



CHALLENGES FACING THE RECONCILIATION MECHANISM IN SRI LANKA

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Abstract:

Many attempts have been made to resolve the ethnic problem in Sri Lanka. When all such efforts failed, a war was waged against the armed conflict that had raged in North-East Sri Lanka for over thirty years. One such war ended in 2009. But the solution to the ethnic problem was not possible. A reconciliation mechanism was set up to resolve the resulting crises. Such a reconciliation mechanism has reached a point of failure. Therefore, it is necessary to understand the reasons for the failure of the Sri Lanka Island Reconciliation Mechanism. To find out, this study uses descriptive research methods. Based on such experiences, the study also makes proposals for possible reconciliation mechanisms

Keywords: *geo-politics, harmony, national ethnic problem, peace progress, war*

Introduction

While political science is elaborated as the study of war and peace, harmony is seen as an underlying concept in political science. Reconciliation is a bridge between the transitions caused by war, dealing with the past and leading into a new era. The word harmony has many meanings and uses. In particular, harmony has been used in different mechanisms beyond politics in the fields of economics, psychology, and sociology. Reconciliation is the common view that An individual can be reconciled to her fate; members of an association can reconcile after some internal strife; or, reconciliation can be pursued as a political goal, as justice may also be pursued.

Debates about reconciliation in transitional societies tend to focus on issues such as truth commissions' truth-finding, amnesty, and the relationship between criminal justice. But these factors do not constitute complete harmony with Sri Lankan ethnic issues. Therefore, South Africa's experience is the best effect globally for the reconciliation mechanism. Apartheid practices and policies have long tainted South Africa's history. It claimed many lives and caused untold suffering. With the election of a democratic government in 1994 and the ratification of a liberal constitution in 1996, the country entered a new phase of reconciliation in its history. The Preamble to the 1996 Constitution states that it is, "Heal the divisions of the past and establish a society based upon democratic values, social justice, and fundamental human rights. . ." It is observable that the Constitution of South Africa offers hope for reconciliation in its commitment to deal with the past and enrich the future. The severity of past injustices and the diversity of visions of the good life among citizens weaken the basis for reconciliation.



Repairing it becomes a source of reconciliation. South Africa's constitutional reform has accomplished just that.

The need for reconciliation in Sri Lanka can be seen to have a pre-centuries history. Especially the resentment between Tamils and Sinhalese in the Sri Lankan National Movement in 1921 has become a national ethnic problem today. Although the need for reconciliation among the nationalities of Sri Lanka has a century-long history, reconciliation became an internationalized rhetoric in Sri Lanka only after 2009. In 2009, the armed struggle was silenced in the Sri Lankan ethnic issue, which had evolved and impact into an armed struggle from the 1980s as a result, the international community declared this as a period of transition for Sri Lanka and suggested that Sri Lanka's national ethnic problem be resolved through reconciliation mechanisms. Since 2012, resolutions passed by the UN Human Rights Council against the Sri Lankan government have prioritized reconciliation efforts in Sri Lanka. Initially, the Sri Lankan government did not show enough support for international recommendations. However, with the formation of the National Government in 2015, some changes could be observed. The United Nations Commission on Human Rights proposed the transitional justice mechanism in 2015 as 'Resolution 30(1)' under the theme of promoting reconciliation, accountability, and human rights in Sri Lanka. The Government of Sri Lanka also sponsored this resolution. According to the resolution, the Government of Sri Lanka agreed to establish a Truth-Finding Commission, an Office for Justice, Reconciliation, Restitution and Truth-Finding on Disappeared Persons, judicial mechanisms with special chambers, and an Office for Reparations. However, weaknesses in its implementation are delaying the achievement of reconciliation.

This study's objective is although reconciliation activities have been carried out in Sri Lanka for the past decade as an international mechanism with international support, reconciliation in Sri Lanka remains an unachieved goal. Focusing on this, this study is designed to identify the political factors that are an obstacle to reconciliation.

Literature Review

Transitional Justice in Sri Lanka: Moving Beyond Promises (2017) edited by Bhavani Fonseka brings together Sri Lankan and international experiences of the transitional justice process in scholarly essays. Six articles have been compiled in the first part of it on the challenges and issues facing transitional justice in Sri Lanka. It provides in-depth knowledge on the holistic concept of transitional justice. However, this study differs by examining the reconciliation mechanism brought about by transitional justice. However, from the said book, it is useful to identify the factors that hinder the reconciliation of Sri Lanka as a crisis faced by transitional justice.



Darrel Moellendorf's research article 'Reconciliation as a Political Value'(2007). It evaluates the political definition of reconciliation and the involvement of reconciliation in politics. In this study focusing on reconciliation in Sri Lanka, the article is useful in identifying a form of reconciliation in politics. Marcel Reymond's *Reconciliation in Sri Lanka* (2012), this book describes the historical course of Sri Lanka's post-war reconciliation mechanism. This book is useful for understanding the historical development of Sri Lanka's reconciliation mechanism. However, this study differs by analyzing the reasons for the failure of the reconciliation mechanism on the topic of Sri Lanka's Reconciliation Challenge. And the book has compiled the history of Sri Lanka's reconciliation mechanism in terms of time, especially up to the year 2012.

The NCEASL and USAID's report 'The Role of Religion in Transitional Justice in Sri Lanka' summarizes the views of Sri Lanka's major religions, Buddhism, Shaivism, Islam, and Christianity, on reconciliation. Through this, it is possible to identify the ideas of reconciliation that are naturally hidden among Sri Lankan people. This is useful in formulating the recommendations of this study. Jasmina Brankovic's article 'Accountability and National Reconciliation in South Africa' (2013) was edited. The research paper presents the experiences of the reconciliation mechanism implemented in South Africa. Identifying the characteristics of success can lead to failure. Also, the article is useful for the knowledge regarding Sri Lanka's reconciliation and the procedures to be followed if it is to succeed.

Methodology

A qualitative method is applied to this study. Descriptive analyses of historical and current developments will support it. Data has been collected through secondary resources. Secondary data will consist of books, peer-reviewed journal articles, reports, news articles, and other online sources. The methodology adopted for this research is to review the existing literature and knowledge of the reconciliation mechanism. This study is based on descriptive research methods to identify the reasons behind the failure of Sri Lanka's reconciliation mechanism. Descriptive research aims to accurately and systematically describe a population, situation, or phenomenon. It can be the answer to failures of Sri Lanka's reconciliation mechanism for what, where, when, and how questions formats. This study is an exploratory method, one of its classifications in the descriptive research method. It will excel in searching for previously undiscovered ideas and information. Raising basic questions and gathering relevant information will be highlighted here. Based on that, this study is also built on the basic question of what are the reasons for the failure of Sri Lanka's reconciliation mechanism.

As the description expands and covers the subject matter, it becomes impossible to cover all the information. In this case, it is necessary to make the descriptive research topic interesting. This study mentions political reasons. Only qualitative data were used in this study. Primary data includes written data obtained through direct observation and indirect observation. Secondary data includes reports of



reconciliation commissions, government circulars on the reconciliation process, previous research papers obtained from the internet, reports of international organizations on the reconciliation process in Sri Lanka, and articles by experts. The data obtained for the study has been analyzed using the descriptive analysis method.

Discussions

Sri Lankan governments are unwilling to recognize pluralism

It is a reality that Sri Lanka (called Ceylon) is a multi-ethnic country. But the independence of Ceylon's constitution and tradition as a change of unitary government make the possibility of that weak. In particular, the island of Sri Lanka is facing conflicting activities between the Tamil-Sinhalese-Muslim communities. In independent Sri Lanka, the 1956 enactment of the official Language Act in their 1972 constitution and the primacy of Buddhism in the constitutions have sharpened the conflict. That is, the 1958 Gal-Oya massacre, the 1976 violence against the hill country Tamils, the 1983 ethnic riots, etc. are found to be an anti-reconciliation way. In this way, massive violence and attacks have occurred against the Islamic and Christian communities. Sri Lankan governments are continuously discriminating against other nationalities in politics, economy, education, employment, etc., through immigration to the North-East. It weakens harmony.

Table 1: Ethnic Group

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Ethnic Group	1953	1963	1971	1981	2001	2012
All Ethnic Groups	8,098	10,582	12,690	14,847	16,930	20,359
Sinhalese	5,617	7,513	9,131	10,980	13,876	15,250
Sri Lankan Tamil	885	1,165	1,424	1,887	732	2,269
Indian Tamil	974	1,123	1,175	819	855	840
Sri Lankan Moor	464	627	828	1,047	1,339	1,893
Indian Moor(a)	48	55	27	--	--	--
Europeans(b)	7	--	--	--	--	--
Burghers and Eurasians	46	46	45	39	35	38
Malay	25	33	43	47	55	44
Veddhas(b)	1	--	--	--	--	--
Sri Lanka Chetty	--	--	--	--	--	06
Bharatha	--	--	--	--	--	02
Others	32	21	16	28	37	18

Source: Statistical Pocket Book 2022. Department of Census and Statistics Ministry of Finance, Economic Stabilization and National Policies Sri Lanka.



Reconciliation is a pluralistic issue arising in a pluralistic context. The need for reconciliation is felt when countries with multi-ethnic societies take various steps to overcome conflicts and build their country. No one can forget that the idea of social harmony emerged only after the end of the war in Sri Lanka in 2009. However, its needs in Sri Lanka have centuries as old history. As the reconciliation dialogue takes precedence in Sri Lanka following the truce of the armed conflict in 2009, the government is also incorporating narrow policy classes into its reconciliation mechanisms that heal the scars of war and lead to reconciliation.

The basis of Sri Lanka's reconciliation stems from the Sri Lankan political power denial of the existence of other nationalities and its failure to recognize Sri Lanka's diversity. Governments that came to power after 2009 have acted in a Sinhala Buddhist majority in a nationalist manner. It is noteworthy that Buddhism was prioritized as the state religion in creating a new constitution focused on the institutional reforms of the national government, (2015-2019) which co-sponsored the resolution of the UN Human Rights Council in 2015. Suppose the Sri Lankan government recognizes Sri Lanka's multi-ethnic cultural structure and constitutionally gives due status to all nationalities. In that case, it will be at least created confidence in the mechanism of reconciliation for all other nationalities.

Sri Lankan governments have not delivered a consistent implementation of the reconciliation mechanism

From time to time, Sri Lankan governments that come to power have a tradition of symbolizing some of the procedures with the term reconciliation mechanism. However, the reconciliation procedure is as not followed consistently. The ruling government has established a cabinet sub-committee on reconciliation to promote reconciliation between the multi-racial people living in Sri Lanka and to provide solutions to the problems faced by the people in terms of resettlement, land, and missing persons. However, there are doubts about its implementation and development. In the post-war period in Sri Lanka, successive governments appointed cabinet sub-committees and commissions to bring about reconciliation between the people of the country, but they have not yielded any solutions to date.

Since the Banda-Selva pact of 1957, the Dadly-Selva pact of 1965, the Indo-Lanka Agreement of 1987, and the Regional Council initiative of 1998 have been non-implemented processes in independent Sri Lanka. In addition to quasi-implemented thirteen amendments only. The solutions to the national ethnic problem have been prepared as bilateral agreements to bring about harmony among the nationalities and have been left unimplemented. Instead of starting from where it was left off, starting afresh in the form of repeated reconciliation is an act of deceiving the country. National Reconciliation means that all nationalities living in Sri Lanka can be assimilated equally as Sri Lankans. The Reconciliation Commission should officially declare Sri Lanka as a multi-ethnic country. In addition, in 1978 unitary



constitution was declared as Sri Lanka is a Sinhala Buddhist country, therefore we cannot build harmony in Sri Lanka.

The power competition of the super powers

Harmony is a conceptual discussion in recent times to establish collective understanding and co-existence among the world countries. In the background of this, the dialogue of reconciliation was started in Sri Lanka. Sri Lanka's need for reconciliation began as an international community. That is, following the cessation of armed conflict in 2009, the need for reconciliation in Sri Lanka was identified through the UN expert panel report in 2011. Following that, the UN Human Rights Council has passed 19/2 of 2012, 22/1 of 2013, 25/1 of 2014, 30/1 of 2015, 34/1 of 2017, 40/1 of 2019, 46/1 of 2021, and 51/1 of 2022 in order to create reconciliation mechanism in Sri Lanka.

In the last decades, despite eight resolutions passed from international mechanisms with the support of international governments, Sri Lanka's reconciliation process cannot be fully implemented by the handling state mechanism in Sri Lanka. U.N Human Rights Council given the political pressure only reporting based on actions. U.N security council member country of China continues to oppose the resolution against the Sri Lankan government for that report when it is brought led by the United States and western countries. China has been contesting events in the international arena condemning the Sri Lankan government's neglect of reconciliation, mentioning of Sri Lanka's reconciliation engagement as its internal matter. Therefore, the international mechanism is also failed in Sri Lanka's reconciliation activities.

Geo-political interests

Geopolitics competition is seen as a complication to building ethnic harmony in Sri Lanka. In particular, the interests of the regional superpower, India, in Sri Lanka make the relationship between the Tamil, Sinhalese, and Muslim ethnic groups conflictual. Since the independence period, India has made various agreements and various types of involvement in the matter of Sri Lanka for its benefit. Indian army invaded Sri Lanka to control the LTTE in 1988, just like the Indian army invited to come to control the JVP riots in 1971. Indian foreign policy and diplomatic moves toward Sri Lanka are continuous and subject to scrutiny. India is expanding its embassies not only in Colombo city but also in other areas. Based on this, India tends to pursue political, economic, and military strategies in Sri Lanka. Thus, all attempts at reconciliation fail in India's interests and Sri Lankan government policy.

A war-winning mentality dominates Sri Lankan politics

Since 2009 Sri Lankan politics has been increasingly tied to war success mindset and its implications. Its impact was the government winning a 2/3 majority in the 2010 general election and the Sri Lanka Podujana Peramuna party (SLPP) making major gains quickly. Thus, the concept that defiling the war



victory is against Sinhalese patriotism is gaining prominence in Sri Lankan politics after 2009. As a result, successive Sinhalese political parties have avoided war crimes and international investigative mechanisms. Avoiding these is on the other hand tantamount to ignoring the reconciliation mechanism.

The Rajapaksas have directly rejected the international reconciliation mechanism during their tenure because the government was a direct political leader focused on war victory. The Ranil-Maithiri national government that came to power in 2015 demonstrated a pro-reconciliation mechanism early in its tenure by co-sponsoring UN Human Rights Council Resolution 30/1. However, it could not be maintained consistently. At the 2018 UN General Assembly occasion, President Maithripala Sirisena said, “As an independent country, we do not require foreign interference or threats. As a strong nation, we request all of you to allow us space to resolve our problems and to progress as an independent country.” as he said. He also emphasized that he had “great respect for the efforts made by the tri-forces of Sri Lanka to bring peace to the country”. Through this, Maithripala Sirisena government had also expressed its intentions to change from the 2015 status and get rid of the reconciliation mechanism. Although President Ranil Wickremesinghe is still talking about reconciliation with international organizations and ambassadors of international countries, he has allocated more funds to the military (Rs 539 billion for police and military departments, Rs 322 billion for Health Ministry, and Rs 232 billion for Education Ministry) in the 2023 budget report. The war-winning mentality that prioritizes the military has always been an obstacle to Sri Lanka's reconciliation.

Conclusions and Recommendations

Reconciliation is seen as a necessary concept for Sri Lanka in action beyond dialogue. Sri Lanka's reconciliation is necessary for solving the political and economic crises facing Sri Lanka today. Reconciliation of Sri Lanka is emphasized as a prerequisite for liberal organizations and countries providing economic cooperation to Sri Lanka. Reconciliation engagement in Sri Lanka was introduced in the post-2009 context with the international community's involvement. In particular, Sri Lanka's protracted civil war ended in 2009, making peace-building necessary. In which reconciliation became the primary approach to peace-building dialogue. However, the impact of Sri Lanka's political environment has created major obstacles in achieving reconciliation. The study has prioritized the following issues as barriers focusing on the political factor.

- Sri Lankan constitutions are unwilling to recognize pluralism.
- Governments of Sri Lanka do not provide consistent implementation of the reconciliation mechanism.
- The power struggle of international governments prevents adequate international impetus for reconciliation in Sri Lanka.
- Due to geopolitical interests, reconciliation of Sri Lanka passes as a mere propaganda item.



- The war-winning mindset that dominates Sri Lankan politics.

It is true that by fixing these things, at least the initial steps toward reconciliation can be made in Sri Lanka. Based on such experiences, the paper also makes the recommendation for possible reconciliation mechanisms.

- The solution to the political-economic crisis rests on reconciliation.
- Political parties should follow the ideas of reconciliation imbibed in the 'Aragalaya' movement.
- Reconciliation mechanisms of the United Nations should be fully implemented.
- Governments should follow past experiences and world experiences and implement them.
- Interventions of geopolitical interest and international political interest should be avoided in the reconciliation process.

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