

What Lessons Learnt?

An accessible, thematised
summary of the LLRC report

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report**

International Centre for Ethnic Studies

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What lessons learnt?

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Acronyms

Convention on the Rights of Persons with Disabilities (UN)	CRPD
Family Tracing and Reunification	FTR
Government of Sri Lanka	GoSL
International Centre for Ethnic Studies	ICES
Lessons learnt and Reconciliation Commission	LLRC
Liberation Tigers of Tamil Eelam	LTTE
National Collaboration Development Foundation	NCDF
Oxford English Dictionary	OED
Presidential Task Force	PTA
Prevention of Terrorism Act	PTF
Public Security Ordinance	PTO
Tamil Makkal Viduthalai Pulikal	TMVP
United Nations Childrens Fund	UNICEF

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About this Summary

The report of the Lessons Learnt and Reconciliation Commission (LLRC) was made public on 16th December 2011. The objective of the commission was to enquire into and report on issues related to the Sri Lankan civil war between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE), specifically those issues associated with the period 21st February 2002 and 19th May 2009 (www.llrc.lk).

There has been much debate about the Commission's findings and recommendations. This debate ranges from issues related to the report's content and extent to the nature and timescale of implementation. However, the space in which debate on the report has taken place has been almost exclusively confined to academia, politics and certain English-speaking elements of civil society. Many of the communities and individuals directly affected by the LLRC report have been excluded from the dialogue around its content and implementation.

The International Centre for Ethnic Studies (ICES) believes that any meaningful and effective dialogue on the LLRC report must be inclusive of all sectors in Sri Lankan society, particularly those directly affected by the observations and recommendations in the report. With this in mind ICES, in collaboration with the National Collaboration Development Foundation (NCDF) has conducted a series of 'community awareness' workshops (April and June 2012) aimed at increasing public awareness about the LLRC and, in turn, stimulating dialogue amongst local communities. These workshops revealed a dearth of understanding of the LLRC, both in relation to its purpose and its outcomes. Moreover, the vacuum of reliable, accessible information about the commission has resulted in much misinformation and misconceptions about the LLRC ¹ (ICES 2012).

Through the experiences gained during these workshops ICES has come to the conclusion that the dearth of discussion and the abundance of misinformation about the LLRC is largely due to the relative inaccessibility and, to a lesser extent, incomprehensibility of the report to the general public. Consequently, the main source of information on the LLRC amongst these groups is the, often heavily partisan, popular media. Some of the issues of accessibility include:

- The complex language, structure and size of the report: These factors make the report daunting and therefore alienate certain sectors of the Sri Lankan community².
- The lack of physical copies of the report available in publically accessible places.
- Translation: At the time of writing the report had not been translated into Tamil or Sinhala.
- There is no means of access for people who are illiterate or have limited literacy (in any language)

The aim of this LLRC summary is to begin the process of addressing some of these accessibility issues. The key objective of this summary is to present the key recommendations of the LLRC

¹ A significant amount of the participants believed that the LLRC had been directly imposed on Sri Lanka by international community despite the fact that the report was appointed by the Sri Lankan government. The Sinhalese community particularly viewed this in conspiratorial terms.

² This is not to say the report itself should have been simplified, indeed we commend its depth, but rather that there is a need for a summary of the report that is tailored for public use and dissemination.

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report in a way that is both accessible and comprehensible to those individuals and communities who have, to date, been excluded from the mainstream dialogue on the report's findings and recommendations. This summary will be soon available in both Sinhala and Tamil.

It is not within the scope of this summary to provide a comprehensive, chapter by chapter, account of the report. This summary focuses on the Commission's recommendations; contextualising these recommendations with reference to the report's general observations. Such an approach has allowed us to minimise the physical size and scope of the summary thus complementing our core objective: accessibility. ICES believes that the commission's recommendations provide a good starting point for a national dialogue on reconciliation because they consist of clear, concrete and eminently implementable proposals. These proposals can be used as a framework for dialogue between Sri Lanka's various conflicting interest groups and can also provide a basic standard by which to measure the GoSL's commitment to reconciliation.

We aim to provide an objective account of the LLRC's recommendations. We recognise that the LLRC report provides much room for debate, be it in relation to its findings or its recommendations and their implementation. However, we contend that, for persons to fully participate in the dialogue on the LLRC it is necessary for them first to have an agenda-free understanding of the report³. ICES hopes that this summary will help to expel the myths, misunderstandings and misconceptions about the LLRC and that it will stimulate informed dialogue amongst these previously excluded groups; enabling them to become active participants in the national dialogue on post-war development and reconciliation.

As mentioned above, we recognise that the complex language used in the LLRC report may deter some people from reading it. For example, many of the concepts and terms used in the report may be unfamiliar, too academic or too abstract for certain audiences. However, ICES are also aware that producing an over-simplified abridged version of the report would alter or detract from its meaning. Moreover, ICES believes that gaining a basic grasp of many of these concepts and terms is necessary to participate in future reconciliation debates. Our approach has not therefore been to produce a 'dumbed down' version of the report but rather to provide our readers with the vocabulary and conceptual tools to understand the full report and ultimately to participate in the national debate around its findings and implementation. With this in mind we have included a glossary of key words, concepts and terms at the back of the document to assist our readers. ICES recognises that a number of the terms used in this document are highly contested and that we are unaware the exact usage intended by the LLRC. However, since it is not within the scope of this summary to discuss these issues in detail, we have opted to use standard Oxford English Dictionary (OED) definitions whilst actively encouraging our readers to critique the definitions provided. We have also structured our summary in such a way as to make it easy to relate to whilst introducing the key themes present in the LLRC report.

ICES accepts that this summary, as a stand-alone project, will not resolve the multiple issues of accessibility and comprehensibility identified. However, we hope that this project will serve to encourage further publications and projects on the LLRC from other organisations with a shared vision.

³ We accept that objectivity has natural limits. Even a basic summary requires a certain amount of interpretation and this will inevitably result in a certain amount of author or institutional bias. For example, it has been necessary to make a certain amount of value judgment about which recommendations to include and highlight and how to categorise them.

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What was the LLRC?

Mandate- The LLRC was a commission of enquiry appointed by President Mahinda Rajapakse on 15th May 2010. The Commission was mandated to investigate the causes of conflict, actions taken during the conflict by both sides and the effects of the conflict on the civilian population. It was also tasked with providing recommendations for national reconciliation. The commission's mandate put a particular emphasis on investigating the failure of the ceasefire agreement made operational on 21st February 2002 and the sequence of events that followed up to the 19th of May 2009. It called for individuals and groups who 'bear responsibility' for the breakdown in the ceasefire and subsequent events to be identified. The LLRC was also assigned to propose a mechanism of restitution for individuals whose 'lives have been significantly impacted by the conflict' and to recommend 'institutional, administrative and legislative measures' that should be taken in order to prevent a recurrence of conflict. (GoSL 2010, www.llrc.lk)

Commissioners-The LLRC consisted of eight members: Mr. C.R. De Silva, PC (chair), Dr. A. Rohan Perera, PC, Prof. K. Hangawatte, Mr. C. Chanmugam, Mr. H. M. G. S. Palihakkara, Mrs. M. Ramanathan, Mr. M. Parakrama Paranagama and Mr. M. T. M. Bafiq. The secretary to the commission was Mr S. B. Atugoda.

Investigation and Publication-The LLRC conducted field visits and held public hearings in Colombo and the war-affected Northern and Eastern Provinces. In total the commission held 52 public sittings and made 12 field visits to 40 locations. Locations included Anuradaphura, Batticaloa, Colombo, Jaffna, Kilinochchi, Mannar, Puttalam, Trincomalee and Vavuniya. The LLRC held its first sitting on 11 August 2010. The commission invited representations from a cross-section of Sri Lanka society, ranging from military personnel to civil society representatives to victims of the conflict. In total the LLRC received 1,000 oral testimonies and over 5,000 written submissions. The majority of the LLRC sittings were open to the public and the media. However, there were occasions in which private hearings were held either at the request of the witness or due to other (political/security) sensitivities⁴.

The LLRC submitted its interim recommendations to the President on the 13th September 2010. These recommendations addressed a range of areas including; matters pertaining to Detention, Land issues, Language and Administration, Law and Order and Socio-economic/Livelihood issues.

The LLRC received two six-month extensions on its mandate before presenting its final report to the President on 15 November 2011. The report was tabled in parliament and made public on 16 December 2011 (US Department of State 2011).

⁴ The session held in Boosa Detention Centre on 30th December 2010 was controversially only open to individuals given MOD clearance. (chrsrilanka.com/LLRC_Can_reconciliation_be_achieved_through_a_veil_of_secrecy_-5-85.html)

The root causes of the war and preventing a return to conflict

The Commission takes the ‘view that the root cause of the ethnic conflict in Sri Lanka lies in the failure of successive Governments to address the genuine grievances of the ‘Tamil people’ (8.150, 9.184). These grievances include:

- 1) Failure to find and fully implement a durable solution on power-sharing, specifically the lack of progress on devolution for the Northern and Eastern Provinces.
- 2) Language policy
- 3) Poor Governance and failure to observe the rule of law (Paras. 2.3, 8.195)

The report argues that the ‘unattended and unresolved’ grievances of minority groups must be addressed for Sri Lanka to have sustainable reconciliation and to prevent a recurrence of conflict (Paras. 8.9, 8.141)

Devolution-The LLRC states the need for visible progress to be made on the issue of devolution. The report does not provide detailed proposals on the manner in which devolution should take place. However, it does provide a number of recommendations. The report argues for the establishment of a power-sharing arrangement that addresses the “ethnic problem as well as other serious problems that threaten the democratic institutions” (Para. 9.230). Any adequate settlement on devolution must ensure that people of all communities are equitably and effectively represented and empowered to participate in all tiers of government in Sri Lanka. The commission acknowledges that there are major shortcomings in the functioning of the Provincial Councils system which must be taken into account when formulating any system of devolution. They also recommend the establishment of a second legislative Chamber that would include representatives from all Provinces. This chamber would have an important role in the law-making process, particularly in relation to measures that directly affect the Provinces (Paras. 8.221, 8.225, 9.229 – 9.237].

Language-The commission recognises that language is a historically sensitive issue in Sri Lanka. For example, the commission argues that the 1956 Official Language Act shifted the Tamil political agenda towards the idea of separatism by exacerbating the sense of oppression and marginalisation felt by the Tamil community (para.8.228). Moreover, the LLRC appreciates that language barriers can and have resulted in communicatory and attitudinal obstacles in Sri Lanka. The report strongly emphasizes the importance of language policy and practice in the reconciliation process and makes a number of language focused recommendations. The LLRC recommends the implementation of a tri-lingual (Sinhala, Tamil and English) policy. A key element of this would be to make ‘learning of each other’s languages’ a compulsory part of the school curriculum (Paras. 9.243-9.245). The LLRC has also made a series of recommendations related to the representation and inclusion of Tamil speaking people in a range of areas of influence and control. These include a recommendation to ensure that all government offices, including police stations, have bi-lingual officers accessible at all times (Paras. 9.240, 9.241).

Governance and the rule of Law-The report asserts that there has been erosion in the rule of law and the system of governance in Sri Lanka and that many minority grievances stem from these deficiencies. Although these issues affect all citizens, regardless of ethnicity, minority groups have often been disproportionately affected.

Successive governments have failed to implement laws that provide protection and equality for minority groups. Moreover, there has been a failure to prevent, subdue or investigate communal

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disturbances targeted at minorities. This has led to a perception among minority groups that the State approves or condones' these activities (Paras. 8.195-8.199). The LLRC states that adherence to the rule of law and good governance are pre-requisites for achieving peace and security in Sri Lanka. They make recommendations relating to a number of key areas:

Independent institutions-The commission argues that key State institutions have become highly politicised and lack the independence necessary for the proper functioning of a democracy. The report criticises the high level of interference by politicians of the ruling party with regard to appointments and transfers of public officials. The LLRC report proposes the formation of an Independent Public Service Commission to prevent political interference in the public service and to ensure that recruitment and promotions conform to the equality provisions in the Constitution. (Paras.8.196-7, 9.226)

Political corruption and violence- The report makes reference to numerous allegations of politicians being involved in corruption, violence and other criminal activities. Many of these instances were not investigated due to the 'undue influence exerted on the police by politicians'. The commission call on the Government to establish an independent institution with strong investigative powers to address the grievances of citizens arising from the abuse of political power (Paras. 8.186 -8.201, 9.203).

Transparency and Freedom of information-The LLRC argues that current law-making procedures are undemocratic. They recommend increased transparency and freedom of information and call for constitutional amendments to ensure that the public are given enough time to challenge proposed legislation (Paras. 8.206, 9.228).

Disarmament and Dispansion of Illegal Armed Groups-_There are many illegal armed groups active in Sri Lanka, particularly in former conflict areas. These groups are involved in acts of extortion, abductions, disappearances and robberies. There is strong evidence that a number of these groups have political support and that their activities disproportionately affect minority groups. The LLRC made the dispansion of these groups a priority in their interim recommendations and state their regret that little action has been taken in this regard (Paras.8.68-8.190).

Investigation and Prosecution-There is clear evidence of individuals and groups who have been involved in serious criminal activities but have avoided investigation or prosecution. The Commission recommend that all such allegations be investigated and wrongdoers be prosecuted and punished, irrespective of their political links (Paras. 5.66 – 5.78, 8.192). The commission claims that the lack of rigorous investigation in these cases is mainly due to the fact that the police, particularly in the provinces, have little independence or access to the necessary resources or legal expertise to conduct proper investigations. The LLRC proposes that the Police Department be strengthened in the following ways:

- The Police must be entirely de-linked from the armed forces
- An independent permanent Police Commission should be appointed to guarantee the effective functioning of the Police and to generate public confidence
- Units of the Attorney General's Department should be set up in the provinces to guide and advise the Police (Paras. 8.191, 9.215)

Human Rights during and after the war

The LLRC hold the view that addressing and resolving human rights issues is an essential part of the reconciliation process. The report makes a series of recommendations related to alleged human rights violations that took place during the war, as well as to ongoing human rights issues (Para 5.1).

War crimes and Extra-judicial killings: The LLRC was not given the mandate to investigate war crimes. Consequently their report does not make detailed recommendations in this area. The commission did not find conclusive evidence that the Sri Lankan military had systematically targeted civilians. However, it did reveal that civilians *had* been killed as a result of Sri Lankan military activities. It also accused the LTTE of repeatedly violating international humanitarian law. The report points to a number of alleged human rights violations carried out by both sides which require further investigation including: The murder of NGO staff in Muttur, the murder of 5 students in Trincomalee, the killing of 600 policemen by the LTTE, the War Crimes allegations made by Channel 4 and various incidents of civilian deaths during the final phase of the war (Paras. 9.37a, 9.39, 9.120, 9.207). In relation to the latter issue, the commission recommends that a comprehensive household survey be conducted to ascertain the scale and circumstances of death and injury to civilians, as well as damage to property during the final phase of the conflict (Para 9.37b).

Missing persons and disappearances: The Commissioners expressed “alarm” at the extent of representations made before it alleging abductions, involuntary disappearances and arbitrary detention and concern over the lack of action taken in the event that formal complaints were made. The Commission states that the GoSL is “duty bound” to ensure that such allegations are properly investigated and that perpetrators are brought to justice” (Para. 5.35). The report proposes the development of legislation aimed at criminalising involuntary disappearances and criticises the GoSL for failing to implement similar recommendations made by past commissions (Paras. 5.36, 9.48, 9.59). It calls for the appointment of a properly resourced Special Commissioner of Investigation to look into alleged disappearances and the development of a centralized system of data collection on missing persons (Para. 9.57]. The report also stipulates the need to prosecute and punish military personnel who are found to have been involved in the disappearance of persons who surrendered to the custody of Armed forces (Para 4.242 – 4. 258, 9.23) The LLRC asserts that relatives of missing persons have the right to know the whereabouts and the “truth about what happened” to their loved ones. This would give them ‘closure’ and enable them to seek appropriate legal remedies (Para 5.37). They also call on the GoSL to make the issuance of death certificates and monetary recompense to the families of long-term missing persons a priority (Para 5.39).

Conscription of Children: The LLRC condemn the practice of child conscription by the LTTE and other armed groups such as Tamil Makkal Viduthalai Pulikal (TMVP). The commission calls for the prosecution and punishment of all persons involved with child conscription (Para. 9.77). They also call for the full implementation of an Action Plan signed by the TMPV, the GoSL and UNICEF to ensure that child recruitment ceases and that all child conscripts are released and reintegrated with their families. The LLRC commends the GoSL’s community based rehabilitation and reintegration programme for ex-child combatants. The commission recommend the implementation of measures that would allow ex-child combatants to live with their families and provide them with livelihood and educational opportunities (Paras. 9.78-9.81). They also request that the GoSL work alongside UNICEF and other organisations with experience in dealing with ex-child combatants. The commission expresses the need for families to be able to trace and, where possible, be reunified with their children. In this regard, the LLRC

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support the GoSL's creation of the UNICEF assisted Family Tracing and Reunification (FTR) Unit and call for the full cooperation of all GoSL agencies. They also propose the appointment of a National Task Force to develop a child tracing programme (Para. 9.81).

Detainees: The LLRC acknowledges that there are a range of human rights issues related to the detention of former LTTE cadres and suspects. The report is highly critical of the current situation in which many persons remain in detention without charge and without their family being given access or knowledge of their whereabouts. The commission makes a series of recommendations related to detainees. These include:

- The development of a fair and efficient mechanism to examine the cases of detainees and take appropriate action to prosecute or discharge.
- The development and publication of a centralised database of legally detained persons.
- Detainees should only be held in publically known, legally authorised places
- Detainees should have access to their next of kin. The family and Human Rights commission should both be promptly notified in the event that the place of detention is changed (Para. 9.53)
- When a person is discharged they should be issued a certificate to prevent repeat arrests.
- Law enforcement agencies must adhere to legal arrest procedures such as the issuing of formal arrest receipts, promptly presenting arrestees before Magistrates and revealing the place of detention.
- An independent Advisory Committee should be appointed to monitor any detention and arrest made under the Public Security Ordinance (PTO) or the Prevention of Terrorism Act (PTA) (Para 9.57).
- The GoSL should work with humanitarian organizations to ensure the welfare of detainees (Para 9.66).

Restrictions on basic freedoms: The commission criticise the GoSL for imposing excessive limitations on the basic freedoms of their citizens. These include restrictions on freedom of expression, movement, association and religion. The report highlights a number of issues ranging from violence and intimidation to the setting of unjust restrictions on the activities of journalists and NGOs. The commission argues that the arbitrary restriction of fundamental freedoms undermines the credibility of the government's reconciliation efforts (Para 9.116). The LLRC calls on the government to curb all intimidation and violence targeted at the media and civil society personnel and to prosecute individuals found to have committed such offences (Para 9.115). The report also asserts that NGOs must be allowed to engage in reconciliation, human rights and rehabilitation activities (Para 5.94-5.131) and appeals for the enactment of Right to Information legislation (Para 9.115).

Addressing the needs of vulnerable people*

* Issues relating to displaced persons are addressed in the section “Normalising’ war affected areas

The Commission recognises that vulnerable groups such as women, children, the elderly and disabled were disproportionately affected by the conflict, whether in relation to rights and freedoms or material losses. The commission argues that the provision of basic needs and the search for durable solutions for the multiple issues facing these groups must be made a priority (Para. 5.100). They call for the immediate establishment of an Inter-Agency Task Force to address the needs of vulnerable groups. Moreover, they call on the GoSL to work alongside International organisations and civil society groups with relevant expertise and to encourage community-level support groups. The report also identifies a number of group-specific issues:

Women: The LLRC acknowledge that women, with a particular emphasis on widows and female-headed households, are both economically and socially vulnerable. The commission proposes that educational and vocational opportunities be developed for women to increase their livelihood opportunities. The report calls for the GoSL to address the various issues facing women in conflict affected areas related to the heavy presence of military personnel and stress the need for justice in cases of gender based violence. The commission also recognises that many women in these areas carry the double burden of being the primary care-giver whilst dealing with personal trauma, often related to the detention, disappearance or death of family members. Accordingly, the LLRC strongly support the right for persons to know the whereabouts of their family members and to obtain appropriate legal remedy (Para 5.100-5).

Children and Young People: The LLRC is highly sensitive to the protection needs of children and young people. The commission appreciates the psychological and physical impact that the conflict has had on young people, arguing for the implementation of child-centred protection mechanisms as well as compensatory education and ‘vocational rehabilitation’ programmes. The report calls for an increase in educational resources in conflict affected areas, recognising the need to provide formal and informal education and livelihood opportunities to those whose education was disrupted by the conflict (Paras.5.92, 8.33-36). Attention is paid to the need for a sensitive reintegration and re-education programme for former child-conscripts and the need to trace, match and where possible, unite families and missing children (Paras. 9.68-9.81). The commission recommend using both the National education system and community networks to identify children and young people who are in need of specific physical or psycho-social assistance (Para. 5.119). They also argue that children should be put at the centre of national human rights programmes and initiatives for attitudinal change. These should include mixed ethnicity schools and language learning (Para. 8.327).

Elderly

The LLRC describes the elderly as a vulnerable group who have 'taken the brunt of the conflict' and have made a series of recommendations aimed at improving human rights protection for the elderly (Para. 5.103). The LLRC acknowledges that many elderly people have long neglected health issues that require attention, including conflict related trauma. As well as suffering directly (physically and psychologically), many elderly people carry the burden of being the primary carer to their family due to the loss of younger generations. The LLRC argues that ensuring full access

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to cultural and religious activities is particularly beneficial to the elderly as a means of overcoming conflict related trauma (Paras. 5.121-122).

Disabled: The LLRC acknowledges that disabled people have urgent and unique protection needs and calls for special provisions to be made for disabled people through local government and community level support groups. The commission recommends the implementation of legislation to help realize the rights of disabled people in line with the 'UN Convention on the Rights of Persons with Disabilities' (CRPD) and calls for their needs to be considered during the implementation of wider processes such as resettlement and redevelopment. The report also calls for detainees 'who are recovering from injury, and medical interventions' to be identified and given appropriate assistance (Paras. 5.56-5.126)

‘Normalising’ war affected areas

The LLRC emphasizes the need to establish a state of normalcy in the war-affected North and Eastern provinces and draws attention to a number of conditions that must be met in order for normalcy to be attained. These range from issues related to demilitarisation and economic development to reconstruction and the resettlement of displaced peoples (Para 9.107-173).

The Resettlement and Reintegration of displaced persons: The resettlement and reintegration of displaced persons is a highly complex process. Internally Displaced Persons (IDPs) and Refugees are vulnerable groups whose needs must be addressed urgently and sensitively. The LLRC commends the GoSL for the quick paced resettlement of IDPs whilst calling for the enactment of a comprehensive, equitable resettlement and reintegration policy for all returnees (Para. 6.87). This should be developed in consultation with both returnees and host communities and must include appropriate assistance packages. The report calls for the GoSL to be clear about the resettlement options open to returnees and to respect the right of returnees to re-settle in their region of origin. The commission recommend that the GoSL invest in community based assistance programmes to increase the life and livelihood opportunities of returnees, as well as in macro-infrastructure developments such as roads, schools and hospitals. It also recommends that state-owned land be designated for IDP resettlement and that resettled families be granted legal ownership of this land (Paras. 9.103-111). The report highlights the need for a durable solution to be found for the long-term displaced Muslim communities. It also proposes that the GoSL initiate a formal consultation process with India to enable refugees in India to make informed decisions about their proposed return (Paras. 9.108-9.113).

Demilitarisation: The LLRC states that in order for ‘normal civilian life’ to resume in the war-affected provinces there must be visible demilitarisation and ultimately a reversion to full civilian administration (Para. 9.227). The military remain heavily involved in day-to-day civilian affairs within the North and Eastern provinces including the control of commercial and agricultural activity. Particular concern is raised over allegations that the military have been involved in selecting the recipients of livelihood, land and housing assistance (Para. 8.7). The LLRC found that the heavy presence of military personnel within these regions not only limits the basic freedoms, rights and life opportunities of citizens but also maintains an environment of fear and distrust that is incompatible with reconciliation (Para. 8.211). One issue highlighted by the report is the use of private land by the military and the continued existence of High Security Zones (HSZs) (Paras. 8.99- 8.103, 8.113-8.128). In view of this, the LLRC proposes a review of the national security benefits of continuing to occupy these territories. It also recommends that all families who have lost land or property due to military occupation be given full compensation (Para 9.142).

Land: The LLRC acknowledges a number of land related concerns other than the issues related to HSZs addressed under ‘militarization’. The Commission recognizes that, whilst restoring the pre-conflict status-quo in regard to land distribution may not be possible or desirable, measures must be put in place to compensate people who have lost land illegally as a result of the conflict, particularly through force or coercion (Para. 9.121). The main land issues discussed in the report relate to ownership disputes amongst and between displaced peoples and host communities. These range from problems related to proof of ownership to forcible land grabs. The commission recommends the establishment of a land commission to resolve these issues and propose that all decisions to be made only after consultation with all stakeholders (Paras.9.133-136). The commission also calls for the implementation of a National Land Commission (NLC), as set out in the 13th amendment to the constitution. This would develop national land policy guidelines including guidelines for the equitable distribution of State land (Para. 9.150). The

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LLRC recognise fears amongst minority groups that the GoSL's Land policy is ethnically-biased. A number of representations to the commission spoke of the prioritisation of Sinhala-Buddhist developments including the construction of prominent Buddhist structures in traditional Tamil areas. The report asserts that land policy must not be used as an instrument for demographic change and that such policies would serve to exacerbate ethnic tensions (Paras. 8.104, 9.124).

Housing: The LLRC recognises that housing issues present a major barrier to realizing normalcy in conflict affected areas and are a particular obstacle to the resettlement of displaced persons. The commissioners emphasise the urgent need for the equitable provision of reconstruction assistance and for an equitable system for property restitution and compensation (Paras. 5.142-150, 9.165, 7.5-7.15). They express concern over the slow progress and limited resources channelled into repair and permanent housing schemes in the North and Eastern provinces (Paras. 5.131, 9.103-9.112, 8.264-27). The LLRC reaffirms that the Rehabilitation of Persons, Properties and Industries Authority (REPPPIA) can provide compensation for property related issues but also recognises that this may be inadequate for the scale and complexity of the issues facing returnees (Paras. 7.14, 9.165).

Economic development: The LLRC stresses the need to find a just balance between macroeconomic development and the stimulation of ground-level livelihood opportunities. The commission recognises that macroeconomic development can be insensitive to the needs of local populations and detrimental to traditional livelihoods such as fishing and agriculture. The report also drew attention to the fact that development activities in the north are governed exclusively by the Presidential Task Force (PTF), an organisation with no Tamil members which is often seen as symbolic of the GoSL's top-down approach to development (Paras 8.207, 8.9, 8.77-8.84). On the bases of these findings the LLRC recommend that economic development initiatives be planned and carried out in consultation, and where possible with the full participation of local communities (Para 8. 207). The report also call on the GoSL to undertake an in-depth study to identify the livelihood needs of communities in conflict affected areas and to ensure that the distribution of resources and development assistance is conducted equitably so as to prevent tensions arising between neighbouring communities (Para 8.182-182).

Rehabilitation and Reparations

The commission recognises that persons from all sectors of Sri Lankan society have suffered materially, physically and psychologically as a result of the war and assert that the proper delivery of rehabilitation and reparation programmes is essential for any sustainable reconciliation process to take place. In view of this, they have made a number of specific recommendations:

Reparations and Compensation: The LLRC emphasize the importance of providing reparations and compensation for persons affected by the conflict and they propose REPPIA as the central mechanism to be used to distribute this assistance. The commission are aware that there is a substantial backlog of cases requiring attention and that, at present REPPIA does not have the resources required to conduct such a large and multi-faceted operation. The Commission argues that the GoSL must take responsibility for the timely and full payment of compensation, ensuring that REPPIA is equipped with the resources and expertise necessary for this task. The report also stresses the need for compensation to be given without discrimination. Ex-LTTE combatants and their next of kin must therefore be considered eligible for compensatory relief (Paras. 9.154-166)

Psycho-social rehabilitation: The commission acknowledge that, whilst the war has affected all aspects of Sri Lankan society, special attention should be paid to the psycho-social needs of vulnerable persons such as women, children, the disabled and elderly, particularly those who have the extra-burden of being the primary carer in their family. The report puts an emphasis on dealing with the emotional and psychological needs of young people whose formative years have been plagued by conflict. The commission appreciates that many young people in the North and East have grown up in an environment of perpetual fear, be it due to generalised violence or the threat of forced conscription (Paras. 5.6, 5.101-122). The LLRC strongly recommends that the GoSL engage with civil society and international organisations that have experience and expertise in the provision of psycho-social rehabilitation and care. Strategies should be developed to identify persons with specific medical needs and provide them with appropriate services. Moreover, the government should allow ‘unhindered’ access to spiritual and cultural activities that may assist in the rehabilitation process (Paras. 9.94-9.97)

Rehabilitation and reintegration of Ex-Combatants: The LLRC commend the GoSL for the quick paced rehabilitation and release of large numbers of Ex-LTTE combatants and the ‘professional and caring’ manner in which aspects of these rehabilitation programmes have been conducted (Para. 5.50). Particular praise is reserved for programmes that have enabled ex-child combatants to be reintegrated into their home environment and provided vocational and educational training (Paras. 5.92, 9.77-9.81). The commissioners do however make a number of recommendations for improving the rehabilitation process. The report reaffirms the need to provide all ex-combatants with educational and vocational training to help facilitate their re-entry into mainstream society. The LLRC also calls on the GoSL to work alongside civil society organisations to implement social reintegration schemes for former detainees already in mainstream society (Para. 9.69-78). Moreover, the Commission assert that the various human rights issues related to detention without trial (see **Human Rights issues during and after the war**) serve to undo the positive impact of rehabilitation and that these issues must be addressed as a matter of urgency (Paras 9.53-9.66).

Education The LLRC acknowledges the need to put in place provisions for individuals whose education has been disrupted by the conflict. The report recommends the construction of new schools, that extra-resources are channelled into the state education system and an increase in academic scholarships in conflict affected areas (Paras. 9.93-103). As aforementioned, the report

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highlights the need to provide ex-combatants with both educational and vocational training (Paras. 9.68-9.78). The LRRC also recognises the changing role of women in war-affected regions, particularly the increase in female-headed households. In view of this they propose the development of educational and vocational training schemes specifically for women and girls. Moreover, the report highlights the need to improve educational facilities for Tamils of Indian origin in estate areas in order to help address long-term socio-economic inequalities (Para 9.200).

Cross-Community Reconciliation and Understanding

The LLRC asserts the need to cultivate a greater understanding between Sri Lanka's different ethnic, religious and cultural communities. The commission sees the removal of the feeling of discrimination as essential to reconciliation. The LLRC addresses discrimination throughout the report, be it in relation to land and language policy, police harassment or livelihood opportunities (these are discussed in their related sections). The commission also supports the implementation of a number of specific practical measures and symbolic gestures to help facilitate reconciliation.

Symbolic gestures- The LLRC assert that symbolic gestures are crucial to bringing about reconciliation. The commission recognises that, whilst a collective act of contrition would not be easy for either side, it is an essential aspect of any effective and sustainable reconciliation process (Para 9.284). Accordingly, the Commission make a series of symbolic recommendations:

- The practice of singing the National Anthem 'simultaneously' in Tamil and Sinhalese, to the same melody, must be 'maintained and supported' (Para 9.277).
- National Day (4th February) should include a separate event to express solidarity and empathy with all victims of the conflict and to commit to a peaceful future (Para 9.285).
- Political leaders of all sides should make a joint declaration, apologising to all victims for their 'collective failure' to prevent the conflict (Para. 8.303).

Education- The LLRC views education as the best channel through which to foster cross-community communication and cooperation. The commission therefore recommend a series of changes to the state school system, these include: the introduction of a merit based admissions system, the introduction of a more equitable distribution of educational resources and facilities, the creation of mixed-ethnic schools and the encouragement of interaction between children from different ethnic backgrounds (Para 9.251-53).

As aforementioned, the LLRC recognises that language barriers have resulted in major communicatory and attitudinal obstacles in Sri Lanka and, in view of this, they have recommended the implementation of a tri-lingual policy. The LLRC see mainstream education as the best method through which to introduce this policy, proposing that the 'learning of each others' languages' is made a compulsory part of the national curriculum (Paras. 9.243-9.245). The report also discusses the need for 'peace education'. This would include revising texts in order to remove any ethnic stereotypes and taking a more comparative approach to religious education i.e. comparing different religious practices rather than teaching a single religion as fact (Para. 8.253)

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Glossary⁵

Accessible	Able to be easily obtained or used and/or easily understood or appreciated
Alienate	To make (someone) feel isolated or estranged
Bi-lingual	Communicating in two languages fluently
Civil society	Groups that are not part of the Government but that represent professions, interest groups or sections of society including voluntary and community organisations, religious groups, student groups, trade unions etc.
Comprehensibility	Able to be understood
Conscription	Compulsory enlistment into an armed group
Constitution	A body of fundamental principles or established precedents according to which a state or other organization is acknowledged to be governed
Contrition	The state of feeling remorseful and penitent
Demilitarisation	To move a military forces from an area
Detention	The action of detaining someone or the state of being detained
Devolution	The transfer or delegation of power to a lower level, especially by central government to local or regional administration
Empower	Making (someone) stronger and more confident, especially in controlling their life and claiming their rights
Equitable	Fair and impartial
Extra-Judicial	Not legally authorized
Human Rights	Rights that human beings are entitled to equally and without discrimination, regardless of nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.
Infrastructure	The basic physical and organizational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society
Legislation	The process of making or enacting laws
Macroeconomic	Large-scale economic factors

⁵ All definitions are adapted from the Oxford English Dictionary (2012) apart from: *Civil Society* and *Transparency* which were adapted from Europa.eu (The official website of the European Union) and *Human Rights* which is an adaptation of the definition given by the UN High commissioner for Human Rights. ICES recognise that a number of the terms used in this document are highly contested and that we are unaware of the exact usage intended by the LLRC. However, since it is not within the scope of this summary to discuss these issues in detail we have opted to use standard Oxford English Dictionary (OED) definitions whilst actively inviting our readers to critique the definitions provided.

Mandate	An official order or commission to do something
Marginalisation	To treat as insignificant or peripheral
Normalcy	The condition of being normal; the state of being usual, typical, or expected
Oppression	Prolonged cruel or unjust treatment or exercise of authority
Politicize	To cause something to become political
Reconciliation	The restoration of friendly relations and/or the action of making one view or belief compatible with another
Reintegration	To integrate (someone) back into society
Reparation	Making amends for a wrong by providing payment or other assistance to those who have been wronged
Representation	Speaking or acting on behalf of someone
Resettlement	To Settle or cause to settle in a different place
Restitution	The restoration of something lost or stolen to its proper owner; recompense for injury or loss
Stakeholder	A person with an interest or concern in something
Status-quo	The existing state of affairs
Stereotype	A widely held but fixed and oversimplified image or idea of a particular type of person or thing
Sustainable	Able to be maintained at a certain level or rate
Top-down	Controlled, directed or instituted from the top-level(often the state)
Transparency	Openness in the way a government of institution works
Tri-lingual	Communicating in three languages fluently
Vocation	An occupation
War-crimes	An act carried out during a war that violates accepted international norms on the conduct of war

What lessons learnt?

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The report of the Lessons Learnt and Reconciliation Commission (LLRC) was made public on 16th December 2011. The objective of the commission was to enquire into and report on issues related to the Sri Lankan civil war between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE).

There has been much debate about the Commission's findings and recommendations. However, the space in which debate on the report has taken place has been almost exclusively confined to academia, politics and certain English-speaking elements of civil society. Many of the communities and individuals directly affected by the LLRC report have been excluded from the dialogue around its content and implementation.

The International Centre for Ethnic Studies (ICES) believes that any meaningful and effective dialogue on the LLRC report must be inclusive of all sectors in Sri Lankan society. The key objective of this summary is to present the key recommendations of the LLRC report in a way that is both accessible and comprehensible to those individuals and communities who have been excluded from the mainstream dialogue on the report's findings and recommendations.

ICES hopes that this summary will help to expel the myths, misunderstandings and misconceptions about the LLRC and that it will stimulate informed dialogue amongst these previously excluded groups; enabling them to become active participants in the national dialogue on post-war development and reconciliation.