

Reconciliation in Sri Lanka: Harder than Ever International Crisis Group 18 July 2011
(...) Two years since the defeat of the Liberation Tigers of Tamil Eelam (LTTE), Sri Lanka is further from reconciliation than ever. Triumphant in its successful “war on terror”, the government of President Mahinda Rajapaksa has refused to acknowledge, let alone address, the Tamil minority’s legitimate grievances against the state. The regime destroyed the Tigers by rejecting the more conciliatory approach of prior governments and adopting the insurgents’ brutality and intolerance of dissent. Now, contrary to the image it projects, the government has increasingly cut minorities and opponents out of decisions on their economic and political futures rather than work toward reconciliation. As power and wealth is concentrated in the Rajapaksa family, the risks of renewed conflict are growing again. Partners, especially India, Japan, the U.S., UK, European Union (EU) and UN, should send a strong message against increasing authoritarianism, condition aid on transparency and restored civilian administration in north and east and support accountability, including an international inquiry into alleged atrocities by both sides in the war’s final stages.

Much has improved with the end of the war in May 2009. The paralysing threat of suicide attacks on civilians in the south has ended with the destruction of the LTTE, while Tamil families no longer fear the Tigers’ forced recruitment of their children and other abuses. Economic and political security is better for some segments of society. But decades of political violence and civil war have polarised Sri Lanka’s ethnic communities and undermined institutions, particularly those involved in law and order. (...)

(...) Progress toward reconciliation in this environment was always going to be difficult. It has been made much more so by the post-war policies of President Rajapaksa and his powerful brothers. With emergency and anti-terrorism laws still in place, they continue to violently repress the media and political opponents, while manipulating elections and silencing civil society. Constitutional reforms strong-armed through parliament have removed presidential term limits and solidified the president’s power over the attorney general, judiciary and various “independent” commissions. Northern areas once ruled by the LTTE are now dominated by the military, which has taken over civil administration and controls all aspects of daily life – undermining what little remains of local capacity. Democratic political activities in the north and east have been suppressed through the use of violent and corrupt ethnic Tamil proxies and other Rajapaksa loyalists. Development of those areas has been conducted without local consultation; indeed many Tamil residents feel that it is more like the extraction of the spoils of war than a real effort to improve livelihoods and build trust.

To deflect criticism of its unlawful conduct in the final stages of the war the government established a Lessons Learnt and Reconciliation Commission (LLRC). Promoted as a mechanism for both accountability and reconciliation, it will produce neither. In April 2011, a UN panel of experts found that the LLRC lacks the independence, mandate and witness protection capacity to serve as an accountability process for the many credible allegations of war crimes and crimes against humanity committed by both sides and recommended an international investigation. Correcting the LLRC’s flaws would require not only a new commission or other

mechanism but also a reversal of the Rajapaksas' core post-war policies. While the LLRC has served as a platform for airing some grievances, it has failed to win confidence domestically and can do little to aid reconciliation. Sri Lankans know better than anyone that such a commission is ultimately powerless. (...)

While the government tries to sell its "reconciliation" plans, the realities on the ground in the north and east are ominous. Many households are now headed by women, who are extremely vulnerable under military rule. Much of the aid promised has not arrived, and all is strictly controlled by the military. Over two thirds of the nearly 300,000 displaced civilians interned in the north at the end of the war have been sent home, but mostly to areas devoid of the most basic amenities. Another 180,000 of those and others displaced in prior stages of the war are still in camps or other temporary settings. Of the 12,000 or more alleged LTTE cadres detained at the end of the war, 3,000 are still undergoing "rehabilitation". Hundreds more LTTE suspects, many detained for years without charge, are held separately. There is little transparency about the numbers or identities of post-war detainees, and upon release, many are closely monitored and harassed or pressured to act as informants. Families throughout the north and east are still searching for missing relatives.

Tamils are not the only community to find themselves marginalised. There have been no official efforts to address the conflicts that flared within Sinhalese communities in the south. (...)

(...) Reconciliation will slip further out of reach if the government maintains its policies. As part of broader efforts to counter false narratives put forth by it and by Tiger apologists alike and to restore the badly damaged rule of law, Sri Lanka's partners should take immediate steps. Aid money should not be delivered without firm knowledge of how it will be spent, which requires extensive monitoring. Assertions that the government is moving towards reconciliation must be tested against realities on the ground, which means insisting on access. The Rajapaksas' authoritarianism must be challenged directly and publicly, with strong messages against retrograde constitutional changes and centralisation of power. An international inquiry into alleged atrocities by both the government and LTTE is needed; UN member states should actively work to establish one, unless the government shows by the end of 2011 that it is willing and able to ensure accountability on its own. Sri Lanka eventually should also have an independent, inclusive truth commission to examine injustices suffered by all communities. It requires a fair accounting of its violent history to avoid repeating it. (...)

The Executive Summary includes extensive recommendations to the government of Sri Lanka, Sri Lanka's international partners, the UN and Member States, and Tamil diaspora groups.

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