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Coup d'état? Democracy and National Reconciliation in Sri Lanka once again at stake

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Abstract

This SADF Focus outlines the causal developments and offers an assessment of Sri Lanka's current constitutional and political crisis.

With the unprecedented return of Mr Mahinda Rajapaksa, domestic and international observers are unsure about the future of Sri Lanka's national reconciliation, as well as the relationship between the Buddhist Sinhalese majority and the religious minorities. For some, Mr Rajapaksa brings back former patterns of authoritarianism and corruption in Sri Lankan politics, but for others, he is seen as the country's protector of the Sinhalese Buddhist heritage. The authors argue that the current debate of the legitimacy of ousting Prime Minister (PM) Ranil Wickramasinghe goes beyond the interpretation of the constitution. In fact, the legitimacy question points to the core problem of the power struggle between the institutions of the PM and the President. It will be concluded that Mr Rajapaksa's return to office could mean a hindrance for Sri Lanka's peace efforts. Recent violence and mass protests have given a grim projection of Sri Lanka's peace reconciliation trajectory.

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1. Initial conditions – Semblance of democracy and illusion of national reconciliation

On 26 October 2018, the President of Sri Lanka Maithripala Sirisena ousted Prime Minister (PM) Ranil Wickramasinghe, replacing him with Mr Mahinda Rajapaksa, who, in the past, served as the country's President, PM, and in numerous ministerial posts. This unprecedented step did not come out of the blue. Nevertheless, it seems that it took most of the political observers by surprise, at least the international ones. Especially the peculiar way and rapid pace of Mr Rajapaksa's return to power, which has raised several questions about the re-emergence of old patterns, as well as the potential occurrence of new patterns in Sri Lankan politics. There are no doubts about the complexity of the given puzzle; however, the most noteworthy cruxes of the matter are the choice of timing of the PM's dismissal as well as its potential impacts on the democratic trajectory and the sustainability of the national reconciliation process. The latter impact must be seen as the most fundamental flashpoint in contemporary Sri Lanka. Claimed as a political coup against democracy, critics have stated that the replacement of the PM through a presidential decree (or formal notice) is not in line with the constitution. However, in this context, it should be pointed out that the current debate of the legitimacy of the removal of the PM goes far beyond the interpretation of the constitution, especially the question of who is authorised to interpret it and how. It touches one of the core problems of and most crucial aspects within the political system of Sri Lanka: the inherent, systemic conflict and power struggle between the institutions of the PM and the President. In other words, the political controversy over the question if Sri Lanka should have a parliamentary democracy or a presidential democratic system gives a first hint at the contentious bearing of the current situation. Critical observers subsequently started to question the legality of the decision. The latter is gaining additional importance since it involved not only the replacement of a PM but also the suspension of the parliament. However, despite the legitimacy being unclear, Mr Rajapaksa has been sworn in as finance minister, in addition to his post of PM. In consequence, the country finds itself once again in a severe constitutional and political crisis.

Against this backdrop, it is to be noted that Sri Lanka not only symbolises the oldest and longest democratic tradition among post-colonial societies but also an authoritarian shift and one of Asia's most traumatic civil wars. The armed conflict between the Government of Sri Lanka, which mainly comprised of members of the Buddhist Sinhalese majority, and the Liberation Tigers of Tamil Eelam (LTTE), a militant group which claimed to represent the island's Hindu Tamil communities, ended in May 2009 after almost three decades of fighting. Ultimately, the quest that needs to be addressed is why Sri Lanka was not able to avoid a civil-war and a 'quasi-dictatorship' despite its long-lasting democratic institutions? In response, it must be stated that, for many years, Sri Lanka was perceived as a classic example of a country in which democracy facilitated majority rule, and the marginalisation of minorities was based on

a vision of ethnic exclusiveness and authoritarianism. This was reducing rather than enhancing democratic stabilisation and consolidation. Sri Lanka was never able -or lacked the willingness- to construct a democratic multi-ethnic society (approx. Sinhalese-/Buddhist 74%, Tamil-/Hindu 15%, and Muslims 8%) and has fostered exclusion of its ethnic minorities since its independence in 1948. According to Donald Horowitz (1985), in the case of Sri Lanka, democracy was interpreted as a pure majoritarian rule without sufficient minority protection. As such, the forming of governments (even as an outcome of inclusive elections) and following political decision-making processes turned out to be a problem rather than a solution due to the fact that it perpetuated the domination of one group over the other. In this context, political observers traditionally pointed out that the dialectic between majority rule and ethnic outbidding is the major aberration in Sri Lanka's political-institutional development, which produces 'undemocratic results'. This phenomenon can be described as an 'auction-like process' in which certain politicians, as a means to attain and sustain power, try to outbid one another by instrumentalising the fears and ambitions of their majority community. Having this in mind, many observers state that post-conflict Sri Lanka did not make much progress in addressing any of the above-mentioned questions-the major reason being the presidency of Mr Rajapaksa.

2. Outlining the puzzle: Towards a revival of autocracy and ethnic outbidding?

Then President Rajapaksa was generally described as being one of the most controversial and divisive figures in the country. Some segments of the Sinhalese majority see in him a national hero, who ended the three-decade-old civil war and acts as the country's protector of the Sinhalese Buddhist heritage. For other people, he is a despotic autocrat who was running the country in a brutal and corrupt way, especially at the expense of religious and ethnic minorities. Being highly influenced by the notion that Sri Lanka's national interests can be served best through the strict implementation of the rule of the Sinhalese majority, Mr Rajapaksa did not seem to have the political will to initiate institutional change in the form of sustainable and credible reform programmes, which would have reduced various forms of discrimination and exclusion of Sri Lanka's minorities as well as strengthened democratic structures and processes. Instead, he increasingly adopted an authoritarian style of governance featured by endemic corruption, nepotism, and attempts to establish dynastic rule. His undermining of the constitutional basic structure by transforming Sri Lanka into an executive presidency, turned the President into a 'quasi-dictator'. Furthermore, ongoing human rights violations, a persistent presence of armed forces in the war-torn north, lack of accountability for war crimes, and the absence of a noteworthy power-sharing model with former combatants, have spurred criticism. Not only the Tamils, but the Muslims also suffered from the incumbent's hard-line approach on rapprochement towards the country's minorities. Growing sectarian violence, facilitated by Sinhalese Buddhist nationalists enjoying the goodwill of Mr

Rajapaksa's administration, further bolstered the alienation of Muslims, Hindus and Christians. In sum, Mr Rajapaksa truncated the democratic process and wasted the chance for national reconciliation. Additionally, his partly promising economic policy, which led to remarkable economic growth, focused on establishing 'mega projects', has failed to benefit the poor. Consequently, he not only lost support among the minorities but also within his core constituency, the rural conservative Sinhala-majority who suffered from inflation and high living costs. The estrangement with 'the West' and the failure to implement a constructive policy in the country's foreign policy triangle with India and China further bolstered the nation-wide frustration about Mr Rajapaksa's 'family & friends-based regime'¹. In this context, it is important to stress that Mr Rajapaksa has tried to gain room to manoeuvre in case of political ('democratic') and economic pressure from the so-called 'Western Axis'. More concretely, he not only attempted to instrumentalise the competition between China and India over influence on the island state but also attempted to get Beijing on its side to deal with potential punitive measures by the US and the EU (for instance the EU withdrawal of GSP+ trade benefits from Sri Lanka). Being always in favour of major development projects to achieve economic growth, Mr Rajapaksa arranged the start of several major multi-billion-dollar infrastructure projects with Beijing, which later became a part of the so-called Belt and Road Initiative/BRI (also known as 'New Silk Road Project'). However, the economic boost based on Chinese investments did not pay off in domestic political terms.

Therefore, it was only partly a surprise that Mr Rajapaksa was defeated in the 2015 presidential elections by his former political ally Maithripala Sirisena. After the farmer-turned-politician Sirisena resigned from the former government, he was able to unite the fractured opposition and benefitted from the incumbent's growing unpopularity among the Sinhalese majority, as well as from minority voters.

As such, those elections were rather a referendum than a pure technical vote; it was a clear statement of a vibrant civil society not willing to accept Mr Rajapaksa's authoritarian-like manner anymore, especially when it came to religious and ethnic minorities. Mr Rajapaksa's defeat was also an expression of the need for national reconciliation based on the political and social inclusion of ethnic minorities. Furthermore, it was a signal towards religious fundamentalists in the country that the common people were not willing to tolerate the use of religion for ethnic outbidding any longer. Thus, the election results were an unequivocal vote against Mr Rajapaksa and for the return towards parliamentary democracy. In sum, the

¹ As President, Mr Rajapaksa strategically placed family members and close friends in key positions of the country's political and administrative structure. For example, his brother Gotabaya Rajapaksa became the second most powerful person in the country by holding the position as Secretary to the Ministry of Defence and Urban Development. Basil Rajapaksa, Mr Rajapaksa's other brother was both the Minister for Economic Development and the head of the 'President's Task Force', an extremely influential state entity at that time.

year 2015 determined a critical juncture in the country's history: that Mr Rajapaksa should resign and give up his political ambitions to return to power, as well as face the legal consequences for abusing power during his time in office (19 November 2005 to 9 January 2015). Additionally, he should face consequences for establishing an autocratic, nepotistic and clientelistic regime (controlled by his family and friends), who were accused of severe human rights violations, suppressing freedom, and war crimes. As such, the vote was also an expression that dynastic rule, political feuding, and violence have no space in Sri Lanka's political landscape. However, now that he has returned to the top in the country's political arena, the question of how this could have happened must be raised. Was it just about the collapse of Ranil Wickramasinghe's coalition government and/or the tectonic shift in the public perception which led to a renaissance of Mr Rajapaksa's popularity?

3. Rajapaksa's political come back - Identifying the rationale

For sure, the rationale of Mr Rajapaksa's political come back is manifold. Some of the publicly known reasons for the collapse of the latest coalition government of PM Wickramasinghe were the disagreements over the pace and depth of the much-needed economic, administrative and political reforms. Apparently, the challenges of the abolition of the executive presidency, the re-strengthening of the constitution, political institutions, and the reintroduction of the separation of powers, the establishment of independent commissions to oversee the police, the civil service, the judiciary, to monitor human rights, and the need to address public demands to end the authoritarian pattern and 'politics of revenge' turned into severe stumbling blocks for PM Wickramasinghe. Corruption allegations and the personal leadership style of the former PM were additional points of criticisms.

Other reasons might be the growing threats among the Sinhalese majority of the growing strength of radical, nationalistic Tamil parties like the Eelam People's Democratic Party (EPDP) or the revived Akila Iankai Tamil Congress (AITC) during the last local elections which happened on the basis of a newly introduced electoral system. In this context, it is important that the electoral success of Mr Wickramasinghe and his coalition was based on the support of the country's minority voters. This is being increasingly perceived as a threat by many in the Sinhalese Buddhist majority, even as a 'historical mistake' which must be corrected. Here, one needs to understand the significance of cultural nationalism in Sri Lanka and the role it plays in the country's political arena. Generally, cultural nationalism in the country, stemming from Sinhala identity, has long been an important component of Sri Lankan politics. Already in the 1930s, political rhetoric spoke in terms of religious and linguistic identities and targeted different minorities directly. The distribution of population and the system of representation created an ethnic topography of two political zones. First, the 'north', comprising of the Northern and Eastern

Provinces, where 90% of the Tamils are living and consequently their parties are dominating as well as tending to adopt a position of opposition. Second, the ‘southern zone’, where mostly Sinhala politicians are competing for governmental power among the 90% Sinhalese population. In 1956, this division was crystallised when the Sri Lanka Freedom Party (SLFP) was elected to power on a wave of Sinhala Buddhist populism. At the core of the propagated Sinhalese nationalism lies the historical notion of ‘Dhamma, Dipa and Sangha’, which was, in modern history, nationalistically interpreted through the slogan ‘one people, one country, one creed’. Therefore, the idea that Sri Lanka must be a Unitarian, centralised state was developed. Subsequently, a policy started to transform the country culturally and politically, into a single Sinhalese-Buddhist monolithic block; a process which could be also described as Sinhalesation of state and society. Despite the fact that such policies have been curbed in recent times, there are extraordinarily strong pressure groups, especially ultra-conservative organisations of Buddhist monks like the Bodu Bala Sena (BBS, or Buddhist Power Force), trying to push the government towards a hard line against the country’s religious minorities.

The political reform attempts under Mr Wickramasinghe’s administration and their efforts for national reconciliation are, therefore, perceived by the nationalist Sinhalese Buddhists as an ‘unhealthy appeasement policy’ towards the minorities, and subsequently, as a threat to the interests of the majority. The fact that Mr Wickramasinghe’s prime ministership was largely supported by minorities, made him even more suspicious among ultra-conservative religious and nationalist forces.

Another important point which paved the way for Mr Rajapaksa’s return was the persistent power struggle between the major parties within the then ruling coalition. This made them look weak and inefficient, as a result, giving the ultra-conservative religious and nationalist forces the power to undermine the credibility of the government.

Last but not least, the rapprochement of Mr Wickramasinghe towards India and the US occurred as one of the major flashpoints between the country’s top political leaders. It seems too coincidental that the coalition has broken apart shortly after Mr Wickramasinghe’s administration sternly challenged massive Chinese investment projects in the country. Receiving billions of dollars of Chinese investment to carry out major infrastructure projects has left Sri Lanka in a crippling financial situation, as well as in a submissive role regarding the southern port of Hambantota² as part of BRI. Controversially, Mr

² Sri Lanka handed over its southern port of Hambantota to China on a 99-year lease. Colombo made the decision to let go of the control of its strategically important port after it failed to fulfill its payment obligations towards China in exchange for debt relief (McDowell, 2018).

Rajapaksa favours a closer collaborative relationship with China than with India and Western countries. If Mr Rajapaksa attempts to appease China, not only will he undo the efforts of Mr Wickramasinghe's administration in addressing critical issues with India and other Western countries, but he will also jeopardise the country's relationship with many countries in extended regions. In summary, it is interesting to note that not only does Mr Rajapaksa have close ties with China, but so does President Sirisena. When President Sirisena came to power, a hospital was built in his hometown with the financial backing of China. Additionally, he received a grant of about \$300 million from China to use as he wished. Subsequently, it should be stated that Sri Lanka witnessed a 'coup-like situation' after Chinese national interests were seriously at stake. This is an extremely worrying perspective for countries that are participating in the New Silk Road with smaller economies and fragile political situations. As such, numerous observers are wondering about the potential role of Beijing in the latest reshuffle of the country's top leadership posts and are expressing concerns about the country's sovereignty. However, China has recently announced that it denies allegations of funding Sri Lankan parliamentarians.

4. Final thoughts

Mr Rajapaksa's term in office is being associated with the end of a decade's long civil-war in the country. But the end of the war was only achieved by a military defeat of the LTTE by the Sinhalese majority government, not through a political solution. In this context, it should be noted that Sri Lanka has been marred by years of armed conflicts and strategies of political ethnic outbidding of religious minorities by the Sinhalese majority's political parties. In consequence, the country's society is featured by deeply entrenched cleavages. As such, Sri Lanka is in need of a substantial process of national reconciliation. The first steps have been taken during the last years, but much more needs to be done. Here, President Sirisena's decision to appoint Mr Rajapaksa is in stark contrast with his earlier promises to launch an investigation on the Rajapaksa administration's actions during the civil war. Now, with the return of Mr Rajapaksa, it is unclear whether the peace reconciliation process will continue, as well as the relationship between the Buddhist Sinhalese majority and the religious minorities. It is noteworthy to highlight that conservative Buddhist groups have criticised the coalition government for making 'generous' concessions towards former combatants and religious minorities. As such, another term of Mr Rajapaksa in office could mean a setback for peace efforts and a return to autocratic patterns of political decision-making. The latest outbreak of violence and growing mass protests in an extraordinarily politically tense atmosphere are giving a grim perspective for the future of a peaceful development in Sri Lanka.

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