

# 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 Four

### Post-War National Reconciliation during 2015-2019

By.

Dr. Menik Wakkumbura

#### Introduction

One of the key policy domains where a substantial policy breakthrough was made under the NUG in the period 2015-2019 was national reconciliation and post-war peace building. National reconciliation in the post-war context constitutes to be a wider-deck process with short-term and long term priorities. The Mahinda Rajapaksa regime in the period 2009-2014 attended to some immediate issues such as the accommodation of IDPs and their resettlement in the aftermath of the war without allowing a room for a humanitarian crisis. Its focus was mainly on the development of infrastructure in the war-torn North and the East. However, after five years since the end of the war, Sri Lanka still seemed standing at the cross-roads, bewildered as to the direction it should take regarding post-war peacebuilding and the realization of ethnic cohesion and inclusive development. How to transform the hard-fought military victory over the LTTE into a foundation for sustainable peace on the basis of democratic inclusion and justice yet remained addressed. Certain immediate steps taken by the UNF after coming into to power showed that it was ready to embark on a new path towards national reconciliation. The approach of NUG to reconciliation was based on four broad pillars: Truth seeking; Right to Justice; Reparation; and Non-recurrence. Despite these critical breakthroughs, the interests and commitment of the National Unity Government to fulfil the mandate to place national reconciliation on a new path disappeared rapidly after taking these initial strides. There was no roadmap for the government to move forward on the path of good governance. The vacillation and bewildering delay in many key policy domains became the hallmark of the government.

This chapter focuses on how the National Unity Government (hereinafter, NUG) engaged in national reconciliation<sup>17</sup> within the context of post-war peacebuilding. The NUG

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<sup>17</sup> National reconciliation encompasses co-existence between ethnic groups such as Sinhala, Tamil, and Muslims as well as recovery initiatives like resettlement, compensation, and de-militarisation. In addition, the reconciliation process focused on achieving greater accomplishments in sustainable livelihood development in the Northern and Eastern Provinces, such as establishing a support system, facilitating the voluntary repatriation of Tamil refugees residing in Tamil Nadu (India), and housing reconstruction. There were many other initiatives, such as programmes to build trust between Sinhala and Tamil communities. Some confidence-building initiatives were held during the government's "100-day Programme." National reconciliation was supported by an institutional structure including ministerial, district and provincial bodies

took several critical steps to implement and strengthen the national reconciliation process in the country, which have become a precursor to ethnic harmony and corrective measures during post-war recovery. The reconciliation process has evolved into a massive political campaign to win the hearts particularly of the minority communities including Tamils and Muslims, who were neglected before in finding a sustainable political solution during post-war recovery. As a result, reconciliation process has become a hopeful attempt at community rebuilding which aspires to bring justice to the lives of multiple communities.

The examination of the NUG's reconciliation policy yields valuable scholarly insights into the progress of Sri Lanka's post-war recovery (De Silva, 2016). National reconciliation has become, on the one hand, a major imperative to achieve post-war peacebuilding and, on the other hand, a factor pivotal for the actual healing of the communities that went through violence during the civil war. The main criticism during the 2015 presidential electoral campaign was of the increasingly corruptive and dysfunctional governance during President Mahinda Rajapaksa's tenure that led the country to semi-autocracy. Criticisms were also leveled up against President Rajapaksa's negligence of Tamil and Muslim communities. During the 2015 election campaign, minority political parties including the Tamil National Alliance (TNA) and Sri Lanka Muslim Congress (SLMC), were major critics of the Rajapaksa government for not considering national reconciliation as a policy priority.

This chapter examines the position of national reconciliation as a major policy initiative and institutional establishment under the NUG. To begin, the chapter discusses issues of national reconciliation as of 2015, focusing on some of the major rapid remedies and, later, the NUG's policy framework and key functions. The chapter presents a critical evaluation of national reconciliation efforts taken in various directions. Finally, it concentrates on majority and minority political approaches to reconciliation, and how these approaches strengthened or weakened the reconciliation initiatives of the NUG during its tenure of four-and-a-half-years.

### **Issues of National Reconciliation as of 2015**

In 2015, the broad political coalition named the United National Front for Good Governance (UNFGG) won by a vote base of 51.28%, gathering more than 70% of the minority vote in favor of the common candidate, President Maithreepala Sirisena. Even

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established for the purpose of promoting and executing reconciliation initiatives. National reconciliation remains as an overarching policy initiative of the NUG when in power (2015–2019).

though President Rajapaksa was popular among the majority community, the common candidate Sirisena was able to attract a slight edge over him. The victory of the good governance mandate ignited new hope for a fresh beginning with regard to national reconciliation and a durable political solution to the ethnic crisis.

Despite the euphoria of the victory over the Liberation Tigers of Tamil Eelam (LTTE) that was cultivated by President Rajapaksa, the common candidate Sirisena secured the votes of all communities in the country, including Tamil and Muslim minorities living in the Northern and Eastern Provinces. It was significant that a winning candidate obtained majority of votes in the North and East after President Chandrika Kumaratunga Bandaranaike's decisive presidential victory in 1994. President Sirisena's mission stated in his manifesto "*Maithree-palanayak*" (A Compassionate Government) was aimed at instilling compassion in people's minds so that all communities live in unity with one another. The theme "Moral Society" included the subheading "cultural and religious freedom and reconciliation". It reads as follows:

I will consolidate the right of all communities to develop and secure their culture, language and religion, while recognising the Sri Lankan identity. I will ensure that all communities will have due representation in government institutions. Religious disturbances are developing in the country due to the activities of extremist religious sects. In this situation the extremist groups mutually nourish one another and are expanding their activities. (New Democratic Front, 2015)

The overwhelming hope for reconciliation was expressed not only in the presidential manifesto but also in the election campaign carried out by the civil society organisations, particularly the Colombo-centered Non-Governmental Organisations (NGOs). They have been campaigning for the abolition of executive presidency for years. The common candidate's campaign contributed to the redefinition of a new democratic culture. Anti-Rajapaksa sentiments appeared to have prevailed in civil society of the country. In addition, the vision for good governance and reconciliation presented by the common candidate was supported by some of the most vigilant Sri Lankan Tamil and Sinhala diaspora lobbies in the international space. The Civil Society Statement on Human Rights, which was issued a few days after President Sirisena's victory, stated that civil society groups were willing to work with the new government to put an end to the culture of impunity, ushering in a new era of robust human rights protection. They aspired to support the government's dedication to the "100-Day Programme" of governance reforms.

According to Wakkumbura, the NUG's reconciliation process can be viewed as a restorative attempt focusing on the physical and psychological recovery of war-affected lives (Wakkumbura, 2021). Reconciliation must heal the scars and bruises of war victims, and therefore highlights not only reconstruction but also psychological recovery (Keerawella, 2013). The NUG's "100-Day Programme" identified some initiatives aimed at making the reconciliation pathway a workable one, aiming to first rebuild trust among the communities. There were a few vital implementations. The NUG lifted the travel ban for foreigners visiting the Northern and Eastern Provinces as well as the requirement for notifications for foreigners and diplomats visiting the Northern Province. One of the most significant transitions in the freedom of information was the lifting of restrictions upon media personnel traveling to the North. The news websites that had been banned and blocked by the previous government were unblocked. Restrictions on foreign media personnel visiting Sri Lanka were lifted and some media personnel in exile were invited to return to the country. These initiatives aided the government in projecting a positive image of its commitment to reconciliation.

Furthermore, the government appointed two ex-civil servants as governors in the Northern and Eastern Provinces to strengthen civilian administration, replacing the former governors who were military personnel. The most senior judge of the Supreme Court, Justice K. Sripavan, of Tamil origin, was appointed as the Chief Justice in 2015. At the 67<sup>th</sup> National Day celebration (2015), the NUG declared a "Declaration of Peace", paying respect to all the citizens of Sri Lanka, of all ethnicities and religions, who lost their lives due to the tragic conflict of over three decades, and to all the victims of violence since Independence. The National Anthem was permitted to be sung in Tamil. However, as per President Sirisena's persuasion, May 19<sup>th</sup> which was celebrated as "Victory Day" was now marked as day of "reconciliation and development", allowing people living in the Northern and Eastern Provinces to light lamps and grieve for their lost family members. The government also took steps to increase voluntary repatriation of Tamil refugees in Tamil Nadu who fled their homes during the civil war. The government recommenced granting dual citizenship which was halted under the President Rajapaksa government. Another important initiative taken by the NUG was the enactment of the Protection of Witnesses and Victims Act (2015) and the Right to Information Act (2016).

### **Reconciliation and Resolution of Longstanding Issues**

Some of the longstanding issues of the national reconciliation process in Sri Lanka are inextricably linked to the overall peacebuilding process of the country. The United People's

Freedom Alliance (UPFA) prioritised economic recovery as the pivotal goal along with resettlement and rehabilitation. As of September 2007, the total number of internally displaced people (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). Another burning issue was to compensate the family members of the dead and missing persons of the war. The report commissioned by the United National Secretary-General in 2011 states that 40,000 civilian deaths took place during 2008-2009 in Sri Lanka. Eliathamby (2011) states that more than 80,000 people lost their lives from 1983 to 2009 (p. 85). The ramifications of the civil war were enormous; there was much to be done yet for successful recovery. One of the most difficult challenges for the NUG government was ensuring a sustainable recovery plan.

Even though the influx of IDPs at the end of the civil war was accommodated quite successfully by the Rajapaksa government, their resettlement proved to be a complex and multidimensional process. The Rajapaksa government's post-war recovery project focusing on economic reconstruction failed to capture the resettlement issues in a sustainable manner. Such failures occurred due to a large portion of land in the North being still occupied by the armed forces, as well as delays in handing over deeds to landowners. Similar to the resettlement process, there have been a number of issues with the compensation process since the end of the civil war. The compensation disbursed to those affected by the war was covered by the provision set out in Act No. 29, 1987, which is a relatively old provision. The compensation procedure is in a five-fold framework. First, the payment of compensation is offered to ordinary people, government servants, and those killed or badly injured in the civil war; second, the payment of compensation is offered for public property; third, payment and compensation is offered to religious places; fourth, housing assistance; and fifth, the self-employment loan scheme. A successful aspect of the compensation process was that it was carried out during the tenures of both the UPFA and the NUG governments. The Office for Reparations, which was established to expedite the compensation process, could fairly administer and disburse relevant compensation to needy individuals. However, some issues were that war victims had to go through a number of procedural constraints in order to be identified as compensation recipients. There were financial delays in offering compensation. In reality, it is possible that the compensation offered to victims was insufficient to support them rebuild their lives, given that the majority of those affected live in poverty.

Another major project in peacebuilding was the rehabilitation of ex-LTTE combatants. The UPFA took some deliberate steps. The government established Protective



Accommodative Rehabilitative Centers (PARC) to carry out rehabilitation of ex-LTTE combatants who had been captured or who had surrendered during the civil war. The rehabilitation of the ex-LTTE combatants was tasked by the Sri Lanka Army. It was reported 12,100 LTTE ex-combatants in the rehabilitation centers. However, the two governments were faced with the challenge of successfully reintegrating the rehabilitees into civilian life. A major support offered to rehabilitees was hiring them to the Civil Security Department (CSD), making them occupied in a monthly earning employment. Some opted for government loans for starting off livelihood occupations. Majority who have returned to their villages experienced natural limitations such as poverty and a lack of skills for proper livelihood engagement. Nonetheless, ex-LTTE combatants have been rehabilitated with skills in household industries, though it is unlikely that the majority will work in such industries due to their unwillingness. Moreover, the two governments cooperated with the United Nations High Commissioner for Refugees (UNHCR) on the voluntary repatriation of Tamil refugees residing in Tamil Nadu. The Voluntary Repatriation of Sri Lankan Refugees programme allowed those who had fled the country due to the war to return and reintegrate with their family members.

There were numerous other long-standing issues affecting the reconciliation process. Addressing some of the critical social justice needs, such as reparation of family members of war victims and justice for war affected children, women and the elderly were crucial. There were a number of orphanages and elders' homes established in the Northern and Eastern Provinces to care for children and the elderly, but the long-term viability of these orphanages and centers is still being debated. The post-war peacebuilding mandate became delicate due to the sensitive issue of land release from military occupation. This was a major obstacle to the overall reconciliation attempt that aims at building trust among Tamil communities in the Northern Province. The lands of original ownership of Tamil people were not properly returned to them after the war. As a remedial action, the NUG in March 2015 released 1000 acres in the High Security Zones (HSZs) in Vallikkamam North in the Northern Province. Another 5000 acres controlled by the Navy in Sampur as HSZs were released. Despite Sampur being a residential area, the UPFA declared it a special economic zone and people with households earning from agriculture, fisheries, and animal husbandry live there. Under the NUG, the revocation of the allotment of 880 acres of Sampur land to Gateway Industries for the economic zone paved the way for the resettlement of 825 displaced families.

The militarisation of Northern Province as a result of existing Army camps has had far-reaching consequences for ordinary villagers. This was one of the major concerns of Tamils, who were concerned about their freedom to adjust to living after going through the bitter experiences of the civil war. President Rajapaksa's government had given the armed forces the ability to execute police powers in the Northern and the Eastern provinces. The Rajapaksa government enabled the presidential orders according to the Section 12 of the Public Security Ordinance No. 25, 1947, which authorised the armed forces to exercise police powers. The NUG abolished the provision by confining the armed forces to checkpoints, while the Sri Lanka police was solely assigned for maintaining law and order. One of the crucial tasks was reestablishing the psychological recovery of war victims. The national reconciliation process was therefore tasked to consider replacing the society shattered by the consequences of the war. Among all these issues, some seemed to fuel community dissatisfaction. One major limitation was the inherent poverty of the communities in the war-torn provinces. According to the Central Bank of Sri Lanka, the Northern Province contribution to the services sector of the national GDP remained at 4.2%, remarked as the lowest contribution in 2017. The Eastern Province contributed 5.7%, making it the second lowest contributor.

As a confidence building measure, the Sirisena government was concerned about removing the mutual fear and suspicion among Sinhala, Tamil, and Muslim communities not only in conflict-torn areas, but also across the island. Following the defeat of the LTTE, the armed forces and the Sinhala majority in the political leadership celebrated the victory of the war as a 'Sinhalese' victory. The majoritarian persuasion of the war victory has deprived minorities' perceptions in some ways. These ethnic ideological disparities have distracted the ethnic harmony expected in national reconciliation. According to Ryan (1995), violence leads to immobilism and negativism—a belief that little can be done to change the mistrust of the people without constructive action. The NUG had to think wisely about tackling Tamil and Muslim communities based on trust and ways to improve mutual cooperation between majority and minority communities.

It could be evident that the NUG is taking steps to envisage the reconciliation process by carefully removing the enemy image of the LTTE. Several war memorials commemorating the armed forces' war heroism were maintained on the A9 road that runs from Colombo to Jaffna. Other political symbols included the continued celebration of the victory of the armed forces while permitting Tamil communities celebrating the losses of the

LTTE and family members on Heroes Day. Art and culture became a large part of the war remembrance and both Sinhala and Tamil literature was encouraged.

While realising some positive outcomes, the NUG attempted to build international reputation and trust. The NUG was keen about dealing effectively with the Sri Lankan Tamil diaspora, one of the most powerful propagating and enforcing tools of Tamil rights globally. Dealing with the TNA, which had become the local political party allied to the Tamil diaspora, was thus a delicate yet an important task. Minister Mangala Samaraweera who was the Sri Lankan Foreign Minister at the 30th session of the United Nations Human Rights Council (UNHRC) on September 14, 2015, expressed the government's position on the elimination of "short-sighted" policies that were harmful to national reconciliation. Minister Samaraweera emphasised accountable action for "truth-seeking, justice, reconciliation, and non-recurrence." The NUG tried to convince the international community by agreeing to accommodate the United Nations proposals on accountable action for justice and implementation of the transitional justice mechanism. The national reconciliation process has presented very high hope, allowing the peacebuilding issues to be handled in a better way.

The NUG was also compelled to solve the Tamil ethnic issue. The TNA, as the key political party, seemed to have influenced the NUG for a speedy solution to the Tamil self-determination problem. President Sirisena welcomed the proposal to the "13th Amendment Plus"—the constitutional proposal that empowered the full execution of the 13th Amendment, further empowering the nine Provincial Councils established in 1987. The NUG was discussing accommodating greater autonomy to Tamil-speaking areas, including the Northern and Eastern Provinces. However, despite political anticipation on revisiting the 13<sup>th</sup> Amendment, there were also some strong political disagreements in the Parliament over a collective consensus on the future of the powers of the Provincial Councils as spelled in the 13<sup>th</sup> Amendment. One major confusion was there being no political consensus in the Parliament on what exactly "plus" meant in the proposal to the 13<sup>th</sup> Amendment. Therefore, the political agreement of revisiting and fully implementing the 13<sup>th</sup> Amendment remains questionable up to date.

### **The Reconciliation Policy Framework of the NUG**

The National Reconciliation Policy (2017) was at the forefront of the reconciliation process ("*sanhidiyawa*") of the NUG. The policy was drafted by the Office of National Unity and Reconciliation (ONUR). The national reconciliation policy demonstrated a "phased-

approach” in which three layers of society including the state, civil society, and community, would contribute collectively to the implementation of reconciliation. This policy took into consideration the Presidential Declaration known as “*panchavida-kriyavaliya*”, (five-fold plan) of President Sirisena (*DailyMirror*, 01.09.2015). The reconciliation policy priorities were directed towards three main themes: co-existence, national unity and social integration. The national reconciliation policy was directed towards addressing past violence, along with judicial and non-judicial approaches for executing reconciliation. There were four institutional bodies to execute the national reconciliation policy including ONUR, the Ministry of National Coexistence Dialogue and Official Languages, the Ministry of Prison Reforms and Rehabilitation, Resettlement and Hindu Religious Affairs, and the Secretariat for Coordinating Reconciliation Mechanisms. The following table explains the main institutions and policy enactments of the NUG’s reconciliation mandate.

**Table 01: National Reconciliation Efforts (2015-2019)**

<b>Main Institutional Body</b>	<b>Policy Enactment/ Procedures</b>
<i>Ministry of National Integration and Reconciliation</i>	<ul style="list-style-type: none"> <li>■ National Reconciliation Policy</li> <li>■ National Policy on Durable Solution</li> <li>■ UNHRC resolutions and implementations</li> <li>■ Office of Missing Persons Act No.09 (2017)</li> <li>■ Office of National Unity and Reconciliation (ONUR)</li> <li>■ Reparation Bill</li> <li>■ Office of Reparation</li> </ul>
<i>Ministry of National Co-Existence Dialogue and Official Languages</i>	<ul style="list-style-type: none"> <li>• Various community development activities, livelihood support projects and initiatives of co-existence and dialogue at Provincial Council and District levels</li> <li>• Harmony Villages</li> </ul>
<i>Secretariat for Coordinating Reconciliation Mechanisms</i>	<ul style="list-style-type: none"> <li>■ Coordination between various ministries and the President’s office, Prime-Minister Office on the implementation of overall tasks of the national reconciliation policy.</li> </ul>
<i>Consultative Task Force on Reconciliation</i>	<ul style="list-style-type: none"> <li>■ Providing recommendations to the reconciliation initiatives</li> </ul>

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*Development Initiatives  
under Ministry of Finance*

- *Gamperaliya* (Village Transformation)
- *Gama Neguma* (Village Development)
- *Maga Neguma* (Road Development)

*Source: Author constructed. Adapted from policies, reports, commissions' reports, and various government documents.*

The reconciliation policy aimed at four broad categories of achievements: truth-seeking, justice, reparation, and non-recurrence. It is vital to understand how Sri Lanka's first national reconciliation policy has been influenced by the international community, including mainly the United Nations. Sri Lanka has co-sponsored the United Nations Human Rights Council resolution 30/1 (2015), titled "promoting reconciliation, accountability, and human rights in Sri Lanka." Furthermore, the United Nations Agency framework mandated through the United Nations Development Programme has proposed four areas of peacebuilding in Sri Lanka, including a) reconciliation, b) transitional justice or dealing with the past, c) resettlement and socioeconomic development, and d) governance and institutional reform (Ministry of Foreign Affairs, Sri Lanka, 15.12.2015). The UNDP initiative was supported through UNHRC mechanism on 30/1 resolution. In the meantime, the NUG had to encounter several other UNHRC resolutions endorsed as 34/1 in 2017 and 40/1 in 2019, urging Sri Lanka to act promptly on reconciliation efforts.

The truth-seeking process was designed to receive the support of the religious leaders of the society. An assembly known as the Compassionate Council is comprised of religious dignitaries from major religions in the country, including Buddhism, Hinduism, Islam, and Christianity. This council was tasked with discovering the 'truth' about individuals who had been victimised. The establishment of the Office of Missing Persons<sup>18</sup> (OMP) was about delivering the justice to families who had the right to know what happened to their loved ones who had gone missing during violence. The divisional level administration held by the Divisional Secretariat Offices obtained the key responsibility for tracing cases and issuing the death certificate to family members of missing persons. However, the tracing of the missing persons' records has become one of the country's most difficult implementations, with many

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<sup>18</sup> The OMP, established under the Ministry of National Integration and Reconciliation, is mandated to implement the Lessons Learnt and Reconciliation Committee (LLRC) proposals and adhere to the UNHRC resolution 30/1. The OMP was established in September 2017 and operated at the district level, tracing persons reported as missing during or after the war.

Tamils refusing to go through the investigatory process because of its sensitive nature. The NUG took several other initiatives to meet the transitional justice requirement. Among them, appointing a Special Council to hold a legal framework for punitive justice for war crimes was considered vital. The Foreign Affairs Minister, Mangala Samaraweera, stated the right of victims to a fair remedy and said measures aimed to address the problem of impunity for human rights violations will be considered by the NUG.

The reparation process of the NUG showed a good start. The Sirisena government established the Office of Reparations<sup>19</sup> to carry out the recommendations of the proposed Commission on Truth and Reconciliation and the OMP. Based on the Memorandum by the Ministry of Home Affairs, a cabinet decision taken on September 11, 2015, provided for a “Certificates of Absence”<sup>20</sup> to the families of persons reported missing. This certificate provides various entitlements, including compensation. The Presidential Commission Report on Missing Persons in September 2015 records 18,099 civilian complaints and 5,000 additional cases of missing persons of those that served in the Sri Lanka armed forces. Including those numbers, at least 65,000 complaints of enforced or involuntary disappearances can be estimated from across Sri Lanka since 1994. According to the Office of Reparations, from 2015 to 2018, 305 religious places received nearly Rs 38 million as compensation in 2015. In 2016, 372 religious places were considered and they were given nearly Rs 60 million. By 2017, this number increased to 389 and nearly Rs 69 million was distributed. In 2018, this increased to 261 and nearly Rs 54 million was given (Annual Progress Reports, Office of Reparation 2015, 2016, 2017, and 2018). The compensation scheme for livelihood development included easy payment loan system offered by the Bank of Ceylon for a few categories of applications such as registered industries (ceiling of Rs 11,500,000), self-employed with a 4% interest and 10 years for repay (ceiling of Rs 250,000), and housing loan with 4% interest and 10 years for repayment (ceiling of Rs 250,000).

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<sup>19</sup> The Office of Reparations, established under Act no 34, 2018 under the Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs, was the main distributor of compensation to those affected by the war.

<sup>20</sup> The ‘Certificate of Absence’ for missing persons was proposed by the *Paranagama* Commission (2015). It mentions that the presidential commission investigating the missing persons (which later became the Office of Missing Persons) can issue the certificate to those family members whose relatives are missing due to the war but believe they are still alive. According to the commission report, the holder of the certificate of absence has the same rights as one who holds the death certificate of a family member. Such family member can receive the Certificate of Absence if the relative has gone missing in action during the war, adopted, or missing in action during political violence and forcefully disappeared.

Another vital effort in meeting justice was the attempt at “non-recurrence”. The former President Chandrika Bandaranaike Kumaratunga took the initiative to establish the ONUR as the key institution for promoting understanding of “non-recurrence”. ONUR has held a large number of capacity-building programs across the country in this regard. There were several other institutional bodies established to support reconciliation and to carry out initiatives related to community education on transitional justice mechanisms. These organisations were namely the Prime Ministerial Action Group (PMAG), the Steering Committee led by the Ministry of Foreign Affairs, the Secretariat for Coordination of the Reconciliation Mechanism (SCRM), and the Consultative Task Force on Reconciliation Mechanism (CTFRM).

The issues in resettlement<sup>21</sup> contributed to the national reconciliation process. There were still lands under Army occupation. President Sirisena and Prime Minister Ranil Wickramasinghe both visited Jaffna in March 2015, two months after the NUG’s victory, for an event commemorating the release of military occupied lands.<sup>22</sup> The resettlement was also continued, with the NUG considering demands of the Tamil and Muslim communities related to resettlement assistance. The Ministry of Resettlement, Reconstruction, and Hindu Affairs stated that “the goal is to completely shut down the IDP camps,” and included various acts and policies to assist those displaced in resuming their lives (National Steering Committee on Resettlement, 2016). This is followed by the UPFA’s continued action since the closure of the “*Manik Farm*” in September 2012—once the largest IDP camp in the world. The NUG allocated a large portion of the financial assistance to resettlement and livelihood development in the hope that it would result in a long-term solution to the country’s peacebuilding.

### **Majority vs. Minority Approaches to Reconciliation**

Various ethnic issues have had an impact on the national reconciliation process. These ethnic issues, including Sinhala as the majority and Tamil and Muslims as minorities, have historical roots. According to De Votta (2017), Sinhala-Buddhist political leadership carried

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<sup>21</sup> Resettlement was a comprehensive project. In 2017, Rs 10 million was spent on water projects and Rs 129.37 million was spent on housing to help with the progress of these projects. The resettlement process included resettlement of the refugees returning on voluntary basis to the two provinces. According to the Performance Report of the Ministry of Prison Reforms, Rehabilitation, and Resettlement, 6,900 refugees (2,573 families) returned from 2011 to 2017 on voluntary basis and were resettled. They were hosted by UNHCR and the government.

<sup>22</sup> Since 2009, 47,300 acres of land have been released in the Northern and Eastern Provinces by the military: 19,143 acres in Jaffna, 19,704 acres in Kilinochchi, 2,888 acres in Mullaitivu, 2804 acres in Ampara and 1649 acres in Mannar. In March 2015, the Government released 1000 acres in the HSZ in Valikkamam North, released Sampur (in Muttur D.S. Division) HSZ for Resettlement (an area of 5,000 acres was under the control of the Navy as high security zone). In the past, national security and development were cited as reasons for people not being allowed to return to their lands.

out Sinhala ethnic sentiments in national politics. Tamils and Muslims remain minority groups, each with its own political aspirations within the majoritarian rule since the independence of the country. Minority politics is largely fought over to protect the rights of their own communities. According to Spencer (2002), Tamil nationalism arose from pre-colonial sentiments reinforced by the kinship of Indian Tamils and supported by larger Tamil ethnic domains established all around the world. Sri Lanka has resulted in Tamil separatism alongside the ethnic issue, erupted a violent conflict since the 1983 Black July incident. The ethnic conflict was a major cause to collapse the social integrity of Sinhala and Tamil ethnic communities. The Muslim community, Sri Lanka's second largest minority, entered into politics relatively late. The Sri Lankan Muslims formed the Ceylon Muslim Congress (SLMC) in 1980—the political party that has thus far represented the rights of the Sri Lankan Muslims.

The presidential election campaign in 2015 was rallied by various public campaigns. The majority of Sinhalese who led the domestic campaign called for the abolition of the Executive Presidency. Civil society groups joined such public demands. Among such civil society groups, was the Maduluwawe Sobitha Thero's National Movement for Just Society (NMJS), including professionals, lawyers, and academics, and campaigns on both the democratic pathway of the government and the abolition of the Executive Presidency. Furthermore, the Colombo-based civil society groups and some representatives of key NGOs, launched a campaign focused on reporting and communicating internationally on issues related to human rights violations, constitutional issues, and failures in post-war peacebuilding. The NMJS mainly consisted of Sinhala Buddhist activists. Sobitha Thero's movement promoted "*Yahapalanaya*" (principles of good governance) while contributing to the NUG's policy inception, the "100-Day Programme". According to Welikala (2021) the civil society culture in Sri Lanka is characterised by a pervasive climate of fear and impunity. In contrast, during the 2015 presidential campaign, the civil society supported democratic reformation fearlessly. Along with Sobitha Thero's movement, organisations such as *Purawesi Balaya*, *Aluth Parapura*, and *Pivithuru Hetak* actively engaged in promoting the common candidate's victory. Moreover, there was a number of meetings held internationally to raise awareness about the democratic downfall in Sri Lanka; some of them were primarily aimed at the UNHRC sessions that were focusing on the country's post war recovery process. It should also be noted that these international campaigns have urged the international community to pressure Sri Lanka's slow move on reparation, resettlement, and specific issues



such as independent judiciary action for war crimes. The Tamil diaspora in particular has been active on the call for justice for Tamils in Sri Lanka.

The Tamil and Muslim communities representing political parties such as the TNA) and the SLMC were calling for ethnic rights in the 2015 Presidential election campaign. The majority of the common ethnic issues were about post-war justice in the war-affected areas, whereas the TNA, representing the Tamils, demanded a sustainable political solution to the Tamil self-determination problem. Despite having lived through a civil war for more than two decades, the post-war agenda did not appear to achieve fair and reasonable justice for minority communities. Thus, the ethnic rights campaign was a hard bargaining attempt. In December 2014, the TNA leader R. Sampanthan declared their party's support for the common candidate, President *Sirisena* by mentioning, "the TNA believes genuine restoration of democracy to the country will only be meaningfully achieved when the Sri Lankan state is structured to accommodate the aspirations of all its diverse people." The TNA attempted to ensure that their objectives are taken in to the consideration in common candidate's manifesto *Maithree-palanayak*. The TNA also took a firm stance when they decided to sit in the opposition side of the Parliament until the newly elected NUG persuaded them of their political demand for power-devolution.

On the other hand, the election campaign led by Muslims did not have the same influence as the Tamils. However, the SLMC, the largest Muslim political party, crossed over to the side of the coalition government, demonstrating the Muslim community's dissatisfaction with the Rajapaksa government. The SLMC expressed its dissatisfaction with President Rajapaksa due to rising tensions between Sinhala and Muslim communities and the government's passive role in controlling them. Furthermore, the UPFA has openly supported Sinhala Buddhist extremist groups such as the *Bodu-Bala Sena* in their efforts to inflame the Sinhala-Muslim conflict. While expressing dissatisfaction with the 18th Amendment to the Constitution empowering the autocratic executive powers of the president, the SLMC leader, Rauf Hakeem, announced his decision to resign as Justice Minister of the UPFA government in December 2014. Along with him, 18 SLMC parliamentarians resigned from the government.

Despite the Sinhala, Tamil, and Muslim approaches being drastic in defeating the UPFA in the 2015 presidential election, their interests were largely centered on short-sighted visions. The Muslim community had a stronger voice to speak out against Muslim communal violence that has erupted in Kandy and Ampara districts since 2014. It is argued that the

increasing Sinhala Buddhist nationalism amplified this impact by fomenting anti-Sinhala-Muslim sentiments during the NUG's tenure. The painful downfall of national reconciliation was evident when the country experienced the ruthless series of suicide attacks of the Muslim extremist group called *Thowheed Jamath*. The incident, well known as the Easter Sunday Attacks, occurred on April 21st and resulted in more than 300 deaths and another hundred wounded civilians and foreigners.

### **Lack of Consensus between Majority and Minority Approaches**

The Sirisena government was viewed as a political coalition aiming to transform governance into a new era of democracy. The hopes of the NUG were unrealistic for various obvious reasons. The major political parties that allied with President Sirisena's victory were those aligned with President Rajapaksa, including the TNA, SLMC, and *Janatha Vimukthi Peramuna* (JVP) in their tenure since 2005. The NUG was compelled to deal with the same politicians and had the same political interests. The difference between the NUG and the UPFA was the leadership change, and promises of eliminating corruption and establishing good governance were the political vision. In particular, investigating the corruption held by the UPFA was never a success during the NUG period. Similarly, the reconciliation initiatives gave hope, but they collapsed due to the lack of proper political will to create co-existence between ethnic groups. Political disagreements prevailed as a result of the lack of genuine reconciliation at all levels of society.

The downfalls of the NUG seen with the collapse of confidence between the government and the public as well as among the political parties aligned with the coalition ruling power. After several months in power, President Sirisena's major election promise to abolish the Executive Presidency deviated from its original expectation. Despite that the proposal to strengthen the parliamentary system had taken place, it was not carried out due to disagreements between the President Sirisena and the Prime Minister Ranil Wickramasinghe. The Constitutional Assembly (2016), which was formed to discuss possible constitutional reforms for the abolition of the Executive Presidency, reached no agreement. The lack of coordination between the two main parties in power, i.e., the SLFP and the United National Party (UNP), their leadership in power, popularly annotated as the "*Sirisena-Wickramasinghe* clash", had an impact on neglecting on some of the democratic decisions proposed in 2015 election.

Another major downfall of the NUG was the increase of religious extremism. Members of the *Jathika Hela Urumaya* (JHU) and the *Bodu Bala Sena* (BBS) continued to promote Sinhala Buddhist nationalism. Nevertheless, the NUG was elected in favor of minority rights that had been highly contested by Sinhala Buddhist nationalistic forces. There were a number of anti-Muslim riots across the country, including the Gintota incident in November 2017, the Ampara incident in February 2018, and civil unrest in the Kandy District in March 2018. A series of violence burst when the country experienced the Easter Sunday Attacks in April 2019. The anti-Muslim development hit the center of security and reconciliation efforts, destroying the harmony between Sinhala-Muslim communities and between Christian and Islamic religions, making it one of the bitter experiences of the ethnic clash. Some of the Buddhist extremist forces including leaders such as BBS, Gnanasara Thero, and Madille Pagnaloka Thero of *Sinhale Jathika Balamuluwa* (SJB) were at the forefront of making hate speeches about Muslims. The anti-Muslim sentiment was another disastrous experience of the country.

One of the major drawbacks of the reconciliation initiative was in terms of the release of military occupied lands in the Northern and Eastern Provinces. It was in 2018 that President Sirisena of the NUG promised the Northern community of the return of land held by the Sri Lanka Army. It was followed by instructions to the Presidential Task Force to plan out a time frame and proper execution of orders to return all land in the Northern and Eastern Provinces owned by the people of those areas. However, the plan was not completed, leaving the land issue prevalent even today. Other concerns included accelerating infrastructure and humanitarian recovery, house reconstruction, and resettlement of voluntarily refugees of Sri Lankan origin returning from Tamil Nadu. According to the annual reports of the UNHCR, a total number of 9310 individuals were returning during the period from January 2011 to March 2020 (UNHCR, Colombo Resettlement Unit, 2021). However, while the voluntary refugees' repatriation was in motion, critical issues of sustainable resettlement after being returned were left.

At the institutional level, the establishment of the Truth and Reconciliation Commission, the full activation of the OMP, and the completion of the Reparation Bill were all put on hold. The country was unable to agree on how to implement the truth mechanism. Despite the number of public awareness campaigns conducted at the domestic level on transitional justice and its application, the government never materialised on establishing either the truth mechanism or an effective reparation process. Several judicial prosecutions

for war crimes were carried out. However, these were only randomly selected cases. Instead, a few amendments were made to the country's Compensation Bill, which was enacted as Act No. 28, 1987, and was in implementation with a few amendments regarding increasing the ceiling of funds. Another main disadvantage was the functionality of the OMP. The OMP was critical in providing the *Paranagama* Commission's Certificate of Absence for missing persons. It stated that the presidential commission investigating missing persons could issue the certificate to family members whose relatives had gone missing as a result of the war but believe they are still alive. According to the commission report, the holder of the certificate of absence had the same rights as the holder of a family member's death certificate. A relative could receive a Certificate of Absence if a relative went missing in action during the war, was adopted, or disappeared during political violence and forced disappearance. Despite there being policy provisions, the OMP was unable to complete the task of effectively tracing the missing persons and issuing the Certificates of Absence. There was also a lot of public outrage about the investigation process of issuing the Certificate of Absence because people wanted the government to do the right thing and reveal where their loved ones were.

Another major limitation was the effective delivery of the recovery funds. People who suffered as a result of the war were primarily impoverished. The lack of infrastructure in the areas severely harmed people's livelihoods. People who went through the war for half their lives have been psychologically affected by the violence—not only the issues pertaining to the victims but also the lack of deliberate action by political leaders, including the TNA and the SLMC, which offer less attention to disbursing livelihood development funds effectively. The Local Government Elections in 2018 saw Mahinda Rajapaksa's *Sri Lanka Podujana Peramuna* (SLPP) receiving 44.65% of the vote base, while the UNP received 32.63%. In contrast, President Sirisena represented the SLFP with a 4.44% voting share, indicating public displeasure with the *Yahapalana* administration. Nevertheless, local governments grew in importance at the village level for utilising funds—it was a question as to what extent these funds were sustainable for regaining lives of people.

## **Conclusion**

The democracy building in Sri Lanka is a complex process. It is evident through an examination of how the national reconciliation process of the NUG, particularly considering the success of the attempt of co-existence between ethnic groups and attempt on peacebuilding, became an effective outcome or not. Some initiatives of national reconciliation were resulted in some progress. However, political dishonesty appeared to

have been a major limitation on the success of the national reconciliation. As seen in the examination of this chapter, the disagreements between the political groups divided into ethnicities and disagreements between the majority and minority politics were some unfortunate realities that obstructed the reconciliation.

In the developing political disagreements some key ideological changes such as the manipulated ethnic sentiments i.e., Sinhala Buddhist extremism on the one hand, and the anti-Muslim sentiment on the other hand were significant. There was growing skepticism among public on the President's manifesto "*maithree-palanayak*". The clash between President Sirisena and Prime Minister Wickramasinghe took place in the same time that resulted in the country's first constitutional coup in 2018. The overarching reconciliation attempt that could have co-existed with political parties was disrupted when President Sirisena formed an interim government with the support of former President Mahinda Rajapaksa. This clandestine attempt led to another democratic crisis. The first ever constitutional coup has destroyed the country's good governance and rule of law, making the NUG yet another victim of weak democracy.

The Muslim extremist group carried out the suicide attack on Easter Sunday, killing over 300 and injuring a large number of people in April 2019. The country witnessed one of its worst post-war security crises. This massive, malicious suicide attack led to a question about government's accountability over its citizens. Also, this suicide attack questioned country's national security and stance for ethnic co-existence. It is natural that the government had failed to meet political stability in various time that overall impact on national reconciliation. These heavy drawbacks directly impact on the progress of the reconciliation, making the NUG another unpopular government which failed to accomplish its political promises.

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## Annexure - I

### Key Informant Interviews and Focal Group Discussions

#### List of Key Informant Interviews

(Done in the period From December 1<sup>st</sup>, 2021 to February 28<sup>th</sup> 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: 30<sup>th</sup> 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: 24<sup>th</sup> 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