

# *Yahapalanaya's* Promise of Reconciliation: Merely a Means, Not an End?

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The *Yahapalana* regime is said to be well on its way towards achieving its promise of reconciliation. The recent commendation of the government's reconciliation process by Mr. Ban Ki-moon, the Secretary General of the United Nations, confirms that the international community too shares this optimism. It is said that this reconciliation process would not only attempt to address socio-economic and political grievances of the affected parties, but also investigate the war crimes and large scale human rights violations that allegedly took place during the last phase of the war. Furthermore, this reconciliation process promises to reformulate a new social contract with a new Constitution supposedly reflecting the multicultural character of Sri Lankan society. That was also what the leaders of the *Yahapalana* regime, in the wake of their electoral victory, promised about one and a half years ago.

The current narrative of the government media unit and the work of peace lobbyists have generated a great deal of optimism about the imminence of reconciliation in the country. Contrary to this optimism, in this essay, I argue that the *Yahapalana* regime has neither the necessary political capital nor the strategic vision needed for a radical restructuring of the state that is required to make this promise of reconciliation a reality. As was the case with all previous reconciliation efforts, this attempt would also be added to the list of 'lost opportunities.' The peculiar and fragile power constellation, specifically the power triangle of President Maithripala Sirisena, Prime Minister Ranil Wickremesinghe, and Former President Mahinda Rajapaksa, will soon render the theme reconciliation a suitable terrain for political battle. Therefore, the main aim of this essay is to highlight the limits of the *Yahapalana* regime's capacity to deliver on the radical democratic reform that it has promised. It also aims to urge those striving for reconciliation in the country to sustain the reconciliation agenda independently of the Sirisena-Wickremesinghe agenda. For the *Yahapalana* regime, in my mind, reconciliation could only be a means through which they aim to achieve their political ends.

## Limited but Commendable Progress towards Reconciliation

The January 2015 Presidential election opened up much needed democratic space in the country. Since then, the government has taken many positive steps to improve the Rule of Law, democratic governance, and especially ethnic relations. A survey conducted by the Social Scientists' Association in June 2015, for example, revealed that 72% of Sri Lankans believe that ethnic relations under the new president will improve or will at least remain the same (Social Scientists' Association 2015). Although the way it was passed in Parliament – either with inducement or through coercion – was undoubtedly problematic, the 19<sup>th</sup> Amendment to the constitution was surely a major step towards establishing democratic governance in the Island. This important amendment promised to function as a check on the powers of politicians through the implementation of various independent commissions. Singing the national anthem in both Sinhala and Tamil has been something unimaginable in the past, but it was successfully implemented by the Sirisena-Wickremesinghe government. The curtailment of racist propaganda by various chauvinistic groups has opened up space for communities to engage with each other freely. Apart from all of this, the review of High Security Zones (HSZ) and the release of some of the lands to original owners, the implementation of various bilingual language policies, the introduction of the Right to Information Act and most recently, the establishment of an Office on Missing Persons (OMP) are clearly major steps that the *Yahapalana* regime has taken towards reconciliation in the country. In comparison to the way things were during the Rajapaksa regime, these small steps are quite remarkable achievements as far as democratic peace in this country is concerned. Therefore, the excitement, optimism and, at times, even triumphalism emanating from peace lobbyists and the international community about the new found impetus for reconciliation is completely understandable.

It must be kept in mind, however, that it was the issue of corruption and not reconciliation that formed the main

plank of Maithripala Sirisena's electoral platform to challenge former President Rajapaksa. In spite of this, on taking office the new government announced that reconciliation in the country was its highest priority. For example, in his address to the nation to mark the 67<sup>th</sup> anniversary of Independence, President Sirisena vowed 'to end Sri Lanka's pariah status by working with the UN and [delivering on its] promise [of] national reconciliation' (*The Sunday Times* 2015). Following the parliamentary election victory in August 2015, the new government made a significant foreign policy shift and decided to co-sponsor the draft resolution (A/HRC/30/L.29) titled *Promoting reconciliation, accountability and human rights in Sri Lanka*. Having co-sponsored the resolution, Prime Minister Ranil Wickremesinghe reiterated his commitment to reconciliation and a new constitution with radical reforms. Ajith Kumar Singh of the Institute for Conflict Management reported on the plan proposed by the Prime Minister for reconciliation in Sri Lanka. He states that:

... a special Judicial Commission, the "Office of the Special Counsel", subject to local laws and regulations, [which] would be set up to investigate allegations of human rights violations and promote reconciliation and accountability: "We will certainly obtain help not only from Sri Lankans but Commonwealth and foreign judges and lawyers... But it will have to be carried out under the Sri Lankan Constitution." (2015)

Delivering a lecture at the National University of Singapore, Minister of Foreign Affairs, Mangala Samaraweera, claimed that the new Constitution envisages "addressing the needs of all citizens and communities while allowing greater participation for the public in decision-making processes relating to matters in their respective areas" (2015). Elaborating further, he went on to say that the "new Constitution will include a Bill of Rights that takes into account not only civil and political rights but economic, social and cultural rights as well" (Ibid). Therefore, it is clear that both the reconciliation process and the constitutional reform process that the *Yahapalana* regime has promised essentially necessitate a radical restructuring of the Sri Lankan state.

Economic reforms seem to be the third major policy priority of the *Yahapalana* regime. Speaking in Parliament on November 5, 2015, the Prime Minister said that the proposed economic reforms would foster a "knowledge based Social Market Economy built on social justice principles" (Wickremesinghe 2015). Despite many pro-poor-adjectives, Wickremesinghe's economic policy bore all the hallmarks of a neo-liberal economic platform<sup>1</sup>. Therefore, it is clear that Transitional Justice, constitutional reform, and economic reform are the main policy pathways through which this government aims to reach the goal of 'reconciliation and development'. It also seems clear that these policy pathways are what the current regime considers to be essential for the long term stability, development and prosperity of the country.

Despite these positive achievements however, it would be difficult to use them as a yardstick for evaluating this govern-

ment's will or capacity to meaningfully deliver on its promise of achieving reconciliation. Ending the ethnic conflict in the country and facilitating reconciliation is no easy task for one regime within one term. The long years of mutual distrust and violence as well as the ending of civil war through a zero-sum military victory poses unique challenges to Sri Lanka that other countries have not faced in their reconciliation processes. Although the military victory ended nearly 30 years of overt military action, it has made peace a distant dream. Today, Sri Lanka does not have a mutually binding peace agreement between parties, and the way the war ended created a particular psychology of victor and vanquished along ethno-nationalist terms (Uyangoda 2016). Therefore, a successful reconciliation effort needs political work that extends beyond fixing institutions and implementing policies. Given its track record over the past one and half years, there are also uncertainties about this government's capacity and political will to advance and sustain this kind of a radical reform project.

As a result, it would also be too optimistic for one to read these seemingly progressive steps as harbingers of imminent reconciliation. In the following sections, this essay will examine the current political capital, will, and grassroots support base of the *Yahapalana* regime that are preconditions – as I would like to argue – for achieving the kind of meaningful reconciliation that is envisioned by the *Yahapalana* regime.

### Instability Despite a Parliamentary Majority

In terms of numbers, the *Yahapalana* regime enjoys a two-thirds majority in Parliament. However, the United National Front for Good Governance (UNFGG) only managed to win 106 seats at the August 2015 election. The governing coalition managed to secure a two-thirds majority only after the United People's Freedom Alliance (UPFA) – under President Sirisena's directives – agreed to form a broader coalition. However, only 49 MPs out of the 95 UPFA MPs extended allegiance to the government, while the remaining 46 decided to function independently in Parliament as a so-called 'Joint Opposition'. Interestingly, a significant majority of the UPFA MPs who joined the President to form the broader coalition had in fact campaigned for Mahinda Rajapaksa at the Presidential election. During that time, they not only criticized the common candidate and the *Yahapalana* manifesto, but they also actively took part in the Sinhala nationalist propaganda of Rajapaksa. Many of them were at least beneficiaries of, if not collaborators with, the large scale corruption that took place under the patronage of the previous regime (Weerarathne, 2016). Therefore, the current support of UPFA's Sirisena loyalists to the *Yahapalana* regime is primarily founded on their self-interest rather than any principled commitment to a common ideological programme. In such a context, the lifespan and current numerical strength of the incumbent government will be subject to its ability to maintain a particular kind of politics that makes the cost of leaving the coalition unacceptably high for those non-UNFGG MPs.

Having secured a spectacular electoral victory with the support of the United National Party (UNP), the President stumbled into a quagmire when he accepted the leadership of the Sri Lanka Freedom Party (SLFP), the main constituent party of the UPFA. Since then he has had to battle with Mahinda Rajapaksa for control over the SLFP despite his executive powers. This is by no means an easy task. The SLFP has become a party of the Rajapaksas over the past 10 years. In addition, President Sirisena is in a peculiar situation as he has to challenge the Rajapaksa hegemony within the party while remaining in coalition with the SLFP's main electoral rival, the UNP. So far, his 'carrot and stick' strategy has proven to be successful in winning over at least half of the SLFP MPs. However, the allegiance of 49 SLFP MPs is not necessarily a clear sign of his ability to control the party. His decision to postpone local government elections, which were to be held in 2015 and 2016, by a year, indicates that the President is still unsure of the allegiance of the SLFP's middle and lower-level leadership. To lead both the *Yahapalana* regime and the SLFP at the same time, President Sirisena will either have to win the SLFP grassroots leadership or force Rajapaksa to give up his quest for influence in the party and politics. It is clear that, for Rajapaksa, leaving politics is not an easy option given the numerous corruption and criminal allegations against him and his family. Therefore, the Sirisena-Rajapaksa battle is unlikely to conclude anytime soon. However, the million-dollar question is: How could the President maintain his position as the distinct leader of his party while being in a coalition with the SLFP's arch rival, the UNP?

Voters in almost all Sinhalese-majority electorates since the late 1950s have been divided between the UNP and the SLFP as electoral results show (Peiris 2014). Furthermore, despite their ever narrowing differences in terms of policy and ideological positions, both parties continue to stimulate heated competition during election time (Ibid). Both parties look to strengthen their electoral bases in villages by juxtaposing one's policy and ideological position and even their patronage programme with the other party. To put it simply, to mobilize its own voter bases in the village, the SLFP has to be seen as a formidable challenge to the UNP and vice versa. This was clearly evident during the August 2015 election where the SLFP candidates who extended allegiance to President Sirisena did not perform as well as those who stood by the former President Mahinda Rajapaksa who was seen as the clear rival of the UNP. Therefore, in order to consolidate his leadership within the SLFP, the President and his allies in the current coalition will have to be seen, at least in public, as authentic rivals of the UNP and its leadership.

In the absence of this divergence, scholars and political commentators have already pointed to the simmering cracks between the two main partners of the National Coalition Government (Uyangoda 2016; Ivan 2016). Usually, once the incumbent government reaches the second half of its term, its priorities and focus start shifting away from fulfilling electoral promises towards winning the next election. Therefore, as time passes, the current strength and enthusiasm of

the *Yahapalana* regime to pursue a radical and potentially unpopular state restructuring project would continue to wane. In fact, like what has taken place at previous elections, these radical state reform projects could possibly become the terrain of electoral battle for these two main political parties. Emphasizing his frustration with what is taking place, Uyangoda states that "the broad political consensus required for the success of that radical reform project seems to be quite elusive" (2016). In this case, the partners in the ruling coalition would continue to distance themselves from their radical promises, or at least they would begin to water down the content of those reform proposals in order to appear less controversial to the majority Sinhalese population.

### Ideology vs Pragmatism

The Rajapaksa regime consolidated its power under a clear ideological programme – Sinhala-Buddhist nationalism. Despite its egalitarian rhetoric and flirtation with a few old Left comrades, the Rajapaksa regime unequivocally supported a market economic policy. However, Rajapaksa's policy manifesto, *Mahinda Chinthanaya*, that was founded on the pillars of Sinhala-Buddhist nationalism and widespread distribution of clientelism, has become perhaps the most palatable populist political project of the Sinhalese since independence. In contrast, the *Yahapalana* regime does not appear to have a clear or coherent ideological project except for its overt devotion to neo-liberal economic principles. This regime neither supports nor denounces Sinhala-Buddhist nationalism. As Victor Ivan argues, the *Yahapalana* regime criticizes the clientelism, nepotism and corruption of the Rajapaksa regime, yet makes no deliberate effort to curb such practices in its own government (2016). Although Rajapaksa spoke in many tongues he walked one simple path: corruption lubricated with Sinhala-Buddhist nationalism. On the contrary, having spoken in almost the same language in the wake of assuming power, Sirisena and Wickremesighe appear to be on multiple tracks. Except for economic liberalism, it is fair to say that the UNP has never had a serious ideological project (Peiris 2014). The Sirisena-Wickramasinghe coalition contested the January 2015 Presidential election on the platform of denouncing Rajapaksa and his authoritarian project. Interestingly, the threat of a 'second coming of Rajapaksa' is what still continues to bind all partners in the *Yahapalana* coalition together more than one and half years after coming to power.

Despite the promise of radical reforms, there is no wider discussion among partners and MPs of the regime on the contours of these reforms. It seems as though the Prime Minister prefers to engage with only his close associates in the process of designing institutions and implementing serious reforms. As was the case during 2002 to 2004, the majority of MPs in the ruling coalition seems to have been excluded from this ongoing reforms debate. On the other hand, the Prime Minister could also argue that it would make no sense to engage them since, except for a very few, the majority of MPs in the *Yahapalana* regime have no history of being

champions of peace and reconciliation. In fact, many have actively or passively supported Sinhala nationalist policies in the past. Therefore, like Rajapaksa, this government too seems to prefer limiting the involvement of MPs in policy making to only voting in Parliament when reform policies are presented. However, even if they manage to bring in new institutions and rules, reforms that have been designed without due deliberation and participation of legislators would not reform the political practice in the country. Like what took place with the much maligned 18<sup>th</sup> Amendment, even those who currently support radical state reforms would have no qualms about rising against the same proposals in the likely event that the *Yahapalana* regime fails to satisfy their interests.

### The Lack of Grassroots Support

In addition to the fragility of the *Yahapalana* regime and the absence of a clear ideological stance in the coalition, the lack of grassroots support for liberal democratic values also poses a grave challenge to any serious democratic reform in the country. Concepts such as human rights, a negotiated settlement to the ethnic conflict, power sharing, federalism, and reconciliation have mainly been in the lexicon of a few who belong to the Westernized intelligentsia in Colombo. Unlike Sinhala and Tamil nationalisms, the liberal democratic project has never been particularly successful in connecting with the masses (Uyangoda 2013). Therefore, despite the decades-long activism and advocacy carried out by various non-governmental organizations, people still demonstrate a considerable degree of ignorance and disinterest regarding the concepts that are at the heart of liberal-democratic political life. Although all successive regimes since 1994 emphasized the importance of resolving the ethnic conflict, time and again it has been confirmed that the majority of Sri Lankans, especially the Sinhalese, demonstrate a limited degree of empathy towards such efforts. For example, the State of Democracy in South Asia (SDSA) survey conducted by the Social Scientist Association (SSA) in 2012, revealed that 72% of Sri Lankans are unaware about the Lesson Learnt and Reconciliation Commission (LLRC), the main government initiative towards achieving reconciliation since the end of the war (Peiris and Schubert 2016). The most disappointing fact was that only about 2% of those polled stated that they are well aware of the content of the LLRC report. This is disappointing because the LLRC report has become the main guiding document for reconciliation in Sri Lanka and the basis for much of the international and local activism for post-war reconciliation in Sri Lanka. Although such ignorance and disinterest of the public on key political issues like reconciliation is utterly frustrating, it is not at all surprising. As Uyangoda has pointed out:

As a concept, reconciliation has not been intellectually indigenized in Sri Lanka. Nor does it seem to be adequately understood by the majority of the populace that includes ordinary citizens who are voters, professional politicians, government officials and those who

shape the public opinion. The idea of reconciliation still remains strange and alien to the masses and professional politicians alike. (Uyangoda 2016)

Although Sri Lanka was ruled using a liberal democratic governance model since independence, paradoxically such liberal democratic ideas have found no place among majority of the population. Therefore, most of the liberal democratic and pluralist reforms initiated since independence were mainly introduced with substantial involvement of external actors. However, in most instances they were chiefly focused on the setting up of institutions and procedures, and hardly concerned with how those institutions may work within the existing dynamics of Sri Lanka's state-society relationship. Hence, such liberal democratic and pluralist ideas have hardly captured the imagination of the citizens of this country. In this context, initiatives towards a more democratic and pluralist society were not only ignored by the people, but were sometimes even received with serious condemnation. To cite an example, the Political Weather Analysis poll that the SSA conducted in June 2015 indicated that about 80% of Sinhalese claimed that they were not aware of the 19<sup>th</sup> Amendment that the *Yahapalana* regime introduced within four months of coming into power (Social Scientist Association, 2015). This ignorance is noteworthy as the 19<sup>th</sup> Amendment is arguably the most valuable democratic initiative of the incumbent regime thus far. As the above survey indicates, politicians and civil society groups have clearly failed to communicate their biggest democratic achievement to even their own constituencies let alone the masses. This highlights the dilemma of the liberal democratic project in Sri Lanka.

Debates on issues such as power sharing, human rights, ethnic and religious tolerance, a negotiated peace, and Good Governance have been prominent for at least the past few decades. However, unlike the projects of Sinhala and Tamil nationalism, these debates are rarely championed by local activists. Therefore, those debates have always been limited to an exclusive and limited group based in Colombo. For decades, many Non-Governmental Organizations (NGOs) have been engaged in advocating these liberal democratic and pluralist ideas, directly and indirectly among various communities across the country. However, it is not unfair to say that the projects of these organizations are often determined by the funding regime, instead of their own ideology. Furthermore, unlike the civil society organizations that represent the Sinhala-Buddhist nationalist project, these NGOs have very little access to intellectuals and leaders in rural Sri Lankan Society – i.e. Buddhist monks, Sunday school teachers, school teachers, village elders, etc. Although some NGOs have wider networks, they have been founded solely to execute donor funded projects instead of representing specific principles or an ideology. Even the ones that are founded on ideas do not have ideologies that penetrate beyond a certain number of staff in perhaps the top rung of those institutes. Therefore, this lack of a vibrant bloc of social forces under-

mines the process of building a wider consensus among Sri Lankans on how to organize the state and society to reflect liberal, democratic principles. It is also one possible explanation for why the liberal pluralist project has failed to indigenize its values and concepts among a wider section of the Sri Lankan population. Therefore, another pressing dilemma of the liberal pluralist project is that even if the regime does find politicians to champion radical democratic and pluralist reforms in the country, how could such reforms be realized in the absence of grassroots support?

The current political dispensation is such that no politician openly endorses a policy or a programme which clearly lacks grassroots support. No Sinhalese national leader, except for Chandrika Bandaranaike Kumaratunga and Ranil Wickremesinghe, has openly supported principles such as power sharing and minority rights that were widely perceived as being detrimental to the dominance of the majority Sinhalese. Both the leaders have also paid a heavy political price for their bold decisions. Therefore, it seems quite unlikely that the MPs of the *Yahapalana* regime would support policies or reforms that are unpopular among the Sinhalese especially when nearing a parliamentary election. For the Joint Opposition, therefore, the proposed Referendum on the new Constitution is the Achilles heel of the *Yahapalana* regime. The point here is that the *Yahapalana* regime does not have the political capital or grassroots support to pursue changes to the structure of the state which would be perceived as a serious compromise of the interests of Sinhala-Buddhist nationalists.

## Conclusion

The 2015 regime change has certainly afforded a rare opportunity to reverse the stride of the Sinhala-Buddhist nationalist project and begin a fresh journey toward a peaceful democratic state. It is also true that the *Yahapalana* regime has taken many small but commendable steps towards reconciliation and democratization. However, this essay argues that the current optimism about an imminent and effective reconciliation process through constitutional reforms and Transitional Justice is something akin to 'false consciousness.'

This essay provided three main arguments in supporting its rather pessimistic claim: reconciliation appears to be the means rather than the end that the *Yahapalana* regime is currently pursuing. Firstly, despite its current two-third majority in Parliament, the regime does not command the necessary political capital to introduce radical structural changes to the state. The apparent rift between the SLFP and the UNP within the National Government of Consensus continues to grow, and both parties will soon start to focus on winning the next election instead of fulfilling their 2015 election promises. Secondly, this essay argues that there is no visible ideological project except self-interest based pragmatism that binds the coalition partners together. Therefore, although the current two-thirds majority theoretically has the capacity to pass progressive policies and reforms, the support for this

kind of radical change hinges on the agreement that this would serve the interests of the MPs or at least, that it would not endanger such interests. Thirdly, the grassroots' support for liberal democratic principles is extremely weak and unlike Sinhala-Buddhist nationalists, liberal democrats have no proper channels to reach out to the rural masses. Therefore, any radical state reform attempt that may challenge the status quo of the majority community will undoubtedly face stiff resistance from the Sinhalese community.

The proposition articulated in this essay may not be new to the leadership of the *Yahapalana* regime; but it may certainly be quite pertinent to the many lobbyists and supporters of the Sri Lankan peace process and reconciliation. As argued in this essay, although the *Yahapalana* regime has managed to make good on a few limited achievements, the peculiar power constellation in the country is unlikely to produce any radical reforms that would potentially hurt Sinhala-Buddhist nationalist sentiments. The government and its politicians are well aware that the failure of their reconciliation process would not entail any political cost for them. But continuing to work on the constitutional reform and Transitional Justice process would allow them to reap the benefits of a friendly international community that is essential in this hour. It is disturbing to see that the desire of both the international community and local peace lobbyists to support the government's reconciliation project has come at the cost of their capacity to maintain pressure on the *Yahapalana* regime to bring about radical, democratic reform. Therefore, if the current ruling coalition collapses, the first and biggest victim would be the country's much vaunted reconciliation project. In such an eventuality, it seems clear to this author that the reconciliation process would likely suffer a more fatal blow than what took place under the Sinhala Nationalist Rajapaksa regime.

## Notes

- 1 The Foreign Minister elaborated the true objectives of these economic reforms as follows:  
The Government's intention is to make Sri Lanka a highly competitive economy on par with Southeast Asia. The newly created Ministry of Development Strategy and International Trade will coordinate investments and economic relations. The barriers to Direct Foreign Investments including bottlenecks and delays to doing business will be removed. There will be reforms in the Financial and Monetary sectors and more stringent control of the Budgets. (Samaraweera 2015)

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