

State - Civil Society Dynamics during War and Peace in Sri Lanka and Nepal

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Introduction

The strategic importance of South Asia to globalisation led to long term commitment of international donors to the region, once a backwater for development aid. Nepal, one of the poorest countries, and Sri Lanka, torn by civil war for three decades, offered opportunity for donors and aid practitioners, in and around conflict. Both served as test cases to try out fresh theories on civil society and state - civil society relations; their weak economies and the fragility of the state let donor driven civil society programmes to supersede the state in several sectors.

Applying Western notions of civil society in a superficial manner to South Asia, especially to countries in crisis, can be dangerous. In the West, civil society is seen as distinct from the state and political spheres as it makes political demands upon the state and political players, without running for office. In Sri Lanka and Nepal, civil society organisations tend to be part of either the state or political parties. With the state as the central, and often repressive, actor in the associational sphere of the citizens, state - civil society relations change with political climate.

In both countries, during war as well peace, the civil society was instrumental in reflecting, educating and informing the public. A fair share of the outcome of the respective peace processes could be attributed to civil society. In Nepal it helped to abolish the monarchy; in Sri Lanka it contributed to the failure of the peace process by not acting to take the peace dividend to the grassroots. Also when states are weak, actors adapt to changes in power relations; and uncivil and xenophobic groups tend to grow stronger (Belloni 2008), limiting the potential of civil society to improve cross-ethnic understanding. Meanwhile, conflict, economic decline, social stress, ubiquitous violence, and partition of civil society along ethnic fissures force groups to develop into uncivil actors. In both countries, NGOs and civil society platforms are dominated by the very elitist groups that have long dominated the affairs of the country. Lack of internal democracy, transparency and accountability characterise most NGOs, especially in Nepal, and serve private rather than public

interest. Reliance of civil society groups on kinship as well as tribal, religious and traditional power structures (Pouligny 2005:498) led to their failure at grassroots level.

This paper, based on extensive interviews with personnel from humanitarian agencies in Sri Lanka and Nepal during the past five years, analyses the dynamics of state - civil society relations during periods of conflict, peace activity, and failure of peace efforts.

The Case of Sri Lanka

Prior to 1990, Sri Lankan civil society organs comprised community development organisations and issue-based social movements. The former served to fill the gaps left by the state in meeting the basic social needs of the people. The latter comprised social movements were acting as a counterweight to the state, e.g. the 'Mothers Front' in the Tamil dominated North comprising mothers of victims of abduction and killing by the forces as well as rival armed Tamil militants. When many Sinhalese youth went missing in the South during the Janatha Vimukthi Peramuna insurrection of 1988-89, their mothers formed a social movement to protest political violence. Early democratisation of the movements, which forced upper class politicians into an alliance with rural lower middle class, gave way to political patronage (Stokke 1998), which eventually became the cornerstone of institutionalizing civil society. It conditioned public attitude to one of awaiting help in place of developing awareness to demand their needs from the authorities concerned. Thus political patronage substituted for a demanding civil society.

From 1991, with a civil war along clearly ethnic lines, the impact of globalisation grew stronger. Donors, mainly from the West, attributed the conflict to under-development and boosted developmental aid. Development related NGOs entered Sri Lanka, with Western educated elite initiating and managing most. State - civil society relations were warm as the NGOs bore the burden of developmental work. NGOs had a free hand in doing out their work. The Government of Sri Lanka (GoSL) even referred to the NGOs as civil society. Religious social organisations proliferated (Saravanamuttu 1998); and traditional village societies that are still important in social organisation around issues of common concern became dependent on state resources or foreign aid or have been replaced by ones with external funding.

The change of government in 2001 and the Cease Fire Agreement of 2002 made fresh openings for NGOs. The LTTE and the GoSL allowed NGOs unfettered access to LTTE held areas. The peace process was claimed to be based on the notion of "Peace

through Development”, and foreign funding entering the country to secure lasting peace led to the mushrooming of ‘peace building’ and ‘peace advocacy’ NGOs. Western donors preferred them to community-based NGOs in anticipation of peace-building at grassroots. ‘Peace’ became password for international funding, and NGOs rushed to do ‘peace work’. Most of the NGO personnel interviewed admitted that they had to please the bureaucracy of the aid agencies, and added a peace component to their programmes to ensure funding. The influx of funding invariably led to careerism in civil society organisations, widening the gulf between mainly Colombo-based paid staff and volunteers elsewhere. As a result, the NGOs were further alienated from the people, whose needs and aspirations they no more understood.

‘Peace’ NGOs, despite good relations with the state, not only failed to mobilise support for peace but also contributed to the collapse of the peace process, as the people did not receive or see the prospect of a ‘peace dividend’. As donors demanded to know the number of people each ‘peace’ NGO was working with, the NGOs began to pay people to attend meetings, seminars, gatherings and rallies. The net result was the wrecking of the ability of people to mobilise for the common good. Then on, mass mobilisation became donor-driven and NGO-based, with adverse implications for the civil society movement. When it spoke up for human rights and media freedom following the formal declaration of war in 2008, the state branded every act of protest as a ‘Western conspiracy’.

The peace process, already tottering by 2004, was followed by undeclared war with a change of government in 2005. The GoSL and the LTTE considered the Tamils in LTTE held areas as Sri Lankan citizens and agreed that it was the responsibility of the state to serve them. To the GoSL it was endorsement of its authority over the population, and to the LTTE it was easing of its economic burden. Thus NGOs worked in LTTE held areas with the blessings of the state. When hostilities resumed in 2006, the GoSL imposed travel and other restrictions and asserted control over the delivery of essential goods and services to LTTE held areas. The GoSL restricted its supply of dry rations to war affected people and justified keeping supplies at the minimum possible in terms of fear that supplies could fall into the hands of the LTTE. This and GoSL travel restrictions on NGOs strained the relations between the state and NGO-led civil society, leading to further regulation of NGO activity as well as added restrictions.

A parliamentary select committee was appointed to study NGO-related issues; and NGOs like the Berghof Foundation for Conflict Studies suspected of acting against the interests of the GoSL in its pursuit of war were expelled, and visa restrictions

were introduced for expatriate NGO staff. The NGOs were compelled to work with the GoSL and often according to its agenda. Donors were in effect reduced to providing funds only to NGOs which acted according to government needs. Thus, during the period of fully fledged war, some NGOs played along with the GoSL to serve its needs while others sought to be a counterweight to the state. The relationship deteriorated after the GoSL, following its taking full control over the East, started its offensive in the North. To the dismay of NGOs, the GoSL ordered all NGOs but the ICRC to leave LTTE held areas. Some NGOs negotiated unsuccessfully with the GoSL regarding the decision, while UN agencies moved out of LTTE held areas without protest, apparently for fear that the UN could be ordered out of Sri Lanka.

This hard-line of the GoSL persists even after the end of the war, and two trends exist among donors. Firstly, donors interested in funding humanitarian crises were preparing to fund the crisis accompanying the huge influx of the internally displaced persons (IDPs) from the LTTE held to government held areas. Secondly donors were losing interest in the East with attention shifting to the North and its IDPs. Livelihood activities in the East began to be neglected, with many NGOs ceasing operations and moving towards North: UN agencies in the East were severely downsized. Some NGO spokespersons claimed that this was a counter measure by civil society reminding the GoSL of its responsibility to look after its citizens.

There was a humanitarian crisis in early 2009 when the IDP influx began. Donors preferred to work with the UN agencies in view of its capacity and reliability. Many NGOs had shifted their bases to the north in anticipation of working with IDPs. As the IDPs arrived in government controlled areas, it was assumed that UN agencies and NGOs were ready to deal with the situation. But the situation proved to be chaotic in the IDP camps, where minimum international standards were not observed, amid lack of coordination and competition for donor funding. The GoSL, besides, imposed restrictions on NGOs working with the IDPs. Rivalry persuaded some NGOs to give in to GoSL demands, undermining civil society potential to bargain with the state, and forcing the NGOs to act according to the wishes of the GoSL. The donors too are answerable for the poor standards in the camps.

The Case of Nepal

Three kinds of civil society exist in Nepal. Firstly, donor-supported NGOs work on service, globalisation, liberalisation, and privatisation. It is largely populated by a conglomerate of urban elites calling themselves civil society leaders. They have no interest in addressing societal issues or peripheral activities, and tend to treat

citizens as consumers, ignoring the basic tenets of civil society. The second kind is backed by political elites and political parties and involves interests groups, including trade unions built on political lineage (Bhatta 2007). They serve political interests as well as self interest. The third comprises people mobilised as social movements.

Several associational forms of civil-society and donor-driven poverty alleviation NGOs have been active in Nepal. Rather than remain as autonomous social spaces, many became part of political society – political parties, electoral politics, special interest groups and the state – and, thereby, failed in their civic roles. They played a negligible role in civic renewal and opening up the political choice of individuals. This state of stagnation ended with the Communist Party of Nepal (Maoist) – Maoists from here on – launching its “People’s War” in 1996. After ten-years of armed insurgency the Maoists emerged as a powerful political force as strong as, if not overshadowing, Nepal’s established parties. The Maoists stressed the role of beneficiary communities in direct delivery of services, and sought to minimise the role of the mostly Kathmandu-based intermediaries such as international agencies, INGOs and private contractors.

The first successful mass campaign (*Jana Andolan 1*) in 1990 helped to democratise Nepal. The campaign for democracy gained momentum in 2006 as the Maoists announced the end of their “People’s War”. To some the campaign for democracy was a way to get even with the dictatorial monarch Gyanendra, widely reviled for a host of real and imagined offences. To some others, it was a means to persuade the Maoists to end their decade-long insurgency. For many – perhaps the majority – the call for a democratically elected government was instinctively appealing because it seemed the way to a more inclusive and equitable society (Miklian 2008).

Gyanendra’s assumption of absolute power in 2005 denied political space for all, including political parties and civil society, except a section of the Kathmandu elite who were close associates of the king. The Maoist campaign created the political space for the civil society to work for democracy by enabling an alliance of major political parties’ – the Seven Party Alliance (SPA). For want of an alternative, the political parties, notorious for their bickering among themselves while bargaining for power with the monarch, formed an alliance to restore democracy.

The agreement between the SPA and the Maoists came about because the SPA realised that Gyanendra was doomed and that an agreement with the Maoists was the best option before them. The NGO-led civil society too, for its own survival, was forced join hands.

When the Maoists formed the government in May 2008 after considerable delay since elections to the Constituent Assembly, another successful people's movement (*Jana Andolan 2*) was launched by the deprived sections from all communities of Nepal demanding implementation of changes pledged in the agreement between the Maoists and the SPA. This unprecedented show of defiance by the oppressed majority was the outcome of political education in the course of the Maoist insurrection.

The conventional, NGO-dominated Nepali civil society was dismayed at it. A senior activist observed, "This is a very bad precedent If people are going mobile themselves to demand for their rights for each and everything ... by street blockades and so on, it will be hard for the state machinery to function, these actions can destabilise the state. This should be stopped." These words summed up the fear of NGO-led civil society about its future.

The Kathmandu-based donor-driven civil society felt desperate in the face of these developments and sought to join the people's movement groups to work for a common goal. Donors too were pleased by such initiatives. One NGO took all indigenous women's movements on board to create an umbrella organisation for indigenous woman rights, with typical donor driven agendas and bureaucratic procedures in place. But there was no room for protests or demonstrations.

A project coordinator of this NGO argued: "These indigenous women should be educated first on women rights then they should be taught how to do peaceful protests and especially to teach them to advocacy". Several new NGOs were formed with baggage different only in phrasing. English-speaking elite females hijacked the leadership from the 'uneducated', 'uncouth' women leaders living hundred of miles off Kathmandu. The rights based people's movements built from the bottom gave way to more than ten NGOs for indigenous women's rights. Rivalry for funding manifested in the use of irregular means to boost membership. Other issue based NGOs were no different; and all NGOs remained Kathmandu based. Mass-based civil society activists with a role in *Jana Andolan 2* returned to work in their villages, un-haunted by donor aid or NGOs.

While the Maoists were in power, the civil society acted as a counter weight to the government. Relations between state and civil society were strained, since the civil society elite despised Maoists being in power. The elite-based civil society acted to undermine the legitimacy of the Maoists, especially since the Maoist-led

government, to the distaste of the NGOs, demanded accountability and transparency. The donors too rejected the need for government regulation.

When the Maoists resigned from government, the civil society responded that 'the blockage for the development of Nepal has been removed'. But the change of government failed to change anything; the NGOs in Kathmandu continue to produce narrative reports on glossy paper. In reality, Kathmandu remains unchanged, while Nepal has changed for the better. Grass roots based people's activity has returned and people have once again started to demand their rights.

Conclusions

State - civil society relations in Sri Lanka and Nepal have much in common despite important differences. In both countries the civil society is elitist, and international donors play a visible role in defining it. NGOs have developed into a lucrative employment industry in itself so that state - civil society relationship seems to be governed by individual and institutional self interest than by issues of public interest. Social movements coming from below as issue-based people mobilisation have been enticed by NGO funding. In Sri Lanka, NGOs have almost totally hijacked issue-based mobilisation while in Nepal hijacking by NGOs is confined to Katmandu. Relations between the state and civil society elite are smooth and constructive only when they share common interests. Conflict of interests has manifested itself as open hostility. Since most civil society organisations are donor-driven, rivalry has been mostly counterproductive. The politicisation of civil society at grass roots level in Nepal is a healthy sign that distinguishes it from Sri Lanka where grass roots politicisation is severely eroded.

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