

**Summary of Submission to the Commission of Inquiry  
on Lessons Learnt and Reconciliation on Lessons Learnt—  
by Jehan Perera on behalf of the National Peace Council of Sri Lanka  
(October 13, 2010)**

We are happy to make these submissions before the Commission of Inquiry on Lessons Learnt and Reconciliation on behalf of the National Peace Council of Sri Lanka. We believe that the Commission has an important role to play in closing the chapter on inter ethnic conflict and estrangement in our country and opening a new chapter of reconciliation and unity.

We are therefore grateful that you have given us an opportunity to present our point of view before you. We realize that there are many opinions regarding the period and the problems that you have been mandated to look into. We represent a point of view that we have been consistent in upholding since our inception as an organization in 1995.

Although we come from different walks of life and ethnicities, there are three basic positions on which all of us who are with the National Peace Council are agreed on. The first of these positions is that the conflict, and the war which took place, was due to an unresolved ethnic conflict. We did not subscribe to the view that the conflict was simply a terrorist problem.

Our second agreed position was that this ethnic conflict needed to be resolved through a process of dialogue and negotiations in which the roots of the conflict were addressed. As the LTTE was one of the main parties to the conflict we called for dialogue and negotiations that included them also.

Our third position was that the political solution to the conflict should involve the sharing of power within a united country between the ethnic communities that comprise the Sri Lankan people. We held and continue to hold that the devolution of power is an important and indispensable component of such a political solution.

What motivated us at our origins in 1995, during the period of 2002 to 2009 about which we are to make our submissions, and up to this date has been to support the Government of Sri Lanka in its efforts to peacefully and politically resolve the conflict. Our commitment was and remains to facilitate a people's movement for peace and reconciliation that would politically support efforts to find a negotiated political settlement to the ethnic conflict.

When the Government of Sri Lanka entered into a ceasefire with the LTTE in 2002, the National Peace Council supported that effort to achieve a peaceful end to the conflict. We were not alone in this as a large number of civic and religious organizations also supported the objective of achieving peace through peaceful means. During that initial period there was also strong public support for the Government which won a sweeping victory at the local government polls.

was largely left to civil society and NGOs to do, which was insufficient as the government has much more power to reach a mass audience.

**4. HUMAN RIGHTS VIOLATIONS:** Human rights violations took place during the period of the Ceasefire Agreement. In particular, the LTTE assassinated its political rivals, government intelligence operatives and embarked on large scale recruitment including child recruitment during the period of the Ceasefire. Many national and international organizations concerned with peace were cautious in highlighting these violations on the grounds that this might induce the LTTE to leave the peace process early and re-start the war that had ended and which had already led to the loss of tens of thousands of lives. The return to war was not seen as an option by those who supported the peace process, and the emphasis was on averting a return to war. It was important that human rights be protected in full, and not in part, at every stage of the peace process from beginning to end which did not happen.

**5. RESTRICTED INFORMATION:** The necessity to fight the war appears to be widely accepted, not only in Sri Lanka but also internationally. However, the human costs of the fighting and the fact that hardly any independent information was available has had an international backlash. Both the international media and international humanitarian organizations only had very limited access to the war zones. As a result it was difficult to obtain independent verification of what was happening in the war zones and the casualties. This may account for international human rights groups and the UN Secretary General taking a focused interest in the last days of the war.

**6. POLITICAL SOLUTION:** The government appointed an All Party Representatives Committee that met continuously during this period and submitted a final report to the President. However, during the ending phase of the war, this report dropped from sight. Attention was focused on the impending military victory, which when it came was made to seem as if the entire problem was over. But a military solution did not eliminate the political roots of ethnic conflict. Now that the impediment of the LTTE is absent, there is a renewed opportunity for a negotiated political solution with the elected representatives of the ethnic minorities. The absence of such a political solution has opened the door for critics of the government to assert that the ethnic conflict continues and that the government is not interested in the peace, justice and reconciliation that would accompany a political solution.

**7. POST WAR PHASE:** During the last phase of the war it became evident that there would be an influx of internally displaced persons. The government announced that it was setting aside land and putting up shelters to temporarily accommodate these people. But this was not done adequately. When the 300,000 displaced persons crossed over into government-controlled areas, they had very little by way of planned and organized facilities to house them. Preparing the ground for these people to come out would have demonstrated that the government was concerned about their welfare and conducting, along with the war, a humanitarian operation on equal scale on their behalf. This needs to be redressed today by the rapid provision of permanent housing, infrastructure and livelihood.

At the beginning of the peace process it seemed to be a textbook case of success. I was present at the commencement of the peace talks in Sattahip, Thailand where Professor G L Peiris on behalf of the Government and Dr Anton Balasingham on behalf of the LTTE made brief presentations and answered questions from the media. There was every appearance of goodwill and optimism that accompanied that first round of peace talks.

In hindsight it would now appear that the main cause of the failure of the ceasefire and peace process was the lack of commitment to it on the part of the LTTE leadership. Their boycotting of the peace talks proved fatal to the peace process as it ended the period of structured dialogue. It appears that the LTTE leadership remained committed to their goal of a separate LTTE administration which would not have to report or depend on a relationship with the Government of Sri Lanka.

Our summary of the lessons learned would be as follows.

### **Lessons Learnt from Failure of Peace Process and its Aftermath**

**1. AGREED PARAMETERS:** Given the fears, suspicions, expectations and positions of the government and LTTE it was important that the parameters of the final settlement be agreed to at the outset, or if not at the outset, at some time at the beginning of the peace process. These parameters ought to have included the unity and indivisibility of the country which the international community as a whole stood by in principle. This was in the minds of those who supported the Ceasefire Agreement and peace process, but evidently not in the mind of the LTTE. This was to be seen in the Interim Proposals they made for an Interim Self Governing Authority, which appeared to be a half way house to a separate state.

**2. BIPARTISAN CONSENSUS:** The Bandaranaike-Chelvanayakam Pact of 1957 was the first attempt to reach a negotiated settlement of the ethnic conflict. This and all succeeding attempts failed in part due to an inability of the government and opposition parties to reach a bipartisan agreement on the envisaged political reforms. The Ceasefire Agreement and the political negotiations between the government and LTTE proved to be no exception. The government that signed the agreement and attempted to negotiate with the LTTE did so without the support of the opposition. The government was also internally divided on the issue, with the Prime Minister and his government not receiving the support of the President of the Republic who was kept out of the process by the government. As the ethnic conflict is an emotive issue with primordial fears contained in it, there is a necessity for a broad government-opposition consensus for a solution to be developed.

**3. PUBLIC PARTICIPATION:** In a democratic society it is important that the electorate and the population at large be apprised of political developments that matter to them. The issues need to be explained and the consent of the people needs to be obtained. The government had pledged to arrive at a ceasefire in its election manifesto. But once the peace process commenced it did not adequately address the people about the dilemmas it was facing or take them into confidence about the hard choices it had to make. This task

8. **NGO ACCESS:** There are still tens of thousands of displaced persons remaining in camps, in temporary shelters and with relatives in various parts of the North and also some parts of the East. Women and children are in a particularly vulnerable situation. There are many women-headed households amongst the war victims. At present many of the resettled people have been sent back to totally destroyed and virtually jungle-like areas to fend for themselves with hardly any resources. While army personnel are assisting the people in their resettlement efforts, they have few resources and need more. There are still about 8000 LTTE cadre who are to be reintegrated into society. NGOs have specialized competencies in the areas of rebuilding communities and reintegrating ex-combatants into civilian life. Restrictions placed on the work of non governmental organizations which have human and material resources to offer need to be minimized.

9. **DEMILITARISATION:** There is presently a close involvement of the military in the life of the civilian population in the North and East where the military continues to play a role in governance. The fact that the military is engaged in civilian activities may be a result of the government's desire to utilize the excess manpower for constructive purposes now that the war is ended. However, this should be a temporary arrangement pending the re-establishment of civil administration in those areas. In addition, the ethnic composition of the security forces needs to reflect the ethnic pluralism in society.

10. **PEACE EDUCATION:** One of the challenges to national integration and reconciliation will be to give people from different ethnic communities a better understanding of those from other communities. The stance of politicians from rival camps tends to get replicated among their grassroots communities, furthering divide and promoting ethnically polarized voting patterns. The work of politically non partisan civic groups is important to bind up the wounds created in the bid for political power. They should be encouraged not stymied by various government imposed restrictions. There needs to be greater trust built between government authorities and civic groups working for peace and reconciliation through dialogue and not only regulation.

## **Conclusion**

The present political circumstances in the country demonstrate the need for a new paradigm of governance that is more appropriate for the plural and diverse society in Sri Lanka. The centralization of power and reliance on military force in the past needs to yield to devolution of power and trust in which a systems approach to democratic governance becomes possible.

True reconciliation starts with the acknowledgement of the hurt of the other. We believe that this Commission's higher purpose is to heal the wounds of the past and help us to move forward without repeating the mistakes of the past. We believe that the higher purpose of this Commission is to bring together our people who have been driven apart by this conflict, and it is our hope that its findings help us to come together in reconciliation and unity.