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SRI LANKA**

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SUPPLEMENT

(Issued on 25.09.2023)



**OFFICE FOR NATIONAL UNITY AND
RECONCILIATION**

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BILL

to provide for the establishment of the Office for National Unity and Reconciliation, in order to ensure and promote national unity and reconciliation in Sri Lanka; to set out the powers, duties and functions thereof and to provide for matters connected therewith or incidental thereto

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Office for National Unity and Reconciliation

L.D.-O 16/2023

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE FOR NATIONAL UNITY AND RECONCILIATION, IN ORDER TO ENSURE AND PROMOTE NATIONAL UNITY AND RECONCILIATION IN SRI LANKA; TO SET OUT THE POWERS, DUTIES AND FUNCTIONS THEREOF AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS having regard to the need and importance of national unity and reconciliation in the socio-economic development process in Sri Lanka and the commitment and consensus for the achievement of the same;

Preamble

- 5 AND WHEREAS it has become a matter of national importance to establish an office for national unity and reconciliation in order to assure to every citizen equal opportunities in the economic, social, cultural and political spheres whilst safeguarding the identity and to build an
10 inclusive society in which diversity will be respected and all communities will coexist in harmony and unity;

NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. This Act may be cited as the Office for National Unity
15 and Reconciliation Act, No. of 2023.

Short title

2. The objects of the Act shall be -

Objects of the Act

- (a) to promote and foster national unity, reconciliation and peaceful coexistence among all persons in Sri Lanka;
- 20 (b) to formulate and recommend to the Government, a national policy on reconciliation and coexistence;

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- 5 (c) to facilitate the implementation of policies and programmes in relation to national unity and reconciliation that would help to build understanding, harmony and unity among all communities;
- (d) to recommend to the Government, measures to be taken to resolve matters causing tensions and conflicts within and among the different communities;
- 10 (e) to provide assistance to the stakeholders working on reconciliation and coexistence in order to achieve coherence in peace and national unity initiatives; and
- 15 (f) to assist and facilitate the implementation of any recommendation made by any reconciliation endeavour established under any written law, or any policy of the Government, for the purpose of achieving national unity and reconciliation.

PART I

20 ESTABLISHMENT OF THE OFFICE FOR NATIONAL UNITY AND
RECONCILIATION

25 **3.** (1) There shall be established an office which shall be called and known as the “Office for National Unity and Reconciliation” (hereinafter referred to as the “Reconciliation Office”).

Establishment of the Office for National Unity and Reconciliation

(2) The Reconciliation Office shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The headquarters of the Reconciliation Office shall be situated in Colombo and the Reconciliation Office may, from time to time, establish such number of regional offices as may be necessary, to achieve its mandate.

- 5 **4.** (1) The Reconciliation Office shall consist of - Constitution
of the
Reconciliation
Office
- (a) one *ex-officio* member appointed by the President, as nominated by the Minister, who shall be an officer not below the rank of an Additional Secretary of the Ministry of the Minister; and
- 10 (b) ten other members appointed by the President on the recommendation of the Minister made in accordance with the provisions of subsection (2) (hereinafter referred to as the “appointed members”).
- (2) In making recommendations for the appointment of
- 15 members referred to in paragraph (b) of subsection (1), the Minister shall have due regard to -
- (a) ensure that the composition of the Reconciliation Office reflects the pluralistic nature of the Sri Lankan society;
- 20 (b) ensure that the persons recommended to be appointed as members of the Reconciliation Office shall be persons having eminence and experience in one or more of the fields of human rights law, international humanitarian law, reconciliation and
- 25 social harmony, national unity, management, project planning and regional development; and
- (c) ensure that the persons recommended to be appointed as members of the Reconciliation Office are not subject to any disqualification specified in
- 30 section 5.

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(3) The President may, on the recommendation of the Minister, appoint one member as the Chairperson of the Reconciliation Office.

- 5 **5.** A person shall be disqualified from being appointed or continuing as a member of the Reconciliation Office, if such person –
- Disqualification
to be a
member of
the
Reconciliation
Office
- (a) is or become a Member of Parliament, of any Provincial Council or of any Local Authority;
 - (b) is not, or ceases to be, a citizen of Sri Lanka;
 - 10 (c) has been or is adjudged an insolvent by a court of competent jurisdiction;
 - (d) has been or is found to have a conflict of interest, which in the opinion of the President, formed on the recommendation of the Minister, conflicts with his duties as a member of the Reconciliation Office;
 - 15 (e) is or becomes unfit to continue in office by reason of illness or other infirmity of mind or body;
 - (f) has been or is declared to be of unsound mind by a court of competent jurisdiction;
 - 20 (g) has served or is serving or a sentence of imprisonment imposed by any court in Sri Lanka or any other country; or
 - (h) absents himself from three consecutive meetings without previously obtaining leave from the Reconciliation Office.
 - 25

6. (1) Every appointed member of the Reconciliation Office shall, unless such member vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of the appointment and unless such member has been removed, shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Term of office of the appointed members

(2) For the purpose of this section, the period in which a member is appointed as an acting member shall not be considered as a 'term' of office within the meaning of this section.

7. (1) The office of an appointed member of the Reconciliation Office shall become vacant -

Removal and resignation of appointed members

- (a) upon the death of such member;
- (b) upon such member resigning such office by writing addressed to the President;
- (c) upon such member being removed from office on any ground specified in section 5; or
- (d) on the expiration of such member's term of office.

(2) A member of the Reconciliation Office may be removed from office by the President, if such person becomes disqualified under section 5 to be a member of the Reconciliation Office.

(3) The Chairperson may resign from the office of Chairperson by letter addressed to the President.

(4) Subject to the provisions of subsections (1) and (2), the term of office of the Chairperson shall be the period of membership of the Reconciliation Office.

(5) (a) If the Chairperson of the Reconciliation Office becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other reason, the President may, subject to the provisions of section 4, appoint any other member of the Reconciliation Office to act as the Chairperson.

(b) If a member of the Reconciliation Office becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other reason, the President may, subject to the provisions of section 4, appoint any other qualified person to temporarily act in place of such member during such period.

(6) No act or proceeding of the Reconciliation Office shall be deemed to be invalid by reason only of the existence of any vacancy among its members, or defect in the appointment of any member thereof.

8. (1) The Chairperson shall preside at all meetings of the Reconciliation Office. In the absence of the Chairperson of any meeting of the Reconciliation Office, the members present at such meeting shall elect one of the members of the Reconciliation Office to preside at such meeting.

Quorum and the meetings of the Reconciliation Office

(2) The Chairperson or the member presiding at any such meeting of the Reconciliation Office shall, in addition to his own vote, have a casting vote.

(3) The quorum for meetings of the Reconciliation Office shall be five members.

(4) Subject to the other provisions of this Act, the Reconciliation Office may make rules, to regulate the procedure in regard to the conduct of its meetings, and the transaction of business at such meetings.

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- (c) to formulate and implement the national action plan on reconciliation and coexistence comprising of the programmes specified in the Schedule to this Act;
- 5 (d) to identify the persons or groups of persons aggrieved within the social layers of the Sri Lankan society due to ethnic, religious, linguistic, social, political and economic factors;
- 10 (e) to develop affirmative action programmes for the persons or groups of persons referred to in paragraph (d) within the national action plan on reconciliation and coexistence;
- 15 (f) to pursue the efforts towards reconciliation and the strengthening of national unity, and to address post-conflict concerns such as the return and resettlement of internally displaced people, and the social rehabilitation and reintegration of former combatants;
- 20 (g) to launch public awareness and education campaigns on the national policy on reconciliation and coexistence and the national action plan;
- 25 (h) to mainstream the values defined in the national policy on reconciliation and coexistence within Government institutions and existing national initiatives through annual work plans;
- (i) to identify the constraints to national integration and to take suitable action based on discussion and consensus of the relevant stakeholders;
- 30 (j) to collaborate with the Ministries, government departments and other institutions dealing with matters relating to reconciliation and peace building;

- 5 (k) to review various strategies that are being implemented and due to be implemented with regard to the national integration and reconciliation and to assist in the settlement of issues in implementing such strategies;
- 10 (l) to make recommendations to the Government and other relevant authorities for the consultation with relevant stakeholders on required policies and actions for national unity, reconciliation, coexistence and building a lasting peace;
- (m) to assist the relevant authorities -
 - 15 (i) to prepare and implement programmes on the promotion of national integration, reconciliation and coexistence and national harmony and to integrate such programmes into development plans at the district level;
 - 20 (ii) to implement the recommendations made by any reconciliation endeavour established under any written law, or any policy of the Government, for the purpose of achieving national unity and reconciliation;
 - 25 (iii) to resolve issues that may emerge in the process of peace building and reconciliation by making proposals on appropriate solutions to such issues; and
 - (iv) to seek funds for implementation of programmes and projects on national unity and reconciliation, conducted under this Act;

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- (n) to liaise and coordinate with other local and foreign institutions, development partners and civil society with a view to promoting the objects of the Act;
- 5 (o) to guide and facilitate peace and reconciliation programmes conducted by local organisations including community based organisations;
- (p) to make rules to ensure the effective functioning of the Reconciliation Office including its administration;

10
- (q) to make rules and issue guidelines from time to time which shall include gender and child responsive policies, to be followed by the staff of the Reconciliation Office relating to the exercise, performance and discharge of its powers, duties and functions;

15
- (r) to appoint, employ and dismiss officers and employees of the Reconciliation Office and to exercise disciplinary control over such officers and employees;

20
- (s) to request secondment of public officers to the Reconciliation Office; and
- (t) to appoint committees and establish in addition to any unit or division specifically mentioned in this Act, divisions and units as are required for the effective administration and functioning of the Reconciliation Office and to delegate such powers and functions as are necessary to such committees, divisions and units.

25

PART III

SECRETARIAT

5 **11.** (1) The Reconciliation Office shall have a Secretariat Secretariat
which shall be charged with the responsibility of
administering the affairs of the Reconciliation Office.

(2) The Reconciliation Office shall appoint a Director-
General, who shall be a person having qualifications and
experience in the field of national unity and reconciliation
and the Director-General shall be the Chief Executive Officer
10 of the Reconciliation Office.

(3) There may be appointed, by the Reconciliation Office,
such other officers and servants as may be necessary to assist
the Reconciliation Office in the exercise, performance and
discharge of its powers, duties and functions.

15 **12.** (1) At the request of the Reconciliation Office, any Appointment
officer in the public service may with the consent of that of public
officer and the Secretary to the Ministry of the Minister officers to
assigned the subject of Public Administration, be temporarily the staff of
appointed to the staff of the Reconciliation Office for such the
20 period as may be determined by the Reconciliation Office Reconciliation
or with like consent, be permanently appointed to such staff. Office

(2) Where any officer in the public service is temporarily
appointed to the staff of the Reconciliation Office, the
provisions of subsection (2) of section 14 of the National
25 Transport Commission Act, No. 37 of 1991 shall, *mutatis*
mutandis apply to and in relation to such officer.

(3) Where any officer in the public service is permanently
appointed to the staff of the Reconciliation Office, the
provisions of subsection (3) of section 14 of the National
30 Transport Commission Act, No. 37 of 1991 shall, *mutatis*
mutandis apply to and in relation to such officer.

PART IV

FINANCE AND REPORTING

5 **13.** The State shall provide the Reconciliation Office with adequate funds to enable the Reconciliation Office to discharge the functions assigned to it by this Act. Such funds shall be charged on the Consolidated Fund. Finances

10 **14.** The salaries of the members of the Reconciliation Office shall be determined by Parliament and be charged on the Consolidated Fund, and shall not be diminished during their terms of office. Salaries of members of the Reconciliation Office

15. The Reconciliation Office may raise funds – Reconciliation Office to raise funds

(a) by obtaining grants, gifts or endowments from within Sri Lanka; and

15 (b) to achieve its mandate by obtaining grants, gifts or endowments from outside Sri Lanka:

Provided that, the funds under paragraph (b) shall be channeled through the Department of External Resources.

16. (1) The financial year of the Reconciliation Office shall be the calendar year. Financial year

20 (2) The Reconciliation Office shall cause proper accounts to be kept of its income and expenditure, assets and liabilities.

(3) The accounts of the Reconciliation Office shall be audited by the Auditor General in terms of Article 154 of the Constitution.

17. The Reconciliation Office shall submit annual reports Reporting
including its audited accounts, to Parliament, and shall also
cause such reports to be made public within a period of one
month of such reports being submitted to Parliament.

5

PART V

GENERAL

18. (1) Any person who – Offences

10 (a) wrongfully resists or obstructs any person
authorised under this Act in the exercise of the
powers conferred on such person;

(b) wrongfully hinders or obstructs the Reconciliation
Office in the exercise, performance and discharge
of its powers, duties and functions; or

15 (c) willfully provides false information to the
Reconciliation Office,

commits the offence of contempt against the authority of
the Reconciliation Office.

20 (2) Where the Reconciliation Office has reasonable
grounds to believe that a person has committed the offence
of contempt against the authority of the Reconciliation
Office, the Reconciliation Office shall report such matter to
the Court of Appeal. Every offence of contempt committed
against the authority of the Reconciliation Office shall be
punishable by the Court of Appeal as if it was an offence of
25 contempt committed against the Court of Appeal.

30 19. (1) (a) No order, decision, act or omission of the Protection
from action
Reconciliation Office or any member, officer or servant
thereof shall be questioned in any proceedings or any court
of law, save and except in proceedings under Article 126 or
140 of the Constitution.

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(b) The writ jurisdiction conferred on the Court of Appeal by Article 140 of the Constitution in relation to any order, decision, act or omission of the Reconciliation Office or any member, officer or servant thereof, shall be exercised by the
5 Supreme Court and not by the Court of Appeal.

(2) Other than in the circumstances provided for in subsection (1) of this section –

(a) no proceedings civil or criminal, shall be instituted
10 against any member of the Reconciliation Office or any officer or servant appointed to assist the Reconciliation Office, other than for contempt against the authority of the Reconciliation Office, for any act which in good faith is done or omitted to be done, by him, as such member or officer or
15 servant;

(b) no proceedings civil or criminal, shall be instituted
20 against any member of the Reconciliation Office in respect of any report made in good faith by the Reconciliation Office under this Act or against any other person in respect of the publication by such person of a true account of such report; and

(c) no proceedings civil, criminal or administrative,
25 shall be instituted against any person consequent, to such person in good faith providing evidence or documentation to the Reconciliation Office.

20. (1) The Reconciliation Office may make rules for ^{Rules} matters for which rules are required to be made under this Act.

(2) Every rule made under this Act shall be placed before
30 Parliament and published in the *Gazette* within a reasonable period not exceeding three months.

21. The members of the Reconciliation Office (for the limited purpose of their functions under this Act) and the officers and servants shall be deemed to be public servants for the purposes of the Penal Code (Chapter 19), the Anti-
5 Corruption Act, No.9 of 2023 and the Evidence Ordinance (Chapter 14).

Members
& c. deemed
to be public
servants

22. The Reconciliation Office shall be deemed to be a scheduled institution within the meaning of the Anti-
Corruption Act, No.9 of 2023, and the provisions of that Act
10 shall be construed accordingly.

Reconciliation
Office to be a
scheduled
institution

23. (1) The Reconciliation Office may delegate to the Director-General, or any other member or officer thereof,
any of its powers and functions.

Delegation of
Powers

(2) The Director-General, the member or officer to whom
15 any of the powers or functions of the Reconciliation Office has been delegated shall exercise and perform such powers and functions subject to the general or specific directions of the Reconciliation Office.

24. Unless the context otherwise requires, in this Act - Interpretation

20 “Minister” means the Minister assigned the Reconciliation Office under Article 44 or 45 of the Constitution; and

25 “community based organisations” means a non-profit or non governmental organizations that operates at the grassroot level within a specific community or locality.

25. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

Programmes to be comprised in the national action plan on reconciliation and coexistence

1. Programmes to ensure reconciliation and coexistence that builds up awareness, peace and unity among all communities and follow up.
2. Programmes to promote and catalyze a multi-stakeholder effort to create a society that respects rule of law, fundamental rights, freedom, social obligations, mutual respect, non-discrimination, equity and diversity.
3. Programmes to establish a coherent network mechanism designed and established from regional level to the national level to promote dialogue, build consensus towards reconciliation and provide early warning and response to emerging conflicts.
4. Programmes to strengthen the governance, policies and curricula to promote reconciliation and social cohesion in the education system including schools, both public and private universities, tertiary and vocational education institutions.
5. Programmes to make psychosocial care and support system, including coordination, assessment, monitoring and evaluation strengthened to foster reconciliation among deprived communities.
6. Programmes to formulate a national action plan for preventing violent extremism, in consultation with the relevant Ministries and government departments and institutions.
7. Programmes to make recommendations to the Government on measures to be taken to resolve issues causing to stress and conflicts existed among different communities and implement such measures and follow up.
8. Programmes to formulate projects and programmes focused on social integration, education, conflict transformation, psychosocial supportive projects, arts and culture, awareness creation and socialization, economic engagement programmes under overall district development and local economic development plans, livelihood development plans with a special focus to women and youth integration.

