



CLAWS SEMINAR REPORT

FEBRUARY 2015

SEMINAR REPORT # 2

Sri Lanka Post Election: Policies, Priorities and Possibilities

Post elections, the new government in Sri Lanka is rolling out its agenda. To gain a meaningful insight into Sri Lanka's internal dynamics and external policies, Centre for Land Warfare Studies (CLAWS) conducted a seminar on 30 January 2015, to examine the evolving socio-politico-economic and security situation in Sri Lanka. The panel for the seminar comprised of :

- Professor S.D. Muni, Distinguished Fellow at IDSA.
- Smruti Pattnaik, Research Fellow at IDSA.
- Capt Alok Bansal (Retd), Director of India Foundation and former Senior Fellow CLAWS.
- Advocate Annamalai Vartharaja Perumal.

Pointers

1. President Sirisena's victory was a result of approximate equal division of Sinhala votes and majority backing by the ethnic and religious minorities without any conditions or demands.
2. The new president is committed to policy reforms i.e democratization, devolution of power to the provinces, reduction of the executive powers of the president, reduction of military role in governance, demilitarization, rule of law, independent judiciary, appointment of independent commissions, media freedom, transparency in governance and equal rights to all ethnic communities. National reconciliation based on the manifesto would restore balance in society and eliminate the grievances of the ethnic minorities.
3. The new dispensation is well disposed towards India, and will develop better relations based on its manifesto which implies balanced international relations as well. It is expected that the Tamil fishermen issue will be amicably settled by the new governments in India and Sri Lanka.
4. India and Sri Lanka need to increase cooperation in security and economic fields.

The Centre for Land Warfare Studies (CLAWS), New Delhi, is an autonomous think tank dealing with contemporary issues of national security and conceptual aspects of land warfare, including conventional and sub-conventional conflicts and terrorism. CLAWS conducts research that is futuristic in outlook and policy-oriented in approach.

The issues for discussions were:-

- Examining Key Economic and Security Agendas of the Political Parties during the run up to the Election.
- Analyses of Electoral Verdict.
- Policies and Priorities of the New Sri Lankan Government and Imperatives for India.

Background

Presidential elections were held in Sri Lanka on 08 January 2015, two years ahead of schedule. The incumbent President Mahinda Rajapaksa was the United People's Freedom Alliance's candidate (UPFA), seeking a third term in office. The United National Party (UNP) led opposition coalition chose to field Maithripala Sirisena, the former Minister of Health in Rajapaksa's government and general secretary of the Sri Lanka Freedom Party (SLFP) the main constituent party of the UPFA as its common candidate. While the UNP could have chosen Chandrika Kumartunga or Ranil Wiskrumsinghe, Sirisena was chosen to lead because Chandrika Kumartunga would have been serving her third term, which was being opposed by all the opposition parties, and Ranil Wickresinghe did not possess the charisma to draw support. The decision to choose Sirisena as presidential candidate proved to be correct when he won the mandate by receiving 51.28% compared to Rajapaksa's 47.58%.

❖ Agendas by the political parties during the run up to the election:

The election manifesto of both Mahinda Rajapaksa and Maithripala Sirsena were similar in some ways. Both promised jobs for 1 Lakh people, economic development, abolition of executive presidency and wide political reforms.

➤ Mahinda Rajpaksha's Manifesto:

Mahinda Rajpaksha in his manifesto promised:

1. Implementation of 13th **Amendment Plus** i.e. devolution of power to the provinces.
2. Build efforts towards establishment of peace in the society.
3. Laid stress on national security.
4. Justified the current high security presence in the Northern and Eastern provinces for intelligence gathering.

5. Sri Lanka needs to stay vigilant and not let separatists destabilise the unitary state.
6. Good governance program.
7. Strengthening the relationships with India, Pakistan and other countries of the SAARC region.
8. Building National identity through schools.
9. Additional foreign investment in the next six years, exceeding \$10 Billion.

➤ **Maithripala Sirisena's Manifesto**

Sirisena in his manifesto has pledged:

1. Abolition of Executive Presidency within 100 days.
2. Repeal the controversial eighteenth amendment. The name of the Constitutional Council was changed to Parliament Council under the 18th Amendment. It stated that “in appointing members to the Council, the President “shall seek the observations of the Parliament Council.” Under this amendment members of independent Commissions can be appointed by the President and removed by him.
3. Re-instate the seventeenth amendment. The 17th Amendment passed in October 2001 proposed the establishment of Constitutional Councils (previously article 41A) to recommend appropriate persons to the various independent commissions. It laid down elaborate procedures for their appointment to ensure that they are free from political influence. The commissions in question include the Public Service Commission, Judicial Service commission, National Police Commission, Commission to investigate Bribery and Corruption, Election Commission, Human Rights Commission and Administrative Appeals Tribunal. The Constitution Council consisted of the President, Prime Minister, Leader of Opposition, one person appointed by the President, five persons appointed by the Prime Minister and Leader of Opposition, and one person nominated by Parliament or appointed by President. The President cannot appoint the Chairperson of any commission without the recommendation of the Constitutional Council.
4. Appoint UNP leader Ranil Wickremasinghe as Prime Minister.
5. Investigating corruption in mega projects.
6. Media freedom with meaning and substance.
7. Reorganisation of Foreign Service.

8. Indian policy will take into due consideration the diversity of India. Sri Lanka will act to have closer relations with an attitude that would be neither anti-Indian nor dependent.
9. Promised to look into the effective control of 108 hectares of reclaimed land at Colombo Port, in which 20 hectares is freehold property and 88 hectares has been given on 99 year lease.

❖ Analysis of the Electoral Verdict

This Presidential Election in Sri Lanka was as momentous as the Indian Election of 1977. It thwarted an authoritarian regime which was consolidating its position constitutionally and legally. Sirisena's election as the President was more a defeat of Rajapaksa than a victory for Sirisena because a conglomeration of parties came out to support Sirisena in order to defeat Rajapaksa.

The constitution which was brought in by J R Jayewardene in 1978 had very clearly given the President over whelming powers which provided no check on the President except for restricting the President's tenure to two terms only. This was further amended by Mahinda Rajapaksa to suit his continuation as the President. In his last term he brought major pillars of Sri Lankan society under his control and it was this authoritarian environment that brought people together to vote against him. Maithripala Sirisena who was the health minister, defected just one day after the proclamation of Presidential Elections along with many other leaders.

➤ Political support United National Party (UNP) led opposition coalition

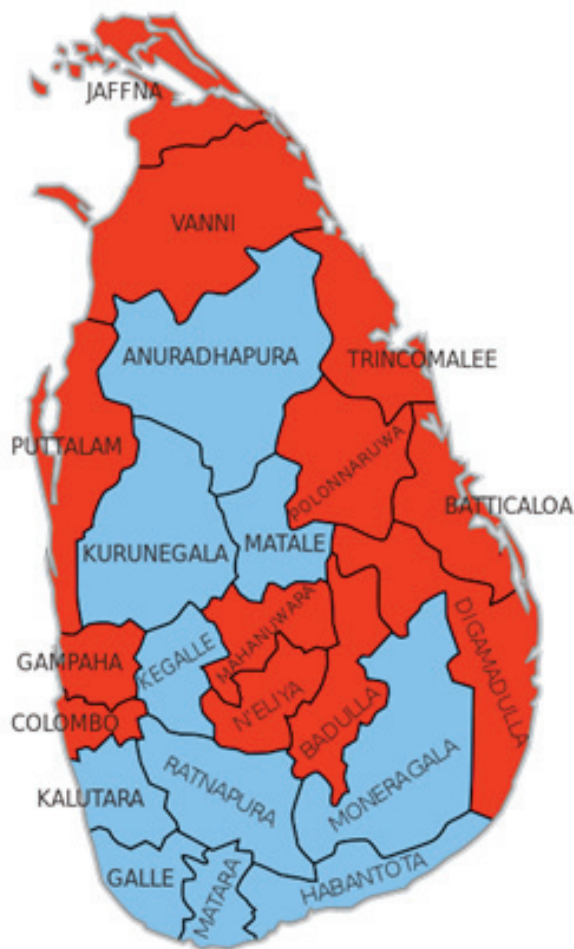
President Sirisena was the candidate of the United National Party (UNP) led opposition coalition – the front comprised of UPFA, JHU, TNA, Democratic Party, Democratic People's Front, Muslim Tamil National Alliance parties. The TNA supported Sirisena without any conditions, or prior assurance before extending support and this was a very strategic move on the part of TNA as any demands would have alienated Sinhala support to Sirisena. The TNA had realised that greater democratisation which is a part of the Sirisena manifesto will actually help Northern provincial council. The mainstream Muslim parties, SLMC and APMC also extended support to Sirisena without seeking any prior promises. These Muslim parties helped Sirisena to get elected.

This election was seen as very crucial, hence it saw considerably high voter turnout. The polling percentage in this election was 81.52% as compared to 2010 during which the polling percentage was 74.5%. There was an enormous realisation amongst the voters that this was either the last chance to bring back democracy or make Rajapaksa invincible.

The high level of literacy in Sri Lanka shows in the number of valid votes at 98.85%. Maithripala Sirisena polled 62,17,162 votes (51.28%) and Mahinda Rakpaksa received 57,98,090 votes (47.58%), the margin of Sirisena victory was only 4,49,072 votes.

➤ Provincial Analysis

Out of nine provinces, four provinces voted for Sirisena whereas five voted for Rajpaksa. An analysis of the final results shows that other candidates in this Presidential Election were rendered insignificant as compared to previous elections. The 3rd highest voted candidate, Ratnaika Sirisena was a look-alike of Maithripala Sirisena due to which he got 18,174 votes. Another candidate, Namal Rajpaksa was also put up to confuse the illiterate voters as Mahinda Rajapaksha's son's name is also Namal Rajpaksa.



Provinces of Sri Lanka	The no. of votes casted for Sirisena	The no. of votes casted for Rajpakasa	Lead
Northern Province	394991	108831	286160
North-central Province	386381	386801	420
Eastern Province	583120	214769	368351
Central Province	885527	682804	202723
Uva Province	354800	421988	67188
North-western Province	678675	754619	75944
Western Province	1743484	1622851	120633
Sabaragamuwa Province	545047	657183	112136
Southern Province	645137	918224	273107
Total	6217162	5768070	977867/ 528795

The Northern Province which is dominated by Sri Lankan Tamils had a sense of despondence since 2009. A large number of Tamils felt that they had nothing to gain from the Sinhala dominated elections hence the voting percentage was lower in this region. Even the Tamil National Alliance (TNA) delayed its support to Maithripala Sirisena. The Northern Province in Sri Lanka has two electoral districts: Jaffna and Vani. Jaffna accounted for a far lower polling percentage of only 66.28%. Of this 66.28% votes, over 74% voted for Sirisena. Similarly in Vani district where the poll percentage was 72%, 78% voted for Sirisena.

The Eastern province which has large Muslim population did not have to bear the brunt of the war as the Northern Province did but the sense of despondency was there against the former government's inability to prevent Bodu Bala Sena from attacking Muslims. Districts of Batticaloa had 71% polling, Ampara had 77.3% polling and Trincomalee had at 76.7% voting. In Batticaloa a record 81.2 % people voted for Sirisena. The lead from Batticaloa was 1,50,000 votes, from Ampara 1,10,000 and in Trincomalee it was close to 1,00,000, this province alone contributed a lead of 3,68,351 to the current president.

Sirisena hails from the North Central Province which is the heartland of Sinhala chauvinism but even in this province Mahinda Rajapaksa's lead was only 420 votes. In the Central province where there is a substantial population of Muslims and Plantation workers, Sirisena's lead was very high.

In the Southern province which has a significant population of plantation workers and huge cantonment area, Mahinda Rajapaksa's lead was marginal.

The North Western province which has a sizeable Sinhala majority had to bear the brunt of LTTE and its subsequent removal. Rajapaksa led here as he was seen as the architect of the victory in the war.

What was significant was that the urban educated people voted for a change. It was reflected in the largest province of Sri Lanka- the Western Province where Sirisena got the majority. This area also has a significant population of Christian Sinhalese, who by and large voted against Rajapaksa. In his home town Rajapaksa did receive a higher number of votes than Sirisena but it was not enough to over the lead secured by Sirisena.

At the Electoral District level, Sirisena won in the 12 out of 22 electoral districts. Sirisena won where the minorities had substantial votes and the results of this election were something that Rajapaksa never anticipated.

- The speakers presented and discussed the policies and priorities of the new government and brought the issues enumerated below.

➤ Policies and Priorities of New Sri Lankan Government

The Sirisena's government's implementation of policies has been prioritised as follows:-

1. Prime importance has been given by the government to the **re-democratization** of Sri Lankan state. Democratization process will take the country back to the period which existed before 1970, when all the Sri Lankan political parties had friendly relations and there was no enmity between the political leaders.
2. **Demilitarization** is the second most important issue on the government agenda. The government

will be focusing on replacing the military personals from the civil administration and diplomatic missions with civil officials.

3. Reassuring **rule of law** and making the judiciary independent.
4. Reassurance of **fundamental rights**.
5. **Establishing transparency and accountability of governance**- The Rajapaksa government largely invested in the infrastructure projects, specifically construction of highways which was funded by Chinese. The finance ministry will review all these projects, further the ministry will bring transparency and accountability in governance.
6. **Restoring good Image of Sri Lanka**- Sri Lanka earned very bad image during the Elam wars and also in the post war period. The Sirisena government wants to restore the good image of Sri Lanka in international community.
7. Resetting the **Indo- Sri Lanka cooperation** and friendly relations and it has been already outlined by the Sri Lankan Foreign Minister when he visited India after elections.
8. Establishing **balanced international relations**- During Rajpakshas period Sri Lanka policies were tilted towards China; the new government Sri Lanka will try to maintain balance between China, West and India.
9. **Reconciliation of different ethnic communities** in Sri Lanka. Division within society based on ethnic diversities harmed Sri Lankan national interest from 1931 onwards. The coalition government will try to bring peace and harmony in society and stop communal riots.
10. **Devolution of power** to the provinces.

❖ **Action plan to be implemented by Sri Lankan Govt in first hundred days**

The Sirisena's government action plan to be implemented in first 100 days is follows:-

1. While **reducing the executive powers of the president**, government is planning to balance power between the president, cabinet and parliament. Though abolition of executive presidency is being considered since 1994 it gained momentum in Mahinda Rajapaksha's regime due to certain constitutional amendments enacted by him especially in his last term.
2. There will be an Independent judiciary, election commission and police commission. The **17th amendment** which had given the autonomy to the state institutions and was removed by Rajpaksa; hence the new government will bring back the provisions of 17th amendment.

3. **Reforming the election system**- Sri Lanka passed the first electoral system in 1978 which was implemented in 1989. Since 1989 onwards Sri Lanka practiced proportional representative system. This could be reformed soon. (The 1978 Constitution of Sri Lanka provides for the election of members of Parliament from 22 multi-member electoral districts through the proportional representation electoral system. The first general election which used these electoral districts was in 1989.)
4. **Right to information act** is ready to place in the parliament.
5. Sirisena Government has started to **review all major projects** initiated by the Rajapaksa government including construction of high ways and Colombo port.
6. Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU) are filing **corruption cases** against the previous government officials.
7. **Domestic investigation** of excesses committed during the last stage of the war.

❖ **Promises Delivered / in progress by the Government**

1. Sirisen's manifesto promised to establish National Executive Committee comprising of all parties' and party leaders, including, President Sirisena, former president Chandrika Kumartunga, Prime Minister Ranil Wickremesinghe, Gen Sarath Fonseka, Tamil National Alliance (TNA) leader Sambanthan, JHU leader Champika Ranawaka and Mr. Hakim from the Muslim Congress. It was established immediately after the formation of the government.
2. Civil administrators have been appointed as governors in various provinces.
3. Prime Minister promised devolution of power in the parliament and implementation of 13th amendment. There will be continuation of talks for further devolution of powers within the unitary system.
4. The president has appointed a committee to examine matters related to returning of the lands taken by the armed forces, to the original owners. Therefore high security zone in Jaffna may be reduced to half from 6K acres to 3K acres.
5. The presence of armed forces in the North-East provinces has been nullified from civil administration. A large number of armed forces personnel have gone back to barracks and many posts have been filed by the civil officials. The visibility of the army is very less in the Northern Province.
6. The former army commander Gen Sarath Fonseka's status is restored.
7. Former chief justice Bandarnayke was reinstated for a day. She formally stepped down next day

after completing her term.

8. The investigation agencies are already investigating possible coup attempt by Gotabaya Rajapaksa. Kumaran Pathmanathan who was LTTE's international leader, was arrested during end of the war in 2009. Later Gotabaya Rajapaksa welcomed him as a government guest and gave him 100 acres of land. The new government has put CID investigation on him.
9. As promised in the manifesto government introduced the bill to increase the salary of the government employees by 5000 Rs and further it has reduced the prices of essential goods.
10. National executive committee is discussing many important issues like drafting the RTI Act, 19th amendment, reduction of executive powers of the president and the change of electoral system.

Though Manifesto did not claim to dismantle the high security zones or withdraw the army but the Army presence in these areas will reduce. The Olanthai checkpoint which was removed and re-established under the Rajapaksa regime has now been removed.

The Northern provincial council governor, G A Chandrasiri, a retired military officer has been removed. However this was not promised in the manifesto and comes as a relief for the ethnic minority in the province.

➤ **Apprehensions vis-à-vis the implementation of the policies**

Certain Apprehensions vis-à-vis the implementations of the policies are:

1. The government is likely to exceed the time frame of 100 days program as given in the manifesto.
2. Contents of the bills regarding RTI, 19th amendment, reduction of presidents' power and the new electoral system are still not clear.
3. The uncertain scenarios of next election which are going to be held in the month of June-July.

❖ **Discussants Views on India-Sri Lanka Relations**

Indeed the recent presidential elections in Sri Lanka will change the course of Indo-Sri Lanka relations. Most of the political leaders from the coalition government want to maintain friendly relation with India and they like to pursue this relationship as a partnership. In the future Ranil Wikramasinghe and Sirisena, both will have a favourable attitude towards India. The issues which require resolution or better understanding in India- Sri Lanka relations are:-

1. **The Fishermen Issue.** The hostilities between Tamil Nadu fishermen and the Tamil fishermen

of Sri Lanka because of the confusion about territorial sovereignty is crux of the problem. Use of advance fishing boats by Indian fishermen in the Palk Strait is damaging the marine environment. Existing fishing industries pressurises Tamil Nadu Government to pursue the policies which benefits them but creates political problems and rakes up emotions. The Kachchatheevu agreement of 1974, which was revised in 1976, gives some privileges to the Indians for doing pilgrimage but doesn't give them unfettered right to go into the Sri Lankan waters. It is time that India should look into this question far more objectively to find a solution. The present Sri Lankan government said that they will resolve the problem soon by calling representatives of both the countries.

2. **Ethnic Tamils Problem in Sri Lanka.** India's foreign policy vis-à-vis Sri Lanka had two clear objectives in the past, neither to let a Tamil nation come up as an independent entity nor to let Colombo run over the Tamils and reduce them to second rate citizens. These are the reasons which pressurised India to send peace keeping force to Sri Lanka in 1987. The origin of 13th amendment lies in this doctrine. There is general consensus in India and Sri Lanka that 13th amendment should be implemented, but problems arise when some of the TNA leaders interpret it differently. TNA leader Mr Sumntran has frequently issued statements saying that, *13th amendment is not the solution for the Tamil problems rather it is a first step to the solution*. Such statements were used by the pro Sinhala leaders to consolidate support behind Mahinda Rajapaksa. Rajapaksa himself said that, 13th amendment is not the window of solution for the Tamil problem rather it is going to be a launch pad towards separation of the state. It is unclear how the 13th amendment will be implemented.
3. **Presence of Foreign Forces.** Presence of foreign forces in Sri Lanka could threaten India's national security interests.

There are some other concerns vis-à-vis India-Sri Lanka relations which have not been addressed yet, such as **Defence cooperation agreement and comprehensive economic partnership agreement** are still to be signed.

Conclusion

The victory of Sirisena's rainbow coalition was the most important development in the Sri Lankan history. Tamil areas which hugely voted for Sirisena would not have alone led him to win unless he made a serious dent into the Sinhala vote, the Sinhala forces like JVP and JHU joined hands with TNA and the Muslim congress to support the Sirisena coalition. This election projected political unity in diversity in Sri Lanka.

The international community including western nations were also not very keen that Rajapaksa consolidate himself for another 8 years. There was informal understanding between the international community including India that Sirisena should come to power.

India has to craft its policy while considering various new domestic constraints of both the Nations, and make realistic progress. To some extent China factor has been softened but has not been eliminated all together, China will loom very large on India's South Asia policy 'Sri Lanka or No Sri Lanka'.

Certain key imperatives which have emerged from the recent Sri Lanka Presidential elections and need to be considered at the bilateral level are-

1. The outcome of the election has been decided by the minority votes.
2. Majority of Sri Lankan population voted for greater democratisation and rejected the prevailing oligarchic system.
3. The new dispensation beckons better Indo – Sri Lanka relationship.

Indian policymakers should encompass these changes while formulating the policies towards Sri Lanka and try to resolve the fishermen issue and improve defence and economic cooperation.

* * * * *

-Prepared by *Shreyas D Deshmukh*



Centre for Land Warfare Studies

RPSO Complex, Parade Road

Delhi Cantt, New Delhi - 110010

Phone: +91-11-25691308; Fax: +91-11-25692347

www.claws.in email: landwarfare@gmail.com