

## Helpdesk Research Report: Peacebuilding and Access to Justice in Sri Lanka

Date: 20/08/09

**Query:** Please identify key readings on peacebuilding and access to justice in the Sri Lankan context.

**Enquirer:** DFID India

1. Overview
2. Donor policies and strategies
3. Civil society
4. Economic dividends
5. Human rights and access to justice
6. Peace education
7. Additional information

### 1. Overview

*This helpdesk research report focuses on peacebuilding policies, strategies and particular peacebuilding interventions in Sri Lanka. There is limited literature available on issues specifically related to access to justice in the conflict-affected context. Where such literature has been included, it relates primarily to issues of addressing the legacy of conflict-related human rights violations.*

Since the signing of a ceasefire agreement in 2002, a difficult peace process has been ongoing in Sri Lanka. Whilst donor involvement in the country precedes this, their policies and approaches have evolved over time based on the situation in the country. Many donors have sought to facilitate the peace process through peace conditionalities, i.e. the provision of aid tied to commitment to conflict resolution and peace. Much of the literature stresses, however, that while donors may be able to support the peace process, they alone cannot transform conflict through aid provision. Rather, political and diplomatic actors and processes and efforts to address structural causes of conflict are essential.

Donors have also had to recognise their responsibility to provide aid to the worst conflict-affected areas, regardless of whether conditionalities were fulfilled, weakening the credibility of their conditionality approach. The general provision of aid to such areas may still have contributed to the overall peace process, however, as it may have been seen as a peace dividend and mobilised public support for the peace process. Despite this perception in some cases, much of the literature seems to find instead that economic peace dividends were generally lacking. This is attributed largely to a focus on neo-liberal approaches by donors that centred on economic growth, the benefits of which usually occur with a time lag. The more pressing needs of youth combatants, internally displaced persons and the war-affected public at large were, rather, immediate socioeconomic relief, and in particular the reestablishment of livelihoods.

The structure of civil society in Sri Lanka and the manner in which donors funded civil society has also been critiqued. Most funding has been directed to NGOs in Colombo, which are run primarily by English speaking, middle class staff. This has marginalised volunteer and lower class civil society workers in other geographic areas – an issue which has the potential to

exacerbate tensions. It has also resulted in the perception that the most prominent well-funded organisations are out of touch with society, which has made it even more difficult for them to reach out to and mobilise the masses. Further, the emphasis by donors that organisations engage in *explicit* peace work in order to receive funding has hindered the mainstreaming of peace work into all development activities. Focus on specific standard peace activities has also meant that certain areas have been neglected, for example, commemoration work (e.g. ceremonies to commemorate those killed in the conflict). There is also concern that civil society activities, while essential to support the peace, are not sufficient for conflict transformation and sustainable peace. For example, efforts to bring together different groups through dialogue and peace education will achieve only limited results if the structural problems that produce segregation at societal levels remain unaddressed.

Much of the literature emphasises the need to broaden civil society and participation in the peace process to include not just different ethnic groups, but also different religious groups and classes, and also women – who have thus far received minimal attention in Sri Lanka. The incorporation of various viewpoints and needs is an important end in itself, and can also contribute to conflict transformation by including previously marginalised groups and promoting inclusive dialogue.

Another area essential for conflict transformation and peacebuilding is the need to address the legacy of large-scale human rights violations. This has been given scant attention thus far, and the Sri Lankan government has sought to avoid addressing these issues, by arguing that it may derail the peace process. Nor has the national judicial system been a viable mechanism for redress. In addition, more recently, the National Human Rights Commission of Sri Lanka refused to look into conflict-related violations of human rights and humanitarian law that took place in 2008. The Commission has also been rendered weak and directionless by the government's failure to reappoint Commissioners in May 2009. This has left victims without access to criminal justice, a complaints system or other forms of redress.

*General resources:*

The following book is scheduled for release this September 2009. The abstract is taken from the publisher's website:

**Goodhand, J., Spencer, J., and Korf, B. (eds), 2009, Conflict and Peacebuilding: Caught in a Peace Trap?, Routledge**

[http://www.politicos.co.uk/books/279455/Jonathan-Goodhand-\(Editor\)-and-Jonathans-Spencer-\(Editor\)-and-Benedikt-Korf-\(Editor\)/Conflict-and-Peacebuilding-in-Sri-Lanka/](http://www.politicos.co.uk/books/279455/Jonathan-Goodhand-(Editor)-and-Jonathans-Spencer-(Editor)-and-Benedikt-Korf-(Editor)/Conflict-and-Peacebuilding-in-Sri-Lanka/)

This book brings together a unique range of perspectives on the Sri Lankan peace process from 2001-2006, a period that has seen the rise and fall of an attempt to bring a protracted violent conflict to a peaceful resolution. A ceasefire agreement, signed in February 2002, was followed by six rounds of peace talks. But growing political violence, disagreements over core issues and a fragmentation of the constituencies of the key parties led to the break down of the peace process; there has now been a shift from the 'no-war, no-peace' hiatus of the peace negotiations towards a major escalation of fighting. The contributions are based upon extensive field research and written by leading Sri Lankan and international researchers and practitioners. Applying a political economy framework and by the concept of 'liberal peacebuilding', the structures and dynamics of conflict and the interaction and role of international actors are analysed.

The lessons drawn from the Sri Lankan case have important implications in the context of wider debates on the 'liberal peace' and post conflict peacebuilding - particularly as these debates have largely been shaped by the 'high profile' cases such as Kosovo, Afghanistan and Iraq. Therefore this book will be of interest not only to Sri Lanka specialists but also to the wider academic and policy/practitioner audience.

## 2. Donor policies and strategies

**Goodhand, J. and Klem, B., 2005, 'Aid, Conflict and Peacebuilding in Sri Lanka', The Asia Foundation (Colombo), Netherlands Ministry of Foreign Affairs, Swedish International Development Cooperation Agency, Government of the United Kingdom of Great Britain and Northern Ireland, World Bank**

<http://asiafoundation.org/publications/force-download.php?f=%2Fresources%2Fpdfs%2Ffullsreport.pdf>

This study provides an analysis of the structures and dynamics of conflict and peace in Sri Lanka since 2000. It examines how international engagement has interacted with conflict and peace dynamics, and identifies how the strategies and approaches of international donors can best engage with and help strengthen domestic peacebuilding efforts.

It finds that in Sri Lanka, the international community has been engaged in peacebuilding efforts to a large extent. This has included security guarantee provision, ceasefire monitoring, facilitation of peace negotiations, and humanitarian/development aid provision. It emphasises as well the use by donors of economic aspects of peacebuilding as a method of promoting conflict resolution and commitment to peace processes in Sri Lanka. This has been attempted, for example, through peace conditionalities to reconstruction and development aid.

The study cautions, however, that donors may not be the best placed to attempt to play diplomatic roles in conflict resolution. Moreover, it finds that, without a strong political process and efforts to address underlying causes of conflict, peace conditionalities have limited effect. Instead, gaining influence through engagement and directing resources to address structural causes may be more effective. Donors also need to be more conflict sensitive and to ensure that their programming is adapted to a conflict setting. In addition, the study advises that attention be given to the regional context and to the views of Asian actors in peacebuilding.

**Burk, A. and Mulakala, A., 2005, 'Sri Lanka Strategic Conflict Assessment 2005 - Vol. 2 - Donors and Peacebuilding in Sri Lanka, 2000-2005', Netherlands Ministry of Foreign Affairs, Swedish International Development Cooperation Agency, Government of the United Kingdom of Great Britain and Northern Ireland, World Bank**

<http://asiafoundation.org/publications/force-download.php?f=%2Fresources%2Fpdfs%2FSLDonorsandPeacebuilding.pdf>

This strategic conflict assessment of Sri Lanka forms a part of the study above. It finds that political actors rather than donors are drivers of change and that aid is largely ineffective as a mechanism to promote conflict transformation. While aid can support dominant tendencies or political imperatives, it can rarely change them. As such, aid is very much dependent on progress in the peace process itself.

The assessment identifies three broad categories of donors in Sri Lanka: 1) the "big three" of Japan, the Asian Development Bank, and the World Bank; 2) the U.S.; 3) most of the rest, consisting chiefly of European bilateral donors. It finds that generally, the "big three" have tended to consider conflict as an important, but not overriding, issue, with aid disbursement and economic reform as central concerns. This is in contrast to the European position, which has been to use aid directly to promote and support peacebuilding. The U.S. position involves broader security dimensions, which led it to take a tougher conditional stance with the Liberation Tigers of the Tamil Eelam (LTTE).

The assessment also stresses that to engage in genuine transformation, the marginalisation of minority groups, which it considers a key cause of conflict, needs to be addressed. It also

states that many of the proposed solutions - decentralisation, political reform, multiethnic representation, etc. - are not well accepted locally and are unlikely to have much effect in the near future. In addition, the assessment finds that they are promoted in a technocratic manner and do not incorporate sufficient conflict sensitivity.

**Uyangoda, J., 2005, 'Transitions from Civil War to Peace: Challenges of Peacebuilding in Sri Lanka', The North South Institute, Ottawa**

[http://www.nsi-ins.ca/english/pdf/Sri\\_LankaWorkingPaper\\_Nov\\_05\\_Eng.pdf](http://www.nsi-ins.ca/english/pdf/Sri_LankaWorkingPaper_Nov_05_Eng.pdf)

This paper explores the evolution of donor policies and strategies in Sri Lanka, moving from an absence of attention to conflict in the early stages to an engagement with the peace process. The donor community, the paper notes, has while stating that assistance should be linked to progress in the peace process, also adopted the strategy that substantial economic assistance is necessary to promote the overall peace process and provide incentives for parties to come to the table.

The paper also examines in depth how to transform the existing, limited and short-term peace ('strategic peace', defined as 'no-war') in Sri Lanka into a long-term and sustainable peace process ('transformative peace'). Transformative peace, the paper asserts, comprises three elements:

- 'process transformation' - broadening the peace process to include the participation of other actors in political and civil society;
- 'agent transformation' - involving changes in the state, regimes, the LTTE, the paramilitaries and other key stakeholders to the conflict that will enable them to facilitate and practice peace, pluralism and democracy; and
- 'structural transformation' - involving substantial reforms of the state, building new institutions of governance to ensure minority participation in the exercise of state power, and democratic distribution of the political and economic outcomes of peace.

The paper argues for the active participation of women's groups, human rights groups, business and professional associations, trade unions and other civil society organisations in the peace process as an end in itself, but also as a means of promoting democratic transformation. It argues as well for more inclusive and equitable economic reconstruction interventions. The paper finds that the economic reconstruction agenda in Sri Lanka has been based on economic liberalisation, which has failed to ensure an equitable distribution of the 'peace dividend' to the masses in war-torn regions of the country. Such a wide-spread dividend could help to sustain public support for peace and political reform. The absence of such an economic dividend and the hardships and negative social consequences of liberal, free-market policies, the paper asserts, is a key reason why, in 2004, the rural electorate voted out the United National Front (UNF) government that had initiated the negotiation process that produced the 2002 cease-fire agreement.

The paper offers the following peacebuilding recommendations:

- "The question of governance in Sri Lanka's conflict resolution process is fundamentally linked to an agenda of re-organising the state in a political-constitutional framework of advanced federalism. In other words, federalisation of the state is the key to effective civil war transition in Sri Lanka. This is a crucial aspect of 'peacebuilding from above.'
- The mainstream policy discourse of federalist governance is essentially framed in a discourse of territorialized power sharing. The complexity of ethnic relations and the presence of regional and local minorities in the polity make it necessary for Sri Lanka to work towards an imaginative combination of territorial and non-territorial forms of federalist governance.

- Federalisation of local governance is yet another issue that is closely linked to peacebuilding from below. It should be aimed at ensuring democratic participation of local ethnic and cultural minorities in the governance process. It calls for a process of deepening the federal forms of regional governance [...]
- The development question in Sri Lanka at present should be seen not as a post-conflict endeavour, but as one located in a preliminary phase of stabilising a pre-settlement negotiation process. There is a manifest risk in conceptualizing the economic reconstruction process in post-conflict and liberal, free-market terms [...]
- Building social bases for peace, particularly among the low-income and poor social groups, is crucial for democratic sustainability of the peace process. This requires economic policy strategies that can democratise and broad base the gains of the peace process; the so-called peace dividend. Continuation of free-market economic policies, with no strategies for re-distribution, in conjunction with a political reform agenda, is very likely to jeopardize the stability of the peace process” (pp. 35-36)

**Holt, S., 2005, 'Sri Lanka's War Vacation: An Opportunity to Link Peace and Development', *Civil Wars*, vol. 7, no. 2, pp. 183-194**

[http://doc.operationspaix.net/serv1/Sri\\_Lanka\\_War\\_Vacation\\_2005\\_.pdf](http://doc.operationspaix.net/serv1/Sri_Lanka_War_Vacation_2005_.pdf)

This article looks at donor policies of providing development assistance to war affected areas in support of the peace process. It notes that the Sri Lankan context has been conducive for aid delivery in that the country is not a failed state, and has a functioning public administration as well as a safe environment for humanitarian and development workers. The article focuses on the Sri Lankan District of Mannar, situated in the north-west of the country, which has suffered tremendously from the war. It finds that implementing conditionality has been difficult as donors have recognised that the worst affected areas, such as Mannar, require increased support regardless. The article argues that the provision of aid, while not affecting conflict dynamics, may have given hope to these areas and helped to maintain support for the peace process.

**Japan Bank for International Cooperation (JBIC), 2003, 'Conflict and Development: Roles of JBIC - Development Assistance Strategy for Peace Building and Reconstruction in Sri Lanka', JBIC Institute**

[http://www.jbic.go.jp/en/research/report/research-paper/pdf/rp24\\_e.pdf](http://www.jbic.go.jp/en/research/report/research-paper/pdf/rp24_e.pdf)

This report is the outcome of a research project entitled 'Conflict and Development: Roles of JBIC' that sought to analyse the history and factors of the conflict in Sri Lanka, the past and current trends in donor assistance, the status and progress of the peace process, and the needs for rehabilitation and reconstruction. It aims to provide guidance on development and reconstruction assistance in Sri Lanka and other conflict-affected countries and identifies the following as key principles for assistance in peacebuilding and reconstruction in Sri Lanka: social inclusion, cultural pluralism, spatial equity, and balanced development. In addition, the report outlines three staggered stages of interventions:

- confidence building (arresting and preventing conflict, guaranteeing safety and security, and providing humanitarian and emergency assistance);
- capacity building (human resources, physical infrastructure, and institutions); and
- nation building (economic and trade development structures; resources and technology access/management; and legal systems and governance structures).

### 3. Civil society

**Orjuela, C., 2005, 'Dilemmas of Civil Society Aid: Donors, NGOs and the Quest for Peace in Sri Lanka', *Peace and Democracy in South Asia*, vol. 1, no. 1**

[http://himalaya.socanth.cam.ac.uk/collections/journals/pdsa/pdf/pdsa\\_01\\_01\\_02.pdf](http://himalaya.socanth.cam.ac.uk/collections/journals/pdsa/pdf/pdsa_01_01_02.pdf)

This paper outlines the evolution of donor policy from one in which development is conducted 'as usual' in conflict environments to one in which human rights and peacebuilding are incorporated. In Sri Lanka, Canada led this transition in the early 1990s and decided, in response to human rights abuses by the Sri Lankan government, to channel all of its development aid through non-governmental actors. The 1994 change of government in Sri Lanka, and the subsequent peace attempt, led to the notion of aid for peacebuilding. Since then, civil society organisations working for peace, human rights and democratic restructuring have increasingly received funding from Western governments. Channelling funds to civil society is also seen by donors as a way of promoting political participation and to strengthen democracy.

This paper argues, however, that this channelling of aid to civil society has been problematic. As civil society organisations are frequently organised along ethnic lines, a strengthening of 'civil society' might contribute to increased ethnic polarisation. Attempts to minimise this risk has contributed to the distribution of aid to a narrow group of professional NGOs based primarily in Colombo. This has produced a widening gap between the English speaking, middle class NGO community based in the capital and voluntary groups in other parts of the country. This may in turn exacerbate the gap between the 'winners' of globalisation and those that have been marginalised by globalisation and liberalisation processes. It has also resulted in a disconnect between NGO workers in Colombo and communities in the rest of Sri Lanka and contributes to the inability of their peace activities to mobilise large grassroots participation.

The paper also critiques the tendency of donors to fund NGOs that engage explicitly in peace activities, e.g. conflict resolution training, peace education, media campaigning and research: "The word 'peace' has become a buzzword in unlocking funding opportunities. This has resulted in a rush among NGOs to do peace work. Instead of bringing in the peace dimension in all their programmes, donors tend to isolate peace work in different administrative units and specific programmes. By this, the opportunity to generate incentives for peace on a broader scale, in development projects, is not seized" (p. 6). As such, the paper argues that donors must look beyond NGOs doing peace work to a range of other organisations. This includes organisations working to strengthen marginalised groups; and mass based organisations, such as trade unions and political parties that have the potential to reach and mobilise grassroots people. It also includes civic organisations and movements that may mobilise against peace initiatives. Dialogue with the latter groups could lessen their alienation and frustration with peace processes.

**Orjuela, C., 2003, 'Building Peace in Sri Lanka: A Role For Civil Society', *Journal of Peace Research*, vol. 40, no. 2, pp. 195-212**

<http://jpr.sagepub.com/cgi/content/abstract/40/2/195>

This article examines the various roles that civil society has played in addressing the ethnically polarising conflict in Sri Lanka and the potential problems faced by civil society in conducting such roles. It finds that civil society actors have sought to contribute to peace processes by:

- 1) addressing ethnic divides and public opinion with education and awareness-raising programmes (e.g. demonstrating how history can be politically manipulated to

- provoke tensions) as well as cross-ethnic dialogue (e.g. bringing different groups together through performance art, youth exchanges etc.);
- 2) addressing politics with popular mobilisation, advocacy work, and informal diplomacy (e.g. peace activism and the promotion of alternative discourses), and
  - 3) addressing economic issues through reconstruction and development. These various functions, the paper notes, can be interlinked.

The paper asserts that while civil society's contribution to peace is necessary, it is not enough to secure peace. It highlights several limitations:

- Although civic peace organisations in Sri Lanka work hard to take on a peacebuilding role, their activities are often project-oriented and top-down, rather than mass-based and bottom-up. This has prevented the promotion of popular support for peace processes.
- In addition, the view that civil society is democratically organised is also questionable as many civil society groups in Sri Lanka appear to have authoritarian structures.
- Further, civil society activity does not necessarily imply cross-ethnic associational forms, nor the promotion of democratic and peaceful values. Those actors that have sought to bridge ethnic cleavages have had to struggle hard to promote these goals.
- Lastly, it has been difficult to link small-scale activities to large-scale developments in the peace process in order to determine impact.

**Orjuela, C., 2003, 'Peaceful Identities? Cosmopolitanism and Civic Peacebuilding in Sri Lanka', Paper presented at the International Conference in Sri Lanka Studies, 29-30 November, Matara**

<http://www.freewebs.com/slageconr/9thicslsflpprs/fullp035.pdf>

This paper explores the potential for civil society peace work in Sri Lanka to promote inclusiveness and solidarity with the ethnic 'other'. Civil society, the paper, argues, is embedded in society at large – and thus embodies the divisions and conflicts of that society. The paper argues that although the peace movement aims to be inclusive, it is still characterised by divisions, along not only ethnic, but also class, gender, and party political lines. Although many of the peace NGOs and other civic organisations strive to represent, involve and reach out to all ethnic groups, this may not always be the case in practice. Peace organisations and protests in Sri Lanka have for various reasons often been Sinhalese dominated, while Tamils tend to be involved more in concrete human rights work, relief, culture or other less explicitly political work. The distances between Colombo (where most larger peace NGOs are based) and the Tamil war-torn areas in the north and east, and the fact that most community-based civil society organisations on the island are mono-ethnic, also contributes to the ethnic and economic divisions of Sri Lankan civil society. Nonetheless, although many peace organisations in themselves are not ethnically balanced, their activities (in the form of exchanges, meetings, dialogue and study visits) have served to form cross-ethnic meeting spaces.

Approaches to building cross-ethnic relationships have taken two forms. The first one emphasises difference, the need to understand and learn about the ethnic 'others', and accept and appreciate inescapable ethnic differences. This is done for instance through programmes for cultural exchange, the learning of each others' language, history, and religion, the performing of the other's songs and dances, and sharing of traditional foods. The second approach instead emphasises 'multiculturalism' and common humanity, and seeks to downplay ethnic difference. Ethnic differences should, according to this view, not be talked about, and instead the focus should be on common needs. Although this latter approach may be considered ideal, the paper cautions that adoption of 'multiculturalism' as a solution to ethnic polarisation risks creating solely the appearance of solidarity and an inclusive society, while reinforcing the dominance of the stronger, majority group. Instead, the paper argues that an alternative approach that may be more effective is one that seeks to involve not only

the ethnic other in dialogue, but seeks even more so to reach out to the 'hardliners' on both sides.

**Walton, Oliver, 2008, 'Conflict, Peacebuilding and NGO legitimacy: National NGOs in Sri Lanka', *Conflict, Security and Development*, vol. 8, no. 1, pp. 133-167**

<http://www.informaworld.com/smpp/content~content=a791806540~db=all~jumptype=rss>

This paper explores the role of national NGOs in Sri Lanka, and their relationship with donors and other domestic stakeholders, focusing on case studies of three NGOs. Donor peacebuilding programmes designed to strengthen public support for the peace process and to reduce tensions and forge links between ethnic communities, have increasingly been implemented by national NGOs. This is due largely to an attempt by donors to bypass conflict actors and to enable depoliticised access to war-affected populations. The result, the paper argues, has been an over-centralised, highly competitive and unusually market-oriented NGO sector. National NGOs have engaged in shifting alliances with donors and other actors in order to ensure their survival. This may entail forging relationships with state officials in order to generate influence. These informal connections with the political elite, combined with their receipt of foreign funding, have contributed to the popular perception that NGOs in Sri Lanka are elitist and out of touch with the rest of society. The changing demands and expectations placed on national NGOs as a result of their engagement with differing actors has rendered these organisations vulnerable to crises of legitimacy. This tendency has disrupted NGO programmes and limited the capacity for donors to meet stated objectives.

The paper recommends that donors "consider more carefully the potential reputational dangers that working in peacebuilding entails for national NGOs. This might involve considering the indirect impacts on reputation and legitimacy caused by encouraging NGOs to take a more confrontational position, to expand geographically or to broaden the scope of their activities. This implies that donors need not only to undertake a closer analysis of popular and institutional opposition to NGOs but also to develop better mechanisms for translating this analysis into frank strategic discussions with their NGO partners" (p. 160). Donor should also attempt to bolster NGO legitimacy by providing more long-term support rather than short-term project based funding, such that national NGOs will not face the stark dilemma of trading transformational goals for organisational sustainability.

#### **4. Economic dividends**

**Kelegama, S., 2004, 'Economic Dividend of the Post-War Period in Sri Lanka: Problems and Prospects', Paper prepared for the UNU-WIDER conference on "Making Peace Work", 4-5 June, Helsinki**

<http://website1.wider.unu.edu/conference/conference-2004-1/conference%202004-1-papers/Kelegama-260504.pdf>

Peace can generate an economic dividend, which may be further increased by appropriate economic reform. This dividend can in turn be used to raise popular support for the peace process. This paper explores why there has been a minimal economic dividend in Sri Lanka. It finds that the LTTE, government of Sri Lanka and aid donors were all impediments. It argues that the military type of administration adopted by LTTE was not conducive to facilitating economic recovery. Its restriction on the movement of people, for example, led to a mass exodus of talented people from the Northeast. This contributed as well to difficulties for donors in finding human capacity to absorb donor assistance. On the government side, the paper states that bureaucratic delays, including inefficient contracting, also constrained economic progress. With regard to donors, the paper critiques the common donor

assumption that market forces and neo-liberal policies and institutions would work and that the private sector would be effective. This approach marginalises local knowledge and local needs. What was required was immediate relief, for example livelihoods in agriculture and fisheries, rather than growth after an indefinite time lag.

**International Alert, 2005, 'Peace through Profit: Sri Lankan Perspectives on Corporate Social Responsibility', International Alert, London**

[http://www.international-alert.org/pdfs/peace\\_through\\_profit\\_sri\\_lanka\\_csr.pdf](http://www.international-alert.org/pdfs/peace_through_profit_sri_lanka_csr.pdf)

This report investigates Sri Lankan perceptions of the role of business in peacebuilding, and businesses' own perception of this role, including its potential in supporting social, economic and political development. It finds that a slight majority of the public believe that business should do more for the social good. They are, however, sceptical of the ability of companies to play such a role. On the other hand, most business organisations believe that they can contribute to society, but do not have an established strategy or policy of doing so. Regarding peacebuilding in particular, many businesses feel they do not have the capacity, understanding or mandate to become involved in peacebuilding.

The concept and practice of CSR could provide a useful entry point for business to become involved in peacebuilding. The report recommends the establishment of dialogue on these issues between various stakeholders, between business and civil society, and among businesses. It also recommends training to create awareness and to plan, formulate and implement CSR strategies and initiatives.

**SCOPP, 2009, 'Sri Lanka Rebuilds: Engaging the Diaspora', Quarterly Newsletter, April-June 2009, Secretariat for Coordinating the Peace Process**

<http://www.peaceinsrilanka.org/userfiles/file/Newsletter%20Apr-Jun.pdf>

The Secretariat for Coordinating the Peace Process (SCOPP) was established in February 2002 with the approval of the Cabinet of Ministers, and with the aim of contributing to institutionalising the peace process. This summary, and the one that follows are based on their most recent newsletter and bulletin.

This leading article in the latest quarterly newsletter is about engaging the diaspora in economic development and peacebuilding in Sri Lanka. The Business for Peace Alliance launched an initiative in this field in June 2009, marked by a major conference to engage the Sri Lankan diaspora. The conference highlighted ways in which such engagement could be beneficial. For example, the diaspora could invest in small and medium sized enterprises in conflict and poverty affected regions, share their expertise in various industries and mentor fledgling business, and provide insights on expansion into foreign markets. It was recommended that an Office of Diaspora Affairs be set up, possibly under the Ministry of Nation Building, to help organise support from abroad.

**SCOPP, 2009, 'Final Bulletin – July 2009', Secretariat for Coordinating the Peace Process**

<http://www.peaceinsrilanka.org/userfiles/file/Final%20Bulletin.pdf>

This final SCOPP bulletin stresses the importance of providing for the reintegration of young combatants, for example through the provision of technical and vocational education training, language training and foreign employment training. In addition to such programmes, SCOPP has recommended rapid interventions that would inculcate basic skills and introduce socialisation amongst youngsters forced or drawn into combat at an early age, for example through sports training. Internally displaced persons (IDPs) have also been a key group of concern. While many have returned, other are still waiting to be resettled.

SCOPP has also emphasised the importance of economics in peacebuilding processes and the need to create opportunities for those living in conflict-affected areas. It has aimed to ensure that essential goods are available in such areas at reasonable prices. It has sought to engage the private sector and diaspora communities in economic initiatives.

## 5. Human rights and access to justice

### **Haniffa, F., 2007, 'In the Pursuit of Democracy in Post-Colonial Sri Lanka: Local Human Rights Approaches to Transitional Justice', Paper prepared for the International Centre for Transitional Justice**

This essay outlines the failure of the Sri Lankan government to address grave human rights violations under the justification of preserving the peace process. It then provides an overview of transitional justice approaches and mechanisms, emphasising the need to address social justice, i.e. ongoing socio-economic abuses of unequal development, in addition to retributive justice. It cautions against viewing conflict, human rights and transitional justice in Sri Lanka under an 'ethnic' framework, arguing that there are other salient conflict causes and dynamics. The article also cautions against categorising Sri Lanka as 'before' or 'post' conflict.

The essay then discusses the history of interventions of Sri Lankan human rights organisations designed to encourage and lobby for redress of past human rights abuses. It presents case studies of four initiatives - the work of Kalape Api, the Citizen's Commission on Border Villagers, the Women's Peace Mission, and the National Vision document - that have sought to address the history of human rights violations through transitional justice work. It looks at what these initiatives attempted to achieve, the challenges that they encountered and what their experiences say about the conditions within which human rights work in Sri Lanka is conducted. It draws conclusions from their experiences, including:

- the need for mechanisms that provide space for state civil society-state interactions.
- the need for donors to recognise and provide support for a broader array of transitional justice mechanisms, such as commemoration work.
- the need to promote human rights perspectives in peace processes.
- the need to promote inclusive peace processes that encompass not just different ethnic groups, but also women.

### **International Federation for Human Rights (FIDH) and the Sri Lankan non-governmental organisation Law and Society Trust (LST), 2007, 'Seeking Justice in Sri Lanka: National and International Remedies for Victims of Grave Violations of Human Rights and International Humanitarian Law', Report of the Workshop held on 15-16 July 2006, Colombo**

<http://www.fidh.org/IMG/pdf/SriLankaICC467-22007.pdf>

This document summarises proceedings from a training and information workshop designed to provide information on human rights standards and international law and to strategise how to seek redress for victims in the context of widespread impunity for widespread violations of human rights and humanitarian law in Sri Lanka. The failings of the national judicial system to effectively address those crimes were examined and the workshop explored the full range of national and international mechanisms available, including the International Criminal Court (although Sri Lanka has not ratified the Rome Statute, which established the ICC). Participants explored the possibilities for future incorporation of progressive provisions of the Rome Statute on victims' participation, protection and reparation into national law.

Participants agreed on the following main recommendations and conclusions:

- the creation of a network of human rights NGOs and activists, victims organisations, lawyers, academics, students, trade unions and other interested persons aiming at the ratification of the Rome Statute by Sri Lanka;
- the organisation of training sessions on the ICC system, independently or as part of education activities on human rights;
- the translation into Sinhala and Tamil of important material and documents on the ICC;
- the need to explore the full range of tools and international justice mechanisms available to victims of human rights violations and crimes under international humanitarian law;
- the need for training on international justice mechanisms; and
- the need to push for bringing the national legislation in line with human rights and international humanitarian law standards. (p. 28)

**Law and Society Trust, 2009, 'Parallel Report on the Performance and Effectiveness of the National Human Rights Commission of Sri Lanka in 2008', Law and Society Trust, Colombo**

<http://www.lawandsocietytrust.org/web/images/PDF/nhrc%20report%202009.pdf>

The National Human Rights Commission of Sri Lanka (NHRC) is a statutory institution created by an Act of Parliament in August 1996. This parallel report outlines key problems with the Commission and the wide-reaching implications of these problems in a conflict-affected society which has experienced grave human rights violations.

The report identifies the following as key defects of the Commission:

- the focus on fundamental rights, considered civil and political rights, as opposed to human rights as a whole, which would incorporate economic, social and cultural rights;
- the concentration of power in an unspecified “Minister” to make procedural regulations in the conduct of investigations;
- the bureaucratic approach of staff to human rights concerns and violations;
- the chronic shortage of human, financial and infrastructural resources especially in regional offices and particularly those in conflict-affected regions;
- the direct appointment of new Commissioners in 2006 by the Executive, in violation of the Constitution which prescribes the lawful method of their appointment;
- the ensuing strained relationship between the Commission and human rights organisations;
- the failure to submit its mandated periodic report in 2008; and
- the adoption by NHRC's Commissioners of a three month time bar in which to file a complaint, despite the absence of a time bar in the Commission's enabling law.

The report states that the NHRC has been unwilling to recognise the seriousness and urgency of the human rights crisis in Sri Lanka during 2008 and has chosen to avoid directly addressing conflict-related human rights violations and thus confrontation with the government of Sri Lanka.

This weakness of the NHRC has been exacerbated by the non-appointment of its Commissioners after May 2009 following the end of the previous term of office of the sitting Commissioners. The report states that the government has offered no indications of its intentions in this regard.

**The Asia Foundation, 2009, 'The Legal Aid Sector in Sri Lanka: Searching for Sustainable Solutions - A Mapping of Legal Aid Services in Sri Lanka', The Asia Foundation (Colombo), UNDP Equal Access to Justice Project UNHCR, Ministry of Constitutional Affairs and National Integration, Ministry of Justice and Law Reform**  
<http://asiafoundation.org/publications/pdf/494>

This study looks at the formal legal aid service provision sector in Sri Lanka, identifies gaps and challenges, and recommends changes for a more comprehensive legal aid system that is widely accessible. It finds that there is a strong legislative basis for legal aid in Sri Lanka. Further, the Sri Lankan government has demonstrated its commitment to the delivery of legal aid, primarily through the increase in funds provided to the Legal Aid Commission (LAC), which is an independent statutory body. In addition, the government has supported the expansion of the LAC's activities in recent years. LAC's geographic outreach covers most parts of the country, and it records a high caseload and provision of services. The study also reports on NGO legal aid service providers and finds that they are strongly motivated by a sense of social responsibility, service, and social empowerment.

The study recommends that the policy framework for legal aid in Sri Lanka could be improved further through clear articulation of the government's policy and commitment, and the role of non-governmental service providers as part of broader access to justice and a human rights framework. The development of a national vision and strategy for legal aid would require consultation with, and the collaboration of, the government, professionals (Bar Association), and NGO legal aid service providers. The study also provides specific recommendations to improve service delivery. These include: "more geographic coverage, more professionalism and expertise among service providers, more awareness raising, evaluation of services currently being provided by LAC, and more and systematic funding and systems of monitoring, evaluation and quality control. The study also points to links between legal aid and alternative dispute resolution mechanisms which is an area that has not been studied in Sri Lanka" (p. 5).

## **6. Peace education**

**Cardozo, M. L., 2008, 'Sri Lanka: In Peace or in Pieces? A Critical Approach to Peace Education in Sri Lanka', Research in Comparative and International Education, Symposium Journals,**  
<http://www.worlds.co.uk/pdf/validate.asp?j=rcie&vol=3&issue=1&year=2008&article=3> **Car dozo RCIE 3 1 web**

The article explores the concept and impact of peace education in Sri Lanka. There are four main actors: peace educators - including school principals and teachers; non-state actors – including civil society organisations; policy makers – including the Ministry of Education and its national and local officers, and the curriculum developing National Institute of Education (NIE); and international donors.

Education can promote peacebuilding through inter-group encounters, dialogue and understanding that counters stereotypes and myths, and development of self-esteem through creative classes. The reach of such peace education is limited, however, by the persistence of divisive structural elements that foster school and societal segregation, such as the use of differing languages as the medium of instruction. The article concludes that peace education cannot succeed in isolation, and needs to be incorporated in a multilevel process of peacebuilding. This could include teaching the three official languages in order to counter current language barriers; textbook revision to remove political and historical biases and cultural exclusivity; new methods of teaching about religion and history, as well as the history

of conflict and coexistence, in a comparative way; and a willingness to address sensitive issues of peace and conflict.

## 7. Additional Information

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### Websites visited

Asia Foundation, Berghof Research Centre for Constructive Conflict Management, Centre for Policy Alternatives, Google, GSDRC, Human Rights Commission of Sri Lanka, Ingenta journals, Institute of Policy Studies, International Centre for Ethnic Studies (ICES) Colombo, International Federation for Human Rights, Law and Society Trust, Secretariat for Coordinating the Peace Process, North South Institute, University of Colombo, UNDP

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