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Sri Lanka: Towards a ‘National Purpose’

After the heat and dust of the recent parliamentary elections in Sri Lanka, the accord between the country’s two main political parties for a ‘national unity government’ seems to offer the best chance in decades for politico-ethnic reconciliation among the various communities. But the challenge is to generate a sense of national purpose.

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Sri Lanka went to the polls on 17 August 2015 to elect 225 members to the Parliament for the next 5 years.² The incumbent government, the United National Party (UNP)-led United National Front for Good Governance (UNFGG), headed by Mr Ranil Wickremesinghe – emerged ahead of all others, bagging 106 seats. The UNFGG, however, failed to secure the magical figure of 113 seats required to constitute an absolute majority in parliament. The United People’s Freedom Alliance (UPFA) led by President Maithripala Sirisena’s Sri Lanka Freedom Party (SLFP), under which banner the former President Mahinda Rajapakse contested in this parliamentary election, won 95 seats now. The Tamil National Alliance (TNA), believed to represent a majority of voters among Sri Lanka’s Tamil-speaking minority, won 16 seats. The Janatha Vimukthi Peramuna (JVP), considered to be the main socialist party in Sri Lanka,

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²The term of Parliament of Sri Lanka was 6 years. However, subsequent to the 19th Amendment, the term of Parliament is now 5 years.

the Sri Lanka Muslim Congress (SLMC) and the Eelam People’s Democratic Party (EPDP), which also seeks to espouse the cause of the minority community of Tamils, won 6, 1 and 1 seat(s) respectively.

Table 1: A score-card for the major parties and alliances in Sri Lanka³

Major Political Parties and Alliances	Votes	%	Seats		
			District	National List	Total
United National Front for Good Governance (UNFGG)	5,098,916	45.66%	93	13	106
United People’s Freedom Alliance (UPFA)	4,732,664	42.38%	83	12	95
Tamil National Alliance (TNA)	515,963	4.62%	14	2	16
Janatha Vimukthi Peramuna (JVP)	543,944	4.87%	4	2	6
Sri Lanka Muslim Congress (SLMC)	44,193	0.40%	1	0	1
Eelam People’s Democratic Party (EPDP)	33,481	0.30%	1	0	1

Proportional System at District Level

As many as 196 members of the Parliament are selected under the Proportional Representation system (PR system) from 22 electoral districts. The PR system was introduced by the Second Republican Constitution of Sri Lanka in 1978. Under the PR system, each party is allocated a

³ Department of Elections, Sri Lanka, available at <http://www.slections.gov.lk/2015GE/province.html> , the Official Government News Portal of Sri Lanka, available at <http://www.news.lk/news/sri-lanka/item/9242-general-election-2015-final-results> and Sri Lanka Parliamentary Elections 2015, Wikipedia, available at https://en.wikipedia.org/wiki/Sri_Lankan_parliamentary_election,_2015

number of seats from the quota for each district according to the proportion of the total vote that the party obtains in the district.⁴

The National List

The remaining 29 seats, known as the National List seats, are filled by the each party secretary in proportion to the island-wide vote the party obtains.⁵ The purpose of the National List is to enable professionals, academics and eminent persons to enter Parliament, without being disadvantaged by their lack of pre-established constituencies and networks due to not being professional politicians.⁶ Sri Lanka has a PR system at the district level and a PR system at the national level based on the same poll.⁷

Allotment of Members from Political Parties/Independent Groups

By the 14th Amendment to the 1978 Constitution the preferential voting system was introduced. Under the preferential voting system, each voter is entitled to indicate his/her preference from the list of candidates of the political party/group of his/her choice. Each voter is entitled to indicate three such preferences. The counting of preference votes takes place at the second stage of the counting process after which the particular candidates would be declared electors from each political party/independent group.⁸

Background to the General Election 2015

The parliamentary elections in April 2010 took place after the defeat of the independence-seeking Liberation Tigers of Tamil Eelam (LTTE) in 2009. In that General election, the

⁴ The Electoral System, the Parliament of Sri Lanka. Available at <http://www.parliament.lk/members-of-parliament/the-system-of-elections-in-sri-lanka/the-electoral-system>

⁵ The National List was introduced by way of the 15th Amendment to the 1978 Constitution.

⁶ *'Is the National List serving its purpose'*, the *Sunday Times*, 11 May 2014. Available at <http://www.sundaytimes.lk/140511/news/is-the-national-list-serving-its-purpose-98853.html>

⁷ The Electoral System, the Parliament of Sri Lanka. Available at <http://www.parliament.lk/members-of-parliament/the-system-of-elections-in-sri-lanka/the-electoral-system>

⁸ Ibid

incumbent UPFA won a landslide victory, bagging 144 seats in Parliament. It was with that kind of absolute majority, and with the help of defecting MPs from the opposition, that former President Mahinda Rajapakse was able to get the 18th Amendment to the Constitution passed; this removed the two-term limit on the presidency.

In November 2014, Mr Rajapakse called for early presidential election (2 years ahead of schedule), seeking an unprecedented third term. In response, Mr Sirisena, the then Minister of Health, made a startling move, by introducing himself as the common opposition candidate.

In the January 2015 presidential election, Mr Sirisena won an unexpected victory, inflicting a shocking defeat on Mr Rajapakse. Mr. Sirisena then formed a government with the help of a majority of UNP members, and, in March 2015, formed a national government, with members of the SLFP,⁹ too, appointed as ministers.

President Sirisena announced a ‘100-day programme’ in his election manifesto, promising good governance as the core element. At the end of the 100-day programme, the Parliament was scheduled to have been dissolved on 23 April 2015. However, Mr Sirisena’s government faced strong resistance from the opposition, as many UPFA legislators were loyal to the Mr Rajapakse. Even though Mr Sirisena could not fulfil all of his promises in the 100-day programme, he and his ‘good governance’ front received much credit for curtailing presidential powers and re-introducing the two-term limit by getting the 19th Amendment passed. With the 100-day programme falling behind schedule, Mr Sirisena dissolved Parliament on 26 June 2015 for the latest elections.

Mr Wickremesinghe from the UNFGG and Mr Rajapakse from UPFA were seen as the two main candidates for the premiership.

17 August 2015 Polls

The August 17 general election acquired unprecedented importance, this being the first time in the political history of Sri Lanka where a former President sought a parliamentary seat in a general election.

⁹ SLFP is the main constituent of the UPFA.

The parliamentary election was viewed by many observers as a referendum on the deposed President Rajapakse's come-back¹⁰ bid. His hopes of premiership and forming a government were dashed in this election. Though he won a place in Parliament, his Alliance received 95 seats out of 225 – 18 seats fewer than the minimum required for his new political ambition. Mr Rajapakse's defeat can be attributed to various factors:

1. The minorities were 'responsible': the outcome was seen as a backlash of the total alienation of the minorities during Mr Rajapakse's presidency. The eight districts where Mr Rajapakse's alliance emerged victorious are the areas dominated by the country's majority community of Sinhala-speaking Buddhists.¹¹
2. Mr Rajapakse regime was alleged to have been riddled with financial corruption, nepotism and abuse of power. This is seen to have prompted a significant portion of Sinhala-Buddhists to back Mr Rajapakse's rival and Mr Sirisena's ally – Mr Wickremesinghe, who received the estimated backing of nearly 32% of the Sinhala-Buddhists.¹² Nearly 36% of the Sinhala-Buddhists favoured Mr Rajapakse,¹³ but the minorities apparently tilted the scales against him.
3. Mr Sirisena's actions immediately before the parliamentary elections may have also had a significant bearing on the final outcome. Constitutionally, it is the president who appoints the prime minister after parliamentary elections. However, Mr Sirisena sent a sharp letter to Mr Rajapakse just days before the elections stating that he would not allow the latter to become prime minister even if his party were to win, and that the new prime minister should be a senior member of the party and not Mr Rajapakse. Mr Sirisena also accused Rajapakse of fueling communal hatred and strongly advised him: "I urge you not to make statements that fan the flames of

¹⁰ Ayub, M.S., 'The Rajapakse Factor Made a Difference', An analysis of the 2015 General Election, *Daily Mirror*, 21 August 2015. Available at <http://www.dailymirror.lk/84211/the-rajapaksa-factor-made-a-difference>

¹¹ Ibid

¹² Jayasinghe, Uditha, 'Sri Lanka's Minority Outreach Holds Risk before Vote', *The Wall Street Journal*, 12 August 2015. Available at <http://www.wsj.com/articles/sri-lankas-minority-outreach-holds-risks-before-vote-1439436855>

¹³ Ibid

ethnic hatred’’. Copies of this letter were released to the press.¹⁴ Voters were baffled by Mr Sirisena’s stance after offering Mr Rajapakse a ticket to contest in the general election.

The Final Outcome

In addition to the second consecutive electoral defeat for Mr Rajapakse, Sri Lanka emerged from the latest elections with a hung parliament and a complex array of allegiances. Mr Wickremesinghe, who leads the largest party in Parliament, was sworn in as Prime Minister on 21 August 2015. This was the fourth time he was sworn in as Prime Minister of Sri Lanka.¹⁵

The JVP was expected to win a considerable number of seats in this election, given its agitation against corruption. However, the party ended up with only 6 seats due to the intervention of the Rajapakse factor. Even though voters wanted to favour the JVP, they were more concerned about scuttling Mr Rajapakse’s comeback (as it was clear, from the start, that the JVP would not be a part of any coalition in forming the new government).¹⁶

The TNA, on the other hand, received a wider acceptance in the parliamentary elections, winning 16 seats. The TNA’s victory in the North and the East, resulting in the defeat of the Tamil National People’s Front (TNPf) which struck a more aggressive Tamil nationalist stance and projected a separatist agenda, is seen as a clear message from the voices of the war-weary North and East that it is time for a negotiated political solution for the national politico-ethnic problem.¹⁷

Though no single party received a majority, the significance of this election is that it resulted in the defeat of the perceivably ‘divisive actors’ such as the Rajapakse-led UPFA, the TNPf

¹⁴ ‘President sends urgent letter to Rajapakse’, *Ada Derana News*, 13 August 2015. Available at <http://www.adaderana.lk/news/31956/president-sirisena-sends-urgent-letter-to-rajapaksa>

¹⁵ Prime Minister’s Office, Prime Minister of Sri Lanka. Available http://www.pmooffice.gov.lk/biography.php?p_type=PM

¹⁶ Ayub, M.S., ‘The Rajapakse Factor Made a Difference’, An analysis of the 2015 General Election, *Daily Mirror*, 21 August 2015. Available at <http://www.dailymirror.lk/84211/the-rajapaksa-factor-made-a-difference>

¹⁷ Kadrigamar, Ahilan, ‘Defeat of divisive politics’, *The Hindu*, 19 August 2015. Available at <http://www.thehindu.com/opinion/op-ed/sri-lanka-parliamentary-election-results-defeat-of-divisive-politics/article7554530.ece>

and the up-country Ceylon Workers' Congress (CWC)¹⁸ which continued its coalition with the UPFA.¹⁹ The six troubled post-war years under the Rajapakse regime impelled the Muslims to support UNP to ensure UPFA's defeat, and the up-country residents to vote out Mr Thondaman²⁰ and the CWC.²¹

It is noteworthy that the Lankan electorate, keeping up with its democratic tradition, voted prudently in rejecting polarisation and reinforcing democracy, which has arguably progressed with the presidential election in January 2015.²²

National Unity Government

Sri Lanka's two biggest parties, Mr Sirisena SLFP and Mr Wickremesinghe's UNP, have agreed to form a national unity government committed to ethnic reconciliation and to uphold the rights of the minorities. This unity government will account for about 85% of 225-member legislature.²³

President Sirisena, in his maiden address to the new Parliament on 1 September 2015, outlined the policy of the proposed national unity government. He assured that the new government would enact electoral reforms, adopt an Asia-centric nonaligned foreign policy, and achieve environment-friendly economic development by fully harnessing the country's strategic geographic location in Asia.²⁴ The President also pledged to protect Sri Lanka's sovereignty and territorial integrity.²⁵

¹⁸ CWC is a political party in Sri Lanka that represents those working in the plantation sector.

¹⁹ Kadirgamar, Ahilan, 'Defeat of divisive politics', *The Hindu*, 19 August 2015. Available at <http://www.thehindu.com/opinion/op-ed/sri-lanka-parliamentary-election-results-defeat-of-divisive-politics/article7554530.ece>

²⁰ Arumugam Thondaman is the leader of CWC.

²¹ ²¹ Kadirgamar, Ahilan, 'Defeat of divisive politics', *The Hindu*, 19 August 2015. Available at <http://www.thehindu.com/opinion/op-ed/sri-lanka-parliamentary-election-results-defeat-of-divisive-politics/article7554530.ece>

²² Ibid

²³ Sri Lanka's Sirisena promises new era of clean government, *Channel News Asia*, 1 September 2015. Available at <http://www.channelnewsasia.com/news/asiapacific/sri-lanka-s-sirisena/2092950.html>

²⁴ Bandara, Kelum and Perera, Yohan, 'President outlines National Unity Government', *Daily Mirror* (Sri Lanka), 2 September 2015. Available at <http://www.pressreader.com/sri-lanka/daily-mirror-sri-lanka/20150902/281848642365682/TextView>

²⁵ Ibid.

As for Mr Rajapakse, he will be sitting in the opposition in parliament alongside his group of loyalists. The TNA, with 16 seats, will not join the unity government but has promised to offer ‘issue-based’ support to the new government.²⁶ The TNA is currently the official opposition, a position Tamils held for six years until 1983.²⁷ R Sampathan, TNA leader, becomes the Leader of the Opposition, the first Tamil in 37 years to occupy the prestigious position.²⁸

However, in appointing the Cabinet, the President publicly acknowledged that there had been disagreements over the allocation of ministerial portfolios in the new national government.²⁹ The Cabinet was sworn in on 4 September 2015, with 42 Ministers³⁰ in it. Three more Cabinet Ministers were appointed on the 9 September 2015.³¹ This ‘jumbo Cabinet’ was criticised by many, including the Chairman of the National Movement for Social Justice, Maduluwawve Sobhitha Thero who was in the forefront in bringing down the Rajapakse regime. Ven. Sobhitha Thero reacted to this large cabinet as something that the people did not expect from the Sirisena government.³²

Challenges and Expectations

The aftermath of the parliamentary elections sets the ideal platform to work on a national consensus for resolving problems that has been plaguing Sri Lanka over a period of time.

The most important concern is a credible domestic process to address the war-time accountability. The United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, justified the recommendations of the OISL [Office of the High Commissioner for

²⁶ Sri Lanka’s Sirisena promises new era of clean government, *Channel News Asia*, 1 September 2015. Available at <http://www.channelnewsasia.com/news/asiapacific/sri-lanka-s-sirisena/2092950.html>

²⁷ ‘Sri Lanka’s parliament sworn in after unity government formed’, 1 September 2015. Available at <http://news.yahoo.com/sri-lankas-parliament-sworn-unity-government-formed-095702242.html>

²⁸ ‘Sampathan chosen as the new Leader of the Opposition’, *Colombo Telegraph*, 3 September 2015. Available at <https://www.colombotelegraph.com/index.php/sampanthan-chosen-as-new-leader-of-the-opposition/>.

²⁹ ‘New Cabinet Appointed; President Sirisena admits Fracas over Portfolios’, *Colombo Telegraph*, 4 September 2015. Available at <https://www.colombotelegraph.com/index.php/new-cabinet-appointed-president-sirisena-admits-fracas-over-portfolios/>

³⁰ Ibid

³¹ ‘Three more Cabinet Ministers, 19 State and 22 Deputies Appointed’, *Colombo Telegraph*, 9 September 2015. Available at <https://www.colombotelegraph.com/index.php/three-more-cabinet-ministers19-state-and-22-deputy-appointed/>

³² ‘So-called National Government to Appoint Around 100 Ministers’, *Colombo Telegraph*, 3 September 2015. Available at <https://www.colombotelegraph.com/index.php/so-called-national-government-to-appoint-around-100-ministers/>

Human Rights (OHCHR) Investigation on Sri Lanka] report to establish a special hybrid court in Sri Lanka to investigate the allegations of war crimes; a probe was, therefore, regarded as the key towards ensuring justice. He also stated that “a domestic mechanism alone could not overcome suspicions fuelled by decades of erosion of human rights in the country”.³³

However, considering the high stakes of domestic socio-political atmosphere over an international inquiry, the Sri Lankan delegation had to bargain over the ‘hybrid court’ on the side-lines of the 30th session of the United Nations Human Rights Council (UNHRC) in Geneva. Sri Lanka had to convince the UNHRC members that Sri Lanka had, in the short span of time since January 2015 polls, worked towards democratisation by way of constitutional reforms such as the 19th Amendment. Sri Lanka also emphasised the capacity, transparency, and impartiality of the Sri Lankan judges³⁴. Consequently, Sri Lanka was able to win approval for a *Sri Lankan judicial mechanism*. This includes the Special Counsel’s Office, Commonwealth and other foreign judges, defence lawyers and authorised prosecutors and lawyers³⁵. An effective and meaningful process in investigating the human rights violations during the thirty-year civil war gains primacy in promoting Sri Lanka’s national purpose. Sri Lanka is to provide an oral update to the UNHRC and is required to submit a comprehensive document by March 2017 at the UNHRC’s 34th session.

During the past few years, Sri Lanka isolated itself from the West, amidst the allegations of human rights violations, growing ‘authoritarianism’ and ‘corrupt practices’. As a result, Sri Lanka’s foreign policy was heavily bent towards China. Under the new National Unity Government, Sri Lanka needs to re-establish its closer ties with India and the West, thereby following a nonaligned foreign policy.³⁶

³³ ‘Zeid urges creation of hybrid Special court in Sri Lanka (Full Report)’, *The Nation*, 16 September 2015. Available at <http://nation.lk/online/2015/09/16/zeid-urges-creation-of-hybrid-special-court-in-sri-lanka-full-report/>

³⁴ Perera, Jehan, ‘Taking Reconciliation Process Forward After Co-sponsored Resolution’, the Colombo Telegraph, 28 September 2015. Available at <https://www.colombotelegraph.com/index.php/taking-reconciliation-process-forward-after-co-sponsored-resolution/>

³⁵ Perera, Jehan, ‘Taking Reconciliation Process Forward After Co-sponsored Resolution’, the Colombo Telegraph, 28 September 2015. Available at <https://www.colombotelegraph.com/index.php/taking-reconciliation-process-forward-after-co-sponsored-resolution/>

³⁶ ‘Mahinda Misfires’, *The Economist*, 22 August 2015. Available at <http://www.economist.com/news/asia/21661650-rajapaksa-fails-again?zid=309&ah=80dcf288b8561b012f603b9fd9577f0e>

Another concern is the prosecution of ‘corrupt’ politicians and business tycoons who amassed great wealth during the past regime.³⁷ As per the 19th Amendment, the Bribery Commission officials are no longer required to wait for complaints to be lodged; now the Bribery Commission is permitted to carry out investigations on its own.³⁸ Restoring rule of law and strengthening democracy is also an integral part of the national purpose that the National Unity Government must strive to attain.

In relation to Sri Lanka’s economy, lower inflation and cheaper food are the expectations of the majority of voters, irrespective of their ethnic background. Decades of war plunged the country into economic distress, and both President Sirisena and Prime Minister Wickremesinghe now have a mandate to optimally manage state resources and strive to achieve socio-economic development.

Most importantly, the new National Unity Government now has a mandate to resolve decades of ethnic strife between the majority Sinhalese and the minority Tamils, perhaps, by devolving more power to the provinces. Sri Lanka has suffered from many missed opportunities in working towards equality and coexistence at home. With the conclusion of this general election, Sri Lanka is once again offered an opportunity to emerge with a new Sri Lankan identity.

Thus, the National Unity Government is essentially a political exercise in forming a more stable and performing government. Apart from running the day-to-day administrative work, the National Unity Government must aim at formulating policy for higher national purposes, to address long-term issues of ethnic strife and reconciliation, power-sharing, constitutional reforms, economic development and foreign relations.

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³⁷ Kadirgamar, Ahilan, ‘Defeat of divisive politics’, *The Hindu*, 19 August 2015. Available at <http://www.thehindu.com/opinion/op-ed/sri-lanka-parliamentary-election-results-defeat-of-divisive-politics/article7554530.ece>

³⁸ “19th Amendment grants separate power to Bribery Commission”, 30 April 2015. Available at <http://www.lankasrinews.com/view.php?223YY552200mmBB44eeoOOLLccaaMgAAddddS4MWUaaccllOOee44BBmm3003355YY23>