



Tsunami fails to end Sri Lankan bickering and distrust

Sri Lanka's elites revert to squabbling and politics as usual while the most vulnerable suffer.

BY **ROHAN EDRISINHA**

When the tsunami struck Sri Lanka and devastated the lives, homes and properties of thousands of Sri Lankans across racial and religious barriers, many people hoped that something positive would emerge from the tragedy.

People hoped that the Sri Lankan Government and the rebel Liberation Tigers of Tamil Eelam (LTTE) would at least temporarily shed their differences on how to build on the tenuous ceasefire agreement signed in 2002, and co-operate in the task of relief and rehabilitation. And they hoped that a sense of urgency and commitment would trump the struggle for power among the Sinhalese, Tamil and Muslim communities of Sri Lanka as the island grappled with the unprecedented challenges posed by the natural disaster.

Unfortunately, after some brief signs of hope, Sri Lanka's now almost legendary, bitter, petty and personal competitive politics resurfaced, and in the past six months has obstructed an efficient and fair response to the challenges posed by the tsunami.

The tsunami inflicted the most damage in the eastern and southern provinces of Sri Lanka. Fishing communities on the coastline were particularly affected. The east is probably the most multi-ethnic province in the island with all three main communities almost equally represented there. It is also part of the region claimed by the LTTE as the Tamil homeland. The southern province is primarily Sinhalese, but also the political heartland of the two political parties that formed an alliance of convenience to secure a majority at the April 2004 parliamentary elections.

The present Prime Minister – and presidential aspirant in 2006 – has his political base in a district that the junior partner in the ruling coalition, the Sinhalese nationalist People's Liberation Front (JVP) considers its main political base. These demographic and political factors (in the case of the east) and subtle political rivalries (in the case of the south) have contributed to tensions and difficulties that undermined the efficacy of the responses to the challenges of the post-tsunami phase.

Patronage and ideological cleavages

The broader political context also contributed to the rather confused response. Next year, 2006, is a presidential election year in Sri Lanka. The stakes are high given the

Rohan Edrisinha teaches at the Faculty of Law, University of Colombo, Sri Lanka. He is also a founder, Director and Head of the Legal Division, Centre for Policy Alternatives, a Colombo-based independent public policy institute. Mr. Edrisinha contributed the Sri Lankan section of a chapter on "Adopting Federalism" in the Forum's "Handbook of Federal Countries, 2005", published by McGill-Queen's University Press.

near authoritarian powers wielded by the holder of the office.

Large amounts of aid can be used by the incumbent government to engage in the bane of Sri Lankan politics – patronage. Money, loans, permits and other favours are generously doled out to friends and supporters. The opposition will oppose any projects and program that facilitate this while the incumbent government will inevitably seek to maximize its political influence through the use of patronage.

The ideological and political differences within the ruling coalition have surfaced in the aftermath of the tsunami. The major grouping, the People's Alliance, is centrist, willing to work with the private sector and international financial institutions, while its junior partner, the JVP, touts North Korea and Cuba as its economic models, is deeply suspicious of the private sector and has almost a pathological hatred for the World Bank and IMF.

On the ethnic conflict, the People's Alliance is committed to peace negotiations and engaging with the LTTE, while the JVP has been reluctant even to recognize the existence of an ethnic conflict, preferring to label the conflict a problem of terrorism.

These significant differences did not manifest themselves when the two parties opposed the policies of the "liberal" and pro-business United National Party (UNP) that was in power from 2001 to 2004. It was easy to agree on broad criticisms, many of them well founded. The UNP's economic policies marginalized the poor, those in the rural areas, the farmers, while favouring the rich and the corrupt. As well, the UNP's negotiations with the LTTE were excessively pragmatic and weak on principle, commitment to human rights and pluralism.

But when the current coalition found itself in government, economic and political realities demanded positive, more specific alternatives on both major challenges. The divisions between the two parties emerged and President Kumaratunga (of the larger, more moderate party, the People's Alliance) struggled to keep the coalition united and committed to common policies

The tsunami struck on December 26, 2004, in a political context of deep division within the government, division



between the ruling coalition and the main democratic opposition group, and division between the Government of Sri Lanka and political parties in the south and the LTTE in the north and east – two areas that they claim as Tamil homeland.

Weak bear the brunt of the devastation

The initial response of the Kumaratunga administration was perfectly consistent with the centralizing political culture of Sri Lanka. The coalition parties which had always opposed the authoritarian presidential system and had pledged to abolish it, had no qualms about strengthening it even further by creating a series of institutions directly under the control of the President with little if any mechanisms for parliamentary oversight, transparency and accountability. Two weeks after the tsunami struck, the government announced the formulation of a Comprehensive Development and Infrastructure Rebuilding Action Plan and the establishment of an institution somewhat pompously titled the Authority for Rebuilding the Nation.

There were also the related concerns that those most affected by the tsunami would not be consulted or participate in the design of programs to deal with their own rehabilitation or be adequately compensated for the burdens they would have to bear with respect to their relocation.

For example, the worst affected group in both the east and south was the fishing community. Rehabilitation plans sought to prohibit fisher folk from returning to the beaches and imposed strict limits on the construction of housing close to the seashore. However, there was to be no similar prohibition on hotels and guesthouses, owned and managed by the politically influential business community in the country. Furthermore, given the fact that fishing communities had, rightly or wrongly, lived for years on the beach fronts, the relocation programs should have included mechanisms to deal with the new challenges posed by storage, transportation, security of boats, equipment and other trappings of fishing life.

The debate over federalism

The establishment of presidential task forces to coordinate the post-tsunami responses and the proposed Authority to Rebuild the Nation were completely at odds with the direction in which the country needed to go if radical constitutional and political reform was to be the basis for a political solution to the island's protracted ethnic conflict.

The parties in the ruling coalition had promised to abolish the unpopular, centralizing executive Presidential system. The President and her party believe that a solution had to be based on federal principles and indeed had facilitated the drafting of new constitutional proposals, which were quasi-federal in character, in 2000.

The opposition party, the UNP, and its leader seem to recognize that any real solution to the ethnic conflict had to provide a viable alternative to LTTE demands for Tamil self-determination. Liberals from the three main communities and civil society groups have campaigned over the past twenty years or so for a solution on federal lines as a way of reconciling the competing interests of the stakeholders to the conflict.

Both the initial response and the proposed institutional response from the government went counter to these

initiatives that favoured federalism as means toward conflict resolution.

Fear of LTTE seeking the advantage

Another complicating factor was the fact that the Liberation Tigers of Tamil Eelam had, after the protracted military conflict, wrested control from the Government of Sri Lanka of a significant part of the northern and eastern provinces of the island, and exercised *de facto* control over them. The LTTE had set up its own institutions including a police service, courts and various types of administrative mechanisms in these areas. Though the campaign for a federal type solution to the conflict continued, there were many skeptics who believed that the sole objective of the LTTE, even during the negotiations, was to convert the *de facto* control it exercised over parts of the north and east into *de jure* control over the whole of that region. In other words, their continued aim was to set up an independent nation state in the north and the east of the island.

This theory of the skeptics received a boost starting in October 2003 when there were indications that the LTTE was trying to distance itself from an agreement reached in Oslo in December 2002 during the Norwegian-facilitated peace talks. The LTTE, which had until then demanded the so-called four Thimpu Principles – nationhood, a traditional Tamil homeland, the right of the Tamil nation to self determination and complete equality – agreed to clarify some of the ambiguity in the Thimpu principles by agreeing to explore a federal solution based on internal self-determination within a united Sri Lanka.

Many considered this agreement to be a significant breakthrough, but the talks broke down just as a roadmap for implementing this agreement and a human rights accord were to be discussed. Other factors certainly contributed to the breakdown in the negotiations in March 2003. However, the reluctance on the part of the Liberation Tigers of Tamil Eelam to endorse the Oslo formulation and the absence of any reference to it in an October 2003 set of proposals for an interim self-governing authority strengthened the argument of the skeptics who believed that a significant hard-line element of the LTTE remained steadfast in its goal of an independent nation state.

The squabble over the visits and itineraries of foreign dignitaries, where they should visit and whom they should meet, though unfortunate, needs to be understood in the context of the deep suspicion and distrust that exists between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam. The Government, distrustful of the LTTE's commitment to a solution within a united country, feared that the LTTE would exploit a visit to a tsunami-affected area under its control for publicity that would fortify its campaign for international recognition and legitimacy. The Liberation Tigers of Tamil Eelam, on the other hand, viewed the Government's attitude as yet another example of its centralized, "majoritarian" mindset.

As things stand now, the post-tsunami challenges have made a complex and difficult situation even worse. Nevertheless, the campaign for a just political solution based on federalism and internal self-determination, democracy, human rights and pluralism needs to continue.

Sri Lanka has no alternative if it wants a just and durable peace. ☺