

SOUTH ASIA MONITOR

Number 142
June 15, 2010

Sri Lanka: Political Consolidation without Reconciliation?

Uttara Dukkupati and Ambassador Teresita Schaffer

A year after the defeat of the Liberation Tigers of Tamil Eelam, Sri Lanka's government is consolidating and accumulating power. It hopes that economic growth will make the bitter civil war fade into distant memory and is recalibrating its international relationships. The end of the war has been a relief, but the anger that fueled it will require more than prosperity to heal. Sri Lanka still has an opportunity to turn the corner, but the current policies may not be enough to accomplish this.

The elections: On January 26, President Mahinda Rajapaksa rode his military success to a landmark reelection. Ironically, he defeated General Sarath Fonseka, the architect of military victory, who had assembled a coalition of normally incompatible supporters, by 58 percent. On April 8, Rajapaksa called for early parliamentary elections, hoping to capitalize on the momentum generated by his reelection and on continuing Sinhala gratitude for winning the war.

He did just that. Despite an election system that makes large majorities almost impossible, his party, the United People's Freedom Alliance (UPFA), won 144 of the 225 seats in Parliament, close to a two-thirds majority. The election campaign was heated, and built on the tensions arising out of the presidential polls. The election itself was peaceful, with 80,000 police and soldiers deployed to protect against violence and ensure the reliability of the results. Results from 18 polling stations were annulled and re-pollled two weeks later because of violence or allegations of misconduct or foul play. Voter turnout was the lowest in two decades, estimated at between 50 and 55 percent in a country where turnout is normally above 70 percent.

The Tamil vote: This was the first parliamentary election since LTTE supremo Velupillai Prabhakaran died in May 2009 in the final days of the civil war. His LTTE had used threats of violence to bully Tamil citizens into boycotting the previous presidential election, effectively delivering President Rajapaksa his first presidential victory. In 2010, the overwhelmingly Tamil districts of Jaffna and Vanni, which had seen the worst of the civil war and had been the LTTE's stronghold, had particularly low participation. The largest Tamil contender, the Tamil National Alliance (TNA), a collection of constitutional parties that had combined and declared their support for the LTTE before the previous parliamentary elections, began distancing itself from the LTTE after the end of the war. They won only 13 seats, down from 22 in the 2004 election. All these seats were in the war-affected north and east. The UPFA came in second in those districts, with 12 seats.

The parliamentary opposition: The opposition is both diminished and badly divided. Fonseka ran as the leader of the Democratic National Alliance (DNA) in the parliamentary election and won a seat in Colombo District. The DNA's biggest component, the United National Party (UNP), which had headed the government on a number of occasions, fielded its own candidates in the general election. Its showing was a record low—46 seats, compared to 82 seats in the 2004 election. Weak leadership and party disunity undoubtedly account for this result. Its leader, former prime minister and unsuccessful presidential candidate Ranil Wickremasinghe, has now lost a string of elections. The UNP is in for a painful period of soul-searching.

The Janatha Vimukthi Peramuna (JVP), a radical group that convulsed the country with political violence and was brutally suppressed in the early 1990s, had been making a comeback as a legal party, with 49 seats in the outgoing parliament. Its representation took a nosedive, but the *Colombo Times* reports that JVP party leader Wimal Weerawansa received 200,000 personal “preferential votes,” almost as many as the entire TNA.

Power consolidated: Rajapaksa’s double win at the polls has given him a degree of concentrated power almost unmatched in the country’s history. Soon after the presidential election, the Sri Lankan Supreme Court reversed a five-year-old ruling that had held that a president who called an early election for a second six-year term must start the second term immediately after the election. The effect of the reversal is to give Rajapaksa ten extra months in his term.

President Rajapaksa is close to the two-thirds’ parliamentary majority he needs to amend the constitution, and a few parliamentary crossovers will put that goal within reach. Analysts believe that Rajapaksa will lift the present barrier on running for president for a third time. There is also talk of altering the seventeenth amendment to allow the president to appoint members to the human rights and election commissions. This would make both bodies extensions of presidential power rather than curbs on it with a guaranteed place for ethnic minorities. Senior members of Rajapaksa’s government have also spoken of adding a second chamber of parliament, a move whose impact on presidential power would depend on how its members were appointment and what prerogatives it had.

The president has also named himself as minister of defense, minister of finance and planning, and minister of ports, aviation, and highways. He has expanded the defense ministry to include immigration and emigration as well as the Urban Development Authority and the Land Reclamation and Development Corporation.

Three Rajapaksa brothers in high places further intensify this concentration of power. Gotabaya Rajapaksa is secretary of defense, a responsibility that includes the country’s police services. Basil Rajapaksa is economic development minister. His portfolio includes the board of investment, the board of tourism promotion, and wildlife conservation. He also runs the task force charged with developing the war-ravaged north and east. Rajapaksa’s eldest brother, Chamal, is speaker of the parliament.

Trying and marginalizing opponents: One of Rajapaksa’s first acts after his reelection as president was to order the arrest and trial by court-martial of General Fonseka, his former winning general and more recently his electoral opponent. Charges include engaging in politics while still in uniform and violating regulations on military procurement. This legal process calls to mind the action by an earlier government to strip a defeated political leader, Mrs. Sirimavo Bandaranaike, of her civic rights.

Another action that has attracted attention was the arrest and conviction on terrorism charges of a Tamil journalist, J. S. Tissanayagam, followed by a presidential pardon in May 2010. But Tissanayagam had not been released as of this writing because he had not withdrawn the legal appeal challenging his arrest. Regardless of the merits of these procedural arguments, the handling of Tissanayagam adds a sinister note to the ongoing disputes over the role of the press.

Normalizing life in Sri Lanka: The government has taken two important steps toward restoring normal life and curbing arbitrary rule. In mid-May, Rajapaksa persuaded the parliament to relax many of the emergency laws that have been in place for most of the last 27 years. The changes will expand freedom of assembly and shorten from 18 to 3 months the time within which a detained suspect must be produced in court. Provisions that allow authorities to detain suspects indefinitely and without charge remain in force, however, and those previously detained under emergency rule will remain in detention.

In addition, there has been great progress toward releasing and resettling displaced civilians who had been in camps from the time the war ended. The number of displaced was estimated at 300,000 in May 2009. Estimates at this writing are approximately 47,000. This has been probably the most painful issue between Sri Lanka and its international friends.

The economy: a path to reconciliation? The economy in Sri Lanka suffered less than one might have expected from the war, and expectations are that growth will continue at a solid rate. Tourism has revived, and Sri Lankans are optimistic about investment. Indeed, the government sees economic development—through development of both economically backward districts in the south and war-torn districts in the north and east—as its major tool in creating national reconciliation. Rajapaksa’s economic focus is described in a Presidential Task Force report that was distributed to select aid agencies in early April. The report outlined the government’s plans for the shattered north.

Is political reconciliation taking place? Missing from that document, and from the government’s other policy statements, is any political dimension of reconciliation. During the eight years before the war ended, many had counted on constitutional changes to provide expanded provincial autonomy and to give Sri Lanka’s Tamil leaders a greater stake in leading the country. With the end of the war on basically military terms, these ideas are off the table. However, during his presidential election campaign, President Rajapaksa had spoken of devolving power to provincial councils through existing constitutional provisions. This idea is getting relatively little attention now. Senior figures in the government speak of using “informal mechanisms” to reach out from the government to the Tamil parties. But the objective of this outreach is unclear and its execution uncertain. This type of political work to create a shared stake in Sri Lanka’s success cannot be done entirely with economic means.

The one step toward reconciliation the administration has made is the “Lessons Learnt and Reconciliation Commission.” Unlike the commissions established in South Africa and El Salvador, the body proposed for Sri Lanka is to be appointed by the government and to conduct its deliberations in secret. Largely seen as a program introduced to deflect foreign pressure, this configuration may make it difficult to accomplish even that role, and impossible to create the healing environment that Sri Lanka so badly needs.

Recalibrating international ties: The victory over the LTTE left the Sri Lankan government exultant—and its relations with its traditional aid donors in Europe, Japan, and North America in tatters. The donor countries were slow to understand the magnitude of the victory in Sri Lanka, and continued to criticize and exhort Sri Lanka in terms that had been familiar through close to three decades of intermittent war. The Sri Lankans, for their part, had no interest in being lectured to.

Sri Lanka’s first international move was to emphasize its relations with China, Iran, India, and the G-15 group of developing countries. China made substantial promises of new aid. Iran hosted a meeting of the G-15 in May 2010 at which Rajapaksa was elected head of the group. In early June, President Rajapaksa visited New Delhi. While India urged the Sri Lankan administration to use its political capital to address issues of reconciliation, the emphasis was again more economic with India pledging to build 50,000 houses for internally displaced persons in Sri Lanka’s north and east. India also extended an \$800 million line of credit for railway projects in Sri Lanka.

Peiris in Washington: On May 28, 2010, Foreign Minister G. L. Peiris of Sri Lanka met with Secretary of State Hillary Clinton in Washington. The purpose of the trip was to move U.S.-Sri Lankan relations away from the acrimony that had become so apparent in the year since the war ended. The easing of emergency rules, moves toward releasing Tissanayagam, and progress toward resettling detained Tamil civilians made a start toward a more constructive bilateral conversation. Peiris himself, a distinguished lawyer and former Rhodes scholar, was a good choice to deliver Sri Lanka’s message.

But there is still a lot of work to do. In the United States and in Europe, reports of atrocities committed during the war have raised the question of whether there should be an international investigation of the LTTE and the Sri Lankan forces for possible war crimes. The Sri Lankan government has sharply rejected any international investigation, arguing that this is the job of the Reconciliation Commission.

What next? Removal of remaining emergency regulations and ending the harassment of the press and of the opposition in Sri Lanka will go a long way toward restoring Sri Lanka’s relations with its friends in Europe and North America. These same measures and the current economic development efforts will ease some of the frustrations within Sri Lanka. But the roots of Sri Lanka’s civil war lay in the marginalization of the Tamil community, which created a divided polity even before the LTTE and terrorism turned it into a bitter civil war. Sri Lanka has created a moment of hope. It still needs to take advantage of it.

Uttara Dukkupati is a research assistant with the South Asia Program at the Center for Strategic and International Studies in Washington DC.

Ambassador Teresita Schaffer is the director of the South Asia Program at the Center for Strategic and International Studies and a former U.S. ambassador to Sri Lanka.

South Asia Monitor is published by the Center for Strategic and International Studies (CSIS), a private, tax-exempt institution focusing on international public policy issues. Its research is nonpartisan and nonproprietary. CSIS does not take specific policy positions; accordingly, all views, positions, and conclusions expressed in this publication should be understood to be solely those of the author(s).
© 2010 by the Center for Strategic and International Studies. All rights reserved.