



Sri Lanka: Towards Reconciliation?

Implications of Mahinda Rajapaksa's Election Victory

by Martina Klimesova

Mahinda Rajapaksa was reelected President of Sri Lanka following the country's first presidential elections after the military victory over the Liberation Tigers of Tamil Eelam (LTTE) last May. Despite some violent incidents during the election campaign, the elections were largely peaceful. Rajapaksa declared in his announcement from January 12 this year that he is prepared to execute the necessary constitutional changes to accommodate the political aspirations of Sri Lankan minorities, by creating a second parliament chamber which would allow greater Tamil political representation. In waking up from the post-victory euphoria of May last year the main issue on the agenda of the president has to be winning the peace.

On January 27, the incumbent president, Mahinda Rajapaksa from the UPFA (United People's Freedom Alliance), was declared the winner of the presidential elections in Sri Lanka, the first such elections since the government's military victory over the LTTE in May of last year. The opposition candidate, General Sarath Fonseka from the newly formed United National Front (UNF), disputed the outcome and accused President Rajapaksa and his team of manipulating the results. Meanwhile, some reports speculated that Fonseka would possibly even orchestrate a military coup.¹ Despite the heated aftermath of the elections and some sporadic violent incidents during the election campaign, large-scale violent escalation is unlikely. Instead, the main question to be confronted is how the administration will handle post-war reconstruction, including the accommodation of Tamil political grievances and reaching out to the other minority, the Muslims. Furthermore, the president will have to face deteriorating relations with the West, namely the European Union, as well as the dire economic situation in which Sri Lanka finds itself.

Who defeated the Tamil Tigers?

To understand why the Sri Lankans assign such importance to the abovementioned questions, one needs to look back at the history of the twenty-five year conflict, especially the events after 2006. President Rajapaksa was open to continuation of the negotiation process between the

government and the LTTE when he first entered office in November 2005. However, he soon concluded that a negotiated settlement was unfeasible, and instead opted for full-scale military operations which ended in the military defeat of the Tamil Tigers; while the Sri Lankan Army had inflicted losses on the Tigers in the past, never before had they succeeded in reclaiming all LTTE territory in the northeast of the country.

General Fonseka undoubtedly significantly contributed to the victory; but, on the other hand, Velupillai Prabhakaran's fatal strategic mistake of changing the LTTE's military strategy from a guerrilla-type warfare to that of an open front, conventional war also contributed to the LTTE defeat. Rajapaksa meanwhile took overall responsibility for the political decisions, also defending the strategy internationally. Such was the sense of post-victory euphoria that Rajapaksa brought forward the date of the presidential elections by nearly two years.²

It is undisputable that both presidential candidates significantly contributed to achieving the victory over the LTTE. This notwithstanding, the one who is truly able to terminate the conflict is the president who is able to defend constitutional and other reforms which are necessary to accommodate the significant (and prevailing) political grievances of the Tamil and the Muslim minority, and achieve overall national reconciliation. The path to this "final" victory is not as clear and explicit as only successfully defeating the LTTE by military muscle alone.



Prospects of power-sharing reforms

Both candidates during their respective election campaigns attempted to reach out to the Tamil by addressing the need for power-sharing arrangements. This issue has been on the agenda more or less since Sri Lanka's independence in 1948. Following Rajapaksa's statements from the past six months it is evident that he is aware of the need to initiate some power-sharing reforms to address the prevailing political grievances of the Tamil and Muslim minorities. But while his intentions have been clear enough, it remains unclear when and in which form the reforms should take place – and, most importantly, the extent of delegated political power to the minorities.

Devolution of power under the 13th amendment to the Sri Lankan Constitution which established provincial councils was flatly rejected by the Tamil as insufficient. The All Party Representative Committee (APRC), established in July 2006 to prepare constitutional reforms and find a suitable solution for the new structural power setting, failed to yield practical results. There is a visible contrast with the arrangements when the power-sharing arrangements were negotiated during the peace process (GOSL-LTTE), where there were attempts by Norway as the third party to position the two sides equally. In the current debate, Sinhala and Tamil groups are unequal, and, more importantly, to carry out the necessary reforms the Tamils will first require stronger political backing to face the Sinhala nationalists who have been boosted by the military victory. And, furthermore, the power-sharing negotiation is now a strictly internal process, but with the Tamil political parties divided it remains unclear who has the mandate to represent the Tamils. Some argue that with devolution reform attempts having failed in the past it is unlikely that after achieving military victory the situation is likely to change. The question of the Executive Presidency is also often mentioned in this context; some argue that it should be revoked after the military campaign to aid the devolution process. On the other hand, it seems highly unlikely as the president will most likely use the prevailing threat of terrorism to keep power centralized.

Winning Tamil hearts and minds

As indicated above, the conflict in Sri Lanka has not been fully resolved as its original cause remains intact. And while the conflict in Sri Lanka is about the identity and

political dignity of the Tamil population, it also needs to be kept in mind that the LTTE hijacked these issues to assume power – and that the conflict is not resolved with their elimination.

Rajapaksa proposed power-sharing arrangements for the Tamil minority fourteen days before the crucial elections, and he has also acknowledged that winning the war does not mean winning the peace. However, the main question in this context remains: how serious and candid are these appeals to the Tamils and how will these promises be translated into reality? It is an immensely difficult task as the president will have to face deep-rooted distrust within the current establishment as well as among the Tamil in the northeast. Next to the pervasive frustration experienced in the IDP camps, the dire conditions there, the lengthy process of releasing refugees, and the insufficient government support for resettlement, there is a much deeper societal problem at play.³ The younger generation of Tamils in the northeast, especially in the Killinochi area, have very little experience of “normal” life and some observers have already labeled them as a “lost generation.” Only very serious attempts accompanied by strong government incentives and visible results could have some chances in succeeding. Furthermore, to win the hearts and minds of the Tamils also means facilitating the change of mindset of the Sinhala population; that is, to fully acknowledge that Sri Lanka is a multi-ethnic state. The signs are not encouraging: following the May victory over the LTTE, banners were placed along roads celebrating the army's achievement with the text displayed only in Sinhala and with other celebrations mostly directed solely at the Sinhala population.

There are also many local challenges in the northeast related to post-war reconstruction. Farming and fishery are two of the most common means of obtaining a livelihood in the area, yet without sufficient resettlement packages and also ridding the land of mines, the farmers cannot start again. The government has aspired to encourage the Tamil diasporas to invest in the development of the northeast; however, there is an insufficient level of trust between the government and the diasporas who continue to express their concerns about conditions in the remaining IDP camps.

What do the election results mean for the Tamils? The Tamil Nationalist Alliance (TNA) favored General Fonseka, while the People's Liberation Organization of Tamil



Eelam (PLOTE) supported President Rajapaksa. It is clearly visible that the Tamil voice has not been fully united and that it lacks clear leadership. It should also be mentioned that electoral participation in the northeast was extremely low due to the prevailing technical difficulties and the inaccessibility of polling stations. It was reported for instance that only 10 percent of the population in the Killinochi district actually voted. It can only be speculated what General Fonseka's victory would have brought the Tamil community, but it can be safely said that President Rajapaksa now has full legitimacy to implement the pledges from his election campaign.

Sri Lanka and the international community - friends or foes?

In the final stage of its military operation, the Sri Lankan government attracted a lot of international attention – much of it negative – for reported violations of human rights and the breaching of several international conventions.⁴ It is to be noted that international actors have played an important role in Sri Lanka – both in the peace process as well as vital trade partners and sources of development aid.

The European Union's relations with Sri Lanka have deteriorated. One of the main foreign policy issues that Rajapaksa will have to deal with is EU-Sri Lanka relations and the negotiations on the GSP+ trade concessions.⁵ By February 15, the EU Council will decide on whether it will lift the temporary withdrawal of the special incentive arrangement for sustainable development and good governance, the so-called GSP+ arrangement. A report by the EU Commission indicates the breaching of Sri Lankan commitments resulting from the GSP+ status, namely violating international human rights standards during the military campaign against the LTTE in the northeast in spring 2009. Although the EU indicates that it is open for constructive dialogue and further discussions on the issue and the reintegration of Sri Lanka into the GSP+ group, current relations between Sri Lanka and the EU are strained. Further, the EU's actions and statements have been perceived in Sri Lanka as an unrequested interference in its internal issues. Indeed, there is a great level of mistrust on the Sri Lankan side, who question the true intentions of some European countries.

The Sri Lankan administration and also the media

have continuously overestimated the influence of European Tamil diasporas on decision-making processes in the EU member states. Dialogue between Sri Lanka and the EU has been additionally marred by Sri Lanka's inability to accept criticism for the way in which it fought the war against the LTTE, with the large number of civilian casualties, allegedly violating several international human rights conventions, and, on the other side, by the unwillingness of some European nations to look at the situation in Sri Lanka from the Sri Lankan government's perspective. It should also be stressed that the severe criticism that President Rajapaksa received from some European countries but also the United States in May 2009 made him more popular at home among the Sinhalese majority. There is a lack of ability to communicate in a constructive manner on both sides.

The general situation poses a natural dilemma for the Western states who strongly object to how some of the military operations were conducted, but who were not able to find an effective tool to channel the message to the Sri Lankan administration in a constructive manner. It can be expected that despite the existing dire economic situation in Sri Lanka, the newly re-elected president is unlikely to visibly change his position and accommodate the EU's requests voiced in the recent GSP+ statement.

The United States has been lately more hesitant in its critique and not as active in imposing further conditions on Sri Lanka, most likely due to American strategic interests in the country and the wider region. Nevertheless, the U.S. has cut military and donor assistance to Sri Lanka in relation to human rights violations. The Sri Lankan government, on its part, strongly objected to the State Department report to the Appropriations Committees of the U.S. Congress, which condemned the actions of the Sri Lankan government in the final stage of the military operations against the LTTE.⁶

Japan has refrained from commenting on the internal situation, and has been keen on continuing to build a long-term relationship with the Government of Sri Lanka. Additionally, Japan wishes to prevent a further widening of the gap between the Sri Lankan government and Western countries, since it would prefer Sri Lanka to maintain economic cooperation with European countries rather than deepen its cooperation with China and other emerging powers. Some criticize Japan for neglecting the human rights violations and not conditioning its economic assis-



tance upon adhering to certain human rights standards. In response, Japan argues that having functioning bilateral relations exhibiting a high level of confidence enables them to achieve the said goals more effectively than when imposing conditionalities.

China's role in Sri Lanka is expected to increase. President Rajapaksa reached out to the Chinese in 2006 to seek assistance in supplying weapons.⁷ China has also become Sri Lanka's patron in the UN Security Council, blocking discussion on the Sri Lankan humanitarian crisis in March 2009, pointing out that it is an internal issue. Unlike the European countries and the United States, China does not make inquiries about domestic developments; it also does not tie its economic assistance and trade to human rights issues. China is an emerging donor and its assistance is in accordance with Chinese national interests.

Pakistan and Iran have, after China, been the main suppliers of weapons to Sri Lanka. Pakistan, encouraged by China, has increased its loans and military assistance to Sri Lanka. Iran, in addition to being an emerging donor, has also been assisting with development of a local oil refinery. It can be safely assumed that should relations between Sri Lanka and the European Union and the United States deteriorate further, the Government of Sri Lanka will proceed to intensify contacts with China, Pakistan, and Iran, further distancing itself from the Western powers.

India has always been an important actor in Sri Lanka, given its proximity as well as the ethnic connections between the Indian state of Tamil Nadu and the Tamil minority in Sri Lanka. India has kept rather a low profile in the conflict resolution initiative after its involvement in the late 1980s and the later failure of the Indo-Lanka Accords. But it has been clear that all of the other international actors respect its special role in Sri Lanka. As N Sathiyamoorthy notes, India will have "correct relations" with any government in Sri Lanka, therefore there are no significant changes expected after the presidential elections. Accordingly, India is expected to play an advocacy role on behalf of the Tamil minority, but it will also maintain good relations with the Sri Lankan government.

The re-elected President Rajapaksa has to put post-war reconstruction among the priorities on his agenda. Successful resettlement, the closing of IDP camps, and also thorough demining are just some of the main issues. The

recent ICG report on Sri Lanka suggests that international donors should use their leverage to support democratic reforms benefiting all Sri Lankan ethnic groups.⁸ The issue of tying development assistance to changes in domestic policy has already been utilized before in the Sri Lankan context without significant success, however. Thus, while it is undisputable that it is necessary to insist on adhering to international humanitarian standards and the protection of human rights, it can be questioned whether the aforementioned policy is the most effective way forward.

Conclusions

Following the presidential elections, it is yet to be seen how power will be distributed in the general elections expected to be announced for April 2010. Further, it remains to be seen how the opposition will regroup after the losing the presidential elections. General Fonseka and his supporters have raised some accusations against Mahinda Rajapaksa and his team and it can be expected that this animosity will continue to the general elections. It does not seem likely, however, that the split within the Sinhala majority will be deep enough to trigger-large scale violent escalations.

Battling the worsening economic situation and planning for the northeast's reconstruction are issues that will definitely occupy a great deal of the new government's agenda. Nevertheless, the strained relations with the main trading partner, the EU, should also not be completely neglected and the Government of Sri Lanka should continue the dialogue with the EU to overcome the current impasse in relations between the two sides. Moreover, the Government of Sri Lanka should not be overly sensitive to international criticism and do its best to openly prove all international allegations wrong with sufficient evidence. On the domestic front, finding suitable power-sharing arrangements for all Sri Lankan ethnic groups should take absolute priority. The president has clearly stated his intentions, now it remains to be seen if he can deliver.

In sum, Mahinda Rajapaksa has won the war and the elections, it is now to be seen if he proves to be a President of all Sri Lankans and will also win the peace.



Notes

1. General Sarath Fonseka is the former commander of the Sri Lankan Army. He retired from his post in November 2009 upon completing the military operation against the LTTE forces. Opposition leader Ranil Wickramasinghe, former Prime Minister, and former President Chandrika Kumaratunga were among those who declared their support for General Fonseka.

2. The next elections were expected to be in November 2011.

3. Source: International Crisis Group, January 11, 2010, Sri Lanka: A Bitter Peace.

4. The EU Commission has stated in a report that Sri Lanka breached the following conventions during the military campaign in the northeast: United Nations Convention on the Rights of the Child, the UN Covenant on Civil and Political Rights and the UN Convention against Torture. Sri Lanka strictly rejects the findings.

5. The Sri Lankan textile industry suffers the most from the bleak prospects of the GSP+ negotiations. Most of the exports to the EU market are from the textile industry (29% of total Sri Lankan exports are bound for the EU market, garments and textiles account for 55% of the Sri Lankan exports to the EU, the EU is also Sri Lanka's largest trading partner, source: EC) and fishery. Should the favorable access to the EU market be lost, it is expected to have significant effects on the overall condition of the Sri Lankan economy. For the EU, the GSP + negotiations are technical, not political; however in the present context most of the international issues are political.

6. "Report to Congress on Incidents During the Recent Conflict in Sri Lanka", US State Department.

7. China has also supplied arms to Sri Lanka before 2006, see Neville de Silva, "West making China villain of the peace," The Sunday Times, May 31, 2009. In 2008, China also became the biggest aid donor to Sri Lanka; Chinese assistance to Sri Lanka reached US\$1 billion. Source: Sri Lankan MOFA.

8. International Crisis Group, January 11, 2010, Sri Lanka: A Bitter Peace.

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