

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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Abbreviations

ADB	Asian Development Bank
BMICH:	Bandaranaike Memorial International Conference Hall
BTF	British Tamil Forum
CC	Constitutional Council
CID	Criminal Investigations Department
CGA	Crisis Group Asia
CHOGM	Commonwealth Heads of Government Meeting
CJ	Chief Justice
CIABOC	Commission to Investigate Allegations of Bribery or Corruption
COPE:	Committee on Public Enterprises
CPA:	Centre for Policy Alternatives
CSO	Civil Society Organizations
CTFRM:	Consultancy Task Force on Reconciliation Mechanism
DLF	Democratic Left Fund
DoGP:	Department of Government Printing
ETCA	Economic and Technology Cooperation Agreement
FGDs:	Focus Group Discussions
FUTA:	Federation of University Teachers' Association
FTZ:	Free Trade Zone
GTF	Global Tamil Forum
HSZs	High Security Zones
KIs:	Key Informants
ICG:	International Crisis Group
IDPs:	Internally Displaced Persons
ISFTA	India-Sri Lanka Free Trade Agreement
JHU	Jathika Hela Urumaya
JSC:	Judicial Service Commission
JVP	Janatha Vimukthi Peramuna
LLRC:	Lessons Learned and Reconciliation Commission
LTTE:	Liberation Tigers of Tamil Eelam
MEP	mahajana Eksath Peramuna
NMJS	National Movement for Just Society
NAP	National Action Plan
NUG:	National Unity Government
OGP	Open Government Partnership
ONUR:	Office of the National Unity and Reconciliation
OMP:	Office of Missing Persons
PAFFREL	People's Action for Free and Fair Elections
PARC	Protective Accommodative Rehabilitation Centre
PMAG	Prime Ministerial Action Group

PPP	Peace-building Priority Plan
PRC:	Public Representative Committee
PRCCR	Public Representations Committee of Constitutional Reforms
RTI:	Right to Information
SLFP:	Sri Lanka Freedom Party
SLMC:	Sri Lanka Muslim Congress
RCSS:	Regional Centre for Strategic Studies
UPFA	United Peoples' Freedom Alliance
UNF:	United National Front
UNHRC:	United Nations Human Rights Council
SCRM:	Secretariat for Coordinating Reconciliation Mechanism
TNA:	Tamil National Alliance

Introduction

by

Prof. Gamini Keerawella

Background

Sri Lanka was standing on a critical historic juncture at the end of the long-drawn civil war in May 2009, with many crossroads before the victorious regime. From the standpoint of democracy building¹, the main challenge that Sri Lanka confronted at this juncture was how to transform the hard-fought military victory over the LTTE into a foundation for sustainable peace based on democratic inclusion and good governance. Despite the mutual allegations of committing war crimes at the last stage of the war, the termination of the armed conflict and the collapse of the LTTE have opened up a new historic space and opportunity to move towards a sustainable peace by pursuing democratic political reforms. The transition from conflict to post-conflict society is not simply a *fait accompli* of silencing the guns of the antagonist. The political reforms taken in the direction of widening democratic institutions and related political processes to integrate those who had been alienated from the Sri Lankan polity constituted a key element of such a transition. It needed a clear vision and the courage to initiate political reforms. The significance of the historic opportunity and the space opened up for democratic reforms at the end of the war should be viewed against this backdrop.

At Independence in 1948, Sri Lanka was considered a promising new state where Western parliamentary democratic traditions would prevail in a plural post-colonial environment (Wilson, 1974; Jupp, 1978). All the necessary conditions for embarking on a successful democratic political journey were found in the country. The universal suffrage, the multi-party system and peacefully contested elections that Sri Lanka enjoyed even before the Independence gave a strong testimony for a democratic future of Sri Lanka. The widespread belief that prevailed in 1948 was that the Westminster model parliamentary democratic institutions and practices would provide a strong foundation for a stable democratic state. The political elites of the country who held the reins of power in 1948 had a strong faith in these institutions and practices (Wriggins, 1960). The challenge before the rulers of the new state was to guide and direct the post-colonial state building to embrace the multi-ethnic social order.

¹ Democracy building is a broad phenomenon with many dimensions. For this study, democracy building is defined as strengthening institutions and process involved with representative governance. As the concept democracy is constantly evolving, democracy building is a process that is context dependent.

The rosy picture as a country of ‘vibrant democracy in South Asia’ that Sri Lanka enjoyed in the 1950s and 60s gradually withered away in the 1980s. What witnessed since then was the rapid attrition of democratic institutions and practices. The political history of Sri Lanka since 1948 has been one of continuous erosion of the hegemonic of the state and the collapse of the elitist historic bloc, in the Gramscian sense of the terms, formed in 1948 (Keerawella, 2013). The failure of the Sri Lankan Political process since Independence to build a more inclusive and harmonious multi-ethnic polity paved the way for three armed challenges of domestic origin: two youth armed uprisings in the South in 1971 and 1987-89 and protracted war for 30 years in the North. The most dramatic manifestation of the structural crisis confronted by the Sri Lankan state was the ethnic conflict and the long-drawn separatist war. The paradox of democracy in Sri Lanka is that, despite these armed challenges, Sri Lanka preserved the basic features and institutions of democratic governance. But, the democratic institutions and processes were systematically manipulated and distorted, transforming them into the tools of authoritarian governance while observing democratic rituals routinely. The constant majoritarian political practices, the intolerance of dissent, frequent use of Emergency Regulations, the concentration of power in the hands of the executive while systematically dismantling the system of checks and balances, the manipulation of the electoral process and the institutionalization of political violence became the defining features of the political order in Sri Lanka with time. In short, the democratic political institutions and processes were systematically manipulated without totally abandoning them to become a full-fledged autocracy.

It is not possible to attribute the erosion of democratic processes and the debilitation of democratic structures in Sri Lanka solely to the 30-year long armed conflict. Indeed, the two youth uprisings in the South also contributed in no small measure to democratic backsliding in the country². Indeed, the process of democracy decay started well before the outbreak of the armed conflict. The exigencies attributed to the political and defense needs of the armed conflict by the consecutive rulers in power further accelerated the process of democratic backsliding of the country. The ferocious armed challenge by the LTTE was conveniently exploited by the regime to avert much-needed democratic political reforms. As Newton

² Nancy Bermeo used the term ‘democratic backsliding’ to conceptualize the degradation of democratic rule that many are experiencing at present. She defined democratic backsliding as state-led debilitation of the political institutions that sustain an existing democracy. (Bermeo, 2016)

Gunasinghe observed, the ethnic conflict and the Elam War ‘over-determined’ the democratic politics in the country during this period (Gunasinghe, 1996).

Post-War Context of Democratic Reforms

The end of the war in 2009 could have been a turning point in post-colonial Sri Lankan history if President Mahinda Rajapaksa had used this historic opportunity and the space to embark on much-needed democratic political reforms. Having gone through enormous pain and destruction caused by armed conflict for years, the ending of the war generated a huge relief and kindled a hope that peace has come to the fractured land at last. Despite the somber atmosphere in the North and East created by the manner in which the LTTE collapsed dramatically, the war triumphalism was rampant in the rest of the country. President Mahinda Rajapaksa earned enormous political capital as the one who gave the leadership to the victory. He handsomely claimed all the credit for eradicating terrorism and liberating the country from the throws of separatism. In capitalizing the mood of the country, President Mahinda Rajapaksa called the Presidential, the Parliamentary and the Provincial Council elections one after another. The ruling coalition won all the elections comfortably. In addition, by enticing crossover of members of the Parliament from the opposition, the regime was able to secure the two-thirds majority in the parliament, which has hitherto been considered unattainable in the prevailing system of proportional representation.

The regime in power wanted to use the war triumphalism to divert the attention of the people in the South from the growing political and economic challenges in the post-war context and to freeze long awaited democratic political reforms. Given his political clout in the South, President Mahinda Rajapaksa could have utilized this historic opportunity to promote democratic reforms aimed at building an inclusive state and a healthy institutional base for a vibrant democracy. Instead, President Mahinda Rajapaksa used the political capital he earned by ending the war to strengthen the authoritarian features of the executive presidency, deepening the process of democratic backsliding. Despite the repeated statements as to the government’s willingness to proceed with a political solution to the ethnic problem, there has been very little progress in that direction.

The widespread distribution of political power among the people was expected in political reforms in the post-war context. The devolution of power to the regions/communities is only one aspect of the reform process. Further, the devolution of power has to be a part of the broader political reforms aimed at promoting good governance: rule of law, accountability

and transparency. Ideologically, President Mahinda Rajapaksa became a hostage to broad coalition hardline Sinhalese nationalist groups and movements that he had forged as a part of his war strategy. These forces totally rejected the very idea of an ethnic conflict emanating from minority-specific political grievances. (Uyangoda, 2011) In the context of a pervasive war triumphalism in the South, any attempt at democratic reforms in widening the democratic political space through devolution is viewed by the ethno-political clientele of the regime as an instance of presenting on a platter what the LTTE failed to achieve on the battlefield. The failure to ‘summon the political will and courage’ to use this historic opportunity to promote overdue democratic reforms after the ending of the war, the year 2009 entered into history as a potential turning point that did not turn history.

At the same time, international pressure on the regime to have a credible mechanism to investigate what has happened during the last phase of the war was mounting. The government response to the international pressure was haphazard and had no consistency. When Western countries became increasingly critical of the country’s human rights record, Sri Lanka’s strategic drift towards the countries that backed her in global diplomatic theatres and the re-charting of foreign policy priorities of Sri Lanka was visible. As a result, the geo-political position of Sri Lanka has evolved considerably since 2009.

Sri Lanka was yearning for democratic reforms to check continuous erosion of democratic institutions and processes; what witnessed after the reelection of President Mahinda Rajapaksa for the second term on 26th January 2010 was continuous backsliding of democracy. The concentration of power in the hands of the Executive President reached a summation with the 18th Amendment to the Constitution, which removed the two-term limit on being elected to the office of the President, on 08 September 2010. The Mahinda Rajapaksa regime appeared to be stable and powerful after the military victory, but in reality the regime was insecure and threatened in the absence of democratic reforms manifested in many instances.

After five years since the end of the war, the people at large were fed-up with the continuation of democratic backsliding and manipulation of the constitution using a two-thirds majority in the parliament. When the euphoria created by the defeat of LTTE was subsided, it became clear that the historic space opened up for a sustainable political solution to the ethnic problem has not been utilized and the opportunity to build a harmonious polity has been allowed to lapse. The yearning of the people for a systemic change and democratic reforms motioned a political wind that toppled the government led by President Mahinda Rajapaksa in 2015. The first substantive initiative of democracy-building reforms in the post-war context

was taken by the National Unity Government (NUG) that assumed power after the election victory of the common candidate, Maithripala Sirisena in 2015. The significance of democracy-building initiatives taken by the UNF government must be viewed in the theoretical context of evolving discourse on democracy.

Democracy: A Process and Discourse

Democracy is a constantly evolving concept with multiple dimensions and diverse forms in different contexts. Broadly speaking, democracy building is a process and a discourse. It is not only a system of governance, but also an ideology, a form of culture, a way of life and a mode of thinking. As a system of governance, democracy has reached the present stage as a result of the struggle and sacrifices of generations of people for centuries. Broadly speaking, democracy can be defined as “popular control of public decision-making and decision-makers, and political equality between citizens in the exercise of that control.” (*The Global State of Democracy*, 2017)

It is generally believed that regular, free and fair elections are the key defining feature of democracy. What is meant by free and fair elections is a vexed issue because of the presence of big money in politics, and its ability to capture the state and facilitate corruption. Free and fair election is not the only criteria of democracy. Besides, the mandate is not a *Carte blanche* given to those who are elected by the people only for a certain period. In a democracy, the Mandate should invariably accompany in-built mechanisms to check, control and correct them to make democracy functional. Hence, mutual checkmating and balance of three branches of government namely executive, legislative, and judiciary is an essential element of democracy.

The importance of constitutionality in democracy has been brought to the forefront by the evolving democracy discourse. As constitutionality is the legal backbone of democracy, the Constitution should not be altered and manipulated on the whims and fancies of those who are in office. It is the constitution that defines the parameters of the functions of three branches of government. It is a fact that the Executive, Legislature, and Judiciary equally exercise popular sovereignty but they do so within the boundaries demarcated by the constitution. It is a fact that the Supreme Court, not the Executive or the Legislature, that interprets the constitution. In the last resort, the guardian of the Constitution is the independent Supreme Court. Hence, independence of the judiciary is the *sine qua non* for democracy. Any interference in the judiciary, direct or indirect, is considered an assault on democracy.

Democracy is a system of rule by laws, not by individuals. No one is above the law, not even the elected president. The rule of law places limits on the power of the government. No government agency may violate these limits. Fundamental rights constitute an essential feature of democracy, which determines the degree to which civil liberties are respected. The protection of fundamental rights vis-à-vis legislative action lies with the judiciary in democracy. The absence of privileged class and the equality of voters are the core of democracy. Free citizen and informed public constitute an essential element of democracy and without them it becomes sterile. The free access to information is fundamental in the articulation of the informed public and the state.

The role of free, competitive, and robust but responsive media as the ‘watch dog’ of democracy is crucial in democratic governance. The use of media, conventional and social, as a tool in legitimization/ de-legitimization of political power and politics is a critical issue in democracy. As Andrea Butruce writes, “The digital revolution has brought about a paradigm shift in the modalities of state-society relations and the very concept and functioning of democracy. Social media in particular has impacted the process of information sharing and gathering. Now simply a click away, and influenced the perception of truth” (Butruce, 2019).

Scope and significance of the Research

The tenure of the National Unity Government (2015-2019) stands as a unique democratic reform experiment in Sri Lanka since independence. It marked the first substantive political reform initiative in the post-war context. Moreover, for the first time, the two main political parties that were traditionally political rivals became constituent parties of the government in 2015, a novel phenomenon in the country. In this backdrop, the proposed research aims to examine why the 2015-2019 democratic reform agenda in Sri Lanka stalled during the middle of the course despite all the hype and popular support for political reforms at the beginning.

The continuation of the same political practice for five years after the end of the war created a widespread popular urge for political reforms. When the parliamentary opposition was still lukewarm to political reforms, the breakthrough came from the civil society, bringing *Yahapalanaya* (good governance) to the forefront of the political discourse. Over 49 civil and political organizations stood as a common front and fielded a common candidate at the Presidential Election in 2015. The accompanying change of regime was viewed as a victory of

democracy against the abuse of power by the executive authority that repeatedly evaded democratic reforms.

The initial interest and commitment of the National Unity Government to fulfill the mandate of democratic reforms withered away after taking some important initial steps. The conditions changed rapidly since then. Within a short span of five years, all those social forces that were behind the regime change in 2015 were disillusioned and the civil society front for good governance dissipated. In 2019, the people overwhelmingly voted for the previous regime that they ousted five years ago. How can this dramatic *volte-face* be explained? This is the crux of the dilemma of democratic reforms in Sri Lanka.

The dilemma of democratic reform initiatives of NUG in the post-war context is unpacked by raising the following research questions:

1. What are the positive and negative elements of the democratic-reform agenda in 2015?
2. How to account for the setbacks in the democracy-building endeavors during 2015-2019?
3. What are the main lessons to be learned from the democracy building experience during 2015-2019?

The democratic reform initiatives of 2015-2019 were the first civil-political attempt taken to transform the 'negative into 'positive peace' concentrating post-war ethnic reconciliation. The lessons that can be derived from the pursuit of these democratic reforms are crucial for any democracy-building endeavors in the future. This research aims to generate a wide public discourse on the paradox of democracy in Sri Lanka.

Research Methodology

The proposed research is a theoretical and analytical study. The point of departure of the study is the survey of analytical literature on democracy-deficit and democratic reforms in post-conflict settings to posit the Sri Lankan dilemma in a proper theoretical/analytical context. A two-layered data collection process was followed to obtain the required data and information. The first step comprises of collecting data through desk research while the second focused on collecting primary data from field research in selected geographical areas.

The key element of the project was desk research. In addition to the theoretical literature survey, the desk research focused on collecting data from election manifestos of political parties, policy statements and other pronouncements of political and civil leaders, parliamentary, public and media debates, and the proceedings of various committees.

The second layer of the research consisted of 24 Key Informant (KI) interviews and a focal group discussion. Almost half of the KI interviews was allocated for political leadership, officials, and faith groups. The other half of KI interviews covered regional civil/political activists from five provinces: North, East, Central, Western and South.

Focal Group (FG) Discussions were held in Colombo and Kandy. The representatives of main civil society organizations located in Colombo and other provinces were invited. When selecting candidates for the KIs and FGs, gender and ethnic balance was maintained.

Limits and Constraints of the Research

The research faced two sets of risk factors. First was the impact of COVID-19 related emergencies. The field research activities were conducted by adhering to health guidelines. As a mitigation strategy, online communication tools for interviews and meetings were used where online encounters were not possible. However, COVID-19 pandemic related travel restrictions relayed our field research. We were compelled to postpone scheduled KI interviews several times in this context. The second risk that the research team stipulated was possible reluctance of some civil society organizations to involve themselves in the research for fear of political reprimand and victimization. However, all the civil society organization that we contacted extended their cooperation.

The research team was conscious of the fact that the pressure from political authorities and the narrowing of research to serve political objectives would damage the credibility of the research. Given the existing politicization of civil society, withholding pressure from direct and indirect politicization would have been a formidable challenge. Fortunately, any issue of such nature was not encountered. The research team adhered to the strong professional standards in research planning and implementations. RCSS track record of political neutrality and academic and professional credibility is a valuable advantage in the mitigation of such risks.

Structure of the report

The report is organized in nine chapters, the first and the last being the introductions and the conclusions. The point of departure to the survey of democracy-building experience in Sri Lanka under the National Unity Government is tracing the momentum of the political whirlwind in the period 2009-2015 that resulted in defeating President Mahinda Rajapaksa at the Presidential election held in January 2015. The second chapter traces the authoritarian tendencies, political corruption and nepotism of the regime that brought democracy-building

agenda to forefront of political discourse in the country in the period 2009-2014. It also identifies factors and conditions behind the formation of a broad alliance between the civic forces identified with the democratic reform agenda and the opposition political parties leading to the fielding of a common candidate to realize democratic political reforms and the abolition of the Executive Presidency.

With this backdrop, the report identifies the main elements of the democracy-building initiatives of the National Unity Government and their evolution in the third chapter. It first pays attention to democracy building agenda presented by the national unity Government in 2015 and concentrate on the 100-day programme and to its significance from the perspective of democracy building. The scope of the chapter includes the change and continuity of democracy-building process after the Parliamentary election in January and the General Elections in August 2015. Factors and conditions that decided the pace of democratic reforms will be dealt with in the chapter.

The fourth chapter concentrates mainly on the role played by external actors in influencing democratization process and the responses of the National Unity Government. For heuristic purpose, firstly, the study would categorize the external actors in terms of their sphere of operation, their interests and the tools they employed to influence the democracy-reform initiatives and peace building. The change and continuity of the role of external actors and the responses of the NUG to them is the main thrust of the chapter. The special attention is made to trace the domestic reactions to the role of external actors in the twin process of democracy and peace building process and their impact on the behaviour of the NUG.

The initiative taken by the NUG in the direction of achieving national reconciliation forms the scope of the fifth chapter. To begin with, it pays attention to how the NUG perceived the national reconciliation and its priorities. Thence, it evaluates the main steps taken by the government after 2015. The majority and minority responses to the initiatives taken by the NUG Regime in promoting national reconciliation is also traced.

The critical factor in the democracy-building discourse of NUG is the civil society and its intervention. In the sixth chapter, the report traces the role of civil society during and after the Presidential Elections. It was the civil society actors for democracy that played the decisive role in bringing the National Unity Government into power. The evolution of the relationship between the civil forces that backed the common candidate at the Presidential

Elections in 2015 and after the establishment of NUG constitutes the scope of third chapter. To begin with, the nature of relationship between the civil society activists and the regime after NUG came to power in 2015 was unpacked. The space opened for civil society to play a constructive role in promoting democracy-reforms has been brought to the focus. It pays attention to trace how that space was changed over time and how to account for the changed relationship of constituent elements of the *Yahapalana* Regime, especially after the constitutional crisis following the unconstitutional removal of the Prime Minister by the President.

The change of political priorities of NUG in the period 2015-2019 is dealt in the chapter seven. The political decision-making process witnessed a gradual change over time. The change of priorities of NUG regime will be analyzed in relation with the problems and constraints faced in pursuing the democratic reform agenda and national reconciliation. Another aspect that the chapter discusses is the diverse implications of priority change of the NUG regime for democracy building process in the country.

The crisis and disintegration of social and political alliances for democracy at the later part of the NUG tenure will be discussed in the chapter eight. It was a gradual process that reached its culmination in 2018. Among the issues discussed in chapter include the contradictions in the perception of UNF partners as to democracy-reform agenda building, the factors that influenced the disintegration of political/social alliances of the 2015 democracy-building project the factors that led to the constitutional crisis and Impact of the disintegration of social and political alliances on democracy-building process. In the conclusion, the report pays attention to identify key lessons learned from democracy building experience in Sri Lanka under the National Unity Government in the period 2015-2019.

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to interview HE President Chandrika Kumaratunga. Her keen insights and observations led us think deeper into the complex issues involved with the democracy building in the country. Further, many political activists accepted our invitation and attended the two Focal Group discussions held in Colombo and Kandy (see Annexure II). Their contribution on different aspects in democracy building initiatives in the Period 2015-2019 is highly valued. However, the responsibility of views presented in the report is rested with the research lead and the research group.

Chapter One
Road to Regime Change in 2015:
Gathering the Whirlwind for a Political Change

by

Prof. Gamini Keerawella

Ms. Nimmi Jayathilake

Introduction

The point of departure to the unpacking of democracy-building experience in Sri Lanka under the National Unity Government (NUG) is tracing the momentum of the political whirlwind in the period 2009-2015 that resulted in defeating the incumbent President Mahinda Rajapaksa at the Presidential election held in January 2015. In order place the political promise of democracy-building initiatives of NUG (2015-2019) and also their weaknesses on a broad politico-historical context, this chapter will unpack the politico-historical dynamics that ensued the defeat of President Mahinda Rajapaksa by tracking how and why civil forces and the political parties/ groups rallied together in bringing democratic political reforms agenda to the forefront of political discourse.

Sri Lanka stood at a decisive historic juncture in the post-colonial political historical evolution at the end of the war in 2009. The demise of the LTTE as an armed out-fit and the end of the long-drawn war opened up an unprecedented space and opportunity for pursuing political reforms to move from a negative peace that Sri Lanka achieved in 2009 into a positive peace³. This historic opportunity and the space were not utilized by the victorious Mahinda Rajapaksa regime to launch long-overdue democratic political reforms to build trust and confidence among all communities in achieving ethnic reconciliation and national integration. After having secured easy victories in the Presidential, the Parliamentary, the Provincial Council and the Local Government elections, held soon after the end of the war in 2009, the Mahinda Rajapaksa regime was appeared to be politically very powerful in post-war Sri Lanka but in the absence of democratic political reforms and continuation of authoritarian political practices, it was structurally weak and insecure. These structural weaknesses were manifested in its authoritarian moves and frequent use of force to quell

³ The negative peace is defined as an absence of violence, armed conflict and fear of violence. It encompasses the absence of direct violence that threaten immediate human existence. The positive peace includes the controlling/ restructuring of political, economic, social and ideological structures and processes that generate violence or fear of violence. It encompasses the building and sustaining the institutions, structures and process necessary for sustaining peaceful societies.

democratic agitations in the period 2010-2015. When other day-to-day issues overshadowed the euphoria generated by the ‘victory of war’ that the regime sustained systematically, the authoritarian practices of the regime became more noxious and the political climate of the country slowly began to change. It was in this context that certain sections in civil society came forward to bring the issue of democratic reforms into the forefront of public discourse while the main opposition political parties in the Parliament still turned a blind eye to the authoritarian moves of the regime. The widespread, though unorganized, political dissent against the concentration of power in the hands of the Executive President created a stage to slowly emerge the political discourse on democratic political reforms centered on the single slogan of the abolition of Executive Presidency. So being confident of the victory, with a self-adorned halo for ending the 30-year civil war, President Rajapaksa decided to go for a fresh mandate in January 2015, two years in advance. A political prophecy was meticulously cultivated throughout the country that President Mahinda Rajapaksa was so strong and popular that no one can defeat him at an election. However, his defeat proved that the euphoria of military victory could not subsume political impulses of the people for democracy and good governance.

The chapter begins by tracing how the regime addressed the challenges and constraints that it faced in the post-war context. It would help to understand the authoritarian tendencies, political corruption and nepotism of the regime, which gave credentials to the political demand for good governance and democracy. Thence, the chapter will trace the gradual emergence of civic political activism and a new political discourse. Finally, it will trace the evolving relationship between the civic forces associated with the democratic reform agenda and the opposition political parties leading to the fielding of a common candidate to realize democratic political reforms and the abolition of the Executive Presidency.

Post-war Context: Challenges and Opportunities in 2009

The dramatic collapse of the LTTE changed the political climate of the country significantly in the South as well as in the North. However, the end of the war in 2009 was perceived in the South and in the North quite differently. The war triumphalism was pervasive in the South. President Mahinda Rajapaksa earned enormous political capital as a leader who led the war with the LTTE to a victorious and sane country from the clutches of secessionism. The way in which the V-day was orchestrated in the South indicated that President Mahinda Rajapaksa was eager to use the war victory as a political insurance to the

regime in the face of growing other economic and political problems and challenges. In contrast to the euphoria in the South, the atmosphere in the North looked very bleak. The manner in which the LTTE collapsed and what has happened in the last phase of the war send unthinkable shock waves to the Tamil society and its psyche. Defeatism, frustration and helplessness set the tone of public life in the North and in the majority Tamil areas in the East. The Tamils in general believed that their political bargaining power vis-à-vis Colombo was now weak in the absence of the LTTE.

In the immediate aftermath of the end of the war in 2009, the regime was compelled to face some pressing issues. The most arguable among them was to avoid an immediate humanitarian crisis due to the massive influx of Internally Displaced Persons (IDPs). According to the statistics prepared by the Rehabilitation and Disaster Relief Services Ministry, there were a total number of 247,186 IDPs in Vavuniya 'Welfare Centers' while 7,379 persons were housed in Jaffna and 7,712 persons in Trincomalee as of September 2009 (Sunday Observer, 4 October 2009). Compared to the IDP situation in the East, the resettlement of IDPs in the North was more difficult. The destruction of physical and social infrastructures was more extensive in Kilinochchi and Mullaitivu districts. The area had been densely mined. In view of the formidable proportions of the challenge, the initial shock was absorbed fairly well by the state structures. The urgent first task of establishing safe gathering centers for immediate accommodation and the provision of day-to-day basic needs and other facilities to avoid a humanitarian crisis was attended efficiently. Indeed, providing makeshift shelters, water, medical care, food supply, water/gully services and garbage clearing remained a gigantic challenge. However, there was a long stay in transitional arrangement at the welfare centers, waiting to be resettled without a clear time frame. Restrictions in movement out of the welfare centers for IDPs and the highly controlled visiting access to the centers fueled these concerns, nationally and internationally. Under international pressure, the government lifted certain restrictions in the IDP centers and expedited the resettlement process. According to the *Reliefweb* of the United Nations, "The Government of Sri Lanka had taken steps to resettle approximately 6,000 Internally Displaced Persons (IDPs) during the first two weeks of March 2010, in Kilinochchi and Mullaitivu districts, bringing down the total number of IDPs living in government-run welfare centers to 65,591. All IDPs have been given the option to return to their original villages or to relocate to areas of their choice. Those who wanted to remain in the welfare centers are permitted to stay at these centers" (Reliefweb). As of 8th March 2010, 24,292

IDPs returned to the welfare centers. Furthermore, another immediate concern was how to arrest the proliferation of small arms. In the light of the fact that the widespread availability of small arms among members of the LTTE, any possible proliferation of small arms would have long-term negative consequences. The regime addressed this issue also well and was able to arrest the proliferation of small arms of ex-LTTE combatants. According to G.L. Peiris, “This [the proliferation of small arms] was a very serious problem along with turbulence of considerable magnitude within an extensive geographical region with the proliferation of weapons and lawlessness. This did not happen at the end of the conflict in Sri Lanka, neither within the country nor in the neighbouring countries” (G.L. Pieris, 2011: 12). All in all, given massive influx of IDPs, the initial humanitarian issues immediately after the war were handled quite satisfactorily.

Along with the resettlement of IDPs, another critical issue that the victorious regime had to address in the post-war context was rehabilitation and reconstruction in the North and the East. After the flushing out of the LTTE from the East, the ‘*Negenahira Navodaya*’ programme was launched in July 2007 to attend and coordinate post-war rehabilitation and reconstruction functions. The entire Eastern province was never under the total control of the LTTE and the physical destructions were not that severe. The situation in the Kilinochchi and Mullaitivu districts was different as they were under LTTE control and the destruction of infrastructural facilities was almost total. In June 2009, the Sri Lankan government launched the ‘triple R’ programme named *Uthuru Wasanthaya*. A Presidential Taskforce chaired by Basil Rajapaksa, Senior Advisor to the President was established for *Uthuru Wasanthaya*. It had two phases. First, the 180-day programme focused on de-mining, resettlement of IDPs, energy grid, telecommunication reconstruction of damaged Socio-economic infra-structure, and lively hood recovery. The second phase focused on infrastructure development, electricity, transport, water supply, health, education, cultural affairs and livelihood development programmes. The government was able to mobilize a wide range of intergovernmental donors. Approximately 64% of funds for Northern developments came from international donors.

The main emphasis in the post-war rebuilding and reconstruction was on physical infrastructure development, mainly roads and bridges. In the first three years, eleven large

bridges were completed with a total of 2538 meters in the North and East⁴. In addition, widespread building construction programmes have been initiated, including building schools and townships. As a result of these large-scale development projects, the appearance of the region has changed rapidly since the end of the war. However, the true success of post-conflict rehabilitation and reconstruction cannot be measured only in terms of the construction of new roads, bridges and buildings. It is not simply a technical or economic venture. Rebuilding communities in their social-cultural setup should be an important aspect of post-war rebuilding. As development also is a discourse, the political understanding of development by the people in the regions was a very crucial factor to be given serious attention in post-war rebuilding and reconciliation. In the final analysis, the post-war reconstruction and rebuilding is a political exercise. The regime's misreading of political overtones of the large-scale projects carried out by the state led to many political miscalculations.

Many Key Informants (KI) of the survey pointed out that the post-war rehabilitation and reconstruction lacked a clear political vision. The post-war rehabilitation and reconstruction projects could have been used as avenues for economic, social and political empowerment of the citizen and local communities in the region. However, the people in the region believed that post-war development initiatives were imposed from above, mainly from Colombo. The people of the area did not own the reconstruction process. There was no roadmap road map to transfer the ownership of the process once it was set in motion. The widespread perception of the region was that the social dimension of post-war reconstruction, namely reconstructing the life of the people in the region, was not given due attention. It explains why people in the North and the East voted overwhelmingly against Mahinda Rajapaksa at the 2015 presidential elections, despite the massive infrastructure development projects carried out in the region. If the post-war rehabilitation and reconstruction had been used as a tool of reconciliation and community empowerment, the situation would have been different.

Further, the need for a new vision for post-war Sri Lanka to reframe defence policy and restructure security-building mechanisms in the North and the East was keenly felt by 2015. It has been brought to the attention that the five years since the end of the war was a

⁴ The total cost of developing the A-9 Highway with ADB assistance was said to be Rs. 710 million. A total of Rs. 380 million will be spent on the Vavuniya-Horowpathana road and Rs. 360 million on the Medawachchiya-Mannar road.

high time to deviate from the more coercive practices of security building to suit the post-war environment. The heavy and visible military presence in every nook and corner of the North became anachronistic and politically counter-productive by day by day. A subtle mechanism for security surveillance and intelligence gathering, which should not appear offensive, was needed and the analysis of security intelligence had to be more sophisticated. The difference between dissent and subversion had to be carefully identified and dissent had to be accepted and allowed as a healthy safety valve embedded in democracy. The regime did not show sophistication in handling security affairs in the post-war context. In order to win the trust and confidence of the people in the region, the execution of security functions had to be regulated in terms of the rule of law. In this context, the political campaign associated with the promotion of good governance, rule of law and accountability of the ‘common candidate’ became highly attractive to the minority communities in the North and the East.

By 2015, the people in the North and East were fed up with the continued grip of the military in economic and general administrative affairs in the region. The militarization continued unabated after 2009 despite the end of the war. The acquisition of the policing functions by the military and the mobilization of military forces to maintain the law and order in the post-war context was considered as continued militarization where the military played a crucial role in day-to-day affairs of the people and civil administration. According to the Crisis Group Asia report “The heavy militarization of the province, ostensibly designed to protect against the renewal of violent militancy is, in fact, deepening the alienation and anger of northern Tamils and threatening sustainable peace. Major new military bases require the seizure of large amounts of public and private land and the continued displacement of tens of thousands. The growing involvement of the military in agricultural and commercial activities has placed further obstacles on the difficult road to economic recovery for northern farmers and businesses” (Crisis Group Asia Report No- 220, 16 March 2012).

The need to have a broader vision of the post-war reconstruction and rehabilitation underscores the importance of the initiatives taken in the direction towards a political solution to the ethnic problem. The success of sustainable peace and reconstruction ultimately depends on the ability of the regime to offer a viable political solution to the ethnic problem. The significance of the present debate on ‘13+’ should be understood in this context.

The political empowerment of the people and communities should be a key aspect of post-war reconciliation. In the democratic framework, this could only be realized through widening the political space through necessary constitutional and institutional arrangements

to include those who feel excluded from the political decision-making process. As the terrorism manifested in the LTTE was presented as the main obstacles to democratic values, practices and institutions, the domestic and international peace advocates expected that the newly opened opportunity and space would be utilized for taking steps in the direction of achieving durable peace. In the last stage of the war, the Sri Lankan government has repeatedly assured the international community that “Sri Lanka will take measures for the effective implementation of the 13th Amendment to the Constitution” (Human Rights Council, 2008). Sri Lanka continued to assure the international community of its intention to offer a devolution package built on the 13th amendment to the constitution after 2009. In the India-Sri Lanka Joint Declaration released on 6th June 2010 after the official visit of President Mahinda Rajapaksa to New Delhi on June 6th, 2010, “the President expressed his resolve to continue to implement in particular the relevant provisions of the Constitution designed to strengthen national amity and reconciliation through empowerment. In this context, he shared his ideas on conducting a broader dialogue with all parties involved. The Prime Minister of India expressed India’s constructive support for efforts that build peace and reconciliation among all communities in Sri Lanka” (India Sri Lanka Joint Declaration, June 6, 2010). Once again on 17 May 2011, in the joint press release issued after he visited India, External Affairs Minister G.L. Peiris affirmed the Sri Lankan Government’s commitment “to ensuring expeditious and concrete progress in the ongoing dialogue between the Government of Sri Lanka and representatives of Tamil parties. A devolution package, building upon the 13th Amendment, would contribute towards creating the necessary conditions for such reconciliation” (Indo-Sri Lanka Joint Press Statement, May-17-2011). Despite these repeated statements of the government expressing its willingness to proceed with a political solution to the ethnic problem, there has been very little progress in that direction. Despite all these public statements, there was little progress in developing a discourse on post-war political arrangement with the democratic political forces. The general perception of the Tamils was that their bargaining power with the government over the political reforms has reduced after the demise of the LTTE.

The accountability issues also came up in this context. Undeniable truth is that, irrespective of who takes the blame, a considerable number of non-combatants were killed during the last phase of the war. Once the initial dust of the final military encounter was over, the families in the North who lost their close relatives at the last phase of the war wanted to know what has happened to their loved ones. On May 23rd 2009, just five days

after Sri Lankan Government officially declared the war was over, UN Secretary-General Ban Ki Moon visited the country on the invitation of President Mahinda Rajapaksa. The joint statement following UN Secretary General's visit to Sri Lanka stated,

Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights, in keeping with international human rights standards and Sri Lanka's international obligations. The Secretary-General underlined the importance of an accountability process for addressing violations of international humanitarian and human rights law. The Government will take measures to address those grievances.

After UN Secretary-General Ban Ki Moon's visit international pressure was mounting to have a mechanism for transitional justice. The regime and its political supports were of the view that Sri Lanka is a sovereign and independent country and no one has a right to interfere in its domestic affairs of the country. The issue of accountability and transitional justice gradually came to surface in this context. In the light of growing international concerns over the issue of accountability and transitional justice, as a domestic initiative, President Mahinda Rajapaksa appointed the Commission of Inquiry on Lessons Learned and Reconciliation on May 15th, 2010, few days prior to the first anniversary of the 'V Day'. At the same time, UN Secretary General Ban Ki Moon also appointed a three-member Panel of Experts on 23rd of June 2010, comprising Marzuki Darusman as chair and Yasmin Sooka and Stevan Rattner as members, to advise him on the issue of accountability with regard to any alleged violation of international human rights and humanitarian law during the final stage of the war. The Sri Lankan government rejected the UN Secretary General's move as totally uncalled for and unwarranted. In its news release issued soon after the appointment of the panel, the Ministry of External Affairs declared, "Sri Lanka regards the appointment of the Sri Lanka – Panel of Experts as an unwarranted and unnecessary intervention in a sovereign nation. This interference, moreover, has potential for exploitation by vested interests hostile to the process of reconciliation taking place in Sri Lanka" (<http://www.defence.lk/new.>). President Mahinda Rajapaksa was invited to address the Oxford Union in December 2010. The timing of the release of BBC'S Channel 4 News video, Sri Lanka's Killing Fields, which contained some gruesome scenes of summary executions and other human rights violations attributed to the last phase of the war just prior to his visit to Oxford was critical. At the last minute, the Oxford Union decided to call off his scheduled lecture due to 'security reasons'. It indicated growing Western pressure on the Sri Lankan government to take credible measures to address the accountability issue.

At first, LLRC appeared to be a hurried response to the Western pressures and it received a lukewarm response. However, LLRC took its mandate seriously and embarked on public hearing in Colombo. Jaffna, Ballicaloa, Killinochchi and Vauniya. After analyzing over 1000 oral and 5000 written submissions, LLRC presented its final report on 15th November 2011. The report makes significant observations and recommendations with respect to the origins of the conflict, land reforms, restitution, and other efforts to national reconciliation. It noted that “the root cause of the ethnic conflict in Sri Lanka lies in the failure of successive Governments to address the genuine grievances of the Tamil people” and “a political solution is imperative to address the causes of the conflict” (LLRC Report). As regards the accountability issue, the LLRC observed and recommended,

“9.36 It is the considered view of the Commission however, that eye witness accounts and other material available to it indicate that considerable civilian casualties had in fact occurred during the final phase of the conflict. This appears to be due to cross fire, the LTTE’s targeted and deliberate firing at civilians, as well as due to the dynamics of the conflict situation, the perils of the geographical terrain, the LTTE using civilians as human shields and the LTTEs refusal to let the hostages get out of harm’s way.

“9.37 The Commission therefore recommends that action be taken to;

- a. Investigate the specific instances referred to in observation 4.359 vi. (a) and (b) and any reported cases of deliberate attacks on civilians. If investigations disclose the commission of any offences, appropriate legal action should be taken to prosecute/punish the offenders”.

After the publication of the LLRC Report, international pressure was mounting on the Government to implement the recommendations of the commission appointed by the Government itself. In March 2012, the UN Human Rights Council (UNHRC) passed a resolution (A/HRC/19/L.20 titled “Promoting reconciliation and accountability in Sri Lanka”, which called upon the Government of Sri Lanka to implement the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission [LLRC] and to take all required additional steps to fulfill its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation. In August 2013, UN Human Rights Commissioner Navi Pillay visited Sri Lanka and met the relatives of people who had disappeared at the end of the war. Her visit to Sri Lanka was welcomed by the people in the North but some angry and hostile reactions appeared from the pro-regime press and political supporters. It clearly showed how divided the country was after the war. The UNHRC Resolutions on Sri Lanka took a new turn in 2013. The resolution, adopted in the 22nd Session in 2013, required “the

Office of the High Commissioner to enhance its monitoring and reporting on the situation of human rights in Sri Lanka, including the progress in reconciliation and accountability, and to present an oral update to the Human Rights Council at its forty-eighth session, and a written update at its forty-ninth session and a comprehensive report that includes further options for advancing accountability at its fifty-first session, both to be discussed in the context of interactive dialogue”. . In August 2013, a Presidential Commission to Investigate into the Complaints of Missing Persons (PCICMP) was established with Maxwell Paranagama as its chair, to civilians missing from northern and eastern Sri Lanka between 1983 and 2009. Notwithstanding the severe criticisms over its lack of independence, poor investigative procedures and ineffective protection of witnesses, the Paranagama Commission was given a second mandate to investigate allegations of war crimes in August 2014. The appointment of the Paranagama and Udulagama commissions failed to defuse the international pressure. The pressure on Sri Lanka to undertake comprehensive obligation into alleged violation and abuse of human rights and related crimes increased further in 2014. In March 2014 the UN Human Rights Council passed a resolution calling on the Office of the High Commissioner for Human Rights (OHCHR) to investigate the allegations “with a view to avoiding impunity and ensuring accountability.”

The people in the North were frustrated with dismay over the duplicity of the government regarding the judicial investigation of the war crimes issue. In contrast, the Sinhala nationalist political voices with the approbation of the Mahinda Rajapaksa regime continued to shape the public political discourse in the South against any war crimes investigations. For them such a judicial procedure would betray the war heroes who saved the country. The tone of public political discourse in the South began to change in the period run-up to the 2015 Presidential elections due to other political concerns related to democratic backsliding. The extent of disillusionment and frustration that prevailed in the North and East on the Rajapaksa regime was manifested in the 2015 Presidential election results.

Jaffna District

Maithreepala Sirisena	253,574 (74.42%)
Mahinda Rajapaksa	74,454 (21.85%)
Total Polled	350,789 (66.28%)
Rejected	10,038 (02.86%)
Regis. Electors	529,239

Vanni District

Maithreepala Sirisena	141,417 (78.47%)
Mahinda Rajapaksa	4,377 (19.07%)
Total Polled	183,641 (72.57%)
Rejected	3,416 (01.86%)
Regis. Electors	253,058

Batticaloa District

Maithreepala Sirisena	209,422 (82.62%)
Mahinda Rajapaksa	41,631 (16.22%)
Total Polled	259,116 (70.97%)
Rejected	2,580 (01.00)
Regis. Electors	529,239

Trincomalee District

Maithreepala Sirisena	140,338 (71.84%)
Mahinda Rajapaksa	52,111 (26.67%)
Total Polled	197,161 (76.76%)
Rejected	1,805 (00.92%)
Regis. Electors	250,852

Ampara District

Maithreepala Sirisena	233,360 (65.22%)
Mahinda Rajapaksa	121,027 (33.82%)
Total Polled	360,442 (77.39%)
Rejected	2,625 (00.73%)
Regis. Electors	467,752

(Based on the official website of Department of Elections, the authors prepared the tables)

Conditioned by the narrow defence perceptions and the majoritarian mindset, the Mahinda Rajapaksa regime failed to grasp the factors and conditions that led to the political and military collapse of the LTTE. As a result, the political lessons offered by the collapse of the LTTE were not unpacked. The military defeat of the LTTE cannot adequately be explained only in terms of the factors and conditions operating on the military-strategic plain. The defeat of the LTTE on the military front was possible due to its political decline, manifested in the loss of its political credibility and moral legitimacy of its struggle.

The emergence of the LTTE was closely related to the structural crisis of the post-colonial state. The use of coercive power of the state to suppress peaceful political protest by Tamil democratic political forces bestowed a certain degree of legitimacy to the LTTE struggle at the beginning. The relentless killing of Tamil political opponents and an over-reliance on arms and military strategy rather than social forces and political strategy and the ruthless suppression of ‘other’ voices in Tamil society watered down the moral justification of their struggle. In the behavior of the LTTE, the military strategy always took precedence over the political strategy. Their political strategy was an appendage of the military agenda. The general Tamil mass did not have a central role to play in their strategy other than providing funds and fighters. Circumscribed by a narrow and exclusive brand of Tamil nationalism, they were not in a position to present a broader democratic programme to restructure the state. The totalistic perception and ultra-Tamil nationalism of the LTTE prevented it from having a parallel dialogue with the reformist forces in the South to restructure the state by peaceful means. The Tamil society in the North was considered basically a conservative one with deep-rooted cultural traditions. Broadly speaking, the democratic impulses of the enlightened Tamil community in Jaffna were very high. The

pervasive disillusionment created by the failure of the Sri Lankan governments to address their political and socio-cultural grievances created conditions for an organization like the LTTE to emerge. Once it became the decisive force in the region, the entire society was under the firm grip of its multifarious tentacles. Due to the authoritarian nature of the organization, the Tamil masses in the region did not have a central role to play in the LTTE strategy other than providing funds and fighters. The misperception of the LTTE about the allegiance of the Tamil people paved the way for its final debacle. The LTTE firmly believed till the last minute that these Tamil people would remain with them. But, as soon as the GOSL forces broke the siege, people deserted the LTTE leaving them vulnerable to attack. The importance of bringing democracy, human rights and good governance to the center of post-war peace-building was the key lesson that can be derived from the military defeat of the LTTE that the Mahinda Rajapaksa regime failed to unpack. One political commentator wrote to English daily in Colombo soon after the end of war,

Over the last sixty years, the country has overcome three major insurgencies, the last being the biggest and costliest, both in terms of human and material costs but also in terms of the deep divisions that have been created in our society with a lack of tolerance and appreciation of those who held different views. It is tragedy for democracy when society accepts with resignation extra-judicial violence and killings, abductions and the arbitrary arrests, intimidation and death threats to dissidents labeled as ‘traitors’... The LTTE did the same thing to its dissident or traitors. Having crushed the insurgency, we now need a new beginning, not clone the terrorist by adopting their methods (*The Island*, 31st October 2009)

Democratic Backsliding

Democracy backsliding in Sri Lanka is by no means a post-war phenomenon. It is a continuous process propelled by many drivers and conditions. At the same time, the urge for democratic reforms to build a stable and inclusive post-colonial state remained in the society. During the long period of war, the democratic political reform agenda was overshadowed by war-related exigencies. Many believed that the opportunity and space opened up for a new beginning would be used to pursue broad political reforms to strengthen democracy and good governance. To quote a former Indian High Commissioner to Sri Lanka, “A new dawn broke over Sri Lanka last year. There is new promise of a new era of peace and stability over the islandAt the same time, there is also apprehension that things may not quite work out the way it should and yet another opportunity may slip away. But, one thing is evident there is now a historic opportunity to shape the destiny of Sri Lanka and its people. (Nirupama Rao, 2010). Instead of utilizing the historic opportunity to promote genuine reconciliation and

democratic reforms, President Mahinda Rajapaksa continued the authoritarian political practices with more vigor.

The use of political power and misuse of state institutions against his political contenders in flagrant violation of democratic principles and practices by President Mahinda Rajapaksa became more visible during its second term. In the context of pervasive war triumphalism in the South, Mahinda Rajapaksa secured the second term at the Presidential election held on January 26th 2020. Within just a fortnight of the Presidential poll, General Sarath Fonseka, the main opposition candidate of the presidential election, was arrested. The manner in which General Sarath Fonseka was imprisoned after having framed concocted charges alarmed many civil political activists. It displayed the blatant disregard for democratic norms on the part of the regime and also the fragility of democratic institutions and the debility of democratic culture in the face of executive power. Close associates of Rev. Maduluwawe Sobhitha interviewed in the survey revealed that it was a turning point of his social and political activism. From that point, Rev. Maduluwawe Sobhitha decided to devote his life and time to the abolition of the post of Executive Presidency.

With the establishment of the Executive Presidency under the Second Republican Constitution in 1978, the entire political order also gradually changed from a party-centered political system to an individual-centered one. Since its establishment, the Executive Presidency has been attributed to many political distortions. There were many election pledges to get rid of it but no government came to power since 1978 executed the pledge. The concentration of power in the hands of the Executive President reached a summation under President Mahinda Rajapaksa. Just two weeks after securing the second term, President Rajapaksa dissolved the Parliament on February 9th, 2010 and called for a fresh election on April 8th, 2010. The political coalition led by President Mahinda Rajapaksa received a comfortable victory but sans two-thirds majority necessary for any constitutional changes. However, by enticing crossovers of members of the parliament from the opposition, the regime was able to secure a two-thirds majority in the parliament, a figure hitherto considered unattainable under the present system of proportional representation. Since then, the regime assembled, step by step, all of the constitutional paraphernalia required for constitutional despotism while retaining only the democratic rituals. Using the two-thirds majority in the Parliament and also divisions in the main opposition party, the regime hurriedly passed the 18th Amendment to the constitution as an 'Urgent Bill' with no public consultation and little debate. It removed the two-term limit on being elected to the office of the President and now the president can seek re-election any number of times. The ten-member Constitutional

Council replaced with five-member Parliamentary Council and Independent Commissions, established under the 17th Amendment, were brought under the authority of the President. Establishment of ineffective Parliamentary Council in effect empowered the President to directly appoint any public service posts and the superior judiciary, including the Chief Justice. The 18th Amendment gave the President greater control over the entire legal system. The appointment of Attorney General, Judges of the Supreme Court and Judges of the Court of Appeal was now solely under his discretion. In April 2010, the Attorney-Generals Office was removed from the purview of the Ministry of Justice and brought under the authority of the president. Despite the general euphoria that prevailed in the South following the end of the war, the authoritarian tendencies of the Rajapaksa regime created some concerns among some sections of the society. But, in the beginning, it was confined only to thin layer of enlightened sections of society. However, their views and opinions slowly percolated to society. The Friday Forum, established in 2009, was such an informal gathering of public-spirited persons who are dedicated to promoting peace and development in Sri Lanka within a framework of democracy, social justice and pluralism. It met regularly and issued statements from time to time on matters of vital importance to national life for public concern in the spirit of democratic engagement.

With all these electoral gaining and constitutional provisions, the Mahinda Rajapaksa regime appeared to be stable and powerful after the military victory. But in reality, it was a threatened and insecure regime in the absence of democratic political reforms. The mobilizing of armed squadrons, with uniforms and without, and use of firepower against its own population who were on non-violent protests was definitely not a characteristic of a stable and confident state. The insecurity and weakness of the regime was manifested in the repeated use of coercive force, including military power, against the unarmed general public who were on legitimate political protest. In June 2011, the government mobilized police against the workers of the Katunayake Free Trade Zone (FTZ) who staged a non-violent political protest demanding the withdrawal of proposed pension legislation. The police used water cannon, tear gas and batons and rounds of live bullets, killed a 21 year-old worker in addition to scores of casualties. Again in February 2012, when small scale fishermen in Chilaw area took to the streets in protest against rising fuel prices, the police used tear gas, water cannons and live bullets to stop demonstrators killing one person and wounding three. In August 2013, when the people in Rathuwaswala staged a peaceful protest against the authorities for turning a blind eye to their serious and burning problem relating to pollution of

water in the area, the government mobilized Special Task Force and the Army against protesters. The outcome of the use of military force, live bullets and water cannon against the protesters was the death of three protesters, in addition to hundreds of major and minor casualties. The question emerged here is why the regime, which is ostensibly stable and powerful, had employed such cohesive methods instead of resorting to the method of peaceful settlement of the conflicts. President Mahinda Rajapaksa personally commands considerable popularity and political appeal. Furthermore, the opposition is intensely divided and engaged in fratricidal conflicts allowing regime a free play. In this context, the sporadic protest of the people was by no means a threat to the existence of the regime. Even then, the use of coercive power against the unarmed citizens by the regime highlighted the importance of democratic reforms to ensure the rule of law, accountability and good governance. The manner in which the regime used Special Task Force and the Army to disburse the crowd in Rathupaswala alarmed the people who were eulogizing the military. The peaceful protest of the people of Rathupaswala and adjoining villages demanding clean drinking water was by no means a threat to the existence of the regime. It was simply a civil society initiative with no political party behind them. Even the supports of the regime could not understand why the ostensibly stable and powerful regime employed such coercive methods instead of resorting to peaceful settlement of the issue.

The aggrandizement of the Executive contributed to disrupting the in-built mechanisms of mutual checkmating and balance of three branches of government; executive, legislative and judiciary, a defining, feature in democracy. Constitutionality is the backbone of democracy. The independent judiciary is considered a *sine qua non* for democracy. The constitution is above the three branches of governance in the sense that the parameters of functions of the three branches of government are defined by the constitution. In the last resort, the guardian of the constitution is the independent Supreme Court. The impact of e aggrandizement of executive power on the independence of the judiciary was more visible and blatant after the 18th Amendment to the Constitution. A practicing lawyer who was interviewed as a KI in the survey revealed that the politicization of the Attorney General's office was taken to an unprecedented level after it was removed from the purview of the Ministry of Justice and brought directly under the authority of the President in April 2010. After the Supreme Court struck down the controversial Divineguma Bill in September 2012, the President through his Secretary requested a meeting with the Chief Justice and the other two members of the Judicial Service Commission. When the Judicial Service Commission

refused the request, State-controlled print media engaged in a public campaign vilifying the Chief Justice and other members of the JSC⁵. The use of executive power and the parliamentary majority to impinge on key democratic institutions was dramatically manifested in the impeachment and subsequent removal of the Chief Justice Dr. Shirani Bandaranayake in January 2013. The manner in which government members of the impeachment committee verbally abused the Chief Justice mirrored that the entire move was politically motivated. After the impeachment vote, the supporters of the government who rallied outside the official residence of Chief Justice to celebrate her sacking recollected similar infamous incidents under President J.R. Jayewardene. The regime disregarded the rulings by the Supreme Court and the Court of Appeal and proceeded with impeachment, reflecting its callous attitude towards the independence of judiciary. The constitutional implications of how the impeachment was conducted amounted to a violation of constitution and natural justice. The independence of judiciary free of political interference became a key issue in this background.

The free media is considered an essential element of democracy. The role of free, competitive and responsive media as the ‘watch dog’ of democracy is crucial in democratic governance. The democracy backsliding and authoritarian political moves were manifested in the direct and indirect threat and intimidation against the free media in the country. Mahinda Rajapaksa had been considered a friend of the media community. This image changed rapidly after he became the Executive President. The Media community in the country experienced a darker phase under his rule. During the first term of presidency the violence and threats against journalist and independent media were unprecedented. The record of assassinations, attacks and intimidation of media personalities during the first term of Mahinda Rajapaksa presidency included the abduction of Keith Noyahr, the Editor of *The Nation*, in May 2008, the assassination of Lasantha Wickraatunga, the editor of *The Sunday Leader*, in January 2009, the attempted murder of Upali Tennekoon, the Editor of *Rivira* newspaper, in January 2009, the attack on the of the Jaffna-based *Udayan* newspaper office

⁵ Under the directive of the Chief Justice, the Secretary of the JSC (Manjula Tillekaratne) issued a public statement citing interference, threats and intimidation on 28th September 2012. . This was the first time the JSC had issued such a statement expressing concerns for ‘the security of families. On 7 October 2012, four unidentified individuals physically attacked the secretary of the Judicial Service Commission in broad daylight on a public road in Colombo, Sri Lanka.

in March 2009, the abduction of journalist Pooddala Jayantha in June 2009. The trend continued after the end of the war too. The disappearance of media activist Prageeth Ekneligoda, in January 2010, April 2013, the attack on Sirasa Depanama Studio Complex in March 2010 indicated the extent of challenges faced by free and independent media. The regime's failure to conduct credible investigations to bring the perpetrators in to book made people believe that state organs or political agents with or without approbation of the regime were behind the attack on media. The regime did not take steps to dispel these assumptions by instituting judicial procedures. The attack on media was considered in effect an attack on democracy. The issues of good governance, the rule of law and right to information came to the forefront of public discourse in this context. Limiting the civic space for the sake of national security even in the post-war context affected the NGO community. For example, in its statement on March 23, 2011, the National Peace Council stated that its Governing Council perturbed over the organization was being investigated by the CID instead of by the normal civil administration although there is no prima facie evidence or specific allegation that it is engaging in any criminal activities (Transparency International Sri Lanka 23-03-2011).

Despite all these attacks on the institutional fabric of democracy, Mahinda Rajapaksa still commanded a considerable support base in the country except in the North and the East. The real factor behind the political strength of the Rajapaksa regime was the unreserved support that it received from the post-1956 political class of the country. One of the conspicuous features in the Sri Lankan political landscape has been the existence of a widespread political class of different layers. The origins and emergence of political class should be explained in relation to the political evolution and the expansion of the social base of the state (Keerawella 2020). The political evolution since 1956 broadened the social base of the state and, consequently, a new political clan/class gradually came forward to replace the 'Brown Shahibs' in politics. The process got impetus with the introduction of the Executive Presidency in 1978 and the promulgation of the Second Republican Constitution. With the unprecedented concentration of power through constitutional and political means, the Executive President maintained a wide array of political operators and agents to exercise his authority at different levels from district to village. The concentration of power at the center and the co-optation of provincial political commissars as sub-contractors of state power formed the unity of the political system. The manner in which the social base of the state widened, the expansion of the role of the state, the emergence of the political class and

the politicization of administration squarely contributed to the process of democracy backsliding, instead of promoting democratic governance. Parallel to the dominance of political class in every aspect of governance, the margin between state and regime disappeared. As a result, political power became the *de facto* and *de jure* state power. Its impact on democracy is mainly two-fold. First, those who hold political power in the regime see no limit to the exercise of their power and authority. They view the mandate as a *carte blanche*. The institutions of the state were made subservient to political power. Thus, the institutions of power and authority of the state have in effect become the agencies of power and authority of the ruling party. With the passage of time, a new layer of political class came forward to dominate every aspect of political and social life of the country. President Mahinda Rajapaksa maintained a widespread patronage system throughout the country targeting the political class by giving them access to political power and, through it, to the resources of the state. Accordingly, the political power not only bestows the regional-level power brokers and political cronies of the regime with social recognition and prestige but also offers wide opportunities to receive economic benefits. The real political force behind the Rajapaksa regime was the patron-client relationship with the political class. After J.R. Jayewardene, the political class found its political embodiment in Mahinda Rajapaksa. The strengths and weaknesses of the political class are manifested in the political behaviour of the Rajapaksa regime. The top rung of the political class decides who gets large state projects and contracts with foreign funds and loans. In ensuring the benefits filter into provincial and village-level, sub-contracts were made available to the rest of the political class. Without this filtering process, the patronage system cannot be maintained. It paved the way for pervasive political corruption from top to bottom.

The continuous expansion of the state sector could be viewed in this light. The expansion of the state sector has brought an enormous reservoir of resources and economic activities of the country under the control of the political class. It paved the way for political corruption, nepotism and mismanagement. The state-run service-providing institutions in effect become rent collection institutions. Many of them are run at a huge loss mainly due to sheer mismanagement and bureaucratic and political corruption, according to the COPE report (*The Sunday Times*, 04-12-2011). The COPE report revealed numerous instances of waste, corruption and mismanagement of State funds running into billions of rupees, in all the examined institutions, with little or no follow-up action to bring to book those responsible for such lapses. The Ceylon Electricity Board, The Ceylon Petroleum Corporation and

MIHIN Lanka are not the exceptions; but the norm. The state was the Eldorado for them and power is the key to gaining access to state resources. As the system evolved numerous avenues were offered to the political class at various levels to extract state resources. As a result, political corruption, nepotism and mismanagement in government institutions gradually emerged as key issues in public narration despite the regime's effort to submerge in the fervor of war triumphalism by 2015. The demand that those who robbed public coppers through political power be brought to book and effective safeguards to ensure that same thing would not repeat be put in place for the sake of good governance attracted the attention of many.

It is a fact that the Rajapaksa regime launched many large and small developments projects throughout the country. The infra-structure development under the Rajapaksa regime changed the landscape of the country. However, the corruption and waste associated with these projects failed to generate the expected political dividend to the regime. The economic benefits of the mega projects initiated by the regime did not filter into the hands of the people due to a mix of priorities and corruption, thus frustrating their expectations.

After five years since the end of the war, the people at large were fed-up with the prevailing political system, which was rotten from top to the bottom. The collapse of law and order in the country was closely related to the collapse of the rule of law. There were no limits for those who exercised political power. The legitimacy and credibility of law enforcement agencies and judicial administration institutions were eroded due to political interference. Their yearning for a fundamental change in the existing political order and political mechanisms motioned a political wind that finally became a whirlwind that toppled the Rajapaksa regime.

Gathering Momentum of Political Whirlwind for Political Change

The impact of the war triumphalism on the behaviour of the Parliamentary opposition was visible in the early post-war years. It was manifested in the lukewarm reactions of the opposition parties, mainly of the the United National Party (UNP), to the arrest and trial of General Sarath Fonseka on concocted charges. The UNP as the main opposition party in the Parliament did not bring this blatant assault on democratic practices and norms to the forefront of political agenda and mobilize people, other than making a token protest. There were some protests of the supporters of General Sarath Fonseka in Colombo Central, Galle,

Matara, and Ampara but the pro-regime thugs with the support of the police disrupted these sporadic protests. *World Socialist Website* reported,

As the protestors gathered, the armed thugs started to attack. The police did not intervene to keep the groups apart, but used the provocation as a pretext to attack the opposition demonstrators with tear gas and water cannon. The police only backed off when around 5,000 protestors gathered, and the thugs retreated. Nine opposition demonstrators were treated at the national hospital (World Socialist Website 11-02-2010).

On the request of the joint opposition, the four *Maha Nayakas* of main *Sanga* orders summoned a special meeting of *Maha Sanga* at the *Maha Maluwa*, opposite the *Dalada Maligawa*, on February 18, 2010. In the face of direct and indirect intimidation and coercion from the regime against this move, the *Maha Nayaka's* decided to put off the meeting. Without the backing of main opposition political parties, the protest of the people could neither be sustained nor the state-sponsored intimidation and thuggery be withheld.

After the 18th Amendment to the constitution, the political parties in the parliament were not prepared to meet the challenge of democracy backsliding by bringing the issue of democratic political reforms into the forefront of the political agenda. The intra-party divisions plagued the United National Party (UNP). The fratricidal conflicts between the factions in the UNP loyal to Ranil Wickramasinghe, Karu Jayasooriya, and Sajith Premadasa were manipulated by the Regime. The Janatha Vimukti Peramuna (JVP), the main left opposition party in the Parliament, was also weaker due to the breakaway of Wimal Weerawansa, a popular orator of the party and also a group later identified themselves as the *Peratuhamies*. At the same time, the importance and bargaining power of the Tamil political parties in the Parliament drastically declined after 2009. The divided Muslim political parties were also eager to get into the Government to have a plummy place in the political bandwagon which seemed to have got more mileage after ending the war. The internal disputes and chronic political lethargy of the opposition parties seemed to have given a free ride to the Mahinda Rajapaksa regime towards authoritarianism during the second term.

When the established political parties showed a lack of courage to play the role that they were expected to play in the face of authoritarian tendencies of the Rajapaksa regime, initiatives for democratic reforms slowly emerged from the civil society. In this regard, the role that was played by Rev. Maduluwawe Sobitha in leading the National Movement for a Just Society (NMJS) in bringing the democratic constitutional reform and the concept of a just society into the forefront of political discourse was path-breaking. Slowly and steadily, NMJS mobilized a wide array of civic activists for democratic reform under the demand to

abolish Executive Presidency and Rev. Sobhita became a rallying point for the followers of a divided opposition and other dispirited groups such as the trade unionists, the artists and the professionals. According to Nalaka Gunawardena, “(I)t was the apolitical Sobitha who acted as Sri Lanka’s *de facto* Opposition Leader to pull us back from that brink. And it was an unorthodox Sobitha – mere head of a suburban temple - who stood taller and larger than any of the *Maha Nayakas* (chief prelates) in defending democracy and freedoms” (*Daily FT* 12 November 2015). The origin of the NMJS can be traced to the meeting summoned by Rev. Maduluwawe Sobitha in November 2011 of a few members of the *Dayaka Saba* of *Naga Vihara*, Kotte, to discuss the multi-faceted decadence of post-war Sri Lanka. In order to check the authoritarian political tendencies of the regime and the social and cultural decadence of the country, it was decided to launch a movement for a just society and Rev. Maduluwawe Sobitha agreed to be the convener of the Movement, according to a leading member of the *Naga Vihara Dayaka Saba* (Percy Tenuwara, 2016). Since then, Rev. Maduluwawe Sobitha worked tirelessly and travelled the four corners of the country, using the social capital he has earned during the long years of his public life, to promote the abolition of the Executive presidency and to build a just society. Those who were alarmed by the authoritarian tendencies of the regime found in NMJS a space to devote their political energies. A new impetus was received to the Movement after the well-attended meeting, held on May 29th, 2012 at the BMICH, organized to mark the 70th birth anniversary of Rev. Maduluwawe Sobitha where he pledged to devote the rest of his life to promote a just society. In 2013, NMJS attracted many sectors of the society who were fed-up with the in-fighting and political inertia of the opposition political parties. By 2014, Rev. Maduluwawe Sobitha, with his charismatic personality, emerged as the towering figure symbolizing the urge for democratic reforms and the rallying point for civil political activists who clamor for democratic reforms. From the beginning of 2014, Rev. Maduluwawe Sobitha and NMJS commenced taking to political parties, the first with the leadership council of the UNP. The common candidate to abolish the Executive Presidency and promote democratic reforms to have a just society emerged in this context. It contributed to instilling a new political dynamism in opposition political parties. At the same time, the growth of the support base of NMJS alarmed not only the regime but also the main opposition political parties.

In 2014, several civil society organizations to promote democracy reform agenda emerged with close links with each other. Among them, the *Purawesi Balaya* that played a key role in the period run-up to the Presidential election was important. Its members had

been prominent civil society activists, with earned national recognition in their respective fields, but the *Purawesi Balaya* as a civil collective was established in October 2014.⁶ Journalists, artists and lawyers who were mainly centered on the *Rawaya* newspaper formed the nucleus of *Purawesi Balaya* (Interview of Janaranjana on 22-2-2022). For years, the *Rawaya* newspaper provided space for the alternative point of view emerging from civil society. Its role in shaping the democratic reform narrative in the period 2009-2015 can't be underestimated. They had meetings in main district centers, held with the participation of artists, academics, and lawyers who wanted to push the democratic agenda attracted mainly the educated middle class. It was the *Purawesi Balaya* that organized the public rally on December 02nd, 2014 at Hyde Park, Colombo, the first public rally attended by Maitreepala Sirisena as the common presidential candidate. At the same time, the role played by other civil society organizations should not be underestimated. The collaborative endeavor taken by the 'Rights Now' (Sudarshana Gunawardene), the 'Center for Policy Alternatives' (Paikiasothi Saravanamuththu) and some social and political activists such as Nimalka Fernando and Dr. Jayampathi Wickramarathne to set the '*Nidahase Veydikawa*' (Platform for Freedom) which energized political forces for democracy in provinces must be noted.

Another development that took place simultaneously was the spring of protests and mobility of professional bodies against the Regime over the issues particular to their respective spheres. The trade union action launched by the Federation of University Teachers' Association (FUTA), demanding a new salary scale and allocation of 5% of GDP to education, contributed to breaking the perception that it was not possible to win any trade union action due to high-handed tactics and intimidation of the government. I began at a time when the democratic space was severely shrunk and the authoritarian forces were consolidated in the absence of effective opposition. It inspired the political elements which were in need for the broadening of the democratic space (Telephone interview with prof. Nirmal Ranjith Dewasiri). Despite the bravado of the authorities, finally, the Regime had to yield to the demands of FUTA, which set an example that the Regime can no longer dissolve dissent simply by employing intimidation tactics. The trade union action evolved in two phases. The first one that stretched over three months began in May 2011. In the second phase, in the period August to November 2012, the FUTA struggle reached the street, having organized a number of *Pada Yathras* and public meetings organized to sensitize the general

⁶ Purawesi Balaya had five conveners: Dharmasiri Bandaranayake, Janaranjan, Gamini Vinygoda, Joseph Stalin and Saman Rathnapriya.

public on the issues faced by the Higher Education sector in the country. The FUTA action received the support of a wide section of people and public meetings held in Colombo, Kandy, Matara, Anuradhapura, and Jaffna organized utilizing the island-wide network attracted a huge crowd.

Apart from the academicians, the lawyers' collectives of the country were weary of political interference in judicial administration. The Lawyers for Democracy, established on Dec. 10, 2009, played an active role in the struggles to defend the Democratic Rights of the people. The manner in which the Chief Justice of Sri Lanka, Shirani Bandaranayake was impeached forced even hitherto apolitical lawyers to take a position over the issue of independence of the judiciary. Many provincial lawyers' organizations were united under the umbrella of the Lawyers Collective to fight against the impeachment move. The protest march organized by the Lawyers Collective in Colombo was attacked and disrupted by state-sponsored thugs and mobsters. In the press statement issued on 14 January 2023, the Lawyers Collective stated, "vicious hate campaign against the lawyers who stood up against the impeachment continues to date. There is information that in addition to the state media, several groups connected to the government are engaged in a defamatory campaign against identified lawyers, making their life and professional practice vulnerable" (*Lanka Standard* 15 January 2013). In March 2013, Upul Jayasuriya P.C. was elected President of the Bar Association and several members of the Lawyers Collective were elected to its Executive Committee. As a result, the Bar Association of Sri Lanka became a rallying point for the struggles for democracy. In their public discussions and seminars, the Lawyers for Democracy and the Lawyers Collective enlightened the public on how those who enjoyed political protection could easily escape from law and order after blatant crimes, making the rule of law a travesty (interview of Upul Kumarapperuma, 25-01-2022). The people wanted to see that the politicians respect the rule of law. The demands of accountability and transparency in public affairs and good received an impetus in the post-war political discourse in the country.

As a result, the political climate of the country was changing rapidly and the political wind was beginning to blow against the regime. It reflected in the outcome of the Uva Provincial Council elections which was held in September 2014. Even though the ruling party was able to barely retain power in the provincial council, its vote percentage declined by 21% while the UNP increased its vote percentage by 18% from the last PC election. The UNP Chief Ministerial candidate obtained more referential votes (173,993) than the incumbent ruling party candidate (96,619) received. As Harim Peiris stated, "the election

campaign witnessed the widespread use, or rather abuse of Samurdhi officials, government vehicles, state media, drought relief, police partiality and election commission impotency in the election campaign” by the ruling party (Harim Peiris, 2014). The marked setback of the ruling party at the Uva Provincial Council elections in 1914 was widely acknowledged as harbinger of impending political shift.

Search for a Common Candidate and the Presidential Election

Having obtained the Supreme Court opinion in early November 2014 that he could seek re-election for a third term, President Mahinda Rajapaksa proclaimed on 20 November, calling for a Presidential Election two years in advance. By then, the formation of a broad alliance of civil society organizations for democratic reforms and the opposition political parties was on the move. President Mahinda Rajapaksa observed that the anti-regime pro-democratic forces were gaining momentum steadily day by day. The emergence of new political formation was manifested in the public meeting organized by NMJS at the Colombo New Town Hall on July 24, 2014. The leaders of all the main opposition political parties from the JVP to UNP and the Tamil political parties were on the same platform as the leaders of civil political movements. Among the prominent personalities on the stage were former President Chandrika Kumaratunga and the former CJ Shirani Bandaranayaka. Still, there was a long way to go to get the new coalition rooted in the countryside. First of all, besides the broad and catchy slogan of ‘Abolition of Executive Presidency’, a comprehensive and concrete democratic reform agenda with short, medium, and long-term steps was yet to be developed and socialized. Furthermore, a common candidate for the presidential election who could unite all opposition parties and be acceptable to the civil society organizations was yet to be identified. There were many differences of opinion among the pro-democracy forces on the common presidential candidate and his role. President Mahinda Rajapaksa who is an astute political animal decided to go for the Presidential election not to give any time and space for the civil-political alliance for democracy to attend these matters. The broad democratic forces believed that the UNP vote base and the unreserved support of minority parties and a section of the SLFP voter base were necessary to defeat Mahinda Rajapaksa at the Presidential Elections (Interview with Chandrika Kumaratunga on 06 01.2022). The preferred candidate for Rev. Maduluwawe Sobitha and NMJS was Karu Jayasooriya; but Ranil Wickremasinghe, the Leader of the UNP, vehemently opposed it. The civil political leaders and the Tamil political parties were not in favour of fielding Ranil Wickremasinghe too though he wanted to. At the time of the declaration of the Presidential Elections on the 20th of November 2021, the ‘common candidate’ for the opposition alliance was not decided.

At this stage, former President Chandrika Kumaratunga intervened and selected Maithripala Sirisena, the Secretary of the SLFP, as the common candidate. It was a hurried move and there was no comprehensive dialogue between Maithripala Sirisena and the civil political forces for democratic reforms prior to the selection of him as the common candidate. Former President Chandrika Kumaratunga who had close links with a wide spectrum of democratic civil and political forces and enjoyed their trust gave assurance to them for Maitreepala Sirisena's integrity and reliability. Finally, over 49 political parties, groups, and civil society organizations stood as a common front to support a 'common candidate'. At the public event held in the Vihara Maha Devi Park in Colombo, on 01 December 2014, all these 49 political parties, groups, and organizations signed agreement with Maithripala Sirisena in front of Rev Maduluwawe Sobitha.

By the time President Mahinda Rajapaksa officially communicated to the Commissioner of Elections his desire to have an early Presidential Election, his election campaign was halfway in the election trail. The people of the country at large came to know that Maithreepala Sirisena was the common candidate by surprise only after the election was declared. At the outset, the contest appeared to be a David versus Goliath contest. President Mahinda Rajapaksa openly mobilized all the state structures and the state power for his election campaign. In the pretext of monitoring the progress of Ministries and other state institutions, he summoned government offices by the thousands, daily, to his official residence. He used government hierarchical structures to organize these gatherings and all the expenses of these meetings were borne by the relevant Ministries and State Institutions. In addition, President Mahinda Rajapaksa had well-oiled party political machinery at his disposal. The SLFP has been in power since 1995 and its district and village-level organizational arms were functional. As a result, Mahinda Rajapaksa had a centrally organized political network covering the entire Island. This political arm was strengthened by state patronage for a long period. Furthermore, Mahinda Rajapaksa's election campaign had access to a significant amount of monetary resources, as well. The funds used by the Mahinda Rajapaksa in his election campaign were phenomenal and unprecedented in modern Sri Lankan history. His huge cutouts and billboard posters, displayed in every nook and corner of the country, were only one indication of the enormous amount of funds used in the election campaign.

Mahinda Rajapaksa had full control over a majority of mainstream electronic and print media before and throughout the election campaign. Two state-controlled TV channels

which have all-island-wide coverage carried out his election campaign day and night. The Sirasa TV that gave somewhat equal coverage to both candidates was not seen in some parts of the island. The only TV channel that openly supported Maithreepala Sirisena was TNL. Compared to other TV channels, its coverage in rural areas is limited. The overwhelming majority of private-owed electronic (TV and Radio) and print media overtly and covertly supported Mahinda Rajapaksa.

In contrast, the campaign of Maithreepala Sirisena had to face many difficulties and constraints. On numerous occasions, the Election Commissioner had to intervene to ensure venues were made available for the election meetings of Maithreepala Sirisena. Tactics of intimidation and threats were often unleashed against the campaigners and supporters of the opposition. Since Maithreepala Sirisena did not have a political party organization of his own, he had to rely on the party organizations of the UNP and the *Jathika Hela Urumaya*. The election campaign of Maithreepala Sirisena did not have a centrally coordinated plan. A number of centers functioned simultaneously with limited coordination with each other. Several political parties, professional organizations, community organizations, dissent groups within parties worked for the victory of Maithreepala Sirisena. Many citizens' organizations worked for him in their respective regional spheres of operation. These groups and individuals throughout the country worked for the common candidate for a variety of reasons. It was an amorphous campaign. There were hundreds of campaign hubs. The common factor that united them was a dire need for change. The role played by social media, that counter-balanced the established pro-Mahinda Rajapaksa media was significant. New communication technologies utilized by social media were user-friendly and a larger section of young people in the society had easy access to it.

However, with all the favorable conditions and factors for the incumbent President Mahinda Rajapaksa, he failed to acquire the required 50% of the voters polled. In that sense, the victory of Maithreepala Sirisena over Mahinda Rajapaksa was phenomenal. It was interpreted as a peoples' victory for democracy against authoritarian abuse of power. The people at large were fed-up with the prevailing political system, which was rotten from top to the bottom. Their yearning for a fundamental change in the existing political order and political mechanisms motioned a political wind that toppled the Rajapaksa edifice. In the light of corruption, nepotism, and extravaganza of the state, the slogan of good governance became more and more attractive to the public. Their thirst for a functional democracy and

good governance was at an all-time high, which was reflat in the election victory of Maithreepala Sirisena.

Conclusion

The historic task that Mahinda Rajapaksa had to shoulder at the end of the war in 2009 was to transform the hard-fought military victory into a foundation for durable peace and stability in the country. Instead of utilizing the newly opened political space and opportunity to launch democratic reforms to build an inclusive and strong state, he bent on concentrating more power in the hands of the Executive President, dismantling the remaining mechanisms of checks and balances. Despite concentrating more power in the hands of the Executive President, the regime was too insecure and threatened to allow any democratic space for dissent and to initiate democratic political reforms. After winning all the elections at different levels and feeble and divided opposition, the regime was visibly strong, but it was structurally weak reflected in the repression of independent voices and the use of military force against the ordinary people who were on legitimate political protest over the problems they face.

This created conditions and space for the emergence of a cry for democratic political reforms from civil society. When the divided opposing political parties did not come forward to play its role in the face of authoritarian tendencies of the Rajapaksa regime, the initiatives came from civil society. It had slow and diverse origins. The groundbreaking role that played the National Movement for a Just Society led by Rev. Maduluwawe Sobitha in bringing the constitutional reform and the concept of a just society into the forefront of political discourse highlighted the potential of civil society in promoting democratic reforms.

By the time of the declaration of the Presidential Elections on 20th November 2014, the civil-political party alliance for democracy was in the formative phase. The democratic political reform agenda was not yet defined with a clearly identified roadmap. The different readings of good governance in civil society organizations and political parties also existed. Diverse interests and different directions of the forces rallied around the democratic reform agenda. The common candidate was identified and selected hurriedly. There was hardly any time to have a detailed and sufficient dialogue with the common candidate over the democratic political reforms and their implementation. The activities and influence of main civil society organizations were limited to Colombo and provincial capitals.

It was a fact that Maithreepala Sirisena failed to make a substantive fissure within the ruling party as expected. The political class that the regime sustained through political patronage and the economic benefits firmly backed Mahinda Rajapaksa. It was found difficult to infiltrate into the political class, the backbone of the support base of Mahinda Rajapaksa, with the democratic reform agenda. What is the real political depth of the victory of the Maithreepala Sirisena? Analysis of vote patterns in 2015 with those of 2005 indicates that the political discourse on Good Governance and the Rule of Law and Democracy was not deeply infiltrated to the rural countryside. But, politically more sensitive urban-based civil activists overwhelmingly supported the common candidate. The minority support was the deciding factor in the victory of Maithreepala Sirisena. What accounted for the defeat of President Mahinda Rajapaksa? His defeat was interpreted as a democratic victory over the abuse of political power, corruption, and extravaganza of the state. In the final analysis, the victory of the common candidate presented by the civil-political alliance highlighted that the euphoria of military victory could not subsume peoples' impulses for democracy and good governance.

Chapter Two

Democracy Building Initiatives of the National Unity Government

By

Prof. Sarjoon Athambawa

Introduction

The main thrust of the mandate that the National Unity Government (NUG) received in 2015 was undeniably democracy building in the country to ensure ‘Good Governance’ (*Yaha Palanaya*). In this sense, in common parlance, the government came to be referred to as the ‘*Yahapalana Rajaya*.’ Reviving Democracy was considered as a historic need of the day in 2015. After the end of the protracted civil war which concluded in 2009, the general expectation was that peace and stability in the country would be reestablished and an opportune time had come to strengthen democratic institutions and revitalize democratic political processes to regain Sri Lanka’s democratic political credentials. However, what Sri Lanka witnessed after the end of the war was a steady backsliding of democracy and rapid shrinking of democratic space in the country. In this context, the urge for democracy and good governance was at all-time high in 2015.

It was considered that the presidential election in 2015 created a possible opportunity to integrate all civic and political forces toward campaigning against authoritarianism and initiating a democracy building agenda. When the Presidential election was declared 2 years in advance, the opposition alliance and civil organizations identified Maithripala Sirisena as their common presidential candidate for the 2015 election. As agreed earlier with over 49 political parties, groups, and civil society organizations, Sirisena started to proceed with his democracy building initiatives. The formation of the United National Front (UNF) – a democracy loving coalition of major opposition political parties and civil society organizations – before the presidential election in January 2015 was induced with a number of objectives on restoring democracy and good governance in the country.

The victory of the UNF, appeared to open up a historic opportunity to bring about a lasting and just peace, reversing the drift toward ‘soft authoritarianism’ under Rajapaksa and turning toward strengthening the long-preserved tradition of democracy in the country. The defeat of the Rajapaksa regime was viewed as a victory for democracy against authoritarian abuse of power. Broadly speaking, democracy building was understood in 2015 as rebuilding institutions necessary for democracy and revitalizing democratic process while expanding

democratic space. This chapter intend to examine how the NUG understood its mandate by reviewing the initiatives taken by the NUG to fulfill the mandate given to it.

The review of the agenda and the initiatives taken toward democracy building by the NUG become significant on many grounds. It was the first time civil-political alliance was formed for democracy and substantive attempts were made in the direction of democracy reform in the post-war context. Also, it was the first time the two main political parties successfully joined hands to form consensus or unity government in Sri Lanka. On the other hand, there were some meaningful initiatives for reconciliation and peace building as part of the democracy building project during this period. Since there is a link between democratic reform and post war peace building, therefore, examining the success and the setbacks of the democracy building initiatives of NUG will be helpful in understanding the problems faced by democracy, and to gain insight to the lessons which are useful in future democracy building attempt in Sri Lanka.

The main objective of this chapter is to examine the major features or elements of the democracy building agenda of the NUG and the initiatives taken by the government to implement them. This chapter is organized into 7 major sub-sections. The introductory section which set out the main thrust for democracy building discourse before the 2015 Presidential election in Sri Lanka. The second next sub-section gives a brief analytical or theoretical backdrop on ‘Democracy Building.’ The next sub-section identifies the constituent elements of the democracy building agenda of the NUG through reviewing the election manifestos of the Common Presidential candidate, Sirisena and the UNF. The next sub-sections review the major initiatives taken by the NUG in the direction of democracy building. The next two sub-sections summarize the ‘strengths and promises’ and ‘weaknesses and shortcomings’ of democracy building agenda of the NUG. Final sub-section assesses the relevance and coherence of the NUG’s agenda and the initiatives toward democracy building.

Democracy Building: Analytical or Theoretical Backdrop⁷

In order to analyze the rapid democratic backsliding in Sri Lanka in the period between 2009-2014, the regime change in 2015 and the democracy building endeavors during NUG in the period 2015-2019 and their setbacks in a broad political context, it should be viewed against the backdrop of two contradictory trends in global discourse on democracy. The first is the rapid expansion of the contents and the parameters of democracy as a result of

⁷ I acknowledge my sincere gratitude to Prof. Gamini Keerawella for his contribution towards developing this section.

redefining the links between the civic space and democracy and the role of civil society organizations in democratic governance. The second is the current global trend of democratic backsliding.

The evolving discourse on democracy has brought forward profound changes in the conventional concept of democracy, which has had a narrow and exclusive focus on institutions and practices of representative government. It has now placed democracy beyond the franchise. Free and fair elections are considered only a necessary but not a sufficient condition for democracy. The embedding of political liberties and existence of workable and effective in-built mechanisms of checks and balances are considered an essential ingredient of democracy – in the view of a maximalist perspective of building democracy (See: Silander, 2017).

The importance of constitutionality in democracy has been brought to the forefront by the evolving discourse on democracy. As constitutionality is the legal backbone of democracy, the constitution should not be altered and manipulated on the whims and fancies of those who are in office. It is the constitution that defines the parameters of the functions of three branches of government. It is a fact that the Executive, Legislature, and Judiciary equally exercise popular sovereignty. However, they do so within the boundaries demarcated by the constitution. It is a fact that the Supreme Court, not the Executive or the Legislature, that interprets the constitution. In the last resort, the guardian of the constitution is the independent Supreme Court. Hence, the independence of judiciary is the *sine qua non* for democracy. Any interference in the judiciary, direct or indirect, is considered an assault on democracy.

This discourse emphasizes that democracy is a system of rule by laws. No one should be above the law, not even the elected Executive President who is elected for a certain period. The rule of law places limits on the power of the government. Fundamental rights constitute an essential feature of democracy, which determine the degree to which civil liberties are respected. The role of the informed public as a bulwark against democratic backsliding is critical. The irony in democratic backsliding is that, as Ireneusz Karolewski observes, “Political leaders do not always ‘hijack’ democratic institutions generating democratic backsliding; they often modify them within the constraints imposed by institutions and with the support of voters. In this sense, political backsliding can thrive on how the citizenry behave” (Karolewski, 2021:307). The informed public constitutes the essential element of democracy without which it becomes sterile. The free access to information is fundamental in the articulation of an informed public within the state. Building a democratic citizenry

freed/liberated from primordial loyalties and mental frames is an essential aspect of democratic state building.

In contrast to the evolving discourse of democracy, what is really witnessed at present is a worldwide trend of democratic recession. The present wave of democratic backsliding has engulfed not only the democracies in the Global South but also new democracies in Europe and even established democracies such as the UK and the US. What is striking in the third wave democracy is that the sliding down of India's status from 'Free' to 'Partly free', as described in the Freedom House annual report for 2021, *Democracy under Siege* (Freedom House, 2021). The Freedom House report 2021 observes, "[T]he Indian government's alarming departures from democratic norms under Prime Minister Narendra Modi's Bharatiya Janata Party (BJP) could blur the values-based distinction between Beijing and New Delhi. While India continues to earn a 'Free' rating and held successful elections last spring, the BJP has distanced itself from the country's founding commitment to pluralism and individual rights, without which democracy cannot long survive" (Freedom House, 2021:02).

The Democracy Report for 2020 of V-Dem Institute, *Autocratization Surges—Resistance Grows*, highlights a global decline in liberal democratic institutions. It noted that, for the first time since 2001, there are more autocracies than democracies in the world. Democracy declined in 26 countries during 2019, up from 18 in 2017. Down from 55% (98 states) at its peak in 2010 to 48% of the countries in the world as of 2019, the world is now left with 87 electoral and liberal democracies, which are home to 46% of the world's population (V-Dem, 2020). Robert R. Kaufman and Stephen Haggard identify three interrelated causal process associated with democratic backsliding. "During the third phase, executive powers are used in a step-by-step fashion to weaken institutions of horizontal accountability, oppositions, and political and civil liberties" (Kaufman and Haggard, 2019:418). They note "Autocrats typically begin by using executive and legislative authority to undermine the independence of the judiciary, law enforcement agencies, and the press. Control over the economic resources of the state and corruption play an important role in building bases of elite support and deterring opposition" (Kaufman and Haggard, 2019:418).

In understanding the current global wave of democratic backsliding, Nadia Urbinati noted that democracies are prone to three potential disfigurations while the formal institutions of democracy can remain more or less intact is relevant – the epistemic, the populist and plebiscitary (Urbinati, 2014). In case of populist disfiguration, the will of the people is presented as that of one specific group while excluding others. The plebiscitary disfiguration deduces representative democracy into plebiscitary forms of citizen's participation.

Democratic consolidation theory holds that once countries develop democratic institutions, a robust civil society and a certain level of wealth, their democracy is secure (Foa and Mounk, 2016). The political reverberations of rising popularity of rightist populist and anti-establishment forces such as the *Rassemblement national* in France, the *Movimento 5 Stelle* in Italy, the *Podemos* in Spain and the *Syriza* in Greece contradict the ‘democratic consolidation’ theory. These developments underscore the need to go beyond conventional democratic consolidation theory to understand democratic backsliding and the formation of civil-political alliance to check democratic backsliding in Sri Lanka.

The authoritarian nature of the Rajapaksa regime and its impact on the governance and development process induced a gradual decline of democratic principles in post-war Sri Lanka. Extensive use of executive power not only undermined the parliamentary democracy but also motivated corruption, nepotisms, and violation of human rights while challenging the post-war reconciliation and political settlement process in the country. Therefore, there was a gradual development of democracy building discourse mainly focusing on controlling the powers of executive presidency, eradicating corruption, promoting human rights, and strengthening representative body. Rajapaksa’s second term of presidency led to a further deterioration of democratic principles. Failure to control the anti-democratic motives of extreme groups in the country resulted in the gradual development of pro-democratic political civil forces in the near future of 2015 presidential election. The main opposition party utilized this anti-democratic scenario to consolidate its democracy building agenda and programs in the country.

Constituent Elements of Democracy Building Agenda of the National Unity Government in 2015

The primary objectives of the formation of UNF prior to the 2015 Presidential election were to defeat the government of (former) President Mahinda Rajapaksa and usher in political reform expecting to deepen the democracy in the country – which was considered turning toward aristocracy. The Common Opposition Presidential candidate, Sirisena’s Presidential election manifesto identified the total breakdown of the rule of law, fraud, corruption, wastage, incapacity to identify national priorities, environmental degradation, and moral and spiritual decline as obstacles to country’s march towards democracy and good governance (New Democratic Front, 2015). His election Manifesto stated that, “the new constitutional structure would essentially be an Executive allied with the parliament through the cabinet, unlike the present autocratic Executive Presidential System” (New Democratic Front, 2015:14).

Sirisena's manifesto further argued that the existing electoral system is a mainspring of corruption and violence. Candidates have to spend a colossal sum of money due to the preferential system. Therefore, he guaranteed the abolition of the preferential system and to ensure that every electorate will have a Member of Parliament of its own. Accordingly, the new electoral system will be a combination of the first-past-the post system and the proportional representation of defeated candidates (New Democratic Front, 2015). Sirisena argued that the main reason for the deterioration of good governance in the country was the 18th Amendment to the constitution. Therefore, one of his approaches to building democracy and good governance was to abolish the 18th Amendment to the constitution and replacing it with the establishment of Independent Commissions in order to secure the impartiality of institutions such as the judiciary, police, elections, auditing and the office of the Attorney-General (New Democratic Front, 2015). In fact, main promise of Sirisena was to build a stable prosperous Sri Lanka by establishing mechanisms to supervise and monitor democracy and good governance in the country.

Sirisena proposed to achieve his democracy building and good governance initiatives in two stages: The first stage was the 100-Day Program to solve urgent issues. For that purpose, he proposed to establish a National Unity Government (NUG) comprising the Sri Lanka Freedom Party, the United National Party, the Jathika Hela Urumaya and representatives of all other political parties in Parliament who are willing to join this program. The second stage was to implement a six-year program to build an ideal country through the government that was proposed to be established after the General Election which was to be held after hundred days. Sirisena proposed achieve these changes and initiative through a number of means particularly through a constitutional amendment expecting to curtail or control the powers of Executive presidency, developing a code of ethics for all people representatives, amending the electoral system, reestablishing constitutional council, improving public sector, and protecting human rights, media freedom. The Manifesto identified a constitutional amendment guaranteeing democracy (See: New Democratic Front, 2015; Attanayake and Kapur, 2018).

With the victory of Presidential election, President Sirisena pledged to abolish a powerful Executive Presidential System within 100 days of coming to power, change the constitution to allow power-sharing with minority Tamils and to investigate alleged abuses/atrocities committed during the final stages of fighting between the government forces and the Tamil rebels (Francis, 2019). The reversal of unjustified amendments introduced into the constitution by Rajapaksa, ending the rule of one family and establishing good

governance in the country were also included on the priority list of the democracy building agenda of NGU (Sultana, 2017). Additionally, promotion of human rights, ensuring media freedom, investigating accusation of corruption, strengthening post-war reconciliation process and finding lasting political solution through adopting a new constitution were also the major elements of the democracy building agenda of the NUG.

Although there were criticisms of the *status quo*, the two elections held in 2015 led to a change in the political trajectory of Sri Lanka, contributing significantly to an improved democratic space. In fact, the 2015 electoral victory has resulted in a paradigm shift away from the authoritarian and chauvinistic rule of Mahinda Rajapaksa to a reform-minded era focused on strengthening democracy, good governance and post-war reconciliation.

Initiatives Taken by the NUG in the Direction of Democracy Building

With the victory of Sirisena at the Presidential election, he formed a National Unity Government (NUG) on January 9, 2015, for an interim period of three months (100-day), to bring about required constitutional reforms to improve governance in the country. Before the Parliamentary election, on 21st August, 2015, the two major parties in the NUG, the UNP and the SLFP The United National Party and the Sri Lanka Freedom signed a Memorandum of Understanding (MoU) to reach an understanding for a period of two years pledging to work together at the next parliament toward building democracy. Many of the same agenda and programs of democracy building which were accepted by the UNF were also incorporated in the MoU (See: Fernando, 2015 & Sultana, 2017). The NUG took number of initiatives not only to fulfil the people's social and economic needs but also to strengthen building democracy and good governance in the country as presented under following thematic topics.

The 100-Day Program

The new President, Maithripala Sirisena, who came as the head of a coalition, pledged to work towards restoring democracy and good governance through a 100-day program. The main agenda of the 100-day Program was to end the rule of one family, end executive presidency, reverse unjustified amendments introduced into the constitution by Rajapaksa and to offer good governance to the country (Sultana, 2017). The NUG began to implement its 100-day reform program, the center piece of which was to promulgate a constitutional amendment to curtail the powers of, or abolish outright, the executive presidency (Welikala, 2019).

The 100-day Program is a set of promises that pledged short-term relief and long-term structural reforms expecting to promote democracy in the country. It also fledged that within

100 days, the government will fulfill 100 tasks delivering necessary reforms and fundamental structural changes. Among the promises, abolishing the executive presidency, the introduction of the National Audit Bill – with the intention of enhancing the mechanisms of state financial oversight, the Ethical Code of Conduct, introduction of the Right to Information (RTI) Bill – expecting to provide for the right of access to information with the intention of increasing transparency and accountability, establishment of a) commissions to investigate corruption, b) independent commissions and c) the Constitutional Council, and the adoption of the National Drugs policy were notables with regard to the promotion of democratic governance (Sultana, 2017).

A website (called Manthri.lk) dedicated to monitor the performance of Parliamentarians, under an initiative of Verité Research, has evaluated the progress of the President's program upon his two-year anniversary and given a score of 71 percent to the NUG's administration, based on its latest assessment on the promises fulfilled in terms of the government's first 100-day program. The report states that, despite failures to fulfil several of the 100-day program pledges, notable progress had been made with regard to key pledges, such as easing peoples' lives by reducing cost of living, the introduction of the Right to Information (RTI) Act and the setting up of Independent Commissions and Constitutional Council.

Constitutional Reform and Adopting of 19th Amendment

Leaders of the UNF and the NUG gave special attention to the abolition of the Executive Presidential system and to the electoral reform through the constitutional reform process. The Adaptation of 19th Amendment to the constitution was remarkable milestone in this regard. There was also continued process for adopting a new constitution with the consultation of a number of stakeholders. Although the Bill of 19th Amendment was gassetted on 24th March 2015 and after many revisions based on the comments of Cabinets and Supreme Court, it was passed in the parliament on 28th April, 2015 and came in to effect on 15th May 2015. The amendment restructured the Presidency by empowering the Prime Minister within the political executive, by empowering the Parliament against the executive, by enabling a limited but significant avenue of judicial review over official presidential acts, and by depoliticizing appointments to key state offices and services through the restoration of the Constitutional Council and revitalizing the independent oversight commissions for public service, police, the judiciary, elections, human rights, and bribery and corruption (Fonseka et al., 2017; Welikala, 2019). Following are the key features of the 19th Amendment:

- The 19th Amendment re-introduced a Constitutional Council. However, unlike the 17th Amendment, the 19th Amendment included a range of other reforms, including to the powers of the President.
- The constitutional position of the Prime Minister within the executive has been strengthened by removing the power of dismissal from the President, and subjecting the Prime Minister only to the confidence of Parliament.
- Similarly, the President cannot dissolve Parliament during all but the last six months of its five-year term, except through a resolution passed by a two-thirds majority by Parliament itself. Official acts of the President are also now susceptible to the fundamental rights jurisdiction of the Supreme Court.
- The Constitutional Council, chaired by the Speaker and consisting of MPs and civil society representatives, constrains the President to act on its recommendations, or on its approval, in making key appointments such as judges of the superior courts, the Inspector General of Police, and the Attorney General, and the independent commissions (See: DoGP, 2015).

Most importantly, the 19th Amendment also reintroduced the two-term limit on the presidency and shortened the term of both the President and Parliament from six to five years. The value of certain features of the 19th Amendment are self-evident. For the first time since the 1978 Constitution was adopted, the fundamental rights chapter was expanded. The right to information, previously recognized by the judiciary, was included. Access to information is foundational in strengthening accountability and transparency in a government and has proven to be so on several occasions since the implementation of the Right to Information Act (Samararatne, 2020).

The 19th Amendment to the Constitution of Sri Lanka, had put various checks and balances on the powers of the President that had been removed by Rajapaksa (Goodhand and Walton, 2017). Accordingly, the President shall appoint as Prime Minister the Members of Parliament, who, in the President's opinion, is most likely to command the confidence of Parliament. However, he / she cannot sack a Prime Minister and cannot dissolve the Parliament, before the first four and half years of its term unless the Parliament requests for the same by passing a resolution approved by a two thirds majority (See: Parliament Secretariat, 2015:) The 19th Amendment was a major political victory for the NUG and a significant step toward resuscitating good governance in Sri Lanka. It allowed President Sirisena to fulfil in large part of his promise to abolish the executive powers of the president and to overturn Rajapaksa's authoritarian constitutional changes of 2010 (Aliff, 2016). In

fact, the 19th Amendment was proposed and adopted largely due to the pressure brought upon by civil society actors that demanded accountability in governance.

Although the agenda of the UNF and the NUF included the abolition of Executive Presidential System and shifting to Cabinet System of government, there were differences of opinions in this matter among the major coalition parties of NUG. In due course, the SLFP, one of the major coalition parties opposed the abolition and argued for retaining the Executive Presidency in its present form. In fact, as Fonseka et al., (2017) pointed out, the NUG did very little to broaden the discourse on abolishing the executive presidency; it has not put forward its vision on this issue and failed to deepen the understanding among citizens.

Media Freedom and Right to Information

Media freedom was also one of the key themes in 2015 election campaigns since media freedom was widely seen to have suffered catastrophically in Sri Lanka under Rajapaksa regime. The NUG's first 100-day program proposed to tackle some of the most trenchant media freedom issues including lack of access to information and the abuse of state media. The program promised immediate and long-term measure to safeguard the independence of media personnel and institutions, and vowed that the right to freedom of thought and expression will be strengthened (Griffen, 2016). In this regard, steps were taken to end censorship of dissident websites, and to remove the procedure for foreign journalists to receive visa clearance from the Defense Ministry.

Similarly, the Right to Information (RTI) had been a decades-long struggle spearheaded by press freedom organisations in the country. The NUG made initiatives to fulfill its promise in this regard. The long-awaited RTI Act was adopted in parliament in August 2016 conferred with power to initiate criminal proceedings against Public Authorities who, the Commission would find, have violated a citizen's right to access information (Guneratne, 2019). The stated purpose of the Act is to foster a culture of transparency and accountability in public authorities by giving effect to the right of access to information and thereby promoting a society in which the people of Sri Lanka would be able to more fully participate in public life through combating corruption and promoting accountability and good governance (See: DoGP, 2016). The RTI is about giving citizens the right to pierce the often-shrouded veil of governance. There is therefore, particular importance accorded to this right in the context of the rule of law because it allows the public to learn more about the rationale behind government decisions (Udagama, 2019). Together, this is a very impressive package of responsibilities and powers which places the Sri Lankan RTI Commission among

the most powerful in the world. It is worth noting that an independent oversight body is one of the key contributing factors to the success of an RTI Act. Sri Lanka has gone above and beyond in this respect (Mendel, 2019).

The RTI Act not only enforces people's right to information, but also prevails over other written laws. Due to the existence of these useful provisions, the RTI Act has brought Sri Lanka to the third place in protecting people's right to information (Sooriyabandara, 2016). In fact, the RTI indicates the concept of state accountability and good governance, transparency and protection of human dignity. The RTI commission makes a useful contribution to the implementation of the Act with limited institutional capacity. It has achieved progress regarding citizens' demands for information and declaration of assets by senior politicians, and many people have benefitted from this legislation (Ramesh, 2020). However, there are concerns about the way the government adopted the RTI Act and the state's lack of concern in protecting the privacy right.

New Constitution-Making

Adopting a new constitution was also one of the key promises of the NUG. The NUG expressed its commitment to adopting a new constitution that will abolish the executive presidency, adopt electoral reform, and strengthen provincial devolution expecting to further strengthen the democratization process in the country (Curtis, 2016). There were some initiatives in this regard. Constitution making process commenced with reasonable vigor, with the formation of Constitutional Assembly on 9th March 2016, dividing itself into six Sub-Committees to go into various (12) substantive areas, and the Steering Committees directly dealing with some of the more contentious matters. For the first time in Sri Lanka, a public consultation exercise was conducted to adopt a new constitution even though it was fairly limited in terms of both time and reach (Welikala, 2019).

In order to consult with the public regarding what they want to see in the new constitution, in January 2016, the Cabinet appointed the Public Representations Committee for Constitutional Reforms (PRC). The mandate for the Committee was to call for and receive written representations from the public and also to conduct public sittings in various parts of the country to receive oral representations and to submit final report to the Constitutional Assembly within three months together with recommendations (See: PRCCR, 2016). It is worth noting that for the first time in Sri Lankan history, a committee was established to receive submissions from the public for constitutional reform. 20 experts were included in this committee and they received submissions under 20 thematic areas relating to

constitutional reform. The PRC travelled to all 25 districts and met with representatives in many communities, including youth, public officers, and different public forums seeking citizens' submissions (inputs) through public consultation for the new constitution. The Committee presented its reports with recommendations to the Prime Minister, and was made available to the public.

The report indicated that the majority of the public believe a solution to the national question could be sought through a new constitution. The national flag, the national anthem, religion, governance, and power-sharing were also discussed in relation to this topic. Taken together and read expansively, the reports of the PRC reflected an aspiration for political, civil, social and economic justice. The report also stressed on the importance of a state that is committed to equality, equity, inclusion, democratic participation and accountability. The far-reaching proposals of the PRC call for the recognition of a raft of economic and social rights – especially with regard to education, food, health, housing, social security, labor – coupled with protection from forced evictions as well as an expansive equality and non-discrimination clause (See: PRCCR, 2016). The Reports of the said six Sub-Committees and another report by an *ad-hoc* Committee appointed by the Steering Committee were tabled before the Constitutional Assembly on 19th November and 10th December 2016 respectively. The Steering Committee submitted its interim report on the 21st of September 2017 which presented the observations on the provisions of the present constitution and commented on six subject areas. The interim report itself dealt with the main issues of contention (such as the nature of the state as unitary, federal or otherwise) in a deliberately ambiguous manner.

However, the follow-up initiatives such as debates on the recommendations, and the drafting of the new constitution and amalgamating the recommendations of the PRC together with the interim reports of Steering Committee of Constitutional Assembly remained uncompleted due to number of issues and disagreement on major subject matters of the new constitution among the leaders of UNF coalition. From the first parliamentary steering committee meeting debate over the system of government started. The nature of the State and to what extent the power should be devolved to Provincial Councils were the most contentious and politically charged issues in the entire reform process. However, many within the UNP and the SLFP were committed to the preservation of the 'unitary state' whilst the TNA opposed the label of the 'unitary state' (Fonseka et al., 2017). Beyond the formal description of the state, there was also no agreement among the two major coalition parties on the substantive provisions relating to the devolution of power and amalgamation of the Northern and the Eastern provinces. Controversy also emerged on the subject of making Sri

Lanka a Buddhist state by vowing to “protect and foster” Buddhism (ICG, 2016). It is worth noting that the process of adopting a new constitution was mainly focused on the change of government system but was not considered as a mechanism to accommodate political and other interests of minority communities.

Restoration of Constitutional Council – As a Mechanism to Check the Powers of the Executive

The re-establishment of a Constitutional Council in Sri Lanka was justified as a mechanism not only to ensure check on presidential power but also to depoliticize and democratize the government functions. In this line of argument, in 2001, the Constitutional Council was established under the 17th Amendment to the constitution hoping to increase accountability in the appointment to certain high offices and statutory commissions. The 17th Amendment aimed to depoliticize important government functions by creating an independent Police Commission, Human Rights Commission and Election Commission, among others. The President was empowered to appoint the members of these commissions, but only with the consent of an independent Constitutional Council. However, the 18th Amendment enacted in 2010 while replacing the Constitutional Council with a ‘Parliamentary Council’, further aggrandized the Presidency and enabled then-President Rajapaksa to assume near-authoritarian powers. It also repealed important constraints that the 17th Amendment had placed on executive power (See: Jeyakody, 2015).

The leaders of the NUG agreed to repeal the controversial 18th Amendment as part of controlling powers of Executive President and reestablish the Constitutional Council. As part of the 19th Amendment to the constitutions, provisions were included to repeal the 18th Amendment and created the Constitutional Council back with full powers to control the President’s interference over the affairs of independent commissions. It also restored the independence of important Independent Commissions. The 18th Amendment only required the President to seek the observations of Parliamentary Council on the appointment of members to the Independent Commissions. The 19th Amendment required the president to get the approval of the Constitutional Council for the appointment of members to the Independent Commissions and other key appointment to high positions (Gunethilleke and de Mel, 2015.) Under the 19th Amendment, accountability of the Executive was increased by including more representatives from Parliament (7) and 3 individuals ‘persons of eminence and integrity who have distinguished themselves in public or professional life and who are not members of any political party.’ Significant feature of the present Constitutional Council

is that it includes representation from the Opposition in Parliament which ensures the democratic process of the selections and the activities of the Constitutional council.

Promotion of Human Rights and Rule of Law

The promotion of human rights was one of the key themes of the UNF and the NUG. The NUG made a number of initiatives in this regard. The NUG as part of its human rights promotion project, welcomed the international human rights organizations for observing the human rights situation in the country. Human Rights Watch visited in October 2015 and Amnesty International traveled to the country in December 2015. The UN Working Group on Enforced or Involuntary Disappearances visited in November 2015 for the first time in 16 years. The government also took important symbolic steps, such as lifting the prohibition on singing the national anthem in Tamil, and enacting of the Right to Information Act (RIA) in 2016. Additionally, government adopted the National Human Rights Action Plan 2017- 21 (NHRAP) with a firm commitment to protect, promote and fulfill human rights of all Sri Lankans, and to promote and implement Sri Lanka's national obligations arising from human rights treaties to which Sri Lanka is party as well as voluntary undertakings. The NHRAP proposed to include provision for Right to Life in Fundamental Rights chapter of the Constitution, and adopt provisions and measures to enhance and protect some more areas of human rights – many of them were considered important for the building of democracy in post-war Sri Lanka (See: NCPPRHR, n.d).

With regard to human rights, transitional justice and reconciliation in Sri Lanka during the regime of NUG, the UNHRC Resolution 30/1 of 2015 was considered a key document, committing the government to enact a comprehensive set of measures by the extended deadline of March 2019. However, as identified by the Center for Policy Alternatives, there was a lack of commitment on the part of the government specially to promote actions in: (a) establish the transitional justice mechanisms and commitments, (b) repeal and replace the Prevention of Terrorism Act, (c) amend the Code of Criminal Procedure Act and related legislation, (d) implement domestic and international commitments on preventing torture, (e) pursue mainstreaming of human rights and enforcing accountability for violations, (f) take action to address violations of freedom of speech and expression; freedom of religion, thought and conscience; and language rights, (g) take steps to ensure equality and non-discrimination, (h) promote women's rights through legislative reform, policy and support services, and (i) establish programs for protecting the rights of Internally Displaced Persons (IDPs) and returning refugees (CPA, 2018). There were also some more

initiatives with regard to the promotion of human rights as discussed under the sub-topic 'Reconciliation and Transitional Justice' in this chapter.

The accreditation of the National Human Rights Commission to 'A Grade', by the Global Alliance of National Human Rights Commissions (GANHRI), was a clear testimony of enhanced institutional capacity that has helped improve the rule of law in the country during this period (MSDWRD, 2018). It is also worth noting that the government also ratified the International Convention for the Protection of All Persons from Enforced Disappearance on 25th May 2016.

Although there were some initiatives to promote human rights as part of the democracy building process as discussed above, some of the promises were not fulfilled during the period of NUG. Additionally, there were also notable events or accidents that induced or resulted in human rights violations during the period of NUG in which the responsible state apparatuses have failed to control the events causing violation of human rights of specific groups, particularly of minorities. The violent incidents of Digana in Kandy, Ampara town, and some other areas are notable in this regard. The continued anti-Muslims sentiments and violence which followed the Easter Sunday attacks also further induced violation of minority rights in many parts of the country. Ineffectiveness of the relevant responsive authorities of the NUG caused serious damage to the NUG's initiatives toward promotion of democracy and human rights.

Strengthening Representative Bodies

The representative systems and the role of representative bodies (from center to local) are crucial in any kind of democratic system. Since the introduction of Proportional Representation (PR) system in Sri Lanka, there were continuous criticisms on its results. Therefore, there were continuous demands for reform or change it. Restoring democracy by strengthening representative bodies and representative system was one of the promises of the *Yahapalanaya* coalition. Despite some setbacks in the process of adopting electoral reform, there was broad consensus among the major political parties representing the parliament about amendments to the electoral system. Parties broadly agreed on the Mixed Member Proportional (MMP) system with two ballots should replace the existing electoral system. After the continued efforts, in February 2016, the NUG passed the Local Authorities (Amendment) Act, No. 1 of 2016. This was further amended by Act No.16 of 2017. The main objective of the Act was to introduce a mix-member proportional system while ensuring the

nomination and election of qualified women to local government authorities and thereby, strengthen women's participation in political decision-making (See: DoGP, 2016a).

However, there were criticisms towards the NUG's failure to hold local government elections (LGEs) under the new electoral system for more than 2 years. The LGE was delayed due to revisions on the new mixed-member proportional system and the subsequent need for a new delimitation of electoral wards. The delays impacted the credibility of the government and enabled the Joint Opposition's narrative that the government is undermining representative democracy on account of fears for political popularity and survival of its key constituent members (Fonseka, Ganeshathasan, Daniel, 2017). After the process was completed, the LGEs were held in February 2018 under the new electoral system. These elections were the first conducted by the independent Election Commission established under the 19th Amendment to the Constitution in April 2015; and the first with a historic 25 percent allocation of seats for women. However, it is worth noting that the NUG was not able to reform the electoral system for Provincial Council and Parliament elections as it promised.

Reconciliation and Transitional Justice

The political transition in 2015 empowered moderates among both the Sinhala and the Tamil communities with a popular mandate for peacebuilding and governance reform to advance reconciliation and transitional justice in Sri Lanka. The 2015 government change provided some relief to war-affected parties as the NUG took several positive steps towards reconciliation by establishing independent commissions and undertaking steps to implement UNHRC Resolution No.30/1.

In order to undertake reconciliation related tasks of the NUG, the Secretariat for Coordinating Reconciliation Mechanism (SCRM) was established in December 2015. The Office of National Unity and Reconciliation (ONUR) were also established in December 2015 to fulfil the NUG's agenda on reconciliation. It was mandated to making recommendations to the government on measures to be taken to resolve issues causing to stress and conflicts existed among different communities and implementation such measures and follow up; and for the formulation of programs to ensure reconciliation that builds up awareness, peace and unity among all communities and make recommendations to the government and follow up. The office was headed by the former President and one of the key actors for the regime change in 2015, Chandrika Bandaranaike Kumaratunga. The Peacebuilding Priority Plan (PPP) which was adopted in 2015 as a 3-Year comprehensive plan supported the government to implement its reconciliation and accountability/transitional

justice commitments to its people as part of its peacebuilding agenda (SLPBPP, 2016). A National Reconciliation Policy was also developed by the ONUR in September 2016 which contained set of actionable principles and long-term goals that will form the basis for making rules and guidelines, and to provide overall direction to planning and development for national reconciliation. These include Equality, Human Rights, Justice and the Rule of Law, Transitional Justice, Inclusivity and Diversity, Sustainable Development, Civic Consciousness and others.

Operationalization of the Peace Building Priority Plan was guided by the government's four (4) Pillars of support of: Transitional Justice; Reconciliation; Good Governance; and Resettlement and Durable Solutions. In August 2016, the Sri Lankan Parliament passed legislation to allow the creation of an Office of Missing Persons (OMP). This step was viewed by many observers as one of the key pillars of transitional justice in Sri Lanka. Hundreds of submissions to the Public Representations Committee on Constitutional Reforms (PRC) on the one hand and thousands of submissions to the Consultation Task Force on Reconciliation Mechanisms (CTF) on the other sought a fundamental redrawing of the social contract between the State and its citizens.

Many of the above initiatives for the promotion of reconciliation and human rights were also partly taken as to ensure transitional justice in post-war Sri Lanka since there were continued voices and demands for it. In the area of transitional justice, the new government cosponsored the October 2015 UNHRC Resolution No.30/1 promoting reconciliation, human rights, and accountability in Sri Lanka. This was seen as a significant shift from the previous regime, and evidenced that the NUG had taken ownership of transitional justice (Goodhand and Walton, 2017). Additionally, South African officials who had been involved with the post-apartheid Truth and Reconciliation Commission were brought in to lend their expertise to support the process.

In 2016, the government established a Consultative Task Force (CTF), composed entirely of civil society representatives, to ascertain the views of the public on transitional justice and the four mechanisms it proposed for its achievement. As part of the consultative process, the CTF sought to speak to key stakeholders and their representatives. The CTF produced a 900-page final report and over 45 recommendations, in general and for each of the four mechanisms proposed. In its recommendations based on consultations with the public – some 7,500 submissions were received in all – the CTF recommended the development of an accountability mechanism with at least one international judge sitting on

the bench, on account of the lack of trust and confidence in the Sri Lankan judicial system. Further, the NUG also established the Office for Reparations in October 2018.

In fact, the NUG's faltering progress on transitional justice illustrated us how strategies of delay can allow compromises and tensions to be papered over and managed. As Goodhand and Walton (2017:133-134) pointed out, the defeat of Rajapaksa and the emergence of a NUG committed to reform appeared to present an opportunity for pushing forward an ambitious transitional justice agenda. Yet in practice the government had been heavily constrained by a set of compromises or tensions that had hampered its capacity to implement a coherent agenda. They further added that despite enthusiastic championing by the foreign minister, there was no politically powerful group claiming ownership over and advancing transitional justice. It did not feature in the presidential or parliamentary elections in 2015 and was not part of the UNF's electoral mandate. It has been largely driven by international concerns, though the government did assume leadership on the issue when it cosponsored the UNHRC resolution in October 2015. The progress of reconciliation initiatives of the NUG became slow and faced deadlock due to a number of priority issues and challenges as discussed in chapter-5 of this report. It is also worth noting that despite co-sponsoring the resolution in Geneva, the President and Prime Minister of NUG, alongside other leading Sri Lankan politicians, were quick to make the point that no member of the armed forces would go before a court or tribunal with foreign judges (Saravanamuttu, 2022).

Anti-Corruption Initiatives and Demilitarization of Civilian Domains

Credible and trustworthy institutions built on principles of transparency and accountability and inclusive or representative decision-making are key principles of good governance. However, despite several acts were adopted to prevent corruption and bribery including Prevention of Money Laundering Act No. 5 of 2006 and Financial Transactions Reporting Act No. 6 of 2006, Sri Lanka had performed poorly in terms of corruption and bribery. The Rajapaksa regime also received criticisms over its inability to control or prevent corruption. In fact, weak governance and institutional mechanisms have continued to undermine Sri Lanka's long-term growth potential. Weaknesses in the rule of law, corruption, and the lack of democratic freedom, amongst others continued to negatively impact the country's standing in global indices on governance standards (MSDWRD, 2018).

One of the key promises of the NUG is to investigate the accusation of corruptions during the Rajapaksa regime and to make necessary policy initiatives to control corruption. In this regard, in October 2017, the Cabinet of NUG approved and entrusted the Commission

to Investigate Allegations of Bribery or Corruption (CIABOC). It also approved a proposal to compile a National Action Plan for Controlling Corruption with the consultation of relevant agencies for empowering anti-corruption agencies. This culminated in developing the National Action Plan (NAP) for Combatting Bribery and Corruption in Sri Lanka 2019–2023 which was approved by the Cabinet of Ministers on 5th February 2019. The launch of the NAP was in recognition of Sri Lanka's obligations under the United Nations Convention Against Corruption (UNCAC) and other international obligations.

During the NUG regime, investigations were going on examining criminal allegations against many members of the Rajapaksa family and many key figures in or around the Rajapaksa government. Basil Rajapaksa, the ex-economic development minister, was arrested in April 2015 and indicted in December for bribery and the misuse of public funds to influence the presidential election. Mahinda's second son, Yoshitha was arrested in January 2016 on fraud and money laundering charges (CGI, 2016). These arrests were given media wider media coverage that created hopes on government anti-corruption initiatives. However, there were criticisms and debates over the anti-corruption measures and investigations of the NUG. With hundreds of cases under investigation by different agencies, anti-corruption efforts were suffering with lack of necessary resources. Delays have also been caused by confused and overlapping lines of authority, bottlenecks when cases go to the Inspector General of Police and the Attorney General, lack of effective coordination or prioritization and ad hoc, at times amateurish, initiatives (CGI, 2016). Despite the positive initiatives and changes, high profile corruption was evident shortly after the NUG came to office in 2015. The leaders of the NGU were unable to provide the corruption-free government as they promised. On the issue of corruption, it continued to draw flak (Joseph, 2019). In fact, the successive governments including the NUG contributed to authoritarian rule and corruption in Sri Lanka.

The NUG also took a number of initiatives to demilitarize civilian domains as part of its democracy building process. The military establishments in the war-turned Northern and Eastern provinces and positioning of Military personnel in the civil administrative capacity was considered as one of the challenges for post-war democratization process during the Rajapaksa regime. Therefore, the NUG made commitments to demilitarize the civilian domains and make the situation normalcy. The appointment of Governors for the Northern and Eastern provinces from civilian ground, and replacing civil administrators for some district administration in the North-Eastern region, and releasing of lands in High Security Zones were some of the notable initiatives in this regard. However, the progress had been

slow. The military's reluctance to return land to civilians continues to be a central issue impinging on public trust in the government. Additionally, as Goodhand and Walton, (2017) pointed out, the looming threat of an SLFP split limited the president's appetite for backing bold reforms or challenging the military establishment.

Strengths and promises of democracy building agenda of 2015

There were a number of strengths and promises of the democracy building agenda of the NUG. Following are some of the more impactful among them.

1. Controlled or limited the powers of the executive presidency by adopting the 19th amendment to the constitution.
2. Restored the independence of the police and judiciary, at least as compared to the situation under Rajapaksa regime.
3. Ensured right to information and restored media freedom by passing of RTI Act – which allows the citizens to access the public institutions and check their functioning.
4. Made number of initiatives for reconciliation through the adaptation of policies, acts and institutions and through responding to international obligations.
5. Taken initiatives to draft a new constitution with the wider consultation of public and different political and non-political actors– a kind of democratic constitutional making process for the first time in Sri Lankan history.

Weaknesses and Shortcomings of Democracy Building Agenda of 2015

When compared with the democracy building initiatives of post-war regimes, the initiatives of the NUG were distinctive and received national and international attentions with ups and downs in the process. However, there were weaknesses and shortcomings of the democracy building agenda of the NUG, as listed below:

1. Failed to abolish the Presidential system: Concentrating extensive powers in the hand of an Executive presidency was considered one of the main causes for the gradual deterioration of democracy in Sri Lanka. Although the UNF came to power with the mandate to abolish the Executive Presidential system but has failed to do it during the 100-days program nor the whole tenure of the NUG. Of course, the 19th Amendment to the constitution trimmed the powers of the Executive President, sought to strengthen a range of institutions and reinstated term limits, as Samararatne (2020) indicates, the Parliament had not been effective in ensuring accountability on the part of the Executive President.

2. Failed to address or redress corruption scandals of the Rajapaksa era and of the NUG's cabinet members: Leaders of the NUG promised to hold members of the Rajapaksa administration and family accountable for alleged corruption and assassinations, but failed to fulfill the promises. The NUG also failed to properly investigate the alleged corruption made by the members of its own cabinet. Widely publicized reports of ongoing corruption of senior UNP figures – which they strenuously denied – and the lack of prosecutions for high-profile crimes committed during the Rajapaksa presidency have severely damaged the NUG's credibility as an engine of reform.
3. Failure to boost the economy for the benefit of most Sri Lankans. The UNF came to power with the mandate to improve the economy of the country. The post-war Sri Lankan economy was progressively weakening due to bad-governance and corruption of the Rajapaksa regime. The major opposition party and the joint coalition of the UNF continued to question the economic policy of the Rajapaksa regime. However, when they came to power and ruled the country for nearly 5 years on the consensus to rebuild democracy and the economy, the NUG could not develop a comprehensive economic policy of its own and mostly followed the same policies on regional and infra-structure development, and empowerment of national economy which were followed by the Rajapaksa regime.
4. Lack of progress in negotiated political settlement though constitutional reforms: Although the NUG was in power nearly 5 years made initiatives for political settlement through constitutional reform, the government failed to present its political settlement package in its constitutional reform process. The leaders of the NGU failed to reach a consensus on number of important subjects such as nature of state, nature of government, and the nature of power-sharing arrangement – which are considered the major contested matters that induced ethnic conflict and has been challenging the political settlement process for decades. Though, there was maximum support from the political leaders of minority groups, and international community, the NUG failed to materialize those opportunities ripen to find lasting political settlement to the country's national problem.
5. Failure to establish transitional justice: There were hopes among the victims of the civil war that they would get justice with the formation of the NUG. Although there were initiatives and support extended from different actors, including of almost all minority political parties, the NUG failed to bring justice to victims of war crimes

under the Rajapaksa government, which not only challenged the post-war reconciliation process but also challenged the democracy building initiatives of the NUG.

Concluding Remarks

The erosion of the principles of democracy and good governance by the Rajapaksa regime was one of the major factors induced to form a common opposition alliance – UNF – with huge participation of number of civil society organizations and actors prior to the Presidential election 2015. The UNF call for public mandate to rebuild democracy and good governance in the country. The victory of UNF at the 2015 presidential elections (and later at the 2015 general elections) was mainly based on the democracy promises.

The agenda and the initiatives of the NUG were supposed to put the country on a positive course toward democracy – the country which was setback by a decade of increasingly authoritarian and nepotistic rule of strongman Mahinda Rajapaksa. The NUG initially proposed a 100-day program expecting to initiate number of actions and reforms focusing strengthening democracy and good governance in the country, with substantial agenda for policy and institutional reform and programs to be implemented after the 100-day. The adaptation of the 19th amendment to the constitution, establishment of the Constitutional Assembly, formation of Public Representative Committee on Constitutional Reform, and Restoration of Constitutional Council with more power etc., sponsoring of UN resolution of 30/1 at the Human Rights Council, adopting of Peace Building Priority Plan, Establishment of Office of Missing Person, and adoption of National Action Plan for Controlling Corruption were considered as the major initiatives in terms of policy and institutional reform in order to building democracy during the period of the NUG. However, there were lapses and difficulties in fulfilling the democracy building agenda of the NUG as expected. In due course, the priorities of democracy building initiatives of the government changed. A number of factors have imposed challenges and impediments in this regard.

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.

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 reconciliation¹⁷ within the context of post-war peacebuilding. The NUG

¹⁷ 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

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 67th 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 19th 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 13th 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 13th Amendment. One major confusion was there being no political consensus in the Parliament on what exactly "plus" meant in the proposal to the 13th Amendment. Therefore, the political agreement of revisiting and fully implementing the 13th 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)

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

*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 Persons¹⁸ (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

¹⁸ 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 Reparations¹⁹ 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”²⁰ 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).

¹⁹ 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.

²⁰ 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 resettlement²¹ 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.²² 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

²¹ 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.

²² 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, 2,804 acres in Ampara and 1,649 acres in Mannar. In March 2015, the Government released 1,000 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 Sobhitha 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.

Chapter - Five **Role of Civil Society in Democracy Building in Sri Lanka in 2015-2019**

By

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Introduction

Civil space is regarded as the bedrock of democracy as it requires a vibrant civic space to be meaningful and effective. Civil Society is an imagined entity that exists in the civic space and was developed by citizens to pursue common interests outside of the family and the state. Democracy is a political system that constantly needs revitalization for its survival, as it is very prone to decline in the face of ongoing internal challenges. Hence, the role played by civil society organizations (CSOs) in restoring and reviving democracy is vital. In the January 2015 Presidential Election, pro-democracy CSOs in Sri Lanka played a substantial role in bringing the National Unity Government (NUG) to power, signaling a break in the prevalent trend of democratic backsliding in Sri Lanka under the Rajapaksa regime. The 2015 Presidential election provided CSOs with renewed optimism and confidence in their ability to promote democracy. A series of meetings held prior to the 2015 Presidential Election by the National Movement for Just Society (NMJS) led by Rev. Mathuluwawe Sobitha with political parties and other pro-democracy civil-political forces revealed the country's emerging socio-political movement for democratic reforms and the potential of civil society in democracy-building against the backdrop of democratic backsliding. *Purawesi Balaya* (citizens' power) convened a meeting of pro-democracy, political, and civil forces at the Colombo Town Hall in December 2014, sending an alarming message to the Mahinda Rajapaksa regime about the emerging civil-political united front for democratic reforms. This meeting further highlighted the role that civil society organizations could play in bringing the democratic reform agenda to the forefront of political discourse. The objective of this chapter is to examine the role played by CSOs in the 2015 regime change, their contribution to democracy consolidation, and the drawbacks and challenges encountered in their democracy-building endeavors from 2015 to 2019.

Understanding the socio-political dynamics of Sri Lanka's democratic building process requires unpacking the role that the pro-democracy CSOs played in highlighting the need for a common presidential candidate to carry forward the democratic reform agenda, in playing a critical role in the Presidential Election, and, after January 8th, 2015, in pressurizing the NUG to carry out its election mandate. It would also provide key lessons for other

developing nations facing similar predicaments due to democratic backsliding about the strengths and weaknesses of civil society engagement in democracy-building. Scholars who have studied democratic transition and consolidation claim that a vibrant civil society is a sine qua non for liberal democracy to take root (DeVotta, 2005; Rahman, 2020; Diamond, 2004). Since civil forces played a crucial role in bringing about political change in 2015 and advancing the democracy-building agenda of the NUG, a realistic evaluation of their contribution is critical for future-democracy building initiatives in Sri Lanka. Even though the examination of the strengths and weaknesses, as well as the challenges faced by CSOs between 2015 and 2019, would help to understand the future trajectory of democracy-building in Sri Lanka, no attention has thus far been made to unearth the lessons of the CSOs' democracy-building between 2015 and 2019. Accordingly, the chapter aims to address the issues that are not covered in the existing literature on democratic reforms and consolidation in Sri Lanka. In light of this, the chapter intends to answer the following questions: What role did civil society play in the democratic consolidation processes that occurred during and after the 2015 election? What were the main challenges and constraints that civil society encountered in order to sustain Sri Lanka's democratic consolidation process? How well has Sri Lanka's liberal democracy been consolidated? What should be done in the future to deal with these constraints and challenges in order to facilitate CSOs' contributions to democracy building?

The chapter begins by introducing theoretical contours as well as the Sri Lankan context for civil society and democracy building. It will offer the necessary theoretical and contextual background to other themes discussed in the chapter. Thence, it will investigate the role of CSOs in mobilizing social and political forces against democratic backsliding in the country's run-up to the Presidential Election in 2015 and the regime change. It will also discuss the main elements of the modus operandi of the CSOs in the presidential election. From then, the chapter will proceed to trace the evolving role of CSOs from the Presidential Election in January 2015 to the Parliamentary Elections in June 2015. During this period, CSOs played a significant role in shaping the political agenda of NUG. The chapter will then focus on the change and continuity of the relationship between CSOs and NUGs following the Parliamentary Elections. The dramatic deterioration of relations between CSOs and NUG will be dealt with in the next section of the chapter. Finally, this chapter will examine the drawbacks and weaknesses of CSOs in democracy-building initiatives from 2015 to 2019.

Civil Society and Democracy Building: Theoretical Contour and Sri Lankan Context

First and foremost, it is important to distinguish between political and civic associations. Although democratic states and political parties in democratic states rely heavily on civil society to legitimize their governance, they do not necessarily operate with the same ethos and rules as civil society organizations (DeVotta, 2005; de Mel, Gunatilleke & Chaaminda, 2015). Over the years, civil society in Sri Lanka has had a complex relationship with political society, with the nature and scope of civil society space being determined by the policies and ideologies dominant in the political sphere. Political regimes tend to influence the space for both democracy and civil society (de Mel, Gunatilleke & Chaaminda, 2015).

Following the Eighteenth Amendment to the constitution in September 2010, a new currency of the civil society movement gradually emerged in the aftermath of democracy's backsliding. The impeachment of chief justice Shirani Bandaranayake gave further impetus to the civil society movement seeking to safeguard democracy. Despite the government's promises of post-war reconciliation, there was no change in the authoritarian direction of the regime, and as a consequence, political and civil rights as well as the security of all communities, were not enhanced in the post-war environment, and CSOs remained under threat. It was in this context that pro-democratic civil society came forward in 2014 to bring the issue of democratic reforms to the forefront of public discourse (Kelegama, 2015; de Mel, Gunatilleke & Chaaminda, 2015). De Mel, Gunatilleke & Chaaminda (2015) classified Sri Lanka's civil society into two broad categories: Development-oriented CSOs that design and deliver development programmes and discourse-oriented CSOs that focus on specific issues usually of a public nature, constitute the second and third strands. Discourse-oriented CSOs can be classified in terms of their objectives and ideological learnings. By pursuing liberal and democratic objectives, the latter played an immense role in consolidating pro-democratic forces for political change.

Putnam (2000) claims that civil society helps individuals in socializing, interacting, and mobilizing to participate in mass demonstrations, protests, and civil disobedience in order to exert pressure on authoritarian regimes to engage in democratic transition, as well as demand government transparency and accountability. This indicates that civil society organizations are being promoted as an essential component of democratic development; the establishment of good governance, the promotion of human rights, and sustainable political stability are more likely to prevail. Civil society activities and citizen activism in the civil society space are also essential in the democratization process, governance, political stability, and peacebuilding (Orjuela, 2006). The lack of democratic space has allowed certain levels of

contestation between the state and civil society. South Asian governments have often perceived civil society groups as undermining state power and legitimacy and have attempted to control them (Singh, 2020; Blair, 2000).

Larry Diamond claims that democracy is a continuous political process that can be sustained and developed by focusing on its responsible citizens. Although “civil society in Sri Lanka is recognized for its vibrant performance in social development and policy advocacy,” their contribution towards democracy consolidation remains a matter of debate and discussion. The existing constitutional framework is more likely to dismantle the democratic reform agendas of CSOs. Linz and Stepan (1996) define civil society, political society, rule of law, state apparatus, and economic society as the five major areas of a modern consolidated democracy. Democratic consolidation entails ensuring rules of law, human rights, and fundamental freedoms, and promoting political participation within the governmental processes, as well as free and fair election, among other things. These are the major areas for democratic consolidation. In addition to political parties or governmental institutions, vibrant CSOs can play a significant role in ensuring the aforementioned democratic notions (Rahman, 2020; Diamond, 2004).

Rahman (2020) divided CSOs’ functions into two broad categories: vibrant and vigilant. A vibrant civil society ensures that citizens have the means to freely influence public policies. Vigilant CSOs, on the other hand, play an active oversight role in monitoring and assessing government activities. CSOs must thus be both vibrant and vigilant in order to contribute to democratic consolidation (Blair, 2000). Linz and Stepan (1996) argue that a robust civil society, capable of generating political alternatives and monitoring government and state, can help transitions begin, resist reversals, push transitions to their completion, consolidate, and expand democracy. A participatory civil society serves three main functions: it promotes voluntarism, it builds social capital, and it creates an enabling environment for policy input (Hyden et al. 2003). In the case of voluntarism, the performance of civil society can be found in the fact that CSOs are active in various sorts of collective action that result from individuals combining their private interests in pursuit of a common good (Olson 1965 cited in Hyden et al. 2003). Taking these concepts into consideration, civil society can be defined as a collection of institutions or groups that are free, voluntary, self-reliant, and self-generating. Some examples of CSOs are trade unions; charity organizations; religious organizations; community-based organizations; civic movements or advocacy groups; issue-oriented, community and social groups; professional associations; self-help groups; social and political movements; advocacy groups; non-governmental organizations (NGO);

independent mass media; think tanks; private voluntary organizations (PVOs); educational interest groups (universities); and social and religious groups. The preceding discussion enables us to situate the remainder of the chapter within the framework of the theme.

CSOs have a long and illustrious history in Sri Lanka, dating back to colonial times and they were, to a large extent, shaped by British Colonial rule and establishment of the modern democratic state in the first half of the twentieth century (Orjuela, 2006:123). Pre-independent civil CSOs were largely concerned about reviving traditional Buddhist culture which was lost due to colonialism led modernization and were part of Sinhalese nationalist discourse. During this period, a plenty of CSOs sprung from Christianity aiming at providing educational and social services to disadvantaged groups in society. Fernando and de Mel (1991) claim that social movements emerged in Sri Lanka as a reaction to the radical social and economic changes introduced by colonial rulers and they were largely inspired by Western social movements. Uyangoda (2001) argues that popular organizations were created in the wake of the Buddhist revivalist and nationalist movements and they were independent from religious and political entities – they fostered a popular consciousness over constitutional rights and political reforms. Since Independence, Sri Lanka's vibrant civil society has been a conspicuous feature of the country's socio-political landscape. During the first two decades following independence, many CSOs focused on community development and self-help. During the long years of armed conflict, a new category of CSOs arose within the framework of NGOs to promote peaceful ethnic conflict resolution and the protection and safeguarding of human rights – they became part of CSOs in the 1970s (Orjuela, 2006:124). They played a significant role in bringing human rights issues to the forefront of various forums. Disappearances and human rights violations during the second JVP uprising in 1987-89 gave rise to the *Maw Peramuna* (Mothers Front), led by Mahinda Rajapaksa and Mangala Samaraweera. When the war in the North and East became more intense, a new set of CSOs emerged in the South, led by Sinhala-nationalist groups, to back the military defeat of the LTTE.

Role of Civil Society in Regime Change before and after the 2015 Election

Following the end of the war, a qualitatively different category of CSOs gradually formed in the context of the democratic backsliding of the Mahinda Rajapaksa regime (details of their emergence are discussed in Chapter II). It began slowly in the context of pervasive war triumphalism, but the process gained momentum steadily as the authoritarian tendencies of the regime became more open and harmful to the democratic institutional fabric of the country day by day. As discussed in chapter II, the civil society movement for

democratic reforms led by Rev. Maduluwawe Sobitha acquired increased support from more politically informed quarters of society at the dawn of the year 2014. The Colombo-centered development was accompanied by the emergence of a brood of professional and provincial groups and organizations in provincial cities that worked within their respective spheres of influence to promote good governance and democratic political reforms. The opposition political parties were also compelled to acknowledge the leadership role of Rev. Maduluwawe Sobitha in the growing civil society movement for democratic reforms under the banner – abolition of Executive Presidency (See Chapter II).

Rev. Maduluwawe Sobitha, on behalf of all pro-democracy and good governance CSOs, was engaged in dialogue with the main opposition parties over the common candidate and the road map of democratic reforms at the time of the Presidential Declaration of his intention to hold early presidential elections in November 2014. The discourse of constitutional reforms was still progressing. There was no agreement on a common candidate. Rev. Maduluwawe Sobitha was the first to call for a common opposition candidate to defeat the political project of Mahinda Rajapaksa. He even volunteered to run for the Presidential Election to carry out the mandate of abolishing the Executive Presidency if no candidate acceptable to all pro-democratic reform forces could be found as a common candidate. In the midst of disagreements and lack of consensus among the democratic political movement, former president Chandrika Kumaratunga intervened to propose Minister Maithreepala Sirisena as a compromise candidate acceptable to all parties, groups, and sectors rallied under the good governance political agenda (see Chapter-II). Many CSOs were taken aback by the declaration of UPFA Minister Maithripala Sirisena as a common candidate. Before naming him as the common candidate, the civil political movement for democracy did not engage in any dialogue with him. Maithripala Sirisena was known as a faithful disciple of President Mahinda Rajapaksa as a key Minister of the Cabinet and the Secretary of the SLFP until his resignation to become the common opposition candidate to contest the incumbent President. Furthermore, the public has never seen him as a champion of democracy. In the framework of political expediency of the day, he was deemed the proper alternative acceptable to everybody. Furthermore, the assurance given by former President Kumaratunga to Rev. Maduluwawe Sobitha regarding him prepared the door for him to be a consensual compromise candidate.

Despite the reservations about his commitment and reliability, all of the civil society organizations and groups that gathered under the good governance umbrella unqualifiedly backed Maithreepala Sirisena in the presidential elections once he was selected as the

common candidate. The stark reality was that these organizations had no in-depth discussions with him on democratic reforms. They believed the assurance given by former President Chandrika Kumaratunga about him. On December 1st, 2014, some 49 political parties, CSOs, and groups who stood for democracy publicly signed a Memorandum of Understanding (MOU) with Maithripala Sirisena at the Viharamadevi Open Theatre (See Appendix-1 for the list of 49 who signed the MOU). In the MOU, Maithreepala Sirisena agreed to abolish the Executive Presidency within six months to make way for a Parliamentary-centered system of governance and establish independent commissions to ensure de-politicization of administration and change the existing electoral system and introduce a hybrid system to give voters more power in selecting their representative.

The 2015 presidential election was a battle between the popular nationalism represented by Mahinda Rajapaksa and the liberal democratic agenda represented by Maithiripala Sirisena. Along with the UNP and Hela Urumaya, Chandrika Kumaratunga and Rev. Maduluwawe Sobitha as well as many other civic activists collaborated in mobilizing anti-Rajapaksa forces, including a large number of provincial CSOs. With his charisma, courage, and commitment to a political change, Rev. Maduluwawe Sobitha played a trail-blazing role in mobilizing CSOs and other anti-Rajapaksa forces under the National Movement for a Just Society (NMJS) in a short period of time. Due to his effort, all pro-democracy forces, including trade unions, rights groups, artists, professionals, and academia united under a single banner of democratic reforms and good governance, paving the way for political change on 8 January 2015.

President Mahinda Rajapaksa also never expected that his Cabinet Minister Maithreepala Sirisena would be the joint-opposition contestant in the presidential election. The election campaign of Maithreepala Sirisena had to face numerous challenges. The opposition was frequently denied convenient venues for their meetings. The Election Commissioner had to intervene on multiple occasions to guarantee that venues were made accessible for the election meetings of Maithreepala Sirisena. Tactics of intimidation and threats were unleashed against the campaigners and supporters of the opposition parties. With all of these violations of democratic freedoms, Mahinda Rajapaksa was bent on making the contest into a one-horse race. It was not a level playing field.

Maithreepala Sirisena did not have his own political party or organization. He had to rely on the party organizations of the UNP and the Jathika Hela Urumaya. He lacked a centrally coordinated election campaign plan. A number of pro-Maithree centers functioned simultaneously with limited coordination. His electoral campaign, with the exception of the

concept of good governance, was not based on a grand political narrative. Several political parties and groups, professional organizations, community organizations, and dissent groups within parties all worked for the victory of Maithreepala Sirisena. Many citizens' organizations worked for him in their respective regional spheres of operation. These groups and individuals supported the common candidate for a variety of reasons. It was an amorphous campaign. There were hundreds of campaign hubs. The unifying denominator that brought them together was a dire need for change. In this backdrop, CSOs played a critical role in shouldering the election campaign of the common candidate. To begin with, it was the CSO that set the agenda of the grass-root level political debate during the election campaign. In the absence of his political party, the CSOs stepped forward to organize election meetings, seminars, and discussions across the country. CSOs were responsible for Maithreepala Sirisena's media campaign. CSOs assisted Maithreepala Sirisena with the necessary manpower for political debates organized by established media institutions such as newspapers, television, and radio. They were able to dominate the political narrative by holding the democratic reform flag high. Another key area in which CSOs played a critical role in the election campaign of Maithreepala Sirisena was the use of social media to counterbalance the established pro-Mahinda Rajapaksa media.

Between 2015 and November 2019, the key issues underlined in the election manifesto of Maithreepala Sirisena (*Maithree Palanayak*) in the direction of liberal democratic reforms were largely decided by the CSOs. It manifested the impact the civil democratic forces of the country have on the course of political development in the country. As such, January 2015 marked a new beginning for Sri Lankan civil society actors pursuing liberal and democratic ethos. Rajapaksa's fall may be attributed, first and foremost, to democratic activists from all walks of life. The new political shift under the Maithripala Sirisena—led by United National Party (UNP) government, held the promise of much greater space for CSOs working on issues such as democracy, good governance, the rule of law, equitable development, peace, and reconciliation, and the promotion and protection of human rights. This promise has been further extended following the results of the General Election of August 2015. Two factors possibly contributed to the alliance between the new government and CSOs working on liberal and democratic issues. First, there was a considerably higher level of ideological agreement between powerful actors within the NUG and CSOs working on the above issues. Second, extensive public campaigning by CSOs for a transition from the Mahinda Rajapaksa government to a good governance government. These factors reflected the complex interrelationship between 'political society' and 'civil society'

in Sri Lanka, as well as the extent to which the former shapes the space and form of the latter. This pattern also explains how a political society built the space for civil society while civil society tends to extend its support to political parties that can ensure their space – crucial to note, this may bring both positive and negative outcomes in some cases (de Mel, Gunatilleke & Chaaminda, 2015; Bopage, 2015). Nevertheless, CSOs in the North and East, as well as women-led organizations, did not play a critical role in regime change in 2015, despite the fact that the end of civil war enabled the emergence of CSOs in these provinces – partly due to the government’s intimidation, violence, near-constant surveillance, steady interference and constraints on CSOs activities.

Role of Civil Society in Democracy Building from Presidential to Parliamentary Elections

A new phase in the relationship between CSOs and the government unfolded after the regime change in January 2015, which owed something to the role that civil society has played since 2015. It was civil society that provided a channel for rising popular discontent and fed the international community with credible information that enabled steady pressure on the regime change. It was the sole remaining internal check on regime power, as other institutional mechanisms of check and balance were systematically dismantled up until January 2015. In this background, many civil society activists who supported MS during the Presidential election became influential in shaping the liberal democratic agenda of the NUG. The Memorandum of Understanding, signed on December 1st, 2014, between the political parties and civil society organizations referred to four immediate tasks and additional measures to be implemented within the first hundred days since the formation of the new government – among them, constitutional reform, abolition of the executive presidential system and anti-corruption derives were at the top of the list (Bopage, 2015). Similarly, the 15 clauses included in the Agreement signed by Prime Minister Ranil Wickremesinghe and Rev. Maduluwawe Sobitha following the presidential election represented the aspirations of the CSOs that supported the regime change. Furthermore, a statement issued on 4th February 2015 by a group of Colombo based CSOs reiterated that “We, the undersigned conveners on behalf of civil society organizations and individuals who have focused on human rights protection through the dark and dangerous days of the Rajapaksa regime, welcome the victory of Maithripala Sirisena and the formation of a new government.” They also emphasized the need to prevent suspicion and mistrust of civil society organizations and

human rights defenders, as well as ensure that the new government recognizes the rightful place of civil society in democratic governance and public policy deliberation (CPA, 2015).

The progress of democratic political reforms was not up to the expectations of CSOs from the very beginning. They were concerned about the delay in implementing promised democratic reforms. After four months of faltering, Parliament adopted the Nineteenth Amendment at the end of April 2015, fulfilling a part of the election promise. Ultimately, the CSOs led by Maduluwawe Sobitha had to stage a street protest to pressurize the legislators to pass the 19th Amendment to the constitution. The 19th Amendment to the constitution restored checks and balances on executive powers while also empowering Parliament (for details of provisions of the 19th Amendment, See Chapter III). The passage of this amendment was a major victory for CSOs and a significant step toward re-democratization (Gunatilleke and de Mel, 2015; Welikala, 2019; CPA, 2016). The Nineteenth amendment did not reform the electoral system or give the prime minister more power than the president – but it did succeed in introducing a mixed-member proportional system for local government elections along with a 25% quota for women’s representation. When we analyze all of the constitutional amendments, hitherto introduced to the 1978 constitution, we see that only the 19th Amendment has had a positive impact on democratic consolidation. The amendment set up an institutional and structural arrangement based on the separation of powers between the legislature and executive. This is done not only to prevent one branch from wielding undue power and influence, but also to ensure a system of checks and balances (Gunatilleke, and de Mel, 2015).

Another important element from the point of view of democracy-building was the establishment of the Constitutional Council and Independent Commissions. CSOs gained representation in the RTI Commission, independent commissions, the highest constitutional body the Constitutional Council as a result of the 19th amendment. It is entrusted with powers to advise the President on high-profile appointments to high-ranking government positions. During this period, the Human Rights Commission of Sri Lanka underwent major reforms that were previously unthinkable, and there was room for independence, freedom, and autonomy in the work of the Human Rights Commission, Election Commission, RTI Commission, and others, allowing for the ratification of human rights treaties and legislative reforms.

However, some critics reported that CSOs did not adhere to the liberal democratic values of public consultation and transparency while drafting the amendment. The majority

of the discussions centered around the amendment were exclusive and not accessible to the public for comment. There was no public consultation on the final form of the Bill- the Bill was revised 60 times during the Committee Stage meetings of Parliament (Bopage, 2016; Gunatilleke, and de Mel, 2015). These revisions remained concealed for three weeks until they were finally gazetted and published. This was a harsh criticism levied at civil society organizations for failing to implement effective measures for public consultation. One possible explanation for the silence maintained by the CSOs in the drafting process of the 19th Amendment is that they are unlikely to criticize political actors with whom they are ideologically aligned.

The 19th Amendment was considered a ‘stop-gap-measure’ until the new constitution was introduced. Soon after, the constitution-making process began. CSOs played a greater role in the new constitutional-making process, with representation in all six subcommittees set up as part of the constitution-making process to address various thematic concerns. During this time, CSOs played an important role in making the constitutional reform process more open, transparent, and public (Welikala, 2019). The examination of the role of CSOs’ activity from the Presidential Elections to the Parliamentary elections demonstrates not only their contribution to democracy but also their fluctuations in pushing forward democratic political reforms.

Furthermore, CSOs were instrumental in achieving long-standing demands for women’s political representation and regaining GSP+ concession to revive the economy. After the NUG government came to power, the military’s influence on civilian life in the Northern and Eastern parts of Sri Lanka decreased, and they did not threaten democratic forces at first. Nonetheless, despite promises to CSOs and the UN, the government did not repeal the draconian Prevention of Terrorism Act (PTA). Instead, a military- and police-dominated committee drafted additional clauses that raise the likelihood of state abuses in a proposed replacement Counter-Terrorism Act (CTA). Following the general election, the NGO Secretariat was transferred to the Ministry of National Dialogue, which is in charge of engaging civil society and promoting reconciliation among all communities. As a confidence-building measure, the Prime Minister appointed an advisory committee consisting of key civil society leaders to the NGO Secretariat. Organizations in the North used the space to assert their voices directly instead of depending on their partners in Colombo to advocate on their behalf. The March 12th Movement, led by PAFFREL and promoted by a coalition of key civil society groups, was successful in getting all major political parties to sign a pledge to nominate “clean” candidates based on a set of criteria. This campaign, together with

widespread civil society support for free and fair elections, resulted in one of the most peaceful and productive elections in 2018, 2019 and 2020.

Nonetheless, there was a wide criticism on the part of CSOs that the government is not doing enough to probe large-scale corruptions that occurred under the previous government. Against this backdrop, President criticized long delays in investigations against corruption in a public speech on October 12, 2016. President Sirisena convened a meeting with civil society representatives at his residence in Colombo in November 2016. A day before this meeting, several civil society representatives held a public meeting in Colombo to discuss government moves and promises. It was the President's first official interaction with civil society leaders following his speech (12 October 2016) - a speech that appeared to strain relations between the government and civil society representatives who supported him. Therefore, President's meeting was intended to mend fences between the two groups. One of the key requests made by civil society groups was for unity between the two main coalition partners of the government. They urged the President to work closely with the Prime Minister in order to implement the political reforms promised during the Presidential election campaign. Civil society representatives urged the President to work hand in hand with the Prime Minister to expedite the process. The civil society leaders had informed the President they would have a separate meeting with the Prime Minister to discuss the same issue. Another important topic taken up during the discussions was the delay in certain anti-corruption and criminal investigations. Some civil society leaders brought to the President's attention the allegation that the top-brass Army officers, particularly those in charge of the military intelligence unit, were not cooperating with police investigations (Sunday Observer, 06 November 2016).

The day after the President met with civil society representatives, the government made an important move appointing Brigadier Wijendra Gunathilake, as the new Director of the Military Intelligence Unit. Addressing a press conference in Colombo, Prof. Sarath Wijesuriya said Army Intelligence Chief Brigadier Suresh Sallay had 'planted a lie' that the entire Armed Forces were against the President. "If the President wants to end this criminal activity of the Directorate of Military Intelligence (DMI), this person (Brig. Sallay) must be removed," Wijesuriya added. In this setting, many viewed Brigadier Gunathilake's appointment as a favourable step, especially in the wake of these allegations by the civil society groups (Sunday Observer, 06 November 2016). Thus, both before and after the 2015 elections, numerous domestic civil society groups played critical roles in sustaining the country's oldest democracy by serving as conduits for promoting and protecting the values of

various groups, shaping public opinion, influencing public policy, and reporting on anti-democratic political activities and developments.

Deterioration of Civil Society Relationship with NUG

The approach of the National Unity Government regarding the process of reconciliation takes four broad areas into account: Truth-seeking; the Right to Justice; Reparation; and Non-recurrence. As an initial step in that direction, on 26.1.2016, the ‘Consultation Task Force on Reconciliation Mechanisms’ (CTFRM) was appointed, with Mrs. Manouri Muttetuwegama as its chair. The Taskforce was formed to undertake nationwide public consultations to ascertain the opinions of stakeholders on institutions and processes for transitional justice. It was tasked with informing the construction of procedures for seeking the truth, justice, and reparation. By the time CTFRM completed its final report in November 2016, the earlier enthusiasm of the government had dimmed. Neither the President nor the Prime Minister was present to receive the final report of CTFRM. The NUG which came to power on a platform of reconciliation and peace showed little interest in implementing the report, and several members of the government overtly dissented the CTF’s recommendations, particularly the inclusion of at least one international judge on each bench of the special judicial mechanism. The government eventually made it clear and agreed that an independent and credible domestic mechanism should be developed without permitting any international participation –CSOs believed international participation was a crucial element in ensuring credibility in the justice process. The CTF provided a range of recommendations to reform institutions dealing with law enforcement, public service, and criminal justice, but they were not taken seriously by the government, due to enormous opposition from pro-Rajapaksa groups and Buddhist nationalistic forces –all of this prevented the government from implementing substantial and symbolic recommendations highlighted in the report (CPA, 2016). Simply put, failure to execute CTF recommendations resulted in a hostile relationship between CSOs and NUG, as well as an anti –CSOs perception fostered by the nationalistic forces in Sri Lanka. The establishment of the Missing Persons Office and the Reparation Office all paved the door for nationalistic forces to target CSOs because they were behind all of these institutional reforms, but the then-government failed to safeguard CSOs under attack by extremist forces.

However, in the beginning, these CSOs enjoyed the patronage of powerful actors within government, and nationalist voices were no longer prioritized in government affairs. These nationalistic voices had rallied behind two political actors. The older nationalist voices sought to galvanize support for former President Rajapaksa and his close associates, who

were then seeking a comeback at the time. Meanwhile, other nationalist voices attempted to sway President Sirisena, aligning themselves with the Jathika Hela Urumaya (JHU)— an ultra-nationalist political party that fell out of favour with the Rajapaksa regime and actively supported the regime change. In this scenario, civil society space remained somewhat precarious following the August 2015 general elections.

On various occasions, the president viewed CSOs as UNP supporters who work in line with UNP agendas. The following factors, in particular, contributed to the hostile relationship between CSOs and NUG. They are as follows: Central Bank bond scam and failure to investigate large scale corruptions committed by the previous Rajapaksa government, non-implementation of CTF recommendations, lack of commitment to reconciliation and transitional justice, Presidential pardon to BBS leader, conflicts and splits within the government, failure to respond to CSOs' call for democracy consolidation during the Constitutional coup, failure to keep promises made before the election, safeguarding the Rajapaksa family from legal prosecutions -all of this distorted the relationship.

The NUG was dissolved in 2018 at the height of the rivalry between two different personalities, and the President appointed a new government that included both SLFP and SLPP. Rajapaksa's comeback as PM in 2018 closed off avenues for CSOs and democratic space and sowed fear in civil society. It was widely regarded as a threat to democracy, the rule of law, and CSOs and liberal state reform projects. Twelve petitions were filed in the Supreme Court challenging President Sirisena's decision to dissolve Parliament, and several CSOs were also involved in filing fundamental rights cases. During this time, UNP supporters took to the streets and vehemently condemned the constitutional coup created by MS - but CSOs did not mobilize people to undertake protests on the streets. Because, by this time, the leading CSO had become increasingly dissatisfied with the NUG and had lost their early confidence in the government. At the same time, several anti-Rajapaksa CSOs were with Ranil Wickramasinghe and opposed MR's comeback as PM claiming that MR's return would stifle CSOs' operations and shrink the space for democracy.

Overall, CSOs remained silent during the constitutional coup, except for filing cases, issuing media statements, and exposing the situation to the international community, urging foreign assistance to restore democracy. Amnesty International (AI) stated that "Human rights must not become a casualty of Sri Lanka's political crisis. The authorities must ensure that key freedoms are respected and protected at this time. Human Rights Watch reported that "Rajapaksa's return to high office without any justice for past crimes raises chilling concerns for human rights in Sri Lanka." "The current government's failure to bring justice to victims

of war crimes under the Rajapaksa government reopens the door for past abusers to return to their terrible practices.”

In addition to the foregoing, the Easter Sunday carnage opened another avenue for Rajapaksa and nationalist forces to effectively capitalize on the catastrophe in order to offer Rajapaksa a comeback. Following the attack, national security became a matter of serious concern and debate, and a signal was sent to the ethnic majority that the United National Front (UNF) government is unlikely or incapable of ensuring national security – this notion was built based on the idea of the negligence of security alerts given to higher authorities regarding the attack – specifically, a few days before the attack. Thus, pro-Rajapaksa forces meritoriously mobilized extremist Buddhist forces against the UNF government, resulting in a stark decline in popular support for the UNF government, paving the way for the re-emergence of Rajapaksa forces capitalizing on the political context. After this attack, CSOs lost the space to carry out their agenda, remaining silent and voiceless due to the growing Sinhala Buddhist chauvinism. This pattern revealed an important message: Sri Lanka’s CSOs are not organized and strategized to launch long-term advocacy and lobbying for democratic consolidation and to sustain their space.

Drawbacks and Weaknesses of CSOs’ Democracy Consolidation Initiatives

Although the formal structures through which civil society may influence government improved significantly following the 2015 Presidential election, there were limitations in carrying out their reform agenda. In the months leading up to the parliamentary elections, national-level CSOs complained that the new government was not engaging sufficiently on the content of the key political reforms being proposed (USAID, 2015). Some domestic civic groups that played important roles in the government change were given positions in the government, while a number of other CSOs continued to play decisive roles in deepening and sustaining the democratic process in Sri Lanka. Those who have gained positions in the government have remained silent on many occasions when undemocratic moves were taken place in the country – this is partly due to Sri Lanka’s political culture, which means when CSOs are given positions in the government, the latter anticipate the former to be a subservient to political actors. This seems to be the case during CBK’s tenure – this pattern discourages CSOs from expressing their dissent and independent views, which in turn affects their reform agenda as well. CSOs have failed to effectively utilize the institutional spaces available to them to sustain democratic reforms, and there is very limited knowledge or scant evidence on this in the existing literature.

On 16 January 2015, for the first time, a National Executive Council comprised of political parties of the new government as well as CSOs was established, with powers to monitor the government's commitments in carrying out its promises for democratic consolidation (Hensman, & Zackaria, 2015). Ven. Maduluwawe Sobitha Thero was appointed as the Convener of the Council. Although the Council was set up to 'strengthen democracy,' it was a weak entity in terms of institutional structures and powers, and thus could not become a successful instrument in exerting pressure on the government to fulfill its promises and monitor progress. In May 2015, the JVP announced that they would no longer participate in the Council because it was not strong enough to make decisions (Daily News. Saturday, November 18, 2017). This showed NUG's unwillingness to strengthen the council, and there was widespread concern within the government that the council would interfere with full-filing political promises aimed at electoral gains.

Prof Sarath Wijesooriya, an academic cum civil society activist, stated in 2017 at an event commemorating the second death anniversary of the Ven. Sobitha Thero, that Parliament should appoint a three-member or five-member commission to recommend necessary reforms to ensure an independent judiciary. When NGOs condemned the killing of innocent citizens and the plunder of state assets, and the public considers it silly to denounce them as those raising their voice for dollars incensed by communalism, he added, it was unfair to brand all NGOs alike. Today, civil society is struggling to retrieve the political culture that was distorted by the Rajapaksa dictatorship. He also stated that criminals and corrupt individuals should not be granted any type of protection, including candidacy. The March 12 declaration on nomination criteria for candidates was a CSOs umbrella initiative coordinated by PAFFREL to build a clean political culture. There was some demands to incorporate major aspects of this declaration in the proposed 20th amendment to the constitution in order to give it teeth, but this never materialized (Daily News. Saturday, November 18, 2017).

CSOs' participation in the policy process was mostly determined by the government in the latter part of the Good Governance government, and engagement between CSOs and the government in the policy process began to go missing due to an anti-CSOs campaign carried out by extremist nationalistic forces. In consequence, the government abandoned CSOs due to the growing internal crisis among the constituent partners of the government. This indicated that the government lacked a program to empower and engage in democratic and state reform processes. In contrast, CSOs abandoned their strategy of engaging with the government at some point due to an internal crisis within the government –some criticized

CSOs for not having a long-term plan to implement their cause. In addition, several CSOs in Sri Lanka have played a destabilizing role in the democratic process. Certain NGOs, for example, were utilized by or affiliated with the Rajapaksa camp to suppress popular demands for democratic reforms for political and financial gain. All of these became detrimental to the democracy-building efforts of CSOs and resulted in visible divisions and splits among them. In several instances, then-President Maithripala Sirisena was critical of CSOs and tempted to maintain rather tight control over select CSOs, manipulating some of them for ideological purposes. A rigorous social media campaign launched by some nationalistic fractions considerably disrupted the democratic initiatives of CSOs. Most importantly, the untimely demise of Sobitha Thero largely dismantled the entire effort of democratic reforms carried out by CSOs –the latter thus lost momentum. One possible explanation for this pattern is that in Sri Lanka, mostly social activists run civil society, leaving autonomous and robust social forces lacking. CSOs in various countries, including India, are made up of multiple forces and social segments, like trade organizations, trade unions, cultural organizations, progressive social forces, student movements, and so on.

Most importantly, the lack of transparency and unhealthy competition reinforced the impression that CSOs in Sri Lanka are not truly independent advocates for important issues, but rather serve as agents of some elites and political organizations in the country. During this period, pro-Rajapaksa forces waged a rigorous campaign portraying CSOs as a threat to government power and as agents of Western interests, resulting in minimal state support for CSOs seeking autonomy from the state or pursuing a political agenda to resist anti-democratic tendencies. Moreover, the CSOs lacked a clear plan or vision to bring about democratic reforms. They specifically failed to undertake institutional reorganization in the political system. It could be argued that the need for a vibrant and autonomous civil society that helps in increasing popular participation in the political and policy-making arenas is a basic prerequisite for providing impetus for democratic reform and developing trust in the political process. Overall, despite the challenges discussed above, popular support for democracy in Sri Lanka was high and continued to grow. For instance, the Governance and Trust survey of 2020 conducted under the NORHED project on Governance and Policy Studies in South Asia, found that 79 percent of adult Sri Lankans prefer democracy to other forms of government.

National and local CSOs are rarely neutral or independent, and they are often associated with political parties and other political interests that create crises of autonomy and freedom

due to the unwillingness of the country to involve in party politics. Most trade unions are not effective in achieving the objectives for which they were formed – this is simply because of various forms of political affiliations. In an ethnically divided community, ethnic polarization caused by political and violent conflict also impinges on CSOs. Civil society groups can form alliances with political parties and the state, but they must retain their independence and not seek political power for themselves. Some of these groups may merely be fronts for political parties or movements seeking to gain power. These groups are not part of civil society and they do not contribute to building democracy (Thatparan, 2020).

Challenges for CSOs in Consolidating Democracy in a Polarized Society

Overall, the January 2015 triumph of Maithripala Sirisena prompted the latest shift in the dynamics of civil society. However, owing to the various reasons discussed in this chapter, this pattern did not last long. Their current challenge is to evolve into a movement independent of political patronage. The case of Sri Lanka reveals that preserving civil society space is dependent on a number of factors, which appear to dictate the nature and extent of such space. There are three such factors: (1) political patronage; (2) public support; and (3) international pressure (De Mel, Gunatilleke and Saaminda, 2015). CSOs working on liberal and democratic concerns must capture the support of a larger audience. This requires reimagining CSO structures to ensure greater ‘immersed’ engagements at the community level to relate liberal and democratic issues to ordinary civilian life. Preserving an independent common space for public reasoning—through debates, discussions, and dialogues on issues—is essential to secure democratic values (de Mel, Gunatilleke & Chaaminda, 2015). There seems to be a missing link in the efforts of CSOs in building democracy, i.e., CSOs have been debating and demanding democratic reforms at the highest level, which is largely influenced by urban-centered elite groups. Hence, they have not linked democratic values and norms to ordinary civilian life – this seems to be a major drawback of democracy-building initiatives of CSOs. Reaching out to the grassroots community and imparting basic values of democracy relating to everyday issues will almost certainly generate popular support for democratic reforms and consolidation. This remains an important lesson for CSOs in Sri Lanka working for democracy and good governance – this factor partly contributed to the failure of NUG.

Given the extent to which ethnic politics dominates the island, the challenges confronting civil society (and the NGO community that plays a prominent role in its operations) in Sri Lanka are all the more complicated. The case of Sri Lanka demonstrates

that political patronage remains an important element in securing space for civil society – the space enjoyed by the CSOs has largely depended on which political actors are in power. When a liberal democratic government captures the power, it creates space for liberal democratic CSOs, and in contrast, when nationalist forces come into power, it tends to suppress liberals and foster hardline nationalistic forces that promote Sinhala Buddhist ideologies. In addition to ideological discourses and appeals, the challenge for CSOs now is to evolve as an independent influential movement directly appealing to people’s daily needs and grievances. Because they frequently cannot rely on political patronage, which is not sustainable, particularly in countries like Sri Lanka (de Mel, Gunatilleke & Chaaminda, 2015; Bopage, 2015). This validates the challenges of reforming a technocratic state in a deeply polarized society in terms of majority and minority. The chapter argues that the entrenchment of majoritarianism within Sri Lanka’s constitutional framework has resulted in ‘institutional decay,’ which cannot be reversed without a radical transformation of Sri Lanka’s constitutional order. Thus, meaningful institutional reform is ultimately constrained by the structural limits of Sri Lanka’s constitutional framework (Gunatilleke, 2019:614; Devotta, 2004), which seems to be prior experience in relation to democratic reforms.

The preceding discussion demonstrates that CSOs’ contribution to democracy in Sri Lanka has not been consolidated in a real sense. Only a few non-partisan groups played a significant role in the recent democratic transition. However, CSOs face the following challenges in the democratic consolidation process in Sri Lanka: Sri Lankan civil society consists of both elite and non-elite civil society groups, and many leaders of civil society groups are influenced by political elites, and the relationship between larger and smaller NGOs has particular patron-client ties – there is also patronage, nepotism, corruption, and some of them are politicized, weakened and polarized in multiple aspects – all of which undermines their ability to participate in the political process which contributes to governance and democracy in Sri Lanka. In order to improve the role and possible contribution of CSOs to the consolidation of democracy in Sri Lanka, the following factors should be taken into account.

The major problems that hinder civil society’s ability to create and sustain stable democracy should be addressed and mitigated. Furthermore, CSOs are still regarded as an unrecognized sector, thus means to mobilize them that will empower them to act as true democratic players must be discovered. In the Sri Lankan setting, the majority of CSOs are ethnicized and politicized in accordance with party politics. Instead of exploiting civil society, both the government and the opposition should work together for the betterment of it.

Moreover, socio-economic progress along with political stability is necessary to improve the activities of civil society. Because a substantial number of NGOs are associated with mid-level corruption, misgovernance, and absence of regulatory control, and they work under many constraints and challenges, there is a need for reform within the NGO sector and civil society groups in Sri Lanka,

Concluding Remarks

Overall, the chapter demonstrates that, while Sri Lanka's CSOs made significant progress toward democratic consolidation during the NUG, there is still a long way to go to ensure that a democratic political culture pervades all aspects of citizens' lives. The preceding analysis showed that, despite Sri Lanka's democratic accomplishments since 1931, efforts to consolidate democracy face constraints and challenges including executive control, executive authoritarianism, and security threats for CSOs working in the sphere of democracy and opposing authoritarianism. The instance of Sri Lanka also shows that these challenges and constraints have the potential to derail the gains made in the democratic consolidation process. In sum, the analysis and findings from the chapter underscore the fact that civil society has made significant contributions to the democratic consolidation process both before and after the 2015 presidential elections. Nonetheless, their role cannot be taken for granted, and it would be a mistake to underestimate some of the above-mentioned challenges.

Democracy has been manipulated and restricted to protect the interests and privileges of the ruling elite using state machinery. The bulk of Sri Lankan civil society appears to be incapable of defeating such democratic machinations and constraints. Progressive elements in the country have so far failed to raise sufficient public awareness about this trend. Therefore, the values of civil society must transcend narrow individual interests and embrace social interests as the norm – they must take a grassroots approach to bring democratic values to local citizens whose democratic rights are often violated and deprived by state institutions and law enforcement agencies.

Chapter Six

Change of Political Priorities of the Yahapalanaya Regime

By

Prof. Sarjoon Athambawa

Introduction

The formation of the NUG created high hopes and opportunities for democracy building in Sri Lanka's post-war era. The successive initiatives of the NUG increased expectations among the majorities and minorities in the country, and the international community. However, the change of political priorities in democracy building agenda and the deadlock on the progress of the democracy building initiatives not only collapsed the opportunities but also brought negative images for NUG and its initiatives. It progressively created room for the return of Rajapaksa regiment to the regime. This changing political priorities of *Yahapalanaya* regime warrant an extensive academic investigation to identify why it happened and what factors motivated for this change of priorities. This chapter examines the nature of the change of political priorities of the NUG toward the democracy building project. This chapter also examines the major factors that induced the changes in the priorities of the NUG toward democracy building agenda. An extensive review of the factors that motivated divisions within the NUG and priority change of its democracy building agenda become importance to gain lessons for political and civil actors and forces for future intervention in the discourse and actions of democracy building in Sri Lanka.

This chapter is organized into six sub-sections. Following the introductory section, the next section analyzes the political priorities of the NUG in 2015 and how they were changed progressively. The next sub-section examines the factors which induced changes in priorities of the democracy building agenda, followed by the review of the reactions of different stakeholders of the democracy building project since this project was collectively sponsored by about 50 political and civil forces. The other section examines the impact of the priority changes of the democracy building agenda of the NUG with specific focus on the continuity of post-war reconciliation and political settlement process. The concluding sections summarize the findings while identifying lessons to be learned from the democracy building experience.

The Political Priorities of the NUG in 2015 and How They Changed (After 2015)

The unexpected defeat of Mahinda Rajapaksa in 2015 presidential election was seen as either the beginning of, or a critical turning point in Sri Lanka's post-war transition toward democracy. The victory for a coalition of Sri Lanka's two largest parties, the UNP and the SLFP opened up a historic opportunity to bring about a lasting and just peace, reversing the drift toward 'soft authoritarianism' under Rajapaksa toward full-fledged democracy (Goodhand and Walton, 2017). Fed up and disgusted with the lawlessness of the Rajapaksa regime which was popular and still accused of widespread crime, corruption, plundering of nation's wealth, mismanagement and the promotion of communal disharmony, people voted for the Sirisena–Wickremesinghe coalition hoping that they would rescue the country from these evils. In fact, this was what the Sirisena-Wickremesinghe team promised to the country.

As discussed in the earlier chapters (especially in the Third chapter), there was some notable progress in the democracy building process since Sirisena took power and formed the NUG in Sri Lanka. However, over time, it became evident that these efforts were meeting strong resistance, both within and outside the coalition. Increasingly the coalition's *modus operandi* began to look very similar to that of the earlier regime of patronage, horse trading, and compromise. This led to growing public dissatisfaction, opening up new space for the old guard and its nationalist support base to mobilize (Goodhand and Walton, 2017). Public expectations were extremely high and bound to disappoint considering the scale and nature of reforms promised by the NUG. Despite some successes, the public perception was of a slow pace of reforms, reflected in their heightened disillusionment and disappointment and questions posed about the ability of the NUG to govern the country effectively.

There were also reports that the popularity of the NUG was gradually waning as it is allegedly drifting away from its commitment to provide *Yahapalanaya* (Good governance)– a promise it made during the election campaigns. The government has also been accused of endangering the sovereignty and territorial integrity of the country to win over the trust of bigger powers. There were also whispers about the possible formation of a 'third force' excluding the two main parties – the UNP and SLFP (Sultana, 2017). While the mandate of the winning coalition was unmaliciously in favor of constitutional and governance reform, it was nothing if not ambiguous in both substantive detail of the proposed reforms and the process by which they were to be achieved (Welikala, 2018).

The new government came into office with an ambitious agenda, but after two difficult years, the progress revealed that incremental change, stagnation and false promises have been the order of the day. There was always the danger of a large gap between rhetoric

and reality while implementing its reform agenda. The NUG was composed of a diverse coalition whose main common interest was defeating Rajapaksa dynasty. While inclusivity was the key to winning elections, it did not provide a strong foundation for decisive and reform-minded government. In fact, as Fonseka et al. (2017:4-5) pointed out, the early months of the NUG were fraught with many internal and intra-party strife, facilitating the re-emergence of particular partisan interests and politics, testing the new president on many fronts including his grip over government, the coalition, the SLFP as well as his own popularity, legitimacy and potential legacy. In one hand, there's been virtually no progress dealing with high-level corruption of the Rajapaksa era and the NUG's administration had also failed to address its own corruption scandals. On the other hand, with regard to the time and resources used for constitution-building project, creating a new, improved constitution was far from a foregone conclusion.

Thus, the NUG has grown increasingly unpopular over the years, as the public contends with rising oil prices and a falling currency – Rupee, and as Sirisena and Wickremesinghe regularly and publicly reversed each other's policies – notably on the economy and ethnic reconciliation. The President and the Prime Minister never formed a strong working relationship. Each took steps to undermine the trust and respect of the other (CGI, 2018). This induced a deadlock in most of the activities of the democracy building project of the NUG.

Factors and Conditions that Contributed to Change in Political Priorities of Democracy Building

Many factors have influenced in the changing of political priorities of the NUG particularly toward democracy building. The following sub-sections analyzes the major among them.

A coalition of diverse groups with varying views and expectations

The politics of coalition or cohabitation particularly among the major political parties have never been successful in Sri Lanka. The SLFP and the UNP have traditionally been opposed to each other in terms of their ideology and policies on number of important subject matters. However, as the main support base of the two parties consists of the majority Sinhala population, they have more or less a similar approach to some important issues such as sharing powers with ethnic minorities. Yet, in the past, the two parties were never known to cooperate with each other to seek a political solution to the ethnic conflict. Therefore, the

formation of the NUG was a surprise to the entire world (Sultana, 2017). The idea of the NUG had come up earlier in 2000, but was rejected. However, soon afterwards in 2001, the turn of events had compelled the political forces to go in for a system of cohabitation for three years till 2004. But, this system of cohabitation, however, could not bring about a consensus between the two major political parties on the larger issues of national importance particularly of finding a constitutional or political settlement to the ethnic conflict. There was a lack of understanding and cooperation between the President and the Prime Minister particularly – who were from different parties – with regard to peace negotiation facilitated by Norway. Progressively President Kumaratunga used presidential discretion to sabotage the system of cohabitation.

The situation in 2015, however, was quite different. Both the parties (excluding some members of the SLFP though) and other political and civil forces voluntarily chosen Sirisena as the common presidential candidate. With some mistrust along with the joint opposition members Sirisena signed an MoU to form the NUG for 100-days to bring about the necessary reforms required for the restoration of democracy and good governance in the country. The UNF was a coalition of diverse groups whose main common interest was to defeat the Rajapaksa regime. While inclusivity was the key to winning elections, it did not provide a strong foundation for a decisive and reform-minded government. The coalition was newly formed in advance to an election uniting opposition forces that were not traditional allies (Cats-Baril, 2020). The coalition that supported the election victory of Sirisena comprised the broadest alliance of political parties and civil society organizations with significantly varying views on the ethnic conflict and the economy, in particular. It was natural for this diverse coalition, formed within a short period of time, to defer or avoid dealing with issues that could risk the unity of the coalition.

Additionally, the UNF coalition had very little time to consolidate the common agenda tying them together. While leaders in Colombo could think of and agree on a working arrangement, the differences among party members working at the grassroots continued to exist. Prior to the elections of 2015, there was very little time available for the combined opposition parties to make the decision of coming together in an inclusive venture within the parties (Joseph, 2019). It is worth noting that unstable coalition politics are leading to inertia, delaying tactics, and dissimulation. These political dynamics at the center reverberate in complex ways with political demands and mobilization in the periphery (Goodhand and Walton, 2017).

Divergence of issues and positions / Disunity and indecisiveness on key issues of the NUG

The differences of opinion on key issues within the agenda of the NUG induced disunity within the actors of the NUG also influenced the priority change of its democracy building agenda. This was witnessed on numerous instances when the NUG was tested on its positions and prioritization of issues. For example, in the area of constitutional reform, despite broad consensus in 2015, growing divergence was evident as seen on the abolition of the Executive Presidency. The distinct model of economic reform was also a testament to the tensions within the coalition. The tensions in these subjects rife with senior ministers contesting and challenging decisions and positions (Fonseka et al., 2017). Addressing corruption in the campaign, the slow pace of investigations and prosecutions into cases of financial crimes were resulted in pervasive criticism within the government. Furthermore, the President and Prime Minister had different priorities regarding state reform and accountability. Sirisena has publicly contradicted with Wickremesinghe at times denying the need for international involvement in a justice mechanism. These tensions were also linked to the differing expectations of domestic and international audiences (Goodhand and Walton, 2017).

Lack of consensus on issues of governance led to a no-confidence motion against Prime Minister Wickremesinghe which was initiated by the Rajapaksa backed Joint Opposition in April 2018. Though it was defeated with the help of Tamil National Alliance (TNA) the fissures continued thereafter between the two leaders (Mallempati, 2018). The crisis within the coalition induced President Sirisena to sack the Prime Minister of his coalition government and appoint former President and his opponent, Mahinda Rajapaksa as the Prime Minister on 26th October 2018. This led to a constitutional crisis in the country which was the result of differences of opinion on issues pertaining to implementation of Geneva resolution on Sri Lanka, economic reforms and investments, handling of corruption cases particularly the Central Bank Bond Scam and financial mismanagement (Mallempati, 2018).

Lack of support and opposition from SLFP / UPFA

In Sri Lanka, the historic move was the first time the SLFP and the UNP entered into a coalition to form a government, but was also met with opposition by a faction of the SLFP / UPFA who continued to stay in opposition (described as the Joint Opposition). Within weeks of the formation of the NUG, the members of this Joint Opposition began campaigning for

Mahinda to be the SLFP-led, United People Freedom Alliance (UPFA) candidate for prime minister in the parliamentary elections. This was led by the UPFA's smaller constituent parties, the Mahajana Eksath Peramuna (MEP), the National Freedom Front (NFF) and the Democratic Left Front (DLF), along with a breakaway faction of the JHU (Pivithuru Hela Urumaya), led by Udaya Gammanpila, and some three dozen SLFP parliamentarians (ICG, 2015). This group, with the leadership of Mahinda Rajapaksa, was successfully managed to dominate the narrative, slow down reforms and continuously challenge President Sirisena's hold on the SLFP. Despite the continuing challenges, the government failed to formulate a counter strategy, thus exposing the fragility of the coalition (Fonseka et al, 2017).

In fact, the UNF coalition contained many defectors from Rajapaksa's faction, whose loyalties were not be assured. The shadow of the old regime, which quickly materialized in the form of a Joint Opposition alliance in Parliament, limited Sirisena's room for maneuver and increased the political distance between him and the Prime Minister. Sirisena brought a welcome consensus-building style to government decisions, but the emergence of multiple, competing power centers has led to uncertainty and confusion. Continued Rajapaksa support in the Sri Lanka Freedom Party (SLFP) – despite major corruption allegations and investigations – allowed him and his powerful family to mount a comeback and contributed to numerous decisions that have disappointed the new Sirisena's supporters, who had hoped for a sharper break with the past (Aliff, 2016). This led not only to the priority change of democracy building agenda of the NUG but also deeper division and mistrust among the two major power wings within the government progressively.

Presidential authoritarianism and power revelry between the President and the Prime Minister

The executive power of the President was one of the causes for power rivalry between the President and the Prime Minister during the NUG regime. Until the 19th Amendment was adopted, the Presidential executive power was considered to be Supreme and unquestionable. Although there were mechanisms to control the Executive powers of Presidency, the 19th amendment tightened those controlling mechanism. Therefore, the power rivalry continued between the Presidency and other organs of government, particularly of Prime Minister and Constitutional Council (CC). The CC refused to accept many of the recommendations of President Sirisena.

Ever since assuming the Presidency, Sirisena failed to deliver on his electoral promises. He has been accused of nepotism multiple times, – most seriously for the appointment of his younger brother as Chairman of Sri Lanka Telecom, and over his children using presidential clout to order around public servants and use public assets. On the contrary, Sirisena was consolidating more power as he even inquired from the Supreme Court the possibility of extending his term until 2021. Following his defeat at the LGE, Sirisena became increasingly insecure about his political status as it was rumored that he was looking for replacements for the Prime Minister (Attanayake and Kapur, 2018). On the other hand, Prime Minister Wickremesinghe also searching for avenue to consolidate power within the government. Wickremesinghe has long craved the Presidency and was suspecting he may prevail at the next election. While considered elitist and deaf to rural and grassroots concerns, the crisis within the NUG allowed him to mask such shortcomings and project himself as a savior of democracy in the country (DeVotta, 2018).

The infamous Central Bank Bond Scam led to a major conflict between the President and the Prime Minister based on powers of the arms of the Executive. The Central Bank scandal involving 10 billion Sri Lankan rupees further decreased public confidence of both President and the Prime Minister of the NUG. Additionally, there were policy conflicts between the President and the PM particularly on the number of proposals, cabinet papers, agreements, and decisions taken by both arms of the Executive or by the Cabinet. The issues with regard to the agreement with the Indian government, State Land (Special Provisions) Bill also some more evidences for the power rivalry between the two arms of the Executive. This ultimately challenged the implementation of agenda on democracy building and caused to emergence of two different agendas within the coalition government.

Differences of leadership qualities and background of the President and the Prime Minister

There were so many differences of leadership qualities and background between the President and the Prime Minister – the two wings of the Executive of NUG – in terms of culture, personality, behaviour and policy that progressively resulted in power rivalry and ideological differences on the policies and agenda of the NUG. President Sirisena was a former soldier's son from the Mahaweli resettlement scheme and was a Grama Sevaka, while the Prime Minister, Wickremesinghe comes from the so-called 'Colombo-7' elite circles. Mr. Sirisena was trained in agriculture and his educational qualifications are not that great compared to Wickremesinghe who was an advocate of the Supreme Court and very fluent in

English whereas Mr. Sirisena could understand but not fluent in English. Further, President Sirisena started politics with the China wing of the Communist Party. He later became a member of the SLFP. The SLFP was a socialist-oriented democratic political party, whereas Wickremesinghe hailed from the same family as President J.R. Jayewardene, who was called ‘*Yankie Dickie*’ (for his pro-US stance). The party he represented was said to be more capitalist than any other party. All those things mattered in the relationship of the two powerful persons within the government.

Therefore, personal disagreements and personality differences between the President and the Prime Minister of the NUG started as early as the latter part of 2015 – the very year the NUG came to be formed. There were two different classes represented by these two leaders. A kind of language issue was present and became hindrance in conducting the cabinet and other government meetings. But, it is clear this relationship was not built upon niceties and respect, and the language barrier widened the gulf between the two leaders. In fact, many wanted to create a rift between the two. The above kinds of differences in terms of qualifications and qualities between President and the Prime Minister induced a power struggle and leadership competition within the Executive arm of the NUG. In fact, due to this power rivalry, the leaders of the major coalition parties and the key figures in the cabinet failed to respect the public mandate and the promises they made to the public with regard to strengthening democracy and good governance in the country. Therefore, the political priorities of the UNF regime were found to be progressively changing.

The charisma and popularity of ex-President Mahinda Rajapaksa and his influence on military

The influence and popularity of ex-President Rajapaksa within the Sinhalese community and among the members of the SLFP was also influential on the decisions of President Sirisena who took decisions on undemocratic basis violating the provisions of the constitution and principles of coalition of UNF. Ex-President Rajapaksa, whose charisma and civil war success have kept him popular with majority Sinhalese, retained the loyalty of most of the SLFP, particularly local party activists, most of whom opposed the NUG (ICG, 2017). Rajapaksa supporters were not only within the NUG but also within the entire government apparatus and military structure. It helped Rajapaksa to oppose many of the initiatives of democracy building and reconciliation of the NUG. When Rajapaksa formed a new political party on the strength of those loyal to him within the parliament, it increased risk within the NUG and their victory in 2018 LGE shown the regaining of Rajapaksa’s popularity in the

country. Rajapaksas' were exciting their base, attacking constitutional reform and transitional justice as capitulations to anti-Sinhala and foreign forces. They organized rallies not only to oppose and question the agenda and initiatives of the NUG, but also to gain more popularity and support among the Sinhalese. Therefore, since there were leadership and ideological crisis between the President and Prime Minister of NUG, Sirisena began switching back to the Rajapaksa camp as early as 2016, and on 26 October 2018 did so openly by dismissing Wickremesinghe as PM and installing Mahinda Rajapaksa (Hensman, 2019).

In fact, President Sirisena continued to act as an agent of the Rajapaksas. He appointed Shavendra Silva, who had been Gotabaya Rajapaksa's right-hand man when he was torturing and killing hundreds of Sinhalese and burying them in a mass grave in Matale, and when he was carrying out extrajudicial killings and indiscriminate military attacks on thousands of Tamil civilians in the North, as Army Commander. He granted a presidential pardon to Galagodaaththe Gnana Sara – who was blamed for inducing or rousing anti-Muslim sentiments and violence during the post-war Rajapaksa regime – setting him free to terrorize the Muslim community again. All this clearly indicated that the actions of President Sirisena were a result of the influence of Rajapaksa or because of lack of trust regarding the Prime Minister.

Additionally, the increased charisma and influence of Rajapaksa within the government also induced a lack of support from opposition, military and bureaucracy for the initiatives of democracy building on the part of the NUG. As Joseph (2019) indicated, the problem of NUG in delivering the promises came from the opposition, as well as resistance and bureaucratic inertia from the government bodies, filled with sympathizers and supporters of Rajapaksa who had entered various agencies in the government during his two terms in office. As a senior administrator who further supported Joseph's point, that the senior administrative officers who were loyal to the Rajapaksa regime delayed or avoided giving necessary information or supports for the proper implementation of policy decisions taken by the cabinet and ministries, independent commissions toward corruption investigation, and strengthening good governance and democracy during the regime of the NUG (at FGD in Colombo, 30 January 2022).

Similarly, the political and economic potency of the defense establishment was reinforced during the civil war and the final stage of the Rajapaksa regime. On many contentious issues relating to ensuring accountability and establishing transitional justice, the NUG had been forced to yield to stronger pressure from the military and the Joint Opposition, which was quick to mobilize against

perceived threats to Sri Lankan sovereignty (Goodhand and Walton, 2017). In fact, by surrendering to the perceived power of Rajapaksa and Joint Opposition he led, and the military loyal to the Rajapaksa regime, the leaders of the NUG, specially the President Sirisena compelled to change his political priorities.

The influence of majoritarianism and ethno-communalism

Hence, the challenge for any incumbent government is to satisfy both domestic constituencies and international partners simultaneously. Ideally, maintaining a balance between the domestic and international factors should not be difficult if the government puts emphasis on political and economic equality in its domestic policies and maintains a balanced foreign policy. But unfortunately, majoritarianism and ethnic-communal nature of the state prevented the ruling elites of the NUG to go in for political equality or a balanced foreign policy (Sultana, 2017). It was obvious in post-war Sri Lanka, the stronger support for Rajapaksa over Sirisena was partly ideological – many shared his strong Sinhala-Buddhist nationalist positions that the Rajapaksa regime followed after the victory of civil war. Both Rajapaksa and his supporters continued to visit Buddhist temples in the country to portray that he is a strong supporter of Buddhism and in opposition to the initiatives of the NUG. As Joseph (2019) indicated, in the run-up to the 2015 elections there was a section within the majority community that looked beyond the Sinhalese-Buddhist nationalist narrative and sought corruption-free, dynasty-free governance. However, they progressively lost faith in the government, as reflected in the spectacular win by Rajapaksa's new party in the local elections held in early 2018.

Although the NUG was a coalition of two major parties representing the Sinhalese majority, and other smaller parties representing majority and minorities, i.e., Sinhalese and Tamils and Muslims, the success of its post-war package on democracy building and reconciliation hinged on support from minority parties and constituencies at the margins – which was not acceptable for Sinhalese-Buddhist nationalist. Having done little to reshape the party around a less exclusionary, nationalist vision, Sirisena and his SLFP ministers were increasingly concerned with securing its traditional nationalist core, flirting with the Sinhala chauvinism against which they had campaigned. Therefore, there was continued opposition among majority Sinhalese against many of the democracy building initiatives of the NUG – though some of those initiatives were seen acceptable.

The sacking of Prime Minister and the constitutional crisis

Due to the lack of commitment and differences of opinion, the division increased between the President and the Prime Minister, and among the leaders of the major two parties in the UNF coalition. In fact, pressure was brought upon President Sirisena to sack his Prime Minister, Wickremesinghe in February 2018, just after the local government election which was a disaster for the NUG's administration and, in particular, for the SLFP (Jayawardana, 2020). Although President Sirisena accepted the opinion of his advisor that the sacking of Prime Minister is against the law, however, due to the pressure of those who were clamoring to remove the Prime Minister, Sirisena was forced to accept the decision of sacking the Prime Minister. The conflict between the two grew progressively worse after that. Simmering tensions between the President Sirisena and the Prime Minister Wickremesinghe culminated in the 'Constitutional *Coup*' of 26th October, 2018, when President Sirisena sacked his PM overnight surprising the entire nation, and installed the then Opposition Leader, Mahinda Rajapaksa, as his new Prime Minister (Jayawardana, 2020).

President Sirisena justified the sacking of Prime Minister on constitutional grounds, though the 19th Amendment to the constitution does not bestow power to the President to sack the Prime Minister (Mallempati, 2018). President prorogued the Parliament till 16 November 2018, to garner the support of majority Parliamentarians behind Rajapaksa. Sacked Prime Minister Wickremesinghe and his party, argued that the appointment of Rajapaksa as the Prime Minister was unconstitutional as only Wickremesinghe commanded the majority in Parliament. Meanwhile, the SLPP leadership took the position that since the SLFP withdrew from the unity government, the term of the cabinet of the NUG had expired, leading to the cancelation of the term of the Prime Minister.

After sacking the Prime Minister, the President appointed a new Cabinet and secretaries to various ministries. The Parliament was convened on 16th November and two no-confidence motions were passed against Rajapaksa with the support of 122 Parliamentarians. However, President Sirisena refused to accept the verdict of the Parliament and the cabinet appointed by him continued to function. The Court of Appeal on 3rd December 2018 issued an interim order restraining the functioning of Rajapaksa and his Cabinet and deputy ministers. Based on the provisions of the 19th Amendment, the decision of the President to sack the Prime Minister was considered unconstitutional by political parties. This judgment not only paved the way for the permanent collapse of the dreams and agenda on democracy building of the NUG, but also resulted in a deeper division within the coalition government.

The Easter Sunday attacks and politics of blaming

While divisions and crisis intensified within the NUG, lack of responsiveness and proactive measures were also increasing among the leaders of the NUG following the anti-Muslim riots which took place in Kandy and Amparai areas in March 2018. This questioned the NUG's commitment to ethnic harmony and reconciliation. Similarly, the Easter Sunday attacks of April 2019 and the inability of the government authorities to control the violent incidents following the attacks was also contributed to further divisions within the NUG that led to changes in its political priorities. The leaders of the country's two largest political parties which celebrated a honeymoon of sorts later, particularly the aftermath of the Easter Sunday attacks, quickly turned sour and later developed into personal animosity, leading to breaking point of the experimental NUG. Therefore, both the President and the Prime Minister blamed each other for the inability to control the religious fundamentalism, religious violence and the weakness of internal security in the country. The intelligence failures associated with the attacks highlighted the dysfunction of the Sirisena–Wickremesinghe government and allowed Gotabaya Rajapaksa to frame a campaign around national security and technocratic governance (DeVotta, 2020). This situation further intensified divisions and induced different perspectives of good governance within the NUG. Due to the division and priority change of agenda of NUG, therefore, it appeared that a tug of war was going on between the President and the Prime Minister.

Responses of Various Stakeholders of Democracy Building to the Changing Political Priorities of the NUG

As a response to the changing political priorities of democracy building initiatives of NUG, criticisms and oppositions continued to emerge among various stakeholders of democracy building. The media particularly of the opposition were analyzing the promises of the NUG and their move of changing their priorities. Civil Society Organizations were also expressed their disappointments with regard to the change of political priorities of the NUG. Particularly, the Center for Policy Alternative (CPA) and other non-governmental organizations reviewed the democracy building progress of the NUG and expressed their views in public. When President Sirisena sacked the Prime Minister of his own government, and appointed Rajapaksa unconstitutionally, many civil society organizations went to the Supreme Court in opposing the actions of President Sirisena so as to ensure constitutional governance. They also advised the government to proceed the democracy building agenda as promised at elections and in respecting the public mandates. However, due to the continued divisions within the government and the lack of understanding on the purpose of the

formation of the NUG, the two major political parties paid little attention to the responses and advice of various stakeholders of democracy building. This resulted with the continued decline of popularity of the NUG and its leaders.

The President and Prime Minister of the NUG, each from different parties were unable to unite effectively behind a shared democracy reform agenda. This not only led to ineffective and stalemated governance, but also had severe impact on the momentum for democracy building and constitutional change in Sri Lanka as a whole. A failure to implement change and what promised during the elections disappointed the constituencies that supported the UNF coalition in 2015, and made space for unrest and discontent – space that Rajapaksa and the ethno-nationalist movement that he represents positioned themselves to fill (Staniland, 2019). It is worth noting that the role of civil society was enormous in forming the UNF and the NUG in 2015, their role was also influential in implementing the democracy building agenda at the beginning, however progressively civil society lost its voice and say within the NUG. After the sudden demise of civil society activist Rev. Maduluwawe Sobitha Thero who led the Civil Society Organizations for regime change before the 2015 Presidential election, the leaders with the NUG started to marginalize the voices and advice of civil society and changed their priorities in respect of democracy building.

On the other hand, the other political parties especially minority parties which played decisive roles in forming the NUG such as SLMC and APMC were also inactive in questing the priority change of democracy building agenda of the NUG. Due to the severe impact of anti-Muslim sentiments and violence intensified during the second term of Rajapaksa's Presidency, majority of the Muslim community supported the UNF in 2015 elections. There were high hopes among the Muslim community that their rights and interest will be respected and fulfilled within the democracy building project of the NUG. However, it was observed that Muslims were also aggrieved regarding the initiatives of the NUG toward building democracy and governance. As a senior Muslim politician noted during the Key Informant Interview (KII-2, 29.12.2021), authorities of the NUG, failed to control the anti-Muslim violence in Kandy and Ampara in 2018, and to offer compensation to the affected Muslims though majority of the Muslims supported the democracy building initiatives of the NUG. According to him, the NUG progressively became as pro-majority government as of many successive governments in Sri Lanka. According to another popular Muslim politician in the Eastern province (KII-I, 12.12.2021), Muslims had lost their say within the NUG

progressively because their leaders were mainly concerned on positions and privileges within the government. Therefore, on behalf of the Muslim community, they could not even to present any meaningful proposal to be included within the agenda of democracy building of the NUG.

In fact, using its world-wide network, the Tamil community utilized the NGU to get redress for human rights violation and injustices faced by Tamils during civil war and post-war period. In fact, as discussed in Chapter-IV, the role of Tamil diaspora played vital role in passing many resolutions (such as A/HRC/RES/30/1 of 2015 and A/HRC/RES/34/1 of 2017) at UNHRC urging the Sri Lankan government to speed up its reconciliation process. In fact, these resolutions played vital roles in controlling agenda and activities of the NUG. Although the TNA was not part of the NUG it still supported many components of the democracy building agenda of the government while enjoying privileges of being the main opposition party in parliament. It also played an active role in the new constitutional making process during the NUG's tenure. However, it also failed to put its pressure on important occasions when the NUG turned and changed its priorities of democracy building.

Implications of Priority Change of the NUG's Agenda for Democracy Building

The priority change of agenda and the initiatives of the NUG negatively influenced the progress of the democracy building process which led the '*Yahapalanaya*' regime to lose its momentum and public support progressively. The divisions within the coalition government also induced lack of commitment and progress of both the President and the Prime Minister to proceed the initiatives toward strengthening democracy. The following can be identified as the major implications because of the priority change of democracy building agenda of NUG.

Failure to abolish the Executive Presidential System

The NUG adopted the 19th amendment to the constitution which is considered as an important milestone with regard to controlling the powers Executive President. However, the government later failed to take measures to completely abolish the Executive presidency as it promised. President Sirisena also failed in his pledge to abolish the Executive Presidency. He had made a solemn pledge to do so before the Presidential election. Even in the great reformist moment of early 2015, more expansively liberal plans to abolish the executive presidency were thwarted by parties and individuals who wished to retain a strong

Presidency, which comports with deeper Sinhala-Buddhist nationalist perspectives on the nature and form of the Sri Lankan state (Welkala, 2015).

Failure to properly investigate corruption scams of Rajapaksa regime and of its own government

The divisions and priority change of agenda of the NUG challenged in number of ways for the proper investigations of mis-governance and corruption cases of Rajapaksa regime and of its own cabinet members. In fact, many of the key members of the NUG were mired in corruption scandals. The bond scandal took place a month after the NUG was formed became to topic of public debate. High-level UNP officials were responsible for this fraud. It helped distract people from the severe corruption under the Rajapaksa and defined the Sirisena–Wickremesinghe government (DeVotta, 2020). Additionally, there was confusion from the very inception when the NUG was formed with previous government ministers accused of corruption. The irony is that these very same people accused of various crimes were not only free but also began challenging the government. Both President Sirisena and Prime Minister Wickremesinghe were also accused of manipulating the judiciary to protect those accused of corruption (Farook, 2018). People in general were fed up. Added to this frustration, the ever-growing corruption within the NUG made the people sick and tired. The entire country was shocked at the corruption involving the Central Bank bond issue. It was made worse with the shameful disclosures involving Prime Minister Wickremesinghe (Farook, 2018).

The infamous Central Bank bond scam led to a major conflict between the President and Prime Minister. President Sirisena appointed a Commission headed by former Supreme Court Justice K.T. Chitrasiri to investigate, although the Central Bank was under Prime Minister Wickremesinghe. There were lack of supports on the part of the Prime Minister to properly investigate the bond scam issue. The President was upset about the slow progress in investigating the allegations by the Prime Minister's office. The friction between Sirisena and Wickremesinghe led to the coming together of Sirisena and his former boss Rajapaksa after a gap of more than three years. As Peiris (2018) pointed out, not only did the NUG fail to deliver on their campaign promises, but they also failed to bring before the law the individuals of the Rajapaksa regime who stand accused of corruption and abuse of public office.

Failure to adopt a new constitution

In Sri Lanka, the victory of election in 2015 was a momentous victory by a coalition of parties loosely united by a constitutional reform agenda. However, Sri Lanka's constitutional crisis in 2018 highlighted the danger of instability inherent in such a vulnerable political coalition. In fact, the crisis put an end to the momentum of constitutional change that began in 2015 with the little achieved and much to achieve (Cats-Baril, 2020). Despite limited progress, the NUG was unable to maintain momentum in the cohesion of constitution-making. Sri Lanka's crisis suggested the difficulty of forming and sustaining coalition for constitution-making. What was the lesson learned from Sri Lanka is that the UNF or NUG have failed in building a 'minimal winning connected coalition' – which consider more than number, and focus on ensuring continued sufficient shared ideology among the members of a coalition to agree and pursue policy change (Lijphart, 2012). On the other hand, as Cats-Baril (2020) pointed out, what was achieved on constitution making in Sri Lanka was 'minimal winning coalition' – a coalition that is no bigger than necessary to have majority in government. Because of this scenario, as Welikala (2019) pointed out, the Constitutional Assembly process, after a period of engagement with civil society and the public, has retreated into the traditional secretive habits of Sri Lankan political culture.

Failure to build consensus on the political settlement for the ethnic conflict

Although there were some initiatives for negotiated political settlement for the prolonged ethnic conflict during the NUG through adopting a new constitution, the priority change of democracy building agenda negatively influenced the political settlement process. In fact, no consensus was built among the major two political parties and the minority parties of the NUF coalition on major subjects those are important for constitutional settlement of ethnic conflicts, such as nature of state, nature of government, nature of devolution of power, and representation system etc. The divisions within the government further induced the priority change of democracy building agenda of the NUG which negatively resulted in delay or failure of political settlement through constitution making.

Lack of trust among minorities on government initiatives

Failing to deliver on good governance promises, particularly promoting reconciliation, ensuring transitional justice, controlling anti-minority sentiments and violence, eradicating corruption, finding attainable political settlement to the ethnic conflict, the NUG progressively lost support from its main constituencies: Tamils, Muslims and liberal Sinhalese. This resulted negatively in the 2018 local government elections. This helped the

rise of resurgent populist, majoritarian opposition politics led by Mahinda Rajapaksa, and the progress decline of popularity and good-will of *Yahapalanaya* regime particularly among minorities.

Concluding Remarks

The democracy building agenda of the NUG enjoyed a clear mandate and very broad public consensus but the process was closed, opaque, and almost derailed by partisan politicking. The 2015 election coalition was touted as ushering in an era of democratic renewal. Instead, it was mired in a contest between then Prime Minister Wickremesinghe and President Sirisena. Nonetheless, the coalition did make some legal changes, including limiting presidential power and opening up – albeit limited – democratic political space. Since the forming of the NUG, the President and the Prime Minister have pursued their own agendas. President Sirisena focused on consolidating his leadership of the SLFP and strengthening the SLFP's position within the coalition. Prime Minister Wickremesinghe focused on strengthening the UNP and on his ambitions to form a government alone at the next national election by fueling divisions within the SLFP. This tug of war made the NUG appear weak and inefficient.

Due to the divisions within the NUG and the changing of priority interests of two major coalition parties, the tenure and the democracy building agenda of NUG characterized by an unwillingness to deal with many of the problems the Rajapaksa administration also failed to address such as persistent corruption, alleged wartime abuses, a durable political solution to the country's longstanding ethnic conflict.

Many factors contributed to the divisions that promoted priority change of democracy building agenda of the NUG. Among them class division and power rivalry among the President and the Prime Minister, lack of support from the major opposition party, administrative elites (bureaucrats), and security (military) officers, lack of commitment to properly investigate massive corruption cases of members of both Rajapaksa regime and of the NUG, emergence of Sinhala ethno-nationalism, and the growing charisma and popularity of Rajapaksa were highly influencing. Therefore, the priorities of the UNG's agenda toward democracy building progressively changed that resulted in increase of political crisis within the NUG and crisis of consolidating good governance and democracy building in the country as a whole. The next chapter examines those crises in detail.

Chapter Seven

Political Crisis and Disintegration of National Unity Government

By

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Introduction

On 26 October 2018, President Maithripala Sirisena abruptly dismissed the Prime Minister, Ranil Wickremesinghe, and replaced him with former President Mahinda Rajapaksa, whom he defeated three and a half years ago. Ranil Wickremesinghe and the UNP condemned the appointment as unconstitutional and refused to resign. This action on the part of the President threw the entire country into political and constitutional turmoil. Even after his dismissal, Wickremesinghe claimed that he still had a majority in Parliament and requested the President to convene the Parliament. President Sirisena refused the call to reconvene the Parliament and instead suspended it for three weeks (Chaudhury, 2018; Bastians, and Vindu, 2018). Meanwhile, Mahinda Rajapaksa and his acolytes worked hard to rally members of the UNP to his side. After a failed attempt by Mahinda Rajapaksa to gain enough MPs to form a majority in the Parliament by enticing members of the UNP with Cabinet portfolios, the President dissolved the Parliament by proclamation and declared parliamentary elections. In the meantime, political parties and civil society organizations submitted twelve Fundamental Rights petitions to the Supreme Court of Sri Lanka, challenging the president's decision. Five of them were filed before the supreme court in favour of the dissolution of Parliament (Kuruwita, and Zaheena, 2018). Following the unorthodox and unexpected move of President Sirisena on October 26, 2018, a series of events occurred. The official residence of Prime Minister, Temple Trees, was converted into a campaign center, where many CSOs and political actors gathered to protest against the unconstitutional move by the President. Upon reconvening for the first time since the beginning of the crisis, Parliament passed two No Confidence Motions against Rajapaksa despite unprecedented violence in the Parliamentary (The Guardian, 9 November 2018, The Diplomat, 2018). In consequence, 122 MPs filed a petition at the Court of Appeal against the appointment of Mahinda Rajapaksa as Prime Minister. Subsequently, the Court issued an interim order restraining the functioning of Mahinda Rajapaksa and other ministers. The following day, Mahinda Rajapaksa filed an appeal against the interim order in the Supreme

Court (*www.dailymirror.lk*, 15 December 2018) and the Supreme Court eventually refused to issue an interim order. Finally, the Supreme Court ruled that President Sirisena's decision to dissolve the Parliament was unconstitutional. As a result, Mahinda Rajapaksa signed a letter of resignation as Prime Minister (Maria and Bastians, 2018; Subramanian, 2018) and Wickremesinghe was sworn in as prime minister after 52 days of turmoil (Uyangoda, 2018). The entire episode manifested the political volte-face of President Maithreepala Sirisena, and it dramatically marked the end of the co-habitation arrangement forged between the two main parties in 2015.

Against this backdrop, exploring the political crisis, disintegration, and failure of the National Unity Government (NUG) remains imperative in the study of democracy building in Sri Lanka for several reasons: this was the first time in Sri Lankan political history that two traditional rivalry parties (UNP and SLFP) came together to form a consensual government. Even so, the intensified divisions within the government, followed by a constitutional crisis, marked the end of the NUG after its four-year tenure. Thus, understanding the factors that contributed to the crisis, failure and the collapse of NUG remains critical –not only for Sri Lanka, also for South Asia which has a similar pattern in the political sphere. It is also equally important to understand the reactions and outcry of political parties, the judiciary, civil society, the media, and the international community during the course of the constitutional crisis. All of this would provide extremely important lessons and insights into the dynamics of a constitutional crisis, the implications and drawbacks of the 2015-2018 good governance experiment, and unconstitutional actions by political parties to seize power by subverting peoples' mandate.

The chapter opens with timelines of the constitutional coup of 2018, which will enable us to understand the context of the crisis and key themes discussed in the chapter. Then, it discusses the background of the crisis and disintegration in NUG, highlighting some of the key underlying causes that contributed to the constitutional coup. The following section examines the socio-political and economic implications and outcomes of the crisis. The final section provides the lessons from the NUG experiment in Sri Lanka, followed by concluding remarks.

Background of the constitutional crisis

The coalition regime of the two main parties elected in 2015 was unusual for Sri Lankan politics and sooner that experiment became futile, for several reasons. In fact, disagreements and divisions between two parties (UNP and SLFP) and personalities (Ranil Wickremesinghe and Maithreepala Sirisena) were evolving over the time since the

Parliamentary election of 2015, which brought the end result in October 2018 in the name of the constitutional coup. It was considered the last stroke for NUG opening the avenue for Rajapaksas and nationalistic forces to capture the political sphere and reclaim power. There were several background factors that contributed to the constitutional crisis as follows: policy divergence and clashes; personality rivalry; Central Bank bond scam; absence of a mechanism to resolve conflicts of NUG; and disengagement of CSOs in repairing the hostile relationship and disintegration between the major constituent partners of the government. The following section provides a detailed account of this.

Policy divergence and conflicts: At the outset, it should be noted that the SLFP and the UNP have traditionally been opposed to each other in terms of their approach to foreign and economic policies – though they maintain the support base of the majority Sinhala population (Sultana, 2017). As history has shown, the two parties have never been known to cooperate on common policy matters. Thus, under the cohabitation government, there were a number of policy clashes and disputes that emerged between these two parties. This was evident in the areas of economic and foreign policies, investments, handling of corruption cases, reducing the powers of the President under the 19th amendment, adopting a new electoral system; an ethical code of conduct for people’s representatives; a new constitution, the adoption of the National Audit Bill; and setting up of a transitional justice mechanism, implementing the Geneva resolution as well as CTF recommendations, economic reforms, handling of the Central Bank Bond Scam and financial mismanagement. Similarly, the governing parties attempted to resolve their disagreements over whether to abolish or merely reform the executive presidency -two personalities and their parties held opposing views on these policy matters.

The disagreement came to the limelight on the appointment of the Governor of the Central Bank after the term of Arjuna Mahendran expired and was followed by the government’s decision to enter into an agreement with a Chinese company to manage the Hambantota Port. Reportedly, there were also differences of opinion between the two leaders on the signing of the Economic and Technology Co-operation Agreement (ETCA) with India and the GSP+ tariff concession by the EU, which required Sri Lanka to accede to international human rights standards and to international covenants it had signed (Perera, 2017; Sultana, 2017). Lack of consensus on issues of governance, reconciliation, and economic reforms subsequently led to a no-confidence motion against Ranil Wickremesinghe which was initiated by -Rajapaksa-backed Joint Opposition in April 2018. However, some of

the promises included in the 100 days program could not be taken up at all due to a lack of consensus and complexities involved between the two major parties of the government (Sultana, 2017). Some of the SLFP members of the NUG expressed their disappointment with certain government policies and programs and showed their desire to leave the NUG. A couple of state ministers threatened to resign from their posts (ColomboPage, December 31, 2016; Warunasuriya, 2017). The Freedom House (2018) stated that there was evidence of personality and policy clashes between the President and the Prime Minister, as well as disagreement on how to respond to corruption and human rights violations committed by the previous regime. On one occasion, President Sirisena declared openly that Ranil, Mangala, and CBK's policies had disappointed the Sinhalese Buddhist majority and the Buddhist clergy. The constitutional crisis was the result of differences of opinion on certain policy issues.

Personality and class rivalry: The friction between Sirisena and Ranil Wickremesinghe led to the reunion of Sirisena and Rajapaksa after a three-year hiatus. The friction between the two personalities was also caused by the class differences between the two leaders -Sirisena rose to power from a rural farming background, whereas Ranil Wickremesinghe belonged to the English-speaking Sri Lankan elite – he portrayed himself as a ‘Royalist’. The President himself expressed class alienation in his speech on 28 October 2018, when he said that Mr.Ranil Wickremesinghe and his group of closest friends, who belonged to a privileged class, did not understand the pulse of the people. The crisis was triggered by a false allegation of an assassination plot against President Sirisena and lasted for 7 weeks. At one point, the President openly stated to the PM that his ministers (SLFP) no longer want to work with him (Jayaraman, 2018). Maithreepala Sirisena, further accused Ranil Wickremesinghe, a trained lawyer who favours a liberal economy, of being dictatorial and ignoring the President in the cabinet. There were instances during the constitutional coup, where the President went on to state that “even if the UNP has the majority, I told them not to bring Ranil Wickremesinghe before me, I will not make him prime minister,” (NDTV news, November 2018). The divisions and mistrust between the two leaders broadened after elections in February 2018 when Rajapaksa's newly formed Sri Lanka Podujana Peramuna (SLPP) won a large majority of local councils humiliating both Sirisena's and Wickremesinghe's parties, which campaigned more against each other than against the SLPP. The constitutional coup was the final outcome of the personality and class rivalry.

Central Bank bond scam: bond scam of February 27th, 2015 rocked the country with the largest ever financial loss and laid the foundation for a governance crisis. The allegations of insider dealing involved a private company called Perpetual Treasuries - one of the major shareholders of this company is Arjun Aloysius, the son-in-law of the previously appointed Central Bank Governor Arjuna Mahendran. The Central Bank of Sri Lanka, under Governor Arjuna Mahendran, advertised a 30-year bond worth Rs 1billion. Following the auction, the governor decided to increase the value up to Rs.20 billion. As there was strong resistance from the Central Bank officials, it was narrowed down to Rs.10billion (Samarasinghe, and Mendis, 2015). However, as the media probed into this matter, it became a source of serious concern in the social and political spheres. In the aftermath of the public outcry that followed the bond issue on February 27, the Prime Minister appointed a special committee of inquiry to investigate the matter. Because, infamously, this committee cleared then-Governor Mahendran of any wrongdoing. Again, due to political pressure, President appointed a three-member commission comprised of experts to investigate the bond scam. According to the Auditor General, the country lost Rs. 1.6 billion due to the scam at the Central Bank. Arjun Mahendran was found guilty by the COPE as he was directly responsible for the Treasury Bond transactions at Central Bank in 2015 and 2016. The Colombo Fort Magistrate ordered the Criminal Investigation Department (CID) to execute the arrest warrants issued against Governor Arjuna Mahendran, who was accused of the Central Bank bond scam –but he managed to evade Sri Lanka’s laws using his political affluence and remained away. Arjuna Aloysius and Kasun Palisena were arrested, remanded, and then granted bail while the investigations were ongoing. Nonetheless, Prime Minister Wickremesinghe did not cooperate to take legal action against Mahendran due to personal connections, and he was thus rescued from legal actions – this incident largely dismantled the trust citizens had in the government and triggered the divisions and hostile relationship between Ranil Wickremesinghe and Maithreepala Sirisena. The voters in this country changed the government on January 8 because they could no longer bear the injustice, deceitful acts and corruption of the Rajapaksa administration –but after this incident, people realized that the culture of corruption remains the same even when the government changes. The parliamentary opposition effectively capitalized on this incident for political gains in the local government elections in 2018, causing a significant setback for both the SLFP and the UNP.

CSOs’ disappointment and discontent: Since the NUG drifted away from its promises to establish good governance, anti-corruption drives, democratic reforms, reconciliation, etc., CSOs were subjected to disappointment and desperation. During the early stages of the

conflict between the President and the Prime Minister, CSOs made some interventions and held meetings with both leaders to make the promises a reality. Most importantly, four key factors contributed to CSOs' detachment and disenchantment after the Parliamentary elections of 2015: lack of commitment to constitution making, ensuring transitional justice for victims of civil war, failure to conduct impartial investigations on political and administrative corruptions that occurred during the Rajapaksa period, and finally Presidential pardon for the leader of the Bodu Bala Sena. There were significant delays in the constitution-making and transitional justice processes, and it became evident that for fear of losing popular support in the upcoming elections, the NUG did not take sheer efforts to expedite these initiatives in order to fulfill their election pledges. The opposition of nationalistic forces also pressured the NUG to postpone the process for political gains.

Despite the government's promises that all corrupt individuals would be prosecuted, not a single person was convicted. Investigations have been ongoing since 2015, but no one has been found guilty thus far. During this period, it was widely criticized that the current administration is unwilling to take any action against corruption. Slow progress in the investigation of corruption cases made people suspicious about the government's commitment to combat corruption in the country. It was believed that Ranil Wickremesinghe and the Mahinda Rajapaksa family had reached an agreement not to pursue the corruption proceedings against the latter. In addition to the foregoing, the Central Bank bond scam instilled distrust in the CSOs. These incidents sent a message to CSOs that the NUG is unlikely to consolidate democracy and is engaged in the same power-grabbing game and populist politics as previous governments. Partisan interests also appeared to be a key obstacle to investigations against Rajapaksa family members, resulting in widespread public outrage and discontent. The prime minister was widely perceived to be working to keep the Rajapaksas politically alive while dividing and weakening the SLFP.

Furthermore, while liberal democratic voices have regained ground, nationalist CSOs have remained silent for at least two years or more following the 2015 political change, and the leading Buddhist extremist militant group's leader Venerable Galagoda Aththe Gnanasara was arrested in 2017 who headed the Bodu Bala Sena emerged during Mahinda Rajapaksa's regime and functioned with impunity under the patronage of the then-government. In 2017, he was sentenced to six years in prison for contempt of court. Nevertheless, he was granted a Presidential pardon in 2019 without any reasonable grounds, demonstrating the narrow political interest of Maithreepala Sirisena in the upcoming presidential election. The act was vehemently condemned by the ruling party ministers from the UNP, civil society, Sri Lanka

Bar Associations, and several international human rights organizations such as Amnesty International, Human Rights Watch, ICG, and others, but President Sirisena refused to meet with CSOs to discuss this arbitrary move.

Absence of a mechanism for conflict management

It was an unusual tradition, as was reiterated elsewhere in this chapter, for two major rivalry parties to form a national government, despite a history of hostility, disagreements, and non-cooperation. Therefore, after the Parliamentary election, political power struggles dominated the agenda of NUG, and it became clear that there were two centers of power. One is led by the President of the United People's Freedom Alliance—a party emanated out of the SLFP—and the other by the Prime Minister of the main competing party - the UNP. The latter focused on the enactment of the 19th Amendment to the constitution, which reduced the power of the president and control over major sectors such as the economy, foreign policy, and defense (ICG, 2017; Åkebo and Bastian, 2020:10). At the same time, Prime Minister Ranil Wickremesinghe focused on strengthening the UNP and his ambitions to form a UNP government on its own at the next Parliamentary election by instigating divisions within the SLFP (Peiris, 2018). President Sirisena, on the other hand, was preoccupied with cementing SLFP leadership and strengthening his positions in the cohabitation government by assigning portfolios to SLFP parliamentarians. After the Parliamentary elections, the government appeared weak and inefficient as a result of this tug of war (Peiris, 2018). As the parliamentary elections, which were originally promised for June were postponed, the coalition that elected Sirisena began to disintegrate. While the UNP and other smaller parties urged him to dissolve parliament and hold elections following the passage of the nineteenth amendment, he spent months attempting and failing to persuade the SLFP to do the same (ICG, 2015). One of the major outcomes of this divided regime was its inability to implement democratic and political reforms (Åkebo and Bastian, 2020; Sultana, 2017; Jayaraman, 2018). What was significant was that there was no mechanism in place to resolve conflicts, and resentments arose between the two major parties and personalities. At the beginning, the establishment of the National Executive Council was expected to serve this purpose, but it was an impotent institutional arrangement that subsequently failed to achieve its objectives. Although CSOs made some efforts to mediate the conflict between President and Prime Minister, it was not a sustainable mechanism – the absence of such a mechanism exacerbated the conflicts and personality rivalry to the extent of abruptly dismissing Ranil Wickremesinghe from the premiership. Given the initial success of the NUG, both the Prime Minister and President were hopeful that the NUG would continue until 2020. However,

media reports suggested that things were not going well between the two leaders, indicating growing tensions. Growing resentment over the failure of the unity government to provide good governance to the people resulted in majority support for Rajapaksa's newly formed party Sri Lanka Podujana Peramuna in the local government election held in February 2018. This pattern shows that Sri Lanka's democracy has always been incomplete and deeply flawed – as evidenced by Freedom House²³ and the Economic Intelligent Unit (EIU)²⁴ reports – they continue to label Sri Lanka as a flawed democracy (Freedom House, 2021; EIU, 2021).

Implications of the crisis on democracy consolidation initiatives

The background factors discussed above led to a number of implications for the democracy consolidation initiatives of NUG- such as constitutional implications; CSOs' disengagement with NUG; people reacted to restore democracy through protests, processions, media conferences, public meetings, etc., and finally, failure of democracy building became inevitable. The section, therefore, intends to present a brief discussion on these implications.

For several reasons, the constitutional implication remains an important topic of dispute. The emerging situation in the country was unfavourable to the “Yahapalanaya” alliance beginning in early 2018, and the troubled President Maithreepala Sirisena tried several times to oust Ranil Wickremesinghe from the Premiership. However, no one from the UNP accepted the invitation to be Prime Minister. Nonetheless, in the midst of growing conflict between the President and the Prime minister, the former arbitrarily removed the latter on 26th October 2018, and reinstated Mahinda Rajapaksa as Prime Minister, and prorogued Parliament until 16 November 2018. The President's unexpected move instigated a "constitutional coup” and political turmoil in the country, as well as widespread worldwide condemnation.

²³ The Freedom House ranks freedom in the world and status of democracy in a country or territory based on the following indicators: such as electoral process, political pluralism and participation, the functioning of the government, freedom of expression and of belief, associational and organizational rights, the rule of law, and personal autonomy and individual rights.

²⁴ The Economic Intelligent Unit's Democracy Index is based on five categories: electoral process and pluralism, the functioning of government, political participation, political culture, and civil liberties. Based on its scores on the above indicators, each country is classified as one of four types of regime: “full democracy”, “flawed democracy”, “hybrid regime” or “authoritarian regime”

This arbitrary decision of the President was successfully challenged in the Supreme Court on the basis of the provisions of the 19th Amendment (Jayakody, 2018; Reuters, 2018). The SLPP leadership took the position that since the Sri Lanka Freedom Party (SLFP) withdrew from the unity government, the term of the Cabinet expired, leading to the cancellation of the term of the Prime Minister'. The President justified Ranil's dismissal on constitutional grounds, though the 19th Amendment to the Constitution does not bestow power to the President to dismiss the PM. According to Article 42 (4) of the Constitution (as amended by the 19th amendment), "the President shall appoint as Prime Minister the Member of Parliament, who, in the President's opinion, is most likely to command the confidence of Parliament". On November 16, the Parliament convened, and two no-confidence motions were passed against Rajapaksa with the support of 122 Parliamentarians, amidst growing conflicts in the Parliament between three major political parties, such as the SLFP, the UNP, and the newly inaugurated SLPP- hurling chairs at police officers and allegedly throwing chili powder at opposing MPs completely disrupted the Parliament proceedings. Thus, both the country and the parliament were in anarchy (The Guardian, 2018). The President of Sri Lanka refused to accept the verdict of the Parliament and the cabinet he appointed continued to function.

To address the precarious political situation, the President convened the All Party Meeting on 19th November 2018 to resolve the constitutional crisis, however, the negotiations concluded inconclusively. Finally, despite his hesitation, President was compelled to work with Ranil Wickremesinghe, and his attempts to garner support behind Rajapaksa by breaking the UNP were futile, although he employed a series of undemocratic and unconstitutional strategies. Following the verdict given by the Supreme Court, President had to reappoint Ranil Wickremesinghe as the PM on December 16, 2018. Thereafter, the SLFP members fully withdrew from the government and there was the United National Front government led by UNP. As a result of the coup, the UNP was united under Ranil Wickremesinghe, and the support extended by the Tamil parties formed the backbone for challenging the attempts to disrupt constitutional governance and political stability. For 52 days, the constitutional crisis had a wide-ranging impact on political stability and the economy, and the entire episode of the crisis demonstrated the institutional decay caused by the ethnocentric nature of the state and majoritarian tendencies.

Another implication was that the crisis marked the end of co-habitation government due to growing resentments and loss of credibility -they came to the limelight in multiple

ways. For instance, the president's preoccupation and interference with judicial appointments, and his public criticism of the Council in early 2019 indicated a failed power grab. Furthermore, the constitutional crisis merely featured an extraordinary plan to seize power by one majoritarian power center, and the extraordinary response to restore the status quo by the legitimately elected power center – with its own majoritarian tendencies. During this period, the President and Prime Minister had an uneasy coalition, and the situation deteriorated to the point where the government could not prevent the suicide attacks on churches and hotels on April 21, 2019 (Dodamgoda, 2021). Despite the rights and freedoms granted to people by the liberal democratic “Yahapalanaya” government, the NUG has lost their level of legitimacy and credibility since 2015. The president and the prime minister had never formed a strong working relationship, and each had taken steps to undermine the trust and respect of the other. Eventually, Gotabaya Rajapaksa (GR), a popular nationalist and a brother of Mahinda Rajapaksa, defeated the “Yahapalanaya” government in the 2019 presidential election, simply due to a lack of credibility. Peiris (2018) argues that some of the progressive moves of the National Unity Government including constitution making and reconciliation are seen as detrimental to the Sinhalese majority, whose rural base, in particular, remains attracted to Rajapaksa three years after his defeat. Thus, it is not Sinhala nationalism that is responsible for the defeat of the National Unity Government, but rather the coalition's chaos, corruption, dysfunctional relations and ineffectiveness. This outcome teaches Sri Lanka that democracy does not always grant the prerogative to correct past mistakes.

Following the constitutional coup, civil society lost credibility and deviated from NUG, becoming critical of government moves, including the issuance of anti-government statements. At the outset, it should be noted that CSOs had renewed hope that the co-habitation government would change the fate of Sri Lanka through democratic reforms, reconciliation and anti-corruption efforts – because the NUG came to power based on these promises. CSOs, both local and international, played a crucial role in making these promises a reality at the outset, and they provided unconditional support for NUG. Nonetheless, a series of events, disregarding constitutional governance, democracy, original promises, and persistent conflicting interests between two personalities brought the CSOs' efforts to a halt, leading to distrust and desperation. Anti-CSOs perceptions fostered by nationalistic forces further alienated the former from the government leading President to openly make anti-NGOs statements and speeches, despite the enormous support rendered to bring him to power.

People's reactions during the constitutional crisis revealed two important segments of Sri Lankan society: one advocated for the restoration of democracy by supporting Ranil Wickremesinghe, while another supported and celebrated the return of Mahinda Rajapaksa as Prime Minister, thereby endorsing political dynasty and authoritarianism. Both of these groups mobilized themselves and took to the streets to convey their desire. The appointment of Mahinda Rajapaksa emboldened his supporters, with their actions provoking violence. Despite this, the crisis saw the resilience of Sri Lanka's democracy among its citizens in the face of numerous setbacks. Citizens' activism in defense of democracy, political freedom, and participation surged dramatically during the constitutional crisis. Activism, participation, and resistance were particularly strong among pro-democratic voters, and youth used social media as a political weapon to restore democracy by spreading political satire. One could argue that President Sirisena's betrayal of the 2015 mandate, created a democratic space for Sri Lankans and startled and enraged many citizens, who spontaneously mobilized to defend constitutional governance, democracy, and freedom. During this period, the UNP staged a protest near the Temple Trees, with thousands of Sri Lankans taking to the streets urging President Sirisena to uphold democracy. At the same time, the JVP held a protest rally in Nugegoda on November 1, demanding the president reconvene parliament immediately and restore democracy. While hundreds of thousands of Sri Lankans staged a protest for democratic governance in Colombo, many thousands more marched in support of a new government of Mahinda Rajapaksa and Maithripala Sirisena (Daily News, 2018).

Rivalries between two parties and personalities put the democratic reform agenda and initiatives for consolidating democracy at risk and volatile, which can be considered as the overall implication of the constitutional crisis. Therefore, this can be regarded as yet another failed attempt to revive Asia's oldest democracy. There is unlikely to be another viable opportunity for this island, which has blown countless previous chances (Devotta, 2016). It is possible to argue that democracy is consolidated when a strong majority of public opinion, holds the belief that democratic procedures and institutions are the most appropriate way to govern, even in the midst of major economic problems and deep dissatisfaction with incumbents, and that political change must emerge from within the parameters of democratic formulas (Schedler, 1998: 91–107; Arthur, 2010:205). In addition, democratic consolidation is the process of ensuring that all politically relevant groups regard the established and agreed-upon political arrangements and institutions as the sole legitimate paradigm and mechanism through which political contestation may occur. Without such a framework, it is unlikely that the gains of the democratic process would be retained and consolidated –

something that neither major parties nor their leaders of NUG have done. The competition to grab power considerably subverted the aforementioned democratic principles on multiple occasions during the short tenure of NUG.

What accounted for NUG's failure to consolidate democracy?

Several factors contributed to the failure of NUG, thus this section presents an analysis based on the evidence collected through FGDs with CSOs, academics, legal professionals, bureaucrats, and diplomats among others. Some respondents attributed NUG's failure to the continuance of Rajapaksa's legacy in social, political, economic, and cultural spheres. Although there was a government change in 2015, it was asserted that institutions, ideologies, and practices favoured the Rajapaksa faction –including top-level bureaucrats, street-level public servants, military, police, etc. They all upheld the Rajapaksa legacy which allowed them to retain the momentum to return to power in just four years. Apparently, both military intelligence and public servants did not support the government to carry out its agenda in full swing. In other words, even though their salaries were increased after several years, one could argue that the government failed to handle military and public officials effectively. It was discovered that three types of fear existed during the cause of NUG: Sangha fear, military fear, and administrative fear – all of which successfully continued the Rajapaksa legacy in all spheres. President Sirisena, for example, had a strong feeling that a section of military intelligence, aligned with Gotabaya Rajapaksa, would be deployed in a pro-Rajapaksa destabilization campaign. Instead of proactively countering a threat, the government avoided policies that the military is thought to oppose. Furthermore, while the 19th amendment placed a check on executive power in high profile appointments, it did not reduce President's absolute power in appointing and removing permanent secretaries to ministries – the latter were influential during this period and continued their loyalty to Mahinda Rajapaksa despite serving in a co-habitation government.

According to one key informant, stated that while the 2015 political change, reopened the democratic space in Sri Lanka, its agenda was largely confined to constitution making, resulting in a partially fulfilled agenda, which subsequently created dissatisfaction not only among nationalistic forces, but also among those who supported the political shift in 2015. The government's constitutional reform agenda was endorsed by voters in two separate elections, with the ruling government receiving support from at least 160 members of Parliament. However, by only focusing solely on this political process, making little or no information about the reform process available to the general public, the government

squandered a valuable opportunity to build broad public support for its reform agenda or, at the very least, prevent the spread of misinformation about the constitutional reform process (Welikala, 2017).

Another reason for failure was a lack of coordination on several policy issues. On several occasions, the Prime Minister's Office and Presidential Secretariat operated independently and without adequate coordination. Inept and improper individuals were appointed to government positions, including ministerial positions, where CSOs had no plan to prevent such appointments – those appointments eventually became a threat to the consolidation of democracy. Poor coordination was exacerbated by the UNP and SLFP's opposing ideologies and preferences. Both parties lacked the necessary coordination to mitigate the damage caused by certain media and anti-government campaigns. Two main parties of the NUG held opposing views on holding local government elections, and the postponement of elections contributed to broader criticism from civil society and opposition parties. Although the delays with the delimitation report were officially blamed, there was widespread suspicion of delays linked to politics, with the two major parties concerned about their popularity and voter base, and because elections could lead to a split within the SLFP and UNP. The delays in holding these elections have impacted the credibility of the government and facilitated the Joint Opposition's narrative that the government is undermining representative democracy on account of the fears for the political popularity and survival of its key constituent members (Fonseka et al, 2017). Sultana (2017) argues that leadership in the NUG did not have the high moral ground to alter the situation in Sri Lanka - politicians were driven by power and self-interest. To safeguard their narrow political interests, many members of the NUG prevented the government from taking any revolutionary steps to alter the status quo.

The lack of coordination and cooperation exacerbated the conflicts between the President and the Prime Minister; significant delays in the appointment process in the Constitutional Council were evident, and questions were raised about the lack of transparency in its decision-making process. The independent commissions produced mixed results, with some commissions assertive and challenging the decisions of the executive whilst others were largely ineffective. Furthermore, the failure to pass enabling legislation has hampered the work of several independent commissions. Divisions within and outside the government led to a focus on maneuvers for political survival rather than reforms and maintaining unity across party and ethnic lines. The "unity" government was later revealed to be a creation of the UNP and some of those close to Maithreepala Sirisena, which a significant portion of the

SLFP was persuaded to support in exchange for portfolios. Ex-President Mahinda Rajapaksa, whose charisma and civil war success kept him popular with many Sinhalese, retained the loyalty of most of the SLFP members, particularly local party activists, who have never accepted the unity government. Hence, the government's early months were marred by unclear, ad hoc policies, poor coordination, and cooperation, frequently contradictory policy statements, and missed deadlines for pledged reforms.

Although the NUG implemented positive democratic reforms and changes, they were not properly communicated to the rural masses – even the media played an extremely minimal role in this regard. This was a key factor that accounted for the failure and opening of nationalistic forces to bring back the Rajapaksa regime. Critiques pointed out that the government and CSOs failed to communicate the positive outcomes of the NUG to the rural masses in order to relate these changes to their daily lives. This appeared to be a key drawback of this government, with all positive changes confined to Colombo-based elites, civil society, and, the international community – so the poor communication strategy adopted by the government led to a massive public outcry against the government in relation to reconciliation and constitution making. The 2015 presidential and governance reforms had a clear mandate and very broad public consensus, but the process was closed, opaque, and nearly derailed by partisan politicking. After a period of engagement with civil society and the public, it appeared that the constitutional-making process had reverted to the traditional secretive habits of Sri Lankan political culture (Welikala, 2019). There was insufficient information in the public domain on the functioning of NUG. Nationalistic forces effectively used this space (poor communication) to oust the government in 2019. As a result of the weak communication, factions opposing the government, such as the Joint Opposition, emerged. With inadequate and inept communication, the government has ceded agenda-setting and the dominant narrative to the opposition (CPA, 2016). Moreover, contradictory statements made by various government actors called the accountability mechanism into question, reflecting a lack of cohesion within the government and feeding into perceptions of contradictions and incompetence. The civil society issued a statement in April 2017 highlighting the government's failures of political communication, which eventually generated public apathy and allowed anti-reform forces to control political developments. They further pointed out that regrouping of Rajapaksa-led anti-reform forces, would hold back the social, political, economic, and constitutional progress of our country for decades, and urged the government to “act fast to regain and sustain the initiative and ensure conducive conditions for the constitutional referendum to come” (CPA, 2017).

According to some, the NUG failed to secure and sustain ethnic majority support on national matters. The chapter identified three key areas where the ethnic majority openly condemned the NUG –transitional justice, constitution making, and proactive engagement of ethnic minorities in policy making and governance. As a result, at first, the ethnic majority entirely rejected the 2015 UNHRC resolution and opposed the proposal to establish a hybrid court, investigating war crimes, etc. Thence, this pattern became prominent in the process of creating a constitution. On several occasions, Mahinda Rajapaksa denounced the subcommittee proposals, particularly those concerning devolution, as “designed to end the unitary character of Sri Lanka without however deleting that word from the constitution”. He warned that the new constitution “will divide the country without using the word division”. In March, he accused the government of pursuing a “traitorous agenda” to promote “separatism”, claiming that proposed constitutional changes and other reforms were aimed at “demoralizing” and breaking the will of the majority of the population and the armed forces. Rajapaksa fired the first salvo against constitutional reform process” (ICG, 2017; Sri Lanka Brief, 4 December 2016). The president and prime minister faced challenges on the part of pro-Rajapaksas’ forces: they feared that the constitution making process would end the unity government and strengthen the Rajapaksas’ hands. Therefore, the NUG government abandoned the creation of a new constitution and new devolution, giving up on the agenda central to their already-damaged ‘yahapaalanaya’ brand.

Furthermore, evidence suggests that the proactive engagement of ethnic minorities and ethnoreligious parties during the NUG government contributed to the escalation of resentment among the ethnic majority and nationalistic forces. Ethnic minority parties were powerful because minority political leaders held many positions in the cabinet. The opposition, led by Mahinda Rajapaksa seized the opportunity and mobilized nationalist sentiments among the majority Sinhalese Buddhists against the NUG government’s pro-minority agenda. Moreover, pro-Rajapaksa forces launched a campaign among the ethnic majority, claiming that any new constitution with a consociation power-sharing institutional framework to resolve the ethnic issue would threaten the interests of the Sinhalese Buddhist majority (ICG, 2017). They viewed it as a coup to divide the country into two.

The preceding discussion reveals that the government failed to maintain the confidence and trust of the people it enjoyed during the first three months of its formation. Despite growing opposition from nationalist forces, the government implemented a number of positive measures with the long-term interests of the country in mind. However, NUG was unable to maintain this momentum due to the absence of morality among the two major

parties – the UNP and the SLFP. Above all, there was no strong opposition on the part of citizens and CSOs urging NUG leaders to set aside their political interests and take a moral stance on the issue of governance. However, they failed to recognize that now is the best time to address some of the system’s existing issues, and passing up this opportunity would be a historic blunder. During a period of increasing polarization between the two major NUG parties, the Centre for Policy Alternatives conducted an opinion survey in 2018, prior to the local government election, that revealed the extent to which Sri Lankans, particularly Sinhalese, are dissatisfied with the coalition government. For instance, 59 percent of all respondents and 63 percent of Sinhalese respondents agreed that the coalition should not continue. 41 percent of all respondents and 46 percent of Sinhalese respondents believe the economy will worsen if the coalition government remains in place. Furthermore, 63 percent of Sinhalese respondents were dissatisfied with how the government delivered on its promise of good governance, and 64 percent of Sinhalese respondents believed that the allegations of corruption and embezzlement leveled against the coalition government were true. International Crisis Group pointed out that it was a divided “unity” government (ICG, 2016) where we could not observe sheer unity and cooperation.

Lessons learned from the National Unity Government experiment in Sri Lanka

The section aims to provide some significant lessons based on the analysis of evidence gathered through various means. As such, structural conditions imposed certain limitations on the NUG’s operations: the latter attempted to reform the ethnocentric majoritarian state without considering structural conditions into account, and they failed to understand that this is a massive political endeavor fraught with challenges. The NUG experiment demonstrated that a state reform project is not feasible in the setting of entrenched ethnic and religious polarization without extensive research, the persistent commitment of political forces, CSOs, and popular support. For instance, Welikala (2019) notes that even during the early 2015 debates on abolishing the executive presidency, it was thwarted by some parties and individuals who wished to retain a strong presidency, demonstrating deeper Sinhala-Buddhist nationalist perspectives on the nature and form of the Sri Lankan state. Furthermore, agreements to form the good governance government were signed without broader consultation, indicating that rushed agreements are unlikely to reap the expected outcomes, as shown in the 2015-2019 period.

Similarly, the NUG was unable to mobilize and manage nationalistic forces. On the contrary, the pro-Rajapaksa forces maintained close ties with rural Sinhalese and instilled

radical ideas against the government's initiatives over reconciliation and the new constitution making process. Buddhist temples were partial supporters of these initiatives. This is mainly because, democratic reform initiatives have been limited to the level of government, which is only one component of democracy consolidation. Another factor that is closely connected to social struggles for democracy is civil, social, and economic rights. Recent trade union actions and struggles by school teachers, farmers, and public servants have severely tested the repressive Gotabaya Rajapaksa regime amidst growing security threats and surveillance. These struggles made a significant contribution to the consolidation of democracy –including freedom of expression and conscience, the right to protest and associate, etc.

Another lesson is that the democratic reform agenda was unrelated to ongoing social struggles and practices for democratic rights, which in turn failed to gain popular support and legitimacy for reform projects, indicating that a limited liberal democratic agenda is unlikely to sustain in a polarized society. This depicts the importance of a non-elite approach, people's movements, and a popular democracy building agenda in order to sustain people's engagement in democracy consolidation. The Sri Lankan case confirms that, on most occasions, political parties gain power through democratic means and with democratic promises, but eventually become detrimental to democracy and enact undemocratic laws and policies to sustain power. Unfortunately, we lack powerful forces to prevent authoritarian rulers coming from ascending to power (Levitsky and Ziblatt, 2018)—as appears to be the case in Sri Lanka since 1978.

The NUG experiment reveals that when a new government takes power, they should act fast to implement reforms, which did not occur. It has been argued that the first six months of a new government are critical in introducing reforms –even radical reforms. Even if some policy initiatives fail during this period, they are unlikely to have a significant impact on the new government –because those who supported the government will be celebrating their victory, while the defeated fraction will be desperate, making it unlikely that they will oppose or stage protests against government's policy failures. Moreover, the NUG failed to provide institutional support for democratic reforms, rendering the reform agenda ineffective.

One could learn another lesson from the NUG experiment, which is “defeating a repressive government through political alliance is not a wise decision, and it will be volatile,” so that CSOs and political forces should ensure long-term support mechanisms and stability for the reform agenda. Last-minute coalitions are more likely to cause conflicts, disputes, and splits, within a short span of time, as we saw from 2015 to 2019.

Although civil society played an integral part in bringing reforms to fruition, they failed to fulfill an important role in garnering popular support for reforms from all communities. For instance, Sinhala civil society groups that backed Sirisena's good governance agenda failed to bring Tamil issues to the Sinhala south and argue for all communities' concerns about rule of law, ending impunity, and achieving a constitution with deeper devolution, expanded rights, and a less powerful presidency. In turn, Tamil activists and civil society groups in the north and east failed to resist the growing trend toward exclusively Tamil positions and advocacy.

Most importantly, the untimely demise of Sobitha Thero dismantled the entire effort of democratic reforms brought out by CSOs. He was able to exert pressure on the government, and his proposals for reforms were accepted by the ethnic majority, because he was a leading Buddhist monk, and Maithreepala Sirisena was unlikely to distort his relationship with Buddhist monks for political gains. This indicates a fundamental flaw in Sri Lanka's CSOs i.e., social activists tend to influence civil society rather than civil forces and movements driven by people. This pattern substantially hindered the journey of NUG and CSOs, as they relied on Sobhitha Thero to carry the reform agenda ahead– which, with his demise, came to standstill and proved a setback for CSOs' continuous efforts to make the reform agenda a reality.

Concluding remarks

The purpose of this chapter was to examine the crises, disintegration, and failure of the National Unity Government experiment carried out in 2015. The analysis of primary and secondary evidence confirms that the beneficial political changes brought about by the election of Maithripala Sirisena had been real, but fragile and far from institutionalized. As partisan political infighting escalated during his initial months in office and the obstacles to political reforms became obvious, public trust in long-term change began to dwindle. It was anticipated that the Parliamentary elections would allow voters to extend January's "good governance" mandate, but there were no guarantees of a decisive outcome or broad-based government. The relative peace that had been attained due to the bipartisan government in place since 2015 was eventually threatened by the return of hard-line factions into the political space of Sri Lanka in 2019. This is because, the UNP and SLFP have failed to solidify their moderate electoral victories with mutual understanding, respect, and coordination, among other things. Sri Lanka's political culture is such that we lack a tradition of working closely with competing parties along with established values of parliamentary

democracy. Opposition parties have always been viewed as adversaries and their ideas and proposals are simply ignored as they would provide credit to opposition parties. Such culture has formed and is deeply rooted in Sri Lanka where rival parties are unlikely to put their ideas together with mutual respect, understanding, and values in order to protect and promote democracy. Mahinda Rajapaksa's re-entry into the parliament as the opposition leader gave him significant power to distort NUG's ability to deal with Sri Lanka's core problems, such as corruption, rule of law, reconciliation, negotiated settlement of the ethnic conflict, economic revival, etc. This was yet another missed opportunity for Sri Lanka to retain democratic governance, which ended up with a government fostering executive authoritarianism, military rule, and technocratic governance under the guise of strongman leadership.

Conclusion

Democracy Building Initiatives under *Yahapalanaya* Regime: Lessons Learned

Prof. Gamini Keerawella

General

1. The democracy-building initiatives, launched by the National Unity Government (2015-2019) that is commonly known as *Yahapalana* regime, represent the first concerted attempt taken towards political reforms in post-war Sri Lanka. At the end of the war in 2009, historic opportunity was available for Sri Lanka to embark on a new political journey by revitalizing democratic institutions and processes. However, the continuation of democratic backsliding and faltering on the path of national reconciliation even after the end of the war created a need and conditions for a regime change in 2015. It was a collective attempt to transform the negative peace (absence of armed conflict) into a foundation for positive peace. Democracy building is by no means a smooth and lineal process. Even though, the vigor of political reforms and democratic impulses of the National Unity Government dissipated by the end of its tenure, the initiatives taken at the beginning in establishing good governance and democracy-building marked a timely break in the authoritarian trend in Sri Lanka. These initiatives have definitely widened the space for a new discourse on democracy against the backdrop of long-term travails of democracy.
2. The regime change in 2015 and democratic reforms initiated under the NUG highlighted the potential of the people in halting the authoritarian trends and taking steps towards democracy building in the country. Unpacking these initiatives helps understand the workings of democratic political dynamics and the peoples' power in post-war Sri Lanka. Before 2015, a perception was meticulously cultivated throughout the country that President Mahinda Rajapaksa was so strong and popular that he cannot be defeated. The driving force that destroyed that perception was civil society organizations. The regime change in 2015 was interpreted as a victory of people for democracy against authoritarian abuse of power. Experiences under the *Yahapalana* regime also highlighted the certain limitations of peoples' intervention beyond elections. After the initial enthusiasm for regime change was over, the people did not sustain their interests. In the main, they withdrew from political process allowing the

political leaders to set the tone of political narrative. It highlighted the importance of constant vigilance and effective intervention throughout on the part of civil society.

Leadership Dilemma in Democratic Reforms

3. The interest and commitment of the National Unity Government to fulfill the mandate of democratic reforms and good governance on which it was elected disappeared rapidly after taking 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 become the hallmark of the NUG. Even before two years, the cracks within the regime came to the surface and the co-habitation arrangement proved to be a failure. However, the democracy-building endeavor in the period 2015-2019 was not at all a sterile venture. Even though many initiatives did not retain after November 2019, its impact could not be erased so easily. The freedom of information has been added to the Fundamental Rights Chapter so that it became a judicially enforceable right. One of the durable legacies of NUG has been the Right to Information Act.
4. The experiences under NUG also highlighted the constraints and problems faced by democracy building in a country like Sri Lanka. Democracy building is not a linear process. It is also important to unpack what accounts for setbacks of the democracy-building endeavors of NUG. The personality clash between the President and the Prime Minister contributed by no small measure to the downfall of the NUG. But the disagreements and conflicts between the two centers of power in NUG cannot be relegated simply to personality factors. All the forces and groups who made the regime change in 2015 possible are responsible for its downfall too. When disagreements and divergence between the two centers of power in the NUG surfaced there was no effective internal mechanism for de-escalation, containment, and conflict resolution. The untimely demise of Rev. Maduluwawe Sobitha affected severely the civil controlling power of the political leadership. The Remaining leadership of CSOs did not have the charismatic stature and legitimacy that Rev. Maduluwawe Sobitha had to intervene effectively. The experience also highlighted the certain weakness of the civil society organizations in Sri Lanka. There was no central leadership for CSOs after the passing away of Rev. Maduluwawe Sobitha. At first, their energy was channeled to a single target: to defeat the Rajapaksa regime. Once it was achieved, the different interests among CSOs surfaced.

Role of Civil Society Organizations

5. It is also important to note that the civil-political movement for democratic reforms is a process and discourse with different waves. The particular wave that brought the Rajapaksa regime down in 2015 slowly emerged from 2011. In the face of many constraints and problems due to the repressive measures of the regime and some structural weaknesses of the civil society itself, the movement was progressing slowly in the first three years. It witnessed momentum at the beginning of 2014, but it is still a Colombo and other main cities-centered movement that had a long way to go in getting rooted in the rural countryside. By the time of the declaration of early Presidential Elections in November 2014, the democracy reform agenda and its road map of the civil-political movement were not fully developed. In 2014, a qualitatively different phase in democratic reform discourse unfolded with the discussions between NMJS and the political parties. More intensive discussions and debates on main aspects of constitutional reforms, going beyond the slogan of the abolition of Executive Presidency, was taking place. Intentionally or not, the early call for Presidential Election detailed the process. The pro-democratic reform civil groups and political parties were in agreement on the common candidate for the presidential race. He was hurriedly selected. There was no detailed discussion between the common candidate and the CSOs and other political parties before he was selected. The MOU was signed hurriedly. In the context of the election campaign rush, there was no time and space for a comprehensive agreement between the common candidate and the democratic forces on the political roadmap, except a hurriedly prepared 100-day programme. These shortcomings contributed to the setbacks and hiccups in the democratic reform agenda after NUG came to power.

National Reconciliation

6. NUG prioritized reconciliation as an overarching policy frame. The approach of the National Unity Government regarding the process of reconciliation takes into account four broad areas: truth seeking; right to justice; reparation and; non-recurrence. It is also emphasized that the mechanisms to be established in order to address issues in these four areas must be independent, credible and empowered. One of the major shortcomings of national reconciliation was the lack of a long-term national plan for repairing the damage caused by the 26-year-long civil war, where psychological

damage, hatred, and memory prevailed in communities as barriers to sustainable reconciliation. Moreover, there was a lack of visionary leadership and institutional structures that could foster reconciliation, such as the functions of the Office of Missing Persons, the reparation bill and its execution, and various judicial and non-judicial actions for non-recurrence were also not effective.

7. The UNF has failed in building a minimal winning connected coalition – which considers more than numbers and focuses also on ensuring that there is a sufficient shared ideology among the members of a coalition to and pursue policy change – what achieved was ‘minimal winning coalitions’- a coalition that is no bigger than necessary to have a majority in government. The NUG failed to abolish the Executive Presidency while the arrangement made in the 19th amendment to control the powers of President induced for power competition between the President and the Prime Minister.

Dealing with the External Actors

8. In the context of internationalization of the ethnic problem and human rights issue, how to handle the external actors remained a key challenge that Sri Lanka faced in 2015. Having deviated from the hostile attitude towards the international Human Rights bodies, NUG expressed its willingness to work closely with the international community, especially the UN. NUG handled external actors satisfactorily and tried to come to some understanding with them. In analyzing the role of external actors, first of all, NUG took multiplicity of external actors into account. Further more, external actors remained a key variable exerting influence as a critical maneuver for democratic reforms in Sri Lanka in the period 2015-2019, especially in the peace-building sector and achieving of minority rights. However, the sustainability of democratic reforms seemed dependent on the cooperation between external actors and the political leadership of NUG and domestic political dynamism that shaped image building of the external actors. The failure of external actors to take into account domestic political dynamics often resulted in the erosion of credibility and effectiveness of their role. This becomes a sensitive yet crucial factor in dealing with the democratic reforms in Sri Lanka. Further, the external influences on peace building often showed a sense of coerciveness, such as requirement of regular reporting to international monitoring bodies like UNHRC. Sri Lanka's agreement to co-sponsor the post-war peace-building resolutions was interpreted as a naïve and inappropriate move without taking ground realities into account. Moreover, the time-line of UNHRC resolutions was viewed as

unrealistic. The external role, depending on the context and modus operandi, could be counter productive and generates unintended constraints, derailing the entire process.

Dominance of the Political Class

9. Another important lesson learned from the democratic experiences during 2015-2019 was that it is rather difficult to go forward with the democratic reforms without breaking the dominance of the political class. The social and political force behind the authoritarian political project of the political class that came forward after the 1956 political change. The real political force behind the Rajapaksa regime was the political class. This explains why President Mahinda Rajapaksa commanded a considerable support base in the country except for the North and the East despite his authoritarian stance. NUG failed to overcome the dominance of the well-stretched political class who has been the real driving force behind the authoritarian political project. Breaking the dominance of the political class is not easy; nevertheless, it is essential for the progress of democratic political reforms. The attempts taken in the direction of state reforms to strengthen good governance failed because they touched only the outer ditch of the authoritarian social and political structures of the state. Antonio Gramsci describes the state as 'an outer ditch, behind which there stands a powerful system of fortresses and earthworks'. The political class that is the champion of the authoritarian political culture represents the fortress and earthwork of the authoritarian state. Figuring out how to mobilize social forces to break not only the outer ditch but also the fortresses and earthworks of the authoritarian state with comprehensive political reforms is the fundamental problem in democratic reforms in Sri Lanka.
10. The NUG experiences highlighted the fact that democracy building must be an integral element of a broader political project of state reforms, aimed at developing an inclusive ideology for the state, related institutional frame, and building democratic citizenship. In the post-war context, national reconciliation, a political solution to the ethnic problem, and building an inclusive state must receive priority in democracy building. For National reconciliation to be effective and sustainable, it should be carried out with a clear strategic vision and plan to politically and socially empower the communities who were marginalized and alienated from the main political process. Democracy is not only a system of government but also a way of life, a mode of behavior, and an ideology. In a multi-ethnic country, majoritarian political culture is an anti-thesis to democratic norms and practices. The majoritarian political culture that prevailed in the

body politic of Sri Lanka is a grave hindrance to democratic reforms to ensure the integration of minorities in the decision-making process done based on equality and partnership. NUG failed to launch an effective campaign to promote democratic culture in countering the majoritarian mindset. Ultimately, NUG also became a hostage of the majoritarian political culture and faltered in taking critical decisions to show the minority community it is genuine in promoting national reconciliation. Some aspects of besieged and island mentality of the majority community are often used to fan the support for an authoritarian political project. Having failed to effectively address key main barriers to democratic reforms, namely, the majoritarian political thinking and the power of the political class, the democracy-building initiatives appeared to be only cosmetic without getting rooted in the body politic. The vacillation and bewildering delay in many key policy domains including national reconciliation, the emergence of two centers of power, and lack of articulation between the two which crippled the general efficacy of administration gave renewed currency to a cry of ‘National Security State’ at the expense of the democracy-building political project, especially after the Easter Sunday carnage.

Leadership Vacuum in Democratic Reforms

11. Democracy-building experiences during 2015-2019 highlighted the importance of the role of political leaders in implementing the mandate for democratic reforms and also the constant vigilance on the part of the citizens to check and monitor whether the political leaders adhere to the mandate. Their commitment to the principles of good governance and democratic reforms quickly faded away once in power. In this context, constant vigilance on the part of the civic democratic process is an essential condition for the continuation of democratic reforms. Why did the commitment of the political leadership of NUG to democratic political reforms disappear rapidly after taking a few initial strides? Why did the civil forces fail to intervene effectively, except at the beginning, when the leaders were vacillating and evading the implementation of the expected reforms? At the end of the day, the political leaders who stood with the democratic reform movement at the 2015 Presidential Election seemed to have used evolving urge of the people for democratic reforms only as a political slogan to come to power. How certain key appointments were made soon after NUG assumed power indicated that they were have not deviated from the practice of nepotism of the previous regime. The civil forces did not effectively intervene to check such behavior.

12. The experiences under NUG indicated that it was not easy to proceed with the existing political leadership who were tempered in the corrupt political practices for years in pursuing substantive democratic reforms. The Central Bank bond scam and how others in the government came forward to conceal it destroyed the good governance credibility of the NUG, substantiating the above indication. The importance of building a new generation of political leaders who are truly committed to democratic reforms in Sri Lanka are highlighted by many.

Need to Mobilize New Constituency for Democracy

13. Another key lesson to be learned from the democratic building initiatives under NGU is that it is rather difficult to count on the Sri Lankan business elites to promote democratic reforms. It is a generally accepted fact that ideologically and socially powerful business community would play a vital political role, a driving force for democracy building. The economic dependency and political impotency of the Sri Lankan bourgeoisie, mainly of the business upper class, were clearly illustrated in the period 2015-2019. The establishment of the rule of law, transparency, independence of the judiciary, and controlling the excessive power of the Executive with the intuitional check and balance system would benefit the business community in no small measure. Sri Lanka's state-dependent business community counts on the state for protection, support and subsidies for its survival. As a result, they are incapable of playing an independent and strong role in influencing the political authority as far as democracy. They are always subservient to the regime in power to the eleventh hour. In the period 2015-2019, Sri Lankan business class failed to play an independent role as a bulwark of democracy in pushing forward the democratic reform agenda.
14. It is also important to note that 'traditional' trade unions that were at the forefront in the struggle for democracy in the past did not play a significant role in democratic building initiatives during 2015-2019. The changed behavior of the conventional trade union sector can be explained due to the structural changes witnessed in the industrial and service sectors of the economy and the decline of old Left ideology in the trade union movement. In the changed political and economic environment, a new brood of professional groups/organizations and the youth have come forward to fill the vacuum created by inaction of the moribund traditional trade union sector. The democracy-building attempts need to take these changes into serious consideration and should

count on the new social forces, especially the youth and professional groups, and mobilizing them by using social media and art/music in which they are quite savvy.

15. Sri Lankan experiences in democracy building under the NUG clearly highlighted the fact that it is not easy to deviate from the deep-rooted political culture of the country, which is based on majoritarian political culture, without dismantling well-entrenched political class. In Sri Lanka, democracy building and national reconciliation are organically interlinked. Despite high hope, the democratic building initiatives taken by the NUG (2015-2019) also go to history as another ill-fated attempt: a potential turning point that did not turn history. However, the initiatives taken by the NUG offer important lessons for any future democracy-building endeavor. The political dynamics associated with the *Gota-Go-Gama* protests highlight once again the importance of broad structural political reforms for democracy building and the leading role that youth could play in democracy building political project.

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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 Uswetakeiyawa, 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 Secretary 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

**මෙම ත්‍රිපාල සිරිසේන මැතිතුමා
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2014 දෙසැම්බර් 01 දින
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සෝනිත නිම් සමඟ අත්සන් කළ
අවබෝධතා ගිවිසුම**

සාධාරණ, ප්‍රජාතන්ත්‍රවාදී සහ ජනහිතකාමී ආණ්ඩුකරණයක් සඳහා පොදු මහජන න්‍යාය පත්‍රයක්

ශ්‍රී ලාංකිකයින් ලෙස අපි බැරෑරුම් අභියෝග කීපයකට මුහුණ දෙමින් සිටිමු. දකුණ කීපයකට පෙර ලෝකයේ බෙහෙවින් ම පැදැරුණු ප්‍රජාතන්ත්‍රවාදී රටක් ලෙස පිළිගෙන තිබූ ශ්‍රී ලංකාව වර්තමානය වන විට ශීඝ්‍රයෙන් එහි වසන පුරවැසියන්ට ගෞරව සම්පන්න ලෙස සහ ආරක්ෂිත ලෙස වාසය කළ නොහැකි තැනක් බවට පත් වී තිබේ.

මෙම බෙදුණු තත්වයේ ඉහත ම පැහැදිලි මතුවට ප්‍රකාශනයන් වන්නේ:

- නීතියේ පාලනය මුළුමනින් ම බිඳ වැටීම.
- සමස්ත ප්‍රජාතන්ත්‍රවාදී ආයතන පද්ධතිය බාදනය වී තිබීම.
- සමාජ විෂමතාව පෙර නොවූ විරූ ආකාරයෙන් පුළුල් වී සමාජ අසාධාරණය සමාජ පද්ධතියේ මූලික ලක්ෂණයක් බවට පත් වී තිබීම.
- විවිධ වාර්ගික හා ආගමික කණ්ඩායම් අතර සහජීවනය බිඳවැටී අසමගිය සහ අවිච්චාසය ව්‍යාප්ත වීම.

යනාදියයි.
මේ තත්වය සැලකිල්ලට ගෙන රට තුළ නැවත යහපත් ආණ්ඩුකරණය, සමාජ සාධාරණය, නීතියේ පාලනය සහ ප්‍රජාතන්ත්‍රවාදය තහවුරු කිරීම පිණිස පහත දැක්වෙන වැඩපිළිවෙළ ඉදිරිපත් කෙරේ. ඒ අනුව වර්තමාන ප්‍රජාතන්ත්‍ර විරෝධී, අධිකාරවාදී හා දූෂිත පාලන තන්ත්‍රය පරාජය කොට මේ වැඩපිළිවෙළ ක්‍රියාත්මක කරවීම සඳහා එළඹෙන ජනාධිපතිවරණයේ දී මෙහි පහත සඳහන් අත්සන් තබන සෑම එකඟ විය හැකි පොදු අපේක්ෂකයෙක් ඉදිරිපත් කොට ජයග්‍රහණය කරවීමට, ඉන් පසුව ඇති කෙරෙන අන්තර්වාර ආණ්ඩුවක් මගින් මාස හයක් ඇතුළත කෙටි කාලීන වැඩපිළිවෙළ ක්‍රියාවට දැමීමට, විධායක

ජනාධිපති ක්‍රමය අහෝසි කිරීමෙන් පසුව පාර්ලිමේන්තු ආණ්ඩුක්‍රමයක් යටතේ සෙසු අරමුණු ක්‍රියාත්මක කරවා ගැනීම සඳහා කටයුතු කිරීමට මේ මගින් යෝජනා කෙරේ.

ක්ෂණික කාර්යයන්

1. දැනට පවත්නා විධායක ජනාධිපති ක්‍රමය මාස හයක් ඇතුළත සම්පූර්ණයෙන් ම අහෝසි කර ජනතාවට වගකියන පාර්ලිමේන්තු ක්‍රමයක් ස්ථාපිත කිරීම. අලුතින් ඇති කෙරෙන පාර්ලිමේන්තු ආණ්ඩුක්‍රමය තුළ ජනාධිපතිවරයා රාජ්‍ය නායකයා වන අතර, ජනාධිපති ධුරයට ඊට උචිත වගකීම් සහ බලතල පැවරීමට ද, ජනාධිපති ධුරය රටේ ජාතික සම්බන්ධ ප්‍රතිපත්තියක් ලෙස ස්ථාපිත කිරීමට ද කටයුතු කරනු ඇත.
2. අධිකරණය, පොලීසිය, රාජ්‍ය සේවය, මැතිවරණ බලධාරීන්, නීතිපති, විගණකාධිපති වැනි ස්වාධීන ව කටයුතු කළ යුතු ආයතනවල සහ කොමිෂන් සභාවල ස්වාධීනත්වය නැවත ඇති කිරීම සඳහා 17 වන ව්‍යවස්ථා සංශෝධනය නැවත බලගන්වා වඩාත් ශක්තිමත් කිරීම.
3. මනාප ඡන්ද ක්‍රමය මුළුමනින් ම අහෝසි කර, සෑම මැතිවරණ ආසන කොට්ඨාසයකටම තමන්ගේ ම මන්ත්‍රීවරයෙකු ලැබෙන සහ විවිධ ජනකොටස් සහ දේශපාලන මතවලට නිසි නියෝජනයක් ලැබෙන, පැරණි මන්ත්‍රී ආසන ක්‍රමයේ සහ සමානුපාතික ක්‍රමයේ සම්මිශ්‍රණයෙන් නව මැතිවරණ ක්‍රමයක් ඇති කිරීම.

මීට අමතර වශයෙන්

- පෙර නොවූ විරූ ආකාරයෙන් සිදු වන මහා පරිමාණ වංචා, දූෂණ, අල්ලස් ගැනීම් හා කොමිස් ගැනීම් මෙන් ම මහජන මුදල් නාස්තිකාර ලෙස අපහරණය කිරීම වැළැක්වීමට ක්ෂණික පියවර ගැනීමට,
- ජනයා මත පටවනු ලැබ ඇති අතිමහත් ජීවන වියදම සැහැල්ලු කිරීම සඳහා ජීවන වියදමට සරිලන ලෙස රාජ්‍ය හා පෞද්ගලික අංශයේ සවිස්තරාත්මක වැටුප් සංශෝධනයක් කිරීමට සහ දේශීය නිෂ්පාදනයන්ට සාධාරණ මිලක් සහතික කිරීමට,
- නීතියේ පාලනයට ප්‍රමුඛස්ථානය දීමට, ප්‍රජාතන්ත්‍රවාදය යළි ස්ථාපිත කිරීමට සහ මූලික මිනිස් නිදහස සුරැකීමට,
- රටේ සියලු පුරවැසියන්ට සමාජ, සංස්කෘතික, අර්ථික හා දේශපාලන ක්ෂේත්‍රයන්හි ගරුත්වය සහ සමාන අවස්ථා සහතික කිරීමට අවශ්‍ය පියවර ගනු ලැබේ.

ඉහත කී මහජන න්‍යාය පත්‍රය ක්‍රියාත්මක කිරීම සඳහා කැප වන බව පහත අත්සන් කරන දේශපාලන පක්ෂ, කණ්ඩායම් සහ පුරවැසි සංවිධාන මේ මගින් සපර කර කියා සිටී.

- 1 සාධාරණ සමාජයක් සඳහා ජාතික ව්‍යාපාරය
- 2 එක්සත් හික්මු පෙරමුණ
- 3 එක්සත් ජාතික හික්මු පෙරමුණ
- 4 ජාතික සංඝ සභාව
- 5 උපාය ක්‍රියාත්මක කිරීමේ ව්‍යාපාරය
- 6 සාධාරණ සමාජයක් සඳහා විද්වත් එකමුතුව
- 7 එක්සත් ජාතික පක්ෂය
- 8 ශ්‍රී ලංකා නිදහස් පක්ෂය
- 9 ප්‍රජාතන්ත්‍රවාදී පක්ෂය
- 10 ප්‍රජාතන්ත්‍රවාදී ජනතා සන්ධානය
- 11 ප්‍රජාතන්ත්‍රවාදී ජනතා පෙරමුණ
- 12 ජාතික සමිති පෙරමුණ
- 13 මවුබ්ලි ජනතා පක්ෂය
- 14 ලිබරල් පක්ෂය
- 15 ප්‍රජාතන්ත්‍රවාදී එක්සත් ජාතික පෙරමුණ
- 16 නව ප්‍රජාතන්ත්‍රවාදී පෙරමුණ
- 17 වමේ කේන්ද්‍රය
- 18 පුරවැසි බලය
- 19 එක්සත් ජනතා පෙරමුණ
- 20 රුහුණු ජනතා පක්ෂය
- 21 සමසමාජ පක්ෂය විකල්ප කණ්ඩායම
- 22 කොමියුනිස්ට් පක්ෂය විකල්ප කණ්ඩායම
- 23 සාධාරණ සමාජයක් සඳහා නීතිඥයෝ
- 24 නිදහස් මාධ්‍ය ව්‍යාපාරය
- 25 සාධාරණ සමාජයක් සඳහා විශ්වවිද්‍යාල ආචාර්යවරු
- 26 පළමු පෙරමුණ
- 27 සාධාරණ සමාජයක් සඳහා වෘත්තීය සමිති එකමුතුව

- 28 හිටපු මහජන මන්ත්‍රී 77 සංඝදය
- 29 ප්‍රජාතන්ත්‍රවාදී සහ යහ පාලනය සඳහා වූ ජාතික මධ්‍යස්ථානය
- 30 යහ පාලනය සඳහා ජාතික පෙරමුණ
- 31 පොද්ගලික බස් හිමියන්ගේ සංගමය
- 32 ප්‍රගතිශීලී ගොවිජන සම්මේලනය
- 33 නීතිඥ එකමුතුව
- 34 ආණ්ඩුවේ කම්කරු සමිති සම්මේලනය
- 35 සාධාරණ සමාජයක් සඳහා විග්‍රාමිකයෝ
- 36 ප්‍රජාතන්ත්‍රවාදී ජනතා මණ්ඩපය
- 37 විදිසේ විරෝධය
- 38 ජාතික ධීවර සංගමය
- 39 නව සමසමාජ පක්ෂයේ බහු පිල
- 40 සාමය සහ සංවිදියාව සඳහා වූ අන්තර් ආගමික සමුළුව
- 41 විග්‍රාම ලත් රාජ්‍ය පරිපාලන නිලධාරීන්ගේ සංගමය
- 42 සාධාරණ සමාජයක් සඳහා කලාකරුවෝ
- 43 සාධාරණ සමාජයක් සඳහා ගොවියෝ
- 44 සාධාරණ සමාජයක් සඳහා වෘත්තීයයන්ගේ සංගමය
- 45 ඉසිවර ජනතා සංගමය
- 46 රණවිරු සංඝදය
- 47 නව සිහල උරුමය
- 48 සුළඟ ජනසමූහ සහ සිවිල් සමාජ සංඝදය
- 49 නව ජාතික පෙරමුණ

**ජනවාරි 08 ලද ජනතා ජයග්‍රහණය
ආරක්‍ෂා කර ගනිමින්, එය වඩාත්
ශක්තිමත් වී ඉදිරියට ගෙන යාම සඳහා
සෞභිත ගිම්යන් සමග
අග්‍රාමාත්‍ය රනිල් වික්‍රමසිංහ මහතා
අත්සන් කළ පොදු මහජන ගිවිසුම**

පසුගිය ආණ්ඩුව යටතේ පැවති බිහිසුණු මර්දනකාරී දූෂිත පාලනය හේතු කොට ගෙන රට තුළ පැවති අසහනකාරී තත්වය මෙන් ම හිඟ සංස්කෘතියෙන් සංකේතවත් වූ නීතියේ ආධිපත්‍යය, අධිකරණයේ ස්වාධීනත්වය හා මානව හිමිකම් හා ප්‍රජාතන්ත්‍රවාදය අහිමි වූ පරිසරයක් තුළ, දේශපාලන හා සිවිල් සංවිධාන 47ක් ඉකුත් ජනාධිපතිවරණයට පෙර ජනතාව වෙත 'සාධාරණ ප්‍රජාතන්ත්‍රවාදී සහ ජනහිතකාමී ආණ්ඩුක්‍රමයක් සඳහා පොදු මහජන නායක පත්‍රය' ඉදිරිපත් කරන ලදී.

අද අප ඉදිරියේ ඇති ප්‍රධාන කාර්යය වන්නේ ජනවාරි 08 වන දින ජනතාව ලැබූ වූ ජේතිහාසික ජයග්‍රහණය රැක ගනිමින් ඉදිරියට ගෙන යාම ය. එම ජයග්‍රහණය ආපසු හැරවීම සඳහා ප්‍රධාන බලවේගය ලෙස පසුගිය රජය සමයේ සිදු කළ සියලු දූෂණවලට වග කීව යුතු දූෂිත හා මර්දනකාරී ප්‍රතිවිප්ලවවාදී බලවේගය ඉදිරිපත් වී සිටී.

ප්‍රජාතන්ත්‍රවාදය අපේක්‍ෂා කරන්නා වූත්, රට තුළ සාධාරණ හා ශිෂ්ට සම්පන්න සමාජයක් අපේක්‍ෂා කරන්නා වූත් අප ඉදිරියේ ඇති මෙම අභියෝගය පරාජය කළ යුතු ව ඇත. එම අරමුණ ඉටු කර ගැනීම සඳහා 'සිවිල් සංවිධාන, වෘත්තීය සමිති සහ දේශපාලන පක්ෂ එකමුතුව' යන පාලනයක් සඳහා වූ එක්සත් ජාතික පෙරමුණ සමග පහත සඳහන් කරුණු 14 ම මෙම ගිවිසුමට එළඹ සිටී.

01. නව ආණ්ඩුක්‍රම ව්‍යවස්ථාවක් හඳුන්වා දෙමින් පහත සඳහන් ප්‍රතිසංස්කරණයන් ඇති කිරීම, ජනාධිපති ආණ්ඩුක්‍රමය සම්පූර්ණයෙන් අහෝසි කර පාර්ලිමේන්තු ප්‍රජාතන්ත්‍රවාදය ස්ථාපනය කිරීම. එසේ වුවද ජනාධිපති මෛත්‍රීපාල සිරිසේන මහතාගේ වත්මන් ධුර කාල සීමාව අවසන් වූ පසුව ජනාධිපති ක්‍රමය මුළුමනින් ම අහෝසි කිරීම.

- මනාප ක්‍රමය අහෝසි කර සෑම මැතිවරණ කොට්ඨාසයකටම මන්ත්‍රීවරයෙක් හිමි වන සියලු ජනකොටස් හා දේශපාලන මතවලට නිසි නියෝජනයක් ලැබෙන ආකාරයේ කේවල ආසන හා සමානුපාතික ක්‍රමවල සම්මිලණයකින් යුත් නව මැතිවරණ ක්‍රමයක් ඇති කිරීම.
 - නව මානව හිමිකම් පරිච්ඡේදයක් මගින් ජාත්‍යන්තරව පිළිගත් මානව හිමිකම් ප්‍රමිතීන් ක්‍රියාත්මක කිරීම. සිවිල් හා දේශපාලන අයිතිවාසිකම්වල පරාසය පුළුල් කර සමාජ, ආර්ථික, සංස්කෘතික, කාර්‍ය හා ළමා අයිතිවාසිකම් ද එයට ඇතුළත් කිරීම. මූලික අයිතිවාසිකම් ක්‍රියාත්මක කිරීම සඳහා පොදු මහජන නඩුකරයන් පැවරීමට ඇති අයිතිය පිළිගැනීම. මානව හිමිකම් කොමිසමේ නිර්දේශ ක්‍රියාත්මක කිරීම අනිවාර්ය කිරීම.
 - ස්වාධීන අධිකරණයක් ස්ථාපනය කිරීම. විෂමාවාර ක්‍රියාවන් සම්බන්ධ චෝදනා ලත් විනිසුරුවන් ධුරයෙන් ඉවත් කිරීම සඳහා ජාත්‍යන්තර ප්‍රමිතීන්ට අනුකූල නීති සම්පාදනය කිරීම.
02. 19 වන ආණ්ඩුක්‍රම ව්‍යවස්ථා සංශෝධනය මගින් පත් කළ යුතු ස්වාධීන කොමිෂන් සභා වහා ම පත් කර එම කොමිෂන් සභා ක්‍රියාත්මක කිරීම.
 03. නිදහස් අධ්‍යාපනය, නිදහස් සෞඛ්‍ය සේවය, රැකියා, පොදු ප්‍රවාහන සේවය, ළමා අයිතිවාසිකම් හා ආබාධිතයන්ගේ අයිතිවාසිකම්, ජ්‍යෙෂ්ඨ පුරවැසි ආරක්‍ෂණය, කලා හා සංස්කෘතික කටයුතු ආදී ක්‍ෂේත්‍රයන්හි ජාතික ප්‍රතිපත්ති හඳුන්වා දීම. කලා, සංස්කෘතික හා තරුණ ප්‍රතිපත්තියක් ක්‍රියාත්මක කිරීම. ගොවි, ධීවර හා ස්වයං රැකියා නියුක්තිකයන්ගේ ජාතික ප්‍රතිපත්තියක් හඳුන්වා දී ක්‍රියාත්මක කිරීම.
 04. ජාතීන් අතර සංහිඳියාව ඇති කිරීම සඳහා ප්‍රමුඛත්වය ලබා දීම මගින් ජාතික හා ආගමික සංහිඳියාවට අභියෝග නොවන ආකාරයේ රාජ්‍ය තන්ත්‍රයක් ගොඩනැගීම.
 05. ජාතික විගණන පනත, තොරතුරු ලබා ගැනීමේ පනත හා දූෂණ විරෝධී කටයුතු ක්‍රියාත්මක කිරීමේ නව පනත් ඇතුළත් යන පාලනය ස්ථාපනය කිරීමට අත්‍යවශ්‍ය නීති හැකි ඉක්මනින් සම්මත කිරීම.
 06. දේශපාලනඥයින්, රාජ්‍ය නියෝජිතයින් ආතුළු සියලු ම දූෂිතයන්ට එරෙහි ව දැනටමත් ආරම්භ කර ඇති විමර්ශනයන් තවදුරටත් කාර්යක්‍ෂම කරමින් නව තාක්‍ෂණික දැනුම ද උපයෝගී කර

ගනිමින් මූල්‍ය අපරාධ විමර්ශන කොට්ඨාසය, අපරාධ විමර්ශන දෙපාර්තමේන්තුව සහ අල්ලස් හා දූෂණ කොමිසම ශක්තිමත් කිරීම.

07. ශීඝ්‍රයෙන් වෙනස් වන ලෝකයේ අභියෝගවලට සාර්ථක ලෙස මුහුණ දීමට හැකි වන ලෙස තරුණ පරපුර සවිබල ගැන්වීමට සහ විශේෂයෙන් ම ඉහළ මට්ටමේ රැකියාවන් සඳහා තරුණ පරපුර සූදානම් කිරීමට අවශ්‍ය තාක්ෂණික දැනුම, සෛද්‍ය නිපුණතා හා පුහුණුව ඔවුන් වෙත ලබා දීම.
 08. පරිසරය ආරක්‍ෂා කර ගනිමින් විද්‍යා හා තාක්ෂණික දැනුම වර්ධනය කිරීමත්, නව රජයේ ප්‍රමුඛ කර්යයක් වනු ඇත. ජාතින් අතර ඕනෑම විය ආරක්‍ෂා කර ගනිමින් රටේ ප්‍රොසස්වයනා ප්‍රතිරූපය වර්ධනය කර ගනිමින් රටේ අභිවෘද්ධියට දීර්ඝ කාලීන ලෙස වාසි වන ජාත්‍යන්තර සම්බන්ධතා ක්‍රියාත්මක කිරීම.
 09. සියලු දෙනාට ප්‍රතිලාභ සාධාරණ ව බෙදී යන ආර්ථික ක්‍රමයක් ඇති කිරීම.
 10. ජීවන බර සැහැල්ලු වන ආකාරයෙන් ආර්ථිකයේ කාර්මික, කෘෂිකාර්මික, වැවිලි, ධීවර, ස්වයං රැකියා සහ සුළු හා මධ්‍යම පරිමාණයේ කර්මාන්ත ශක්තිමත් කිරීම.
- එමෙන් ම විවිධ අසාධාරණයන්ට ලක් වී ඇති විදේශ රැකියා නියුක්තිකයන්, ඇඟලුම් කර්මාන්ත සේවකයන් ඇතුළු ව සේවාවන් ඉලක්ක කොට ගත් ශක්තිමත් සමාජ ආරක්‍ෂණ ජාලයක් ස්ථාපිත කිරීම.
11. සමාජ ආරක්‍ෂණය පිළිබඳ නව ප්‍රවේශයන් ලබා ගනිමින් ඇදුරුමත් සමාජ හා දේශපාලන සංස්කෘතියක් බිහි කිරීම.
 12. පාර්ලිමේන්තු මන්ත්‍රීවරුන් සහ සෛද්‍ය මහජන නියෝජිතයන් සඳහා වර්යාධාර්ම පද්ධතියක් ඇති කිරීම සහ එය දැඩි ලෙස ක්‍රියාත්මක කිරීම.
 13. අත්‍යවශ්‍ය මහජන සේවාවන් සඳහා වූ ආයෝජන දිරිමත් කිරීම හා ඒ සඳහා ඇති බාධාවන් ඉවත් කර එම කාර්යයන් ඉටු කර ගැනීමට සහාය වීම.
 14. මිල පාලන හා පාරිභෝගික ආරක්‍ෂක පනත් සක්‍රීය කිරීම තුළින් ජනතාවට සහන ලබා දීම.
 15. යහපාලනය ස්ථාපිත කිරීම අරමුණු කර ගත් මෙම මහජන ගිවිසුමට අත්සන් කරනු ලබන කණ්ඩායම් නියෝජනය වන නියෝජිතයන් ගෙන් සමන්විත උපදේශන සභාවක් පිහිටුවීම මගින් සිවිල් පුරවැසි

කණ්ඩායම්වල මතයන් හා රාජ්‍ය ප්‍රතිපත්ති ක්‍රියාත්මක කිරීම සම්බන්ධයෙන් නිරන්තරව සමාලෝචනය කිරීම හා අවශ්‍ය පියවර යෝජනා කිරීම.

එම උපදේශන සභාව අගමැතිතුමා සහ සිවිල් සංවිධාන කමිටු සභාපතිගේ ප්‍රධානත්වයෙන් ක්‍රියාත්මක වනු ඇත.

යහපාලනයක් සඳහා එක්සත් ජාතික පෙරමුණ සහ පත් වන ආණ්ඩුවේ පාර්ශ්වකරු වශයෙන් අගමැති රනිල් වික්‍රමසිංහ මහතාත්, සිවිල් සංවිධාන සහ පක්ෂ සියල්ල නියෝජනය කරමින් එහි සභාපතිත්වය දරමින් සුප්‍රසංග ඔහුටුවෝ සෝභිත ගිමි එහි පාර්ශ්වකරු ලෙසත් මෙම ගිවිසුම අත්සන් කරන අතර, සියලු සිවිල් සංවිධාන සහ පක්ෂ නියෝජිතයන් මෙහි සාක්ෂි කරුවන් ලෙස අත්සන් තබනු ඇත.