Sri Lanka's failed reconciliation under the presidencies of Mahinda Rajapaksa and Maithripala Sirisena: A story of clashing nationalisms in a heavily polarized country

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Abstract

In the years after the Sri Lankan civil war (1983-2009) no reconciliation between the Sinhalese government and the Tamils occurred. This means that the grievances that led to the war are still in place, which can result in the recurrence of violence. This explorative thesis provides an explanation for the absence of reconciliation in postwar Sri Lanka. Furthermore, it contributes to the academic knowledge of the concept of political reconciliation. The research shows that president Mahinda Rajapaksa (2005-2015) had no intentions to reconcile with the Tamils, since his total victory over the LTTE gave him the opportunity to rule the country in an authoritarian way with the support of many Sinhalese Buddhists in the country. President Maithripala Sirisena (2015-2019) on the other hand came to power with promises of reconciliation, democracy and justice. However, the political divisions in his anti-Rajapaksa grand coalition hindered him to deliver on his election promises.

Key words: reconciliation, transitional justice, Sri Lanka, truth, reforms, victor's justice, Sinhala-Buddhist nationalism, Mahinda Rajapaksa, Maithripala Sirisena

Contents

List of abbreviations

HRW	Human Rights Watch
ICG	International Crisis Group
JHU	Jathika Hela Urumaya
JVP	Janatha Vimukthi Peramuna
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non-Governmental Organization
NUG	National Unity Government
SLFP	Sri Lanka Freedom Party
TNA	Tamil National Alliance
TULF	Tamil United Liberation Front
UN	United Nations
UNHRC	United Nations Human Rights Council
UNP	United National Party

List of abbreviations

Introduction

During the military dictatorship of president Augusto Pinochet in Chile, between 2.000 and 3.000 citizens disappeared or were killed for politically motivated reasons. His successor, president Aylwin, created the Chilean National Commission for Truth and Reconciliation, with the mandate to investigate the executions, disappearances and other human rights abuses (Hayner, 2002, p.35-36). The Commission researched 2.920 individual cases and delivered a report of 1.800 pages on the brutalities that happened under Pinochet's regime. In a statement on national television president Aylwin begged for forgiveness from the victims on behalf of the government and asked the military to do the same (Hayner, 2002, p.37). In the months that followed, the military was stripped from its political power, a significant reparations program was started for the families of the victims, some perpetrators were prosecuted and the national holiday celebrating the coup of 1973 was abolished (Hayner, 2002, p.37). Although the reconciliation process in Chile was not flawless, it is a good example of how a government can work on reconciliation between parties in a post-conflict society. However, the case of postwar Sri Lanka shows that it does not always work like this, since none of the abovementioned measures have occurred there.

Political reconciliation is considered to be a necessary condition for the non-violent coexistence of parties that previously engaged in conflict (Kiejewski, 2019, p.846). Many postwar countries commit to the establishment of reconciliation mechanisms to prevent the recurrence of violence. As a result of clashing Tamil and Sinhalese nationalism, Sri Lanka experienced a long and deadly civil war from 1983 until 2009 between the Liberation Tigers of Tamil Eelam (LTTE) and the Sinhalese government. The last six months of the war were fought in Tamil territory, where the LTTE used Tamil civilians as human shields. The government forces did not hold back and crushed the LTTE, which resulted in an estimated 40.000 civilian casualties. Postwar Sri Lanka is characterized by loss, grief, displacement and destruction. The population is extremely polarized and the postwar governments have failed to recognize the Tamil grievances against the state that led to the war (ICG, 2011). The Rajapaksa regime (2005-2015) showed signs of unwillingness, whereas the Sirisena regime (2015-2019) with good intentions, seemed to be incapable of delivering reconciliation. The result was the same: the postwar Sri Lankan governments failed to achieve effective reconciliation. There has been no prosecution of war criminals, there is no shared vision of the events of the past and no significant state reforms have occurred. This leads to the following research question:

Why have the Sri Lankan governments of Mahinda Rajapaksa and Maithripala Sirisena failed to reconcile with the Tamils after the civil war?

Sri Lanka has been exhausted by a protracted civil war. The defeat of the Tamils in 2009 provided a period of rest and peace in most parts of the country. However, reconciliation is necessary to prevent the recurrence of violence and to provide a stable future for the country. The issues of representation and clashing nationalisms have not been resolved, even though the war ended. In this thesis reconciliation is defined as: "the backward- and forward-looking process of building or rebuilding relationships damaged by violence and coercion, not only among people and groups in society, but also between citizens and the state" (UN, 2012). This thesis will describe the ways in which the Rajapaksa and the Sirisena regimes dealt with political reconciliation and identify the obstacles in the process. This will provide insights that will be useful to keep in mind when a new opportunity for reconciliation occurs. This is not expected soon, since the 2019 elections returned Sri Lanka into the hands of the Rajapaksa dynasty, this time Mahinda's brother Gotabaya Rajapaksa, with its Sinhala nationalist agenda (ICG, 2021).

In order to answer the research question, a qualitative method will be used. This is an explorative study, with the aim to research the absence of the phenomenon of reconciliation in a single case. Since there is a causal question, a method of process tracing will be used to look backwards into the causal chain of events. Process tracing is an analytic tool that is used to describe and identify causal mechanisms (Collier, 2011, p.824). The method links causes and outcomes through an analysis of the observable empirical manifestations of the linking mechanism. The failed Sri Lankan reconciliation will be studied through a content analysis of relevant documents. Various sources can provide insights. First, there is the academic literature about both historical and postwar Sri Lanka. Second, there is academic literature about both reconciliation and transitional justice. Other cases of reconciliation will be used. Third, there is a significant number of reports from international organizations about human rights and reconciliation in Sri Lanka. Some examples are reports from international organizations like the United Nations, the International Crisis Group, Amnesty International and Human Rights Watch. NGO's are very helpful for data collection. Fourth, media sources provide detailed information about the daily politics of Sri Lanka. Finally, policy documents and statements of political leaders will provide insights into the motives of the government or specific leaders for the unwillingness or inability to reconcile.

The contribution of this thesis is twofold. First, it establishes an in-depth analysis of the politics concerning reconciliation in postwar Sri Lanka. In doing so, it provides explanations for the failure of reconciliation. Furthermore, the thesis addresses the largely unresearched presidency of Sirisena. Secondly, the research engages in theory-building around the concept of political reconciliation. The case of postwar Sri Lanka is useful in determining what conditions hinder the occurrence of reconciliation.

In the following section a review is given on the reconciliation literature in three parts. The first theoretical part deals with definitions and the use of the concept. The second, more practical part sheds light on the different components of reconciliation. The final part deals with theoretical explanations that might contribute to the question of absence of reconciliation in a postwar situation. Thereafter, a section is included in which reconciliation is operationalized. The two subsequent sections provide empirical evidence to show in what ways reconciliation has failed under the presidencies of both Mahinda Rajapaksa and Maithripala Sirisena. In the final section the method of process tracing is used to find out why both presidents failed to reconcile.

Reconciliation

Reconciliation in theory

Reconciliation is an essentially contested concept, which means that there are a variety of meanings linked to the concept. Schaap puts this very sharply: "Even the most conservative supporter and the most radical opponent of the old regime are likely to agree that reconciliation is a desirable social good in the changed political circumstances in which they find themselves." (Schaap, 2005, p. 11). He argues that the complexity derives from the variety of practices included in reconciliation: apologizing, repairing, punishing, restoring, forgetting, repenting, remembering, redeeming and understanding. In this sense, the concept can be depicted as a scale with minimalist and maximalist instances. A minimalist form could be the commitment by the ex-belligerents to deal with contested issues in the political arena. A maximalist form could be the construction of a shared narrative of the past and a common vision of the future (Skaar, Gloppen and Suhrke, 2005, p.4).

The definition problem of reconciliation is reinforced by the applicability of the concept to different countries. Daly and Sarkin argue that every country is unique and had its unique experience of conflict. Consequently, no country can replicate the reconciliation process of another country (Daly and Sarkin, 2007, p.239). Countries have different sets of resources, traditions and social capital that influence the process. On the other side, each country deals with its own limitations to the process, like a traumatized population, extreme poverty or a long history of warfare (Daly and Sarkin, 2007, p.239). This means that the trajectory of reconciliation must be tailored to the landscape of each state.

Although there is a slight difference in the meaning, the concepts of transitional justice and political reconciliation are very interwoven and nowadays used almost interchangeably (Hughes and Kostovicova, 2018, p.618). The term transitional justice can be traced back to the Nuremberg Trials, aimed at the prosecution of high-ranking Nazi officials (Sharp, 2018, p.2). The academic field emerged in the late 1980's and focused on two processes. First, rebuilding a society in the aftermath of a violent conflict. Second, managing transitions from autocracy to democracy in cases with severe human rights abuses (Hughes and Kostovicova, 2018, p.618). Since the 1990's, both transitional justice and political reconciliation have been universally promoted as being essential for a durable peace (Hughes and Kostovicova, 2018, p. 628; Fisher, 2011, p. 406). In 2004 the United Nations Secretary General published an important report endorsing both transitional justice and political reconciliation, which led to a deployment of the concepts all over the world (Sharp, 2018, p.7-8).

The concept of reconciliation is also closely related to democracy and its consolidation. This might be one of the reasons why reconciliation is adopted by the international community as a core aspect of post conflict policy. Reconciliation is supposed to establish a minimally cohesive society

among the people of a state. This minimum of cohesion is essential for a democracy to function properly. The only way for democracy to work is when the divided groups in a society have chosen to be governed in common (Daly and Sarkin, 2007, p.19).

This thesis uses a definition of reconciliation that has been used by the United Nations. "Reconciliation is the backward- en forward-looking process of building or rebuilding relationships damaged by violence and coercion, not only among people and groups in society, but also between citizens and the state" (UN, 2012).

Reconciliation in practice

It is important to understand what reconciliation entails and how the concept is applicable in practice. Since the end of the Cold War many countries have struggled with a legacy of painful and grave state wrongs (Schaap, 2005, p.10). The process of reconciliation has been used in these countries to try to transform relations of enmity between groups into relations of civic friendship (Schaap, 2005, p.8). Hayner summarizes this process as follows: "reconciliation is about building relationships today that are not haunted by the hatreds and conflicts of yesterday." (Hayner, 2002, p.161). This process is very delicate, since far-reaching measures can result in a return to civil war or a military coup (Schaap, 2005, p.10). Based on the literature, three main components of reconciliation can be distinguished: justice, truth and future reform (Skaar, Gloppen and Suhrke, 2005, p.19; United Nations, 2010, p.2; Sharp, 2018, p.1). These three components can be applied both together and separate. In the next section these components will be described briefly.

Striving for justice is an important part of reconciliation. Countries that endured violent conflicts often have to deal with the consequences of severe human rights abuses, genocides and grave state wrongs. Post-conflict societies, consisting of victims and perpetrators, can use the approach of justice to come to terms with their legacy of large-scale past abuses (Sharp, 2018, p.1). Perpetrators must be held accountable and prosecuted and punished for their crimes. This can stimulate the process of closure for victims (Skaar, Gloppen, Suhrke, 2005, p.7). Furthermore, it shows a break with the unjust order of the past. However, history has shown that successful trials of perpetrators are uncommon. Post-conflict societies usually have weak judicial systems that cannot guarantee independence and do not have the capacity to handle the large number of crimes that demand prosecution (Hayner, 2002, p.88). Hayner mentions the cases of Guatemala, Uganda and Haiti, where only a few dozen trials took place (Hayner, 2002, p.89). This can be overcome with the use of alternative mechanisms for justice like international tribunals and trials in foreign courts. Although these options strengthen the institutional quality of the process, it weakens the chances for domestic

reconciliation, since it takes away the local ownership of the process (Skaar, Gloppen, Suhrke, 2005, p.7).

A second mechanism of reconciliation is to focus on truth. Last section showed that punishment via prosecution is rarely successful and not always possible. Therefore, many countries have focused on truth-seeking. The logic behind this is that knowledge about what happened is crucial for reconciliation and closure (Skaar, Gloppen, Suhrke, 2005, p.7). Hayner provides a clear definition of truth commissions: "A truth commission is concerned with the following basic aims: to discover, clarify and formally acknowledge past abuses; to respond to specific needs of victims; to contribute to justice and accountability; to outline institution responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past" (Hayner, 2002, p.24). Fischer adds that truth-seeking mechanisms are especially important for divided societies. She states that nationalist language, based on historical distortion, fuels future conflicts. Therefore, truth about the facts of the past is necessary to prevent further violent escalations (Fischer, 2011, 410). She adds that it is also an important mechanism for counteracting cultures of denial. Truth commissions have also been used as a precursor to prosecution of perpetrators.

Reconciliation is often associated with reforms. Reforms can be implemented in order to restructure the practices or laws that created the grievances that led to the conflict (Daly and Sarkin, 2007, p.188). Examples can be constitutional or legal reforms, that lead to changes in the representation of minorities, the acceptation of other languages as the national language and the prevention of human rights violations. There are also economic reforms that mostly deal with redistribution. Reconciliation is more successful between people who are more or less equal (Daly and Sarkin, 2007, p. 229). Economic reforms can be used to compensate for past crimes and injustices. Social reforms and affirmative action play a role in the leveling of the playing field (Skaar, Gloppen and Suhrke, 2005, p.39).

Why reconciliation sometimes fails

There is a difference between conflicts that end via negotiation and conflicts that end via military defeat. In the cases where there is a clear victor of the conflict, the winning leaders have a beneficial position with regard to the political future of the state. This phenomenon in which the peace is dominated by the conflict's victor is called 'victor's justice' or 'victor's peace' (Hughes and Kostovicova, 2018, p.620). Piccolino established a mechanism of the victor's peace narrative based on the case of Ivory Coast. It starts with the victor taking control of the capital city and the central state apparatus. The victor monopolizes the political power and its government implements exclusivist policies. The monopolization and consolidation of the power often goes hand in hand with clientelism and nepotism

(Piccolino, 2019, p. 363). This process often arouses deep feelings of mistrust and resentment towards the victor. A victor's peace is characterized by the absence of both power-sharing with the losing party and processes of reconciliation (Piccolino, 2019, 361). Wagner adds that another aspect of the victor's peace usually is the disarmament of the loser and the destruction of the organizational identity of the loser in order to prevent future mobilization against the state (Wagner, 1995, p.261). In a victor's peace scenario, the necessity to address the grievances that led to the conflict and the necessity to reconcile with the loser decreases significantly, since the loser lost its power, its weapons and its mobilization capacities. The concept of a victor's peace would explain the unwillingness to reconcile, since the victor destroyed the organizing capabilities of the losing groups and has consolidated its power.

A very dominant factor in the history of Sri Lanka is the Sinhalese Buddhist ideology. The majority of Sri Lankan Buddhists follow the Theravada tradition, which is also popular in Myanmar, Thailand and Cambodia (Keyes, 2016, p.41). When Sri Lanka became independent from the British, the Buddhist religion got blended with the nationalist ideology. President Bandaranaike, a convert to Buddhism, was imperative for the linking of politics and religion. He introduced a number of policies, such as the Sinhala Only Act, which were designed to give the Buddhists a privileged position (Keyes, 2016, p.43).

These Sinhalese-Buddhist nationalist policies turned non-Buddhists into second class citizens. It was this Sinhalese-Buddhist nationalism that was responsible for Tamil nationalism and the creation of the LTTE. Sinhalese-Buddhists of the Theravada tradition argue that everyone can live in Sri Lanka as long as the Sinhala-Buddhists can enjoy religious, political, cultural, linguistic and economic hegemony (Imtiyaz, 2014, p.317). Furthermore, the unitary character of Sri Lanka is sacred to them (Devotta, 2011, p.135). This means that all others living on the island do so by the grace of the Sinhala Buddhists. A significant part of the Sri Lankan population follows the Buddhist religion. Although not all Buddhists are nationalists, the Sinhalese Buddhist nationalist ideology is broadly accepted (Devotta, 2007, p.8). Imtiyaz adds that 70 per cent of the Buddhists in Sri Lanka is associated with the Theravada tradition (Imtiyaz, 2014, p.).

Interestingly, a similar situation can be observed in Myanmar. The Muslim Rohingyas of Myanmar are considered by the Buddhist Burmese government to be illegal migrants to the country, even though a significant majority of them descended from the indigenous peoples of Myanmar (Keyes, 2016, p.48-49). The sacredness of the unitary state is an obstacle for power-sharing with other minorities. Since the representation of minorities was one of the grievances that led to the Sri Lankan civil war, the Sinhalese-Buddhist nationalism is a threat to the reforms that are part of the process of reconciliation. On top of that the perspective of a unitary state turned government troops that fought against the LTTE into war heroes, since they defended the unitary state. This is problematic for the prosecution of perpetrators of alleged war crimes (ICG, 2017).

Operationalization of political reconciliation

Based on the literature about political reconciliation, three main components have been defined: justice, truth and future reform. Below, four criteria have been formulated in order to determine whether reconciliation succeeded or failed. When at least one of the criteria in each category has been fulfilled, reconciliation has been successful.

Justice	The government actively pursues the prosecution of war criminals.
Truth	There is a shared vision of events that happened in the past among all groups in the society.
	Events of the past will not be denied, there is an open culture to speak about the past.
Future Reform	Reforms are implemented to restructure the practices or laws that created the grievances that led to the conflict.

Historical background of the conflict

The protracted Sri Lankan civil war was a result of clashing Sinhala and Tamil nationalisms and a struggle for political representation. Both ethnic groups have a long and continuous history of settlement on the island of Sri Lanka. During the British period the kingdoms of the Sinhalese and the Tamils were brought under the same administration for the first time (Manogaran, 1987, p.3). The Tamils, living in the dry zones of Sri Lanka, had to find alternatives for agriculture to provide in their livelihood. Therefore, many Tamils learned the English language, which gave them the opportunity to get a well-paid job in the British-run administration (Manogaran, 1987, p.4). The Tamils were represented disproportionally in the public administration, even in Sinhalese districts. When the British considered greater participation for the Sri Lankan population in the political process, this created a wave of Sinhalese nationalism, since the Sinhalese were afraid to be ruled by the Tamils (Manogaran, 1987, p.7). The Sinhalese mobilization led to the Donoughmore Constitution of 1931, in which the system of representation was mostly based on territoriality instead of communality. In this new system the Sinhalese dominated and formed the first cabinet that excluded the Tamils (Manogaran, 1987, p.8). The Sinhalese majority has been in power ever since.

Since the independence of Sri Lanka in 1948, the Sinhalese government has been gradually imposing discriminatory laws onto the Tamil minority (Rotberg, 2010, p.50). Some important examples were the 1948 Ceylon Citizenship Act, which resulted in the statelessness or deportation of approximately 700.000 Indian Tamils, the 1958 Sinhala Only Act, which prohibited government jobs for people who did not speak Sinhala fluently and the 1971 Policy of Standardization which gave ethnic Sinhalese preferential treatment in acquiring university places. Tamil dissatisfaction over these discriminatory laws resulted in mass demonstrations.

During the 1970's the nationalist Tamil youth got frustrated with the tactics of the old Tamil guard. Various militant youth organizations emerged, of which the Liberation Tigers of Tamil Eelam (LTTE) was the most powerful. The militant organizations pressured the Tamil United Liberation Front (TULF), the main Tamil political party, to call for a separatist state (Wickremesekera, 2016, p.11). TULF convincingly won the 1977 general elections in the North and the East, the Tamil heartland, which proved the endorsement of the Tamil masses for a separate Tamil Eelam (Wickremesekera, 2016, p.11). In the years that followed the elections, multiple terrorist and guerilla attacks were carried out by young Tamils. These attacks led in return to widespread anti-Tamil riots in Sinhalese parts of the country. The ferocious anti-Tamil riots of July 1983 became a turning point and started a long and deadly civil war (Uyangoda, 2007, p.20).

The civil war gradually became more and more violent. The government troops lacked professional training and were provided with bad military resources (Wickremesekera, 2016, p.234).

The Tamils on the other hand were highly motivated and received training and weapons from India. Two important events had a major influence on the war. First, since the early 2000's the Tamil Tigers faced serious backlash as a result of the 'war on terror'. Many countries started to collaborate with the Sri Lankan government and blocked the Tamil's access to weapons (Wickremesekera, 2016, p.235). Second, the murder of the former Indian prime minister Rajiv Gandhi in 1991 by Tamil extremists led to the loss of Indian support for the Tamil Tigers. The final six months of the war were the deadliest. Almost 40.000 Tamils died in this period and multiple war crimes were committed by both the Sri Lankan army and the LTTE (Seoighe, 2017, p.8). In May 2009, the government forces defeated the Tamil Tigers and executed their leaders.

Failed reconciliation under president Mahinda Rajapaksa

In the 2005 presidential elections Mahinda Rajapaksa, a politician from the rural parts of Sri Lanka, was elected president (Edirisuriya, 2017, p. 213). He started as a human rights activist and gained political experience in his positions as member of parliament, cabinet minister and eventually prime minister. Mahinda Rajapaksa was appealing to the rural Sinhala majority and became very popular because of his activism against human right violations (Edirisuriva, 2017, p. 214). Prior to the 2005 elections he made an agreement with two Sinhala nationalist parties, the JVP and the JHU, to ensure his victory over his center-right opponent Ranil Wickramasinghe. This agreement entailed the denial of the claim of an exclusive Tamil homeland (de Silva, 2006, p.118). Rajapaksa and his SLFP secured the Sinhala majority vote and won the elections with a close margin of 50.3 % of the votes. After his election he named two nationalist Sinhala hardliners, Gotabaya Rajapaksa and Sarath Fonseka, as respectively defense secretary and army commander (Devotta, 2011, p.133).

The government, determined to end the war, adopted new tactics and invested heavily in the military. In addition, the military targeted Colombo for sleeping LTTE cells and LTTE supporters. Many of these supporters disappeared. The UN Working Group on Disappearances concluded that Sri Lanka in 2006 and 2007 exceeded any other country in the number of disappearances (Devotta, 2011, p.133). The new tactics of the government troops paid off. In the first half of 2009 the government troops closed in on the LTTE, while hundreds of thousands of Tamil civilians were trapped in the warzone. The LTTE used them as human shields (Devotta, 2011, p.134). Under the guise of a hostage-rescue mission, the army attacked civilian areas. More than 20.000 Tamil civilians were killed and even more were wounded. Many surrendering LTTE-soldiers were murdered. On top of that, thousands of LTTE officers were tortured and have disappeared (Devotta, 2011, p.134).

In his victory speech, Rajapaksa stated: "We have removed the word minorities from our vocabulary. No longer are the Tamils, Muslims and others minorities." (Rajapaksa, 2009). This statement fits in the presidents narrative of denying the need for reconciliation, since the LTTE had been crushed (Uyangoda, 2010, p. 134). The end of the civil war created an unprecedented opportunity for the government to move in the direction of political reconciliation and to address the grievances that had led to the conflict (Uyangoda, 2010, p.134). Despite the international pressure to apply a policy of reconciliation, Rajapaksa chose to focus on regime consolidation. To secure his position, he called for early elections in 2010, because of his peak in popularity after the end of the war.

Soon after the end of the war it became clear that Rajapaksa had no intentions to strive for justice and accountability. Therefore, the United Nations proposed to establish an advisory panel to investigate what steps could be taken to guarantee accountability (Uyangoda, 2010, p.135). The Sri Lankan government opposed this initiative and called it: "an unwarranted and unnecessary

interference with a sovereign nation." (Sri Lanka Ministry of Foreign Affairs, 2011). The fear for a war crimes tribunal motivated the government in 2010 to erect its own mechanism: The Lessons Learnt and Reconciliation Commission (LLRC) (Cronin, 2020, p.137). The LLRC was meant to investigate the humanitarian and political events that happened between 2002 and 2009. One year later however, a United Nations panel of experts concluded that the LLRC lacked independence, witness protection capacity and mandate to guarantee a fair accountability process (ICG, 2011).

In 2013 something similar happened. The UN High Commissioner for Human Rights announced a visit to Sri Lanka, which created a lot of attention for the human rights situation in the country. In response to increased Western criticism on the Rajapaksa regime, Rajapaksa announced the creation of a commission with the mandate to investigate wartime disappearances (Cronin, 2020, p.139). In her article Cronin speaks about human rights half measures: the creation of weak accountability institutions, in order to escape punishment. She concludes the following: "The behavior of the Sri Lankan government can be seen as a reasonable gamble on escaping punishment for noncompliance, while avoiding the full costs of meeting human rights obligations (Cronin, 2020, p.153).

The LLRC failed to provide an objective investigation into past events and its report did not lead to actions that furthered reconciliation through justice or truth. Furthermore, the Rajapaksa regime had its own version of the events that happened during the war. A good example is the statement of the minister of defense, Gotabaya Rajapaksa, that the military pursued a policy of 'zero civilian casualties' in the aftermath of the war, which led to very few civilian deaths (ICG, 2012). This statement ran counter to the increasing amount a video evidence that came to light in the months after the end of the war (Goodhand, 2011, p.136). In June 2011, the Australian Channel 4 released the documentary 'The Killing Fields' which is based on this video evidence and showed the atrocities that happened in the aftermath of the war. The Sri Lankan government responded with the video 'Lies agreed upon' which questioned the documentary's veracity (Goodhand, 2011, p.136). August 2011 was the first time that the Ministry of Defense disclosed that the claim of zero civilian casualties in the aftermath of the war was inaccurate (Cronin, 2020, p.138).

Earlier in 2009, when the civil war intensified, Rajapaksa promised the worrying international community that a reform package would be implemented once the LTTE was defeated (Uyangoda, 2009, p.108). The Tissa Vitharana Committee, responsible for this reform package, proposed devolution of power from the center to the provincial and the local level. However, when the military defeated the LTTE, the Committee was deemed irrelevant by the government (Uyangoda, 2009, p.109). The issue of devolution has not returned to the political agenda during the Rajapaksa presidency. Uyangoda adds that Rajapaksa's coalition of hardline Sinhalese nationalist parties, which is devoted to the preservation of the unitary and centralized state and opposed to any form of devolution, is not a suitable vehicle for the implementation of reforms that address Tamil ethnic grievances. Reforms

usually require more moderate political forces (Uyangoda, 2009, p.109). Instead of a focus on devolution, Rajapaksa's regime passed the 18th Amendment to the Constitution, which gave the president more power and control over the political institutions of Sri Lanka (Uyangoda, 2011, p.136).

The Rajapaksa regime clearly showed no intentions to provide justice through the prosecution of war criminals. It resisted international interference and created weak mechanisms to keep the international community at bay. Furthermore, during the Rajapaksa rule there was no shared vision of past events. On the contrary, the government openly denied what happened in the aftermath of the civil war. Finally, the government was not willing to implement reforms that would address the Tamil grievances. This leads to the conclusion that the Rajapaksa regime was unwilling to reconcile with the Tamils.

Failed Reconciliation under president Maithripala Sirisena

"In January 2015, the unthinkable happened: a peaceful and democratic change led to the collapse of a seemingly invulnerable edifice." (Wickramasinghe, 2016, p.222). Wickramasinghe speaks about the surprise victory of Maithripala Sirisena in the presidential elections. Sirisena was minister of health in the Rajapaksa regime. Prior to the elections Sirisena joined a coalition of opposition parties. The biggest of these parties was the United National Party, the main rival of the SLFP (BBC, 2015). The coalition was very broad, since it also consisted of a hardline Sinhala Buddhist party, the JVP, that denies the thousands of Tamil deaths in the aftermath of the war (BBC, 2015). The coalition of which Sirisena is a part can be seen as an anti-Rajapaksa movement. Although Rajapaksa was popular for ending the civil war and facilitating steady economic growth after the war, many Sri Lankans were fed up with his corruption, nepotism, populism and authoritarianism (Seoighe, 2017, p.104). On top of that, many members of Muslim, Tamil and Christian minorities felt marginalized under the Rajapaksa regime (BBC, 2015).

Sirisena was relatively unknown to the people of Sri Lanka. This absence of controversies provided him a clean slate. After the announcement of his candidacy many civil society organizations, the Tamil National Alliance (TNA), the Sri Lanka Muslim Congress, former president Chandrika Kumaratunga and a senior Buddhist monk endorsed him and started campaigning for him (de Silva, 2016, p.200). Sirisena campaigned on a platform of reform and his main election promise was the abolishment of the executive presidency (Edirisuriya, 2017, p.227). He signed a Memorandum of Understanding with 36 parties, promising that he would only run for one term, abolish the presidency and leave Sri Lanka as a parliamentary democracy. Other election promises were to eliminate corruption, to write a new constitution, to improve the economy, to restore the rule of law and to address the legacy of the war (ICG, 2017).

In his independence speech Sirisena set the tone for his regime, with the following words: "On this solemn occasion, we pledge to adopt consensual approaches through democratic means, to advance national interest, national reconciliation, justice and equality for all citizens. We shall do this in a spirit of tolerance, accommodation and compromise and uphold the unity and territorial integrity of the nation for the progress and development of our pluralistic society." (Sirisena, 2015). An important event for the Sri Lankan reconciliation agenda was the adoption of UNHCR resolution 30/1, which was supported by the Sirisena government (HRW, 2019). The resolution praised the new government for its efforts to advance the respect for human rights, to investigate allegations of corruption, fraud and abuse of power and to create a more open environment for members of civil society (UNHCR, 2015). The main commitment of the resolution was the creation of four mechanisms

of transitional justice. These mechanisms consist of an accountability mechanism, a truth and reconciliation mechanism, an office for reparations and an office of missing persons (HRW, 2019).

In the first year of his term Sirisena implemented some promising changes. In contrast to Rajapaksa, he invited UN experts to conduct investigations and to make recommendations. He replaced a former military officer as governor in the Tamil-controlled North and appointed a civilian instead. He also held public consultations on reforms and justice mechanisms (HRW, 2021). He could not deliver on his promises to abolish the presidency, since that required a two third majority in parliament, which by that time was still dominated by the old guard (de Silva, 2016, p.200). Instead, he managed to get approval for the 19th amendment to the Constitution. This reversed Rajapaksa's 18th amendment. The presidential term was reduced to 5 years and the president could no longer seek a third term. The amendment also reduced the presidential influence over the administration and the judiciary (de Silva, 2016, p. 200).

After this relatively successful start, the pace of the progress slowed down, which led to concerns by civil society organizations and the international community (HRW, 2019). In 2017, president Sirisena and prime minister Ranil Wickramasinghe spoke out against international involvement in the prosecution of war criminals. They claimed it was not feasible (ICG, 2017). In addition, they stated that 'war heroes' would be protected from prosecution (HRW, 2019). Their statements ran counter to the content of UNHCR resolution 30/1 and the election promises of Sirisena. Especially the Tamils, who had insisted on international involvement because of the lack of independent justice institutions on the national level, were disappointed by these statements. As a response to these statements a number of Tamil diaspora groups tried to get the international community's attention with the following statement: "In the 15 months since the resolution, even basic pledges have been broken by the government. The commitment to release all political prisoners, return of occupied land that belongs to the Tamil people and repeal of the draconian Prevention of Terrorism Act are all promises which have not been fulfilled." (Tamil Guardian, 2017).

Although Sirisena promised drastic reforms, at the end of this presidency not much had changed. He failed to abolish the presidency and only diluted its powers (Francis, 2019). A new constitution was promised to guarantee devolution of certain powers to the provincial level, a reform that was welcomed especially by the Tamils. The Constitutional Assembly responsible for this task, failed to deliver because of deteriorating relations between the main parties and between the prime minister and the president (Welikala, 2019). The contentious issues in this Assembly concern the questions whether Sri Lanka is unitary or federal and whether there is a national religion (Welikala, 2019). During the process, the coalition for reform broke down, which meant that the necessary two thirds majority in parliament for a new constitution vanished.

An important break with the past during Sirisena's presidency was the way in which he dealt with civil society, the media and activists. Rajapaksa used the Prevention of Terrorism Act in order to target human rights activists, to suppress the media and to torture and detain perceived opponents (HRW, 2019). Sirisena, on the contrary, tried to involve civil society in the reform plans for the country and did not target the press. There was a peak in trade union activity and student activism (Francis, 2019). Under Sirisena, Sri Lanka moved up on the freedom of press index from 165th place in 2015 to 128th place in 2019 (RSF, 2020).

The election victory of Sirisena heralded a new era with opportunities for reconciliation, justice, truth, reforms, democratization and the consolidation of peace. Although he declared to provide justice through the prosecution of war criminals in his election campaign, in 2017 he reverted this stance by stating that war heroes will be protected from prosecution. Out of the four mechanisms announced in the UNHCR resolution 30/1, only the Office of missing peoples had been established. But this happened in 2018, almost at the end of his presidency (HRW, 2019). The government never pursued the establishment of the accountability, truth and reconciliation and reparations mechanisms. Constitutional reforms that would abolish the presidency and achieve a certain form of devolution broke down because of internal divisions in the Constitutional Assembly. Still, his presidency was important for the openness of the society and the press freedom in the country. Although this openness creates opportunities to talk about the past and criticize the government, it is by no means enough to state that the process of reconciliation occurred during the Sirisena regime. This leads to the conclusion that the Sirisena regime had good intentions to deliver reconciliation, but in the end was not capable of delivering it.

Why did reconciliation fail in postwar Sri Lanka?

Sinhala-Buddhist Nationalism

The Sri Lankan civil war was a result of clashing Tamil and Sinhala nationalisms. The Tamils had a privileged position under the British regime, which sparked a wave of Sinhala nationalism (Manogaran, 1987, p.7). Since the Sinhalese took over the power in 1931, Sinhalese-Buddhist politicians followed a progressively nationalist ideology. The Sinhalese-Buddhist ideology is based on a belief of a sacred unitary Sri Lanka in which Sinhalese Buddhists are at the top of the hierarchy, far above minorities like the Tamils and the Muslims (Imtiyaz, 2014, p.317). In line with this ideology, the Sinhalese governments produced discriminatory laws against minorities like the Citizenship Act of 1948 and the Sinhala Only Act of 1956. It was this Sinhala-Buddhist nationalism that created the Tamil grievances that led to the claims of a separate Tamil state and eventually led to the civil war.

Since the 1950s, the two mainstream Sri Lankan political parties, the SLFP and the UNP, embraced the political strategy of ethnic outbidding. This is an auction-like process in which politicians try to outbid their opponents on their adopted anti-minority stances (Devotta, 2005, p.141). The outbidding process started with increasingly extreme positions by the UNP and the SLFP on linguistic matters, which resulted in the Sinhala Only Act. Another example was the outbidding process on the privileged position of Buddhism in the Sri Lankan society (Devotta, 2005, p. 152). This way the anti-Tamil and anti-minority sentiments became dominantly present in Sri Lankan politics.

When Mahinda Rajapaksa came to power in 2005, he was determined to defeat the LTTE. Previous negotiations between the government and the LTTE had been ineffective and Rajapaksa felt strengthened by the international war on terrorism (Uyangoda, 2009, p.105). He allied himself with the Sinhala-Buddhist nationalist JHU and the Marxist JVP to ensure the electoral victory over the UNP. The JHU is a party of Buddhist monks, who frame Tamil separatism and the presence of ethnic minorities as a threat to the Sinhala nation (Seoighe, 2017, p. 61-62). The JVP is a Marxist party, also with a lot of Buddhist monk politicians, who showed the willingness to defend the Sinhala-Buddhist nation with violence (Seoighe, 2017, p.57). Rajapaksa's alignment with Sri Lanka's two most extreme anti-minority parties is telling for his own position regarding minorities. The entry of the JHU and the JVP into the central government is a clear example of the institutionalization of the Sinhala-Buddhist nationalist ideology in Sri Lankan politics (Devotta, 2007, p.29). The JVP and the JHU subscribe fully to the nationalist ideology. Additionally, the UNP and especially the SLFP have at some point advanced a nationalist agenda (Venugopal, 2018, p.31).

The Sinhala-Buddhist nationalist ideology is hard to connect with the concept of political reconciliation. The ideology presents three important obstacles. First, the notion of the sacredness of

the unitary Sinhalese-Buddhist state is incompatible with state reforms that enable some form of devolution or federalism. The lack of minority representation was one of the main grievances that led to the civil war. The defeat of the LTTE in 2009 is seen by many as the final blow for federalism. Second, the protagonists of this ideology actively pursue a strategy of Sinhalisation. Venugopal defines this phenomenon as follows: "This project of state reform consists of advancing and prioritizing the material, spiritual and cultural interests of Sinhala Buddhist people with a view to enhancing and enshrining their predominance in society". (Venugopal, 2018, p.28). This process of Sinhalisation takes multiple forms. The Rajapaksa regime actively promoted Sinhalese migration to the predominantly Tamil Northeast. This strategy of Sinhalese expansion complicates decentralization and separation by minorities, since their territories become less clear (Venugopal, 2018, p.30). Sinhalisation is also a cultural process. Some obvious cultural examples are the Sinhala Only Act and the preferential position of Buddhism. More subtle examples are the renaming of villages and roads, the replacement of Tamil signboards and the prohibition of singing the national anthem in Tamil (Goodhand, 2013, p.68). Sinhalisation also has an economic component, which entails the directing of state resources and military and administrative jobs to the Sinhalese community. Finally, according to Sinhala-Buddhist nationalists soldiers who fought in the civil war against the LTTE can be considered as 'war heroes'. They fought for the unitary state of Sri Lanka. This makes it problematic to investigate, let alone prosecute, allegations of war crimes.

Victor's Peace

The Sri Lankan civil war ended with a clear victory for the Sri Lankan military. The LTTE was crushed and most of its leaders were killed. The Tamils who were in the LTTE-controlled areas were put in detention camps, screened for LTTE-related positions and gradually released (Devotta, 2011, p.134). However, many of the Tamils who went to the detention centers were tortured for information and thousands of them have disappeared (Natarajan, 2010). The 2011 report from the UN Advisory Panel concluded that as many as 40.000 Tamil civilians were killed in the aftermath of the war (Uyangoda, 2011, p.137). It is fair to conclude that the government troops gained an overwhelming victory and that the organized separatist struggle of the Tamils died with the defeat of the LTTE.

The defeat of the LTTE made Rajapaksa a very popular leader. He delivered on his election promise to end the war and provided safety and security after 26 years of war. Rajapaksa seized the moment to call for early presidential elections in 2010. He defeated his opponent, his former army commander general Sarath Fonseka, with a comfortable margin (Uyangoda, 2011, p.132). A few days after the election Sarath Fonseka was arrested on corruption charges in weapon-buying deals. The punishment of this national hero was a clear warning for potential opponents of the regime (Devotta,

2011, p.136-137). In the parliamentary election of the same year Rajapaksa and his coalition managed to win 144 out of the 225 seats, which is only six seats short of a two-thirds majority (Uyangoda, 2011, p.133). An interesting outcome of the election was the loss of the Sinhala-Buddhist nationalist JVP that lost 33 seats. This is a clear sign that Rajapaksa's party adopted the nationalist ideology and was very appealing to Sinhalese nationalists (Uyangoda, 2011, p.134).

Rajapaksa further monopolized the power through nepotism. Many of his family members got a job in his administration. In order to acquire a two-thirds majority he turned some members of parliament from the opposition and gave them a ministerial post (Devotta, 2011, p.138). This gave him the opportunity to pass the 18th Amendment to the Constitution (Uyangoda, 2011, p.136). As mentioned before, Rajapaksa followed the Sinhala-Buddhist nationalist ideology and pursued a strategy of Sinhalisation in order to reinforce the Sinhala dominance over the country. The approach of Mahinda Rajapaksa is completely in line with Picollino's concept of a victor's peace.

Another important aspect of the Rajapaksa regime is its focus on militarization. Rajapaksa invested heavily in the military as a means to defeat the LTTE. The president's brother Gotabaya had a high-ranking position in the army and became Secretary of Defense in Mahinda's administration (Devotta, 2011, p. 139). Therefore, it is no surprise that the Rajapaksa's and the military had very strong ties. The Sri Lankan military consists for more than 98 per cent of Sinhalese personnel. Most of them are from Sinhalese Buddhist strongholds in the South. That way most Sinhalese in the country have a family member in the military, which generates support for the institution (Venugopal, 2018, p.72). Although the war ended in 2009, the military budget only increased during Rajapaksa's rule. He invested heavily in the military presence in the Tamil provinces in the North and the East. In 2012 the military-to-civilian ratio in the Tamil North was estimated to be the highest in any of the world's conflict areas (HRW, 2018). The military made frequent use of the Prevention of Terrorism Act (PTA), which allowed them to arrest people for 'unlawful activities' without a warrant and made it possible to lock people up for 18 months without a trial (HRW, 2018).

The victor's peace of Rajapaksa gave him the power to block political reconciliation and to focus on power monopolization and Sinhalisation instead. Although the international community condemned him for these policies, time and again he got away with doing the bare minimum at moments of acute international pressure (Cronin, 2020, p.133). He did spend significant resource costs on weak accountability mechanisms, which shows his clear rejection to pursue reconciliation. Rajapaksa never implemented the recommendations of the LLRC, a weak accountability mechanism itself, to demilitarize the Tamil Northeast and to pursue devolution of power (Goodhand, 2012, p.71). The victor's peace and Rajapaksa's accumulation of power is problematic for the reconciliation agenda for three reasons. First, no transition of power occurred after the civil war, which means that the alleged perpetrators of atrocities and war crimes remained in power. On top of that the Rajapaksa

regime is closely tied to the military and has shown its willingness to protect 'war heroes' from prosecution. Second, the authoritarian ruling of Rajapaksa and his active policy of Sinhalisation did not leave any room for a shared truth. The government openly denied what happened in the aftermath of the war and was powerful enough to maintain its own narrative of past events. Finally, the victor's peace gave Rajapaksa the opportunity to monopolize state power instead of committing to devolution and power-sharing. Rajapaksa was powerful enough not to reconcile with the loser of the war.

Political Turmoil

When Sirisena won the presidential elections, his SLFP formed the National Unity Government (NUG) with the UNP for three months. The NUG was meant to bring constitutional reforms to improve the governance in the country (Sultana, 2017, p.3). Soon it became clear that hundred days was not enough and the term was extended. The grand coalition of the two biggest Sri Lankan parties, who are historical rivals, accounted for 85 per cent of the legislature (ICG, 2017). Sirisena appointed Ranil Wickramasinghe, the UNP leader, as his prime minister. Around forty members of the SLFP refused to join the government out of loyalty to Rajapaksa and became part of the opposition (Sultana, 2017, p.10-11). The NUG, which was more or less an Anti-Rajapaksa coalition, was ready to reform the country, promote reconciliation, investigate past crimes, fight corruption and draft a new constitution (ICG, 2017). The international community praised the new kind of political culture that the national unity government represented and saw it as something that could be emulated by other countries (Francis, 2019). The NUG committed itself to a list of 25 important targets for the first hundred days in office. Some of these targets were beneficial for the reconciliation agenda: abolishment of the executive presidency, the reversal of the 18th amendment and reforms of the electoral system. Although the first hundred days were successful, not all issues could have been addressed because of a lack of consensus in the government (Sultana, 2017, p.13).

The reforms and fulfillment of the election promises went slowly. After two years, no steps had been taken in the demilitarization of the Northeast. Furthermore, the Prevention of Terrorism Act was still intact. An important explanation for this is the position of the military. The military still enjoyed a significant degree of autonomy, which made the government hesitant to anger the military (ICG, 2016). The Tamils were also concerned about the lack of action regarding the prosecution of war criminals. Sirisena stated that constitutional reforms would be given priority over transitional justice (Colombo Gazette, 2017a). He said this in response to his earlier comments about the undesirability of involvement of foreign judges in the process of transitional justice. The new constitution would reform the judiciary to make it capable to process the multiple war crimes allegations (Sultana, 2017, p.24). However, the drafting of the new constitution takes time, so fast action on transitional justice was not

to be expected. The NUG had to balance between the conflicting interests that were present in the country. The Tamils were disappointed with the slow pace of the reforms and started to doubt the government's willingness to pursue justice. The Sinhala nationalists on the other hand were suspicious of the justice mechanisms that the government had promised in the UNHCR resolution and warned for renewed separatism when devolution was on the table (ICG, 2016). The NUG had to proceed very carefully, since a new constitution required a two-thirds majority in parliament.

During 2016 several violent incidents happened in the North, which caused the fear in the South and the West that a revival of the militancy in the North was plausible (Sultana, 2017, p.26). Tamils weren't the only targets, attacks on Christians and Muslims have also been reported. The state Minister of Defense responded that there is no threat to national security. He pointed the finger at Rajapaksa who tried to spread communal hatred in order to sabotage the NUG (Colombo Gazette, 2017b).

In the early years of the NUG the relationship between Sirisena and Wickramasinghe deteriorated. The UNP and the SLFP had been rivals for decades. There were important ideological differences on foreign policy, development strategy and language and ethnicity politics (Muni, 2018). The relations with both India and China were a key issue of difference. Sirisena, who was in favor of deepening economic relations with China, was not pleased when Wickramasinghe pledged to prioritize some Indian infrastructure projects (Jayaram, 2018). Another breaking point was the investigation of a corruption scandal at the Central Bank. The Bond Scam implicated prime minister Wickramasinghe, since he appointed the Governor of the Central Bank, who was found guilty of corruption, against the wishes of the president (Muni, 2018).

The 2018 local elections became the final blow for the NUG. Rajapaksa's new party, the SLPP, scored 40.5 per cent of the votes, leaving Wickramasinghe with 29.4 per cent and Sirisena with 12.1 per cent far behind. Shortly, after the loss of the election, the SLFP accused Wickramasinghe of corruption and involvement in the Bond Scam (Srinivasan, 2018). Prominent SLFP members demanded his resignation. Halfway February 2018, the SLFP quit the NUG. In October that year, Sirisena sacked Wickramasinghe as prime minister and appointed Rajapaksa in his place (Muni, 2018). This desperate move was a final attempt by Sirisena to have a shot at re-election. However, the Supreme Court declared the move to be in violation of the 19th Amendment and reversed it (Francis, 2019). After that there was no more hope for constructive cooperation. The Easter bombings in April 2019 that killed 269 people, drove the country back in the hands of the Rajapaksa's who promised to protect the Sinhalese people from the minorities.

The NUG delivered on some of Sirisena's election promises that were beneficial for the reconciliation agenda. A major achievement was the government's cooperation with the Tamil parties (Sultana, 2017, p. 40). Although the NUG had an absolute majority in the legislature and managed to

get support from the international community, the divisions inside the NUG were too deep. The anti-Rajapaksa sentiment united the parties, but they had been rivals for decades. Both Sirisena and Wickramasinghe had to balance their actions in order to keep the coalition together. However, the coalition lost its support and the relationship between the president and the prime minister turned sour very fast. In the end, the political turmoil in the NUG was too big of an obstacle to provide reconciliation in the Sri Lankan society.

Conclusions

The Sri Lankan civil war was a typical post-colonial war of which the foundations were laid during the colonial regime. The defeat of the LTTE in 2009 provided an opportunity to address the Tamil grievances that had led to the war. However, president Rajapaksa was not interested in political reconciliation. His overwhelming victory over the LTTE made him very popular and this enabled him to monopolize the state's power through constitutional changes. He was aided by a strong Sinhala-Buddhist electorate that embraced his nationalist policies. Rajapaksa's authoritarian regime pursued policies of Sinhalisation and discrimination and invested in the militarization of the Tamil North. He proved to be powerful enough to silence the opposition and to keep the international community at bay with weak accountability institutions.

In 2015 Rajapaksa was beaten by a National Unity Government that was united by a strong anti-Rajapaksa sentiment. The new president Sirisena promised to deliver political reconciliation, accountability, reforms and good governance. Although the first year of the NUG was promising, it soon became clear that the coalition was too divided. It was hard to balance between the conflicting interests of both the minorities and the Sinhalese Buddhist hardliners. The drafting process for a new constitution went very slow and meanwhile the relations between the president and the prime minister deteriorated fast.

The case of postwar Sri Lanka shows various obstacles for the reconciliation process. Ethnonationalist ideologies pose a direct threat to the process, since they prioritize the interests of one group and try to enhance the predominance of that group. However, in Sri Lanka there are no signs that the ideology is softening for more moderate voices. As mentioned before, moderate voices are more compatible with the concept of reconciliation. Reconciliation is a sensitive process in which polarized groups have to work and live together in a peaceful manner. The balancing of interests has proven to be very difficult. The case of Sri Lanka also shows that a society can come together in a NUG. NUG's have been used often to address national emergencies. However, a NUG that is too broad weakens its effectiveness.

This thesis focuses on reconciliation on the state level. A more comprehensive image can be created when international and local processes of reconciliation are included. So far there is no academic theory about the successes and failures of reconciliation. More research is needed to provide such a theory and various case studies like this thesis can be used to provide a clear theory about reconciliation.

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