

POST-WAR DEMOCRACY

BUILDING INITIATIVES IN SRI LANKA

(2015 – 2019)

Lessons Learned



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Post-war Democracy Building Initiatives in Sri Lanka 2015 – 2019: Lessons Learned

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Chapter Three

The Role of External Actors and Democratic Reforms by

Dr. Menik Wakkumbura

Introduction

For a small island state like Sri Lanka, which is located strategically at the center of the Indian Ocean close to the South Asian subcontinent, interacting with external actors in a variety of forms is by no means a novel phenomenon. The internationalization of the ethnic problem made Sri Lanka's domestic politics a matter of intense political debate in other countries, especially in the West, and the international involvement in the form of facilitator or mediator to promote a negotiated settlement to the ethnic conflict was witnessed periodically. The international attention and the pressure of external actors on the domestic affairs of Sri Lanka entered a qualitatively different new phase after the defeat of the LTTE militarily in 2009. In this context, international pressure, especially from the West, to have a credible investigation into the alleged human rights violations and breach of international humanitarian law at the last stage of the war was mounting. In the period 2009-2015, Sri Lanka's strategic drift towards the countries that backed her in global diplomatic theatres during the last phase of the war and thereafter the war and the re-charting of foreign policy priorities of Sri Lanka after the war is clearly visible. As a result, relations between the major Western powers and Sri Lanka deteriorated rapidly during President Mahinda Rajapaksa's second term. Hence, one of the tasks that the National Unity Government (NUG) had was to repair the strained relations with the Western powers. The opponents of NUG interpreted the close and amicable relations of NUG with the West as a sign that NUG was being maneuvered to power by external powers, mainly the Western President Maithreepala Sirisena of NUG has been mandated to collaborate with external partners, including state and non-state actors, especially those allied to the West⁸. The change and continuity of the role of external action and the responses on the part of NUG would set the scope of this chapter.

The 2015 presidential electoral campaign popularised “good governance” (*yahapalanaya*)—symbolising the end of the autocracy and corruption of the Rajapaksa

⁸ The ‘West’ has traditionally represented the countries that have allied with USA. In international relations the “West” is also interpreted as a *power zone* that includes USA, the United Kingdom, Germany, and France. According to some other interpretations, the “West” represents the region of North America and Western Europe. The world's most powerful financial institutions, such as the International Monetary Fund (IMF) and the World Bank (WB) are considered to be part of “West”.

government. The campaign won the hearts of external actors through supporting the country's democratic changes, i.e., abolition of the Executive Presidency, strengthening parliamentary democracy and attention to post-war reconciliation. After the presidential election, the winning candidate President Sirisena reached out to international audiences and appraised his vision of "*maithree-palanayak*" (a compassionate government) and the political direction for a "new era of democracy". He expressed his vision at the United Nations General Assembly on September 30th, 2015, first appearance at a large international audience. The West, particularly USA, openly made public commentaries in favour of the victory of President Sirisena, in which they commended the new office as a "symbol of hope". (The White House, Office of the Press Secretary, January 9, 2015). Besides, countries like India and China—considered as "non-West" states—also expressed their willingness to development and foreign investment. In the consideration of post-war reconciliation, the NUG was requested to collaborate with United Nations Human Rights Council's (UNHRC) resolutions. In terms of other external relations, the Sri Lankan Tamil diaspora played a significant role in promoting the new government of President Sirisena. The Sri Lankan Tamil diaspora held tight relations with the Tamil National Alliance (TNA) to demand the Tamil political mandate for the full implementation of the 13th Amendment of the Constitution—recognising the rights of Tamils live in Northern and Eastern Provinces of the country.

This chapter is an important opening to the diverse role of external actors during the NUG. It begins by conceptualising terms such as international intervention, human rights, democratic reforms, international cooperation, and the use of international public sphere. This chapter discusses how external influences have taken place in a variety of ways, in which areas and their reactions during the NUG. Finally, the chapter offers an evaluation of how domestic reactions have responded to external actors.

Theoretical and Conceptual Backdrop

It is evident that beyond the Westphalia state-system, the world realised the willingness of state actors to collaborate on world peace and security. There are approaches of international cooperation for the realisation of human rights, humanitarianism, peacekeeping, and peacebuilding, where states affected by conflicts are often subject to international cooperation. However, some external influences are cooperative whereas others are forceful. The term "international intervention" is used to discuss such external use of enforcement by forceful means. According to Autesserre (2014), international intervention extends beyond

traditional military intervention to encompass a broader range of issues, such as humanitarian, human rights, democracy, development, and environment, with the enforcement of both state and non-state groups interfere other states. It is also possible to see some of the world's powerful states and institutions establish intervening structures and policies, which countries power is relatively less are under pressure for execution.

Certain scholarly arguments contend with this view and consider international intervention in a positive manner. Post-liberal peacebuilding, for example, investigates how some peacebuilding interventions are collaborative for war-torn societies (Richmond, 2012). In the liberal peace debate, liberal institutions guide weak societies that have gone through violence to establish liberal institutions. The use of external intervention to establish mechanisms to protect human rights and democratic institutions is widely discussed in post-war literature (Chandler, 2006; Sinclair, 2017). Promotion of democracy and advocacy of human rights come under the debates such as “humanitarian intervention”. Countries like Afghanistan, Congo, and Cambodia, which have gone through violent wars and conflicts, are some key examples of how democracy building projects with humanitarian intervention took place. Some important international mandates like “Responsibility to Protect” (R₂P) endorsed by the UN in 2005 looks at states’ responsibility to protect its citizens. Such failures to protect its citizens could lead to international intervention—not as pure cohesive means of influence but as an international obligation to return those places back to ordinary societies where citizens are protected. In the current context, the democracy building project has expanded its traditional mandate of transforming societies into democracy—influenced by international standardisation attempts at human rights, economic well-being, environmental protection and many other as obligatory concerns.

External influence in democracy building may also result in long-term domestic issues. Therefore, the scholarship of externally driven democratic reforms questions how far external actors can be fair and neutral. The UN set forth its global mission at the Millennium Declaration in 2000, and the member states recommitted to the protection of human rights, the rule of law and democracy, recognising that they are interlinked, mutually reinforcing and that they belong to universal responsibility. This commitment was reiterated by member states in 2007 in the General Assembly Resolution A/RES/62/7. Empirical literature on post-war peacebuilding reflects on international cooperation towards building democratic institutions, establishing legal systems for justice, and protecting human rights (Leblang, 1996; Krasner, 2005). Linking relief and development, the world’s development assistance

programmes have become another key enforcement for both peacebuilding and democratic reforms. According to Zeeuw (2001), there are “triple transitions” in a war-torn society: the social transition from war to peace, the political transition from authoritarianism to participatory democracy, and the socio-economic transition from regaining the entire society. Therefore, Zeeuw’s debate directs on the unavoidability of external cooperation in the typology of transition. These external interventions have more influence on changing the social structures, such as external policy revisions to reach to long-term establishments like eradicate poverty and development.

External Actors: A Typology and Their Stances

The civil war which continued for more than two decades (1983-2009) had a negative impact on Sri Lanka’s democracy. People experienced mass scale civil unrest. There were several suicide bombings,⁹ displacement,¹⁰ wartime disappearances, and destruction of individuals’ property that lasted as long-term consequences. External support for democratic reforms, which was not a new experience to Sri Lanka, became an urgent requirement in the aftermath the civil war. Through such reforms, finding a political solution to post-war recovery, including solving Tamils’ self-determination problem, ethnic co-existence, and the country’s economic development were key expectations. Attracting foreign investments and maintaining donor support were also critical for the post-war economic agenda.

The NUG was compelled to regain international support for democratic reforms—both constitutional and post-war reconciliation—by achieving a workable solution to some of country’s ongoing issues. The external actors’ intention for Sri Lanka’s democratic reforms is significant due to failures in the democratic outlook over the period of time due to political corruption. The UN and the USA largely criticised Sri Lanka for disregarding the democratic pathway for post-war recovery and justice—these criticisms were set forth in the process of the accountable and fair post-war recovery agenda as requested by the UNHRC since the end of the civil war. International displeasure about Sri Lanka’s weak governance

⁹ There were several LTTE suicide bomb blasts targeting significant places including the Central Bank of Sri Lanka in 1996, the World Trade Centre in 1997, the attack on the Temple of the Tooth Relic in 1998, and the attack on the international airport in 2001.

¹⁰ Sri Lanka experienced large-scale internal displacement due to the civil war. The government opened Internally Displaced People (IDP) camps in several areas such as Jaffna, Vavuniya, Mannar, and Trincomalee. Among the IDPs, Muslim communities were located in Batticaloa and the Sinhalese communities in WeliOya/ManalAru. As of September 2007, the total number of IDPs was calculated as 503,000 and many were added during the last stage of the war from 2008 to 2009 (UNHCR Global Appeal, 2009, p. 2-3).

mechanism was primarily urged through the West in terms of constitutional reforms to reduce presidential executive powers and fair approach to devolution of power. It should be also noted these external proposals for democratic reforms were instigated not only due to mismanagement of governance during the UPFA but also the increasing geopolitical interests over Sri Lanka— that some key external players including USA, India and China were competing on each other for Indian Ocean trade and security competition. These three powers leveled up their keen attention towards domestic political affairs of Sri Lanka. Thus, post-war democratic reforms in the country reflected complex interests of external actors.

There were several reasons why the Rajapaksa government received international criticism. The ideological propaganda of the UPFA's war victory by defeating the LTTE was depicted as a modern version of the historical chronicle of King *Dutugemunu's* victory against the Dravidian king *Ellara* for conquering Anuradhapura in 162 BC. President Rajapaksa was portrayed as a modern Sinhalese great hero (*Maha-Raja*) who united the country by defeating ruthless terrorism that attempted to divide. At the end of the civil war, President Rajapaksa's systematic political propaganda received massive public support, including from Sinhala nationalist groups such as *Jathika Hela Urumaya* (JHU) and Buddhist religious groups that held a religious-extremist stand: *Bodu-Bala Sena* (BBS), *Our Power of Political Party* (OPPP), and *Ravana-Balaya*. Some Buddhist religious extremist forces sought attempts to subjugate minority communities in the country and also led campaigns against external actors like the UN and USA, targeting them as foreign forces threatening the country's sovereignty.

There were different roots promoting Sinhala Buddhist extremist views in the country. In June 2014, Sri Lanka experienced several incidents of communal violence between Sinhalese and Muslims in Aluthgama, a Muslim-populated town located in the South-Western coastal area. This was followed by several other incidents in Theldeniya, Kandy and parts of Ampara. Some Sinhala Buddhist extremist campaigns were led by BBS and politicians such as Wimal Weerawansa and Athuraliye Rathana Thero. Weerawansa, who is the leader of *Jathika Nidahasa Peramuna*, on one occasion carried out a public protest against the UN's involvement in Sri Lanka. He participated in a deadly protest in which he called "fasted unto death" by blocking the United Nations Development Programme (UNDP) compound in Baudhaloka Mawatha, Colombo. These individual incidents, yet more powerful in propagating public opinion, stood against some external actors.

The UPFA is alleged to have delayed Sri Lanka's war recovery. Despite some progressive actions in rebuilding the country after the civil war there were issues related to the investigation process of war crimes, reparation for family members of missing persons, and establishment of transitional justice. These setbacks sparked international outrage, opening the government to blame. In a 2013 NDTV media interaction, the British Prime Minister David Cameron, visiting Sri Lanka for the Commonwealth Heads of Government Meeting (CHOGM), criticised the Sri Lankan government openly:

I told President Rajapaksa that there is need for a credible, transparent and independent internal inquiry into the events at the end of the war (against LTTE) by the end of March. If that does not happen, I will use our position in the UN Security Council to move the UN Human Rights Commission and work with the Rights Commissioner for an independent inquiry (NDTV, 16 November 2013).

On a number of occasions, President Rajapaksa openly criticised external actors and their involvement in domestic matters. At the 68th United Nations General Assembly in New York in September 2013 (a month before the CHOGM held in Sri Lanka in November 2013) President Rajapaksa made a speech about protection of national sovereignty and non-influence. In his address he mentioned:

It is disturbing to observe the growing trend in the international arena, of interference by some, in the internal matters of developing countries, in the guise of security, and guardians of human rights. Therefore, we continue to witness agitations the world over, leading to violence and forcing political change accompanied by turmoil (UN General Assembly, 2013).

The speeches made by the President Rajapaksa caused international dismay due to his nationalist views in favour of Majoritarianism (favoring Sinhala) war heroism. Some Sinhalese extremist slogans popularised by the President Rajapaksa, such as "First mother-nation, second mother-nation and third mother-nation" (*palamuwa-maubima, devanuwa-maubima, thewanuwa-maubima*), led to extensive political ideological promotion among his voters. Amongst such circumstances, international criticisms continued. Since the end of the civil war, Sri Lanka entered a period of instability of foreign ties. This was largely due to the UPFA government's refusal to cooperate with the United Nations and distancing with the USA. The UNHRC Commissioner Navi Pillay mentioned that the Sri Lankan government had shown "no new or comprehensive efforts to independently or credibly investigate the allegations which have been of concern to the council," (Oral Update,

UNHRC, 2013). Later, the Dharushman Report (2011) was issued after a United Nations independent investigation on the human rights situation in Sri Lanka.

While meeting external pressure for post-war recovery, Sri Lanka had another major task of balancing Indian Ocean politics. In the light of geostrategic shifts in the Indian Ocean, Sri Lanka had to consider balancing country's biggest trade partners, i.e., China, India, and the USA. President Rajapaksa's ties with China for large investment projects and Chinese economic inflows¹¹ create an imbalance in diplomatic ties with three great powers. Sri Lanka-China affairs have posed a threat to the island's proximate neighbor, India, making them vigilant regarding Sri Lanka's internal external affairs since ending the civil war. The Sri Lanka-China closeness also created a security quandary for Barack Obama's Indo-Pacific strategy.¹² India stood against Sri Lanka at a number of international fora, especially the UNHRC resolution on "promoting reconciliation and accountability" in 2012 despite being one of the 24 countries that supported the UNHRC resolution. This was in response not only to Sri Lanka's post-war mandate but also as a reaction to Sri Lanka's unbalance foreign policy in the Indian Ocean. On many occasions, India's strong position on Indian Ocean security has been viewed through the prism of their interest in Sri Lanka.

The NUG and External Actors

There are several key engagements of external actors for state reforms during the NUG. Such reforms were mainly in the constitutional reform and peace reform sectors. Countries like USA and India influenced for these reforms whereas United Nations played a key role in the peace reforms. The Sri Lankan Tamil diaspora was in the center to pressure rights of Tamils in the constitutional reforms. The entry of such external actors favoured the common candidate, President Sirisena, primarily due to his electoral promises about the abolition of the executive presidency—that would led to an democratic approach for parliamentary decision making. Some Colombo-based NGOs started lobbying to the UNHRC requesting support of a necessary involvement—they voiced for both constitutional change to strengthen parliamentary democracy and accountable action towards transitional justice and protection of human rights in Sri Lanka.

¹¹ China is currently the largest investor in Sri Lanka, with nearly \$15 billion in funding and investment (2015). The Chinese investment strategy focuses on the One Belt One Road (OBOR) initiative, with the goal of making Sri Lanka the main trade island hub in the Indian Ocean.

¹² The USA initiated the "Indo-Pacific" strategy under President Barak Obama (2012), which focused on regional ties between Asia and the Pacific. This strategy focused on the military, economic, and foreign policy interests of the USA.

The UNHRC's entry was a major external influence on Sri Lanka's post-war agenda. The UNHRC since 2015 primarily focused on policy changes. It directed the NUG towards achieving justice and reconciliation and several peace and justice related institutional establishments to meet transitional justice. The UNHRC's primary concern was achieving justice, truth, reconciliation, and non-recurrence—the four main thematic areas that were mainly emphasised. Resolution 30/1 (2015) of the UNHRC became the most appealing proposal that the NUG agreed to “co-sponsor”. Since 2015, several other resolutions were also adopted unanimously as A/HRC/RES/34/1 (2017) and A/HRC/RES/40/1 (2019), urging to implement Resolution 30/1 and seek timely and accountable action to meet justice and reconciliation. The three corresponding resolutions contained 36 distinct commitments that fell into five broad thematic categories, such as transitional justice and reconciliation, rights and the rule of law, security and demilitarisation, power sharing, and international engagement.

The strict command of the UNHRC was later observed when diplomats and high-level officials in the Sri Lankan Foreign Service delegating at the UN were compelled to regularly brief on progress. When the NUG was elected, the UN's first appeal was to re-establish UN enforcement of the transitional justice mechanism. In his address to the UN General Assembly in September 2015, President Sirisena stated that it is a “new era of democracy”, and that his government intends to move forward with the UNHRC process. It was observed in the Sri Lankan efforts of the new peacebuilding framework encouraged by the USA and their western ally.¹³ As stated by the US State Secretary John Kerry in his press release regarding Sri Lanka's position on co-sponsoring the UN resolution A/HRC/RES/30/1,

Today the United States, Sri Lanka, and our partners tabled a resolution at the UN Human Rights Council in Geneva that represents a landmark shared recognition of the critical importance of truth, justice, reparations, and guarantees of non-recurrence in promoting reconciliation and ensuring an enduring peace and prosperity for all Sri Lankans. The Sri Lankan government's decision to join as a co-sponsor paves the way for all of us to work together to deliver the commitments reflected in the resolution. (US-Embassy of Sri Lanka, 2015)

Sri Lanka showed a few more developments with the support of external actors. The country had entered into the Open Government Partnership (OGP)—a global multilateral

¹³ The UNHRC Resolution A/HRC/RES/30/1 was adopted without voting. Sri Lanka agreed to “co-sponsor” it.

initiative. At the first conference on October 28, 2015 in Mexico, the Justice Minister Wijayadasa Rajapaksa addressing the conference committed to action for democratic reforms, constitutional changes in favour of the parliamentary system, fighting corruption, strengthening the rule of law, freeing the judiciary from political meddling, and encouraging reconciliation. The OGP was encouraged by the USA. It is evident how bilateral relations between the USA and Sri Lanka gradually improved since 2015 due to progressive steps taken by the Sri Lankan government.

The NUG had to deal immensely with the Sri Lankan diaspora. The Sri Lankan diaspora became largely active through the Tamil diaspora that claimed for Tamils' rights reflecting how crucial the international civil society is in the ethnic rights' claim. Based on a number of key informant interviews conducted for the purposes of this book project, it can be concluded that the Sri Lankan Tamil diaspora and its political influence on the Northern and Eastern Provinces were visibly clear during the NUG. The TNA was also a pressure factor. The TNA leader, R. Sampanthan, stated a month before the presidential election in January, 2015 that "Mahinda Rajapaksa's regime is particularly harmful to the well-being of Sri Lanka's Tamil speaking people" (*Colombo Telegraph*, 30 December 2014), while the SLMC leader, Rauf Hakeem, resigned from the UPFA and willingly joined the newly elected NUG in February, 2015. The NUG's receipt of support from minority political parties was ingrained not only as a whole local imperative, but also as a result of international lobbying. According to statistics, more than 8 million Sri Lankan Tamils living in the UK, Canada, Australia, India, and Scandinavian countries became one unitary force dominating the international public sphere to lead the propaganda for the government change in 2015. Two notable organisations, called Global Tamil Forum (GTF) and British Tamil Forum (BTF), began lobbying for "Delighted Justice or Denied Justice", winning a political solution to Tamils' rights and persuading the common candidate's victory. The Tamil diaspora demanded rights for Tamils and insisted on the full functioning of the 1987 Provincial Councils Act.¹⁴

International civil society groups held many public protests and campaigns to change the public opinion about country's future and democracy. These campaigns supported by both

¹⁴ President J.R. Jayewardene (former president of Sri Lanka) proposed the 13th Amendment to the Constitution, bringing forward the Provincial Councils Act of 1987. The result was the merging of the Northern and Eastern Provinces in 1988. The 13th Amendment was a political landmark concerning power devolution and finding a political solution for the Northern and Eastern Provinces.

Sri Lanka's civil society organisations and NGOs in favour of the common candidate's victory. There was a significant increase in human rights activism in the promotion of minority rights. Colombo-based NGOs began international lobbying, openly debating the necessity for human rights protection. They were also supported the truth mechanism and expediting the reparation process. As stated in the Focus Group Discussion held for primary data collection, some leading civil society leaders emphasised the importance of Sri Lanka's civil society for the country's constitutional changes. They identified a number of key engagements in the inception of the NUG such as top level policy dialogue, wide reportage on UPFA government's issues, and simultaneously attempting on confidence building efforts to regain trust of ethnic communities. There were several government initiatives to collaborate with the civil society proposals on confidence building. The lifting of the travel ban on foreigners, media personnel, and foreign reporters entering the Northern and Eastern Provinces under the "100-days Programme¹⁵" of the NUG were taken place. The international community also turned in favour of the government with some of these rapid policy changes. European Union (EU), as the largest regional body absorbing Sri Lanka's garment exports, became crucial to Sri Lanka's standpoint on post-war recovery including human rights protection. One of the remarkable achievements of the NUG was to convince the EU on the removal of the temporary ban held for the GSP+ during the Rajapaksa government due to ongoing human rights issues. In 2017 the NUG convinced the EU about accountable action for the protection of human rights, its dedication to UN resolutions, and progressive path for the 19th Amendment to the Constitution.

Balancing between India and China was important to the NUG. Sultana (2015) examines India's standpoint during the NUG, stating that the 2015 government change of President Sirisena brought India back to regaining trading ties with Sri Lanka. President Sirisena made his first foreign visit to India after taking office under the new government. A few months later, Prime Minister Narendra Modi became the first Head of State to visit Sri Lanka. That concretised the friendship and the requirement to maintain diplomatic ties with the island's proximate great power. During the NUG, President Sirisena appeared to lessen the tension between India and Sri Lanka unlike when President Rajapaksa was in power, engaging extensively with China. India-Sri Lanka ties have a good record of bilateral

¹⁵ President Maithreepala Sirisena's "100 Days Programme" had 100 objectives in the fields of public and private sector development, welfare, relief, sustainable development, technology, education, etc. It was a main task of the interim cabinet appointed for 100 days starting 12 January 2015.

history. They recovered during the NUG. There was a significant increase in import and export trade between the two states during 2015–2019, making 2017 the highest reported in total machinery trade since 2002 (High Commission of India, Sri Lanka). Since the India-Sri Lanka Free Trade Agreement (ISFTA) was signed in 2000, the two countries have enjoyed a great number of graded transactions. India also performed well as a major development partner for Sri Lanka. India played a key role in Sri Lanka's post-war recovery through several key projects, i.e., a) housing reconstruction projects and rehabilitation of families affected by the war; b) support for refugee migration; and c) livelihood assistance. As reported by the Indian High Commission in Sri Lanka, India's commitment to the construction of 50,000 is one of its largest housing grants abroad. Since the official visit of Prime Minister Modi to Sri Lanka in May 2017, housing grants were increased for IDPs, including voluntary refugee returnees arriving from Tamil Nadu. Housing grants were also deployed to the tea-plantation sector in the Uva and Central Provinces. Overall, 62,500 housing units were pledged from the Indian government as per data revealed at the end of 2018.

Since President Rajapaksa's defeat in 2015, China's ideological interest in Sri Lankan investments waned slightly. Despite China's preference for the leadership of President Rajapaksa, under the new government of the presidency of Sirisena the country had to move ahead with Sri Lanka-China bilateral ties due to a few unavoidable reasons. One major reason was the "One Belt One Road" (OBOR) Initiative. China had committed a great number of investments to Sri Lanka, making it a Chinese regional hub in the Indian Ocean. President Sirisena on several occasions criticised China for overloading Sri Lanka's debt through the Hambantota Port and Colombo harbor projects. The recovery of the debt trap was a nightmare for Sri Lanka because it could not deviate from long-term debts offered by China unless it counted on debt restructuring with continued ties. However, critics show that *realpolitik* makes more sense in Sri Lanka-China affairs in the current context, making it continue during the NUG. Prime Minister Wickramasinghe's visit to Beijing in April, 2016 resulted in the signing of a new agreement, the "All-weather Partnership." In 2017, President Sirisena handed over the Hambantota Port on a 99-year lease and in later months extended the land proportion of Colombo Port City to China. These engagements show the NUG's continuation of ties with China for compelling reasons such as trade and security.

Policy and Approaches of the NUG towards External Actors

The NUG took several vital policy reforms with obligations of external actors in two main aspects: constitutional reforms and peace reforms. The NUG's democratic direction and expectations were shaped by the influence of the USA in forming a government adhering to good governance. Some events, like the NUG receiving a bailout from the International Monetary Fund (IMF) when it released a package of USD 1.5 billion in May 2016, demonstrated the international will to accept the NUG's democratic pathway. The IMF's assistance was a precursor to the country's ongoing, severe debt crisis; it was also a positive gesture towards the government's vision.

In the context of post-war reconciliation and the UN's involvement, Sri Lanka went far beyond its traditional peacebuilding efforts, with the UNHRC serving as an investigative mechanism. The UN embarked on the "Peace Priority Plan" (PPP, 2016) to post-war recovery which mandated adherence to truth, justice, reconciliation and non-recurrence. Addressing a high-level meeting at the UN Headquarters, Ambassador Rohan Perera, who was the Permanent Representative to the UN mentioned,

Sri Lanka has emerged from a long drawn conflict and for the past three years, the National Unity Government has embarked on a process of peacebuilding and reconciliation in the country. The funding Sri Lanka received from the Immediate Response Facility and the longer term funding that has been made available to us for a multitude of areas such as resettlement, obtaining technical advice and expertise to set up the Office of National Unity and Reconciliation and the Secretariat for Coordinating the Reconciliation Mechanism, has been invaluable (UN High Level Meeting on Peacebuilding and Sustaining Peace, 2018).

A few key policies and institutional establishments occurred on the ground as a result of such UNHRC proposals. The Consultation Task Force for Reconciliation Mechanisms (CTF) was formed in 2016 with the intention of completing a survey on a nation-wide consultation on truth, justice, reconciliation and non-recurrence mechanisms. Sri Lanka's first policy implementation titled "The National Reconciliation Policy" was enacted in September 2015 due to its commitment to the UNHRC proposals. This policy came into force under the Ministry of National Integration and Reconciliation. The country would implement several policies of reconciliation, including building local awareness in terms of truth, non-recurrence, and justice, by establishing the Office of National Unity and Reconciliation under the guidance and administration of former President Chandrika Bandaranaike Kumaratunga. Meanwhile, Act No. 14 established the

Office of Missing Persons (2016). The establishment of the Office of Reparations was proposed to deal with compensation/reparation for war-affected people. Nevertheless, the Office of Reparations is still in operation, whereas the Reparation Bill was never materialised by the NUG.

Due to external encouragement for national reconciliation, it was clear that the Sirisena-Wickramasinghe collaboration compelled the functioning of the UNHRC resolutions. The government allowed issuing standing invitations to UN special procedure mandate holders for country visits. The UN Working Group on Enforced or Involuntary Disappearances (WGEID) was invited to visit Sri Lanka (9-18 November, 2015). The last visit by the Working Group had occurred in 1999 (16 years ago). The Working Group was granted access to all sites requested including the Navy Base in Trincomalee. The UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence visited Sri Lanka in March-April 2015, in a technical capacity. These events and visits strengthened the relationship between the Sri Lankan government and UN mechanisms.

In terms of Sri Lanka-USA ties, there was a gradual increase of confidence in bilateral relations between the two states. In February of this year, Sri Lankan Foreign Minister Mangala Samaraweera visited Washington DC to inaugurate the first “USA-Sri Lanka Partnership Dialogue”. The dialogue focused on governance and development cooperation. The Joint Statement, released on February 29, 2016, noted Sri Lanka’s “pivotal geo-strategic location within the Indian Ocean Region” in terms of strengthening maritime security (Curtis, 2016). It further expressed US support for constitutional and legislative reforms in Sri Lanka, including the repeal of the Prevention of Terrorism Act No. 48 of 1979, and called upon the government to return lands in the north to their original owners (some 64,000 acres reportedly was under military control). Due to the enhancing goodwill relations between the two countries during the NUG, many key officials visited Sri Lanka. Another crucial aspect of the bilateral ties between USA and Sri Lanka was the offering of financial and technical support under “The Millennium Challenge Cooperation Agreement”, the most contested and debated US assistance programme proposed to be signed in Sri Lanka, as an incentive for the country’s democratic pathway. The USA’s bilateral ties were influential as they could tie-up the obligation to the NUG to adhere to constitutional reforms including the 19th Amendment,

and hold the parliamentary election in August 2015. USA's soft incentives like technical support for educational and development activities and financial incentives made bilateral relations much more stable.

Implementation of the 19th Amendment, a remarkable moment in constitutional reforms in Sri Lanka's political history. It resulted in several drastic democratic changes. The 19th Amendment has limited the Executive President's powers in the country while strengthening the parliamentary system and establishing independent commissions. The constitutional reforms were under both local and international pressure. The appeal from the Sinhalese civil society to the NUG directed towards good governance by implementing the 19th Amendment and promoting constitutionalism, gathered momentum. The NUG's constitutional reforms have been largely supported by some progressive civil movements in the country. The National Movement for Social Justice (NMSJ), led by Buddhist monk Maduluwawe Sobitha Thero reached a number of local communities supporting the 19th Amendment. The international community supported this local movement for its competency in pressurising the NUG to work towards the promised constitutional changes. Another remarkable feature was the support of the minority groups. Sri Lankan Tamil diaspora, linked with Sri Lanka's Tamil political parties, particularly the TNA, came up with a political mandate, demanding three rigid proposals from the NUG. The proposals were i) full implementation of the 13th Amendment to the Constitution, which imposes administrative powers on Tamil-speaking areas and accepts Tamil determination rights, ii) impartial judicial inquiry for war-crimes, and iii) a holistic approach for justice and reconciliation.

External actors in the range of development assistance were also pivotal to development policy. President Sirisena continued with traditional donors including the World Bank, Asian Development Bank (ADB), EU, and UN Agencies, and some significant changes resulted. Along with national reconciliation efforts and the "100-Day Programme", the government released a significant amount of land from military occupation in the Northern and Eastern provinces since 2015, making it one of the significant government efforts to accelerate resettlement. As a result, the two provinces were feasible and accessible in terms of funds for local projects such as road development (*Maganeguma*), village development (*Gamperaliya*), livelihood projects, micro-financing,

and reconstruction. Moreover, the NUG held some aid programmes¹⁶ for local governance projects, including major donors like the World Bank, ADB, and Australian Department of Foreign Affairs and Trade (DFAT). In 2018, the Ministry of Provincial Councils and local governments held periodic meetings to report on the contributions of the three most active donors to local governance. They were the World Bank-International Development Association (IDA), ADB, and the DFAT. IDA credit of USD70 million was supplemented by DFAT's \$20 million, the Government of Sri Lanka's USD14 million, and the citizens of the Northern, Eastern, and adjoining provinces' USD2 million. With the prospectus of the reconciliation agenda and good governance projects, Sri Lanka appeared to be attracting donor support.

Domestic Responses

Even though some significant changes in democratic reforms took place during the NUG's four and a half years in power, the government suffered from Sirisena-Wickramasinghe political disagreement. This leadership disagreement prevailed due to different party manifestos presented by the United National Party (UNP) and Sri Lanka Freedom Party (SLFP) and continued political clashes. Incidentally, the democratic downfall was evident when President Sirisena unexpectedly appointed joint opposition leader and former President Mahinda Rajapaksa as Prime Minister in October 2018 in the country's first constitutional coup. This incident left a stain on the history of democracy and the attempts made by the NUG in good governance. Other major drawbacks in national reconciliation were lack of vision and capacity for the establishment of transitional justice as emphasised by the UNHRC. The Office of Missing Persons could not meet the obligations envisioned at its inception in 2016. Reparation process was not smoothly running through government administration. The internationally requested Truth and the Reconciliation Commission never materialised, and punitive justice for war crimes was not finalised.

Overall, the most notable feature of the Sri Lankan civil society uprising was public activism reinforced by both local and external collaboration. Goodhand (2010) in his examination of civil society activism explains that civil societies' strategic interests are led by forces outside the state including diaspora communities. Despite the positive

¹⁶ Their development assistance focuses on livelihood development and reconstruction, education, health, disaster management, and capacity building.

configuration of the Sri Lankan diaspora community in 2015 at the inception of the NUG, the frequent reappearance of Tamil and Sinhala diaspora, their deceased presence and some discontinued action made them limited in public reputation. The NUG failed to create a workable platform for receiving healthy support either from Tamil diaspora or local civil society groups to effectively address Tamil minority demands. According to former President Chandrika Bandaranaike Kumaratunga, the NUG failed to mobilise civil society including international civil society groups because their approach of appointing personal confidants to positions of power led to a decline in civil society neutrality (Personal Interview, Bandaranaike, 6 January, 2022). Significantly, unity within civil society groups—which could have been strengthened as a community force—was neglected, and has been cited as another reason for the failure of the role of external actors in democratic changes in Sri Lanka.

The Easter Attacks of April 21st, 2019 was one of the worst hits to national security. The Easter attack was held by a Muslim extremist group called the *National Thauheeth Jaamath* bombed three churches, three hotels and several other explosions killing more than 350 people and injuring more than 500 ironically collapsed the entire country's hope for ethnic co-existence. The incident called for immediate international attention, requesting accountable action for investigating the criminals—it has been delayed up to date. In fact, the Sri Lankan Archbishop, *Cardinal Malcolm Ranjith*, led a massive campaign rallied by local and international supporters which is still ongoing in hope of government's accountable inquiry. On the one hand, the Easter attack influenced external actors such as the USA and the Western alliance to demand justice for victims and increase citizens' protection, while on the other hand, the Easter attack was an opportunity for naïve political propaganda on anti-Muslim sentiments for unreasonable political gains. These experiences created another round of security issues and ethnic mistrust in the country—failing the democratic efforts of NUG.

Conclusion

The chapter discusses the role of external actors as a critical maneuver for democratic reforms in Sri Lanka during the NUG. There were constitutional and peace reforms. There were several key external actors including the USA, India and EU, which directly influenced the country's democratic changes. Moreover, the international civil society, including the Sri Lankan Tamil diaspora's stand for Tamil rights, was notable. Donor support was an important aspect of externally driven local governance initiatives—the

NUG held many economic development activities at regional and community levels while benefiting from external funds. A few observations can be made by examining the external role in democratic reforms in relation NUG tenure.

First, UNHRC resolutions and co-sponsorship were taking place, making a significant shift in post-war recovery mandate. Second, the NUG's constitutional reforms agenda remained hopeful due to the willingness of the government to collaborate with external actors for strengthening parliamentary democracy. In terms of minority rights, the TNA bargained about fast-track implementation of Tamils' rights including the full implementation of the 13th Amendment to the Constitution. The implementation of the 19th Amendment is important as a recent achievement of democratic practices. Third, the limitations of the role of external actors—despite some drastic external influences coming in a progressive manner, such external proposals neglected the natural timeline of implementation and local familiarisation of externally proposed policies. It is possible that a lack of public awareness about truth mechanisms and reparations delayed the implementation process. Although there were awareness campaigns on transitional justice held with the assistance of external groups such as the EU and USAID carried out by number of civil society organisations and NGOs, their success was limited. Fourth, nationalist forces had a negative attitude on the external actors. Sinhala nationalist forces drastically opposed external actors such as USA and UN. The NUG seemed to walk on a tightrope to convince some *Sangha* (Buddhist monks) groups in politics who were proactive in Buddhist extremist views against foreign forces while also balancing the minority communities including Tamils and Muslims. One major failure was the NUG not realising good governance principles such as non-corruption, transparency, and accountability despite their promises in the electoral campaign on fair investigation to Rajapaksa government's corruption.

This chapter proposes two recommendations to readjust the role of external actors. First, Sri Lanka's democratic reforms require careful examination of local needs, use of domestic preferences, and levels of local collaboration with external actors when implementing externally led initiatives. Moreover, the NUG promoted ambitious change to the country's democratic mandate—which proved to be unrealistic. Yet, local politics continued in the same direction of nepotism and corruption. External actors maintained their optimism about the drastic democratic changes, even though some of country's ongoing issues were unresolved.

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Annexure - I

Key Informant Interviews and Focal Group Discussions

List of Key Informant Interviews

(Done in the period From December 1st, 2021 to February 28th 2022)

Western Province

1. Madam Chandrika Bandaranaike Kumaratunga, Former President of Sri Lanka
2. Mr. Sisira Jayamaha, Secretary to Rev. Maduluwawe Sobitha
3. Prof. Sarath Wijesooriya, Leading Member, National Movement for Just Society
4. Mr. Janaranjana, Convener of *Purawasi Balaya* Former Editor of *Raavaya* Newspaper and present Editor of *Anidda* Newspaper.
5. Mr. Upul Kumarapperuma, Lawyer and Member of Lawyers for Democracy
6. Mr. Ruki Fernando, Human Rights Activists and Founder INFORM
7. Prof. Samuya Liyanage, Artist

Central Province

8. Mr. Harindra Dunuwila, Former Member of Parliament
9. Mr. Raja Uswettakeiyawa, Member of Kandy MC, Former Provincial Counsellor
10. Prof. Gamini Samaranayake, Former Prof. of Political Science, University of Perdeniya
11. Mr. Muthulingham Periyasamy, Trade Unionist and President, Institute of Social Development.
12. Mr. Charles Dayananda, Artist, Social and Political Activist,

Easter Province

13. Mr. H.M.M.Harees, Member of Parliament from Ampara district from Sri Lanka Muslim Congress, Kalmunai
14. Mr. M.T. Hasan Ali, Formerly a Parliamentarian, State Minister and Secretary General of Sri Lanka Muslim Congress, Nintavur
15. Mr. H.M. Sehu Iddadeen, Formerly a Parliamentarian and State Minister, Akkaraippattu
16. Mr. J. Sarjoon, Layer and Civil Activists, Akkaraippattu
17. Mr. J. Jowsi Abdul Jabbar, Engineer and Civil Activist Kalmunai

Northern Province

18. Mr. S. Nilanthan - leading Tamil journalist based in Jaffna
19. Mr. S. Jothilingam – political/social activist and chairman of Social Research Center
20. Mr E. Sarawanabawan, former member of Parliament, Jaffna electoral district (TNA)
21. Mr. N. Srikantha, leading Tamil lawyer and former member of Parliament -Tamil National Alliance (TNA)

Southern Province

22. Eng. Indranath Ellawala, Regional Director, CEB, Southern Province and Social Activist
23. Mr. J H. Premasiri, Social and Political Activist
24. Mr. Jayathilaka Nanayakkara, Retired Principal, Social Worker

Annexure - II

Focal Group Discussion -II

Dare: 30th January 2022

Venue: Waters Edge Hotel, Colombo

Participants

1. Dr. Radika Kumaraswamy, Former Member of the Constitutional Council
2. Dr. Vinya Ariyaratne, General Secretarym Sarvodaya
3. Dr. Paikiasothy Saravanamuttu, Executive Director, Centre for Policy Alternatives
4. Dr. Jehan Perera, Executive Director, National Peace Council
5. Prof. Jayadeva Uyangoda, Former Professor of Political Science, Colombo University and Political Analyst
6. Prof. Deepika Udagama, Former Chair, Human Rights Commission
7. Prof. Nirmal Ranjith Dewasiri, Academic and FUTA President
8. Prof. Chandragupta Tenuwara, Purawasi Balaya
9. Amb. HMGS Palihakkara, Former Governor, Northern Province
10. Mr. Kamal Padmasiri, SLAS, Former Ministry Secretary
11. Mr. Upul Kumarapperuma, Human Rights Lawyer
12. Amb. Javid Yusuf, Political Analyst
13. Ms. Kumuduni Samuel, Women Media Collective
14. Mr. Wasantha Disanayake, Political Activist
15. Ms. Hemamala Wijesinghe, Political Activist
16. Ms. Chathuni Nobert, Student
17. Prof. G.B Keerawella, Research Lead
18. Dr. Menik Wakkumbura, Research Associate
19. Ms. Savithri Sellapperumage, Project Intern
20. Dr. Ramesh Ramasamy, Research Associate
21. Prof. Sarjoon Athambawa, Research Associate
22. Mr. Prassana Nisanka, Accountant

Annexure - III

Focal Group Discussion -I

Date: 24th January 2022

Venue: Royal Mall, Peradeniya Road, Kandy

Participants

1. Ms. Shobana Devi, Social Worker, Senior Lecturer, University of Peradeniya
2. Prof. Tudor Silva, Former Professor of Sociology, UOP
3. Prof. Kamala Liyanage, Former Professor of Political Science, UOP
4. Mr. Charles Dayanandan, Artsit and Social activist
5. Prof. Gamini Samaranayake, Former Prof. Political Science, UOP
6. Mr. Periyasamy Muthulingham, Trade Unionist and Social Activist
7. Mr. Raja Uswetakeiyawa
8. Ms. Nalini Keerawella, Educationist
9. Mr. Ashoka Liyanage, Businessman
10. Prof. Sarajoon Athambawa, Prof. Political Science and Research Associate
11. Dr. Ramesh Ramasamy, Senior Lecturer of Political Science and Research Asso.
12. Ms. Shavini De Silva, Research Assistant and Programme Officer
13. Prof. Gamini Keerawella, Research Lead and ED, RCSS