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# Sri Lanka in 2011

## *Consolidation and Militarization of the Post-War Regime*

**ABSTRACT**

Local elections consolidated the Mahinda Rajapaksa administration's grip on power. State-led efforts to stimulate economic growth continued with major infrastructure projects in the northeastern and southern parts of Sri Lanka. No significant progress was made toward a political settlement and reconciliation with the Tamil community, and the government came under increasing international pressure about its conduct in the last months of the civil war after the release of the United Nations Advisory Panel report.

**KEYWORDS:** regime consolidation, reconstruction, securitization, militarization, reconciliation, accountability

### REGIME CONSOLIDATION AND POST-WAR ECONOMIC GROWTH

The United People's Freedom Alliance (UPFA) in 2011 continued the process of political centralization and regime consolidation in Sri Lanka. The administration retains a great deal of political capital and popularity as a result of its victory over the Liberation Tigers of Tamil Eelam (LTTE). It seized this opportune moment to consolidate the unitary state, entrench a new political dynasty under President Mahinda Rajapaksa and his extended family, and neutralize the threat of militant Tamil nationalism and secessionism. Therefore, we see strong continuities between the "war for peace" and the "post-war" periods. This is reflected in the continued militarization of public life, the prominence of Sinhala nationalist rhetoric, and the channeling of political energies into securitized development in the northeast rather than political concessions to the Tamils.

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The UPFA administration has a strong popular mandate. This was clearly demonstrated at the ballot box in 2011 through local government elections for urban, divisional, and municipal councils, which were conducted in three stages in April, July, and October. The outcome was largely as predicted with the UPFA strengthening its grip on power at the local level, thus consolidating gains made in the presidential and parliamentary elections of 2010. The UPFA won 271 councils (compared to 222 in 2006) and the United National Party (UNP) 31. The UPFA, on average, polled around 60% to 65% in Sinhalese-dominated areas, and the opposition UNP only infrequently polled over 40%.

Two setbacks to the government were the UNP's victory in the Colombo municipal elections, and the Tamil National Alliance (TNA) winning 20 of 25 seats on local councils in the north. As a result, the TNA now controls 32 local councils, making it the second largest party in terms of the number of local councils controlled. These results in the north were a blow to the Rajapaksa government, which viewed the polls as a referendum on its development-oriented reconciliation efforts with the Tamils. The TNA consolidated its status as the primary representative of the Tamils, thus increasing its legitimacy in any future negotiations on sharing power and post-war reconstruction. The TNA's victory calls into question the efficacy of the Rajapaksa government's attempt to gain the Tamils' support through the granting of economic, as opposed to political, concessions.

The UPFA's continued popularity hinges upon rapid economic growth. Sri Lanka continues to experience a post-war boom, with a 7.4% growth rate predicted over the next five years. Furthermore, it is estimated that the economy will have grown by 8.1% in 2011. Sri Lanka also received the second tranche of an International Monetary Fund (IMF) loan this year of US$200 million. Tourism continues to grow, and inflation has been kept under reasonable control at around 6.5%, which is predicted to fall to below 6% in 2012.[1] The agricultural sector has been boosted by increased cultivation in the north and east. Investment in major infrastructural projects including roads, railways, ports, and power stations continues. Sri Lanka's first expressway toll road linking the outskirts of Colombo to the southern city of Galle was opened in November 2011. Exports to other emerging markets, notably India, continue to grow. The business community, which had traditionally supported the

1. Economist Intelligence Unit (2011), "Country Report: Sri Lanka," London, December 2011.

UNP, has largely aligned itself behind the UPFA administration. The 2011 budget, with its simplification and cutting of taxes and reduction of bureaucracy surrounding investment, is largely viewed as being business friendly.

Generally positive indicators aside, there concurrently remain longstanding structural weaknesses in the economy including high debt-interest payments, a bloated civil service, and historically high budget deficits. A wide trade deficit means that another balance-of-payments crisis cannot be ruled out. The IMF assistance package focused on reducing the fiscal deficit, which necessitates cutting public spending, but there remains strong domestic pressure to increase expenditure on the civil service and armed forces, which constitute important voter bases. The pressure for wage hikes and subsidies, which Rajapaksa promised during the 2010 presidential election campaign, is likely to increase over time. One manifestation of this was labor unrest in May and June 2011.

Another sign of tension between economic liberalization and patrimonial politics was the expropriation bill and governmental nationalization of private enterprises, which raised concerns that the act was passed with undue haste and a lack of consultation, being shaped more by political concerns than economic efficiency. Both the Fitch Group and Moody's Corporation, two major credit rating agencies, responded negatively. They indicated that the bill would erode investor confidence and potentially affect Sri Lanka's investment rating. On another note, the government's image was adversely affected by corruption. The shooting of a presidential election advisor, Bharatha Lakshman Premachandra, in Colombo reportedly by a fellow member of Parliament (MP) and party member, Duminda Silva, in October brought into the limelight a suspected growing nexus between politicians, deepening patronage, and organized crime. In spite of the government's evident popularity with the majority Sinhalese community, external relationships with Western countries continue to be strained over three interrelated issues: the rehabilitation of war-affected Tamil populations in the north and east, efforts to address Tamil political grievances, and war crimes and accountability.

## RECONSTRUCTION IN THE NORTH AND EAST

The government has staked its credibility on rapid economic development in the north and east of the country, which have large Tamil populations. There have been some notable achievements in these areas. These include the

resettlement of some 250,000 people (about 95% of all officially "internally displaced persons"), the construction of new infrastructure, improved agricultural productivity, raised growth rates, and lowered costs of basic goods and services, inflated during the years of civil war by an economic blockade and LTTE taxation.

However, reconstruction comes with a number of political strings attached. The rapid integration of the north and east is seen as a means of consolidating the unitary state and preventing the reemergence of Tamil militancy. In essence, it is viewed as a shortcut to security or as a means of obviating the need for a political settlement. These strategic concerns shape the logic and modalities of reconstruction, which have resulted in a highly centralized and militarized approach to development. The north comes under a highly centralized hybrid governance regime that blends various civilian and military structures. All humanitarian and reconstruction programs must go through a slow and restrictive process of vetting and clearance for access.

Although official policy is about "normalization," life in the north and east is far from normal because a de facto state of emergency remains in place. There has been a consolidation of military presence in these regions with the building of camps and the maintenance of a high number of military personnel. In Jaffna, for example, there are reportedly 40,000 army personnel and 10,000 police, in addition to various paramilitary groups and intelligence agencies. Jaffna, in particular, has experienced waves of killings and abductions, and both housing and access to sustainable livelihoods remain a problem. Land issues are particularly contentious. In spite of the release of a government memorandum on land management, perceptions continue of the politicization and ethnicization of land. There are widespread fears of state-sponsored land grabs for national security and development purposes, and allegations of an unofficial but government-sponsored policy of Sinhalization of these regions, including the promotion of Sinhalese immigration. Those living in the north and east have limited political voice or recourse to justice, and therefore lack the power to influence or shape development processes that are rapidly transforming the Tamil-majority region.

One manifestation, perhaps, of popular feelings of powerlessness and insecurity has been the phenomenon of "grease devils"—naked or semi-naked men smeared in grease who are alleged to have sexually assaulted women throughout the island, particularly in the north and east. Reported attacks have frequently led to demonstrations and reprisals by the local population

against the security forces, who are accused of being the perpetrators or complicit in the attacks. This has prompted a flurry of competing analyses and rumors about the causes and causers of violence. This phenomenon points to the post-war mutation of violence and a widespread distrust of the security establishment, leading to vigilantism and violent protests.

## POLITICAL REFORM AND DEMOCRACY

There is limited domestic pressure for substantive reforms in the direction of devolution. The UPFA has close to a two-thirds majority in Parliament and also controls the levers of power at the local level. In contrast, the UNP is in disarray as a result of a protracted leadership crisis and a steady stream of defections to the governing coalition. Likewise, the Janatha Vimukthi Peramuna (JVP, People's Liberation Front) has been affected by splits and leadership disputes. Its poor showing in the local elections (its share of seats declined from 378 to 76) indicate that the UPFA under Rajapaksa has become the dominant voice of Sinhala nationalism. Other parties that have historically played a king-making role, including the Sri Lanka Muslim Congress (SLMC) and Ceylon Workers' Congress (CWC), are faced with the choice of either joining the coalition and benefiting from state patronage, in return for political acquiescence, or being consigned to the margins of the political sphere.

Therefore, in the absence of strong domestic pressure for change, there was no substantive progress during the year toward political reconciliation and state reforms to tackle the underlying causes of the conflict. Discussions around the implementation of the 13th Amendment of the Constitution have involved prevarication, and often divergent voices within government.[2] For example, Foreign Minister G. L. Pieres made several statements affirming a commitment to political reforms, whereas Defense Secretary Gotabaya Rajapaksa (who is President Mahinda Rajapaksa's brother) stated that "the existing constitution is more than enough for us to live together. . . . Devolution-wise

2. The 13th Amendment was passed in 1987 as a result of the Indo-Lanka Accord, which contained provisions for the creation of the Provincial Council System. This involved a substantial devolution of power to the Tamil-dominated north and east of the country. In practice, however, the 13th Amendment was never fully implemented.

I think we have done enough; I don't think there is a necessity to go beyond that."[3]

In mid-August, a motion was tabled in Parliament to create a parliamentary select committee including representatives of all political parties to find a political solution to the "national question." The select committee was finally constituted in November with a stated remit to discuss a political settlement within six months. However, many observers see this as a delaying tactic, and the evidence suggests that power is moving in the opposite direction toward increased centralization and the removal of institutional constraints on the executive. Government efforts to control dissenting voices within the media and civil society also continued in 2011. For example, the offices of the newspaper *Lanka-e News,* which had been critical of the government, were burned down in an arson attack in January. Its website was blocked in October, as were a number of other private websites including some associated with the UNP. Even though emergency regulations, which had been in place since 1971, were allowed to lapse in August 2011, new regulations were incorporated into the Prevention of Terrorism Act. This continues to provide the government with a broad range of powers for arrest and detention, including the authority to detain persons indefinitely and without charge.

Post-war militarization of the public sphere also undermines the potential for democratic reform. High military spending continues, with an increase of 6.3% forecast for the year 2011. The armed forces constitute the largest public-sector employer. Military involvement in political and economic affairs has become more pervasive, not only in the north and east, but throughout the country. In April, Defense Secretary Rajapaksa announced that 70,000 families identified as "slum dwellers" in Colombo would be relocated within two years. The process was widely seen as unjust, and coercively driven by the military and police, fostering the sense of a declining space for democratic politics in Sri Lanka. In November, the former army chief and presidential candidate Sarath Fonseka was sentenced to a further three years in prison, sending a clear warning to those seeking to challenge the government.[4]

3. Interview with *India Today* (Mumbai), August 5, 2011, cited in *Daily Mirror* (London), "Gotabaya Hits Out," August 8, 2011.

4. Fonseka was found guilty of making "false allegations" against Defense Secretary Gotabaya Rajapaksa and violating emergency regulations by "spreading rumours and causing public disorder." He was already serving a 30-month prison term after a court martial convicted him of irregularities in military procurements. Another court martial earlier dishonorably discharged him for engaging

## WAR CRIMES AND ACCOUNTABILITY

The Rajapaksa government has largely been successful in neutralizing pressure from Western countries regarding the issue of war crimes and accountability. It has done this primarily by strengthening diplomatic and economic ties with countries such as China, India, and Japan, which have all declined to interfere in Sri Lanka's internal politics. The government has also deflected external demands for accountability by pursuing its own "home-grown" version of reconciliation in the form of the Lessons Learned and Reconciliation Committee (LLRC). This body was established in August 2010 with a mandate to assess why the 2002 ceasefire between the government and LTTE broke down in 2008, leading to the subsequent resumption of violence.

However, in April 2011, the U.N. Advisory Panel report was released; it concluded that both government forces and the LTTE had conducted military operations with "flagrant disregard for the protection, rights, welfare, and lives of civilians and failed to respect the norms of international law."[5] It noted that as many as 40,000 Tamil civilians had been killed in the final months of the conflict, which ended in May 2009. It also criticized the role of the U.N., and found that the LLRC lacks the independence and witness-protection capacity to serve as a legitimate accountability forum. The panel called on U.N. Secretary-General Ban Ki Moon to set up an independent international mechanism to monitor progress on accountability, act as a repository of information, and conduct its own investigations. Ban declined to establish such an organ without Sri Lanka's consent.

The Sri Lankan government responded to the U.N. report with defiance, and the document appeared to do little to dent the Rajapaksa government's domestic legitimacy. However, during the year a steady flow of damaging allegations and video evidence about the final months of the war came to light. The most influential of these was the Australian Channel 4 documentary titled "The Killing Fields," which showed harrowing scenes of atrocities that appeared to corroborate the U.N. report's findings. The Sri Lankan government responded by releasing its own video called "Lies Agreed Upon," which questioned the veracity of the documentary. On November 20, the

in politics while being in active military service. Fonseka was stripped of his ranks and medals he earned during his 40-year career.

5. United Nations Advisory Panel, "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka," March 31, 2011, <http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf>.

final report of the LLRC was handed over to Rajapaksa, and released to Parliament on December 16. The report has won cautious praise from India, the U.S., and other countries for its analysis of the causes of the conflict and its recommendations on reconciliation and a political settlement. In contrast, it has been criticized by human rights groups and the TNA for failing to address questions of accountability and alleged wrong doings by the Sri Lankan military. It is currently unclear how the president intends to utilize the report.

## CONCLUSION

The UPFA government under President Rajapaksa has continued to consolidate its grip on power in Sri Lanka as a result of local elections. Enhanced stability has facilitated continued economic growth, and in the short term there are no significant challenges to the current government. The main drivers for change come from outside the country, mainly in the form of pressure from Western countries for political reforms and accountability on war crimes. However, this is unlikely to translate into significant concessions from the government, and will therefore leave the underlying causes of conflict unaddressed.