

# **Understanding the Meaning(s) of Reconciliation in the Post-Conflict Context of Sri Lanka**

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## Abstract

Sri Lanka began its reconciliation process seven years ago, after the end of the brutal civil war that ravaged the country for thirty years. However, there is very little evidence to show that this process has changed anything in the country's post-conflict situation. The Lessons Learnt and Reconciliation Commission (LLRC), appointed under an autocratic and nepotistic government, submitted its recommendations in 2011, nevertheless it has been an extremely slow and stagnant implementation process. The Tamil's inside and outside the country are still demanding for justice and the truth. The new government (GoSL) - who has a more democratic approach - appointed the Office of National Unity and Reconciliation (ONUR) in January 2015, who is working on revamping the reconciliation process once again. However, it is important to understand what is really meant by reconciliation from the perspective of all actors involved in the process, in order to decipher what is the cause of the lack of progress in the process thus far.

Thus, this paper will explore what the GoSL actually mean when they use the term 'reconciliation'. What are they aiming to achieve from reconciliation - is it post-war reconstruction, is it political reconciliation between the Sinhalese and Tamil political elite, is it victim-perpetrator reconciliation, or is there a more holistic picture of what they aim to achieve from the reconciliation process? On the other hand, another important actor in this process is the Tamil population inside and outside the country who were identified as victims during the war. This paper will also look at what they want from reconciliation, and if the governments understanding of reconciliation represents their understanding, or is there a major gap in the different perspectives? This paper will consider what kind of challenges this raises in relation to the traditional understandings of reconciliation.

Interviews conducted with government representative in Sri Lanka, civil society groups representing the Tamil population in North, and diaspora groups mainly in Canada will inform the findings of this paper.

Key words: Transitional Justice, Reconciliation, Sri Lanka

## Abbreviations

GoSL - Government of Sri Lanka

IDPs - Internally Displaces Persons

LLRC - Lesson Learnt and Reconciliation Commission

LTTE - Liberation Tigers of Tamil Eelam

NGO - Non-Governmental Organisation

OHCHR - Office Of The High Commissioner For Human Rights

UN - United Nations

## 1. Introduction

The civil war in Sri Lanka between the state and the separatist group, Liberation Tigers of Tamil Eelam (LTTE) ended seven years ago, in a brutal manner, that drew international attention to Sri Lanka. Since then the Lesson Learnt and Reconciliation Commission (LLRC) set up by the former president of Sri Lanka submitted its recommendations in 2011. However, it has been an extremely slow moving, and inconsistent process. There are many different activities taking place in the name of ‘reconciliation’, from grassroots level - Non-Governmental Organisations (NGO)/ community driven activities - to activities initiated by the government. However, they are all isolated. There seems to be no coordination from the national level to bring all these activities together to reach a final aim. It has to be recognised that the country has come a long way on the economic and development side of post-war reconstruction. There are good transport links to parts of the country that were closed off during the war, people travel around freely, houses have been built and are in the process of been built for Internally Displaced Persons (IDPs). However, the upper-middle classes seem to enjoy most of the profits from the economic development the country has seen after the war. However, for reconciliation to have a lasting effect it needs to go deeper, but we need to start by understanding what reconciliation actually means in the context of Sri Lanka. However this too is a challenge on its own, because of the divided nature of the Sri Lankan context, with the different actors that are involved. Therefore this paper will unpack how the different actors perceive ‘reconciliation’. The actors that are been considered are the government of Sri Lanka (GoSL), the civil society in Sri Lanka represented by local activists and NGOs working toward reconciliation, the local communities in the war-torn areas, and the Sri Lankan Tamil diaspora and the international community. However before we go into exploring these varied perception, we will look at how ‘reconciliation’ and transitional justice is represented theoretically.

## 2. Literature Review

Transitional justice has become increasingly important with the numerous conflicts we see today. Especially we see conflicts within states rather than between states, and this has put a greater importance on transitional justice. Some of the injustices caused during conflict are: “discrimination, hate crime, targeted rape, ethnic cleansing, genocide, involuntary

displacement, forced conscription, hunger and disease, loss of home and livelihood, lack of access to economic opportunity and to legal redress” (Mani 2002:4).

The Secretary General of the United Nations has defined transitional justice as:

“(a) full range of processes and mechanisms associated with a societies attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (United Nations Security Council 2004: 4).

In other words, Hirsch (2012) defines transitional justice as the “recuperative period that political cultures undergo after a traumatic episode has come to pass” (Hirsch, 2012: 1). Transitional justice becomes extremely important in a post conflict society because, as Rigoberta Menchu, Guatemalan activist and politician, has stated, “peace without justice is only a symbolic peace” (cited in Mani 2002:4).

An important goal of transitional justice is reconciliation, which most nations coming out of conflict aim to achieve. It is important to decipher the meaning of reconciliation from transitional justice because even though they belong to the same area of study there are also important differences that create a paradox between the two, which we will discuss in section 3.

In trying to understand the academic debate around the concept of reconciliation, we will look at various perspectives. First, looking at reconciliation from the perspective of deliberative democratic principles i.e. mutual respect and common ground, reconciliation is:

“...engendering relations of equanimity between historical antagonists based on reciprocal commonality, reverence and, above all agreement” (Gutmann and Thompson 1990, 2000 cited in Hirsch 2012:2).

Furthermore it is important to highlight that reconciliation should not be seen as an outcome of deliberative democracy, but a precondition (Bashir 2010:18 cited in Hirsch 2012:2). Another definition of reconciliation offered by Verdeja (2012) states that reconciliation is “best understood as a condition of mutual respect among former enemies” (Verdeja 2012:166). This also requires mutual recognition of the others moral worth and dignity (Verdeja 2012:166). Verdeja (2012) carries on to distinguish political reconciliation as a state in which the identities that existed in the conflict-era no longer operate and citizens

acquire new identities “that cut across those earlier fault lines” (Verdeja 2012:166). However, Hirsch (2012) questions, how such a model of reconciliation can reunite divided societies when the practice looks more like “quietist surrender by the victim to the perpetrator than harmonising reconciliation” (Hirsch 2012: 3). This is the case in Sri Lanka; because both the GoSL and the LTTE committed human rights violations and war crimes, and therefore we are faced with a situation where the perpetrators were the victors (Human Rights Council, 2015) - and this victor-perpetrator mentality still prevails in the Sri Lankan society, which is why the diaspora may have still not come to terms with this victory, and some diaspora groups still aim for a revival of the fight for a separate state (Mahmoud 2005; Lyons 2004 cited in Haider 2012: 6), and becomes an important actor in the whole process.

A common understanding when considering the relationship between the concepts of transitional justice and reconciliation is that, transitional justice is the vehicle to achieve reconciliation. Therefore, In order to understand transitional justice further, we will now look at the three dimensions of transitional justice as presented by Mani (2002). Mani (2002) states that, “injustice is not just a consequence of conflict, but is also often a symptom and cause of conflict” (Mani 2002:5). She further suggests that in order to restore justice after a conflict these three dimensions of justice needs to be addressed: legal justice/ rule of law, rectificatory justice, and distributive justice (Mani 2002:5).

### *2.1 Legal Justice/ The Rule of Law*

After conflict it is important that the rule of law in a nation be reformed entirely (Mani 2002:6). This is because after conflict, legislative frameworks usually show accumulated signs of neglect and distortion in the political system, which may also have elements of discrimination and most often do not adhere to international human rights law and criminal law standards (United Nations Security Council 2004:10). The legal system in a post conflict nation may also lack legitimacy because it has been changed “by conflict and abuse into instruments of repression” (United Nations Security Council 2004:10). If this part of justice is not addressed, all the work done to achieve peace will be useless. Added to this, restoring the rule of law will show combatants and civilians “a return to security, order and stability” (Mani 2002:6). Furthermore, addressing the rule of law can act as a deterrent to future conflict by “signalling to conflicting groups that future perversions of the law are not

permissible” (Mani 2002:6). It also provides a framework for rectificatory and distributive justice to be meted out (Mani 2002:6).

## *2.2 Rectificatory Justice*

Following on from the rule of law is rectificatory justice, which deals with injustice from direct physical violence victims suffer during conflict; these include gross violations of human rights, crimes against humanity and war crimes (Mani 2002:7). This dimension to justice is important because in order for a society to move on from past trauma, an established process of reckoning is needed (Mani 2002:7). Some of the approaches commonly used by societies transitioning from conflict include; “truth commissions, trials and prosecutions, non-judicial sanctions such as purges, ‘lustration’ or removal from office, compensation, and symbolic gestures such as commemorations and memorials” (Mani 2002:7).

We will now explore the legal, political, and psychosocial rationales for addressing rectificatory justice after conflict. First, the state has a responsibility to adhere to international treaties and customary laws. Secondly, governments have the responsibility to deal with the abuses committed during the conflict, furthermore, fundamental human rights are non-derogable even during emergencies. Finally, victims have a right to redress, which makes rectificatory justice extremely important (Mani 2002:7).

The political rationales for rectificatory justice include the need for accountability and to combat impunity after conflict, added to that rectificatory justice will help deter future abuses. Furthermore, if rectificatory justice is taken seriously this would make the new regime more credible. Most of all this dimension of justice will, to some extent, guarantee sustainable peace and strengthen democracy of the nation (Mani 2002:7). An example of this is the previous Sri Lankan government (the government of Mahinda Rajapakse), who was overthrown by voters in the January 2015 elections; one of the reasons for this is its lack of credibility due to not taking rectificatory justice seriously. However, an year and a half since the new government was elected, people, especially the international community and the Sri Lankan Tamil diaspora still question the credibility of the new government, because of their passiveness in dealing with this type of justice. We will explore this further in section 5. The

psychosocial rationale behind rectificatory justice “stems from the need to understand and heal the trauma of victims and survivors of conflict” (Mani 2002:7). Mani (2002) argues that psychosocial healing has been ignored and that it is important in order to promote reconciliation and consolidate peace (Mani 2002:8).

### *2.3 Distributive Justice*

Distributive justice “...entails addressing the underlying causes of conflict”, which are caused because of perceived socioeconomic, political or cultural injustice (Mani 2002:8). To make this more relevant to transitional justice the United Nations could be quoted as saying that “the deepest causes of conflict’ (is) ‘economic despair, social injustice and political oppression” (cited in Mani 2002:8). This dimension of justice deals with addressing grievances such as “inequitable distributions and access to political and economic resources that underlie conflict” (Mani 2002:9). Furthermore, “it is in addressing the causes of conflict, through legitimate and just ways” that conflict can be prevented in the future. (United Nations 2004: 4). In the context of Sri Lanka, and especially when it comes to the immediate needs of the victims of the war, this type of justice seems to be most important, especially to those who suffered first hand consequences of the war. Here, it is important to acknowledge the root causes of the war, which were mainly economic inequality for the Tamil minority, lack of opportunity for career progression in the government sector, and language barriers due to Sinhala been made the official language in 1956 (Lieberman, 2009). However this discourse, at the national level, on acknowledging and accepting the root causes of the war, and thereby finding a solution seems to be lacking.

### *2.4. Restorative Justice*

Another element that can be added to the dimensions of justice, but not explored by Mani (2002) is restorative justice. In defining restorative justice Zehr and Mika (2003) defines it under three major themes; crime, obligations and liabilities, and justice practice. This would be a lot to get into for the purpose of this paper, therefore in a simpler sense, when looking at justice from the lens of restorative justice, “crime is viewed as a violation against the victim, rather than against the inchoate state of society in any abstract way” (Daly and Sarkin 2007:14). Whilst there is an ongoing debate about the inconsistency between justice

and reconciliation, Daly and Sarkin (2007) suggests that if justice encompasses the concept of restorative justice, there will be no such inconsistency (Daly and Sarkin 2007:15).

The process of restorative justice ensures maximum input from all parties involved, especially including victims as well as perpetrators. This process helps the parties look for restoration, healing, responsibility and prevention (Zehr and Mika 1997 cited in Daly and Sarking 2007:14). This process is “cooperative” and “transformative” and minimises adversary. “Notwithstanding its backward-looking name, it aims to rebuild and strengthen and not merely to ‘restore’” (Daly and Sarkin 2007:14).

### 3. The Paradox Between Reconciliation and Justice

Consequently, it is important to consider the debate around the paradox between justice and reconciliation. There are many arguments that state reconciliation and justice do not work together. A few of them will be discussed below.

Newman (2010) argues that it may not be possible to deal with human rights abuses justly because it may jeopardise the transitional process. “While not dealing with the past may sour peace and democracy; to deal with it may threaten peace” (Newman 2010:37). Secondly, whilst a successful transitional process depends on the military and rebel combatants, they are the same actors who have abused human rights (Newman 2010:37), as was the case in Sri Lanka, where key military personnel are responsible for many of the human rights abuses, but still have not been tried in a court of law. The obstacle here is, do you grant them amnesties, or serve justice? The United Nations’ security council report (2004) suggests that granting amnesties should be encouraged in order to reintegrate both groups, however, “these can never be permitted to excuse genocide, war crimes, crimes against humanity or gross violations of human rights” (United Nations Security Council 2004:11). On the same note, it is rarely possible to prosecute everyone who is responsible for human rights abuses, therefore the decision on who to prosecute may not be fair, “if pursued on an absolute justice basis” (Newman 2010: 39). The next issue is that, accounting for the past in great detail, as suggested above with the truth seeking approach, may not allow the wounds of the past to heal (Newman 2010:39).

Another argument is that whilst transition is a condition of power and political dynamics, justice is a normative issue and lies in a different sphere of discourse (Newman 2010:40). There are also other characteristics of both reconciliation and justice that may pit them against each other, some of these are; justice is punitive whilst reconciliation is forgiving, justice is principled where reconciliation is pragmatic (Daly and Sarkin 2007:14). Daly and Sarkin (2007) argue that reconciliation seems to be the “lesser-of-two-evils”, or the “face-saving” choice when politics or economic reasons prevent trials from taking place (Daly and Sarkin 2007:14). However, it should be acknowledged that some conceptions of both reconciliation and justice can be “congruent, even mutually reinforcing” (Daly and Sarkin 2007:14). As Daly and Sarkin (2007) states:

“Deep reconciliation involves redressing the balance, vindicating the victims, and restoring them to their former, pre-violation selves as does every conception of justice, including punitive justice” (Daly and Sarkin 2007:14).

#### 4. Theoretical Approaches to Reconciliation

Moving on to a different outlook on transitional justice, we will now consider the different theoretical approaches to reconciliation as presented by Johan Galtung (2001), in order to have some foundational basis when we explore the what reconciliation means to different actors in the Sri Lankan context.

##### *4.1. The exculpatory nature-structure-culture approach*

The key in this approach is for individuals in opposing parties of the conflict to see each other as victims. This could be done if the parties can see the conflict as a structural problem rather than a personal problem, thus looking at it as structural violence (Galtung 2001:5). “A structure oriented perspective converts the relation from interpersonal or interstate/nation, to a relation between two positions in a deficient structure” (Galtung 2001:5). In the same way in a ‘culture-oriented perspective’, if the parties can look at the problem in relation to a deficient culture then it would be possible to turn together against the common problem, i.e. cultural violence, and see both of themselves as victims (Galtung 2001:5). The Sri Lankan problem is definitely a structural problem that happened to involve the ethnic majority and the ethnic minority. As mentioned before, the root causes of the war stemmed from

structural deficiencies, after decolonisation. However, the challenge here is that seen each other as the victims in the Sri Lankan context maybe impractical or even impossible. When it comes to the national level reconciliation, how are the Tamil population meant to see the GoSL as a victim?

However, we need to consider how the personal level reconciliation relate to the structural level; can they be mutually exclusive? Thus, it is apt to consider the concept of micro and macro level reconciliation. Susan Dwyer (1999) asks an important question in this respect:

“(does) the possibility of reconciliation at the macro-level depend(s) upon the possibility of reconciliation at the micro-level?” (Dwyer, 1999:91)

To consider this question further we need to understand the difference between micro level and macro level reconciliation. At the micro level, reconciliation depends upon community level, face-to-face interactions between victim and perpetrator or antagonists. The macro level then focuses on institution level, national level, or global level interactions (Dwyer, 1999: 83). When applying this to the context of Sri Lanka, there are important question that need to be addressed; is the Sri Lankan reconciliation process operating at two different levels, or is there a relationship between the micro and macro level processes? How does the diaspora relate to reconciliation, is at the local, grassroots level of reconciliation or at the higher UN level, abstract understanding of reconciliation? Is the GoSL or the UN incapable of relating at the micro level? We will explore the answers to this questions in section 5 regarding the different perception of reconciliation in the Sri Lankan context.

#### 4.2. *The reparation/restitution approach*

Considering the next approach, the reparation/restitution approach, it basically means trying to undo the harm that has been done by replacing the cost, through money, goods and services (Galtung 2001:6). It is important to keep in mind that the reparation approach only works if the violence is reversible, as Galtung (2001) states, “when trauma has been wrought and is deep-rooted, any restitution borders on an insult, adding violence to violence” (Galtung 2001:6). Secondly, trying to make the victim forget what happened can be seen as the perpetrator “trying to buy release from guilt” (Galtung 2001:6). Restitution can be seen as a transaction, therefore the key is to have a contract that can be agreed upon and signed by both perpetrator and victim (Galtung 2001:7). We saw the previous

government trying to take this approach by improving infrastructure and building roads etc. but this had no connection to giving reparations to victims of the war. The new government then tried to take this approach by returning land back to victims of the war, and building houses for IDPs. However, this also has not been done to its fullest extent, and as Galtung (2001) suggests this approach alone will not make reconciliation work.

#### 4.3. *The apology/forgiveness approach*

In this approach conflict is terminated by offering and accepting an apology. The ‘and’ is stressed here because both offering an apology and accepting has to happen and not just either-or (Galtung 2001:7). Little (1999) states that forgiveness is a transaction between the forgiver and the forgiven. Both parties acknowledge past abuses and wrongdoings and acknowledge the appropriate punishment, whilst also demonstrating “contrition and repentance have been met by mercy” (Little 1999 cited in Newman 2010:35). In the same way, Galtung (2001) echoes this statement by suggesting that whilst restitution is economic and contractual, forgiveness is a transaction that is spiritual and psychological: “Just as restitution is good for people with money, apology is for those with words” (Galtung 2001:7). However, this approach on it’s own is insufficient because the victim is left asking ‘what is in it for me?’ Therefore, Galtung (2001) suggests that this approach should be combined with restitution, because a perpetrator has to deserve being forgiven” (Galtung 2001:8). Newman (2010) argues that whilst from a philosophical point of view forgiveness is better than punishment for reconciliation, amnesties prevent the act of forgiveness” (Newman 2010:35). To conclude this section, Popkin and Bhuta (1999) is best quoted:

“...in its pure form, forgiveness is a voluntary act by an individual not an imposed policy for a whole society, or a legislated forgetting imposed for political reasons, irrespective of the wishes or needs of those touched by suffering” (Popkin and Bhuta 1999 cited in Newman 2010:35).

#### 4.4. *The juridical/punishment approach*

In this approach the perpetrator is released from guilt (Galtung 2001:10) by generally facing a tribunal. Such tribunals include one for war crimes, crimes against humanity, and

genocide. Galtung (2001) argues that these tribunals will deal with “lower-class people who kill with machetes and gas chambers, not middle-class people who kill with missiles and atom bombs” (Galtung 2001:10). Therefore, the moral impact would be negligible (Galtung 2001:10). Again, like the other approaches, Galtung (2001) suggests that the solution is to broaden the approach by combining other approaches such as “restitution, apology, and a genuine inner change” (Galtung 2001:10). When it comes to the Sri Lankan context we see the Sri Lankan Tamil diaspora taking this approach, where some diaspora groups/organisations believe the only way to achieve reconciliation is by trying high-level perpetrators, including the former president of Sri Lanka in the International Criminal Court. They also continue to demand for the recognition of genocide of the Tamil people by the Sri Lankan state. We will discuss further what the diaspora perceive reconciliation to be, in section 5.2.

#### *4.5. The historical/truth commission approach*

This is probably the most common approach to reconciliation, which includes victims and perpetrators describing to a truth commission in detail what really happened, “letting the acts, including the violent acts, appear as the logical consequences of the antecedents” (Galtung 2001:12). Even though getting the facts straight is important, Galtung (2001) argues that there are problems with this approach. The first problem is that even though the perpetrators are understood they are not forgiven because they will be tormented by their guilt, which will be published in a report and known by their victims, and also because of social ostracisms; “and that is punishing, not forgiving” (Galtung 2001:12). Secondly, describing what happened alone does not give the desired feeling of offering an apology and receiving a pardon. “Truth alone is merely descriptive, not spiritual” (Galtung 2001:12). Finally, Galtung (2001) believes that the process of finding out the truth and publishing the report should not be left to professionals alone. Galtung (2001) introduces the ‘ten thousand people’s commissions’, which may include people from each local community, and NGOs, involving all parties to “arrive at a joint understanding, reconciling in the process” (Galtung 2001:12). However in the Sri Lankan post-conflict context there is a perceived fear of speaking up about the truth in front of a commission, especially if it is run by the government. Trust is still something the GoSL has failed to establish, especially with the Tamil population.

#### 4.6. *The joint sorrow/healing approach*

This approach allows victims and perpetrators to discuss how the conflict could have been avoided, how conflicts in the future could be avoided etc. It is a relatively new approach, and should include people from all levels including the elite (Galtung 2001:15). However these encounters should not be tribunals, rather it should focus- on “healing through joint sorrow, not on self righteousness” (Galtung 2001:15). But this approach should take place at its own time, sometimes years later, because right after a conflict may be too early for joint sorrow (Galtung 2001:15).

#### 4.7. *The joint reconstruction approach*

Just as the joint healing approach, the point of this approach is to get both victims and perpetrators to meet as “moral equals” and do positive acts together, this may include reconstructing their community which was destroyed because of the conflict (Galtung 2001:15-16). Galtung (2001) states the benefit of this as:

“...rebuilding is concrete, while reconciliation is mainly spiritual. What matters is the togetherness at work, reflecting on the mad destruction, shoulder to shoulder, mind to mind” (Galtung 2001:16).

However, there is more to it than reconstructing physical infrastructure. Institutions need to function properly again, and refugees and displaced persons need to be settled, amongst the many other war torn segments that need to be taken care of (Galtung 2001:16). This is what the previous Sri Lankan government was mainly criticised for, focusing mainly on the physical infrastructure, and not taking a holistic approach. “There are atom (fragmentation) and anomie (normalness) to be overcome by reconstructing structures and cultures” (Galtung 2001:16). At a grassroots level there have been initiatives to get, for example, ex- LTTE combatants and army working together for community projects and sports events etc. However, the outcome of these initiatives are unclear, and difficult to measure because of the lack of coordination and involvement from the national level.

#### 4.8. *The joint conflict resolution approach*

Usually conflict resolution is top-heavy, which is done by diplomats, politicians and even military, “often excluding those on whose behalf they presumably are negotiating behind veils of secrecy” (Galtung 2001:17). However, what is necessary is massive participation, “civil society organisations, national legal associations, human rights groups and advocates of victims and the vulnerable must all be given a voice in these processes” (United Nations Security Council 2004: 7). Galtung (2001) suggests two ways to do this. Firstly, the therapy of the past, where people would discuss what happened in the past, what went wrong and what could have been done differently. Secondly, the therapy of the future where, people would imagine and discuss how the future would be if no action is taken to create sustainable peace, and how it would be otherwise (Galtung 2001:17). Galtung (2001) argues, “... in the process of doing so, human and cultural healing, as well as structural healing, would take place” (Galtung 2001:17).

#### 4.9. *The ho’o ponopono approach*

The final approach, the ho’o ponopono approach, which in Polynesian culture means “setting straight” or “cultural diffusion”, is a tradition combining reconstruction, reconciliation, and resolution (Galtung 2001:18). In this approach, four phases are followed: getting the facts right, sharing responsibility for what took place, joint reconciliation, and finally, closure (Galtung 2001:18). Galtung (2001) argues that, none of the other approaches encompasses the ‘3Rs’ (Reconstruction, Resolution, and Reconciliation) as this approach. “There is rehabilitation of the victim, respecting his feelings and giving him a voice; there is apology and restitution” (Galtung 2001:18).

### 5. Perception of Reconciliation of different actors

Moving on from the theoretical angle of looking at the different meanings and approaches to reconciliation, we now consider the empirical aspects by analysing what reconciliation means to different actors in the Sri Lankan context. Interviews with the various actors, and

analysis of their actions through the news and online media outlets has informed this analysis.

### *5.1. Government of Sri Lanka (GoSL)*

It is understood through the theory on reconciliation and transitional justice that the state should play an enormous role in implementing transitional justice and reconciliation processes. However, what the GoSL has done since the end of the war in 2009 has been very minimal. The previous government focused very much on investing in new infrastructure, such as highways and airports, and economic development. However, these developments did not lend its hand to furthering reconciliation. Furthermore, they were continuously criticised for the corruption involved in these development projects.

The new GoSL elected in January 2015, on the other hand, has made some, again very little, progress by trying to achieve reconciliation through symbolic actions. Some of these include, the release of political prisoners, some estimates show that about 45 prisoners were released out of about 200 held under the Prevention of Terrorism Act (PTA) 1979, which allows anyone is perceived to have links to the LTTE, even without concrete evidence, to be detained (Tissainayagam, 2015). This act is still in place today. Another symbolic move made right after their election, was to have the national anthem of the country officially sung in Tamil too. As language is believed to be a main cause of the war, this was symbolic in showing the Tamil people that their language too is as important as the Sinhalese language. Another symbolic gesture was made recently, when the ‘Victory Day Parade’ was cancelled. The ‘Victory Day Parade’ was held every year to honour the ‘war heroes’ (military) on the day that leaders of the LTTE were killed, and the war was considered over. However, this year it was cancelled, and instead was called remembrance day, with religious observances to remember the victims of war. Another symbolic move was for the first time in 32 years, Sampanthan, was appointed as the leader of opposition, who is a Tamil politician representing the Tamil National Alliance (TNA) - the former political proxy of the LTTE (Liyanawatte, 2015). However, symbolic actions are inadequate to achieve a true and lasting reconciliation. There needs to be a holistic approach that gives importance to all aspects of transitional justice.

The GoSL has also tried to show the level of importance they place on reconciliation by setting up various government bodies and agencies to promote reconciliation. At the national level there are three government bodies who have official mandates regarding reconciliation: The Office of National Unity and Reconciliation (ONUR) under the Presidential Secretariat, Ministry of National Languages and Social Integration, and the Ministry of National Integration and Reconciliation. There is also the new Taskforce on Reconciliation set up by the Prime Minister, who was set up to hold public consultations with the community to understand what the people want from reconciliation. Then, there is also the Ministry of Foreign Affairs who play a role in engaging with diasporas with the purpose of getting diasporas involved in the process. More recently, the Secretariat on Coordinating Reconciliation Mechanism (SCRM) was set up to design and implement reconciliation mechanism. The mechanisms under this body include the Office of Missing Persons, the Truth, Justice, Reconciliation and Non-Recurrence Commission, the Judicial Mechanism and the Office of Reparations (SCRM, 2016). Thus, whilst the government is doing more now than they have in the past six years, the extent of the coordination within the different bodies is unclear. Furthermore, after speaking to an assistant director of the ONUR, it became clear that whilst they had concrete plans and everything looked great on paper, the implementation of it needs to be clearer. Therefore, the coordination not only within the different bodies, but also with grassroots level initiatives seem vital.

Another important aspect of transitional justice is truth commissions. The LLRC held a truth commission before their recommendations were published in 2011. However the LLRC has been criticised for their lack of transparency and biases. It is unclear how many statements were made to the LLRC initially, but the lack of trust the population have towards the government, and the fear that they would be punished for speaking the truth, may have prevented many people from coming forward to present statements. There has also been questions, especially from diaspora groups and the international community if this type of truth commission will work in Sri Lanka unless it is completely independent, and have international judges and experts heading the commission. A documentary published by the UK based group Together Against Genocide, suggested that people are afraid to come forward for fear of been tortured for having real or perceived associations to the LTTE (Together Against Genocide [video], 2015). The report of the Office Of The High Commissioner For Human Rights (OHCHR) investigation on Sri Lanka called for

international judges to be involved in such mechanism, the UN and diaspora groups continues to call for this (Human Rights Council, 2015). However the GoSL has refused to accept any international involvement. An article recently highlighted that exiled Sri Lankans will be willing to testify via video only if international judges are involved (The Siasat Daily, 2016).

### *5.2. Diaspora and Diaspora Organisations / NGOs and Social Movements in Sri Lanka*

The Sri Lankan diaspora and especially the Sri Lankan Tamil diaspora are an important actor in the post-conflict context of Sri Lanka. This is mainly because during the conflict they were an important voice in lobbying host governments and international organisations to put an end to the brutal war in Sri Lanka. But also because the LTTE had a strong hold over the Tamil diaspora by establishing itself transnationally and using the diaspora as a financial source to fund the war. Furthermore, those identifying as diaspora, mainly left the country as victims of war, therefore they may hold key answers in finding the truth about what happened during the conflict. Even after the conflict the diaspora has continued to be a strong voice in demanding for justice, accountability and an end to impunity in post-war Sri Lanka. Some diaspora groups such as 'Together Against Genocide' continue to demand for the conflict in Sri Lanka to be recognised as genocide of the Tamil people. Furthermore, the common view among Tamil diaspora groups and the UN is that there needs to be an international justice mechanism and the involvement of international judges. However, the GoSL, uses the justification of sovereignty and non-interference to continue to reject this involvement.

NGOs and civil society movements in Sri Lanka has also been added to this cluster in defining the meaning of reconciliation because, for the most part, they tend to perceive reconciliation in the same way. For these groups, reconciliation is mainly focused on the practical aspects such as finding missing persons, the release of political prisoners held under the prevention of terrorism act (PTA) 1979, the abolishment of the PTA, return of land to rightful owners, especially in the former conflict zones (land is still been held by the government or is unlawfully occupied by army personnel etc.). These groups also continue to demand for constitutional reform, including equal language rights for the Tamil language, and an overall inclusive and equal system which does not discriminate against Tamil's, and

the equal distribution or devolution of power. One member of the diaspora in Canada believes that “devolution of power is a strong transitional justice mechanism” (Canada, May 2016).

Furthermore, the common perception in the diaspora is that reconciliation should be about accepting the root causes of the war (which the GoSL has failed to do), and establishing the legitimate causes. Identifying the root causes and accepting the past will ensure non-recurrence of the conflict, and this assurance is a big part of reconciliation. One member of the diaspora stated that “if the truth is not known - then to accept a new narrative with different perspectives” (Canada, May 2016).

Demilitarisation is an important practical aspect that the diaspora, and also some in the Sri Lankan civil society continue to lobby for. Some in the diaspora have stated that in order for reconciliation to take place the Tamil’s fear of military should be taken away. A Sinhala writer, and former political activist in Sri Lanka, who now lives in Canada said that the army is made of Sinhala racist ideologies - anything the army did was not wrong ; to keep such an army happy there needs to be war. The army started with 4,700, in 1971 it was 24,000 and now estimated over 200,000 military personnel (Global Fire Power, 2016). Another member of the diaspora interviewed in Canada believes that it all comes down to trust. the Tamil population in the North need to be trusted by the government and treated as Sri Lankans, this in turn would ensure that this trust is required. An important move to establish this trust is drastically reducing military presence. Not only the Tamil’s living in Sri Lanka, but the diaspora needs to be able to accept the Sri Lankan identity and belonging, this is when they believe reconciliation could be achieved.

### *5.3. Victims of War/ Local communities in former conflict zone*

Whilst Tamil diaspora groups have been consistently lobbying for an international intervention and justice for war crimes in Sri Lanka, some participants in Sri Lanka (mainly NGO representatives and political activists) mentioned that this is not the priority for the local Tamil communities in the former conflict zones. The priority for the locals is information about the disappeared, and the return of their lands and homes, and a normal livelihood and income. Those who have worked closely with helping Tamil’s in the former

conflict zones have said that their main desire is a return to normalcy, and to feel a true sense of safety and security. Therefore, the main priority for the local communities in the war affected North is a livelihood to satisfy the basic needs of food and shelter, and equal economic opportunities and a standard of education shared by the rest of the country. Therefore this may be a new dimension to reconciliation that needs to be considered, added to the traditional understanding of reconciliation. Drawing from the concept of distributive justice, does reconciliation in this type of context need to shift towards geopolitical and economic development, or is it that these aspects need to be dealt with even before reconciliation processes can be started? As one participant within the Canadian Tamil diaspora stated:

“Tamil people need to visually and physically experience change in their lives” (Sri Lankan Tamil Catholic Priest, Canada, May 2016)

## 6. Conclusion

In the post-conflict context of Sri Lanka we see that reconciliation may be a complex process with the many actors involved and the many voices that need to be considered in contextually interpreting what reconciliation means, but also incorporating what the different actors expect from the process of reconciliation and transitional justice is a challenging feat. Whilst there are different approaches to transitional justice and reconciliation as explored above, we see that none of these approaches may work as a stand alone process, and may need to be combined in order to be effective, again depending on the context. In the Sri Lankan context we definitely see that there can be no reconciliation without the proper implementation of a range of transitional justice mechanisms. Again we see that it is more challenging in the Sri Lankan context because of the contradiction in what the different actors expect from such mechanisms - domestic vs. international etc. We also see that there may be a new dimension to be considered, bearing in mind what the priority of local communities in the former conflict zones are. Can any transitional justice mechanism or reconciliation process work if these communities lack the basic needs to establish a proper livelihood? Thus, for further consideration beyond this paper, does the concept of reconciliation in this type of context need to shift towards geopolitical and economic development in order to have a lasting impact?

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