



**IN TRANSFORMATION
INITIATIVE**

Sri Lankan Reconciliation and Promotion of Dialogue Project



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EXECUTIVE SUMMARY

Sri Lanka has gone through a protracted civil war lasting 26 years, sparked by ethnic tensions between the Sinhalese majority, which is predominantly Buddhist, and the Tamil minority, which is Hindu. Attempts by the Sri Lanka Freedom Party to unilaterally impose a Sinhalese-only country favouring Buddhists by passing the Sinhala Only Act in 1956 signalled the climax of ethnic intolerance in Sri Lanka. This move worsened ethnic tensions, which resulted in the Act's abolishment and the subsequent assassination of then prime minister Solomon Bandaranaike, the leader of the Sri Lanka Freedom Party, in 1959.

There were several attempts to overthrow the Sri Lanka Freedom Party-led government, but these were decisively and violently suppressed. Notably, insurrection attempts were led by the predominantly Sinhalese Marxist Janatha Vimukthi Peramuna (JVP) party in 1972 and again in 1987. The formation of the Liberation Tigers of Tamil Eelam (LTTE), commonly known as the Tamil Tigers, in opposition to the suppression of the Tamil minority, sparked violent ethnic conflicts in Sri Lanka that turned into a civil war. The LTTE morphed into a violent movement, and by the 1980s was recognised by the government as a dominant opposition force.

There were several failed negotiation attempts before the parties finally reached a ceasefire agreement, mediated by the Norwegian government in February 2002. Unfortunately, the ceasefire agreement collapsed, and by 2006 there was a full-fledged war between Sri Lankan government forces and the Tamil Tigers. This war only came to an end with the killing of Velupillai Prabhakaran, the leader of the LTTE, in 2009.

The end of the 26-year civil war ushered in a period of optimism, but there was a significant trust deficit. This had been exacerbated by years of tension and fighting, and stalled any opportunities for dialogue among the political actors. The government of Mahinda Rajapaksa instituted a Lessons Learnt and Reconciliation Commission (LLRC) to investigate the circumstances that led to the failure of the ceasefire agreement of February 2002. Instead of resulting in much-anticipated accountability and healing for the communities traumatised by the effects of decades of war, the commission was criticised for lacking independence and for exonerating the government and the military of any wrongdoing during the war, in which many lives were lost. This enlarged the rift between the government, the Tamil National Alliance (TNA), the Tamil diaspora and other groupings such as civil society and religious groups. It also obliterated any hope of a genuine political dialogue.

The ensuing political impasse created a stalemate that could only be broken via external facilitation. South Africa, being home to a significant segment of the Tamil community, created opportunities for Sri Lanka to benefit from South



The end of the 26-year civil war ushered in a period of optimism, but there was a trust deficit

Africa's transition to democracy through a negotiated agreement. This gave way to an accountability and truth-seeking mechanism.

Through a series of high-level diplomatic engagements, Sri Lanka made a formal request for South Africa to support a dialogue process that could result in a permanent political solution for the country. The appointment of then deputy president Cyril Ramaphosa as a special envoy of then president Jacob Zuma in 2014 elevated the project to a high-priority level. Three In Transformation Initiative (ITI) directors – former deputy minister of foreign affairs Ebrahim Ebrahim, Ivor Jenkins and Mohammed Bhaba — accompanied Ramaphosa on his visit to President Mahinda Rajapaksa, Secretary of Defence Gotabaya Rajapaksa, senior government ministers and the TNA. ITI directors worked closely with the special envoy and independently with all the stakeholders, including the government and the TNA. It also hosted several working sessions with Tamil diaspora groups.

Project activities were focused on introducing the idea of a dialogue process and preparing stakeholders to engage in an inclusive dialogue with all parties involved. These activities demanded that the ITI directors meet with all the stakeholders in and outside Sri Lanka. These project activities are detailed in the report, including project timelines. Although it was evident by the end of the project funding cycle that more work was needed to sustain the momentum for a political dialogue to occur, many lessons were learnt, which are summarised below.

LESSONS LEARNED

- The success of the dialogue process depends on whether stakeholders understand and accept the mechanism and commit to it. This can be achieved through one-on-one engagements to dispel any fears and provide clarity on opportunities for a sustainable peace process. In Sri Lanka it was necessary to engage with all stakeholders separately before embarking upon a process to prepare them for dialogue, given the trust deficit that existed due to decades of ethnic tensions and conflict. ITI earned the trust of all these stakeholders through consistent engagement and dialogue.
- Early in its implementation, the ITI intervention in Sri Lanka demonstrated that stakeholders' sincere and clear commitment is key to successful peace negotiations.
- In any dialogue process the role of the facilitators, as well as that of all other parties, should be clear. In this project it was necessary to ensure that the conflicting parties knew that the process and outcomes were their responsibility and that the facilitating team was there as an enabler only.
- Societies emerging out of civil war or other conflicts often face challenges associated with finding both peace and justice. The need to balance



Sri Lanka made a formal request for South Africa to support a dialogue process

accountability, truth-seeking mechanisms and nation building requires experience and bold leadership.

- The timing of the introduction of critical discussions and mechanisms for reconciliation is critical to ensure acceptance and impact. The LLRC instituted in Sri Lanka in 2010 fell short of the standards required to be acceptable to both victims and perpetrators of human rights crimes during the civil war. The commission failed to recommend appropriate mechanisms to prevent future human rights violations while rebuilding the damage caused to both human lives and physical infrastructure.
- While the goals of reconciliation programmes are laudable, the specific policies and instrumentalities by which these goals are achieved are case-specific. Post-conflict states should thus refrain from adopting truth commission templates and instead critically examine their own circumstances – such as history and economic outlook – before embarking upon a particular truth-seeking and reconciliation mechanism. In Sri Lanka, the government ignored the historical context of the civil war and chose to concentrate on matters of transitional justice in only the months towards the end of the conflict.
- Reconciliation and nation building go hand in hand. Decades of ethnic tension and conflict have created a divide that needs to be bridged. In the reconciliation process it is therefore necessary to acknowledge individual identities as part of the national identity and move away from the majority–minority dichotomy. Nation building aims to unify elements within the state so that it remains politically stable and viable in the long run.
- The engagement with the diaspora gave expression to the aspirations of Sri Lankans outside the country and provided input and insight on various socio-economic and political issues. This process was critical in aligning the views, perceptions and expectations of the diaspora community and Sri Lankans in Sri Lanka through facilitated dialogue. Engagement with diaspora communities is often overlooked in peace processes.



Decades of ethnic tension and conflict have created a divide that needs to be bridged

INTRODUCTION

The Sri Lankan case study is one in a series of studies designed to capture lessons learnt from In Transformation Initiative's (ITI) use of the South African transitional model in various countries to facilitate and assist with peaceful transitions. The conflict in Sri Lanka is tied to Sinhalese and Tamil nationalism stemming from ethnicity, religion and competing versions of history. The 26-year war claimed many lives and left the country impoverished and locked in a political impasse. This case study chronicles South Africa's involvement in Sri Lanka and the initiatives taken to support the peace process in the country. The major focus of these initiatives have been on instituting and supporting a dialogue process embraced by all stakeholders, and aimed at finding a lasting political solution in the country.

This case study is primarily based on project documentation, narrative reports and summary reports about delegations hosted in South Africa. It is also based on information gleaned from a podcast prepared on Sri Lanka by ITI and featuring former South Africa High Commissioner to Sri Lanka Geoff Doidge¹ and ITI director Mohammed Bhabha.² Literature on Sri Lankan political developments that is available in the public domain was used to locate ITI's work in the broader context of the country's political dynamics and interventions.

BACKGROUND

Ethnic tensions in Sri Lanka date back to the period prior to independence in 1948. These tensions escalated in 1956 when the Sri Lanka Freedom Party of then prime minister Solomon Bandaranaike³ won the elections. Bandaranaike oversaw the promulgation of the Sinhala Only Act, which favoured the majority Sinhalese population, which was predominantly Buddhist, over minority groups such as the Tamils (Hindu) and Muslims. This led to further ethnic violence, resulting in Bandaranaike's rescinding the act in 1959. He was assassinated soon after, allegedly by an extremist Buddhist monk. Subsequently, there were several unsuccessful attempts by different political formations to overthrow the government. Notably, in 1972 – and again in 1987 – the predominantly Sinhalese Marxist Janatha Vimukthi Peramuna (JVP) party led uprisings that were squashed with great force, resulting in many recorded deaths. In 1972 the Liberation Tigers of Tamil Eelam (LTTE), commonly known as the Tamil Tigers, was formed. The LTTE was a separatist militant organisation and fought for an independent homeland for the Tamil minority in northern Sri Lanka. By 1980 the LTTE had become a force to reckon with and attempted negotiations with the government. These negotiations failed, resulting in fierce fighting between the Sinhalese Buddhist, Tamil Hindu and Muslim communities.



Bandaranaike was assassinated – allegedly by an extremist Buddhist monk

Tensions between the Sinhalese and Tamil communities in Sri Lanka reached breaking point in 1983, resulting in a full-scale war between the Sri Lankan government and the LTTE. In 2002, after almost nine years of fighting, a ceasefire was brokered by the Norwegian government. However, the ceasefire was abandoned in 2006 and fighting resumed.

Velupillai Prabhakaran,⁴ the leader of the LTTE, was killed by government forces in May 2009. This marked the military defeat of the LTTE and effectively signalled the end of decades of violence in Sri Lanka, ushering in a new era that held the promise of peace. However, as in the pre-war era, the stakeholders remained unable to overcome conflicting and irreconcilable socio-political and cultural narratives.

The cumulative effects of the decades of war and conflict, with tens of thousands reported missing, further eroded trust between the warring parties. This situation brought about a political impasse between the Sri Lankan government, which consisted of several political parties, the broader Tamil community, and elements of the Tamil diaspora. The Tamil diaspora has mobilised the international community and contributed to United Nations (UN) resolutions on reconciliation and accountability, but has little to no traction within the local Tamil community. In this post-war context, ITI saw the need to engage with the Tamil diaspora as an important stakeholder in seeking a sustainable solution to the Tamil national question in Sri Lanka.

Tensions between the political actors grew when then President Mahinda Rajapaksa⁵ appointed the Lessons Learnt and Reconciliation Commission (LLRC) in May 2010 to investigate and make submissions on the collapse of the ceasefire agreement on 27 February 2002. The inquiry lasted 18 months, and the commission's report was presented to the president on 15 November 2011 and made public on 16 December 2011. The report put the blame squarely on the rebel LTTE and exonerated the military, stating that its soldiers only accidentally killed civilians. The commission also blamed Sinhalese and Tamil politicians for fanning the civil war.

The commission's submissions were condemned internally by opposition political parties and internationally by human rights organisations, as well as the UN Panel of Experts on Accountability in Sri Lanka. The Tamil National Alliance (TNA), the largest political party representing Sri Lankan Tamils, criticised the report for its failure to effectively and meaningfully deal with issues of accountability.

It was alleged that the government of Sri Lanka tried to use the commission to avoid an independent and international investigation into the atrocities and human rights abuses committed during the civil war. The TNA called on the international community to institute accountability measures to ensure that all of those who had been involved in such acts were brought to book.



The Tamil diaspora has mobilised the international community

It was against this backdrop that South Africa became involved in Sri Lanka with the aim of resuscitating the dialogue process to find a permanent political solution for the country.

IDASAS AND ITI INTERVENTIONS

Early interventions in Sri Lanka by board and staff members of the Institute for Democratic Alternatives in South Africa (IDASA)⁶ – Roelf Meyer and Ivor Jenkins, who later became founding members of ITI – date back to 2007. At that time efforts were mainly focused on second-track talks between the government and Tamil leaders. After 2011, when Geoff Doidge was appointed High Commissioner for South Africa to Sri Lanka, South Africa renewed its involvement in Sri Lanka's peace project. Leveraging his position as a diplomat and his experience in South Africa's transition process, Doidge played a crucial role in laying the ground work for successive interventions by IDASA and then ITI.

Thanks to his direct access to Rajapaksa, Doidge was influential in engaging with the government on the possibility of South Africa's helping to facilitate a political dialogue. This culminated in the government of Sri Lanka officially inviting the South African government to provide support in facilitating talks between the Tamil National Alliance, the Tamil diaspora and the government. The South African government was represented by the Department of International Relations and Cooperation (DIRCO), working in partnership with IDASA.

It is important to note that in the early 2000s IDASA, Roelf Meyer and Ebrahim Ebrahim had already established a relationship with the opposition United National Party (UNP) in Sri Lanka under the leadership of Ranil Wickremesinghe. The party leadership visited South Africa on its own accord, and it was based on this relationship that Wickremesinghe asked IDASA to become involved in Sri Lanka.

Previous pre- and post-war attempts to bring political stability to the country had failed, locking the country in a political impasse. The collapse of the ceasefire agreement in 2002 also threw the country into a politically charged and fragile state. Over time it became apparent that the political stalemate was not sustainable and dialogue became unavoidable.

The interventions by IDASA and DIRCO included several trips to Sri Lanka and Europe to consult with and brief various stakeholders. In 2013 ITI become involved in the project through its individual directors.

These interventions were focused on promoting dialogue between the Sri Lankan government and all relevant parties, by sharing with them the South African experience. These stakeholders included civil society organisations (CSOs), political parties, defence and security sector officials, the Tamil diaspora and the TNA. The intention was to profile all of the parties and to



Previous pre- and post-war attempts to bring political stability to Sri Lanka had failed

learn about their specific roles, approaches and dialogue techniques during the transitional process.

The first set of activities focused on building all parties' capacity through a series of bilateral discussions, workshops and meetings. The intention was to enable them to start bilateral and multilateral dialogue negotiations. The second activity was focused on providing a platform for dialogue. This would enable all the parties to explore suitable options for the Sri Lankan peace process, based on the South African experience. The third was dedicated to assisting stakeholders to engage with each other through communication strategies that avoid disagreement, ensure ownership and promote trust.

THE PURPOSE OF ITI'S INTERVENTION

The ITI initiative supporting the Sri Lankan peace process was launched in April 2013 and ran until September 2015. It took over from previous efforts by DIRCO and IDASA and expanded their scope. The overarching goal of this initiative was to deepen and broaden the peace process in Sri Lanka. It was envisaged that sharing the South African experience could support the creation of both a dialogue process and an accountability and reconciliation process.

Planned activities⁷ included:

- supporting a sustainable and inclusive dialogue process with various stakeholders, including civic society and the media;
- encouraging multi-party talks and the accountability and reconciliation process;
- initiating one-on-one discussions with religious and political party formations, specifically the Sri Lanka Freedom Party (ruling coalition), TNA, Muslim Party, UNP and JVP; and
- offering training in capacity building to strengthen the TNA.

There were also plans to bring delegations to South Africa to expose them to the local negotiation and transition experience through direct interaction with some of the people who had been involved in the process.

One of the specific interventions was the support provided for the Defence Review process, which was designed to assist the Sri Lankan military to enhance its understanding of its role in ensuring a permanent political solution. It was therefore necessary to provide continuous support to all parties in order to sustain and monitor the various stages and processes of engagement. ITI also visited Sri Lanka to observe the 2015 parliamentary elections, which were hotly contested.

In 2015 ITI also became involved with the Sri Lankan Youth for Democracy Inter-Party Dialogue among Young Politicians in Sri Lanka, and conducted six workshops on behalf of Political Parties of Finland for Democracy (DEMO Finland) in Sri Lanka. This project is aimed at building the capacity of young and upcoming political leaders in taking collective action to realise democratic



values. By engaging youth representatives in dialogue and helping them to cooperate with each other, they can work together for the common benefit of the country.

ITI GUIDING PRINCIPLES

Since its establishment, ITI's interventions in peacebuilding have been based on three core principles: inclusivity, trust and ownership. These principles were derived from the South African transition process, where they contributed significantly to a peaceful resolution. Evidence suggests that these principles should always form part of an intervention strategy focused on conflict management and resolution. ITI has conducted all its peacebuilding interventions on this principle-based approach.

Many failed peacebuilding interventions illustrate the difficulty in facilitating sustainable solutions that are binding on the conflicting parties. As a result, countries tend to experience relative but temporary peace before this collapses and the conflict resumes.

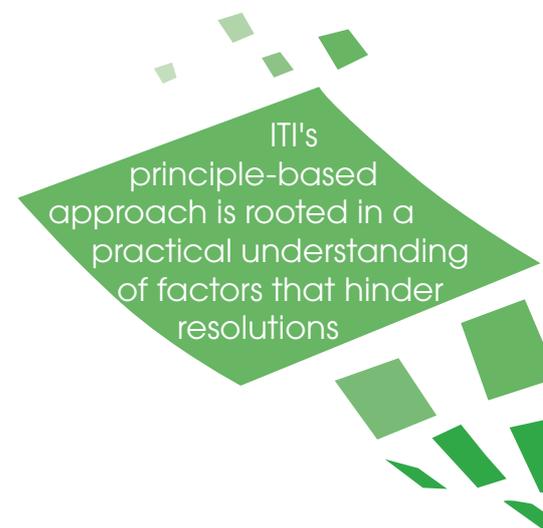
Based on its experience in the South African transitional process, ITI's principle-based approach is rooted in a practical understanding of the factors that can hinder peaceful resolutions to conflict. These include stakeholders' feeling left out, a lack of trust among conflicting parties, and a lack of participation in shaping the peaceful solution. The application of the principles of inclusivity, trust and ownership has proven to be effective, and has contributed significantly to the facilitation of peacebuilding processes in many contexts.

Building Trust

The renewed effort to support the peace process in Sri Lanka faced a deep level of mistrust among the major stakeholders. After years of fighting between the Sinhalese and Tamil communities, the government and TNA viewed each other with considerable suspicion. The government also did not trust the Tamil diaspora, accusing them of financing the LTTE and so being the cause of a protracted civil war marked by failed peace negotiations.

Then secretary of defence Gotabaya Rajapaksa⁸ expressed these sentiments during his visit to South Africa (27 April – 4 May 2013), declaring that the Tamil diaspora was biding its time, waiting for a regime change. It was crucial to bridge this trust deficit in order to ensure that the dialogue process was authentic and yielded positive outcomes.

ITI thus initiated consultations with various stakeholders inside and outside Sri Lanka. Outside Sri Lanka, it emerged that although the Tamil diaspora had an on-going interest in political developments in the country, it was not a homogenous group. There were both moderate and hard-line elements, and it was imperative for ITI to engage them and then align their expectations with the reality in Sri Lanka.



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The Tamil diaspora, represented by the Global Tamil Forum (GTF, headquartered in London) often had one-sided information on the experiences of Tamil communities within Sri Lanka; people who had suffered in the war and were now living in poverty-stricken communities devoid of sustainable livelihood options. The North and East provinces, where the Tamil communities are mostly located, lag behind the rest of the country with regard to infrastructure and other developments. To align interests, the Tamil diaspora had to get a sense of the reality in Sri Lanka.

Within Sri Lanka, ITI held one-on-one consultations and workshops with the TNA and other political parties. The ITI directors also made efforts to conduct multi-party meetings in order to get different sides talking to each other.

The same approach was taken to engage with religious leaders and organise inter-religious engagements to get all of the religious formations talking to one another. This created a space where they could understand each other's perspectives on the issues confronting the country.

Promoting Inclusivity and Ownership

In order to achieve a permanent and sustainable political solution for Sri Lanka, all stakeholders had to be involved in the dialogue process and other interventions to ensure all interests and voices were represented. The principle of inclusivity was therefore crucial to build a sense of collective ownership of any political solution reached. In addition to facilitating dialogue between the Tamil diaspora, the TNA and the government, ITI also mobilised civil society, including religious leaders, business and the media.

ITI's many briefings, individual and collective meetings with stakeholders, and hosting of delegations in South Africa are among the approaches it used to get all the stakeholders to understand and be open to the idea of inclusivity.

Bringing stakeholders together was intended to get them to acknowledge and eventually accept that inclusivity was fundamental to finding a common understanding on the formulation of a lasting political solution to Sri Lanka. The continued engagements with all the stakeholders were also intended to encourage them to take responsibility for and ownership of the dialogue process and its outcomes.

One of these outcomes was the drafting of the 10-point constitutional framework (Singapore Principles) in Singapore in September 2013. This document demonstrated stakeholders' aspirations in terms of constitutional and democratic governance in Sri Lanka. A firm commitment was made to give life to the Singapore Principles through further dialogue and committed action.



The principle of inclusivity was crucial to build a sense of collective ownership of any solution

The South African transition process showed that dialogue is central to all processes in peacebuilding. Proposing a mechanism for dialogue in Sri Lanka was in keeping with this principle. When South Africa engaged with Sri Lanka, the team made several trips to Colombo, London, Berlin and Singapore to engage with different players and test their appetite for dialogue, while demonstrating how dialogue could be a game changer in the political deadlock.

The engagements took place in the form of meetings, briefings, one-on-one consultations and invitations to delegations to South Africa to expose them to the South African transition experience.

MEETING THE GLOBAL TAMIL FORUM

The South African delegation first met with the GTF in London in September 2012. The meeting, facilitated by Roelf Meyer,⁹ Mohammed Bhabha and Ivor Jenkins,¹⁰ was attended by representatives of the Tamil diaspora in Australia, Germany, Malaysia, Norway, the United Kingdom and the United States. The objectives of the meeting were to form a relationship between the South African delegates and the GTF; to get the GTF's perspective on the current political situation in Sri Lanka and find out how it meant to engage with the country; and to share with the GTF the design of and views on the all-party process towards a long-term political solution for Sri Lanka.

The facilitators emphasised that, for a credible dialogue to take place, all the parties first had to agree on the mechanism to be used. CODESA's¹¹ establishment as the mechanism for negotiations in South Africa was explained to the GTF.

Through the discussions it became evident that the GTF's views about Sri Lanka were quite "activist" in nature, with a strong subjective view of a rather complex reality on the ground. In terms of expectations, it wanted accountability from the government, and wanted the government to make the first move in engaging other parties in dialogue.

It also emerged that the GTF was being challenged by others in terms of its legitimacy and support within Sri Lanka, while its plans for the future of the Tamil community were unclear. There was also uncertainty about its relationship with the TNA, and it had not yet established a clear strategy to take its agenda forward.

After the discussions the GTF agreed to take part in the dialogue process and to become a strategic player in the peace process.

COMPARING NOTES WITH OTHER INTERNATIONAL PLAYERS

The ITI directors also met with the Berghof Foundation,¹² as well as the Sri Lanka Desk of the Swiss government, which were implementing a programme



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designed to bring together the widest range of Tamil groupings from within Sri Lanka, as well from diaspora communities. The purpose of the programme was to facilitate an intra-Tamil dialogue to develop a common charter capturing the aspirations of the Sri Lankan Tamil community at large.

It was agreed that the South African delegation and the Berghof Foundation would work in a complementary manner to avoid overlapping and duplicating activities.

SCOPING VISIT TO SRI LANKA

The ITI directorate visited Colombo in July 2013 as part of a scoping visit, and to follow up on previous visits where the idea of a multi-party dialogue process had been presented and discussed. Further follow-up visits were made, notably in February 2014, where the government and the TNA formally agreed to take part in a dialogue process in earnest. However, activities in preparation of the dialogue had to be put on hold until after the parliamentary elections, which were being held at the time.

As part of the broader peacebuilding process in Sri Lanka, it was understood by all stakeholders that to achieve sustainable peace, constitutional reform was needed to ensure that the aspirations of all Sri Lankans, both in and outside the country, were addressed. Constitutional reform was also viewed as a necessary process to deepen democracy and to achieve peace and social cohesion in Sri Lanka.

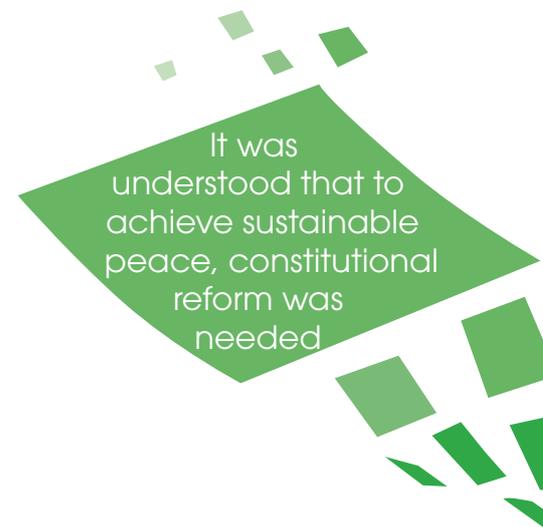
Multi-Party Group Visits to Singapore

The ITI directorate organised and facilitated two meetings in Singapore (September 2013 and April 2015), the first with a smaller group of leaders and then with the larger representation. The aim of the meetings was to establish the following:

- Was there a shared vision for a united country?
- Were both reconciliation and constitutional reform on the national agenda and, if not, how could this narrative be pursued?
- Were there “minimum” principles that a diverse society could agree on?
- What would the conditions be for starting constitutional reform?
- Could agreement be reached on a set of principles forming the framework of a national dialogue?

The summarised view from the first dialogue was that it would be useful to facilitate a discussion between Sri Lankan stakeholders to explore possibilities in achieving a broad consensus on possible concrete steps on constitutional reform. Participants also drafted a 10-point guiding plan for a possible future constitutional process, which stated:

1. In describing the nature of the state, what is important is the substance – the labels are secondary.



2. The constitution shall be based on basic constitutional principles and values, including the sovereignty of the people, participatory democracy, and the supremacy of the constitution, which shall form an unalterable basic structure.
3. Power sharing shall take place on the basis of self-rule and shared rule within an undivided Sri Lanka.
4. The executive presidency shall be abolished and the form of government shall be parliamentary.
5. The pluralist character of Sri Lankan society, as well as the identities and aspirations of the constituent peoples of Sri Lanka, shall be constitutionally recognised.
6. There shall be a strong and enforceable Bill of Rights, consistent with universally accepted norms and standards.
7. There shall be a separation of powers and an independent judiciary, which shall include a Constitutional Court.
8. Important institutions shall be independent and accountable. Appointments to these and other key positions such as judges of the Constitutional Council shall be through a transparent mechanism that provides for national consensus.
9. State institutions shall reflect the pluralist character of Sri Lankan society.
10. The Republic of Sri Lanka shall be a secular state.

This outcome was hailed as a crucial milestone in the Sri Lankan peace process, as it summarised the expectations of key players.

SA GOVERNMENT STEPS UP ITS INVOLVEMENT

At the level of government, on 13 February 2014 then president Zuma appointed then vice-president Ramaphosa as his special envoy to Sri Lanka, signalling South Africa's increased commitment to help find a lasting political solution. In July 2014 Ramaphosa visited Colombo to meet with government and other role players to extend South Africa's support to the dialogue process. ITI was invited to accompany him in an advisory capacity. This gesture showed the faith that the South African government, through DIRCO, had in ITI's peacebuilding capabilities, especially in mobilising stakeholders for an inclusive dialogue process.

MEETING IN LONDON

Over the duration of the project in Sri Lanka, it appeared that the idea of a dialogue had been embraced by almost all the stakeholders. The ground work done by the government through High Commissioner Doidge and the ITI directorate paid off and it became time to take the process to a higher level. This occurred in June 2015, when ITI was asked to organise a discussion on confidence-building measures.



Participants included international experts, diaspora leaders and Sri Lankan politicians, including then foreign minister Mangala Samaraweera.¹³ The two-day meeting was held in London on 7 and 8 June 2015.

Although the meeting was highly controversial, according to reports in the Sri Lankan media, the foreign affairs minister's attendance and the meeting with Tamil diaspora representatives was a positive symbolic gesture.

HOSTING SRI LANKAN DELEGATIONS IN SOUTH AFRICA

ITI organised and hosted several delegations from Sri Lanka.

Gotabaya Rajapaksa, Secretary of Defence and Urban Planning of Sri Lanka, 27 April – 4 May 2013

Typically, ITI invites delegations comprising a mix of stakeholders to South Africa. This allows the lessons learnt to filter through to their constituencies to build a critical mass that might spur alternative political solutions. In rare cases, such as this instance, specific individuals are hosted owing to their position and role in the conflict.

Gotabaya Rajapaksa (brother, senior advisor and confidant of president Mahinda Rajapaksa), as the secretary for defence and a senior member of the intelligence services in Sri Lanka, occupied a strategic position during the political conflict in the country. As a military commander, his approach to the peace process was predictably hard-line and punitive.

At the time of the project, there was still a heavy military presence in the northern and eastern provinces of the country and the notorious Prevention of Terrorism Act was used for extrajudicial disappearances and imprisonment, aimed at terrorising the Tamil minority. Although the likelihood of violence in those areas was minimal, the military's repressive approach to peace was evident. It was therefore critical to expose Gotabaya Rajapaksa to the benefits of transitional justice and the TRC process, acknowledged as good practice the world over.

The possibility of a TRC process in Sri Lanka created significant tension in the government, given the allegations of atrocities committed by some army generals during the more than three decades of civil war in Sri Lanka. Gotabaya Rajapaksa was therefore exposed to the TRC process, as implemented in South Africa, from its conceptual moments and its formation to its eventual conclusion and closure.

Elaborate presentations and discussions on the TRC process and its sensitive elements were conducted with various South African experts, including:

- Mary Burton, former TRC commissioner
- Dr Fanie du Toit, of the Institute for Justice and Reconciliation (IJR)
- Jeremy Sarkin, professor of law at the University of Cape Town and former UN special rapporteur on disappearances



At the time of the project, the notorious Prevention of Terrorism Act was used for extrajudicial disappearances

- Jan Wagener, legal counsel for TRC amnesty applicants
- Charles Abrahams, legal counsel for apartheid-era victims in an international reparations case
- Roelf Meyer, Nick Sendall and John Gibb of the South African Defence Review Committee
- Dr Neil Barnard, former head of National Intelligence

The visit gave Gotabaya Rajapaksa an opportunity to present the government's position on a variety of issues, including how to deal with historical political issues still bedevilling Sri Lanka. He expressed disgruntlement with the international community for its vilification of the government, despite the progress it had made in trying to redress the wrongs of the past. For example, he said that the government had reintegrated around 12 000 former LTTE combatants into society, including women and child soldiers, as well as roughly 4 500 people who had been detained on suspicion of links to the LTTE. All these people had also been granted indemnity against prosecution for war-related crimes.

He emphasised that the government was cognisant of the shortcomings of past peace negotiation efforts and open to listening to the voices of the minority Tamil community instead of just dealing with politicians.

Gotabaya Rajapaksa also accused the international community of ignoring the role that the Tamil diaspora has played in the conflict in Sri Lanka. This included mobilising resources and arms to support the LTTE, leading to more than 20 000 deaths over the course of the war. He insisted that they too should be charged with war crimes.

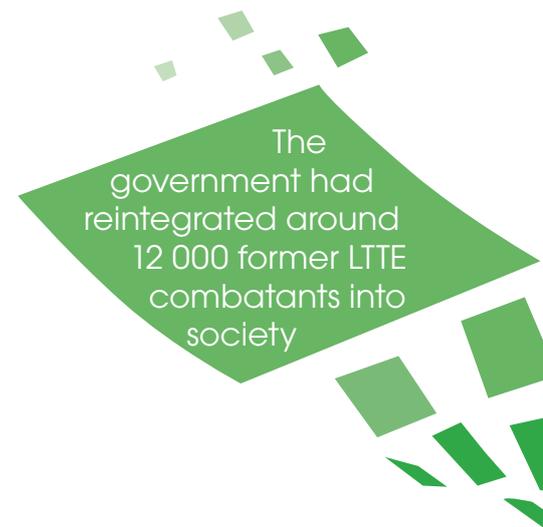
However, at the conclusion of the week-long visit, it was clear that despite his grievances, Gotabaya Rajapaksa was convinced that some form of TRC was necessary and a more inclusive approach would bring healing and a lasting political solution in Sri Lanka. The expectation was that this message and understanding would also be passed on to and embraced by the Office of the President in Sri Lanka.

United National Party Delegation, 9-16 October 2013

A UNP delegation was hosted in South Africa by ITI to expose these opposition leaders to the South African peacemaking process. The visit took place prior to the party's winning the elections and coming to power in Sri Lanka in 2015. The delegation comprised seven members, including members of Parliament, the party's lawyer and the secretary for international affairs.

Given the focus on supporting political dialogue in the Sri Lanka peace process, ITI was determined to expose all the key players to the South African experience. The specific objectives of this week-long visit were to enable the UNP members to:

- Understand the reconciliation, truth-telling and accountability processes of the TRC;



- Be exposed to the constitution-making process in South Africa and the role and independence of the Constitutional Court and the judiciary;
- Learn more about the process of negotiation as it unfolded in South Africa; and
- To be informed about models of devolution as adopted in South Africa.

The UNP delegation had several meetings and briefings with a wide range of carefully selected individuals, including Peter Gastro, a National Peace Accord executive member; Fanie du Toit, an executive director of the IJR; and members of the DA and ANC political parties in South Africa. The delegation also met Ebrahim Ebrahim, then deputy minister at DIRCO, as well as Meyer and Bhabha.

A debriefing session with the delegation showed that the South African experience had provided them with several points of reflection that could help them envision alternative solutions for Sri Lanka. It was evident that dealing with the past, especially with regard to matters of accountability, amnesty and the truth, was unavoidable.

All the actors in the Sri Lankan conflict had to play their role without waiting for pressure from the international community to break the political impasse. They also had to accept that there were other avenues of devolution to help ease tensions along ethnic fault lines. In all the deliberations, dialogue was emphasised as a precondition for an inclusive and more sustainable political solution.

Tamil National Alliance Delegation, 9-13 April 2014

The TNA delegation was hosted in South Africa at Zuma's invitation. The delegation was accompanied by Doidge, given that this had been a formal government-to-government request. The objectives of this visit were three-pronged:

- For the TNA to submit proposals on how South Africa could assist in the Sri Lankan process to find a lasting political solution, as requested by Zuma;
- To meet with Ramaphosa and brief him on the outcome of the UN Human Rights Council (UNHRC) process and what implications this had for the government of Sri Lanka; and
- To apprise the special envoy of their views on the current political situation in Sri Lanka and what they felt were options for a political settlement.

The delegation also met with Maite Nkoana-Mashabane,¹⁴ the minister of international relations and cooperation at the time and Ebrahim, as well as other senior DIRCO officials. After the meeting, the special envoy had a firm understanding of the TNA's political position and proposal for a solution to end the long struggle of the Tamil community.



There was a commitment by both the TNA delegation and the special envoy to engage with the government of Sri Lanka on a peacemaking process assisted and directed, but not facilitated, by South Africa.

Business Leadership Delegation, 9-15 November 2015

A delegation of 10 business leaders from Sri Lanka was hosted in South Africa to learn about the role and impact the South African business community had in the transition process, as well as the role it had played in local government post-1994. The purpose was to enable the business community in Sri Lanka to reflect on these lessons and gain relevant knowledge. The delegates had been selected by the various chambers of business in Sri Lanka in consultation with the South African High Commission in Colombo.

The delegation met with business leaders who had been directly involved in the South African peace process. These included Theuns Eloff, founder and head of the Consultative Business Movement, and Christo Nel, founder of the National Business Initiative (comprising approximately 100 leading South African corporations and multinationals), as well as representatives of the National Economic Development and Labour Council and other business groupings. Most of these personalities had been involved in the process that had led to South Africa's National Peace Convention and the National Peace Accord in September 1991.

The delegation had further meetings and discussions with Meyer, Bhabha and Ebrahim, who was now the South African president's parliamentary councillor. Overall, the business delegation felt challenged to explore ways to play a definitive role in and contribute effectively to the peace process in Sri Lanka.



A delegation was hosted to learn about the role the South African business community had in the transition process

HOSTING DELEGATIONS FROM CONFLICT COUNTRIES IN SOUTH AFRICA

Hosting delegations is designed to expose key players and stakeholders in conflict situations through carefully designed programmes to the South African experience. The main means of information are presentations and talks with key government officials and business, civic and religious leaders who had directly been involved in the transition process.

The talks are complemented with visits to key historical sites, such as Robben Island, the Apartheid Museum and Freedom Park, that memorialise the victims of apartheid. These visits expose delegations to what is possible through negotiation in the transition process, even when situations seemed intractable. They allow delegations to reflect on their own conflict situation and potentially gain new and alternative perspectives.

Although ITI often insists on the multi-party and inclusive composition of these delegations, it is usually not involved in the selection of individual members of these delegations. However, the composition of a delegation is critical in determining the nature of the programme. The emphasis is also on specific issues that relate to the conflict at hand.

HIGH-LEVEL ACCESS

It is generally acknowledged that a key determinant in the success of such initiatives is the peacebuilding facilitators' high-level access to all the parties to a conflict. Such access means that progress can be made, since the people involved can make critical decisions and have the authority to mobilise their constituencies or allocate resources to support the peacebuilding process.

In the case of Sri Lanka, ITI had access to senior Sri Lankan government officials, notably President Rajapaksa and his secretary of defence. In addition, ITI had access to senior leadership in the opposition, as well as business, religious and other civic organisations. In South Africa, it had access to Zuma and Ramaphosa, the deputy minister of DIRCO and other senior government officials.

SCOPING VISITS

Although the principles of peacebuilding are generally known and accepted, their application is invariably determined by the context of the conflict. As such, it is critical for facilitators to have a firm understanding of the relevant issues, as well as of all the stakeholders.

ITI has over time embraced the importance of conducting scoping visits to conflict areas to, firstly, understand the context of the conflict and, secondly, determine a suitable approach to facilitate a permanent and sustainable peaceful solution.

ITI conducted scoping visits to Sri Lanka to gather insight into the potential obstacles, opportunities and priorities in the country's political terrain.



A key determinant in the success of the initiative is the peacebuilding facilitators' high-level access to all parties

Subsequent scoping visits were conducted to firm up the commitment of the government and the TNA with regard to dialogue. These two scoping visits prepared the ground for the next phase, launched in 2013.

After the election ITI visited Sri Lanka once more to establish if the two major parties had made any progress towards preparing for talks. It emerged that some key government figures were willing to engage the TNA in dialogue. Part of this willingness to commit to dialogue was attributed to the impending UNHRC vote in Geneva in March 2014, where delegates were to determine whether Sri Lanka should be investigated for human rights violations.

It was assumed that entering into dialogue with the TNA would improve the government's image and perhaps influence the UNHRC vote. However, there were signs of stalling by President Rajapaksa. It was therefore decided at the end of the visit that further consultations and planned activities would only resume after the UNHRC vote in March 2014.



In the course of facilitating peacebuilding interventions, ITI has witnessed many moments of transformation among those involved. These moments are often exhibited through comments or, in some cases, more subtle gestures that are difficult to document. In the Sri Lankan case, a number of moments of transformation were captured in the comments that participants had made.

One instance was during a reflection exercise with the UNP delegation that had been hosted in South Africa in October 2013. One of the delegates said that he now realised that the UNP was too inward focused and not attending to the crisis in Sri Lanka. He added that there was a sense that it was waiting for change to happen. After the visit there was a urgent awareness that the UNP could be strategic in its actions and contribute to a peaceful solution for the country.

The programme was a worthwhile one and we will really put it into practice when the circumstance and opportunity arises. After all that educational sessions and programmes, I personally felt that nothing is impossible if we have the correct approach and application.

(UNP delegate, 16 October 2013)

Another moment of transformation relates to Secretary of Defence Rajapaksa. On his visit to South Africa he met with Thapelo Mokushane, an official at the TRC Unit of the Ministry of Justice and Constitutional Affairs. The focus of the meeting and discussion was on the role of the media in the TRC process, which had been televised throughout. The media in South Africa was aware that simply broadcasting the outcome of the hearings would not bring about healing, and therefore sought to cover some of the public hearings in-depth.

Rajapaksa was intrigued about the process, especially its duration. The first five volumes of the TRC hearings were produced in 1998, with the final report produced in March 2003 and adopted by the Ad-Hoc Committee for the TRC in Parliament in June 2003. Rajapaksa spoke about a similar process in Sri Lanka.

In 2010, after 26 years of civil war in the country, President Rajapaksa appointed the LLRC to investigate the circumstances leading to the failure of the ceasefire agreement and make recommendations for institutional, administrative and legislative measures to prevent a similar failure in future.

Although Gotabaya Rajapaksa was initially confident that the LLRC had been conducted well, after learning about the TRC process in South Africa he acknowledged that "the LLRC in Sri Lanka was rushed and more time should have been invested in listening to people's concerns".

His visit to South Africa also led to another transformation moment. The visit had been marred by threats of a citizen arrest by the South African Human Rights Commission. ITI was able to engage with all the relevant stakeholders and



The media was aware that simply broadcasting the outcome of the TRC process would not bring about healing

their leadership, emphasising the urgent need for the military leadership in Sri Lanka to experience the South African process first hand in order to provide some glimmer of hope of an alternative peaceful solution. Amazingly, the trip to South Africa was successfully coordinated without incident.

This trip thus saw a moment of transformation where even those who had been victimised during the decades of war, and had gone into exile – the Tamil diaspora community in South Africa – allowed the process to unfold. This was done in the hope that a more permanent and sustainable solution could be found in Sri Lanka if its military learnt how the TRC process and the transition from military to civilian and democratic control had resulted in a peaceful solution.



Even those who had been victimised during decades of war, allowed the process to unfold

LIMITATIONS

Although the war in Sri Lanka ended in 2009, its northern and north-eastern regions, which had previously been Tamil territories, were occupied by the military. While movement in these regions was restricted, ITI got permission to travel there. The movement restrictions and military presence were an expression of the fragile peace and the presence of a repressive government.

Although there were no real fears of a resurgence in violence, this state of affairs demonstrated that, despite all efforts to unite the country, sustainable peace had yet to be achieved in Sri Lanka.

The atrocities that had been committed during the decades of civil war in Sri Lanka resulted in the International Criminal Court's (ICC) considering action against the government, particularly some of the army generals implicated in the violence. The lingering fear among these generals and the president of being prosecuted by the ICC created a real limitation in terms of peaceful cooperation, especially with reference to discussions about the TRC.

The imminent action by the ICC also held serious legal and political consequences for the government and military, which intensified their military approach to suppressing any dissent.

With the benefit of years of experience in peacebuilding in a variety of contexts, ITI cautiously navigated these limitations and sensitivities to ensure that all stakeholders, including the military, continued to engage with each other towards a peaceful solution for Sri Lanka.



The lingering fear of being prosecuted by the ICC created a real limitation in terms of cooperation

CONCLUSION

Sri Lanka endured several decades of civil war drawn along ethnic and religious lines. The conflict was exacerbated by the divergent views of stakeholders, both within and outside the country. Therefore, any peacebuilding intervention had to start with uniting all stakeholders through dialogue.

The intervention by IDASA and later ITI focused on introducing the concept of dialogue, and subsequently facilitating dialogue between and among stakeholders as a means to promote a peaceful resolution of the conflict. All activities, such as briefings, meetings and hosting of Sri Lankan delegations in South Africa, were centred on promoting dialogue, as well as encouraging stakeholders to embrace the principles of inclusivity, trust and ownership.

The groundwork by High Commissioner Doidge elevated the intervention in Sri Lanka to a government-to-government level. ITI's role continued both independently and through advisory support to the South African government. It is evident by the time the funding cycle came to an end in 2015 that much progress had been made in getting all stakeholders – especially the Sri Lankan government, the TNA, the Tamil diaspora, religious groupings and CSOs – to engage in dialogue.

This culminated in a Tamil diaspora that was united in purpose and shared similar if diverse expectations. Arguably, the most significant outcome of engaging with the high-level and senior leadership of all the parties to the conflict was the Singapore Principles. The Singapore Principles were later included in the draft constitution proposals agreed on by the TNA during the Ranil Wickremesinghe and Maithripala Sirisena government.



The most significant outcome of engaging with high-level leadership of all parties to the conflict was the Singapore Principles

2012

AUGUST

Sri Lanka

PURPOSE OF TRIP

Scoping visit to Colombo by a delegation comprising Roelf Meyer, Mohammed Bhabha and Ivor Jenkins (representing IDASA); DIRCO Deputy Minister Ebrahim Ebrahim; and South African High Commissioner to Sri Lanka Geoff Doidge

30 SEPTEMBER – 3 OCTOBER

Sri Lanka

PURPOSE OF TRIP

Follow-up scoping visit to firm up on commitments to dialogue by various stakeholders

KEY EVENTS IN SRI LANKA

8 September 2012: Provincial Council elections – the United People's Freedom Alliance retains control of North Central Provincial Council and Sabaragamuwa Provincial Council, but loses overall control of Eastern Provincial Council.

2013

APRIL

South Africa

PURPOSE OF TRIP

Launch of the "Supporting the Sri Lankan Peace Process" project under ITI

JULY

Sri Lanka

PURPOSE OF TRIP

Visit to Colombo by DIRCO leadership led by Ebrahim and ITI to gather the views of key stakeholders on the proposed dialogue process

9-16 OCTOBER

South Africa

PURPOSE OF TRIP

UNP delegation visit to SA by opposition in Sri Lanka

25-27 OCTOBER

Sri Lanka

PURPOSE OF TRIP

"South Africa-Sri Lanka Joint Dialogue on Post Conflict Reconciliation" organised by the Lakshman Kadirgamar Institute of International Relations and Strategic Studies in collaboration with South Africa's High Commission in Sri Lanka and ITI

27 APRIL – 4 MAY

South Africa

PURPOSE OF TRIP

Visit to South Africa by Gotabaya Rajapaksa, Secretary of Defence and Urban Planning of Sri Lanka

31 AUGUST – 1 SEPTEMBER

Singapore

PURPOSE OF TRIP

Constitutional discussion meeting with different political and academic stakeholders

KEY EVENTS IN SRI LANKA

31 August: UN High Commissioner for Human Rights Navi Pillay visits Sri Lanka and warns that the country is heading in an "authoritarian direction".

Provincial council election: **21 September 2013** – The TNA wins the first election for the Northern Provincial Council; while the United People's Freedom Alliance retains control of the Central Provincial Council and North Western Provincial Council.

2014

FEBRUARY

Sri Lanka

PURPOSE OF TRIP

Follow-up visit to Colombo by High Commissioner Doidge and Ivor Jenkins, who meet with the government, the TNA and many other political and CSO representatives

28 FEBRUARY - 1 MARCH

Sri Lanka

PURPOSE OF TRIP

Justice Albie Sachs attends a conference entitled "From Violent Conflict to Peaceful Coexistence: A Dialogue on Justice, Memory and Social Reconstruction" organised by International Centre for Ethnic Studies, and speaks on "Meeting the Man who Organised the Bomb in My Car: The South African TRC Process"

9-13 APRIL

South Africa

PURPOSE OF TRIP

Visit by TNA delegation to South Africa

15-22 MAY

South Africa

PURPOSE OF TRIP

Visit by Sri Lankan delegation to South Africa

KEY EVENTS IN SRI LANKA

- 4 February:** The Australian Public Interest Advocacy Centre publishes the *Island of impunity? Investigation into International Crimes in the Final Stages of the Sri Lankan Civil War* report that claims that the Sri Lankan military was responsible for most of the alleged war crimes in the final months of the civil war, and had systematically destroyed evidence of such crimes.
- 20 March:** The Sri Lankan government bans 15 Sri Lankan Tamil diaspora groups and 424 individuals as terrorists.
- 27 March:** The UNHRC votes by 23 to 12 to pass Resolution 25/1 authorising an international investigation into alleged war crimes during the 2002-09 period, despite opposition from the Sri Lankan government.
- 17 April:** Five UNP MPs visiting Hambantota are attacked by government supporters, including the pistol brandishing United People's Freedom Alliance mayor of Hambantota, Eraj Ravindra Fernando, as the police look on.
- The police prevent TNA members of the Northern Provincial Council from holding a remembrance event in Kaithady for Tamils killed during the civil war, destroying floral tributes and memorial lamps.

2015

7-8 JUNE

London

PURPOSE OF TRIP

Confidence-building measures in Sri Lanka
Dialogue between the TNA and GTF

13-19 AUGUST

Sri Lanka

PURPOSE OF TRIP

Visit to Sri Lanka by Ebrahim and Jenkins to observe
parliamentary elections

9- 15 NOVEMBER

South Africa

PURPOSE OF TRIP

Business leadership delegation from Sri Lanka visits
South Africa

KEY EVENTS IN SRI LANKA

- **17 August 2015:** The UNP-led United National Front for Good Governance wins 106 seats, an increase of 46 since the 2010 election, but fails to secure a majority in Parliament
- The United People's Freedom Alliance wins 95 seats, a decline of 49, while the TNA, the largest party representing Sri Lankan Tamils, wins 16 seats, an increase of two from 2010
- The remaining eight seats are won by Janatha Vimukthi Peramuna (6), Sri Lanka Muslim Congress (1) and Eelam People's Democratic Party (1)

- 1 Geoff Doidge is a South African politician and former South African high commissioner to Sri Lanka. Now retired, he previously served as the country's minister of public works from 5 September 2008 to 31 October 2010.
- 2 Mohammed Bhabha is an ITI director and former Member of Parliament, qualified attorney, and experienced negotiator. He was part of the African National Congress (ANC) team at the Convention for a Democratic South Africa (CODESA), and later as part of the agreements on the final South African Constitution.
- 3 Solomon Bandaranaike is the founder of the Sinhalese nationalist Sri Lanka Freedom Party and was the fourth prime minister of the Dominion of Ceylon (now Sri Lanka), serving from 1956 until his assassination in 1959.
- 4 Velupillai Prabhakaran was a Sri Lankan Tamil guerrilla and the founder and leader of the Liberation Tigers of Tamil Eelam (LTTE), a militant organisation that sought to create an independent Tamil state in the north and east of Sri Lanka.
- 5 Mahinda Rajapaksa has been the Prime Minister of Sri Lanka and Minister of Finance since 2019. He also served as President of Sri Lanka from 2005 to 2015.
- 6 The Institute for Democratic Alternatives in South Africa (IDASA), later known as the Institute for Democracy in South Africa, was a South African-based think tank. Its initial focus from 1987 was creating an environment for white South Africans to talk to the banned liberation movement in-exile, the African National Congress (ANC), prior to its unbanning in 1990 by then president FW de Klerk. After the South African election in 1994, its focus was on ensuring the establishment of democratic institutions in the country, political transparency and good governance.
- 7 The project timeline and activities are attached at the end of the document.
- 8 Lieutenant Colonel Nandasena Gotabaya Rajapaksa is a Sri Lankan politician and former military officer currently serving as the eight president of Sri Lanka, since 2019. He previously served as secretary to the ministry of defence and urban development from 2005 to 2015 under the administration of his elder brother Mahinda Rajapaksa.
- 9 Roelf Meyer was previously chairperson of the South African Defence Review (2011–2014), minister of defence at the time of FW de Klerk's cabinet, minister of constitutional affairs in Nelson Mandela's cabinet and chief government negotiator in the peace talks.
- 10 Ivor Jenkins is currently ITI director but was formerly a director at IDASA.
- 11 CODESA (Convention for a Democratic South Africa) was a negotiating forum called set up in 1991 after an agreement, the National Peace Accord, was signed by the government and 18 other political organisations. http://www.saha.org.za/news/2011/December/codesa_negotiations_began_in_december_1991_a_significant_transitional_step_towards_a_democratic_south_africa.htm
- 12 The Berghof Foundation is an independent, non-governmental and non-profit organisation supporting people in conflict in their efforts to achieve sustainable peace through conflict transformation and peacebuilding.
- 13 Mangala Samaraweera was minister of finance from 2017 to 2019, and minister of foreign affairs for two terms, from 2005 to 2007 and 2015 to 2017.
- 14 Maite Emily Nkoana-Mashabane is a South African politician who is the Minister of Women, Youth and Persons with Disabilities. She was Minister of Rural Development and Land Reform from 2018 to 2019, and previously served as Minister of International Relations and Cooperation from 2009 to 2018.