

Living on the Margins: The Role of Borderland Brokers in Post-War Transitions

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Introduction

This illustrated essay has been produced as part of a research project funded by the UK's Arts and Humanities Research Council (AHRC) 'Living on the Margins: Using literary comics to understand the role of borderland brokers in post-war transitions', which builds on another two-year research project funded by the UK's Economic and Social Research Council (ESRC): 'Borderlands, Brokers and Peacebuilding in Sri Lanka and Nepal', involving: the School of Oriental and African Studies (SOAS), University of Bath, PositiveNegatives, International Alert (all UK), Centre for Poverty Analysis (Sri Lanka), and Martin Chautari (Nepal).

The essay uses the comics medium to explore post-war transitions in Nepal and Sri Lanka, and present some of the issues and stories that emerged from our research. In the following pages we attempt to show the complex and contested nature of post-war transitions and how conflict takes on new forms in multiple struggles over power, resources and recognition. Frequently these conflicts are linked to the relationship between centres of power and the peripheries of the state. We focus in particular on the role of 'borderland brokers': key individuals from the margins of the state who mediate between the demands and pressures emanating from the 'centre' and 'periphery' and/or across an international border.

In highlighting these individuals' stories, we are not seeking to tell the whole story of the conflicts in Nepal and Sri Lanka; the meaning of these conflicts and peoples' experience of them is always contested and varied. We have chosen to focus on the lives of people living on the margins of the state because their perspectives are frequently missing in accounts of post-war transition. We recognise that the stories people choose to tell about themselves do not provide the full picture, but we hope that their accounts will give a sense of the tensions and dilemmas they faced, and in doing so shed light on how post-war transitions are negotiated by those living on the margins.

1 Introduction 2

Borderland regions are often depicted as backward places, which are marginal to the 'real business' of politics conducted in capital cities and international centres.

Our research challenges this perspective, by exploring how borderland regions in Nepal and Sri Lanka can play a central role in countries' recovery from war.

For example, in late 2015 Nepal's southern border saw violent protests against the government's constitutional proposals and a six-month blockade of fuel and other goods to and from India. Although the blockade failed to prompt a breakthrough in negotiations, it had wide-ranging consequences for post-war politics and ethnic relations.

2 Post-war transitions from the margins

Post-war transitions are periods of great change when new constitutions are negotiated, new struggles for political power emerge, and demands to address wartime grievances and injustices come to the fore. The old rules of the game are in a state of flux, creating opportunities for those who are able to broker links between different political groups and regions.

3: Centre-Periphery Relations

The grievances of peripheral communities often lie at the heart of long-running conflicts, and continue to be central to post-war struggles, including discussions around power sharing, reconstruction or measures to address legacies of human rights abuses.

While borderlands are heavily influenced by relations with the national centre, they are also shaped by connections across the border to other centres of power – in Nepal and Sri Lanka, the competing interests of New Delhi and Beijing loom large.

4: Borders

Borders divide the world into territorial spaces and they delineate in-groups and out-groups.

Territorial borders define our national identities; our status and rights as citizens.

Borders are not so much a line as a relation. They generate contradictory forces – simultaneously dividing and connecting, a source of security and a site of conflict.

Borders are both physical and symbolic. They can be seen both as *institutions*, underpinned by interests and power relations, and as *mentalities*, bolstered by particular worldviews and ideologies.

5: Boundaries

We live in a world of multiple boundaries. Some become more salient and meaningful than others.

At their most basic, boundaries divide friend from foe, home from alien territory, “us” from “them”.

Formal borders overlap with a range of invisible or informal boundaries - defining social and ethnic groups or spheres of political influence.

In borderland regions, particularly where territorial borders and social boundaries do not coincide, people develop ‘mental maps’ to understand and negotiate the multiple boundaries experienced in daily life.

6: Borderlands

Borderlands are interconnected transborder zones that usually link two or more state margins.

Not all borderlands are the same. Some are urbanised, others are rural. Some are economically marginalised, others prosperous.

Cross-border interactions differ between land borders (like the closely integrated Nepal-India borderlands) and maritime borderlands (such as the frontier regions on the margins of the Sri Lankan state).

7: Brokerage

Brokerage occurs wherever there are boundaries creating friction or gaps between groups or territorial spaces.

Borderland brokers are Janus-faced as they mediate between the centre and periphery and/or across an international border.

They act as both the lubricant and the point of friction in relations between the central state and borderland communities.

They can be negotiators or go-betweens; they can facilitate access to humanitarian aid; they can be middlemen in trading networks; they can make political or legal representations on behalf of their constituencies.

8: Brokers

Brokers play an ambiguous role – though they transgress boundaries, their existence depends upon the perpetuation and sometimes the hardening of these boundaries. Their motivations are rarely straightforward: they serve the interests of their constituencies, but also have their own interests. They address problems but rarely resolve them, as to do so would undermine their role as a broker.

9: Post-War brokers

Brokers may be particularly important during wartime, when boundaries between groups may harden and links between different parts of the country and channels of communication are disrupted.

However post-war periods are often complicated, messy and conflictual. They are moments of rupture, in which there is a scramble to claim new levers of power and new economic opportunities.

In the aftermath of war, brokers can lose their influence as new sources of power and patronage emerge.

For brokers who emerge from rebel groups the deal-making and compromises of post-war politics can be extremely challenging.

Why do certain borderland brokers rise to the fore in post-war transitions and how do they adapt to new challenges and opportunities?

10: Sri Lanka background

Batticaloa is a town of around 90,000 people, the district capital of Batticaloa district. It is a majority Tamil town, with a Muslim minority.

Akkaraipattu is small town with a mixed (though highly segregated) Muslim and Tamil population of around 40,000 people.

Sri Lanka has several ethnic communities. The majority Sinhalese make up around 75% of the population. The largest minority groups are Sri Lankan Tamils (11%) and Muslims (9%).

11: Sri Lanka background 2

Between 1983 and 2009, the Sri Lankan government armed forces fought a long-running civil war against the Liberation Tigers of Tamil Eelam (LTTE).

Although the whole country was affected, most of the fighting was concentrated in the frontier zone of the north and east.

These peripheral areas were sites of repeated displacements, humanitarian crises and new forms of rebel governance. For much of the war they were cut off from the rest of the country.

Several efforts to reach a peace agreement failed. Finally the war finally ended with a crushing military victory for the government forces in 2009, with heavy loss of civilian lives.

12: Sri Lanka background 3

Following the end of the war, the government led by President Rajapaksa, further centralised power and maintained a heavy military presence in conflict-affected regions. Instead of addressing minority grievances, the government prioritised economic growth including through the development of new transport infrastructure such as roads and ports.

13: Sri Lanka background 4

In January 2015, Rajapaksa was surprisingly defeated in the presidential election by his former ally Maithripala Sirisena, and lost the subsequent parliamentary elections later that year. A new coalition government came to power, promising to carry out wide-ranging constitutional reforms, address the injustices of the war, and tackle the corruption of the previous regime. By 2018 there was growing impatience with the lack of progress on any of these fronts. The prospects of reaching a new post-war settlement appeared to be receding.

14: Basil 1: ‘a humanitarian broker’.

Solomon Basil Sylvester comes from Batticaloa on the East coast. The district is a ‘dual periphery’ both on the margins of the Sri Lankan state, and of Tamil politics which was historically centred in Jaffna, then Kilinochchi. This means there has always been a need for brokers who mediate between Batticaloa and contending power centres in Colombo and the North.

Batticaloa was badly affected by the war and the tsunami, and has been a place of great flux during the post-war period. Basil has adopted a range of different guises as a broker in response to the changing political landscape.

From an early age, Basil was involved in social work, first through the Young Man's Christian Association (YMCA) in Batticaloa. After a stint working in the Middle East, he returned to a country at war, and became increasingly drawn into humanitarian work.

Inevitably this brought him into contact with both sides of the conflict, mediating between the government and LTTE as he moved between 'cleared' areas (under government control) and 'uncleared' areas (under LTTE control) to aid war-affected communities. This brought pressures and dangers common to many humanitarian workers at the time; of being seen to be an informer for one side or the other.

Basil tried to maintain a distance but keep friendly relations. He would cross front lines on his motorbike, always wearing a white helmet so he'd be easily recognized.

Basil had a flair for organising, networking and negotiating. After the tsunami struck in 2004, he became the Batticaloa representative of the Consortium of Humanitarian Agencies (CHA), which coordinated the delivery of aid into the district. This was an important role; he became a key gatekeeper of information about the humanitarian situation and a broker of humanitarian funding and materials. It was also contentious, as with the massive influx of aid, there were growing accusations of corruption.

15: Basil 2

There was also pressure from the LTTE to direct aid to particular groups and areas, but Basil's links to the CHA head office in Colombo and the international donor community helped him to maintain some independence

In 2004, the Eastern LTTE faction split, after which the government launched a military offensive in the East. By 2007 it had reasserted control throughout the district.

Now Basil's role as broker changed to one of liaising between NGOs, communities and the military. Rather than delivering humanitarian aid, it was about facilitating 'civil-military relations' in the context of resettlement and reconstruction.

New divisions and forms of violence emerged especially during elections. For Basil, it became more difficult to maintain a level of humanitarian distance from violent post-war politics and there was strong pressure to be aligned with one Tamil group or another.

But as the government strengthened its foothold in the East, the Tamil militant groups became less autonomous and NGO funding dried up, Basil's strategic value as a broker declined. CHA's office in Batticaloa was closed down in 2010.

Basil set up his own travel company, organising religious tours to India, but continued to explore new possibilities in local politics or the humanitarian field, and established a small specialist peacebuilding organisation.

In 2017 he was appointed as Chairman of a new government-led NGO consortium in Batticaloa. Once more he occupied a key niche in the NGO/development landscape.

Therefore, through successive humanitarian crises and fluctuating political conditions in Batticaloa's post war transition, Basil showed an almost chameleon-like adaptability in order to survive and remain relevant as a humanitarian broker.

16: Hasanah: brokering gendered and religious boundaries

Hasanah was born in Akkaraipattu, a small town in Eastern Sri Lanka with a mixed but highly segregated Tamil-Muslim population.

Hasanah comes from a middle-class Muslim home. Her parents were both teachers. Her father was the first chairman of the most prominent Muslim political party.

After studying Law in Colombo, Hasanah got married and had a child. Although at that time she had conservative social views, these changed when she began to conduct research on the Muslim Personal Law (MPL) and women's rights in Islam. This opened her eyes to women's rights and feminism.

In Sri Lanka, the legal age for marriage is 18 and before 16 it is considered Statutory Rape. However, these conditions do not apply in MPL. According to some schools of Islamic law, a girl can be given for marriage at any age. A common age is 14, but there have been cases of younger girls being married.

The influence of conservative strands of Islam became more visible in Eastern Sri Lanka during the war years. More women began to wear the Niqab and there was a growth of Saudi funded mosques along the East coast. Labour migration to the Middle East and the ongoing war led to more conservative social mores within the Muslim community and growing anxieties about the security and movement of women.

In 2015, Hasanah began working with a team of researchers and started to travel in the Eastern and Northern Provinces to discuss the MPL issue. It became more than a research project; out of a strong personal commitment to the issues of child marriage, harassment, poverty, social exclusion, it evolved into an activist network.

Based in Colombo, but maintaining her links to the East, Hasanah campaigns for the human rights of Muslim women, with a focus on child marriage. Her role as a broker is based on her ability to inhabit and move between two different worlds. She connects human rights activists in Colombo with Muslim women and community representatives from the East, but also mediates across divisions within the Muslim community, between men and women, and between religious conservatives and reformists.

17: Hasanah 2

One case Hasanah tackled was of a young girl – Salma - who was sexually assaulted by a neighbour.

Other locals interrupted the assault – and dragged both the man and the girl directly to the village mosque committee.

It was ruled that the two must be married that same day.

She lived with the man and was raped repeatedly.

She became pregnant after a month, and the man released her back to her parents.

Hasanah visited Salma in her home, and her testimony was used as part of her campaign against the MPL.

Hasanah's team research the conditions of Muslim women in the periphery, collecting evidence from various cases. They aim to change Sri Lankan society and the judicial system by lobbying government officials, policy makers and the Sri Lankan Muslim community.

Hasanah aims to strengthen the negotiating position of those at the margins vis a vis the Muslim religious and political leadership, the human rights commission, and Colombo-based civil society groups. Much of her work occurs behind closed doors because it is sensitive. As a woman representing the interests of marginal Muslim women, she is in a vulnerable position and provokes opposition from conservative Muslim leaders.

Hasanah and her team challenge the Muslim Personal Law from a Human Rights perspective, so the issue is not confined to the Muslim community. This opens up opportunities for collaboration with human rights NGOs, but it also generates criticism that they are following a 'western' agenda.

The MPL issue has grown more politicized in the post-war period, becoming entwined with debates around constitutional reform, minority rights and justice. Growing anti-Muslim sentiments from nationalist groups have made it a particularly contentious issue. Hasanah and her team have come under attack from conservative and nationalist forces.

Hasanah's story highlights the vulnerable position of female brokers who mediate across gendered, religious and political boundaries that have become particularly inflamed in the post-war period.

18: Nepal Background

The Tarai is a lowland region that stretches across Nepal's southern border with India. It benefits from comparatively good infrastructure and has some pockets of well-developed industry and agriculture, although it also characterised by high levels of inequality and social exclusion. It is home to about half the country's population.

The mid-hills region, particularly the Kathmandu valley, has been the historic centre of power in Nepal. Higher-caste Brahmin and Kshatriya groups from this region continue to dominate politics, the economy, and the state bureaucracy, while others such as the mid-hills *janjati* have also faced discrimination and exclusion.

The Karnali region in the North West high mountains region borders China and has historically been amongst the most deprived. Poverty and exclusion has been partly caused by a lack of infrastructure and limited connectivity with the rest of the country.

People from both the Tarai and the Karnali region have suffered discrimination and political exclusion at the hands of the ruling elite of the Kathmandu valley, and have been viewed with suspicion because of their close ties to people living across the border – in India or Tibet.

19: Nepal Background 2

In 1996, Maoists declared a ‘People’s War’ against economic and political marginalisation, seeking to overthrow the monarchy and establish a People’s Republic. Their support base came from groups who were physically or socially on the margins of the Nepalese state – including women, janajatis, dalits and Madhesis.

After the massacre of the royal family in 2001, the new king Gyanendra declared a state of emergency. His growing authoritarianism eventually brought the mainstream political parties and the Maoists into an alliance, and triggered the 2005 People’s Movement. The Comprehensive Peace Agreement was signed in 2006, which resulted in the abolition of the monarchy and an agreed commitment to state reform.

20: Nepal Background 3

After the peace agreement, new forms of conflict emerged with Madhesi groups from the Tarai demanding greater equality and recognition for Madhesi regions. These new political groups partly emerged as a result of Maoist mobilisation during the People’s War when several ethnic and regional fronts were established.

In 2015, a new constitution failed to meet Madhesi demands, prompting the economic blockade at the Indian border. The crisis de-escalated when the government proposed an amendment to the constitution.

21: Nepal Background 4

In the same year, a Truth and Reconciliation Commission (TRC) and a Commission of Investigation on Enforced Disappeared Persons (CEIDP) were established. Although these mechanisms provided victims with a channel for voicing their demands, concrete examples of justice were slow to emerge and by 2018 the government had failed to implement changes to legislation as directed by the Supreme Court in 2015.

In 2017, Nepal held local, provincial and parliamentary elections, devolving new powers to the provinces, cities, towns and village municipalities.

22: Bhagiram: brokering memory and justice

During the war, Bhagiram was a Maoist political organiser in Bardiya, a district bordering India in the Western Tarai. It experienced very high levels of violence and disappearances during the war. Echoing Batticaloa’s position as a ‘dual periphery’ in Sri Lanka, Bardiya has

been peripheral both to the centre in Kathmandu, and at times to the post-war Madhesi struggle centred in the Eastern Tarai.

Bhagiram was well known and embedded in the communities of Bardiya because of his work for the Maoists.

His brother and sister were also Maoists.

One day, on the way back from her uncle's place, his brother and sister-in-law were arrested. The army discovered a diary containing prohibited revolutionary songs.

The couple were arrested and subsequently disappeared, never to be seen again.

This was one of many such incidents during the war in Bardiya.

23: Bhagiram 2

After the war, representatives of Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Committee of the Red Cross (ICRC) investigated human rights violations in Bardiya. Bhagiram learned about human rights from these organisations. This spoke directly to his own experience, and he became involved in advocacy work.

Bhagiram used his own connections and worked with an established community network (the Conflict Victims Committee (CVC) to gather testimony of crimes and abuses committed by the police/army and the Maoists (though this is a sensitive area given his previous role as a Maoist). The CVC registers wartime disappearances with the authorities.

Bhagiram and the CVC raise victims' demands in Kathmandu and Bardiya to put pressure on the government to deliver truth and justice. In 2008 he is appointed as head of an office in Gulariya, the district centre, becoming a vocal spokesperson for victims' groups.

His work involves managing tensions between local demands from victims, (which often prioritise restitution and economic rights), international activists whose work is informed by a more legalistic understanding of justice, and political elites who argue for amnesties. His work is also highly personal as he is motivated to seek the truth behind his own loss.

Bhagiram is pragmatic in his pursuit of justice and accountability. He leverages international resources and linkages and uses his relationship with foreign staff to enhance his standing in the community (by getting international staff to pick him up from his village), and in one instance, to encourage an INGO to establish its office in his region.

The relevance of Bhagiram's role dwindles over time. National-level progress on transitional justice has been very slow, while donor engagement and funding has grown more limited. There is growing frustration in the periphery at the lack of progress, whilst rights groups at the centre are increasingly politicised by the established parties. Bhagiram is caught in the middle, unable to satisfy any of his constituencies. He finds it hard to make a living in what is essentially a voluntary position.

By 2016 Bhagiram has taken up a central role in the central level victims committee but is also considering moving into another line of work – including carpentry, driving, or perhaps a move to the Middle East.

His fluctuating fortunes as a broker are part of a wider post-war story in which borderland demands for justice and accountability initially came to the fore, but have then been pushed off course in the jockeying for power that intensified after the war.

24: Tula: representing marginal communities at the centre

Tula is a member of the marginalised Madhesi community from the eastern Tarai. His home district – Saptari – has long been an intellectual hub and centre of political activism, with strong cross-border connections. It has been a focal point not only of the recent Madhesi movement but also the earlier anti-Rana movement.

As a young man Tula was largely uninterested in politics. His political awakening came when he moved to the border town of Janakpur for further studies and became involved in the 1990 Jana Andolan democracy movement. Political activists looked across the border both for inspiration and to escape from political repression in Nepal.

Tula left the Tarai to further his education studying engineering in Kathmandu. It was here that he witnessed ethnic exploitation and discrimination most starkly. In a defining moment he saw his father assaulted and humiliated in the street.

After qualifying, he experienced discrimination when finding an engineering job.

In response he tried to create his own organisation representing Madhesi engineers. He became increasingly frustrated at the lack of job opportunities and channelled this into politics and attempting to tackle discrimination against Madhesis.

He found few allies among fellow Madhesis in the capital who were risk-averse and reluctant to fight against discrimination for fear of losing their jobs.

25: Tula 2

By this time the war had broken out, but Tula found that the Maoist framing of the struggle in largely class terms failed to address the specific needs of Madhesi groups

Inspired by the Madhesi Andolan in 2007, Tula went on to establish the Nepal Madhes Foundation in Kathmandu: a research and advocacy-oriented NGO focused on publicising and promoting dialogue about the difficulties facing Madhesis. NEMAF produces reports on the socio-economic and political situation facing people living in the Tarai, and holds workshops and dialogues about human rights and conflict resolution.

Tula became a prominent media voice representing Madhesi interests. Yet he also maintained a distance from party politics and was often critical of the Madhesi leadership.

He was invited on several occasions to provide recommendations to the government on Madhesi issues and constitutional discussions.

Although Tula lives in Kathmandu he remains a borderland broker because of his continued role as an advocate for the demands of Madhesi communities at the margins. He would like to engage directly in grass-roots activism in the Tarai but he has prioritized being a change agent in Kathmandu where the obstacles to political transformation are rooted.

His story shows the struggle between pragmatism and principles that many individuals face in post-war transitions. He must balance his desire to remain a legitimate voice for the Madhesi population, against his need to influence politicians and attract funding from donors to continue his work and promote Madhesi empowerment. He risks being pulled into the ‘dirty’ world of party patronage or the seductions of funding. Tula is personally conflicted by these tensions – he struggles to reconcile his middle-class life in Kathmandu with his desire to represent his home constituency in the Tarai.

26: Conclusions

The armed conflicts in Nepal and Sri Lanka ended quite differently, but both post-war transitions were messy and conflictual. Although there been no return to war, the underlying causes of conflict remain unresolved. New forms of contention, sometimes violent, have emerged, from the edges of the state.

What happens at the margins shapes the character of post-war transitions. Changing relations between centre and periphery have animated debates in Sri Lanka and Nepal on constitutional negotiations, power sharing, minority rights, and the distribution of the economic benefits.

The lives of brokers show the contested nature of war to peace transitions; they are rarely smooth and linear, and they involve multiple moments of rupture. Brokers respond to, but are never fully in control of, these moments of change. They manage tensions and contradictions but never fully transform them – they connect the centre with the periphery, the outside with the inside, the new with the old. They benefit from, and often actively promote an ongoing process of ‘unsettlement’ in which core political issues are kept in play but are constantly deferred.

A ‘borderlands perspective’ has important implications for peacebuilders including the need for; long-term strategies that engage with the conflictual politics of post-war transitions; a focus on the subnational and transnational factors that shape political and economic change at the national level; an ability to identify and support brokers or spaces that give voice to borderland concerns; a greater sensitivity to the distributional impacts of post-war policies across sub-national regions.

27: Methods/ethics

In this illustrated essay we have sought to shed light on the everyday challenges and tensions that shape the lives and experiences of borderland brokers and those living in borderland regions.

The comics format allows us to portray the complexity of brokers' lives and how they intersect with these wider transitions. This medium helps us to challenge established notions of time and space: the idea that peoples' lives are like a straight line, or that borders are natural. These accounts also confront common stereotypes about such characters, who may be depicted as heroically standing up to authority or as opportunistic 'fixers'.

We have taken a participatory approach, where respondents are interviewed several times and consulted throughout the production process. We have chosen to prioritize respondents' own accounts of their lives, though the life histories also draw on a larger number of interviews.

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