

Polity IV Country Report 2010 Sri Lanka

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Score:</td> <td style="width: 15%;">2009</td> <td style="width: 15%;">2010</td> <td style="width: 15%;">Change</td> <td style="width: 40%;"></td> </tr> <tr> <td>Polity:</td> <td>6</td> <td>4</td> <td>-2</td> <td></td> </tr> <tr> <td>Democ:</td> <td>7</td> <td>5</td> <td>-2</td> <td></td> </tr> <tr> <td>Autoc:</td> <td>1</td> <td>1</td> <td>0</td> <td></td> </tr> <tr> <td>Durable:</td> <td></td> <td>62</td> <td></td> <td></td> </tr> <tr> <td>Tentative:</td> <td></td> <td>Yes</td> <td></td> <td></td> </tr> </table>	Score:	2009	2010	Change		Polity:	6	4	-2		Democ:	7	5	-2		Autoc:	1	1	0		Durable:		62			Tentative:		Yes			
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SCODE	SRI	CCODE	780	Date of Report	1 June 2011																										
Polity IV Component Variables																															
XRREG	XRCOMP	XROPEN	XCONST	PARREG	PARCOMP																										
3	3	4	5	3	4																										
Date of Most Recent Polity Transition (3 or more point change)																															
End Date			Begin Date																												
			4 February 1948 (Ind.)																												
Polity Fragmentation: Yes, Tamil-held areas in north and east (10-20%)																															
Constitution	1978																														
Executive(s)	President Mahinda Rajapaksa (UPFA); directly elected 17 November 2005, reelected 26 January 2010; 57.88%																														
Legislature	Unicameral: National Assembly (225 seats; 196 directly elected, 29 proportionally elected; most recent elections, 8 April 2010) United People's Freedom Alliance (UPFA): 144 United National Party (UNP): 60 Tamil National Alliance (ITAK): 14 Democratic National Alliance (DNA): 7																														
Judiciary	Supreme Court																														

Narrative Description:¹

Executive Recruitment: Transitional or Restricted Elections (7)

While violence and corruption have long been associated with elections in Sri Lanka, presidential and parliamentary elections have led to increasing concerns over the cumulative impact of such malpractice on the integrity of the democratic process in Sri Lanka. While the outcome of these elections have generally appeared to reflect the will of the people, nevertheless, political murders, terrorism and ballot rigging have surrounded the electoral process for much of Sri Lanka's recent history. The ruling UPFA party, as well as the opposition UNP and the ethnonational LTTE, have all contributed to the instability associated with these elections. Chronic electoral violence, in both government-controlled and Tamil-controlled regions, has severely weakened the competitive nature of electoral competition in Sri Lanka in recent years.

¹ The research described in this report was sponsored by the Political Instability Task Force (PITF). The PITF is funded by the Central Intelligence Agency. The views expressed herein are the authors' alone and do not represent the views of the US Government.

Further eroding the democratic nature of executive recruitment in Sri Lanka was the political infighting between former-President Kumaratunga (People's Alliance) and her prime minister, Ranil Wickremarasinghe (United National Party). In an effort to gain political advantage in the "government of cohabitation" that existed between 2002 and 2003, Kumaratunga sought to reinterpret her constitutional powers and mandate. On 14 January 2004 she told the nation that she had unilaterally (and unconstitutionally) extended her term in office by one year, until the end of 2006. Political observers indicated that this move was intended to extend her political mandate, which would have ended in 2005 after two terms in office. The President's argument was that she still had a "year in hand" from the first term in office, which she had cut short by calling early elections. Prime Minister Wickremarasinghe called this move undemocratic and illegal, and initiated a constitutional crisis over the issue.

After months of intense political fighting between the President and the Prime Minister, the President dismissed the Parliament nearly four years ahead of schedule and called for new elections. The President's decision to call for new elections indicated her confidence in her ability to defeat Prime Minister Wickremarasinghe's UNP-dominated coalition at the April 2004 polls. President Kumaratunga's new alliance with the People's Liberation Front, known as the United People's Freedom Front, was expected to appeal to the nationalism of the majority Sinhala community and play on the threat posed to the Sinhala nation by the Tamil rebels. Her political gamble paid dividends as her new coalition defeated Prime Minister Wickremarasinghe's coalition and produced a friendly minority government under the leadership of Prime Minister Mahinda Rajapaksa. On 17 November 2005 Mahinda Rajapaksa was elected president, and Ratnasari Wickremanayake was appointed prime minister to fill the post abandoned by Rajapaksa. Following the government's decisive victory in May 2009 over the rebel forces of the LTTE, a presidential election was held on 27 January 2010 pitting incumbent President Mahinda Rajapaksa of the ruling UPFA against the country's former Army chief Gen. Sarath Fonseka. Rajapaksa was declared the winner with 57% of the vote but was accused of fraud by the opposition; Fonseka was subsequently arrested along with several of his supporters.

Executive Constraints: Moderate Limitations (4)

While the legislature plays an active role in government and the judiciary is largely free from executive branch interference, nevertheless, the institutional strength of the president vis-à-vis these other branches of government is significant. The 1978 constitution established a presidential-parliamentary system with a 225-member legislature. The directly elected president can serve two six-year terms, appoints the prime minister and other cabinet members from the majority party in the legislature, and can dissolve the Parliament following a no-confidence motion or the rejection of an appropriation bill. Moreover, under a state of emergency the president has the power to pass legislation without parliamentary consent. In effect, the pre-1978 Westminster-style parliamentary system was abandoned in favor of a "Gaullist" presidential-parliamentary system. The cornerstone of this system is the concentration of executive power in a strong president. While President Kumaratunga was twice elected on a platform of abolishing the presidential system and replacing it with a Westminster-style parliamentary system, little movement has been made towards this objective.

The power of the executive branch was demonstrated in the summer of 2001 when President Kumaratunga suspended the Parliament for two months. President Kumaratunga's decision to dismiss the National Assembly was motivated by her desire to save the PA government of Prime Minister Wickremarasinghe from a vote of no-confidence after a fracture in the ruling coalition. President Kumaratunga's PA became a minority government after the defection of a small Muslim party from the ruling coalition in June 2001. Just like in the French system, the powers of the president are bolstered when the president's party controls the National Assembly. Under periods of "cohabitation," in which the president is of one party and the post of prime minister is held by a member of the opposition, the powers of the president are significantly reduced.

In the December 2001 elections the UNP won a narrow majority and the post of prime minister was awarded to Ranil Wickremarasinghe. Tensions between the President and Prime Minister since this time threatened to derail the peace process between the government of Prime Minister Wickremarasinghe and LTTE guerrillas. Chaffing under the constraints of "cohabitation," in November 2003 President Kumaratunga temporarily suspended Parliament and took over three ministries from the Wickremarasinghe's control, defense, interior and information, on the grounds that his government had jeopardized national security. Under this political arrangement the Prime Minister was unable to control the army and, in effect, had no power to conclude a peace deal with the LTTE. The period of "cohabitation" came to a formal end

with the April 2004 legislative elections which saw Prime Minister Wickramanasinghe's party lose its majority position in the legislature. The presidential elections of November 2005 further solidified the president's hold in this regard, but substantial limitations on power persist due in no small part to the coalition system of government.

With the increased intimidation of political challengers in the aftermath of the January 2010 presidential election, President Rajapaksa has been able to consolidate his position of authority within the political system of Sri Lanka. After winning the presidential poll, Rajapaksa's hold on power was further tightened with the April 2010 parliamentary elections. In these elections his party, the United People's Freedom Alliance, won 117 of the assembly's 225 seats. While this was a convincing victory, nonetheless, it fell slightly short of the 2/3 margin necessary for him to unilaterally alter the constitution. Despite this obstacle, in September 2010 the parliament approved a constitutional change allowing President Rajapaksa to seek an unlimited number of terms in office. The constitutional amendment also strengthened the power of the office by allowing the president to appoint all the top judges and commissioners for elections, human rights and other affairs, unfettered by any legal or legislative challenge. The main opposition United National Party boycotted the vote but some of its members broke ranks and voted for the measure.

Political Participation: Political Liberalization/Democratic Retrenchment: Persistent Overt Coercion (8)

Sri Lanka is a longstanding democratic republic with an active multiparty system. Two parties, the United National Party (UNP) and the Sri Lankan Freedom Party (the dominant party in the People's Alliance) have dominated politics in this country since independence. However, the competition between these two parties, and between these parties and the nationalist/communist JVP and ethnonationalist Liberation Tigers of Tamil Eelam (LTTE), has largely been factional in nature. Competition between these groups has been intense and often violent. While current political competition between the UNP, SLFP and JVP largely takes place within democratic channels, nevertheless, as the high levels of violence and electoral malpractice in recent years clearly demonstrates, these channels are fragile at best. Moreover, the relationship between the Tamil rebel movement and the Sinhalese-dominated central government continues to fall outside institutional channels altogether.

The Muslim Tamil minority, living in the northern and eastern areas of the country, have engaged the government in armed rebellion for much of the past two decades. While President Kumaratunga made some effort to resolve this conflict, a conflict that has resulted in over seventy thousand deaths, renewed hostilities in 2005 make the conflict appear to be intractable. While President Kumaratunga sought to devolve power to a regional Tamil government through a constitutional amendment, fierce opposition by Buddhist nationalists in the country and the demand of the LTTE leadership for independence, undermined such efforts for a peaceful resolution to the conflict. However, the December 2001 elections, which produced a legislative majority for the UNP, ushered in a brief period of substantial negotiations between the two parties. Backed by a Norwegian peace initiative, a "permanent cease-fire" was signed between the LTTE and the Government on 22 February 2002. Despite this promising sign, the reluctance of President Kumaratunga and the JVP to fully support this initiative undermined its effectiveness.

In an effort to consolidate political authority in the hands of the presidency and undercut the political autonomy of the prime minister to negotiate an end to the Tamil insurgency, in the fall of 2003 President Kumaratunga declared a brief state of emergency, temporarily suspending Parliament, and assumed direct control over the armed forces. She justified these actions by arguing that the Prime Minister, and his former defense secretary, were guilty of undermining the security of the state by yielding too much ground to the Tamil Tigers. After six rounds of peace talks held in 2002-03, the Tamil Tiger rebels suspended their participation in the peace process in April 2003. While significant gains were made in these talks, including the decision by the Tigers to drop their demand for a separate state and their acceptance of autonomy within a federal system, nevertheless, the Tigers had become increasingly frustrated over repeated efforts by the President to undercut the peace process.

The JVP, which has traditionally espoused a blend of revolutionary left-wing politics and Sinhalese nationalism, has also been an active opponent of the UNP-sponsored peace process and Prime Minister Wickramasinghe's Tamil policy in particular. Particularly troublesome for many observers of Sri Lankan politics was the fact that the JVP, which has been responsible for two armed insurrections in the past, have considerable support among the lower ranks of the armed forces. During the two insurrections in the 1970s and '80s over eighty thousand citizens were killed. However, after decades of street politics the JVP has emerged as a legitimate political alternative for Sri Lankans disillusioned with the fighting between the two major parties. In an effort to increase their electoral representation they have even begun

to forge strategic political alliances with their political foes and ideological competitors. In both the April 2002 and 2004 parliamentary polls the JVP forged an alliance with President Kumaratunga's Sri Lankan Freedom Party in an effort to appeal to nationalism of the majority Sinhala community.

Further contributing to the stalemate of the peace process in late 2003 and early 2004 was the fracturing of the Tamil military organization. Colonel Karuna, a rebel commander in the east of the country, broke ranks with the northern leadership under the control of Velupillai Prabhakaran, plunging the peace process into further crisis. The "Karuna faction" was accused of receiving support from the central government and serious fighting broke out in eastern Sri Lanka in the spring of 2004 as a result of this split within the Tamil Tiger rebel group. Fueled by disagreements over aid stemming from the tsunami that devastated Southeast Asia in 2004, violence between these groups increased in 2005, taking the form of shootings, bombings, and assassinations of prominent journalists and political leaders. Open warfare between the ethnic-Tamil LTTE and the central government forces began once again in December 2005. On August 25 and October 23, 2006, agreements were reached among the main Sinhalese parties to increase cooperation in the face of the growing crisis with the Tamil-controlled area in the northeast. The failure to achieve a negotiated settlement led the Sri Lankan government to withdraw from the 2002 ceasefire agreement on 2 January 2008 and resume hostilities. A sustained Sri Lanka Army offensive against LTTE-controlled territory in 2008 succeeded in driving LTTE forces out of many of the urban centers in the north and in early 2009 government forces captured the LTTE "capital" Kilinochchi and rebel forces were driven into forest refuge; heavy fighting continued through early 2009. The last battle ended with the LTTE surrender on 17 May and the death of LTTE leader Velupillai Prabhakaran on the morning of 18 May 2009.

On 27 January 2010, a presidential election was held pitting incumbent President Mahinda Rajapaksa of the ruling UPFA against the country's former Army chief Gen. Sarath Fonseka. Rajapaksa was declared the winner with 57% of the vote but was accused of fraud by the opposition. Fonseka threatened to reveal information regarding the conduct of the final assault that ended the civil war with the ethnic-Tamil LTTE and was arrested on 8 February 2010. A purge of his supporters in the armed forces and arrest of his political supporters were also conducted by government authorities. Protests against his arrest were suppressed. In September the General was found guilty of corruption by a military court and was sentenced to 30 months in jail. Due to his incarceration, Fonseka was forced to forfeit the parliamentary seat that he had won in the April 2010 legislative elections. Supporters of Fonseka claim that he was imprisoned because he dared challenge the political authority of President Rajapaksa and his burgeoning familial political dynasty (Rajapaksa's son is a MP and his three brothers hold high level government positions). Fonseka, a former general who led the army to victory over the Tamil Tigers in 2009, fell out of favor with the President over who should reap the bulk of the political rewards associated with the victory. While both men have the reputation of being strong Sinhalese nationalists, nevertheless, during the campaign General Fonseka was able to ally himself with several minority Tamil and Muslim parties. This tenuous political alliance, which was really more of a rejection of Rajapaksa than an endorsement of Fonseka, produced some electoral advantage as the places that the President lost were almost entirely in the Tamil and Tamil-Muslim strongholds in the north and east of the country.

While the violent conflict with the Tamils may have ended, the issues that separate the Sinhalese and Tamil populations have yet to be resolved. The Tamil minority continues to insist that the Constitution's 13th Amendment, that devolves power to the provinces, must be enforced. President Rajapaksa has not been sympathetic to the call for federalism and, instead, has argued that the minority groups would be better served by the creation of a second chamber in the national legislature. While the President continued to drag his feet on both issues in 2010, nonetheless, some of the more immediate concerns of the Tamil population were addressed. By the end of 2010 the number of internally displaced people living in refugee camps outside the former war zone had dropped from 300,000 at war's end to only 20,000.