belligerent and are not agreeing to a compromise. They want Bhattarai to go and want the chairman to adopt a more radical line. Prachanda is trying to reach out to Kiran's faction but he is unable to. There is also the Janajati MPs in the UML who feel betrayed by the party for not supporting identity-based federalism. Unless their interests are taken into account they are also in a mood to quit. What you will see is political polarization based on ethnic lines.

Dominant communities are reluctant to share power and that is the core of the problem.

Discussant

Anagha Neelakantan

Senior Analyst, International Crisis Group

The alliance between the Maoists and the then mainstream parties was tactical in the sense that it was not based on a common vision of future. In 2006, it was against the monarchy. As such, the agreements including the



A closer look at the problems of the architecture of the peace process and the fundamental shift that is taking place now along the lines of identity is required as based on that the recess of violence and how that might play out can be assessed.

Anagha Neelakantan





A day may come in the not so distant future when this balancing acts of political parties could simply not be possible and a call would have to be taken.

Amb. Deb Mukherjee

Comprehensive Peace Accord (CPA) and the agreement on monitoring and management of arms and armies had a number of problems built into them. It was expected that in an election to the CA, the Maoists would be able to get 20-30 seats out of 600. Instead, the Maoists got 40 seats which changed everyone's calculations and caught a lot of the old parties on the back foot. No party poised to get an absolute majority since 2008 elections and therefore the formation of a government continues to remain a critical issue.

At every stage of the process, a three-pronged fighting has been witnessed ranging from power sharing and change of government, decision on integration and rehabilitation of Maoist fighters to movement in constitution making. These are very distinct kind of issues and we have seen *quid pro quo* decisions on these. The Maoists have made moves towards dismantling the PLA only if the government in place is favourable to them. During Madhav Kumar Nepal's government, the combatants were being discharged while in the Jhala Nath Khanal government, the Maoists being a minority partner, they agreed to the verification of the combatants. But this decision was reached during their reign. The NC on the other hand, has always maintained that a final decision will be made only after a tangible progress on the issue of the PLA was achieved.

Contrarily, the Maoists held that this sequencing was misleading and the progress on PLA had to go hand in hand with the process. That sort of ambiguity has spilled over in the parts of the constitution that have already been drafted, for instance, on the division of power between centre and state or directly elected president or PM. This ambiguity had consumed a lot of time and consensus on these issues depend on the mutual understanding between political parties and it should not be separated from the peace process. Most of these issues were not deliberated in the CA instead it went up to the senior leaders, some of whom were not even elected representatives. There were also some of the issues that should have been voted on and were not, thereby highlighting a flaw in the design of the CA itself.

There is another argument that the same body should not have functioned as the CA and the Parliament. It has definitely hobbled the business of government because it has only further strengthened this relationship between power sharing and peace process issues. When the agreements were being made, there was a sort of a democratic dispensation in place and the political space opened up enormously.

Perhaps, the thought that this process would bring the Maoists into mainstream was proven wrong. The Madhes Andolan happened twice and between that also there were numerous agitations by the ethnic parties on the identity issue. Consequently, the political space became much more complicated. Similarly, the divisions within the parties have become

extremely sharp and persistent and in many cases, prevented agreements from being reached with other parties.

On the issue of federalism, the question of public debate is really important and the public is absolutely ill informed and this is as much the fault of the parties and activists as of the media. This has led to a serious polarization in the Nepali society right now. There is a spectre of mono-ethnic state and other ethnic population are forced to leave or are being forced to learn other languages. As this is all documented in the work of the CA, one of the challenges now is to preserve the work that has already been done to use that as a source of public information or further negotiation.

The polarization on the lines of identity and ethnicity also entails the position of women which is significantly lower in these ethnicities than that of men. There is also extreme poverty even in upper caste groups. There are many vectors of identity and we are only beginning to see how all these vectors will become a part of the identity debate. The next election is likely to be a referendum on federalism, irrespective of a constitution in place or not.

In some sense this is a fundamental shift in Nepalese politics, for the first time seen in the CA and likely to be seen in the electoral politics that identity becomes the new polarization. Before the peace process, the issues of polarization were between the Maoists and the state, in the recent past it has been between the Maoists and the other parties. This is a new kind of polarization and it is changing the way parties will have to do politics. Even the Nepali Congress and the UML have understood that if they can choose to be the kind of party that will only represent the upper caste or class or a convergence of the two, this will be disadvantageous to them.

On the question of violence, there are a number of possibilities. One is that of the PLA fighters being mobilized. This depends partly on whether the party splits or not and also on a lot of other factors like the resentment to the



Given the current frustration, can we foresee the possibility of the emergence of the monarchical forces, chiefly to overcome the lacunae of Nepali politics?

Mahesh Acharya





Will the peace process succeed? It may succeed provided that the GoSL gives in to some of the Tamil demands and provided that the Tamils, not only in Sri Lanka but even in South India, are prepared to accept less than what they expected.

Lt. Gen. A. S. Kalkat

establishment factions of the Maoist party which gets reflected in the Prachanda vs. Baburam Bhattarai factions. There is a sense of betrayal and there is a part of the dissident Kiran group which is not entirely giving up the idea of going underground again.

This could be one way to mobilize some of the fighters. The former fighters can be engaged in all kinds of political activities as well. The ethnic groups particularly the more radical groups existing in the East of Nepal can be engaged because former Maoists provide a very good recruitment area and this has been on the Maoist agenda for a long time because of the demographic composition of the former fighters is very varied. The commanders may be upper caste but a lot of fighters are not and may belong to ethnic indigenous groups. There is also the possibility of electoral violence, if the party wants to use these people. There is an element of violence in all these possibilities.

There is also the possibility of mobilization of ethnic and identity groups for a variety of reasons. It is important to remember that ethnic issues are not a recent creation and were not made by the Maoists or the donors. There is a very long history of ethnic politics in different guises in Nepal starting from the 1940s. There was a brief period of democratic experiment in the 1950s and at that time they emerged as interest groups or language movements. During the Panchayats, state sponsored nationalism was so strong and oppressive.

Ethnic issues took the shape of cultural movements with the widening of the political sphere in the 1990s, which saw the emergence of very politicized NGO's. Presently, it has entered into this new phase where it occupies a prominent place in the mainstream politics. These communities still believe that the police and state institutions are against them so police response to any identity based movements are judged very sharply.



Session II - Sri Lanka

An Audit of the political process since the end of the Eelam war in 2009

Chair

Lt. Gen. A.S. Kalkat

Former Commander, Indian Peace-Keeping Force (IPKF) in Sri Lanka

Nepal is much closer to India and has had much older ties to India as well. However, in India the decibels are much higher on any political issue involving Sri Lanka. This is due to the political dynamics that exist within India. It is because of such dynamics that Sri Lanka tends to gain much greater mileage in Indian politics. Out of the 13 divisions that the Sri Lankan army has, nine of them are deployed in the Northern Province of the country. 150,000 Sri Lankan soldiers are in the Jaffna province alone, which has a population of 936,000.

The name of the game in Sri Lanka is 'devolution'. According to the Indo - Sri Lanka Peace Accord of 1987, the government had agreed to grant provincial autonomy and make arrangements for the restoration of the Tamil homelands. On the basis of this, came about the 13th amendment to the constitution. This amendment was an outcome of the Indo-Sri Lanka accord and the devolution was envisaged under the 13th amendment. Whether the provisions of the amendment would be realized and implemented are the major issues of contention.

In December 1988, Tamils in Sri Lanka had everything that the world had given to them. The 13th amendment and the provincial council had been passed. Governor of a joint province (the north and east province had been merged) had been appointed after the elected provincial council. These were offered to them on a platter on 31 December. The Indian Peace Keeping Force (IPKF) was stationed on ground for eighteen months to ensure against any disturbance. The gains proved to the contrary as the deceased LTTE Surpermo Prabhakaran was not pleased with either provincial autonomy or an elected provincial government. Since he stood by his demand of a Tamil Eelam, attempts were made to convince others against the gains as well.

The recommendations for the 13th amendment had to be pushed through the parliament, which was not an easy task. If it was successfully pushed, no pluses were required and even the 13th amendment in its basic form would have been sufficient. But since this was not done then, some of the provisions of the amendment have been indirectly attacked. A constitutional amendment had taken place and it needed to be supplemented with another constitutional amendment. Instead a Public Interest Litigation (PIL) from the Supreme Court in Colombo surfaced questioning the legality of the merger of the two provinces with the Supreme Court giving a stay - null and void - on



The peace that prevailed with the end of the Sri Lankan civil war in 2009 was the 'peace of the grave'. It is very difficult to build peace, it is easy to win a war.

Amb. L.L. Mehrotra



The 13th amendment was imposed on Sri Lanka. The people were not taken into consideration while it was being drafted. Sri Lanka has been a democracy for long. We provided adult franchise to our women even before the European women had been given this right. From a number of 300,000 IDPs, only 5000 remain to be resettled and rehabilitated. There is no militarization at all. It is a myth. Revival of democracy is taking place. We need a home grown solution, not one imposed from foreign countries like the Norway or the West.

Sugeeswara Senadhira

the amendment. Therefore, for the moment, the dream of the Tamil homeland was crushed.

The other amendments which have been made indirectly through litigation or through courts or by government order have reduced the status of a Chief Minister of any of the provinces of Sri Lanka. The centre subjects remain with the centre. The provincial powers, now, are almost mixed. Police, transport and the land reforms are controlled by Colombo. All lands by law in Sri Lanka are called 'Crown Lands' i.e. they belonged to the British and are now owned by the inheritor viz. the Sri Lankan Government. It is because of this that the Tamils agitated since their lands in the east were taken away and they fought to get them back. We have all spoken about the achievements of the peace process and how it has gone forward, but the question of its success looms large.

Panelist

Amb. L.L. Mehrotra

Former Indian High Commissioner to Sri Lanka

It was on 20 May 2009 that President Mahinda Rajapaksa announced the end of war. The threat posed by the Liberation Tigers of Tamil Eelam (LTTE) was gone but the condition that Sri Lanka found itself was devastating. There was a sense of peace and relief from a long battle of 30 years but the war resulted in over a lakh casualties. In the last phase of the war, there were some 20,000 civilians perished, 6,500 of the LTTE gone, 15,000 soldiers killed, 3,000 in the displaced camps and countless refugees in India from Sri Lanka.

To its credit, the process of bringing peace to Sri Lanka particularly to the Northern and Eastern parts was started in a major way primarily due to the tremendous amount of Indian assistance. Indian Prime Minister Manmohan Singh had a package of 100 million USD ready for northern Sri Lanka with increase in the level of financial assistance as time passed.

There has been satisfactory resettlement of the internally displaced people (IDPs) and a lot of demining has been done. About 1000 houses were built by India in the first phase and there is commitment for another 49,000 houses. A hospital, which was being run by India in the North was straightaway handed over to the Sri Lankan government and a number of other hospitals are also in the offing. There have been medical and food supplies on a massive scale, mostly from India. Further efforts are being made to restore the cultural centre at Jaffna as the hub of Tamil culture.

Therefore, the conditions of the life of the people in Sri Lanka in general and of the people residing in the North and East have generally improved. But does this really bring peace to the hearts of the people? Does the threat of the recurrence of this war still hang over the people? President Rajapaksa at

the United Nations claimed that in the last two and a half years alone, peace was brought to Sri Lanka, which was only a dream till a few months ago. That is a very tall claim to make.

On the ground, one observes that a commission by the name 'Lessons Learnt and Reconciliation Commission' was set up. After a year of working on the situation, it has come up with a set of recommendations. Its major recommendations are: 1) the government should share information about missing persons; 2) there must be an investigation of cases of disappearances and abduction, which have been countless; 3) a reduction of high-security zones; and 4) return of private lands in the north and east by the military. The continuation of the army occupation of huge and fertile areas in the north and east remains a very sore point with the people inhabiting these areas.

The human rights issues are on the table all the time. The most recent development in this regard was the 19th session of the United Nations Human Rights Commission (UNHRC) on 22 March, where a resolution was adopted for the speedy adoption of the recommendations of the LLRC report and an investigation of the human rights law violation. It was further added that this should be done in consultation with the Government of Sri Lanka (GoSL). The process if taken up by the GoSL will take time, but the process must be very sincerely followed.

While, attempting to do a peace audit for Sri Lanka, it is important to examine some factors:

- 1) Despite the President enjoying a high degree of confidence, which will enable him to bring about drastic changes, these changes are not being made. Two active partners of the government – Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU) – have constantly made it impossible for any of the previous governments since Sri Lanka's



The devolution process is not going to happen. If the state continues to believe devolution of power to a particular region that is tantamount to a particular community, then why have devolution itself. At the same time, reconciliation is needed within the Sinhalese society, between the Tamil community and the Sinhalese community and between the Tamils and the state.

M.R. Narayan Swamy





On the one hand, stating that the future of the 13th Amendment and its corollary - devolution remains unclear with the possibility of conflict remaining open but at the same time ruling out the resurgence of the LTTE is a contradictory statement to make.

Vidya Shankar Aiyar

independence to pass the necessary constitutional amendments that could make these changes permanent.

2) There is a move for an electoral amendment, which are to strengthen the position of the majority party and hardly to strengthen the position of the local parties, local ethnic groups in local elections. Their orientation, therefore, has to be different.

3) There is a constant fear of the ghost of the LTTE to rise again. The support of the Tamil diaspora for the LTTE cause is still very much there as a negative factor on the ground.

Unless these issues are addressed very fast, peace would only be half there.

Panelist

M.R. Narayanswamy

Executive Editor, Indo-Asian News Service (IANS)

It is imperative to state at the outset that the revival of Liberation Tigers of Tamil Eelam (LTTE) is not possible in the next 50 years. It took 25 years for the LTTE to flourish into what it had become by the 21st century. The unflinching leadership of Velupillai Prabhakaran was the core thrust on which the LTTE thrived. Presently, it seems unfeasible to find a suitable candidate who could qualify to replace Prabhakaran. Moreover, the Tamil population of Sri Lanka do not wish to have a glimpse of a possible resurgence of the LTTE after having been compelled to live through excruciating ordeal for over quarter of a century.

A peace audit on Sri Lanka necessitates an assessment of the positive and negative consequences of the post-war situation that unfolded in the country. The end of overt conflict and violence is in itself a great success for



Sri Lanka. This is indispensable to the future of the people inhabiting the north and east of the country who were caught between the ghastly attacks exchanged between the Sri Lankan Army and the LTTE.

Their ordeals have been subsiding since the end of war. The post-war situation has witnessed considerable decline in the forced disappearances, kidnappings, illegal detention and assaults on local people, human rights activists and opponents although similar incidents remain a major concern for the Tamils who have been at the receiving end in most of these incidents.

The end of war has brought in economic opportunities in the form of foreign investments and a fledgling tourism industry to the country. Schools in the north and east of Sri Lanka have opened after the war. Even so, some of the schools in the north still remain under the control of the security forces. Travelling across the length and breadth of the country has become easier, especially for the families who could return to the provinces that were once under the reign of LTTE, to reunite with their families.

The people, particularly those belonging to Sinhalese and Muslim communities who have been displaced by the turbulence in their neighbourhood hope to return to their homes with the end of the war. With the complete obliteration and destabilization of the LTTE, the regions of the north and the east are witnessing some semblance of democracy.

Nevertheless, there are some discernible negative upshots of the post-conflict situation in Sri Lanka. The destruction of LTTE by the Sri Lankan Army is perceived by the Tamils as a 'victorious peace', while it is celebrated by a section of the majority Sinhalese community as a victory over the Tamils. This indicates the continued polarization of Sri Lankan society in which ethnic divides have created deep fissures in the social fabric of the country in the course of 25 years.

The tension between both communities has been escalating in the north where Tamils who have long inhabited the area feel that the return of Sinhalese in large numbers is an attempt to rob them of the resources and forthcoming employment opportunities in the region. The continued militarization of the Northern Province, particularly Jaffna, is a subject of international concern. There is no justification for the persistent occupation of the province by the army after making claims to have defeated LTTE beyond redemption.

It is noticeable that there has been a significant escalation in the defence expenditure of Sri Lanka, which purportedly disturbs any efforts toward reconciliation that is indispensable to peaceful coexistence in Sri Lanka. In conclusion, the future of Sri Lanka depends on the open-minded approach that Tamils, represented by Tamil National Alliance (TNA), and the Government of Sri Lanka would pursue toward each other in all future talks.



I would like to quote Rajiv Wijesinghe who on the question of accountability held that the 'Sri Lankans do not believe in retributive justice but in restorative justice'. But the continued belief in justice, despite varied interpretations is reassuring.

Maj. Gen. Ashok Mehta

Discussant**Maj. Gen. Ashok Mehta***Former Indian Army*

The process in Sri Lanka is a brilliant military success, without, however, any conflict resolution. Hence, it is only a partial success. The Government of Sri Lanka (GoSL) made a strategic choice. Five attempts were made by Rajapaksa's predecessors to engage the Liberation Tigers of Tamil Eelam (LTTE) in peace negotiations with the objective of bringing them to the negotiation table. That strategic choice was made by Rajapaksa that is it worth -after he had tried twice - to continue what five previous presidents failed in doing rather than going for a military solution. Instead of a fragile peace, he opted for a military solution.

Economically, Sri Lanka has been brought back. It was stuck between a 3-4 % GDP growth rate. According to the Governor of the Ceylon Bank in 2011, the Sri Lankan government spent 4% of its GDP, US\$5 billion and finished the war and has brought back the Sri Lankan economy on the 8% growth rate. Moreover, there has not been a single terrorist attack in Sri Lanka in the last three years.

There had been a suspicious explosion in the north, which gave justification for the continued presence of the Sri Lankan military there. The Sri Lankan army claims that it has ended the problem of terrorism in the north without referring to the fact that it was an ethnic conflict. The ethnic problem has not been resolved. That is why it has been a brilliant military victory, without conflict resolution.

On the flipside, provincial elections have not been held in the north. According to reports, along the A9 - the highway, which connects the mainland with Jaffna peninsula going through elephant pass - ex-servicemen have been settled. The word accountability has not been addressed yet. In the last phases of the war, Sri Lanka has been described as the killing fields.

However, the GoSL continues to remain in denial that there has been any human rights violations or there were any excesses during the war. During Indian Foreign Minister SM Krishna's visit to Colombo, President Rajapaksa assured him to provide safe passage to the 13th Amendment but further to rechristen it as the 13th amendment Plus. This assurance was, however, denied by the President later.

Significant developments have taken place in favour of the Internally Displaced People (IDPs) living in camps in Sri Lanka. However, the pace of resettlement may have been slow. The GoSL should be applauded for their achievements in resettlement, demining, de-indoctrination and de-radicalization. Out of the 12,000 LTTE, just about 200 are left and they are

involved in serious offenses. Many Sri Lankans are suggesting that they should be provided with amnesty.

On alternate strategies, the Sri Lankan army is holding a conference in August, where they will showcase their model of post-conflict stabilization. But everything is not improving. The white vans are still there, journalists are still under threat, and disappearances are still taking place.

On the question of relapse, one must never use the word never, unless you mean never. According to a recent RAND report, 32 of the ongoing conflicts are relapses of the past conflict. So though it is highly unlikely that there would be relapse of the Sri Lankan Civil War, it would be wrong to say never.

A great deal can be done to make sure that there is not a relapse: 1) improving accountability, 2) implementation of the LLRC. There are some excellent suggestions in the LLRC but some political will and political courage is required on the part of the GoSL. Rapid action is required as Sri Lanka is in conflict with India due to its vote against Sri Lanka at the UNHRC and has also antagonized the West in its moment of triumphalism post-2009.

Institute of Peace and Conflict Studies (IPCS)



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