

SRI LANKA AFTER ELECTIONS: CONTINUING UNCERTAINTY

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Sri Lanka's parliamentary election, held on April 02, has produced an indecisive outcome, with no party, or alliance of parties, being able to obtain a working majority in the 225-member legislature. While the United National Party (UNP) has lost the election to the newly formed United People's Freedom Alliance (UPFA), the latter's tally is 105 seats, still nine seats short of the number required to form and run a government. The UPFA is headed by President Chandrika Kumaratunga, whose second term of office will come to an end in 2005. Indications are that President Kumaratunga will run a minority government, until some re-alignment of forces is engineered anew. As it is quite evident now, the expansion of the ruling coalition is difficult, due to sharp differences that exist between the coalition members and the smaller ethnic parties that are in the opposition and from whom the new coalition partners have to be sought.

Sri Lanka's is an essentially fractured polity. The composition of the parliament, worked out on basis of proportional representation, dramatically reflects all the major fragmentations. While the UPFA and its allies have received 106 seats, UNP, the second largest combination of parties, has 82. The third largest party in the new parliament is the Tamil National Alliance (TNA) with 22 seats. TNA was openly backed by the LTTE, and its 22 seats represent a clear majority in the Northern and Eastern provinces. Meanwhile, in a surprising development, a newly launched entity of Buddhist monks, Jathika Hela Urumaya (JHU), has bagged 09 seats in the parliament. The plantation-based Ceylon Workers Congress contested under the UNP and claims eight seats for its members. The Sri Lanka Muslim Congress (SLMC), meanwhile, has five MPs from the Eastern Province. The Upcountry People's Front, which also has close political links with the LTTE, has one member in the new parliament. Thus, the opposition tally is 119 seats, as opposed to the ruling UPFA's 106. When the new Speaker to parliament was elected on April 22, this particular distribution of power in parliament helped the opposition to elect its candidate to that high position. This simple parliamentary arithmetic indicates the state of acute uncertainty that the new government of President Kumaratunga will have to grapple with in the coming months.

Backdrop

The circumstances under which the April parliamentary elections were called, within just two years of the six-year parliamentary term of the previous UNP government, intimately linked to some peculiarities of Sri Lankan politics. In 2002 and 2003, Sri Lanka had a divided government, the executive being

headed by President Kumaratunga and the legislature by Prime Minister Wickramasinghe, the two leaders representing the two main rival political parties. For stability of governance, this required an arrangement of cohabitation between the President and the Prime Minister, or more accurately the executive and legislative branches of the government. While such cohabitation never came into existence, Prime Minister Wickramasinghe, with the assistance of the Norwegian government, launched his ambitious peace initiative with the LTTE in early 2002. Even though the real powers of defense were in the hands of a hostile President, he signed a cease-fire agreement with the Tamil rebels. Wickramasinghe also brought in the US, EU countries and Japan to support the peace as well as economic recovery processes. President Kumaratunga and her party resented these developments. In the absence of a cohabitative spirit between the two rival centers of power, President Kumaratunga, on the premise that Sri Lanka's national security had come under serious threat from the LTTE, took over in October last year some of the key ministries of the Wickramasinghe cabinet. This included the all important Ministry of Defense. Attempts to resolve the new political crisis failed and Kumaratunga, unilaterally employing her constitutional powers, dissolved the parliament in February this year, although Wickramasinghe's UNP and the allies had a comfortable majority in parliament to stay on for four more years in their term of office.

Politically quite significant is the reason why the UNP lost the election in just two years in power. On surface, the UNP's record of achievements has been quite impressive. Its peace process has been the most successful for twenty years, with an internationally monitored cease-fire agreement in force for over two years. Wickramasinghe had mobilized wide international support for his peace bid. The donor community had pledged massive financial assistance for Sri Lanka's economic recovery attempts that were linked to the peace process. With the assistance of the World Bank and the IMF, the government had managed to restore most of the macro-economic fundamentals. That included the reduction of the budget deficit through cutting down on public expenditure and the reduction of the inflation as well as interest rates. The annual economic growth rate had reached 5% of the GDP in 2002, which was below zero in the year 2000. In the eyes of the donor community, Sri Lanka under the UNP regime was well in her way to rapid economic recovery. Yet, in the experience of the rural masses, particularly the peasantry, there were no economic benefits that they could share. The peace dividend had not reached the poor and low income groups. As some pre-election polls indicated, the vast majority of the people trusted the ability of the Wickramasinghe

administration to continue the peace process. Yet, a still larger share of the populace did not believe in the UNP's commitment to relieving them of the heavy economic burdens. Wickramasinghe's policy synthesis of the peace process with a right-wing economic reform agenda proved itself to be electorally disastrous.

Multiple Centers

The most dramatic feature of the political equilibrium emerged out of this election is the emergence of three new political forces as powerful centers of power in the legislature. They are Janatha Vimukthi Peramuna (JVP-People's Liberation Front), Tamil National Alliance backed by the Liberation Tigers of Tamil Eelam, and the Sinhalese nationalist JHU with nine Buddhist monks as its MPs. The JVP is a member of the UPFA coalition and has 40 seats under its direct control. More than a dozen Sri Lanka Freedom Party (SLFP) members in the UPFA – the SLFP is the main constituent party of the new alliance – are closely allied to the JVP. This achievement is the real political coming of age for the JVP which had in 1971 and 1987-88 launched two insurgencies to gain control of state power through revolutionary means. Now the JVP, with its Left-nationalist policy agenda is in the real mainstream, controlling the directions of the new government.

The TNA contested the parliamentary election as the LTTE's political front and it won 22 seats in the Northern and Eastern provinces. In a way, the LTTE is present in Sri Lanka's new parliament through its proxy, the TNA. The strategic goal that the LTTE sought to achieve at this election is to re-establish the claim, through electoral means, that they were the 'sole representative' of the Sri Lankan Tamil people. This 'sole representative' status is crucial for the LTTE in their negotiations with the Sri Lankan state in order to secure the exclusive control of the Northern and Eastern provinces in the event of a negotiated interim settlement. Although the LTTE militarily dominates the Sri Lankan Tamil polity, their sole representative claim is sharply contested by other Tamil groups as well as many Sinhalese political parties as well as human rights groups. The recent split between the movement's Vanni leadership and the Eastern command also provided the context for the LTTE to aggressively prove their 'sole representative' claim at the election. Independent election monitors have reported serious violations of the election law by LTTE cadres during the election campaign preventing their rival Tamil parties from campaigning. Amidst accusations of violence, intimidation and vote rigging, the LTTE has ensured nearly 95% of Tamil votes in the North and East in favor of the TNA.

The nine Buddhist monks of the JHU have added novelty to Sri Lanka's parliamentary politics, with partial saffronization of the legislative chamber. The JHU is a peculiar political formation in the sense that it is led by lay politicians while its parliamentary candidates are all Buddhist monks. It indeed benefited from Sri Lanka's system of proportional representation that, unlike the first-past-the post system, favors small parties. Under the PR system,

any party that obtains a minimum of 5% of votes in a given electoral district, qualify for seats at the expense of major parties. The JHU, committed to a strong program of Sinhalese nationalism, fielded 260 candidates who all were Buddhist monks. The JHU monks, campaigning with the promise of establishing a Dharma Rajyaya (a Buddhist Righteous State) in Sri Lanka, drew their support mainly from the urban, middle-class voters, disenchanted with the mainstream Sinhalese political parties who they see as making compromises with ethnic and religious minorities. The voting pattern also indicates that the many middle class UNP voters, who were opposed to the UNP's peace bid with the LTTE, have also shifted their loyalties to the JHU which presented to the electorate a militant version of Sinhalese nationalism, interspersed with the sentiments of majoritarian insecurity among the Sinhalese and a message of moral regeneration.

Survival and Stability

Against this backdrop, stability of the new government will require immediate changes in the combinations and permutations of the numbers in parliament. For the immediate survival of the UPFA as the new governing entity, it is absolutely necessary for President Kumaratunga to expand the ruling coalition. The options the President has are both limited and full of pitfalls. Actually, the way in which she will broaden the coalition will also re-shape the policies and directions of the new government. As Kumaratunga is now learning, making coalition regimes in a fractured polity is a thankless job, particularly when the smaller entities representing uncompromising agendas have a crucial leverage. The JHU monks initially offered outside support to the UPFA on a set of tough conditions. Among them were the de-merger of the Northern and Eastern provinces as two separate politico-administrative entities, abandoning of regional autonomy with a commitment to preserving the unitary state of Sri Lanka and introducing legislation to ban the so-called unethical Christian conversion. The demand for the North-East de-merger is designed to counter the Tamil nationalist claim that a unified region encompassing these two provinces – the so-called 'traditional Tamil homeland' – should constitute the unit of Tamil autonomy. If the President is keen to resume negotiations with the LTTE, accepting the JHU's conditions to expand the coalition will be politically hazardous.

Kumaratunga's attempt to persuade the CWC and SLMC to join the UPFA Government has not yet been successful either, although even for regime survival, the best option that the UPFA leaders have is to expand the ethnic bases of their coalition. Other than ensuring a majority, such a move will also give a multi-ethnic character to the UPFA that was forged late last year as an essentially Sinhalese-nationalist coalition of forces that were weary of the UNP-LTTE peace bid. However, Sinhalese nationalist groups, who have a strong presence in the UPFA ranks, are not in favor of including either the CWC or the SLMC in their government. Their resentment is also fuelled by the popular belief among the Sinhalese

that the CWC and SLMC are highly corrupt entities that thrive and survive by backing hapless Sinhalese parties in search of parliamentary majorities. Such sentiments of political purism are very much a part of the JVP's political ideology. Thus, if Kumaratunga bring in to the UPFA fold the CWC and the SLMC, in a desperate bid to save the new regime, she will have the added task of pacifying her Sinhalese nationalist constituencies that are prejudiced against the ethnic minority parties.

Challenges

Other than ensuring survival and stability, the new UPFA regime faces two other crucial and immediate challenges. The first is the resumption of negotiations with the LTTE. The other is working towards economic recovery.

President Kumaratunga is keen to resume talks with the LTTE as soon as possible. There are also indications that the UPFA's approach to dealing with the LTTE is substantially different from that of the UNF. In place of Ranil Wickramasinghe's strategy of involving the USA and the Western donor countries in the process, Kumaratunga is under pressure from the JVP to offer direct and greater role for India. However, re-defining the role of the external actors in the negotiation process entails many complexities. The LTTE is also keen about early negotiations, yet will not be in favor of sidelining the Norwegian facilitators in a short notice. They will also resist that any role for India in the peace process without normalizing their relations with India. In India, the LTTE remains a banned organization and the political parties as well as the officials there are quite weary of the LTTE.

Meanwhile, the LTTE is insisting that the new phase of talks should center on their proposal for an interim administration in the Northern and Eastern provinces. The LTTE also argues that the talk should resume on the principle of continuity of the agenda as well as the conditions that existed during the previous UNP regime. The 'continuity of conditions' entails the continuity of the strategic balance that existed between the LTTE and the Sri Lankan state. The continuity of agenda means that the discussion on the LTTE's proposals for an Interim Self-Governing Authority (ISGA) should take priority over other issues.

When the UNP-LTTE talks reached a stalemate last year, the main item in the agenda was the proposal for an interim administrative arrangement to the North and East. The LTTE's ISGA proposals were submitted on October 1, last year. Then, a series of dramatic political events involving President Kumaratunga and the UNP government over took the significance of the ISGA proposals. Negotiations did not resume either. The dissolution of parliament, fresh parliamentary elections on April 02, and the electoral defeat of the ruling UNP interfered with that process. During the parliamentary election campaign, Kumaratunga's UPFA denounced the LTTE's ISGA proposals as a blueprint for separation. The UPFA's position during the election on the question of negotiations

with the LTTE was to continue with talks and the peace process, but from a position of strength and under 'fair conditions.' These are positions that President Kumaratunga now finds difficult to sustain. Making her previous hard line positions flexible, Kumaratunga has now agreed to the LTTE's insistence that the ISGA proposals should be the core of the new agenda. However, Kumaratunga has also proposed to the LTTE through Norwegian facilitators that there should be parallel talks on a political settlement to the ethnic conflict. But, the LTTE has not agreed to this suggestion and that may further delay the resumption of talks.

In the economic recovery agenda, addressing Sri Lanka's acute agrarian crisis along with rapid economic growth will pose a formidable challenge to the new regime. The UPFA's economic development strategy, as offered to the electorate during the election campaign is basically shaped by the JVP's ideology of economic nationalism, social welfare and public sector-led economic development. This stood in sharp contrast with the UNP's right-wing economic program that emphasized the rapid down-sizing of the public sector, sale of public sector assets to big private conglomerates and pushing the competitive market forces every where of economic life. The fact that at the elections former Prime Minister Wickramasinghe's UNP was routed in most of the rural districts demonstrated the gravity of the agrarian crisis as well as the expectations of the vast masses of the peasantry over the new regime. This calls for a radically altered version of the Washington consensus for Sri Lanka, marking a decisive shift from the way in which the UNP handled the economy and social sectors. The UPFA is at least ideologically committed to such a change. But the question is how plausible such a policy shift in the context of a fast-globalising Sri Lankan economy.

Constitutional Reform

Meanwhile, the new government has embarked on an initiative of constitutional reform. The course of action it proposes is to summon a constituent assembly and pass a new constitution through a simple majority in that assembly. The centerpiece of that constitutional change will be the abolition of the presidential system and returning to a prime ministerial government. The new constitutional framework will also alter the existing electoral system. This constitutional reform exercise has already generated much controversy, because of the peculiar method which the UPFA government is adopting to circumvent the legal obstacles to constitutional amendments. The UPFA is a minority government without even a simple majority in parliament. In the absence of a two-thirds parliamentary support, there is absolutely no way for the new government to alter the constitution in a legal way. Therefore, the UPFA has resorted to the method of 'legal revolution.' At the April parliamentary election, the UPFA sought a 'mandate' from the people to change the existing constitution through the mechanism of a constituent assembly. However, the Alliance obtained only about 45% of the total votes cast and 105

parliamentary seats, short of even a simple majority in both votes and seats.

To overcome these legal obstacles, the UPFA government has decided to call for a Constituent Assembly, consisting of all members of the present parliament. A draft constitution, passed by the simple majority in the Constituent Assembly will then be presented to people at a referendum. In this 'revolutionary' method of constitutional reform, parliament will be totally by-passed. This initiative is certain to deepen Sri Lanka's existing political crisis. The opposition UNP is certain to stay away from the Constituent Assembly. The Tamil and Muslim minority parties are not in favor of abolishing the existing presidential system of government or the proportional representation system. In their reckoning, these two changes will be detrimental to minority interests. Critics point out that an extra-constitutional, non-inclusivist and unilateralist

constitutional reform process, as envisaged by the present UPFA regime, will have little or no chance of success. Even if it succeeds, the new constitution may not enjoy much political legitimacy. In fact, constitutional reform in a deeply divided society like Sri Lanka should be an exercise in bringing the fractured polity together in a spirit of peace, reconciliation and consensus.

In any case, Sri Lanka needs a fresh beginning to address all its major challenges. The verdict of the electorate is for all the political forces to work in consensus, and not through unilateral agendas and strategies. The silver lining of the election outcome is that Sri Lanka now has a parliament which has assured representation to all major political entities in Sinhalese, Tamil and Muslim societies. No shade of opinion could now complain of being excluded from parliament. However, inclusivity in governance is hard to come by as yet. ■

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