

# NATIONAL POLICY ON RECONCILIATION AND COEXISTENCE SRI LANKA, 2017

## 1. INTRODUCTION

*Sri Lanka has endured a three-decade conflict including a protracted armed conflict which has caused suffering and damage to all communities and peoples in the country. The armed struggle concluded in 2009, leaving behind a breakdown in relations and trust, intolerance and prejudice between and within communities in the country.*

*In 2015, the Government of Sri Lanka renewed its commitment to reconciliation and thereafter embarked on several initiatives for national reconciliation. However, there remains a national need for an expressly stated and comprehensive National Policy on Reconciliation which this policy aims to fulfill.*

## 2. PREAMBLE

**Concerned** by the suffering, damage and detriment caused to the lives, dignity and security of all citizens of Sri Lanka due to the prolonged period of social and political tension, including the protracted armed conflict that spanned three decades;

**Acknowledging** that since the conflict ended there remains a breakdown of trust, intolerance and prejudice between and within communities;

**Mindful** of the fact that at the heart of the problem is the lack of an acceptable arrangement of shared political authority satisfactory to all communities in the country and that this has manifested itself in discontent and violence at different periods in the history of the country;

**Knowing** that a lack of equal access to opportunity ranging from, but not limited to, education, livelihoods, employment and justice remains a major cause of discontent in the country;

**Aspiring** to re-establish the good relationship between the State and the citizenry through a range of measures including but not limited to, through strengthening civil

*administration and, return of property and lands to rightful owners; promoting media freedom, generating livelihood opportunities; and protecting the rights and interest of missing and disappeared persons and their relatives;*

**Ensuring** *a conscious effort to fortify the national coexistence by strengthening the Srilankan identity; recognizing the diversity and cultural pluralism through policy, law, education and practice towards respecting the rights of persons to language and cultural heritage; the notion of nationhood to foster a stronger sense of togetherness of all Srilankans through dialogue, arbitration and activities prevent reoccurrences of marginalization and conflicts;*

**Conscious** *of the national consensus on language policy and law derive from the fact that language law has obtained constitutional status and national trilingual policy has obtained the approval of the cabinet of ministers;*

**Resolving** *to implement the languages policy and law, extensively throughout the country in the state & private sectors and among the citizenry;*

**Recognizing** *language policy implementation as the prelude to national coexistence and reconciliation;*

**Determined** *to respect, protect and fulfil the human rights of all citizens equally, including civil and political rights on the one hand and economic, social and cultural rights on the other, while continuing to combat impunity and uphold the rule of law;*

**Affirming** *that a process of healing has to take place in a holistic manner both individually for victims of conflict and violence, and collectively at the level of communities and societies that have suffered;*

**Considering** *the importance of developing a national narrative of the past that resonates with all communities in Sri Lanka;*

**Committed** *to creating an inclusive society, a sense of belonging, and an environment conducive to the full realization of the potential of every Sri Lankan citizen;*

*Calling for a whole-of-government effort and a multi-stakeholder process that combines a two-pronged approach, namely preventive through ensuring non-recurrence of past events, and through futuristic initiatives for reconciliation.*

*This National Policy on Reconciliation and Coexistence is founded on the imperatives of Democracy, Good Governance, Human Rights including right to language and cultural heritage, Rule of Law, National Unity and Coexistence of communities recognizing Diversities.*

### **3. OBJECTIVES**

1. To function as a state policy on reconciliation and coexistence.
2. To provide direction to national reconciliation and coexistence by addressing past violence and conflict, and through envisioning of a shared future that fosters national unity and peaceful coexistence among all peoples and communities in the country.
3. To provide a guiding framework to all stakeholders working on reconciliation and coexistence in order to achieve coherence in peace and national unity initiatives.

### **4. RATIONALE**

- All communities in Sri Lanka require an integrated, holistic and comprehensive response that is not ad-hoc and piecemeal.
- Acknowledging that while several peace and national unity initiatives are underway, there does not exist an expressed declared policy by the Government of Sri Lanka on the subject; hence this National Policy on Reconciliation and Coexistence aims to fill this gap.
  - A need to ensure coherence and consistency in the planning and development of all peace and national unity initiatives by the numerous stakeholders to the process.
  - Convinced of the value of achieving a shared vision of the Government and peoples of Sri Lanka and serve as a rallying point of consensus among all partners working on reconciliation and national coexistence.

## 5. POLICY PRINCIPLES

***A 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 and coexistence.***

### **EQUALITY**

- Proactively espouse the values of equality and equity in all national policies, laws, and activities as essentials.
- Acknowledge the principle of power-sharing as the means of reaching a political settlement, which would address the grievances and aspirations of all communities as a necessary constituent for reconciliation.
- Ensure equal access to services and opportunities for all peoples and communities in the country.
- Ensure gender equality in all national initiatives; develop protection mechanisms for vulnerable women around the country; redress and provide reparations to women who have endured violations; and promote agency of women as partners in decision-making and as agents of change in reconciliation processes and activities.
- Ensure that all citizens have equal access to their substantive freedoms and promote unequivocal non-discrimination, transparency, accountability and fairness in all legal, social, political and administrative mechanisms and proceedings at national, provincial and local levels.

### **HUMAN RIGHTS**

- The State shall make every endeavor to ensure that the full range of civil and political rights are equally upheld for all citizens and groups in the country in a non-discriminatory manner. The State should provide a mechanism to enforce civil and political rights and an enabling system for its implementation, which includes the rule

of law, administrative justice, educational measures to promote a rights culture and democratic structures with checks and balances. The judiciary should play an important role in ensuring the implementation of these rights.

- The State has obligations of conduct and result, which includes the obligation to respect, protect and fulfill economic, social and cultural rights through the maximum use of available resources. The judiciary should play an important role in ensuring the implementation of these rights.
- Protect the inherent dignity of every citizen given that every person has the right to have his or her dignity respected. Respecting human dignity ultimately means respecting the life of each and every human being. There is a need for individual and national restoration of dignity through individual and collective action.

### **LINGUISTIC RIGHTS**

- State machinery shall abide by the language policy and law that has obtained constitutional status as per the chapter IV, articles 18 to 25 of the constitution of Sri Lanka and national trilingual policy accepting Sinhala and Tamil as official languages and English as link language, which has obtained the approval of the cabinet of ministers.
- State machinery shall use Sinhala as the language of administration for the maintenance of public records and the transaction of all business by public institutions of all the provinces of Sri Lanka other than the Northern and Eastern Provinces where Tamil shall be so used as per the Article 22(1) of Chapter IV of the Constitution.
- State shall be mindful of the existence and constitutional provision of bilingual divisional secretariat divisions those are declared by the President provided that the President may, having regarded to the proportion which the Sinhala or Tamil linguistic minority population in any unit comprising a division of an Assistant Government Agent (Divisional Secretariat Division, sub-Division of a District), bears to the total population of that area, direct that both Sinhala and Tamil or a language other than the language used as the language of administration in the province in which such area may be situated, be used as the language of administration for such area as per the Article 22(1) of Chapter IV of the Constitution.
- State shall yield the best out of the current national consensus on language policy and law and shall affirm that language policy and law implementation as the prelude to national coexistence and reconciliation.

- State has the obligation by law and policy to create conditions that all citizens obtain written and oral responses in any of the official languages or link language of his or her choice at all state institutions, be they governmental, provincial, local governmental.
- State has the obligation by law and policy to create conditions that all State institutions, be they governmental, provincial, local governmental, display external and internal signs boards and public use documentation forms in the trilingual format.
- State has the obligation by law to oversee, confirm and create fair conditions that the official languages and link language are recognized as the languages of courts, languages of legislation, languages of legislatures, languages of schools as the medium of instructions as set and arranged in the Chapter IV of the Constitution of Sri Lanka.

#### **NATIONAL COEXISTENCE AND DIVERSITY**

- State shall reinforce all patriotic forces by law, policy and spirit to explore the notion of active citizenship in Sri Lanka and what it means to be Sri Lankan, strengthen the notion of Srilankan identity identifying the values enriched by the nation's diverse cultural pluralism and heritage and thereby recognizing the existence of more than one religion, language and ethnicity in this country as the natural prerequisite for national coexistence.
- State by policy, law, education and practice shall strictly provide leadership and directives to the citizenry and state machinery to ensure the rights of persons to language, religion and cultural heritage while socio-politically building the notion of Srilankan nationhood to foster a stronger sense of togetherness of all Srilankans through dialogue, arbitration and activities to create conditions for nonrecurrence of the past.
- The State shall endeavor to create an inclusive society by setting up mechanisms to actively encourage the participation of formerly marginalized groups in decision making as well as their access to opportunities and services.
- Ensure representation within the public service and judicial system that reflects the diversity of the Sri Lankan population.

- Promote inclusive citizenship initiatives that give all citizens a strong feeling that they are part of the overall society. These initiatives should make citizens feel that their grievances are being heard through legitimate channels of redress, which will in turn prevent a return to violence and emergence of new conflicts.
- Address the needs, empower, and engage with vulnerable groups affected by the conflict, including but not limited to, female heads of households, war widows, survivors of sexual and gender-based violence, children & youth, internally and externally displaced communities, families of the missing and disappeared, families ex-combatants and soldiers and differently-abled and resettled communities.

## **OWNERSHIP**

- Proactively engage Sri Lankans at home, Sri Lankans living overseas and persons of Sri Lankan origin living overseas belonging to all communities with the aim of enabling their active participation in development and reconciliation and coexistence process.
- Take steps to institutionalize women & youth engagement at all levels of the national reconciliation process; and promote agency of women and youth through participation in decision-making structures, as necessary partners to reconciliation and coexistence process.
- Proactively examine the obstacles faced by respective sectors, including but not limited to, female-heads of households, war widows, children & youth, internally displaced communities, families of the missing and disappeared, ex-combatants and soldiers, differently-abled, resettled communities, socially marginalized, and Sri Lankans living overseas and persons of Sri Lankan origin living overseas belonging to all communities, in participating and exercising their rights and define and implement actions to address these obstacles towards coexisting under progressive and equal conditions.

## **JUSTICE AND RULE OF LAW**

- Strengthen, and reform where necessary, the judicial system so as to adequately deliver, and provide access to, swift and expeditious justice.

- Actively work towards ensuring equal and informed access to justice, maintenance of law and order and the equitable, impartial, competent, and swift dispensation of justice by way of an impartial and competent judiciary.
- Make every endeavor to provide reparations to victims who have been identified to have suffered loss as a result of the conflict and to ensure the protection of victims and witnesses during and after their quest for justice and redress.
- To amend and repeal laws which are discriminatory and are not in compliance with normative standards; and to introduce laws that are necessary to foster reconciliation.
- Take measures to build a society where everyone is equal before the law.
- Ensure that the aspect of economic justice is taken into account when developing reconciliation initiatives, given its potential to restore normalcy and dignity to the lives of citizens in general, and victims of violence and conflict in particular.
- Explore to what extent there exist local level justice and redress mechanisms – including but not limited to mediation and arbitration – in societies and communities, and take steps to strengthen those which lack efficiencies and replicate those which are adaptable.
- Strengthen State structures so as to embed therein a culture of listening to citizens' grievances and aspirations and thereby improve the State's ability to effectively respond.
- Reform with the aim of guaranteeing non-recurrence, measures that include administrative reform, judicial reform and security sector-reform.

## **SUSTAINABLE DEVELOPMENT**

- Emphasize that all development processes must be underpinned by the tenets of a rights-based approach to development. These include sustainability, empowerment, inclusion, equity and dignity.
- Ensure active participation of affected communities and women & youth in designing development policies, programs and projects.



- Ensure consultation and participation of communities which will be affected by specific development programs and projects.
- The State shall make every endeavor to guarantee quality education at primary, secondary and tertiary levels in all districts in accordance with the compulsory education policy, towards promoting coexistence, integration, national unity and reconciliation in Sri Lanka.
- Ensure equitable development in all regions and communities in the country equally.

### **CIVIC CONSCIOUSNESS**

- Cultivate a sense of responsibility amongst citizens of Sri Lanka to engage in fulfilling their responsibility towards ensuring a fully functioning democracy, foster a sense of solidarity and a culture where differences are respected and celebrated to advance positive interaction of rights and responsibilities as equal partners in achieving sustainable peace, social cohesion and reconciliation in Sri Lanka.
- Ensure that reconciliation initiatives are accompanied by public education programs that ensure informed participation of citizens in the process.
- Take proactive measures to promote a culture of moderation that permeate all spheres of life of citizenry, including the economic, cultural and political.

### **TRANSITIONAL JUSTICE**

- Recognizing that reconciliation and coexistence involves addressing the broad areas of truth-seeking and healing; justice; protecting the rights and interests of missing persons and their families; reparation and non-recurrence including institutional reform as components of transitional justice, the State should make every endeavour to achieve these imperatives through independent, objective, credible, adequately resourced mechanisms that are established through wide consultative processes and operate with continuous consultation and participation of victims and victim organizations, religious leaders, political representatives and civil society, for the duration of the functioning of these transitional justice mechanisms.

## **6. CROSS-SECTORAL PRINCIPLES**

***A set of principles to guide the designing of reconciliation initiatives, applicable to all stakeholders who are designing and implementing reconciliation and coexistence programs and activities.***

### **CONFLICT-SENSITIVITY**

Ensure that reconciliation and coexistence interventions do not feed conflict or exacerbate tensions but rather alleviate it. This involves systematically taking into account both the positive and negative impacts of interventions, the contexts in which they are undertaken, and conversely the impact of these contexts on the interventions.

### **CROSS-CULTURAL AWARENESS**

Embolden efforts to build an understanding of culture at a strategic and operational level, by accepting and creating an environment which allows each culture to contribute its values, perspectives and behavior in constructive ways to all reconciliation initiatives.

### **VICTIM CENTREDNESS**

Ensure all reconciliation initiatives respond to the rights, needs and protection of victims, and that such initiatives are designed in a manner that promote agency of victims and ensure that victims are considered beyond mere objects of policies and recipients of benefits. This includes ensuring that victims' active participation remains throughout the life-cycle of implementing reconciliation and coexistence initiatives.

### **GENDER RESPONSIVENESS**

Proactively look for gender relevance at every step of policy implementation and when designing reconciliation and coexistence initiatives so as to ensure that women's human rights are respected, protected and fulfilled; build a culture of respect between women and men through all reconciliation initiatives; and while recognizing that large numbers of women have been victims of conflict and violence and require redress and reparation, they must be actively engaged as equal partners in the reconciliation and coexistence process with space to contribute and participate in dignity.

**EFFICIENCY AND EFFECTIVENESS**

Ensure proactive deployment of resources and utilization of tailor-made approaches according to prioritized needs for reconciliation and coexistence interventions, while being mindful that such initiatives should achieve desired impact among the identified constituencies.

**COORDINATION AND COMPLEMENTARITY**

Make every effort to coordinate within and between stakeholders, both within and outside government, so as to enable a holistic, integrated consolidated reconciliation effort; and prevent reconciliation initiatives being implemented in isolation, instead promote reconciliation and coexistence initiatives which intersect and cross-fertilize with each other to maximize social impact.

**LEADERSHIP AND SUSTAINABILITY**

Empower stakeholders of the reconciliation process to take a decisive and futuristic approach to reconciliation; and build community leadership and agency of victims and vulnerable and marginalized communities; and ensure that leadership personnel are selected from actors representative of Sri Lanka's diverse groups, showing competence, integrity and having public confidence and a credible track-record of contribution to society; endeavor to build collaborative capacities within all reconciliation and initiatives to create sustainable and resilient infrastructures that empower resources within a society; and develop new principles of leadership which promote a culture of ethics and service to citizens.

**FORESIGHT AND INNOVATION**

Incubate, consolidate and institutionalize creative ways of planning reconciliation efforts that draw upon existing national and comparative experience to suit the specific context; and explore innovative ways of providing space within which the emotional and psychological aspects of conflict can be addressed; and proactively take preventive measures to thwart new or emerging conflicts when designing reconciliation and coexistence initiatives.

**CLEAR AND CONSISTENT COMMUNICATION**

Design and implement reconciliation interventions in consultation and with the participation of relevant stakeholders, and listening to respective stakeholders including

civil society, direct and indirect victims of conflict and violence, and other affected groups; while the State should proactively release information on progress towards reconciliation in the country and such information must be communicated with responsibility and remain accessible, open and transparent to citizens. The State should make a concerted effort to engage the general public, through mobilizing traditional and non-traditional media, in order to bring about positive attitudinal change that will in turn facilitate the readiness and preparedness of citizens to receive and accept solutions to the root-causes of conflict. Government and non-government actors must go beyond using media as a mere tool for communication, rather they must proactively leverage the media as a strategically powerful tool to promote reconciliation and coexistence through carefully designed interventions.

## **7. IMPLEMENTATION STRATEGY**

**This National Policy on Reconciliation and Coexistence will be implemented using the following strategies:**

1. Develop a National Action Plan on Reconciliation and Coexistence.
2. Identify the segments those have become marginalized over the years since independence within the social layers of the Srilankan society due to ethnic, religious, linguistic, social, political and economic factors.
3. Develop affirmative action programs for the marginalized within the National Action Plan on Reconciliation and Coexistence.
4. Launch public awareness and education campaigns on the National Policy on Reconciliation and Coexistence and the National Action Plan.
5. Mainstream the values defined in this National Policy on Reconciliation and Coexistence within government institutions and existing national initiatives through annual work plans.

## **8. IMPLEMENTING INSTITUTIONS**

**This National Policy on Reconciliation and Coexistence will be implemented by the following institutions:**

1. **Ministry of National Integration and Reconciliation** and within which the Office for National Unity and Reconciliation (ONUR) established by extraordinary gazette notification dated 21-09-2015 for promotion of national integration, reconciliation and durable peace in the country; formulation of a National Policy for Reconciliation; and formulation of programmes and projects for the promotion of reconciliation and national unity through actions that ensure a non-recurrence to conflict.
2. **Ministry of National Coexistence Dialogue and Official Languages** established by the extraordinary gazette notification dated 21-09-2015 and within which Coexistence Dialogue Directorate (CDD), Language Rights Directorate (LRD), Department of Official Languages (DOL), Official Languages Commission (OLC), National Institute of Language Education and Training (NILET), National Secretariat of Non-Governmental Organizations (NS-NGO) for (a) Developing language policy and law, monitoring language law violations and taking corrective measures including legal, provision of necessary facilities for the use of national languages and link language within the state and private sectors, educating languages to needy, training language translators, interpreters, teachers, trainers, conducting and arranging examinations for language courses (b) Implementation of national dialogue interactive action programmes to establish coexistence between communities with diverse identities based on the ministerial notion of “*Srilankan-Our Identity; Diversity-Our Strength*” (c) Building up the national network of civil society organizations (CSO) and voluntary institutions, assist the CSO on capacity building, provide support to identify national priorities, facilitate INGO engagement.
3. **Ministry of Prison Reforms and Rehabilitation, Resettlement and Hindu Religious Affairs** established by extraordinary gazette notification dated 21-09-2015 for formulation and implementation of policies, programmes and projects on the subjects of prison reforms, rehabilitation, resettlement and Hindu religious affairs.
4. **Secretariat for Coordinating Reconciliation Mechanisms** established by Cabinet decision dated 2015-12-16 to coordinate the design and implementation of mechanisms for transitional justice including aspects of truth-seeking, justice, reparations, and protecting rights and interests of missing persons.