

Country/entity	Sri Lanka
Region	Asia and Pacific
Agreement name	Sri Lanka Constitution Bill, an Act to Repeal and Replace the Constitution of the Democratic Socialist Republic of Sri Lanka
Date	3 Aug 2000
Agreement status	Status unclear
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict

Sri Lankan Civil War (1983 - 2009)

The roots of the Sri Lanka conflict lay in British colonial policy which controlled the island from 1802 until 1948. During the early 1800s, the British brought Tamils from mainland India to work on the various plantations for tea, coffee and rubber, changing Sri Lanka's the demographic make-up. Upon independence, Sinhalese nationalism dominated the political sphere and introduced discriminatory policies against the Tamil minority straining relations and sparking protests. Armed Tamil resistance first came in the form of assassinations of moderate Tamils and opposition politicians in the mid-1970s. However, it was the Liberation Tigers of Tamil Eelam's (LTTE) attack on checkpoint Four Four Bravo, which marked the turning point, sparking pogroms against Tamils in Sinhalese majority areas. This incident, known as Black July, is widely considered to the beginning of the civil war.

The first round of peace talks were backed by India, which had deployed the Indian Peace Keeping Force (IPKF) in 1987, and led to the 1987 Indo-Sri Lanka Accord. The Accord was successful in persuading the majority of insurgency groups to lay down arms. However, the strongest Tamil insurgency group, the LTTE, was not party to the talks and refused to disarm, sparking direct conflict between the IPKF and the LTTE until IPKF withdrawal 1990. Following the withdrawal, the LTTE consolidated their power in the North and East sparking another intense and bloody war with the central government that lasted until 2002 when another peace process was launched under the auspices of Norwegian negotiators. The second round of peace talks, however, only continued until April 2003 and in March 2004, a large faction of LTTE cadres split from the main organization damaging LTTE unity. The LTTE were defeated militarily by a large-scale government assault in 2009, however, the conditions for peace remain uncertain.

Close
Sri Lankan Civil War (1983 - 2009)

Stage	Framework/substantive - comprehensive
Conflict nature	Government/territory
Peace process	Sri Lanka Kumaratunga/Devolution Processes

Parties	Members of the Government of Sri Lanka; The Minister of Justice, Constitutional Affairs, Ethnic Affairs and National Integration and the Deputy Minister of Finance.
Third parties	-
Description	A Constitutional Amendment Proposal which incorporated much of the the 1996 Kumaratunga proposals (1995) and the 1997 and 1996 draft constitutions. Only this document has been coded as the last and most agreed (between Singhalese and Tamil Parties, but not LTTE) document. Although the government accepted and promulgated it, it failed to receive the requisite weighted majority to be passed as a constitutional amendment. This bill forms the culmination of earlier proposals and drafts. While only agreed with representatives of Tamils and not LTTE directly, is classified as a 'peace agreement' because it involved protagonists of both sides, and the TNA was to be later formed of these parties together with LTTE. The constitution was agreed between these parties, although ultimately failed because of the failure to receive the weighted majority approval it required under the existing constitution, to be passed as a constitutional amendment. Hence also classified 'status unclear' as its status as an 'agreed document' remains that it was a form of peace agreement, but failed to directly include the LTTE, and failed to become law. However, it also had a subsequent significance in the current constitutional reform processes that followed.

Agreement document	LK_000803_The Constitution of Rep of Sri Lanka, a Bill to repeal and replace the constitution of the DSRSL.pdf (opens in new tab) Download PDF
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Participation

Participation→Effective participation

Page 137, Chapter XXV: Local Government, Article 226

...

(4) Every Statute made by a Regional Council of a Region relating to election to local authorities in that Region, under paragraph (3) of this Article, shall as far as practical, provide for the adequate representation of women, persons under thirty five years of age and the major communities ordinarily resident in the local authority area for which a local authority is established.

Equality

Equality→Equality (general)

Page 6, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Article 11

...

(2) (a) Subject to sub-paragraphs (b) and (c) of this paragraph, a citizen shall not be discriminated against on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, mode of acquisition of citizenship, marital status, maternity, parental status or any one of such grounds.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Article 11

...

(3) A person shall not, on the grounds of ethnicity, religion, language, caste, gender, sex, political or other opinion, national or social origin, place of birth, or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of such person's own religion.

Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS

Article 11, ... (4) Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.

Page 11, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Article 27

(l) Where a Proclamation has been duly made pursuant to the provisions of Chapter XXIII, and subject to paragraph (2) of this Article, measures may be prescribed by law derogating from the exercise and operation of the fundamental rights declared and recognized in this Chapter to the extent strictly required by the exigencies of the situation and necessary in a democratic society, provided that such measures do not involve discrimination solely on the grounds of ethnicity, class, religion, gender, sex, language, caste, national or social origin and for the purpose of this Article "law" includes regulations made under the law for the time being in force relating to public security.

Equality→Social equality

Page 7, Page 7, CHAPTER III, FUNDAMENTAL RIGHTS AND FREEDOMS, Article 11

...

(4) Anything in this Article shall not prevent special measures being taken by law, subordinate legislation or executive action where necessary for the sole purpose of the protection or advancement of disadvantaged or underprivileged individuals or groups including those that are disadvantaged or underprivileged because of ethnicity, gender, sex, age or mental or physical disability.

Particular groups of women No specific mention.

International law No specific mention.

New institutions	New institutions→Infrastructure (general)
	Page 167, Second Schedule, List 1, Reserved List
	...
	71. National policy on women's affairs.
	Page 171, Second Schedule, List II, Regional List
	...
	57. Implementation of programmes for the advancement of women.
Violence against women	Violence against women→Sexual violence
	Page 5, Article 10
	...
	(b) A judge may, in the judge's discretion, whenever the judge considers it necessary, in proceedings relating to sexual matters or where the interests of juveniles so require or in the interests of national security or public order necessary in a democratic society or in the interests of order and security within the precincts of such court, exclude there from, persons who are not necessary for the purposes of those proceedings.
Transitional justice	No specific mention.
Institutional reform	Institutional reform→Judiciary, judicial reform
	Page 5, Article 10
	...
	(b) A judge may, in the judge's discretion, whenever the judge considers it necessary, in proceedings relating to sexual matters or where the interests of juveniles so require or in the interests of national security or public order necessary in a democratic society or in the interests of order and security within the precincts of such court, exclude there from, persons who are not necessary for the purposes of those proceedings.
Development	No specific mention.
Implementation	No specific mention.
Other	No specific mention.
