

October 2021

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GIJTR

Global Initiative for Justice,
Truth & Reconciliation

Faith-Based Actors, Transitional Justice, and the Sri Lankan Civil War

A Case Study by the
Public International Law & Policy Group

Completed as part of the GIJTR
Consortium Project on
Faith Based Actors and
Transitional Justice



PEACE NEGOTIATIONS
POST-CONFLICT CONSTITUTIONS
WAR CRIMES PROSECUTION

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Faith Based Actors and Transitional Justice**

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About PILPG

The Public International Law & Policy Group is a global *pro bono* law firm providing free legal assistance to parties involved in peace negotiations, drafting post-conflict constitutions, and war crimes prosecution/transitional justice. To facilitate the utilization of this legal assistance, PILPG also provides policy planning assistance and training on matters related to conflict resolution.

Since its founding 25 years ago, PILPG has provided legal assistance with over two dozen peace negotiations, and over two dozen post-conflict constitutions, and has assisted every international and hybrid criminal tribunal, as well as helped to create a number of domestic transitional justice mechanisms. Over the past 25 years PILPG has operated offices in 25 countries and annually provides \$20 million worth of *pro bono* legal assistance.

PILPG represents a diverse array of pro bono clients including states, sub-state actors, opposition groups, self-determination movements, civil society, and marginalized actors, including women and youth.

To learn more, please visit our website: <https://www.publicinternationallawandpolicygroup.org/>.

About the Project

The Global Initiative for Justice, Truth, and Reconciliation (GIJTR) Consortium’s work has shown that faith-based organizations are increasingly taking an active role in transitional justice processes and in mobilizing victim groups, affected communities and societies not just towards resolving conflicts, but in pursuing truth and justice in order to address consequences of gross human rights violations and achieve sustainable peace. Given the authority and trust accorded to religious leaders by many, including victim groups, perpetrators and affected communities, religious leaders have the potential both for broad outreach as well as access to people at the individual and community levels where inequities and insecurities felt most acutely. From South Africa, Sierra Leone, Zimbabwe and Mali in Africa, to Timor-Leste, Indonesia, Latin America and Ireland, religious leaders—whether local, national and international—have been key players in efforts to break with violent and oppressive pasts.

As part of this year-long research project, GIJTR and local partners conducted research to produce case studies on key contexts in which religious and faith-based actors participated in formal or non-formal ways in transitional justice processes and the impact of their participation, or lack thereof, on these processes. The Consortium then used the findings of this examination to develop a first-of-its-kind assessment tool for relevant transitional justice stakeholders to determine how the engagement of religious and faith-based actors adds legitimacy or undermines transitional justice processes.

To learn more about the GIJTR, please visit their website: <https://gijtr.org/>

To learn more about PILPG’s engagement with the Faith-Based Actors and Transitional Justice project, please visit: <https://www.publicinternationallawandpolicygroup.org/faithbased-actors-tj>.

Contextual Background

Since attaining independence peacefully from Great Britain in 1948 through movements and strikes led by the educated middle class, Sri Lanka has been fraught with armed conflict and internal political upheaval. In addition to two bloody Marxist insurrections in 1971 and 1987-1989,¹ and anti-Tamil pogroms in 1956, 1958 and 1977, the Government of Sri Lanka (GOS) fought the Tamil Liberation Tigers of Tamil Eelam (LTTE) in a civil war from 1983 to 2009. Although this war was primarily an ethnic conflict, it was also divided on religious, regional, cultural, rural/urban, and economic lines. As of the 2012 census, the population is 70.2% Buddhist; 12.6% Hindu; 9.7% Muslim; 7.4% Christian; and 74.9% Sinhalese; 11.1% Sri Lankan Tamil; 9.3% Sri Lankan Moors; 4.1% Indian Tamil.²

Policies that favored the Tamil people of the colonial era, as well as those promoting Sinhalese interests put in place by government leaders following Sri Lanka's independence, primarily drove the divide between the groups. During colonization, the Tamil people were favored by the British and enjoyed greater educational opportunities than the rural Sinhalese. These educational opportunities included English language schools, which the British often placed in predominantly Tamil areas, providing Tamils with more civil service and professional opportunities due to better English education than the Sinhalese. Because Tamil communities also existed in several other British colonies, Sri Lankan Tamils also benefited from broader commercial networks and a wider range of opportunities.³

Members of the Tamil community initially held several government posts following independence, including several cabinet positions. However, following the 1953 resignation of prime minister Dudley Senanayake, the rural Sinhalese majority worked their way into the Sri Lankan government, eventually dominating the main political parties. Believing the Tamils had acquired a disproportionate share of power, these parties pushed the GOS to settle Sinhalese in Tamil-dominated areas and pass acts that limited Tamil opportunity. These acts included the Sinhala Only Act in 1956, which made Sinhala the only official language of Sri Lanka, resulting in several Tamils losing their positions in civil services and creating barriers for Tamils seeking government services or public employment. In regard to education, a standardization policy, aimed to provide more educational opportunities for Sinhalese students, ultimately required Tamil students to achieve higher exam scores than their Sinhalese counterparts, further impacting employment opportunities for Tamils.⁴

While legal acts and policies limited educational and professional opportunities for Tamils, public sentiment and expression by the political parties and GOS furthered the ethno-religious division, contributing to increased violence against Tamils. Although Sri Lanka

¹ Moore, M. (1993). Thoroughly Modern Revolutionaries: The JVP in Sri Lanka. *Modern Asian Studies*, 27(3), 593-642. Retrieved April 30, 2021, from <http://www.jstor.org/stable/312963>

² Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

³ Lilja, J., & Hultman, L. (2011). Intraethnic Dominance and Control: Violence Against Co-Ethnics in the Early Sri Lankan Civil War. *Security Studies*, 20, 171 - 197.

⁴ Sri Lanka: Civil War along Ethnoreligious Lines. *Religious and Conflict Case Study Series*. Georgetown University: Berkeley Center for Religion, Peace & World Affairs. August 2013. Available at <http://berkeleycenter.georgetown.edu/resources/classroom>.

officially maintained freedom of religion as a constitutional right, the 1972 Constitution gave Buddhism the status of “foremost place,” effectively establishing it as the state religion.⁵ That Constitution also changed the name of the country from Ceylon to Sri Lanka, the Sinhalese word for the island. These sentiments combined with discriminatory policies led to several anti-Tamil pogroms in 1956, 1958, and 1977. These pogroms left hundreds of Tamils dead and destroyed places that were culturally important to the Tamil community. Notably, in 1981 the Jaffna Public Library was burned by government-sponsored police and paramilitias. This library held over 97,000 volumes of books and manuscripts which were culturally important to the Tamil community.⁶

In response to these events, Tamil militants in the North formed the Liberation Tigers of Tamil Eelam (LTTE) in 1976, as well as other political parties and paramilitary organizations. The Tamil community and its political parties began to increasingly campaign for a separate, independent homeland or devolved powers in the Tamil-dominated North and East of the country, with separatist Tamil leaders winning all political seats in the Tamil-dominated areas.⁷

In addition to campaigning for an independent homeland, the LTTE began launching attacks on GOS soldiers. In July 1983, LTTE killed 13 GOS soldiers, sparking anti-Tamil riots and marking the beginning of the 26-year-long civil war. The response by the Sinhalese majority and GOS resulted in pogroms where an estimated 3000 Tamils were killed (“the Black July” pogrom). The LTTE, led by Velupillai Prabhakaran, captured areas in the North and East of the country where the GOS had been settling Sinhalese citizens.⁸ To solidify their own hold on power, the LTTE eradicated rival Tamil political groups through a combination of strict internal discipline, military ruthlessness, and political sophistication.⁹

The early years of the war (“First Eelam War,” 1983-1987) were marked by LTTE attacks on policemen and moderate Tamil politicians, and evictions by the GOS of hundreds of Tamils from their homelands. In an effort to stop the fighting, the GOS adopted the 13th amendment, which created provincial councils for Sri Lanka with the promise of devolved power from the central government. However, the councils in the North and the East provinces were soon dissolved when the Tamil provincial leader put forth a list of demands and threatened to declare independence if the demands were not met. During the “Second Eelam War” (1990-1995), the LTTE continued to drive Muslims and Sinhalese out of the North and East and launched an attack on the GOS, killing the sitting Sri Lankan president, Ranasinghe Premadasa.¹⁰

⁵ Lilja, J., & Hultman, L. (2011). Intraethnic Dominance and Control: Violence Against Co-Ethnics in the Early Sri Lankan Civil War. *Security Studies*, 20, 171 - 197.

⁶ Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

⁷ Sri Lanka: Civil War along Ethnoreligious Lines. *Religious and Conflict Case Study Series*. Georgetown University: Berkeley Center for Religion, Peace & World Affairs. August 2013. Available at <http://berkeleycenter.georgetown.edu/resources/classroom>.

⁸ Povlock, P. (2011). A Guerilla War at Sea: The Sri Lankan Civil War. *Small Wars Journal*. Available at: <https://apps.dtic.mil/sti/pdfs/ADA549049.pdf>.

⁹ Lilja, J., & Hultman, L. (2011). Intraethnic Dominance and Control: Violence Against Co-Ethnics in the Early Sri Lankan Civil War. *Security Studies*, 20, 171 - 197.

¹⁰ Povlock, P. (2011). A Guerilla War at Sea: The Sri Lankan Civil War. *Small Wars Journal*. Available at: <https://apps.dtic.mil/sti/pdfs/ADA549049.pdf>.

In the following years of the war (“Third Eelam War,” 1995-2002), ceasefire attempts were made and broken by both the LTTE and GOS. During this time, the LTTE in 1998 bombed the Temple of the Tooth, one of the holiest Buddhist shrines in Sri Lanka, and attempted to assassinate President Kumaratunga in 1999. In 2002, Norway mediated peace talks between the LTTE and GOS, who ultimately agreed to a 30-day ceasefire. However, Sinhalese Buddhist monks did not support the ceasefire and began burning flags and causing unrest throughout the country.¹¹ This led to a breakdown of the peace talks in 2003, and the civil war resumed (“Fourth Eelam War,” 2004-2009). The final years of the war were marked by a focus of attacks by both the LTTE and GOS on civilian targets, and in 2009 the GOS regained control over all areas held by the LTTE and eliminated the LTTE leadership.

Circumstances of Involvement

Religion has been an important part of the collective identity and social narrative of many of the actors in the Sri Lankan conflict. The intersection of language, culture, caste, ethnicity, and religion drove many components of the war. When one component was impacted, it affected all corners of identity. This intersection and the value placed on these corners of identity differed between the Tamil and Sinhalese communities.

For the Tamils, language is considered paramount and so the Sinhala Only Act not only limited opportunities for Tamils, but also deeply impacted this notion of identity.¹² Additionally, when the Sinhalese gained political control during the post-colonial aftermath, the country’s name was changed from Ceylon to Sri Lanka, the Sinhalese name for the country. While language is paramount to Tamil identity, the GOS preference for Buddhism also deeply impacted Hindu Tamils, who felt they could not freely practice their religion.¹³

For the Sinhalese, religion is paramount to identity which contributed to the role that religion played in the war. While the LTTE was a secular group, the GOS was aligned with Buddhism. As a result, the LTTE and GOS often targeted Hindu priests.¹⁴ Throughout the war, religion was a predominant component, with several military attacks from both the GOS and LTTE targeting civilians at religious sites, including Hindu temples, Buddhist temples, churches, and mosques.

¹¹ Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

¹² Sri Lanka: Civil War along Ethnoreligious Lines. *Religious and Conflict Case Study Series*. Georgetown University: Berkeley Center for Religion, Peace & World Affairs. August 2013. Available at <http://berkeleycenter.georgetown.edu/resources/classroom>.

¹³ Survey on Democracy in Post-War Sri Lanka. Center for Policy Alternatives, November 2013. Available at: <https://www.cpalanka.org/top-line-survey-results-democracy-in-post-war-sri-lanka/>.

¹⁴ Sri Lanka: Civil War along Ethnoreligious Lines. *Religious and Conflict Case Study Series*. Georgetown University: Berkeley Center for Religion, Peace & World Affairs. August 2013. Available at <http://berkeleycenter.georgetown.edu/resources/classroom>.

Religion's role in the conflict is most notably seen in the presence of Buddhist nationalism among the Sinhalese.¹⁵ This role is rooted in a Buddhist nationalism that developed in the nineteenth century when Buddhism and Sinhalese nationalism were linked together by prominent Buddhist revivalists. As Sinhalese nationalism increased in the post-colonial world, Buddhist nationalist monks became more prominent. This was visible during the civil war when several Buddhist monks formed a political party with extremist views and advocated violent military solutions, even causing the breakdown of the 2002 ceasefire.¹⁶

While the two predominant ethnicities in the conflict were primarily [Hindu] Tamils and [Buddhist] Sinhalese, Sri Lanka also has small Christian and Muslim minorities who played a role in the war and the subsequent transitional justice processes as well.¹⁷ While Sinhalese are predominantly Buddhist and Tamils are predominantly Hindu, there are small minorities of each ethnic group which are Christian or Muslim. As the war intensified, Christians and Muslims often identified with those of the same ethnicity as themselves. However, there is tension between the Christian community and the more militant members of the Sinhalese Buddhist majority as Sinhalese Buddhists fear that Christians will dilute the purity of Sinhalese religious identity.

Participation in Transitional Justice Processes¹⁸

Religious actors in Sri Lanka have facilitated and participated in several informal transitional justice processes during and post-conflict, such as community mobilization (community meetings, trainings, and workshops); interreligious councils and groups; production of case studies on the work of religious councils for analysis; and clergy meetings.

While religious actors have been less present in formal processes, there has been involvement by civil society actors in limited formal transitional justice processes.¹⁹ These formal processes include reconciliation commissions, Consultations Task Force on Reconciliation Mechanisms, National Consultations on the Reconciliation Mechanisms, and the establishment of the Office on Missing Persons.

¹⁵ Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

¹⁶ Sri Lanka: Civil War along Ethnoreligious Lines. *Religious and Conflict Case Study Series*. Georgetown University: Berkeley Center for Religion, Peace & World Affairs. August 2013. Available at <http://berkeleycenter.georgetown.edu/resources/classroom>.

¹⁷ Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

¹⁸ In the Sri Lankan context and this case study, "transitional justice processes/mechanisms" refers to reconciliation, remembrance, honoring victims, community building, shared grief/experiences, and other more informal aspects, unless otherwise noted. This is due to transitional justice being a loaded term in the Sri Lankan context, as many often think of the term in relation to court proceedings and engagement with the international criminal court.

¹⁹ Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

Types of Involvement or Absence

In the post-conflict period after the civil war, religious actors maintained a prominent role throughout the country just as they had during the war. Actors of all four main religious groups were involved in formal and informal transitional justice processes, primarily through involvement with intergovernmental organizations such as the National Peace Council (NPC) and World Council of Religions for Peace: Sri Lanka Summits, as well as involvement with local religious organizations such as National Christian Council of Sri Lanka (NCCSL).

National Peace Council (NPC)

NPC is an NGO that was formed by an inter-religious group of Sri Lankans in 1995 to campaign against election violence. The group includes Buddhists, Hindus, Muslims, and Christians, and is not drawn by ethnic lines. In the conflict and post-conflict period, NPC has facilitated several informal transitional justice processes throughout Sri Lankan society on the foundation of inter-religious cooperation and coalition.²⁰

Beginning in 1995, NPC began facilitating national conferences for peace which engaged civil society from all of the main religious groups of Sri Lanka. The conferences have served as a space for religious actors to discuss how to work for a peaceful and permanent resolution to the protracted conflict generally. These conferences spurred the development of small, interreligious groups throughout the country who continue to hold meetings and work to increase dialogue on the nature of the political problems that separate ethnic communities. To analyze the need in specific areas of Sri Lanka, the NPC in coordination with its several interreligious groups produced case studies on several different contexts within Sri Lankan society regarding religious coalition in peacebuilding, especially in communities where people did not feel supported by the government.²¹ These case studies not only helped to assess the needs of specific areas and communities, but also became a way to assess the successes and failures of the NPC and provide tangible reports of lessons learned and best practices.

These interreligious groups and accompanying case studies have assisted Sri Lankan society in navigating several informal transitional justice processes as well as community concerns following the conflict. In one case study, the GOS army was going to withdraw from a primarily Hindu Tamil area but were going to leave a Buddhist Shrine.²² Because there were no other Buddhists in the community, the Tamil population was concerned the shrine would fall into disrepair, and potentially cause misunderstandings with the GOS in the future. An NPC regional interreligious group facilitated communication with the army general about the community's concern, ultimately resulting in the army taking the Buddhist shrine and resolving the issue.

²⁰ National Peace Council of Sri Lanka. Available at: <https://peace-srilanka.org/projects?start=0>.

²¹ *Case Studies in Reconciliation: Enabling Humanitarian Solutions through Inter Religious Cooperation and Cohesive Community Response in Sri Lanka*. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

²² Perera, J. The Role of Inter Religious and Civil Society Leaders in Building a Resilient Society. *Case Studies in Reconciliation*, pg. 1-3. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

Much of the transitional justice work of the NPC has been done within small communities and civil society groups to build unity and bring sustainable peace. NPC coordinates several on-the-ground projects focused on capacity building for women and youth, conflict resolution and mediation, reconciliation and social cohesion, and accountability.²³ Through meetings, workshops, and exchange observation visits, interreligious council members were able to understand the needs, values, and beliefs of each religion and community, as well as the unique experience of women and youth. These activities helped to identify the problems faced by women and youth affected by the war, and shape projects focused on transitional justice.

NPC previously ran a project focused on youth and transitional justice for long-lasting peace in Sri Lanka. A primary focus of this project was the training of young Sri Lankan lawyers to use transitional justice mechanisms as an effective and non-violent way to address past abuses. By empowering university students and young lawyers to engage in positive dialogue, key transitional justice policy makers, and on transitional justice and reconciliation activities, NPC worked to support young grassroots activists to understand and address key youth concerns and effectively transmit them to policy makers. Similar to the development of the interreligious groups, this project fostered the development of youth mediators who could enter a two-way dialogue with the government's transitional justice policy matters and youth.²⁴

In addition to NPC's attention to youth involvement in transitional justice processes, NPC also promoted conflict resolution and mediation through a series of workshops focused on interreligious reconciliation and dialogue.²⁵ As part of these projects, NPC interreligious groups throughout the country held trainings on conflict resolution and mediation for community members and leaders.²⁶ Workshops covered topics such as democracy, good governance, pluralism, the Sri Lankan constitution, and transitional justice and targeted not only religious groups but also academics, doctors, lawyers, and teachers.²⁷ Workshops also provided a space for Buddhists, Hindus, Muslims, and Christians to share cultural traditions and stories to foster a sense of social cohesion and collective harmony.²⁸

²³ Iyar, Siva Sri Sivapalan. An opportunity to empower war affected women. *Case Studies in Reconciliation*, pg. 1-3. National Peace Council of Sri Lanka, June 30, 2012. Available at:

https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

²⁴ Youth and Transitional Justice for Long-lasting Peace in Sri Lanka. National Peace Council of Sri Lanka. October 2018. Available at:

<https://peace-srilanka.org/projects/item/618-youth-and-transitional-justice-for-long-lasting-peace-in-sri-lanka>.

²⁵ Thero, Ven Udagama Dhammananda. Inter religious cooperation created a strong mechanism for sustainable peace. *Case Studies in Reconciliation*, pg. 59-60. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

²⁶ Initiating Multi Level Partnership Action for Conflict Transformation. National Peace Council of Sri Lanka. October 2018. Available at:

<https://peace-srilanka.org/projects/item/615-initiating-multi-level-partnership-action-for-conflict-transformation-imp-act>.

²⁷ Kariyawasam, Wasantha. Inter religious program created a remarkable social, political and religious impact in Matara District. *Case Studies in Reconciliation*, pg. 42-43. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

²⁸ Jayasinghe, Hemanthi. Children got a clear understanding on inter religious co-existence. *Case Studies in Reconciliation*, pg. 37-38. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

Another aspect of the NPC's approach to informal transitional justice processes was harnessing the cultural significance of the meeting of clergy from different religions. As clergy were respected members of each religious community, in some contexts just the mere meeting of clergy helped to facilitate interactions between Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians.²⁹ These meetings helped members of the council see both the struggles of their own communities and how they were impacted by the war, as well as the struggles of another community.

World Council of Religions for Peace: Sri Lanka Summits

The World Council of Religions for Peace is an international interreligious organization that hosts interfaith peace summits. In 2007, the World Council held a summit in Jaffna with a variety of national and international leaders representing Sri Lankan Buddhist, Hindu, Christian, and Muslim traditions. This summit was held in the then-LTTE controlled area at a particularly volatile time before the end of the war.³⁰

World Council established the Sri Lanka Council of Religions for Peace as an interreligious mechanism and built local interreligious councils in 15 districts across the country. World Council has participated in and facilitated informal transitional justice processes including memorialization and reconciliation, as well as contributed to developing a sustainable peace through interethnic education initiatives for youth and promoting interfaith and interethnic tolerance through creative initiatives.

National Christian Council of Sri Lanka (NCCSL)

The NCCSL, a local Christian organization in Sri Lanka, has also been heavily involved in facilitating interreligious dialogue and reconciliation in the aftermath of the civil war. To promote peace and informal transitional justice processes, the NCCSL established the Commission for Justice and Peace to uphold human rights and equity for Sri Lankans regardless of ethnicity, race, gender, or religion. In terms of transitional justice, the commission focused on peace and reconciliation and facilitated several activities encouraging interreligious dialogue and interaction.³¹

While not as expansive as NPC nor as involved with national leaders as the World Council, NCCSL operates on a local level in Colombo, with regular interreligious events and dialogues, as well as opportunities for youth of different religions to engage in a young professionals' forum.

²⁹ Thero, Ven Manapaha Dhammaransi. These programs have built a wonder unity among the religious leaders. *Case Studies in Reconciliation*, pg. 28. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

³⁰ Religions for Peace. Available at: <https://www.rfp.org/what-we-do/legacy/>.

³¹ National Christian Council of Sri Lanka. Available at: <http://nccsl.org/web/justice-peace/>.

Effect of Involvement

Religious actors played a multi-faceted role during the Sri Lankan civil war, and their involvement in transitional justice processes post-conflict have been just as faceted with impacts well-beyond the local communities in which they operate. On a micro level, organizations like the NPC and NCCSL promoted and facilitated several informal transitional justice processes. Rooted in an interreligious approach, NPC's development of local interreligious groups helped increase understanding of transitional justice processes and how to assess and work towards truth, justice, and reconciliation goals.

This interreligious approach to transitional justice by NPC and, to a lesser extent, NCCSL was crucial to the effectiveness of their projects and the informal transitional justice process as a whole. The local interreligious groups helped to identify the needs of communities and foster dialogues between people from different ethnic backgrounds. The interreligious component of several of the initiatives contributed to the ability of the group to be able to address the serious problems that were affecting individuals and communities during and after the war.³² This nature also helped facilitate interactions with government forces and lobby for policy change.

Women and youth play an important and crucial role in transitional justice and the peace process due to their unique experience of the conflict. NPC effectively engaged youth and women in the transitional justice process as well in the hope of preventing future conflict and empowering youth to take nonviolent action. The interreligious groups worked to identify and address the needs of women and youth who had been affected by the war, providing workshops and guidance to help them start businesses and rebuild their lives after the war. Additionally, NPC's reconciliation-focused and social cohesion projects unique to women and youth contributed to the goals of reconciliation.

Despite interreligious efforts by NPC, NCCSL, and CPA, some members of religious communities continued to weaken the social cohesion of Sri Lankan society and transitional justice processes as well. Several Buddhist monks remain militant and oppose meaningful power-sharing agreements and advocated for a complete military solution. The role of Buddhist monks in this militancy is especially impactful and detrimental to transitional justice processes because of the embrace of Buddhism by the GOS and the large percentage of the population that was Buddhist.³³

There have also been unsuccessful efforts by religious actors to engage in formal transitional justice processes. While a number of interreligious groups have met with officials at the provincial and national levels, substantive changes on the grounds of national policy have been a challenge.³⁴

³² Bala, M. (2015). *Transitional Justice in Sri Lanka: Rethinking Post-War Diaspora Advocacy for Accountability*.

³³ Ratner, S. (2012). *Accountability and the Sri Lankan Civil War*. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintlaw.106.4.0795

³⁴ Liyanaarachchi, Jagath. *Let us use inter religious values to find solutions to national issues*. *Case Studies in Reconciliation*, pg. 63-64. National Peace Council of Sri Lanka, June 30, 2012. Available at: https://peace-srilanka.org/images/publications/Case_Studies_in_Reconciliation.pdf.

Conclusions and Recommendations

The majority of transitional justice processes that religious actors in Sri Lanka have been involved in are informal and community focused. The impact of these processes can be difficult to examine as the scale is much smaller, therefore making it difficult at times to determine the type of impact a process has had on the community. The impact of religious leaders on transitional justice also varies. While there may be very positive impacts in some areas, the involvement of religious actors in other areas may not have this type of impact or, as with the interreligious groups, in areas that are predominantly one religion there is difficulty to involve members of all four major religions. In examining how religious actors may strengthen processes, there is a gap in reporting from local communities, as several of the resources available contain statements by the religious actors initiating or leading the process, but the voices of the communities are lost. An additional challenge to the engagement of religious actors in the transitional justice processes in the Sri Lankan context is the reality that several formal transitional justice processes have not taken place or have not been adequately established.³⁵

In considering the level of engagement in the transitional justice process by religious actors and the impacts of their involvement on truth, justice, and reconciliation goals, an understanding of the long history of religion in the area – not just the religious history during or post conflict – is necessary.³⁶ In the Sri Lankan context, there has been much internal displacement due to war, with people from each religion having been pushed out of their homelands.³⁷ This has resulted in several areas which may have at one time been a Muslim or Hindu Tamil community, but now those communities have been dispersed. This reality impacts engagement in transitional justice that seeks to ensure a representative voice for the community.³⁸ In order to assess the impact of this movement on transitional justice, there must be examination of the implications of losing these voices in the community and how religious actors are responding to that loss in transitional justice processes.

Compounding the displacement of various religious communities in Sri Lanka, a difficulty in engaging religious leaders in Sri Lanka is the dispersed leadership of the organized religions as well. The Catholic and Episcopal churches have established hierarchies and maintain control over their congregations. Hinduism and Islam do not have a centralized hierarchy within Sri Lanka - rather religious leaders are established through various influences based on caste, scholarships, relationships, and piety. Similarly, the two Buddhist Niyakas (one high caste which controls the Temple of the Tooth, and one which ordains all castes) are influenced by other leaders based on scholarship, piety, and political connections. This makeup means that the roles of religious leaders are very local based, and the role of a religious leader in one location may have no influence with his community in a different location. Therefore, when

³⁵ Davies, L. (2017). Justice-sensitive education: the implications of transitional justice mechanisms for teaching and learning. *Comparative Education*, 53, 333 - 350.

³⁶ Davies, L. (2017). Justice-sensitive education: the implications of transitional justice mechanisms for teaching and learning. *Comparative Education*, 53, 333 - 350.

³⁷ Survey on Democracy in Post-War Sri Lanka. Center for Policy Alternatives, November 2013. Available at: <https://www.cpalanka.org/top-line-survey-results-democracy-in-post-war-sri-lanka/>.

³⁸ Bala, M. (2015). *Transitional Justice in Sri Lanka: Rethinking Post-War Diaspora Advocacy for Accountability*.

assessing the engagement of faith based actors in Sri Lanka their engagement needs to be assessed within the context of both the local community as well as the island as a whole.

In the Sri Lankan context, level of engagement also needs to be assessed in the context of Sri Lankan identity, namely the importance of religion to the Sinhalese and language to the Tamils. This differing cultural focus for each group directly impacted the conflict, and therefore directly impacts the transitional justice process as well. When assessing the level or effectiveness of engagement of religious actors in transitional justice in Sri Lanka, the operating language of these interreligious groups and workshops requires consideration in order to adequately assess the inclusion and engagement of all groups involved.³⁹ Not only does the language of interaction need to be considered, but also the resulting statements of interaction and best practices. In order to adequately assess the level of engagement, there needs to be space for both religious leaders and facilitators of the processes to provide statements on the actions undertaken to initiate informal transitional justice processes as well as space for community members and participants in these processes and workshops.

These factors can be used to assess both the effectiveness of involvement as well as any potential negative impacts of involvement or complications caused by religious actors. In the Sri Lankan context, a potential negative impact of this involvement by religious actors is interreligious division. If the transitional justice process involves religious actors for whom there is a strong interreligious division, such as with Buddhism in Sri Lanka, this could put those involved in the transitional justice process in danger and exacerbate interreligious tension. This tension can also extend to interethnic tension as well, as there is a small minority of Christian Sinhalese who disagree with the violent tendencies of the militant Buddhist Sinhalese.

Another negative impact of involvement by religious actors is if there is not equal representation by different religious actors, especially when the conflict is tied to religious and ethnic divisions. If this occurs, there is potential for further alienation and movement in favor of the dominant or more highly represented religion during the transitional justice process, which could negatively impact the effectiveness of a truth commission, reconciliation, and justice.

In the Sri Lankan context specifically, an additional complication is the ongoing ethno-religious strife.⁴⁰ In recent years, there has been a rise in Buddhist Sinhalese nationalism, with attacks targeted at both Tamils and Muslims, especially in the wake of the 2019 Easter Sunday attacks.

Despite these potential negative impacts of involvement by religious actors in transitional justice processes, if there is to be involvement by religious groups, the interreligious component of that involvement is crucially important, as seen in the Sri Lankan context. On the community and civil society level in Sri Lanka, interreligious groups have had success in promoting peacebuilding and community cohesion which has had a positive impact on informal transitional justice processes. Even the symbolism that a meeting of people from different religions held was impactful, as religion is tied to the conceptualization of identity for some groups in Sri Lanka.

³⁹ Ratner, S. (2012). Accountability and the Sri Lankan Civil War. *American Journal of International Law*, 106(4), 795-808. doi:10.5305/amerjintelaw.106.4.0795

⁴⁰ Bala, M. (2015). *Transitional Justice in Sri Lanka: Rethinking Post-War Diaspora Advocacy for Accountability*.

This meeting of religious leaders is deeply symbolic and helped with engaging people of different religions and ethnicities in the peacebuilding and transitional justice processes. The interreligious component of involvement by religious actors is crucially important to the success of informal and formal processes. This can empower and build the capacity of the community as a whole to engage in truth, mediation, and reconciliation to build a sustainable peace.

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