

Space for Peace

The work of the Berghof Foundation for Conflict Studies in Sri Lanka

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**Berghof Foundation
for Conflict Studies**

முரண்பாட்டுக் கற்கைகளுக்கான
போர்கொவ் நிறுவனம்

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2001 - 2008

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All enquiries to this publication should be directed to:

Berghof Foundation for Peace Support
Altensteinstr. 48 a
14195 Berlin
Germany
Phone: +49-(0)30-84.41.54-0
Fax: +49-(0)30-84.41.54-99
E-mail: RNCST@berghof-peacesupport.org
Web: <http://www.berghof-peacesupport.org>

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FOREWORD

In July 2001, the Berghof Foundation for Conflict Studies Sri Lanka Office (also known as the Berghof Foundation) began its work of supporting the peace efforts of academic institutions, civil society and political actors in Sri Lanka. Since then, the Foundation has engaged in numerous partnerships to support and reinforce domestic peacebuilding capacities and help create space for dialogue on conflict transformation and a peaceful settlement. To date, the Foundation has funded over 200 programmes and worked to build a network of organizations and individuals engaged in peace work and conflict transformation.

The programme conducted by the Berghof Foundation in Sri Lanka was known as the Resource Network for Conflict Studies and Transformation (RNCST). The nomenclature emphasized the need to enhance resources and encourage the building of networks and relationships. The RNCST was initiated by invitation of the Government of Sri Lanka and was supported by two European governments (the Swiss Federal Department of Foreign Affairs and the German Federal Ministry for Economic Cooperation and Development working through the German Technical Cooperation Agency, GTZ). Its Sri Lankan State partner was the Ministry of Constitutional Affairs and National Integration. The Berghof Foundation was asked to be the implementing agency of the RNCST. Its work in Sri Lanka was part of official development cooperation and thus it did not qualify as an international non-governmental organization (INGO).

The purpose of this booklet

This booklet is intended to give a brief overview of our programme and the most important issue areas we have dealt with. It commences with a summary of programme history and the changing relationship it has borne to the different phases of the conflict and peace process over the last six years. The two main chapters deal with and are organized around the two main sequences of the programme: the first dealing with our work during the proclaimed 2002-2004 peace process and the second with activities from 2005 to date, a period during which both the situation on the ground and popular enthusiasm for the peace process deteriorated substantially. While the first phase led to an expansion of our work programme to identify concerns that needed to be addressed in order to keep the fragile peace process on track, the second phase was focused on a much smaller number of programmes. This was the result of focusing on areas that offered the most promise in terms of establishing a new peace process.

The summaries in this booklet are only a selected overview of our work. More comprehensive and in-depth studies will follow later (see the list of publications in the Annex).

The RNCST was originally planned for seven-and-a-half years, from July 2001 to December 2008. It was cut short because my residence visa was not extended at the beginning of 2008, which restricted our operations substantially and compelled us to advance the closure of the office. This decision was taken in agreement with the Governments of Germany and Switzerland and implemented according to the Memorandum of Understanding with the Ministry of Constitutional Affairs and National Integration. Independent of this decision, the Berghof Foundation will do whatever it can do to support a just and sustainable negotiated settlement for the Sri Lankan conflict. Some ideas for 'multiple peaceful futures' are mentioned in Chapter 10.

The booklet is rounded off with overviews of planning and assessment procedures and our media and communications work. It also includes an overview of Berghof institutions in Germany and a list of their publications. At the time of going to press we are still engaged in transferring several of our activities, which cannot, therefore, be documented here.

Acknowledgements

I would like to thank all my colleagues who have contributed to this publication, particularly Kanaka Abeygunawardena, Mario Gomez, Ulrike Hopp, Johann Rebert, Dilum Silva and Luxshi Vimalarajah, as well as Smart Media for their support. Also, I would like to thank Manique Mendis, who encouraged us to publish this overview of our work. My keenest gratitude, however, like that of my colleagues, must be reserved for all our partners in Sri Lanka and in the Sri Lankan community worldwide, with whom we had the unique opportunity to cooperate, develop joint efforts and reflect on what we have achieved and what we might do better.

Norbert Ropers, *Director*
Berlin, July 2008

INTRODUCTION

A History of the Resource Network for Conflict Studies and Transformation, 2001-2008

Early in 2001, a member of the Sri Lankan Government requested the Berghof Foundation to provide capacities for peace promotion and constitutional reform in Sri Lanka and for the promotion of dialogue between key stakeholders in the country's ethno-political conflict.

The request prompted a series of negotiations between officials from the Ministries of Finance (External Resources Department) and Constitutional Affairs of the Government of Sri Lanka (GoSL) on the one side and, on the other, the Swiss Federal Department of Foreign Affairs (DFA , PDAIV), the German Federal Ministry for Economic Cooperation (BMZ), the German Federal Foreign Office (AA) and the German Technical Cooperation (GTZ) agency. The outcome of these negotiations was an invitation to the Berghof Foundation for Conflict Studies in Germany, to establish in Sri Lanka a resource network that would provide services and funds to local partner organizations, as well as supporting other activities in accordance with the basic objective of strengthening the capacity of key Sri Lankan stakeholders to engage in the peace process. Thus was born the Resource Network for Conflict Studies and Transformation (RNCST). The Berghof Foundation was asked to be the implementing agency of the RNCST. Its status was therefore that of official development cooperation with Sri Lanka. It did not qualify as an INGO.

Setting up

It was collectively decided by the above parties that RNCST should enter into a Memorandum of Understanding with the Ministry of Constitutional Affairs and establish a branch office in Colombo under the Sri Lanka Companies Act. These decisions were effected in July 2001 and February 2002 respectively. It was also decided that this initiative should comprise a pilot phase of one-and-a-half years (July 2001-December 2002) and two main phases of three years each (2003-2005 and 2006-2008). The hope was that by the end of the programme in December 2008, the infrastructure for conflict transformation would be significantly enhanced in comparison with how matters in this regard stood in July 2001.

The two donors, Germany and Switzerland, provided substantial funds for the programme. The structure of programme governance comprised regular meetings with the donors, the Ministry of Constitutional Affairs (as GoSL partner ministry) and the Board of Trustees of the Berghof Foundation for Conflict Studies¹. Staff for a Sri Lanka office were retained in stages over some eighteen months, with a final strength of 20. Nine out of ten staff were Sri Lankan citizens. All communities in the country were represented.

Evolution of the RNCST Programme

The pilot phase of the programme was concerned mainly with exploring the possibility of establishing the proposed resource network and establishing how best to support capacity-building, for example by disseminating expert knowledge and organizing dialogues and problem-solving opportunities. The stated mission of this phase was as follows:

The objective of the RNCST is to enhance the capacities for constructive conflict transformation in Sri Lanka. Based upon the already-existing structures and capacities for training, research and dialogue within the region, the intention is to complement them and to help interested

1 In 2006, the programme was placed under the umbrella of the newly-established Berghof Foundation for Peace Support in Germany.

partners make the best use of the state of the art in conflict transformation. It is founded on the principles of multipartiality, transparency and partner orientation.

Looking back at nearly seven years of the programme, it makes most sense to analyze the historical development of RNCST, not according to the formalized structure of its three funding phases, but rather in relation to the main features of its content-related work. These evolved through the interplay of three factors:

1. The overall rationale and objectives as outlined in the proposals for the three phases.
2. Received requests, assessed needs and identified possibilities for conflict-transformation according to the political and societal development of the country.
3. Joint learning with our partners about the best ways to respond constructively to the changing environment.

Combining these factors, it is possible to differentiate four periods or phases in our work (five, if one counts the final period separately).

1. The first six months, July-December 2001, in which network activities focused mainly on capacity- and relationship-building with partner organizations from civil society in the context of a multi-track perspective.
2. Support of the peace process between January 2002 and December 2004. This involved a broad spectrum of activities, notably the Road Map Programme in collaboration with CPA.
3. A short-term shift of focus in the post-tsunami period, December 2004 to June 2005, towards the conflict-transformation sensitivity of international aid and other activities.
4. The elaboration of a revised and more focused capacity-building and dialogue-promotion programme that took into account the implications of revived hostilities following the breakdown of the P-TOMS project in July 2005. This operational phase has continued up to the time of writing.

The last period, until July 2008, was focused on the consolidation of existing partner organizations and their activities, as well as on support for sustainable infrastructures that can take over the functions of capacity-building and dialogue-promotion from July 2008 onwards.

The pilot phase

The very first period, in the second half of 2001, was characterized by political turmoil during the transition from a PA-led to a UNF-led government. Our programme during this time was devoted to a broad spectrum of capacity-building work, involving all tracks of peace-support activities. It also featured engagement with a variety of partners in civil society.

Activities during this phase consisted of:

- training workshops on conflict analysis and methods of conflict resolution, dialogue facilitation and constitutional reform processes;
- the dissemination of learning materials and state-of-the-art knowledge; and
- the exchange of experience through the facilitation of visits by Sri Lankan experts to other crisis zones and visits by experts from such zones to Sri Lanka.

Supporting Track 1: the second period and the Road Map Programme

The second phase or period extended from the signing of the CFA in February 2002 to the tsunami of December 2004. It was strongly focused on supporting the Track 1 peace process. At the outset, the emphasis was on reviewing the process, creating space for all stakeholders to engage one another in discussion over critical issues, opportunities and shortcomings of the process, and at the Track 2 level on complementary capacity-building and dialogue activities, such as study tours and seminars on power-sharing and federalism.

When the Track 1 process moved into crisis in 2003, events prompted RNCST to reflect more systematically and comprehensively upon the requirements of an inclusive, just and sustainable peace process. This resulted in the development of a comprehensive strategic framework, which encouraged us, firstly, to concentrate more than in the past on partnerships with organizations and institutions not only in civil society, but also in political society, and secondly, to address not only issues of the peace process and constitutional reform, but also of interim governance, security, political economy and reconciliation.



One of the main features of this period was the Road Map programme, implemented in collaboration with CPA. Its aim was to support all stakeholders in their pursuit of a just and equitable negotiated settlement through a track-wise demarcation of steps required for conflict transformation. The idea was not to propagate one particular path of development but rather to enhance knowledge, generate debate, encourage creative solutions and raise awareness concerning what was implied by the different available options. A series of papers and workshops was organized based on this. The Road Map programme culminated in a joint paper by a group of five authors².

The post-tsunami period

In 2004, prospects for a revitalized peace process were further dimmed by a series of events and decisions that, by year's end, had returned the country to the brink of war. The outbreak of hostilities was temporarily prevented by another catastrophe, the tsunami of December 26, which led to a brief third (and interim) phase of the work of RNCST that continued until June 2005. This period was marked by a focus, common to RNCST and several of its partners, on the issue of ensuring that the impressive amounts of post-tsunami aid received by the country would be deployed and distributed in a manner sensitive to the need of transforming the conflict – and also in light of the fact that Muslim and Tamil communities in the east of the country were among those particularly affected by the tsunami. During this time, the Berghof Foundation also became involved in several initiatives to link post-tsunami support with various partnerships and exchange programmes between Europe and Sri Lanka.

The fourth period: a tighter focus

From July 2005 onwards, the programme moved towards its fourth period. This began with an assessment of lessons learned in the process of expanding the scope of our work towards the comprehensive strategy mentioned earlier. The conclusion was to reduce the number of programme areas and focus on three clusters:

1. dialogue promotion and capacity-building on issues of state reform, power sharing, devolution and federalism;
2. institutional capacity-building and programme support for peace-related organizations close to the key stakeholders; and
3. promoting opportunities for dialogues and discourses on 'multiple peaceful futures'.

This 'triangular' approach also guided the Berghof Foundation during the remainder of its presence in Sri Lanka.

Effectively, the approach meant emphasizing, in the first two clusters, that collaboration with our partners enhances their ability to sustain and pursue their work without direct support from the RNCST from 2009 onwards. With respect to the third cluster, there will be most likely a place, if not a need, for bridge-building and facilitating by third parties in the case of dialogues and joint ventures. Our interest is to work towards creating a network of such organizations, domestic and international, to ensure that this work can be carried forward.

Dialogue Promotion

The main objective in this work area was to support the Track 1 efforts of the parties, the Norwegian facilitators and the co-chairs with a variety of Track 2 activities that would help create and sustain a network of organizations and persons active in discussion, dialogue and problem-solving processes in favour of a just and honourable peaceful settlement. This work was done in collaboration with various partner organizations.

Deterioration on the Track 1 level made this work very difficult. Nonetheless, we were convinced that all remaining opportunities should be explored and creative new ones developed. One opening was the APRC process, which could be used to promote in-depth discussion and dialogue on political solutions. Another opening was created by the human-rights and humanitarian dimension, which would have to be a pillar of any promising new peace process. Our work in this area aimed at ensuring that all reasonable opportunities were utilized within the existing network of partner organizations and personal networks.

To do our utmost to enhance prospects for the success of any future peace process, we had planned to focus also on academic work, policy studies and discussions that draw conclusions from past experience and comparable cases (such as Nepal, Aceh, etc.), and also to inspire discussion of ‘multiple futures’ in terms of the peace process as well as the abovementioned constitutional visions. This work was done in partnership with various organizations.

Capacity-Building

In this area, the main objective was to support all (interested) stakeholders to establish and strengthen their institutional capacity for active participation in the peace process.

The process began with collaboration with our line Ministry, the Ministry of Constitutional Affairs and National Integration, and continued with the Secretariat for Coordinating the Peace Process (SCOPP) and the LTTE Peace Secretariat and with support of the Peace Secretariat for Muslims (PSM). Later, other organizations close to particular political parties were included: the Council for Public Policy (CPP, a social-democratic organization), the Secretariat for the National Alliance of Peace (SNAP, a liberal-democratic organization), the Centre for Just Peace and Democracy (CJPD, Tamil Diaspora, Switzerland), the NEXUS Research Group (another social-democratic organization) and the Foundation for Community Transformation (FCT, a CSO close to Tamils of Indian origin).

Our work with these stakeholders, which was based on the principle of multiparty, was significantly challenged by the Emergency Regulations and the PTA, the latter having been re-imposed in December 2006. We asked for exemption from these instruments because of the peace-promoting character of our work, but unfortunately never received a response. Pending one, we have frozen in-country capacity-building and dialogue-promotion work with the LTTE.

Promotion of Multiple Perspectives

The main area of work in this cluster was concerned with helping to establish a sound infrastructure of organizations and a network of persons knowledgeable in power-sharing in order to promote future discourse on a home-grown solution to the Sri Lankan conflict. Also in this area, we supported a series of ‘State reform’ workshops in collaboration with SSA and a broad network of civil-society organizations.

The main object was to help establish a sustainable and effective network of qualified institutions and individuals engaged in promoting discourse on devolution, power sharing, shared sovereignty and federalism with the aim of developing a Sri Lankan solution that takes into account the needs and interests of all communities. This was done in close collaboration with several domestic partner organizations from civil society, academia and the public sector, and also with international organizations like the Forum of Federations (Canada) and the Swiss Institute of Federalism (Fribourg).

The work consisted of training initiatives, workshops, networking, the invitation of foreign experts and the exposure of Sri Lankan partners to power-sharing experiences abroad. For the last three years, we supported a series of training programmes in collaboration with the Centre for Federalism Studies in New Delhi.

After the appointment by the President of the APRC and the Expert Panel for Constitutional Reform, we continued to support the *Ad Hoc* Group on Power-Sharing for a Peaceful Constitutional Settlement. This group comprised around ten civil-society initiatives that had put forward various proposals for a constitutional settlement to the expert panel. They could be described as a sounding-board of experts and concerned citizens contributing to the power-sharing discourse.

In collaboration with CPA, we engaged in a publication project that reprinted and reviewed all politically-relevant power-sharing documents (Constitutional regulations, laws, proposals, manifestos, political statements, etc.) from the 1920s to the APRC outcomes of 2007 and 2008.

Guiding Principles

Peacebuilding is a complex and difficult process, in which a poorly-effected initiative may result in increasing divisions instead of reducing them. To guide our work of capacity-building and engagement with stakeholders, we adopted several principles.

Multipartiality

As an independent conflict-transformation organization, one of the key challenges faced by the Berghof Foundation in Sri Lanka from its inception has been the maintenance of a good working relationship with all stakeholders in conflict and peace. Achieving this balance, while at the same time maintaining independence and professionalism, has often been difficult. Building trust and confidence with parties who do not necessarily trust one another has not been easy and was occasionally quite problematic. Some stakeholders did not want to work with an organization that also worked with their competitor or enemy. However, patience, time and an appreciation of the Berghof approach – which hinges on empathy with the needs and fears of all parties – convinced many (though, unfortunately, not all) stakeholders of the merits of multipartiality as a key principle of our engagement in Sri Lanka.

Domestic ownership

We believe that the final resolution of the Sri Lankan conflict has to be one developed and agreed by Sri Lankans themselves. Therefore we did not advocate any particular solution to the conflict in Sri Lanka. Rather, we were committed to helping Sri Lankan stakeholders find lasting peace for all communities in Sri Lanka.



Confidentiality

Once basic trust and confidence had been established, we brought various parties, groups and constituencies together in one room, to discuss common issues and the problems arising from them and to explore possible solutions to these problems. While some such engagements have been open, others were restricted in terms of participation because the issues discussed were sensitive and salient to the parties in question.

Another important challenge relating to our work with stakeholders arose from these ‘restricted’ interactions and concerns confidentiality. Since the issues discussed at restricted forums have been, more often than not, sensitive in nature, Berghof must, as a third party, respect its partners’ desire for confidentiality. However, this desire was often opposed to the desideratum of transparency, a conflict that has caused the Foundation some problems in the past.

Critical interaction

We adhere to international human-rights and humanitarian law and do not approve of any kind of violence. We also condemn undemocratic rule and violations of the rule of law, but we are not an advocacy organization and do not publicly condemn any of the activities of the parties to the conflict. Nevertheless, we made our stance and our constructive criticism well understood through dialogue and direct interaction. As a conflict-transformation organization, our role is to help the parties emerge from cycles of violence through constructive engagement.

Conclusion

Looking back at our experiences and those of our partners so far, a simple parallel can be drawn between the development of our strategic orientation and work and the course of peace efforts over the last six years. Both can be viewed as learning processes that may be more or less successful with respect to their goals. While it is obvious that the final goal of a just and sustainable peace agreement has not yet been achieved, we also know that peace processes are by nature highly volatile and fragile. It is therefore necessary to have a long-term perspective and strategy, and to take a creative attitude to our work – learning from our successes as well as our mistakes, the difficulties we have faced and the resistance we have encountered at various times from different parties.

PART ONE: 2002-2004

Chapter One

The Political Context, 2002-2004

The period between the signing of the CFA in February 2002 and the catastrophic tsunami of December 2004 commenced with the optimistic expectation that it would be possible to pursue the newly-initiated peace process by a two-step approach: firstly, ‘normalization’, and, secondly, ‘negotiating a political settlement’. It is evident in hindsight that this approach, though well intended, was not a success. The reasons for this were manifold. Among them, the following had particular implications for our work.

Different concepts of normalization

The first of these was the incompatible ideas held by the two sides with respect to what ‘normalization’ actually meant. For the GoSL it meant primarily an end to violence, the opening of the A9 highway, removal of checkpoints, lifting the embargo on goods and the liberalization of many other regulations. The LTTE and many Tamils expected more; that, beyond these measures, displaced persons and others who had suffered most from the war should have the opportunity to return to their houses and resume their normal lives. This difference was difficult to overcome because, as long as there was no substantive demilitarization on both sides, the GoSL was not prepared to offer any substantive reduction of the High Security Zones or its military presence in the North, while the LTTE argued that without any significant improvement in the lives of the IDPs, normalization would be meaningless.



A landmark event of the peace process – opening of the A9 highway



Bridging communities

No political solution forthcoming

A second contributor to lack of success in the peace process was the fact that, despite the agreement embodied in the famous Oslo Formula of December 2002, neither side followed sufficiently through on their mutually-declared intent to ‘explore a political solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka’.

Lack of inclusiveness and legitimacy

A third contributing factor was the evident lack of inclusiveness that hampered the peace process. The most telling example of this was, of course, the exclusion of the President of the Republic and her party, the SLFP, from the process (the unequal, ‘second-class’ participation of the Muslim community in the process was another example). These factors fuelled the traditional ‘ethnic

outbidding' mechanism and prevented mediation by other actors that might have helped overcome the polarization between the two negotiating parties.

Related to this were the critical issues of the acceptance, popularity and perceived legitimacy of the peace process among the affected communities. These vital elements were threatened from the outset: from severe human-rights violations perpetrated just after the CFA had been signed, from the lack of a significant economic 'peace dividend' for the majority of the population, which became increasingly evident as time went on, and – perhaps most disappointing of all – the various parties' failure to develop any vision of a common, united effort by all communities to settle the conflict. In the absence of such a vision, the 'peace process' became a journey towards an unknown, undefined destination.

The work of Berghof in 2002-2004

Berghof's work, like that of many of its civil-society partners during this period, began by using newly-available opportunities for dialogue to explore ways in which the peace process might be actively and creatively supported. While engaged in this work, many colleagues became aware of shortcomings in the process and began to focus increasingly on critical issues. This process ultimately led to Berghof becoming engaged in the programme areas highlighted below.

The first area, **dialogue promotion and capacity-building on constitutional and state reform**, was focused on the key question of how to accommodate the aspirations of all communities in Sri Lanka in a comprehensive power-sharing arrangement. This remained one of our main focal points, with activities continuing through the post-2005 period up to the present.

The **Road Map programme**, developed and undertaken in collaboration with CPA, is dealt with in the following section. This programme was based on an understanding that the political peace process could profit substantially from regular progress reviews in a suitable forum. Such reviews were to be undertaken in the light of a series of policy papers on the most critical issues – issues which the process would have to address sooner or later.

The **security-related work** was designed to support the negotiations taking place at the Track 1 level and was done with the support and knowledge of the Ministry of Defence. It was aimed mainly at providing a forum for the armed forces, the LTTE and civil society to enter into dialogue, build relationships and better understand each other in the context of the peace process at that time.

The starting point of this work was the prevailing lack of knowledge regarding how the ceasefire might be transformed from fragile truce into a sustainable political settlement. It was seen as crucial to explore creative options for common and human security among all affected parties, including the Armed Forces. The deteriorating state of the peace process and the spate of hostile criticism to which several of our partners in this area were subject caused us to terminate the work on security-related issues in 2004.

Berghof was also active in the areas of **reconstruction and development** and **reconciliation** in 2002-2004. The aim of these activities was to help bring about a peace dividend that would place the peace process itself on a firmer footing.

Chapter Two

Dialogue Promotion and Capacity-Building on Constitutional and State Reform

This chapter examines Berghof's Governance Programme, as it was then called, during the second phase of its work from January 2002-January 2005. It also looks at some initiatives that followed the shift of focus in the Foundation's work after July 2005.



The governance programme of the Berghof Foundation was designed on the assumption that the transformation of Sri Lanka's ethnic conflict requires a substantive restructuring of the State as recommended in the context of a series of past peace initiatives. This restructuring process would need to encompass, at a minimum, an overhaul of the Constitution and the institutions of governance. The new constitutional and institutional order would need to distribute State power in a way that accommodated the aspirations of all ethnic groups of the country: Sinhala, Tamil, Muslim, Burgher, Malay and others.

Our objective in this area, in collaboration with our partners, was to deepen the understanding and support the capacity of key stakeholders with regard to constitutional and institutional reform and to provide a forum for the building of relationships across ethnic and sectoral dividing lines. The programme also aimed to stimulate new thinking in this area. Programme methods included workshops, dialogue processes, round-table discussions, research papers, exposure visits and study tours.

'From War to Constitutional Peace'

Two constitutional lawyers from South Africa, Albie Sachs and Richard Goldstone, participated in a programme on the above theme in December 2002. Albie Sachs is a member of the Constitutional Court of South Africa and was closely involved in the liberation struggle of the African National Congress. Richard Goldstone was a former member of the Constitutional Court and headed the well-known 'Goldstone Commission', which investigated incidents of violence just prior to the transition to democracy.

Albie Sachs participated in a number of workshops and discussions in Colombo and Jaffna, at which he shared his experience of the challenges faced by South Africa as it made its transition from military struggle to constitutional change. Among the issues he addressed were the integration of human rights into the peace process, the value of constitutionalism, the role of the Constitutional Court and the problems associated with the demobilization and reintegration of combatants.

Richard Goldstone discussed appropriate models of truth and healing in relation to past human-rights violations, the relevance of international criminal law and how his country responded to the violence that preceded the negotiation of a final settlement.

Self-Determination

In an effort to develop greater understanding of the concept of self-determination, the Berghof Foundation facilitated the participation of two eminent scholars, Yash Ghai and Helena Whall, in a number of discussions and workshops at Jaffna and Colombo. The purpose of this initiative was to

generate critical thinking on the concept of self-determination, consider comparable international experiences and promote dialogue between groups in the North and the South on questions of self-determination and power sharing.

Prof. Ghai, the main resource person, was Professor of Law at the University of Hong Kong and, more recently, Chairperson of the Kenya Constitution Review Commission. He has been a constitutional advisor in Afghanistan and is extensively consulted by governments in the Asia-Pacific region on constitutional issues and draughtsmanship. He is currently assisting with the constitution-building process in Nepal. He was supported by Dr. Whall, who was a Project Officer for Indigenous Rights at the Commonwealth Secretariat.

Study Tours



Study tour for the LTTE's political affairs committee in the upper house of the Spanish Senate, 2003

In April/May 2003, the Foundation facilitated a study tour for members of the LTTE's Political Affairs Committee to four countries where federal or quasi-federal arrangements are in operation: Germany, Belgium, Switzerland and Spain. The Foundation had been encouraged by the Government of Sri Lanka and the Norwegian facilitators of the peace negotiations to organize such a tour.

The tour took place a couple of weeks after the same group had been exposed to a study tour of systems of central government in the Scandinavian states.

The purpose of the tour was to provide knowledge about basic features as well as the many variations of power-sharing arrangements. The visits were undertaken in close collaboration with partners and host institutions in the four countries. The programme included lectures by academics and talks with politicians, officials, etc. The tour was organized and accompanied by three staff members of the Berghof Foundation.

The group used this opportunity for engaging intensively with the experts to discuss the strengths and weaknesses of several models of power-sharing and to explore the utility of these models for a peaceful settlement of the Sri Lankan conflict. The advantage of being exposed to four substantially different models of power-sharing in the short period of three weeks helped members of the tour party understand how all these arrangements were the result of 'home-grown' efforts to find just and sustainable solutions for competing claims of political participation. The tour facilitated many informal contacts and long-lasting relationships and inspired several vibrant internal debates.



The Sri Lankan Study Group with Albie Sachs at the then being constructed constitutional court which was an old apartheid prison site, South Africa, 2003

In September 2003, the Foundation organized a study tour to South Africa for a group of ten constitutional lawyers from Sri Lanka. They were accompanied by two lawyers from the Berghof Foundation. The purpose of the tour was to provide opportunities for:

- the group to study at first hand constitutional arrangements in South Africa;
- the group to meet key political and legal personalities involved in constitution-making and the peace process in that country;
- constitutional lawyers from different lawyer constituencies – the then-ruling United National Party (UNP), the opposition People’s Alliance (PA), the Muslim community, the Tamil National Alliance (TNA) and independent lawyers – to interact with one another on some of the key constitutional challenges facing Sri Lanka, including the question of interim and final constitutional arrangements; and
- the generation of a document containing options of interim and final constitutional arrangements that could be placed before key stakeholders.



The study tour to South Africa for a constitutional lawyers from Sri Lanka, 2003

South Africa was chosen because of the broad range of experiences it offered, both in negotiating peace and in constitution-making. South Africa also provided a large pool of resource persons with whom the group met.

The group that visited South Africa met several times after their return to discuss a number of issues pertaining to constitutional reform and the peace process. One of the issues they decided to explore further was the idea of an interim Constitution. Such a constitution had been used

successfully in South Africa and was seen as a device that could be employed in the Sri Lankan peace process and in constitutional negotiations. A draft concept paper prepared by the Berghof Foundation was discussed. This paper is available for study on our website.

Initiatives on State Reform



The dialogue series, 'State Reform, Conflict Transformation and the Transition to Peace in Sri Lanka', in collaboration with SSA, 2004

At the beginning of 2004, the Social Scientists' Association (SSA) and the Berghof Foundation began a process of collaboration that looked more closely at some of the issues pertaining to state reform in Sri Lanka. The project was titled 'State Reform, Conflict Transformation and the Transition to Peace in Sri Lanka'.

Restructuring of the State is at the head of Sri Lanka's agenda as the country attempts to move from war to peace. This initiative looked at the challenges and opportunities as they appeared at that time.

The project had a research component and a dialogue component. The aim of the former was to generate new ideas on state reform. It also aimed to deepen understanding of the issues at stake among different groups and to broaden the discourse on state reform. The dialogue component aimed to bring different stakeholder groups together for a discussion on crucial issues pertaining to state reform and to increase their understanding of the issues in this area.

The first dialogue was held in April 2004, the second in June and the third in September of the same year. This was followed by a fourth dialogue that addressed specifically the concerns of the Muslim community and brought together key influential from the Tamil, Sinhala and Muslim community. This took place in December 2004.

In January 2005, a brainstorming session was held on the link between the tsunami and power-sharing.

A fifth dialogue that brought together different stakeholders was held in August 2005.

The dialogue process described above involved the bringing-together of three key stakeholder groups: the public service, the private sector and civil society. In some dialogues key political actors were also involved.

Among the challenges facing Sri Lanka was the task of helping diverse stakeholders in the conflict and peace process come to terms with and accommodate far-reaching State reforms in a future in which power is widely shared. This project aimed at exploring some of the challenges that arose from such an ambitious programme of reform.

The project also generated a publication, *Power Sharing: Selected Documents*; a compilation of power-sharing proposals that have emanated from various quarters over the past twenty years. A summary of the discussions at the five workshops was published under the title 'State Reform in Sri Lanka: A Dialogue Series'.

Collaboration with the Institute of Federalism, Fribourg

The Berghof Foundation also supported the visit of Thomas Fleiner to Sri Lanka in September 2003. Prof. Fleiner, a Swiss, is one of the leading global authorities on federalism and has been a keen follower of developments in Sri Lanka. He had visited the country previously and been periodically consulted on the Sri Lankan conflict.

Prof. Fleiner had the opportunity to visit Jaffna and to meet with LTTE representatives in Kilinochchi and civil-society actors in Colombo during his September visit. In February 2007, he made another visit, during which he engaged with the Berghof-facilitated *Ad Hoc* Group on Power Sharing and met with other actors.

The Foundation also facilitated visits by Sri Lankan lawyers and politicians to the Institute of Federalism in Fribourg, enabling them to study comparative experiences in the area of federalism and to encourage them to develop their own ideas with respect to home-grown models of power-sharing.

Collaboration with ICES

In January 2006, the International Centre for Ethnic Studies (ICES), initiated a study on 'Transitional and Interim Arrangements' in partnership with the Berghof Foundation. The purpose of this study was to analyze in detail efforts made by the Sri Lankan negotiating partners between 2002 and 2005, in order to create interim mechanisms to bridge the gap between the different preferences and proposals for a 'final solution' by the parties and the need for a constructive process of confidence-building and problem-solving. The original intention was to compare the results from this study with similar analyses from other peace processes. This plan had to be postponed due to difficulties in raising funds for the comparative studies. The ICES study is now in print³.

The Ad Hoc Group on Power-Sharing for a Peaceful Constitutional Settlement

The *Ad Hoc* Group on Power-Sharing for a Peaceful Constitutional Settlement initially came together on 23 August 2006 in response to a public notice published by the 'Panel of Experts' and the Ministry of Constitutional Affairs, which called for public representations on constitutional reform. The initial meeting was summoned by five civil-society organizations [the Berghof Foundation for Conflict Studies, the Centre for Policy Alternatives (CPA), the Foundation for Co-Existence (FCE), the Initiative for Political and Conflict Transformation (INPACT), and the Social Scientists' Association (SSA)].

3 Ambika Satkunanathan & Charan Rainford: *Mistaking Politics for Governance: the Politics of Interim Arrangements in Sri Lanka 2002-2005*. Forthcoming.

Prior to this, the President of Sri Lanka had established an All-Party Conference (APC) to design a political settlement to the ethnic conflict. The APC then agreed to the establishment of an All-Party Representative Committee (APRC), consisting of one representative from each political party and a panel of 17 experts to advise the APC on the nature of such a political settlement.

The APC consisted of representatives from all political parties represented in Parliament except the Tamil National Alliance (TNA). The Panel consisted of constitutional and other experts from academia, the public service and civil society. The Panel of Experts published a notice in the press inviting public representations and received approximately 700 responses.

The *Ad Hoc* Group on Power-Sharing came together as a result of this public notice. Since then, the Group, consisting of between 25 and 35 persons from about 20 organizations representing academia, business chambers, civil society and the clergy, met on several occasions. These included an informal meeting with a few members of the Panel of Experts and a dialogue with members of the TNA. Proposed meetings with other political parties did not materialize. In their discussions, the *Ad Hoc* Group explored several constitutional options for resolving the country's ethnic and social conflicts. Among the *Ad Hoc* group were nine organizations that submitted proposals to the Panel of Experts.

This dialogue group provided a forum for intellectual engagement with some of the more complicated issues pertaining to a constitutional settlement, helping group members explore constitutional options and to consider the feasibility of building a consensus among these diverse civil-society organizations and business chambers.

Berghof's role was to provide logistical and intellectual support for the group: coordinating meetings, providing an accessible venue, sharing documentation and preparing and distributing background papers and notes.

Two documents were generated by the group. The first brought together key principles and concepts contained in the nine submissions. The second identified some fundamental principles that should guide constitutional change in Sri Lanka and identified a list of critical issues and possible constitutional options for dealing with them. Questions relating to interim and transitional arrangements were also addressed.

The *Ad Hoc* Group took decisions to:

- engage with representatives from different political parties on the ideas for constitutional change that had been generated within the *Ad Hoc* Group;
- develop a document that identified some of the critical constitutional issues and present various constitutional options; and
- consider enriching public debate through interventions in the media and larger public forums.

The *Ad Hoc* Group was planning future engagement with the SLFP, the UNP, the SLMC, the NUA, the JVP, the JHU and other political actors.

Berghof provided logistical and intellectual support to the group whenever there was need. The Foundation also facilitated engagements with political actors on the subject of constitutional change and explored the feasibility of publishing and disseminating some of the ideas generated by the *Ad Hoc* Group. Besides enriching public debate on constitutional change, Berghof hoped that one of the outcomes of this process would be greater capacity within each of the group's member organizations to generate imaginative constitutional options and to negotiate these options in the context of the ongoing conflict.

The nine proposals were preceded by a discussion paper which captures in summary form some of the critical constitutional issues and some of the constitutional options discussed within the *Ad Hoc* Group. It sought to capture the rich and diverse discussion that took place within the Group and to present in a concise form the various options discussed. The discussion paper also contained some ideas on the transitional process.

The discussion paper⁴ and the nine proposals were published with the objective of stimulating further discussion on constitutional and political reform in Sri Lanka. Constitutional and political reform is a vital step if Sri Lanka is to make the transition from civil conflict to constitutional peace and it is hoped that this publication will contribute to this transition.

Power Sharing in Sri Lanka: Text & Commentary

Since the 1920s, parties as diverse as Leonard Woolf, representatives of the Kandyan Sinhalese, the Federal Party, the Movement for Constitutional Reform, the LTTE and the Sri Lanka Muslim Congress have made proposals for restructuring the Sri Lankan State. Additionally, several governments have made concrete proposals, the most detailed of which was the Draft Constitution Bill of 2000.

Power Sharing in Sri Lanka: Constitutional and Political Documents 1926-2007 reproduced relevant extracts from these proposals. Each is accompanied by a brief commentary and analysis. This is the first such publication in the constitutional literature of Sri Lanka and will be released in August 2008. Rohan Edrisinha, Mario Gomez, V.T. Thamilmaran and Asanga Welikala are the editors and commentary-authors of this work.

Chapter Three

Scouting the Territory Ahead: the Road Map Programme with CPA

In 2002, inspired by the Cessation of Hostilities Agreement signed by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) in February of that year, the Berghof Foundation for Conflict Studies and the Centre for Policy Alternatives (CPA) launched the Road Map programme.

The programme was designed as an intellectual, creative and dynamic process to help decision-makers involved in negotiations, as well as other stakeholders, to understand, shape and organize the negotiation and transformation processes in a constructive way. It was intended that the programme should not propagate a single path but instead generate multiple options with regard to the challenges facing the stakeholders at that point in time. It was focused primarily on the immediate issues and challenges that emerged during the peace process of 2002.

The Road Map Programme consisted of two broad components:

1. a series of background papers in which the most urgent issues of finding a negotiated settlement and possible future scenarios were identified and analyzed, and in which various options for taking the process forward were explored and evaluated, and
2. a series of workshops and roundtables in which these papers were discussed with decision-makers, other stakeholders and members of the expert public.



Road Map Seminar 2002, JAIC Hilton (left to right: Pakiasothy Saravanamuttu, Hon. Rauff Hakeem, Hon. G.L.Peiris and Dr. Norbert Ropers)

Many of the papers were located in the peace process of 2000-2003 and grappled with the main challenges facing decision-makers at that time. Some papers have a relevance that goes beyond the moment, containing several options for Sri Lanka if and when the next peace process unfolds. Beyond that, the papers developed ideas that offer critical insights for peacemaking, peace-building and peace-process design in other parts of the world.

The following are some of the papers the programme produced:

Conceptualizing a Roadmap for Peace in Sri Lanka

Kethesh Loganathan and Norbert Ropers

The paper analyzes the deficits of the 2002 peace process and makes a case for designing a multi-phased and multi-tiered conflict transformation process. It criticizes the two-phased negotiating process of 2002 as inadequate and points out that the nature and outcomes of all 'interim' phases will impact upon and determine the 'final' solution.

Democratizing Human Rights, Strengthening Peace: Sri Lanka's Historic Challenge

Alan Keenan

This paper attempts to understand the conflict and conflict transformation in Sri Lanka through the human-rights paradigm, arguing why and how human rights can and should be used as a tool for conflict transformation in the country.

It points out that human rights have been at the centre of Sri Lanka's conflict in terms of historical grievances, collective aspirations for self-determination, violations in the context of the ongoing war and a powerful rhetorical tool and bargaining tactic. It makes the case that, in order truly to engage in the human-rights discourse around the Sri Lankan conflict, one must understand, acknowledge and empathize with all facets of human rights. It also highlights the need for coordinated and effective intervention by civil society that goes beyond moral posturing and partial finger-pointing.

Peace Talks in Thailand: The Case for a Framework of Principles

Pakiasothy Saravanamuttu

The paper explores the two prevalent schools of thought on the 2002 negotiations – core issues vs. interim issues only – and argues for a statement of principles from the negotiating parties that transcends both. It stresses that such a statement of principles from the negotiating parties is needed to express commitment to the process and its outcomes. According to the author, such a framework should include (among others): a commitment to federalism within a united Sri Lanka; respect for human rights; and the representation of all stakeholders in the negotiating process.

Beyond the Talks in Thailand: Towards Transformative Peace in Sri Lanka

Jayadeva Uyangoda

The author in this paper discusses the credibility deficits *vis-à-vis* both the LTTE and the Government of Sri Lanka and the culture of mutual mistrust and hostility that make it difficult to sustain protracted negotiations in a no-war-no-peace situation. It points out that the compulsions of parliamentary and electoral politics make it difficult for Governments in power to commit to protracted negotiations.

Enhancing Human Security in the Eastern Province

Kumar Rupesinghe

The paper examines human-security conditions in the Eastern Province at that time of the Road Map Programme and makes a strong case for addressing them as a strategic priority for transforming the conflict in Sri Lanka. It makes concrete recommendations for addressing human security concerns in the Eastern Province.

The project also explored the challenges posed as a result of the establishment of SIHRN (Subcommittee on Immediate Humanitarian & Rehabilitation Needs) and related critical humanitarian issues.

The Sri Lankan Peace Process at Crossroads: Lessons, Opportunities and Ideas for Principled Negotiation and Conflict Transformation

Tyrol Ferdinands, Kumar Rupesinghe, Pakiasothy Saravanamuttu, Jayadeva Uyangoda and Norbert Ropers

At the end of 2003, when negotiations had collapsed and among signs that war was imminent, a group of five practitioners jointly produced a critical reflection on the peace process as it subsisted at that stage, outlined the challenges, and offered options for a way out of then-existing impasse, together with recommendations for the next phase of the peace process.



Mr. Tyrol Ferdinands and Dr. Norbert Ropers at the launch of the Crossroads Paper at the JAIC Hilton, January 2004

Chapter Four

Security: Exploring Options for Moving from Negative to Positive Peace

Berghof's work on security-related matters was conceived with a view to supporting the peace process of 2002-2004. It sought to help build relationships amongst the different stakeholders and provide a forum for these stakeholders to discuss the challenges encountered by the parties at the Track 1 (official negotiation) level.

In the area of security, the Berghof Foundation's work focused on four broad areas:

1. reconstruction, resettlement and normalization in relation to the peace process;
2. supporting the Defence Review Committee appointed by the Government;
3. capacity-building for civil society; and
4. capacity-building for the Sri Lankan Armed Forces on negotiation training and conflict resolution.

As is the case with other areas of its work, the Foundation's activities with respect to the security sector were carried out in partnership with Sri Lankan organizations and sought to engage with all relevant stakeholders. These included the Government of Sri Lanka, the LTTE and the Sri Lankan Armed Forces.

Much of this work, and in particular all programmes and activities involving the participation of members of the Forces, was planned and implemented with the full knowledge and approval of the Secretary to the Ministry of Defence.

Objectives

The broad objectives of the Foundation with respect to security were to:

- facilitate dialogue promotion between stakeholders on issues pertaining to human security, normalization and resettlement, in order to support and accompany the peace process;
- identify challenges to policymakers that are likely to arise over the next few years in respect of normalization, human security and resettlement;
- enrich the discourse on normalization, human security, resettlement and de-mining through the generation and dissemination of new ideas and knowledge and to consider how these ideas could support the peace process;
- strengthen civilian-military relations, foster relationships between the Armed Forces and civil-society actors and help each group better to understand the other;
- enable military and civil-society actors to learn from the experience of other countries that have made the transition from conflict and violence to peace;
- increase the capacity of civil society to contribute to the debates on normalization, human security and resettlement, and explore how these capacities could support and accompany the peace process; and
- facilitate networking in order to build a group of civil-society actors interested in contributing to discourse and debate in this area.

Dialogue workshops on normalization and re-settlement in the Northeast



Rocky Williams with government officials at a security workshop in Jaffna, 2003



Kayode Fayemi with government officials at a security workshop in Jaffna, 2003

The Berghof Foundation facilitated a series of dialogue and problem-solving workshops on normalization and re-settlement in the North and East. These workshops were held in Colombo, Jaffna, Trincomalee, Mannar and Vavuniya between May 2002 and July 2003. They brought together representatives from the Government, the Armed Forces, the Police, the LTTE, civil society, the clergy and the Sri Lanka Monitoring Mission (SLMM). A number of issues pertaining to resettlement, internally displaced persons, high-security zones and de-mining were discussed. Also discussed was the relationship of these issues to the broader peace process.

Facilitated by Berghof, the workshops were intended to promote a problem-solving approach among different stakeholders with a view to breaking the deadlock on the ground. The workshops were successful to the extent that many stakeholders showed willingness to compromise and negotiate appropriate solutions – at least during the discussions.

One of our main objectives was to help build consensus among stakeholders with a view to easing the humanitarian situation on the ground and contributing to the progress of discussions regarding the peace process. Various options for promoting the restoration of normality to those areas most affected by the conflict were proposed and discussed.

The workshops also sought to facilitate relationship-building between and among the different stakeholders (including the LTTE and the Sri Lankan Armed Forces) and to promote sustainable civil-military relations.

Experts in national-security and human-security issues (the latter meaning chronic threats to human life), one from South Africa and the other from Nigeria, were involved in two of these workshops. Our purpose in bringing in foreign resource persons was to illustrate from their relevant experience how other war-torn societies have dealt with humanitarian issues as they made the transition from war to peace.

It bears repetition that all these workshops took place with the full knowledge of the Ministry of Defence. Whenever members of the Armed Forces participated, they did so with the explicit approval of the Secretary to the Ministry.

Assisting the Defence Review Committee

In July 2002, the Government of Sri Lanka established a Defence Review Committee whose remit was to undertake a comprehensive review of the defence establishment and to furnish a detailed assessment of the future role and missions of the Armed Forces. The Defence Review Committee was specifically asked to ‘examine and report on matters pertaining to higher defence control, revision of regulations under relevant Acts and on the future organization and structure of the Armed Forces’. The Committee was mandated to ask for written and verbal submissions from

service personnel. This was the first time since national independence that such a comprehensive review of the security sector was initiated.

The Committee included the former Defence Secretary, a retired Major-General (who subsequently became Defence Secretary), the former Treasury Secretary and a former Army Commander.

At the specific request of the Defence Review Committee, made while that body was still functional, the Berghof Foundation facilitated two sets of activities. One of these was a dialogue between civil-society groups and the Committee itself. This was undertaken in support of the Committee's work; where such a wide-ranging defence transformation is planned, extensive consultation with a broad range of stakeholders is usual. Accordingly, Berghof organized workshops in which representatives of civil society, including human-rights groups and peace groups, held discussions with members of the DRC and representatives of the Armed Forces. The workshops were also designed to facilitate the building of good relations between the Armed Forces and civil society.

A second Berghof input into the Defence Review Process was made through the provision of resource persons from overseas. Again, the aim was to illustrate how other societies have coped with the challenges of defence transformation as they made the transition from war to peace.

Capacity-building for civil society

In May 2004, the Berghof Foundation for Conflict Studies, in partnership with the Consortium of Humanitarian Agencies (CHA) and the Civil-Military Relations Institute of the University of Witwatersrand, South Africa, initiated a training course leading up to a certificate in Defence and Security Management. The course consisted of three study sessions spread over a period of 16 months. The first was held in May 2004, the second in September 2004 and the third in September 2005.

The course was designed to expose participants to the international discourse on security studies and to create a capacity within civil society to engage with the security sector and to contribute effectively to the development of a democratic, transparent and accountable security apparatus. Case studies from other conflict zones were examined as part of the course. Participants were drawn largely from civil society. A small number from the Armed Forces, the Police and the Human Rights Commission were also enrolled.

The methodology was highly interactive and involved lectures, group discussions, simulated exercises and question-and-answer sessions. Both local and overseas resource persons were used.

The need for such a training course was made evident by Berghof's previous work in this area, which showed that there was inadequate understanding of security-related issues and of the relationship this discourse bore to the larger peace process. Further, links between the military and civil society were tenuous and there was little dialogue taking place between these sets of actors. It was to respond to such concerns that the course was designed.

Training in negotiation and conflict resolution for the Armed Forces

One workshop was held for members of the Armed Forces, at their request, to introduce them to some basic skills in the art and science of negotiation and conflict resolution. This workshop made use of simulated exercises and case studies.

Chapter Five

Reconstruction, Development and Peace: Exploring and Developing a Conflict-Transformative Approach

After the signing of the Ceasefire Agreement between the Government of Sri Lanka and the LTTE in February 2002, the debate surrounding the delivery of humanitarian and development assistance assumed pivotal importance in the peace process.

The Government's approach to addressing the needs of communities affected by the conflict was known as the 'Triple-R Framework', the three R's standing for Relief, Rehabilitation and Reconciliation. This approach was conceived towards the end of the 2000-2001 PA administration but quickly adopted by the succeeding UNP administration, encouraging observers and some stakeholders to conclude that both parties, the main political stakeholders in the South of Sri Lanka at the time, had assumed ownership of it.

The Triple-R Framework was developed following extensive consultations between representatives of national and provincial government ministries, the donor community, international and local NGOs and other civil-society groups. Its objectives were to ensure that the basic needs of people affected by the conflict were met, that productive livelihoods were rebuilt and reconciliation across ethnic lines was facilitated. Ambitious in its intent and backed by the international donor community, it seemed to offer strong hope to conflict-battered communities.

The Triple-R Framework had been developed without the consultation and agreement of the LTTE. Its utility as a means of developing the potential for understanding, cooperation and coexistence in the North and East of Sri Lanka was thus severely compromised.

The LTTE, for its part, was more focused on immediate reconstruction in conflict-affected districts of the North and East, with the stated intention of helping to normalize the lives of people who had endured nearly twenty years of armed hostilities.

The impact of humanitarian and development assistance on the peace process

A multilateral needs assessment, carried out in 2003 and accepted by both the Government and the LTTE, identified humanitarian and development needs in the North and East for the following five years. It was clear from the outset that meeting these needs would be no easy task, demanding as it did collaboration and joint decision-making by the Government and the LTTE (and hence a great deal of creativity in the design of implementing mechanisms), as well as the mobilization of massive national efforts and international support.

The issue of reconstruction and development of the North and East was, of course, politically very sensitive indeed. Mindful of the threat posed to the peace process by politicization of the issue, the Berghof Foundation attempted to explore and envision the various tensions and challenges relating to proposed reconstruction and development solutions from the perspective of conflict transformation. By exploring some key issue areas in humanitarian and development work, the Foundation sought to ascertain how interventions might effectively sustain or scuttle the peace process. In this effort, the three broad areas of concern were:

- humanitarian and development concerns on the road to peace;
- challenges surrounding an interim structure for the management and implementation of humanitarian and development work in the North and East; and
- conflict-sensitive mechanisms for regulating land and water disputes in the region.

The humanitarian and development agenda in Sri Lanka's peace process has a great many stakeholders. Among them may be counted civil society, numerous bilateral and multilateral donors, INGOs and NGOs, Government ministers and civil servants working under the Triple-R framework, the LTTE and the Tamil Rehabilitation Organization (TRO). In all issue areas, the Berghof Foundation worked to support the peace process by bringing together key stakeholders and facilitating dialogue among them as a means of solving problems of a political nature. It was hoped that these dialogues would generate knowledge and understanding, facilitating capacity-building in support of conflict transformation in these areas.

Developing a conflict-transformative approach to normalization and development

The linkage between development assistance and humanitarian relief on the one hand and their impact on peace (in terms of conflict-sensitivity) on the other is a subject energetically debated in many countries. It certainly receives more than its fair share of debate in Sri Lanka; but notwithstanding this, it has yet to be coherently presented from a conflict-transformation perspective that emphasizes macro-political issues. What would constitute a transformative approach to normalization and development of the North and East? That is a question yet to be properly debated.

The Berghof Foundation attempted to play a role in generating and spreading knowledge with respect to this issue. In February 2003 the Foundation and the Centre for Policy Alternatives, in co-operation with the Consortium of Humanitarian Agencies, facilitated a two-day discussion intended to explore the humanitarian agenda emerging from the peace talks. The objective was to initiate dialogue concerning issues on the humanitarian and development agenda facing the many stakeholders. This workshop was intended to be the first step in drawing up a 'road map' for addressing humanitarian concerns.

Subsequently, the work undertaken by the Foundation and its partners on this subject generated requests from the donor community, particularly those termed 'like-minded donors' (British, Canadian, Dutch, German, Norwegian, Swiss and Swedish), for the development of a conflict-sensitive approach to development assistance. In June 2004, in association with the Netherlands' Clingendael Institute, Berghof facilitated a workshop on the Sri Lanka peace process for the Donor Working Group (DWG). The purpose of this workshop was to develop scenarios on the future of the peace process. It was intended as a follow-up to the Tokyo Donor Conference, where the DWG had taken a principled, supportive stand on the Sri Lankan conflict, linking the provision of development aid to the peace process.



A workshop on the Sri Lankan peace process for the Donor Working Group (DWG), 2004

The workshop saw an open-minded but structured exploration by participants of the uncertainties surrounding the peace process. The key question with which the DWG grappled was: What constitutes progress in the peace process and how can it be measured?

This was followed by a second workshop in July, at which the rough scenarios created by participants at the earlier workshop were collated, completed and enriched in order to focus more strongly on their practical consequences and applications.

To operationalize the recommendations of the scenario-planning exercise and make them transparent to Sri Lankan actors, it was agreed that data collection could be outsourced and facilitated by the DWG. Accordingly, and following competitive bids from various local NGOs, the Centre for Policy Alternatives (CPA) was commissioned to monitor factors affecting the Sri Lankan peace process on a quarterly basis. CPA continues to provide this analysis to the DWG, which currently functions under the title Donor Peace Support Group (DPSG).

Conflict transformation and political economy

In the field of political economy, Berghof has worked to build and disseminate a body of knowledge concerning a conflict-transformative approach to normalization and development in the North and East of Sri Lanka. Its collaborators in this endeavour were donor partners and key Sri Lankan organizations, in particular the Consortium of Humanitarian Agencies. Berghof and its partners worked to link initiatives, share concepts and conceptualize an end result that would ultimately de-link Berghof from the debate.

While this process was in motion, the country was devastated by the Boxing Day Tsunami of 2004. The disaster saw an unprecedented outpouring of sympathy and support from individuals, communities, NGOs, private-sector organizations and governments around the world. The international response, in particular, offered new opportunities for peace and development in Sri Lanka. It also raised serious issues that needed to be understood by all concerned, including governments and civil-society partners in the affected countries as well as among the international community. The tsunami and its aftermath caused many to question the political, socioeconomic and long-term consequences of the humanitarian responses it called forth.

In collaboration with CHA and DWG, the Foundation convened a small expert meeting on the issue of 'conflict sensitivity in the tsunami response'. The meeting took place in January 2005 and included the following participants: Sarvodaya, the Marga Institute, MWRAF, IMCAP, FCE, CPA, CHA, TRO, SSA, SAPNA, USAID, ADB, WB, SIDA, the Embassy of The Netherlands, UNDP, DFID, FLICT, GTZ, the Embassy of Switzerland, the British High Commission, NORAD, CIDA, VSO, UNICEF and the Berghof Foundation. Other meetings followed throughout January and February. In the course of these, annotations to the Code of Conduct of the International Federation of Red Cross and Red Crescent Societies and other NGOs involved in the disaster-response programmes of IFRC were identified as a useful first step towards an internationally-accepted standard for humanitarian assistance.



Peace sensitivity workshop for NGOs, post-tsunami period, 2005

To help ensure that agencies involved in post-tsunami relief, rehabilitation and development in Sri Lanka are made aware of important aspects of the conflict and its context and give them due consideration in the design and management of programmes and activities, a preliminary version of an annotated Code of Conduct for such interventions was produced by a team comprising representatives of CHA, the Berghof Foundation, GTZ and UNDP. This was done by examining the principles of IFRC from three angles:

- relevance to the overall Sri Lankan context;
- identification of issues and trends in reconstruction and development work;
- emerging concerns relating to the tsunami disaster; and
- the potential of humanitarian assistance to contribute towards peace or, alternatively, create renewed tension.

This text was distributed to participants from NGOs and bilateral and multilateral donor agencies at a workshop on ‘the implications of post-tsunami activities on peace initiatives’ held at the office of CHA in February 2005. Inputs to the text were encouraged.

The few comments received suggested that, while the exercise was useful in drawing the attention of NGOs to their obligations, the real problem was how to secure compliance with the spirit and letter of the Code of Conduct on the ground. The CHA-Berghof partnership therefore extended the consultative process further by seeking the input of practitioners. This was done by conducting a mission to Trincomalee, followed by a workshop organized by GTZ in that city on ‘do-no-harm principles and conflict sensitivity in the post-tsunami northeast’. A revised document was disseminated to all participants: Government and LTTE representatives, NGOs, bilateral and multilateral agencies. Subsequently, in collaboration with CHA, the Foundation undertook a field visit to the Trincomalee District to share the annotations document and consult with Sri Lankan and international practitioners and to identify emerging issues in the field. These consultations targeted local and international NGOs, bilateral and multilateral donors, newly-arrived international NGOs and newly-established local NGOs, as well as private-sector organizations, micro-entrepreneurs and other individuals, including journalists. The annotations were widely disseminated. The need for and interest in them was confirmed by local and international practitioners.

How to deal with the development-versus-peace quandary? There is clearly no alternative to peace orientation, since without peace, development will not be sustainable. But is this evident to all stakeholders, as it should be? And what does it imply in terms of the day-to-day work of practitioners? These are vital questions, which must be addressed in envisioning a peaceful Sri Lanka.

Chapter Six

Reconciliation: Transforming Relationships Impacted by Conflict



A united multireligious community

Reconciliation between opposed parties in the Sri Lankan conflict has been a priority of the Berghof Foundation since its inception. It stems from recognition of the importance of the concept of reconciliation within the conflict-transformation process, as well as from a keen appreciation of the shortfalls that exist with respect to its application in ways that are contextually relevant, politically sensitive and culturally appropriate to the Sri Lankan situation.

Reconciliation deals with the relational dimension of conflict transformation. Aside from the substantive issues, sub-systems and systems pertaining to any conflict, there are also intrapersonal, interpersonal, intra-community and inter-community relationships, affected by the conflict, that require attention and remedy. This is the ambit of reconciliation, which is understood as a process that transforms hostile or fragmented relationships so that individuals and communities can reach the point where they coexist in peace. Reconciliation also embodies the parallel processes of looking back (dealing with the history of the conflict) and looking forward (envisioning common and integrated futures).

The protracted ethno-political conflict in Sri Lanka has distorted or damaged many psychological, political, socio-cultural and interpersonal relationships. At one level, individuals and communities on all sides – particularly those living in the North and East of the country – have experienced and in many cases continue to endure direct and indirect violence and loss, together with the resulting grief and trauma. At another level, relations between the country's Muslim, Sinhala and Tamil communities have been affected by historical grievances, sporadic and systematic violence and open military confrontation. There are also deep divisions within these ethnic communities along ideological, political, party-political, caste, class and socioeconomic lines. These relationships, which are fluid and dynamic, are also affected and shaped by factors such as geography, gender, religion, memory and personal and group experience.

In Sri Lanka, as elsewhere, reconciliation is often resisted. Some feel that it is too early to discuss the topic; others, that it is too late. Some believe that reconciliation will hinge on a political settlement to the conflict and the achievement of political, social and economic equity among communities. There are groups that understand reconciliation to be a Western concept with no social or cultural roots in Sri Lanka. Certain stakeholders are wary of broaching reconciliation because they fear it will make them vulnerable to scrutiny on past human-rights violations. Despite such resistance, however, genuine reconciliation is actually taking place across communities - both organically and through the facilitation of individuals and organizations in civil society.

Berghof and reconciliation

Against this backdrop, one of the primary objectives of the Berghof Foundation was to explore the terrain of reconciliation as it pertained to Sri Lanka. It was thought important to develop a home-grown discourse on the subject which, although it might look to the comparable experiences of other countries for inspiration, was still essentially Sri Lankan and based on the political, socio-economic and cultural conditions of the country. The Foundation placed reconciliation as a thematic area within its Roadmap Series and commissioned the writing of *Reconciliation and the Peace Process in Sri Lanka: Challenges and Ways Forward*, a policy paper that was eventually published by International IDEA in 2006. The Foundation also set up a working group on reconciliation comprising policymakers, civil-society experts and donors, which met regularly to share information, generate ideas and develop action plans around reconciliation issues in Sri Lanka.

Berghof's second objective in this area was to broaden the discourse on reconciliation to embrace a greater diversity of expertise and opinions. To this end, it organized several forums on the subject (such as the workshops titled *A Roadmap for Reconciliation in Sri Lanka* and *the State of the Art in Truth Commissions*) in which individuals drawn from a variety of political parties, religious groups and academic disciplines, as well as from civil society, participated. Believing also that participation in the reconciliation discourse needed to be extended beyond the traditional Colombo workshop circuit, the Foundation, in partnership with International IDEA, held a series of discussions in Northern and Eastern Sri Lanka on reconciliation. The aim of these was to regionalize and 'vernacularize' the discourse. Linked to this initiative, Berghof also collaborated with International IDEA and the Centre for Policy Alternatives in translating, publishing and disseminating an executive summary of the IDEA *Handbook on Reconciliation* into Sinhala and Tamil.

Appreciating the importance of reconciliation in a war-torn society, the Berghof Foundation extended financial support for the making of a documentary, *The Art of Forgetting*, which captures narratives from the numerous conflicts taking place in the country. In this film, the creators travel from northernmost to the southernmost points of Sri Lanka, illustrating along the way a multiplicity of stories, experiences and perceptions of both the ethno-political conflict and the civil insurrection. It draws out themes such as militarization, suffering and loss that transcend the particularities of each conflict and are common to all persons and communities affected by violence.

The Berghof Foundation recognizes that there is no prescriptive path to reconciliation and that the process of reconciliation must and will be shaped by the people of Sri Lanka. As with all other programmatic areas, the aim of the Foundation was to serve as a facilitator of reconciliation in Sri Lanka by building the capacities of individuals and groups to engage with the subject and to envision the process of reconciliation best suited to the people of this country.

PART TWO: 2005-2007

Chapter Seven

The Political Context, 2005-2008

By the end of 2004, prospects for any continuation of the Sri Lankan peace process beyond the end of the year seemed doubtful. Then events took a surprising turn. This was the result of yet another catastrophe, the tsunami that devastated the country on December 26.

The tsunami put a temporary halt to any further escalation of hostilities. Instead, serious negotiations began on a joint mechanism for administering post-tsunami reconstruction and rehabilitation. Negotiations over what came to be called the Post-Tsunami Operational Management System (P-TOMS) led to the first agreement with substantive administrative implications to be reached between the Government and the LTTE after the signing of the CFA. Sadly, they also led to the disintegration of the incumbent UPFA government and the failure of P-TOMS in the Supreme Court.

These events marked the end of a process that had begun with the CFA and been officially kept alive in the hope that at some stage it might produce an interim political agreement – a means whereby it would be possible to move on from ‘normalization’ to the negotiation of a final settlement. It also marked the end of optimism. From this point onward, the relationship between the main negotiating parties deteriorated significantly, while the international environment also changed for the worse. The assassination of Foreign Minister Lakshman Kadirgamar led to the proscribing of the LTTE by the EU; the LTTE responded to this move by restricting SLMM participation to nationals of the only two non-EU countries in the monitoring group, Norway and Iceland.



'Dialogue is the only solution to the national problem' – derived from a people's survey by INPACT

In the presidential election of late 2005, the ‘national question’ became the key campaign issue. An election boycott in the North and East was a decisive factor for the outcome of the elections. The LTTE was blamed for influencing the outcome of the elections by forcing the people not to cast their votes. The new administration under President Mahinda Rajapakse declared its intention of finding a solution to the conflict in its policy document *Mahinda Chintanaya* with a ‘fresh approach’ based on the triple premises of ‘an undivided country, a national consensus and an honourable peace’. A first round of talks in Geneva in February 2006 generated some optimism, but the controversial issue of the demobilization of the Karuna faction could not be solved.

A decisive turning point was reached when a last effort to bring the two sides to the negotiation table failed in June 2006. The escalation of hostilities was fuelled on both sides by a tragic pattern of tit-for-tat violence, with assassinations or assassination attempts and claymore mine attacks by the LTTE on the one side and bombardments by the Sri Lankan Air Force on the other. The next military steps were the resumption of Government control over the Eastern Province and the declared goal of re-establishing control over the Northern Province. With the abrogation

of the CFA and the dissolution of the SLMM in January 2008, the peace process that began in 2002 was also formally brought to an end.

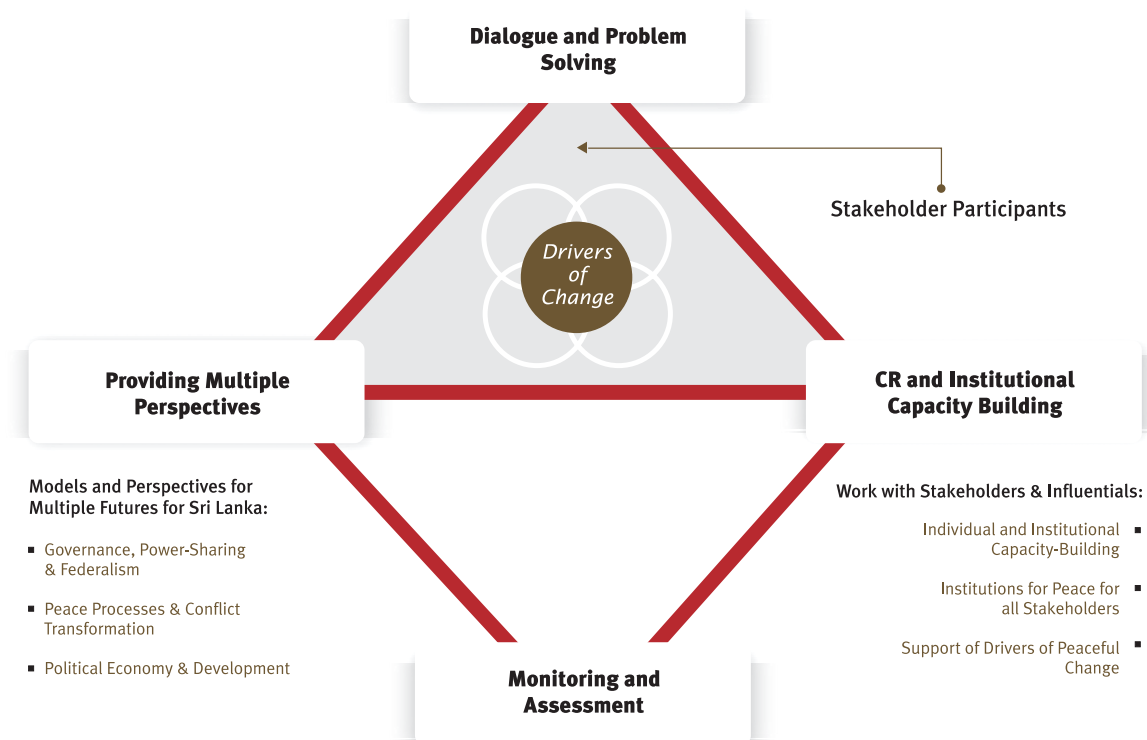
One of the last moves in the direction of a political solution to the conflict was instituted by President Mahinda Rajapakse in July 2006 with the commissioning of the All-Party Representative Committee (APRC). The declared intention was to elaborate a ‘majority consensus’ among the Southern parties plus the anti-LTTE Tamil parties. The APRC process led to several interim proposals but did not fulfil the expectations of generating a substantive new home-grown power-sharing arrangement. Instead, the Thirteenth Amendment to the Constitution was revived as an entry point for future negotiations.

The Berghof Contribution

During the immediate post-tsunami period, our work was very much focused on helping ensure the ‘conflict sensitivity’ – in terms of distribution and utilization, channels of delivery, administration and so forth – of the very impressive support received by Sri Lanka from public and private sources overseas, and to contribute to the facilitation of various partnerships between well-wishers abroad and organizations and communities in Sri Lanka.

Given the emerging difficulties of the peace process and the dearth of remaining opportunities for engagement with the stakeholders, we concluded during the course of 2005 that our contribution should be focused as effectively as possible on a smaller number of programmes. This led us to concentrate on three areas:

- governance, power-sharing and the federal idea;
- capacity-building in collaboration with organizations close to the stakeholders; and
- support for dialogue and problem-solving, generating multiple futures for a peaceful Sri Lanka.



The essence of the new programme was captured in the ‘triangle diagram’ that was added to our ‘spiderweb diagram’ at the end of 2005 to emphasize those areas of work on which we wished to focus during the program phase 2006-2008.

In some of these areas, we continued with work we had started before – particularly with respect to capacity-building for power-sharing and the facilitation of dialogues. These activities have already been summarized in the preceding chapters. The effort to undertake capacity-building in collaboration with organizations close to the stakeholders was not completely new, but we emphasized this aspect to encourage the creation of a sustainable peace-support structure. The focus on multiple futures for a peaceful Sri Lanka commenced with some promising projects, but is now a pending issue in the light of current difficulties. The concluding part of this volume will therefore be used for an outlook on the needs for peacebuilding work in the foreseeable future.

Chapter Eight

Governance, Power-Sharing and the Federal Idea

This thematic area developed gradually over the last project period, which began in early 2006, and assumed a key position in the programme portfolio in 2007. In general, we sought to develop and create interest in various options for state reform and presented ‘multiple futures’ as possible resolutions of the conflict.

We view the concepts of power-sharing and the federal idea as akin to a broad spectrum of options and choices, from which the most appropriate features might be adopted or adapted by the stakeholders in the conflict. The All-Party Committee process has created a deeper interest in these issues and has highlighted the need for greater enlightenment and understanding of various models, processes and relationships with regard to state reform.

The debate on federalism as a tool for conflict resolution has been raging for more than fifty years. It is our belief that the federal idea is not a single option or solution in itself, but opens the door for the application of a variety of creative mechanisms. Such mechanisms would substantively address the needs and fears of all stakeholders. It is ultimately the decision of the stakeholders to choose the route they wish to take. Therefore, we also prefer to speak of the need for ‘multiple peaceful possible futures for Sri Lanka’.

Our definition of the federal idea

Like many other individuals, groups and organizations, we believe that discussion of any future institutional design of the Sri Lankan State should not be hampered by petty debates over labels. It is the substantive design of the State that is important, not the terminology by which it is known.

Accordingly, we are convinced that the idea of federalism can substantially enrich the debate on a creative solution to the conflict. The federal idea is defined by its core function: that of ensuring unity in diversity through *self-rule* for component groups or polities, all of whom *share rule* in the government of the State itself.

Our work in this area promoted *knowledge* about applying the federal idea to governance and power-sharing through an extensive programme focused on a number of different target groups. In this programme, we used the federal idea in several different ways:

- as a tool for conflict resolution and conflict transformation;
- as a strategy for peacebuilding at the Track 1, 1.5 and 2 levels; and
- as a means of strengthening and developing civil society.

Means & Ends

What do we want to achieve?

In our drive towards developing multiple ideas and options for power-sharing, Berghof aimed to establish a sustainable, effective and comprehensive network of individuals and institutions knowledgeable about power-sharing and the federal idea. This was supported through the promotion of research and publications on these and related issues and by the organization and facilitation of dialogue regarding appropriate models and options for power-sharing. This we did in collaboration with partner organizations.

To achieve these ends, an enhanced level of interaction and debate, cutting across sectors and levels, was required. The technical empowerment of individuals and groups with respect to power-sharing, with emphasis placed on networking and dissemination of information, aimed to create acceptance of these concepts within society as a prerequisite for the transformation process.

With whom do we work?

In this thematic area, Berghof's primary work was with individuals whose influence promotes or drives social change (either potentially or in fact). They were drawn from important groups within society such as the public service, the business community, academia, the media, lawyers and civil-society organizations. Political leaders and their advisors also participated in selected activities.

Key Events and Processes



Preparatory seminars in Colombo for the competency development programme conducted at Hamdard University, India



Faculty members and Sri Lankan participants at the Centre for Federal Studies, University of Hamdard, New Delhi, 2006

Competency Development Programme at the University of Hamdard, New Delhi, India

An annual three-week course for senior public servants, civil-society activists and academics on the workings of the Indian system of governance, titled 'Federal Governance in Plural Societies: The Indian Experience', was organized in collaboration with the University of Hamdard, New Delhi. In this programme, participants were initially exposed to the theory of concepts such as nation, state, multiculturalism, diversity, civil society and the rule of law. Thereafter, they were provided with in-depth knowledge of various aspects of the Indian federal system, through lectures and field visits to institutions at Union and State level. Finally, the participants were introduced to other international experiences of power-sharing and spent some time reflecting on what this could mean for Sri Lanka. The programme has helped to influence the perceptions individuals have held about the flexibility of the federal idea and has given them first-hand experience of how federalism is 'lived'.

The foundation also helped the University regionalize the programme, so that it is now the leading course provider on these issues in South Asia. Initiatives are also under way to establish a Sri Lankan Alumni Association of the University of Hamdard in Sri Lanka, to include all those who attended these courses.

Summer School at the University of Fribourg, Switzerland

The Institute of Federalism at the University of Fribourg is an internationally-recognized centre focusing on issues of cultural diversity as one of the core elements of federalism. The Institute is active in the field of intergovernmental relations between the Swiss Confederation, the cantons and the municipalities.

The Berghof Foundation has collaborated closely with the IFF Summer University programme since 2004 and has facilitated annual visits by high-level study groups from Sri Lanka. The groups have included influential academics and prominent members of political society. The subject of the course was 'Issues of Federalism, Constitutionalism and Democratic Governance in Multicultural Societies'. It was a widely-recognized and highly recommended programme, annually attended by around 40 participants drawn from nearly as many countries.

The programme was three weeks in duration, with the first two weeks usually dedicated to exploring issues of federalism, institutional design and constitutional processes as well as federalism in multicultural and multinational polities. The third week provided participants the opportunity to tackle one of three cases studies (which were different each year).

The expectation hereby was that the experience and new knowledge gained by the participants on issues related to constitutionalism and power-sharing would be put to good use in their roles as key influencers and agents of change on their return to Sri Lanka.

Supporting local partners

Berghof also provided technical and financial support for local capacity-building and dialogue initiatives by partner organizations on the issues of power-sharing and the federal idea. We worked closely and coordinated with the Centre for Policy Alternatives (CPA), the Institute of Professional Public Administrators (IPPA) and, more recently, the Business for Peace Alliance (BPA) and the Institute of Constitutional Studies (ICS). Our interaction with CPA has focused on sharing information, resources and the coordination of programmes, especially with regard to activities supported by the Forum of Federations. Through workshops and seminars, IPPA, BPA and ICS have taken knowledge on power-sharing to key public and private-sector leaders and opinion-makers in the provinces. At times, due to the fluid political situation, our partners have been challenged in the implementation of their programmes. However, the critical debate and discussion generated through these activities has helped raise awareness and sensitivity. Providing support to the programme activities of our partners was not our only goal; we also gave due weight to the importance of developing sustainable institutions to take up the work once the RNCST project is completed.

Self-implemented training programmes

In March 2007, we designed and conducted an in-depth training programme (training of trainers) on power-sharing and the federal idea for potential agents of change from civil society, academia and religion. The programme covered ten modules spread over three consecutive weekends. Over forty participants gained new and updated knowledge on issues such as democracy and state-building, pluralism, the federal idea, constitutionalism, fiscal federalism, international examples of functioning and failed federal states, power-sharing for conflict transformation and the current constitutional discourse in Sri Lanka. Participation remained high throughout the three weekends and there was significant demand for further engagement on these issues. Berghof provided technical support and maintained relationships with the participants as they pursued their various research interests.

Research and materials development



*Translation of the book **Rights and Power-Sharing Mechanisms for Non-Territorial Communities** into local languages by FCT (a local partner) being handed over to Mr. J Kumar, the first secretary of the Indian High Commission, at the launch*



Dissemination of knowledge into the regions

To ensure the availability of resources for exploring these multiple futures, Berghof promoted research and development on educational and reference materials covering related issues. Research into fiscal devolution under the Thirteenth Amendment to the Constitution and comparative studies on Provincial Councils were undertaken by our partners. A project was also begun to create an index of books, articles and periodicals on power-sharing in Sri Lanka.

Course material was developed for use with various training programmes and workshops.

It has always been a priority for Berghof to ensure that key texts on the federal idea are translated into local languages for easier access by Sinhala- and Tamil-speaking participants in partner projects and self-implemented programmes.

Participation in international events

Berghof has always striven to maintain links with international organizations in related fields and ensured the participation and networking of Sri Lankan stakeholders in key events. One major event of this kind was the Federalism Conference, organized by the Forum of Federations and the Inter-State Council of India and held in November 2007. This featured the participation of over twenty heads of state and a delegation of key decision-makers from Sri Lanka.

Chapter Nine

Capacity-Building in Collaboration with Organizations Close to the Stakeholders



A token of appreciation on behalf of the Sri Lanka delegation: Hon. Susil Premjayantha handed over a souvenir to Prof. Yash Ghai. (Also in the photographs are Hon. Mithrapala, Hon. Kabeer Hashim, Hon. Wijedasa Rajapaksha, Hon. Suresh Premachandra and Hon. Nijamudeen.)

In the 2002-2005 phase of its operations, Berghof conducted a variety of training programmes for the main political parties in Sri Lanka and awarded a number of scholarships to Sri Lankan experts and politicians representing different stakeholder groups. To secure the best available relevant expertise, the Foundation often involved outside institutions in these programmes.

- In September 2004, a study programme for political-party representatives, organized in collaboration with the University of Hong Kong, included programme facilitation by Yash Ghai, a renowned constitutional expert and lecturer at the University of Hong Kong, and Liz Philipson of the London School of Economics. Participants in this programme included representatives of the Sri Lankan Freedom Party, the United National Party, the Tamil National Alliance and the Sri Lanka Muslim Congress. The theme of the programme was ‘accommodating diversity in plural societies’. A combination of lectures, discussions, external inputs and interactions with academics and politicians from other parts of the world, together with extensive debates and discussions among the participants on challenges faced by Sri Lankan society, allowed for exploration of the issues in depth. The tranquillity of the university environment minimized distractions, relieved stress and encouraged busy politicians to make maximum use of their creativity.
- Another of these initiatives was undertaken in January 2006 when Berghof assisted the Peacebuilding Project of the Ministry of Constitutional Affairs to invite South African political leaders representing the two main sides of the successful peace process in that country to share their experiences with the Sri Lankan political leaders. In a meeting where representatives from all the main political parties in Sri Lanka’s Parliament were present, Roelf Meyer, chief negotiator for the South African National Government and a former South African Minister of Defence and Constitutional Affairs explained the key to success in the South African case as having been an inclusive process where all political parties and groups could sit together to design a common future.



Mr. Roelf Meyer, Chief Negotiator of the African National Congress and former Minister of Defence and Constitutional Affairs, Mr. Ebrahim Ebrahim, Executive Committee member of the African National Congress and an advisor to the Deputy President of South Africa and Hon. D.E.W Gunasekara, Minister of Constitutional Affairs and National Integration, lighting the traditional lamp before the commencement of the workshop

With the deterioration of the peace process in 2006, capacity-building work with stakeholders became more and more difficult. In particular, Berghof's preferred method of bringing together representatives from all political stakeholder groups had to be abandoned. We had to accept that, for the time being, this work would have to be sustained mainly by engaging separately and in parallel with the different stakeholders. To ensure that sustainable structures could be created for future peace initiatives through this work, we encouraged our partners either to strengthen their existing peace-related organizations or to establish new ones for this purpose.

Among these institutions were the Carlton Hambantota Council for Public Policy, the Sri Lanka Freedom Party Youth Wing, the Secretariat of the National Alliance for Peace (SNAP), the Peace Secretariat for Muslims (PSM), the Centre for Public Policy (CPP), the Tamil Rehabilitation Organization (TRO), the Centre for Just Peace and Democracy (CJPD), the Foundation for Community Transformation (FCT) and the Nexus Research Group. We also supported and collaborated with two institutions that have worked like us on the basis of the principles of multipartiality and inclusivity: the One-Text-Initiative (OTI) and the South Asia Peace Institute (SAPI).

The modes of engagement and support were as follows:

- support for capacity-building programmes for politicians, party activists and officials on issues for peace processes, human rights, power-sharing, constitutional reform, negotiations, mediation, electoral reform and gender issues (to name a few);
- support for issue-centered workshops with resource persons from Sri Lanka and abroad, with a particular emphasis on constitutional reform and peace-process experiences from countries like Nepal, Indonesia (Aceh), India, Nigeria, South Africa, Belgium, Spain, the UK (Northern Ireland) and Switzerland;
- support for institutional capacity-building in the areas of organizational development, project management, fund-raising and human resources; and
- support for research, policy and publication projects in areas of our mandate.

Interaction with local and international experts

One area of indirect bridge-building among and between stakeholders had been the interaction with local and international experts. Often it was possible to invite these individuals to engage with more than one partner and to use this opportunity to encourage informal contacts across the divide between stakeholder groups. Over the past five years, Berghof created opportunities for our partners to engage with such internationally-renowned scholars as Justice Albie Sachs, Prof. Aktar Majeed, Prof. James Messy, Prof. P. Sahadevan, Prof. Thomas Fleiner, Dr. Christian Wagner, Clem McCartney and Prof. Nicolas Haysom

One such guest, invited by our partners One-Text Initiative and the Peace Secretariat for Muslims (PSM), was Dr. A. Abu Nimer, who shared his extensive theoretical and practical experience of conflict transformation and peacebuilding with members of the Sri Lankan Muslim community and others. He attended several events organized by our partners and provided guidance to the PSM in respect of its long-term goal of bringing peace to all communities in Sri Lanka.

Chapter Ten

Supporting Dialogue and Problem-Solving: Generating Multiple Futures for a Peaceful Lanka

‘Problem-solving workshops’ were perhaps the most direct form of interactive engagement practised by the Berghof Foundation. In them, we brought together various, often opposed stakeholders in one room to discuss common issues. We did this in partnership with government Ministries, the LTTE and affiliated organizations, political-party offices and local non-governmental organizations. During 2002-2005, when there was still an official peace process ongoing though communication between different parties was weak, we worked to bring academics, political advisors, religious leaders and civil-society leaders together to discuss common issues. We helped them develop a common language for discussing these issues, promoted mutual understanding and supported joint analyses and other collaborative activities.



Dialogue workshop on conflict transformation in Sri Lanka, Jaffna, 2003



The key civil society participants of the workshop met with the members of the LTTE peace secretariat (Ms. Visaka Dharmadasa and Mr. S P Thamilselvan)

A series of dialogue workshops conducted with a local partner, the Association of War-Affected Women (AWAW), was a typical example. Through them, Berghof helped improve understanding on issues critical to the target group, enhanced communication between stakeholders and provided a forum in which to explore options for finding solutions to some relevant issues. Since the participants were grouped in different ethnic, religious and political alignments, the shared learning and understanding helped build channels of communication across these lines of division.

Another example was our work with the Peace Secretariat for Muslims (PSM) and Muslim political parties. Here, the main focus was on creating space for constructive dialogue among Muslim stakeholders with respect to their proposals and interests concerning a sustainable and just settlement of the Sri Lankan conflict. This engagement also helped to build bridges between them and the other main stakeholders.



Signing of the MOU between SLMC and NUA to establish the Peace Secretariat for Muslims, December 2004

The international seminar on ‘Envisioning New Trajectories for Peace in Sri Lanka’, which took place in April 2006 in Zurich was the last comprehensive unofficial effort to bring together key representatives from civil society, scholars and academics from all communities (in the presence of several conflict-transformation experts from the international community). The seminar was co-facilitated by the Centre for Just Peace and Democracy (CJPD), a policy think-tank of Tamil intellectuals and leading activists from the Tamil diaspora. The participation of certain individuals close to the Government of Sri Lanka had been endorsed by the Government. The seminar was held at a moment when, after the first Geneva talks in February 2006, there was still hope that a new peace initiative might be possible.



The international seminar on ‘Envisioning New Trajectories for Peace in Sri Lanka’ facilitated jointly with the Centre for Just Peace and Democracy (CJPD), April 2006 in Switzerland

Other programmes which fell into this cluster of activities can be summarized as research and policy studies whose purpose is to identify key lessons from the peace process of 2002-2005 to build a sound basis for future peace initiatives and also to reflect systematically on the drivers of potential new initiatives, e.g. the creative potential of Buddhist political philosophy for inspiring concepts of peaceful co-existence and conflict resolution. Some of these studies are now (2008; see list of publications) in the process of being published, others are still in the research phase; their results will be published by our partners at a later stage. Key partner organizations in this respect are the South Asia Peace Institute, the Nexus Research Group and the Secretariat of the National Alliance for Peace.

As this publication goes to press, the Berghof Foundation is engaged in critically assessing its experiences, strengths and weaknesses in supporting a just peace in Sri Lanka. Without pre-empting the results of this endeavour, which will be documented elsewhere, one key conclusion can already be drawn: conflict transformation might be more inspiring and empowering if it is solution-orientated rather than emphasizing, time and again, the analysis of causes. The guiding notion for this is to encourage all stakeholders to engage in dialogues about ‘Multiple Futures for a Peaceful Sri Lanka’. One intellectually challenging approach in this respect is the Buddhist inspired concept of the ‘Tetralemma and its Double Negation’.

<p>“None of this - but also not this” Avoid any of the solutions; emphasize other dimensions of mutual engagement; or go to war.</p>	<p>Position A Pro unitary state or moderate devolution only</p>	<p>Both A and B e.g. compromise (genuine power-sharing, federalism, etc.)</p>
	<p>Neither A nor B e.g. power-sharing is not the key issue, more important are genuine democracy, development, good local governance, etc.</p>	<p>Position B High level of autonomy or separation</p>

**PART THREE:
RESOURCES, COMMUNICATIONS AND
REFLECTIONS ON OUR WORK**

Chapter Eleven

Continuous Programme Planning, Development and Assessment

The programmes of the Berghof Foundation for Conflict Studies have been ably supported by a continuous programme-planning, development and assessment process known as SPADE (Systemic Planning, Assessment, Development and Evaluation), as well as by a broad spectrum of communications, media and resources. These support functions have evolved through the years in response to the dynamics of the Sri Lankan political arena, reflecting organizational learning. In this chapter and the one that follows, we introduce and outline the development of these two support functions and highlight their contribution in relation to the programmes of the Berghof Foundation.



The conflict and peace process in Sri Lanka represent a dynamic system in which change is a constant. In its work on conflict transformation and peacebuilding, Berghof must take into account this mutable, dynamic reality – perceiving, assessing, interpreting and responding effectively to it. Thus, one of our guiding principles is that we are a learning organization. Without such constant analysis, assessment and interpretation, without continually adapting and improving the ways in which we approach our work, we are unlikely to achieve our objectives.

When the world around us is changing, it obliges us to keep track of – or better still, to anticipate the changes. This requires a structured approach to analysis, planning, assessment, development and learning. Such an approach has evolved over the years in which Berghof has been active in Sri Lanka and continues to develop in tandem with our other activities; it is a work in progress.

The present chapter describes the process by means of which Berghof achieves continuous learning and development. The process includes standards and procedures required of us by our donors as well as those developed internally by the Foundation over the past seven years.

The SPADE process

The Berghof Foundation in Sri Lanka has used a dynamic, feedback-driven process known as SPADE (Systemic Planning, Assessment, Development and Evaluation) as a means of achieving its programme objectives. SPADE systematized overall organizational planning and assessment while continuously redefining the Foundation's ambit of work, simultaneously maintaining the quality of programme outputs. Its special character lay in its long-term strategic orientation and the way in which it links the programme work of the Foundation directly with its communications, administration and financial-planning functions⁵.

The planning and assessment tools incorporated in SPADE were developed in keeping with the Foundation's concept of a systemic approach to conflict transformation. Central to this concept is the recognition that complex situations demand a holistic, feedback-based approach if they are to be correctly understood and dealt with. Thus planning and assessment are thought of, not as linear, singular processes but as a continuous cycle of observing, planning and engagement that itself evolves and develops through interaction with the situations to which it is applied.

5 More on systemic analysis and planning can be found in *Systemic Conflict Transformation: Guiding Principles for Practitioners and Policymakers Working on Conflict* (2006, Berlin: Berghof Foundation for Peace Support).

Planning

The Foundation's work was based on a very detailed analysis and planning process. The process is a standard requirement for all German bilateral development-assistance projects as well as for the Swiss Funding Programme. Funding for Berghof was based on a comprehensive three-year programme plan submitted to these donors.

For planning purposes, a systematic conflict analysis was carried out in collaboration with selected local partners and experts in conflict resolution. Based on this analysis, Berghof assessed in detail what was needed in terms of conflict transformation and peacebuilding and what and where it could contribute to meet these needs and to support local actors in helping meet them. This assessment formed the basis for planning the activity. Subsequently, our aim was to monitor the current conflict situation on a continuous basis and to plan and adapt our programmes accordingly.

The analyses, planning processes and interventions of Berghof in Sri Lanka were based firmly on international experience of conflict analysis and monitoring, but they were mediated through and reflected the Foundation's general approach, which regards the conflict as a system to be observed and assessed from a variety of different perspectives.

Such analysis has led to changes in programme design in the past. One example is the way in which the Foundation has altered focus, moving away from reconciliation and shifting emphasis from dialogue to capacity-building. It is important to note that *such changes do not imply criticism or denigration of the earlier work*. On the contrary, they reflected the changing dynamics of the peace process, which caused the relative importance of different types of work to vary over time. We focused on what was timely and what would, in our judgement, have the strongest impact or provide what was most needed by our partners.

A participatory approach to planning was embedded in the institutional culture at Berghof. The Foundation drove the planning process as a team, involving partner organizations in planning as much as possible. It undertook joint planning sessions with each such organization to agree on the form and substance of collaboration, discussing how best to support them. The process also included a constructive assessment of how and in what ways collaboration might be improved. Most of our partnerships were based on contracts that describe the specific commitments of all parties involved, Berghof included.

Assessment and Evaluation

A critical assessment of earlier experience and achievements was an integral part of the planning process. This was true of collaborative planning with each of Berghof's local partners as well as of planning for the Foundation itself; every three-year funding period was subjected to such assessments and the results factored into planning for subsequent periods.

Three wide-ranging external reviews of Berghof programmes were undertaken by international experts for conflict resolution and evaluation. The first of these was carried out in 2002 by Christopher Moore and Julie McKay of the renowned conflict-resolution organization CDR Associates. The second, in 2005, was performed by Sue Williams and Peter Woodrow of the Collaborative for Development Action, an international organization best known for developing the 'Do No Harm' approach, as well as for its 'Reflecting on Peace Practice' project. Based on the findings of these reports, Berghof personnel held intensive discussions with our donors (who also took part in both evaluation processes). These reviews led to several noteworthy changes in the Foundation's programme work and organizational structure. In April, a third external review was carried out by the leaders of the former assessment missions.

In addition to these comprehensive evaluations, Berghof also undertook periodic self-assessment exercises. Every six months, we submitted a report on recent programme activities

to the Government of Sri Lanka as well as to our Swiss and German donors. These reports were based on internal reviews and the narrative reports we received from our partner organizations.

In these reports the work of the Foundation was summarized, complete with detailed listings and descriptions of activities such as seminars, conferences and training workshops undertaken. More important, perhaps, was the opportunity these half-yearly reports provided to reflect on lessons learnt and to consider future steps to be taken in supporting individual partner organizations.

The crucial point reflected by these joint assessments is that we see our engagement as a long-term, dynamic process. Though it is not always easy to find time to reflect on what is past, it is vital to do so in order to learn from our experience and to share the lessons with our partners. Such continuous improvement is key to enhancing our partners' capacity to support conflict transformation.

Development and training

The heart of the Berghof Foundation for Conflict Studies has always been its focus on learning and joint development. We acknowledge that none of us knows as much as all of us know together; therefore, we share all our knowledge and expertise and make a point of continuing to learn together.

This goes further than our general approach towards an open discussion culture. In general, we do not compete over staff with other organizations in the field of conflict transformation and peacebuilding but, rather, bring new people into the field. Moreover, we find it useful to bring together interdisciplinary teams of individuals with different professional backgrounds. Some of our staff may remain in academia or the professions and work for us on a part-time basis, connecting us to other organizations involved in conflict transformation in a very personal way.

Over the last seven years we have systematically invested in team capability. Many earlier team members have left us to study abroad or have interrupted their work with us to take up shorter training opportunities. Such opportunities lie mainly in the field of conflict resolution and facilitation and negotiation skills, as well as in political science and organizational development. As it was our objective to increase Sri Lankan expertise and skills in developing possible solutions to the conflict, we also paid attention to empowering our team members. Based on a needs assessment, we have developed training plans for each team member as well as for the team collectively.

Whenever we invited international experts to visit Sri Lanka, we tried to make the best possible use of their expertise by holding workshops or seminars for our staff and partner-organization representatives. We also made it a point to re-invite experts to Sri Lanka as regularly as possible, since this makes ongoing interaction possible and creates an atmosphere of trust – two essential requisites for learning and open-minded discussion. In recent years, some of these consultants have become programme associates or become involved in the work of the Berghof Foundation outside Sri Lanka.



*Learning of global experiences through international experts:
Hon. G.L Pieris and Mr. Roelf Meyer*

Chapter Twelve

Communications, Media and the Resource Centre

The need for a professionally-planned communications strategy to support the programmes of the Berghof Foundation was identified at an early stage of its operations in Sri Lanka. At that time, programme officers assessed and dealt with communications-related aspects of their respective programmes on their own. This was not satisfactory and so a dedicated Communications, Media and Resource Unit was gradually developed.

The functions of the unit were to:

- Provide information on the activities of the Foundation to stakeholders and partners;
- Engage with the electronic and print media and build capacities especially with regard to conflict transformation;
- Manage IT-related aspects of the organization's operations;
- Manage and organize the Berghof Resource Centre.

The new communications strategy developed by the unit endeavoured to strike a balance between the need for transparency and to make available accurate information on the one hand, and, on the other, the need to treat some subjects with sensitivity and caution.

The Berghof Resource Centre

The resource centre and library have emerged as an important source of material on conflict transformation and related subjects in this country. Several recent publications on conflict transformation, peace, power-sharing, human rights and gender have been added to the centre, making it one of the best-stocked libraries of its kind in Sri Lanka. At the moment it contains over 1,400 titles, easily catalogued and easily accessible, and has been used by partners, stakeholders, academia, practitioners, the business community, the armed forces and others. The centre has also undertaken the task of facilitating links among other resource centres and libraries dedicated to this area.

Capacity-Building for the Media

The unit assisted two media groups that were interested in developing a better understanding of conflict-transformation processes and peacebuilding.

The first of these, which the unit supported and helped coordinate, was an initiative that brought together the five main journalists' associations of Sri Lanka: the Sri Lanka Working Journalists' Association, the Federation of Media Employees, the Free Media Movement, the Tamil Media Alliance and the Muslim Media Forum. These associations had declared an intention to work collectively to enhance media professionalism in Sri Lanka. The Foundation's communications unit, together with the federalism & power-sharing unit, worked closely with this group to help it prepare a plan for institutional development and more generally to strengthen its understanding of peacebuilding and power-sharing.

In February 2006, a visit to Jaffna and Kilinochchi by representatives of these five associations was organized in partnership with the Centre for Policy Alternatives (CPA). This enabled representatives from the five groups to have discussions with their colleagues in Jaffna and Kilinochchi and with representatives of various civil-society groups in those areas.

The second group that received focused attention was the Tamil-Speaking Women Journalists' Association of Sri Lanka, which marked its first anniversary in June 2006. The Foundation facilitated meetings of this group and provided it with guidance and support for institutional development.

The unit also partnered with the media unit of the CPA and the London-based International News Safety Institute to organize two training programmes on safety and security for journalists operating in the war zone. Fifty journalists from the North and East participated in these workshops, which were held in Colombo and Dambulla.

Information Technology

IT facilities were constantly upgraded to support programme activities. The server, local area network and internet facility were upgraded to provide better IT support to staff. New software was introduced and the organization's database strengthened.

The website www.berghof-foundation.lk was redesigned to bring it into line with the Foundation's image. The design was periodically reviewed and updated. The site functioned not only as a means of providing information to partners and others but also to support Berghof's efforts at building better relations with the various stakeholder groups.

The Civil Society Network on Information Sharing (CSNIS)

In 2006 Berghof in partnership with five civil-society organizations (CHA, CPA, CEPA, Save the Children, and SSA) launched the Civil Society Network on Information Sharing (CSNIS). The objectives of CSNIS are to:

- facilitate access to current, accurate and relevant information in Sinhala, Tamil and English, in an effective manner not restricted by geographical boundaries;
- coordinate information management and avoid duplication of efforts within the different networks;
- share information among different stakeholders;
- cooperate to increase knowledge and related skills among member organizations; and
- make best use of state-of-the-art information and communications technology.

The network has made great progress in the short period that has elapsed since its launch. This, together with the launch of the related web site, took place in the presence of civil-society and media representatives in mid-May 2007. An advertising campaign was launched in an effort to bring on board more institutions, strengthening CSNIS and contributing to its sustainability.

Disseminating Knowledge in Sinhala and Tamil



Translations of the Berghof Handbook in Sinhala & Tamil

The unit facilitated the translation of the *Berghof Handbook* into Sinhala and Tamil. The Handbook was originally produced with the objective of generating creative responses to some contemporary challenges in conflict transformation. Even though the task of translating such an extensive piece of literature proved to be challenging, it was embarked upon in view of the strong demand for such knowledge in Sinhala and Tamil. It is perhaps the first such comprehensive publication available in these two languages. A trilingual, updatable glossary on terminology used in conflict transformation was also made available on the Foundation's web site, www.berghof-foundation.lk.

ANNEXURES

1. The Berghof Foundations in Germany
2. The Berghof Handbook
3. Berghof Publications
4. Abbreviations and Acronyms

Annex 1

The Berghof Foundation for Conflict Studies in Germany

Founded in 1971 by Professor Georg Zundel (1931-2007), the Berghof Foundation for Conflict Studies is named after his family home near Tübingen, Germany, in honour of his parents' memory. From an early age, Professor Zundel was exposed to the social tensions of his time. His father Georg was a socialist painter and his mother Paula was the daughter of Robert Bosch, founder of the world-renowned Bosch Company. His childhood experience of the horrors of World War II instilled in him an enduring conviction that this history must never be repeated – a conviction that acquired even greater urgency during the Cold War period. Professor Zundel consequently decided to devote a significant portion of the wealth he inherited from his Bosch family relations to philanthropic activity in the hope that this would make a lasting contribution to a more just and peaceful world.

A physicist by training, Professor Zundel strongly believed that the goals of peace and justice could best be pursued through a scientific approach to the study of violent political conflict. Hence the Berghof Foundation for Conflict Studies, which soon came to play a defining role in the then-emerging field of German peace research. Foundation leadership in this area was consolidated through its philanthropic support of projects on security issues, arms control and disarmament, détente policy, non-violence and peace movements, as well as peace education – all of which were devoted to overcoming the divide between Western and Eastern Europe. Finally, the joint efforts of the human-rights and peace movements in Europe and the combined efforts of the governments and states within the Organization of Security and Cooperation in Europe (OSCE) led to an end of the Cold War. The Berghof Foundation is proud to have contributed to this development.

Professor Zundel's successes and accomplishments as a scientist and academic at the University of Munich are widely known. He was a highly respected physicist, with a worldwide reputation for hydrogen bond research. Understanding science as a universal discourse, he worked closely with colleagues from both East and West during the Cold War. Professor Zundel was a prolific writer, with more than 300 academic publications to his name. As an entrepreneur, he worked hard to put his innovative scientific ideas into practice, establishing four companies (organized as Zundel Holding GmbH + Co) that offer a broad range of products in the automotive and environmental industries. His many impressive achievements, in particular his philanthropic work, earned Professor Zundel the prestigious Great Cross of Merit of the Federal Republic of Germany in 2003.

The Berghof Foundation is registered in Germany as a not-for-profit limited company (HRB 44018). It is controlled by three shareholders, all of whom are Zundel family members. Day-to-day operations are jointly managed by two CEOs, Renate Zundel, the late Professor Zundel's wife, and his eldest son, Johannes Zundel, together with a Board of Trustees.

Foundation Board of Trustees

- **Johannes Zundel**, CEO, Berghof Foundation for Conflict Studies, Salzburg (Austria)
- **Dr. Horst Fischer (Chairperson)**, Professor of International Humanitarian Law, Universities of Leyden (the Netherlands), Bochum (Germany) and Columbia University, New York, USA
- **Dr. Ulrike Beisiegel** (Deputy Chairperson), Professor of Biochemistry, University of Hamburg (Germany)

- **Dr. Marie-Janine Calic**, Professor of South-Eastern European History, University of Munich (Germany)
- **Christine Merkel**, Deputy Secretary-General, German UNESCO Commission, Bonn (Germany)
- **Dr. Klaus Potthoff**, Professor Emeritus of Mathematics, University of Kiel and Director of the Institute for Peace Research, Kiel (Germany)
- **Dr. (h.c.) Dieter Senghaas**, Professor Emeritus of International Development, University of Bremen (Germany)
- **Dr. Reiner Steinweg**, Peace Research Linz (Austria)

In 1993, the Foundation established the **Berghof Research Centre for Constructive Conflict Management** in Berlin to better focus its future work, which now primarily concentrates on enabling the peaceful transformation of ethnopolitical conflict. The Berghof Research Centre aims to occupy the middle ground between theory and practice in the study of ethnopolitical conflict. It produces research oriented to creating ideas, tools and resources for the practice of conflict transformation, and draws on practical experience to generate innovative research and conceptual approaches. The goal is to contribute not only to better understanding of peacemaking and peacebuilding processes, but also actively to support such work.

The Research Centre was headed by Dr. Norbert Ropers from 1993 to 2001, from 2004 to 2007 by Dr. David Bloomfield and its current acting Director is Dr. Martina Fischer.

The research centre achieves its aims and goals by using a range of methods. It undertakes its own original action research and conceptual work, commissions related research by others, actively supports the work of practitioner partners in the field and offers policy advice and networking at the bilateral and multilateral levels. It also publishes the now widely-used and respected *Berghof Handbook for Conflict Transformation*, which seeks to stimulate high-level debate and interaction between scholars and practitioners.

The overall theme that defines the research centre's work is the nature of social change – how it takes place, especially how it might be directed towards certain outcomes – and in particular change within the *transition from violence to peace*.

What are the social processes and dynamics involved in such transitions? What does such transition require of key actors, both in support of such change and in response to its effects? What are the changing experiences of the various stakeholders during such a transition – how does this affect political elites, civil-society groups, non-state actors, external actors, etc? Above all, what can be learned from these experiences in order more effectively to support such activities and to increase understanding of this complex subject area?

Current research topics are focused on issues related to peace processes, the role of civil-society actors in war-torn societies, reconciliation and the transformation of non-state armed groups.

Parallel to its research work, the Berghof Research Centre has become increasingly engaged in practical projects, including the facilitation of dialogue processes and the backstopping of peacebuilding programmes.

In particular, its practical involvement in the Sri Lanka programme eventually led to the creation of the **Berghof Foundation for Peace Support (BFPS)**. Set up in 2004 as a sister organization to the research centre, BFPS's work is designed to make a practical, hands-on contribution to the challenge of transforming violent political conflict. The complementary but distinct nature of the work of these two organizations combines to produce a dynamic synergy that enables novel possibilities both for better understanding and for more effectively transforming violent conflict. Where BFPS offers practical experience in the field, the Berghof Research Centre supports and develops this work from a research-oriented perspective.

The Berghof Foundation for Peace Support is devoted to:

- fostering creative, effective and durable peace initiatives
- helping to sustain and inspire peace processes by nurturing effective networks and institutions of peace support
- exploring the potentials of systemic conflict transformation

In addition to Sri Lanka, BFPS regional focal areas include the southern Caucasus, Latin America, Sudan, Nepal and Aceh/Indonesia.

The directors of the Berghof Foundations for Peace Support are Dr. Norbert Ropers and Dr. Oliver Wils (CEO).

BFPS Advisory Board

- Markus Heiniger (Chairperson), Swiss Federal Department of Foreign Affairs
- Dekha Ibrahim Abdi, Independent Consultant with CamelBell Ltd.; Policy and Learning Advisor, Coalition for Peace in Africa (COPA), Mombasa, Kenya
- Dr. Dieter Boden, Ambassador (ret.), Lecturer on International Politics, University of Potsdam, Germany
- Dr. Diana Chigas, Co-Director, *Reflecting on Peace Practice*, CDA Collaborative Learning Projects; Professor of Practice, The Fletcher School of Law and Diplomacy, Tufts University, Boston, USA
- Dr. Horst Fischer, chairperson of the Board of Trustees of the Berghof Foundation for Conflict Studies, a member of the Advisory Board of BFPS
- Dr. Barbara Müller, Director, Institute for Non-Violent Conflict Resolution, Wahlenau, Germany
- Dr. Pakiasothy Saravanamuttu, Director, Centre for Policy Alternatives, Colombo, Sri Lanka

Annex 2

The Berghof Handbook

The *Berghof Handbook for Conflict Transformation* highlights key concepts, established practices and strategies, and difficult issues and challenges in conflict transformation. Rather than present a collection of ready-made recipes or tools, its goal is to put examples of good practice into a suitable conceptual framework in order to understand more clearly their functions, strengths and weaknesses.

The *Handbook* and the Berghof Handbook Dialogue Series, which contains numerous other publications, may be accessed through www.berghof-handbook.net. The electronic version of the *Berghof Handbook for Conflict Transformation* is a comprehensive, cumulative Web resource that provides continually updated, cutting-edge knowledge, experience and lessons learned for those working in the field of transforming violent ethnopolitical conflict.

The *Handbook* is published by the Berghof Research Centre for Constructive Conflict Management, Berlin, Germany. The Website content comes from two central resources: commissioned articles by leading experts from current practice and scholarship and a series of dialogues on key issues

The Dialogue Series

The Berghof Handbook Dialogue Series is an offshoot of the Berghof Handbook for Conflict Transformation. Each topic in the series is chosen because it is particularly relevant to societies in conflict and the practice of conflict transformation, and because it raises important issues at the present time. In each dialogue, practitioners and scholars critically engage with and debate one another in light of their varying experiences.

Annex 3

Other Berghof Publications

Selected Publications of the Berghof Foundation Sri Lanka Office 2001-2007

Tyrol Ferdinands, Kumar Rupesinghe, Paikiasothy Saravanamuttu, Jayadeva Uyangoda and Norbert Ropers: *The Sri Lankan Peace Process at Crossroads - Lessons, Opportunities and Ideas for Principled Negotiations and Conflict Transformation*, Berghof Foundation for Conflict Studies Colombo 2004

Mario Gomez: *A New Constitutional Framework for Sri Lanka - Proposals from Business and Civil Society*, Berghof Foundation for Conflict Studies, Colombo 2007

Mario Gomez and Jayadeva Uyangoda: *State Reform in Sri Lanka - A Dialogue Series*, Social Scientists' Association and Berghof Foundation for Conflict Studies, Colombo 2007

A. Austin, M. Fischer, N. Ropers (Eds.): *Transforming Ethnopolitical Conflict. The Berghof Handbook in Sinhala*, Berghof Foundation for Conflict Studies, Colombo 2007: Vijitha Yapa

A. Austin, M. Fischer, N. Ropers (Eds.): *Transforming Ethnopolitical Conflict. The Berghof Handbook in Tamil*, Berghof Foundation for Conflict Studies, Colombo 2007: Vijitha Yapa

Centre for Policy Alternative and Berghof Foundation for Conflict Studies: *Reader in Federalism for Practitioners*, Colombo 2008: CPA

R. Samaraweera: *Provincial Councils after Twenty Years: Successes, Failures and Constraints*, Institute of Professional Public Administrators and Berghof Foundation for Conflict Studies, Colombo 2008, Institute of Professional Public Administrators

Asoka Gunawardena: *The Operational Experience of Fiscal Devolution and Provincial Finance in Sri Lanka*, Institute of Professional Public Administrators and Berghof Foundation for Conflict Studies, Colombo 2008, Institute of Professional Public Administrators

Rohan Edrisinha, Mario Gomez, V. T. Thamilmaran and Asanga Welikala: *Power-Sharing in Sri Lanka: Constitutional and Political Documents 1926-2008*, Colombo 2008, Berghof Foundation for Conflict Studies and the Centre for Policy Alternatives

J. Wickremaratne, R. Amerasinghe and Laxman Marasinghe: *Publication on Judicial Pronouncements Relating to Devolution 1987-to Date*: Institute for Constitutional Studies and Berghof Foundation for Conflict Studies, Colombo 2008

Mr. P. P. Devaraj: *Constitutional Electoral Reforms and Proposals for Indian Origin Tamils*, Foundation for Community Transformation and Berghof Foundation for Conflict Studies, Colombo 2008

Foundation for Community Transformation: *Indian Origin Tamil and Local Authorities Electoral Bill*, Foundation for Community Transformation and Berghof Foundation for Conflict Studies, Colombo 2008

Mr. T. Thanaraj: *Educational Profile of Plantation Tamil Community*, Foundation for Community Transformation and Berghof Foundation for Conflict Studies, Colombo 2008

Ambika Satkunanathan and Charan Rainford: *Mistaking Politics for Governance: The Politics of Interim Arrangements in Sri Lanka 2002-2005*, International Centre for Ethnic Studies and Berghof Foundation for Conflict Studies, Colombo 2008,

Selected Publications of the Berghof Research Centre (Berlin) 1993-2007

Berghof Reports

Veronique Dudouet: *Transitions from Violence to Peace: Revisiting Analysis and Intervention in Conflict Transformation*, Berghof Report No. 15, Berlin 2006

David Bloomfield: *On Good Terms: Clarifying Reconciliation*, Berghof Report No. 14, Berlin 2006

Oliver Wolleh: *A Difficult Encounter – The Informal Georgian-Abkhazian Dialogue Process*, Berghof Report No. 12, Berlin 2006

Veronique Dudouet, Beatrix Schmelzle and David Bloomfield (eds): Seminar Report: ‘Theories of Social Change and their Contribution to the Practice of Conflict Transformation: Developing the State-of-the-Art in Conflict Transformation Theory and Practice’, 26-27 September 2005, Berlin (Germany), Berghof Report No. 11, Berlin 2006

Yvonne Kemper: *Youth in War to Peace Transitions. Approaches of International Organizations*, Berghof Report No. 10, Berlin 2004

Oliver Wolleh: *Local Peace Constituencies in Cyprus. Citizens’ Rapprochement by the Bi-Communal Conflict Resolution Trainer Group*, Berghof Report No. 8, Berlin 2001

Tobias Debiel, Martina Fischer: *Crisis Prevention and Conflict Management by the European Union. Concepts, Capacities and Problems of Coherence*, Berghof Report No. 4, Berlin 2000

Frank Liebe (with the assistance of Nadja Gilbert): *Intercultural Mediation: A Difficult Brokerage. An Empirical-Analytical Attempt to Assess the Impact of Cultural Differences*, Berghof Report No. 2, Berlin 1996

Norbert Ropers: *Peaceful Intervention. Structures, Processes and Strategies for the Constructive Regulation of Ethnopolitical Conflicts*, Berghof Report No. 1, Berlin 1995

Berghof Occasional Papers/Berghof Arbeitspapiere

Diane Enns: *Identity and Victimhood. Questions for Conflict Management Practice*, BOC No. 28, Berlin 2007

Hannah Reich: *“Local Ownership” in Conflict Transformation Projects: Partnership, Participation or Patronage?* BOC No. 27, Berlin 2006

Wolfram Zunzer: *Diaspora Communities and Civil Conflict Transformation*, BOC No. 26, Berlin 2004

Oliver Wils: *War Veterans and Peacebuilding in Former Yugoslavia. A Pilot Project of the Centre for Non-Violent Action (CNA)*, BOC No. 24, Berlin 2004

Benedikt Korf: *Contract or War? An Essay on Institutional Logic in Violent Conflict*, BOC No. 23, Berlin 2003

Hannah Reich: *Constructive Discourse Transformation. Media Work in Asymmetrical, Intercultural Conflicts, The Case of the Middle East*, BOC No. 22, Berlin 2003

Wojciech Kostecki: *Prevention of Ethnic Conflict. Lessons from Romania*, BOC No. 19, Berlin 2002

Martina Fischer: *Conflict Transformation by Training in Non-Violent Action. Activities of the Centre for Non-Violent Action (Sarajevo) in the Balkan Region*, BOC No. 18, Berlin 2001

Martina Fischer, Giovanni Scotto: *South-East European NGOs for the Stability Pact*, BOC No. 17, Berlin 2000

Jon Sebastian: *The Intercultural Mediation Project: The Bléré Experience: A Study of Conflict Management in an Intercultural Context*, BOC No. 15, Berlin 1997

Norbert Ropers: *Roles and Functions of Third Parties in the Constructive Management of Ethnopolitical Conflicts*, BOC No. 14, Berlin 1997

Gabriel Andreescu: *Natural Law, Agents and Patients and Minority Rights*, BOC No. 13, Berlin 1999

Anton Ivanov: *Advanced Networking: A Conceptual Approach to NGO-Based Early Response Strategies in Conflict Prevention*, BOC No. 11, Berlin 1997

Diana Francis, Norbert Ropers: *Peace Work by Civil Actors in Post-Communist Societies*, BOC No. 10, Berlin 1997

Airat Aklaev: *Ethnopolitical Legitimacy and Ethnic Conflict Management. The Case of the Russian Federation in the Early 1990s*, BOC No. 9, Berlin 1996

Anja Weiss, Aleksej Nazarenko: *Strategies and Needs of NGOs Dealing with Ethnopolitical Conflicts in the New Eastern Democracies*, BOC No. 7, Berlin 1997

Kinga Gál: *The Protection of National Minorities and Regional Stability*, BOC No. 6, Berlin 1996

Anna-Mária Bíró: *The International Relations of the DAHR 1989-96. The Democratic Alliance of Hungarians in Romania. An Introduction*, BOC No. 5, Berlin 1996

Kinga Páll: *The Hungarian Concept of Autonomy for Romania. The 1993 DAHR Draft-Law on National Minorities and Autonomous Communities and Reactions from Other Political Parties in Romania*, BOC No. 4, Berlin 1996

Anja Weiss, Aleksej Nazarenko: *Warsaw Workshop for Peacebuilders*. January 28-February 2, 1996, BOC No. 3, Berlin 1996

Anja Weiss, Aleksej Nazarenko: *Golitsino Workshop for Peacebuilders*. 25-29. September 1995, BOC No. 2, Berlin 1996

Martina Fischer (Ed.): *Peacebuilding and Civil Society in Bosnia-Herzegovina – Ten Years After Dayton*, Muenster 2007 (2nd edition): LIT-Verlag

Berghof Handbook for Conflict Transformation

A. Austin, M. Fischer, N. Ropers (Eds.): *Transforming Ethnopolitical Conflict. The Berghof Handbook*, Wiesbaden 2004: VS Verlag

Handbook Dialogue Series (published by the Berghof Research Centre, Berlin)

D. Bloomfield, M. Fischer, B. Schmelzle (Eds.): *Social Change and Conflict Transformation*, Dialogue Series No. 5 (print), 2006

D. Bloomfield, M. Fischer, B. Schmelzle (Eds.): *New Trends in PCIA*, Dialogue Series No. 4 (on-line), 2005

M. Fischer, B. Schmelzle (Eds.): *Transforming War Economies – Dilemmas and Strategies*, Dialogue Series No. 3 (print), 2005

C. McCartney, M Fischer, O. Wils (Eds.): *Security Sector Reform*, Dialogue Series No. 2 (print), 2004

A. Austin, M. Fischer, O. Wils (Eds.): *Peace and Conflict Impact Assessment – Critical Views on Theory and Practice*, Dialogue Series No. 1 (print), 2003

Additional handbook articles

Articles <i>(available on-line only)</i>	Author	Published
'Frameworkers' and 'Circlers' – Exploring Assumptions in Peace and Conflict Impact Assessment	Reina C. Neufeldt	2007
Conflict Resolution and Reconciliation in the Arab World: The Work of Civil Society Organizations in Lebanon and Morocco	Oussama Safa	2007
Training for Peacebuilding and Conflict Transformation. Experiences of the 'Centre for Non-Violent Action' in the Western Balkans	Nenad Vukosavljevic	2007
Civil Society in Conflict Transformation: Ambivalence, Potentials and Challenges	Martina Fischer	2006 Print edition also available

Articles <i>(available on-line only)</i>	Author	Published
Traditional Approaches to Conflict Transformation – Potentials and Limits	Volker Boege	2006
Training for Conflict Transformation: An Overview of Approaches and Resources	Beatrix Schmelzle	2006
Social Change and Conflict Transformation	Christopher Mitchell	2005
Opportunities for Synergy – Conflict Transformation and the Corporate Agenda	Luc Zandvliet	2005
The Role of Local Business in Peacebuilding	N. Killick, V. S. Srikantha, C. Gündüz	2005
The Training Process: Achieving Social Impact by Training Individuals?	Dirk Sprenger	2005
Participatory Action Research in Post- Conflict Situations: The Example of the War-Torn Societies Project	Agneta Johannsen	2001
Transforming Cultural Conflict in an Age of Complexity	Michelle LeBaron	2001
Concepts and Strategies of Third-Party Intervention	Ron Fisher	2001
Conflict Transformation Through Education and Youth Programmes	Stephanie Schell-Faucon	2001
Using the Media for Conflict	Sandra Melone, Georgios	2001
Transformation: The Common Ground Experience	Terzis, Ozsel Beleli	

Publications of the Berghof Foundation for Peace Support – BFPS

Oliver Wils, Ulrike Hopp, Norbert Ropers, Luxshi Vimalarajah & Wolfram Zunzer: *The Systemic Approach to Conflict Transformation – Concept and Fields of Application*, Berlin 2006 (print)

Barbara Unger and Oliver Wils: *Systemic Conflict Transformation - Guiding Principles for Practitioners and Policymakers Working on Conflict*, Berlin 2006 (print)

Online Resources: <http://www.berghof-peacesupport.org>

Edward Aspinal: Aceh/Indonesia – Conflict Analysis and Options for Systemic Conflict Transformation, August 2005

Dev Raj Dahal: Nepal – Supporting Peace Processes through a Systemic Approach, September 2005

Sudan – Conflict Analysis and Options for Systemic Conflict Transformation. A Northern and a Southern View, January 2006

Samson S. Wasara: Traditional Mechanisms of Conflict Resolution in Southern Sudan - Study Commissioned by the German Ministry for Economic Cooperation and Development, March 2007

Barbara Unger and Oliver Wils: Systemic Conflict Transformation and Inclusive Governance in Southern Sudan, May 2007

Track 1.5 Approaches to Conflict Management: Assessing Good Practice and Areas for Improvement (Lessons Learned Retreat, March 4-6, 2007 - Schloss Hueningen, Switzerland), 2007

Annex 4

Abbreviations and Acronyms

AA	German Federal Foreign Office
ADB	Asian Development Bank
APC	All Party Conference
APRC	All Party Representative Committee
AWAW	Association of War Affected Women
BFPS	Berghof Foundation for Peace Support
BMZ	The German Federal Ministry for Economic Cooperation
BPA	Business for Peace Alliance
CEPA	Centre for Poverty Analysis
CFA	Cease Fire Agreement
CHA	Consortium of Humanitarian Agencies
CIDA	Canadian International Development Agency
CJPD	Centre for Just Peace and Democracy
CPA	Centre for Policy Alternatives
CPP	Council for Public Policy
CSNIS	Civil Society Network on Information Sharing
CSO	Civil Society Organization
DFA	The Swiss Federal Department of Foreign Affairs
DFID	Department for International Development
DPSG	Donor Peace Support Group
DRC	Defence Review Committee
DWG	Donor Working Group
EU	European Union
FCE	Foundation for Co-existence
FCT	Foundation for Community Transformation
FLICT	Facilitating Local Initiatives for Conflict Transformation
GoSL	Government of Sri Lanka
GTZ	German Technical Cooperation Agency
ICES	International Centre for Ethnic Studies
ICS	Institute for Constitutional Studies
IFF	Institute of Federalism of the University of Fribourg
IFRC	International Federation of Red Cross
IMCAP	Programme to Improve Capacities for Poverty Research
INGO	International Non-Governmental Organization
INPACT	Initiative for Political and Conflict Transformation

International IDEA	International Institute for Democracy and Electoral Assistance
IPPA	Institute of Professional Public Administrators
JHU	Jathika Hela Urumaya
JVP	Janatha Vimukthi Peramuna
LTTE	Liberation Tigers of Tamil Eelam
MWRF	Muslim Women's Research and Action Forum
NORAD	The Norwegian Agency for Development Cooperation
NUA	National Unity Alliance
OSCE	Organization of Security and Cooperation in Europe
OTI	One-Text Initiative
PA	People's Alliance
PSM	Peace Secretariat for Muslims
PTA	Prevention of Terrorism Act
P-TOMS	Post-Tsunami Operational Management System
RNCST	Resource Network for Conflict Studies and Transformation
SAPI	South Asia Peace Institute
SAPNA	South Asian Perspectives Network Association
SCOPP	Secretariat for Coordinating the Peace Process
SIDA	Swedish International Development Agency
SIHRN	Sub - Committee on Immediate Humanitarian and Rehabilitation Needs
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
SLMM	Sri Lanka Monitoring Mission
SNAP	Secretariat for the National Alliance of Peace
SPADE	Systemic Planning Assessment, Development and Evaluation
SSA	Social Scientists' Association
TNA	Tamil National Alliance
TRO	Tamil Rehabilitation Organization
UNDP	United Nations Development Programme
UNF	United National Front
UNICEF	United Nations International Children's Fund
UNP	United National Party
UPFA	United People's Freedom Alliance
USAID	United States Agency for International Development
VSO	Voluntary Service Overseas
WB	World Bank

SPACE FOR PEACE

The work of the Berghof Foundation for Conflict Studies in Sri Lanka

In July 2001, the Berghof Foundation for Conflict Studies, Sri Lanka Office (also known as the Berghof Foundation) began its work of supporting the peace efforts of academic institutions, civil society and political actors in Sri Lanka. Since then, the Foundation has engaged in numerous partnerships to support and reinforce domestic peace-building capacities and help create space for dialogue on conflict transformation and a peaceful settlement. To date, the Foundation has funded over 200 programmes and worked to build a network of organizations and individuals engaged in peace work and conflict transformation.

The engagement of the Foundation was initiated by invitation of the Government of Sri Lanka and was supported by two European governments (the Swiss Federal Department of Foreign Affairs and the German Federal Ministry for Economic Cooperation and Development working through the German Technical Cooperation Agency, GTZ). Its Sri Lankan Government partner was the Ministry of Constitutional Affairs and National Integration.

This booklet is intended to give a brief overview of our programme and the most important issue areas the Foundation has dealt with. It also intends to express our gratitude to all our partners in Sri Lanka and in the Sri Lankan community worldwide, with whom we had the unique opportunity to cooperate, develop joint efforts and reflect on our endeavours to support the peace process in Sri Lanka.

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கௌரவ அமைச்சர் செல்வநாதர்
பேரமைச்சர் பதேசர

**Berghof Foundation
for Conflict Studies**

முரண்பாட்டுக் கற்கைகளுக்கான
போர்கொள் நிறுவனம்