RESPONSES TO INFORMATION REQUESTS (RIRs)

18 January 2012

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Sri Lanka: The Tamil National Alliance (TNA), including the party's relationship with the current government and the 2011 local authority election results (June 2010-December 2011)

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1. Tamil National Alliance

According to the *Political Handbook of the World* (PHW), various Tamil political parties established the Tamil National Alliance (TNA) in October 2001 to prepare for the December general election (PHW 2011, 1344). The alliance ran in the election as the Tamil United Liberation Front (ibid.). In the April 2004 general election, the alliance ran again, but as the Sri Lanka Tamil Government Party (Ilankai Tamil Arasu Kachchi), and won 22 parliamentary seats in the north and east (ibid.). It was during the April 2004 election that, according to the PHW, the TNA presented itself for the first time as a proxy for the Liberation Tigers of Tamil Eelam (LTTE) (ibid.). The *Nation*, a Colombo-based online newspaper, also mentions that, during the civil war, "the TNA functioned and was also branded by political parties including the media as the 'mouthpiece' of the LTTE" (16 Jan. 2011).

In March 2010, the TNA "renounced its longtime goal of an independent Tamil homeland" (PHW 2011, 1344). In the April 2010 parliamentary elections, it placed third with 14 seats in the legislature (ibid.). The *Nation* notes that the TNA is "the largest party representing the Tamil community in Parliament" (19 Dec. 2010), and adds that it "commands the majority vote bases in the north and east" (10 July 2011).

2. Relationship with the Government
2.1 Biweekly Talks with the Government

On 7 June 2010, the TNA met with President Mahinda Rajapaksa "to discuss the political situation in the country and … the issues faced by the Tamil people in the post war period" (*The Nation* 19 Dec. 2010). By December 2010, the TNA had also started to work with other Tamil parties, including the Tamil Parties Forum, to find "a durable solution to the ethnic conflict" (ibid.).

In a January 2011 interview with the *Nation*, a TNA spokesman said that the alliance is "willing" to work with the government to resolve the following two

issues: "finding an amicable settlement to the ethnical problem in the country" and "evolving a mechanism to rehabilitate and reconstruct the north and east" (*The Nation* 16 Jan. 2011). He also indicated that in January the government appointed a three-member committee to deal with these issues (ibid.). On 10 January the TNA and the committee met for the first time and agreed to hold meetings every two weeks thereafter and include discussions on resettlement, long-term detainees, and "groups holding illegal weapons and causing a threat to society" (ibid.).

However, the *Nation* reports that, in March 2011, the government decided to stop meeting with the TNA until the close of the March local authority elections, a decision with which the TNA disagreed, especially since it had been prepared to talk about the government "misguiding and misinforming" Tamils about where they could go to find information about relatives who were detainees or internally displaced persons (IDPs) (6 Mar. 2011). As a result of the government's decision, a meeting scheduled for 1 March 2011 -- the TNA's deadline for the government to "remedy" its "'misinformation'" about the list of detainees and IDPs -- was cancelled (*The Nation* 6 Mar. 2011).

At the beginning of May 2011, the TNA again "expressed … frustration over the failure of the government in releasing them the names of the detainees" (ibid. 1 May 2011b). A TNA parliamentarian also pointed out that the government had not implemented several of its post-war demands, including the complete removal of high-security zones, the cessation of building Buddhist temples in areas with no Buddhist population, and the resettlement of IDPs in Muthur and Sampur (ibid. 1 May 2011a). However, the government reportedly gave its assurance that it was "committed" to "find[ing] a political settlement to the ethnic question" and that it would continue to meet with the TNA (ibid. 1 May 2011b).

2.2 Devolution of Power

MSN India, a news service of the Microsoft Network, explains that, since the end of the war in 2009, the government has been under pressure from the international community to find "a credible devolution of power" (17 Nov. 2011). As the Colombo-based *Daily Mirror* reports, the TNA has been seeking a "devolution of executive, legislative and judicial power as a means of resolving the north and east question" (18 Nov. 2011). The media also report that the TNA has been arguing for the complete implementation of the 13th amendment to the constitution (MSN India 17 Nov. 2011; *The Nation* 15 May 2011). The 13th amendment established provincial councils with "a wide range of powers devolved to the provinces, including police and land powers" (LankaWeb 29 Sept. 2011), allows for a referendum on the merger of the north and east into one province, and provides for the creation of lists detailing powers of the centre and the provinces (Conciliation Resources n.d.). However, MSN India says that the government is "averse to conferring land and police powers to the provincial councils" (17 Nov. 2011). According to the London-based *Independent*, President Rajapaksa rejected TNA demands for "greater autonomy over issues such as the police and land management" in the north and east (25 July 2011).

In mid-May 2011, the government reportedly proposed establishing a senate as a means of devolving its power, but the TNA rejected the proposal, saying it wants a "proper devolution of powers to the provinces" instead (*The Nation* 15 May 2011). In July 2011, the *Nation* reported that the government was prepared to submit a proposal to parliament that would establish a parliamentary

select committee tasked with finding a solution to the "national question" (10 July 2011). *ColomboPage*, a Sri Lankan news source based in the United States, explains that the committee is intended "to find a political solution to the ethnic issue" by seeking feedback from all the political parties (4 Dec. 2011). Other media sources indicate that President Rajapaksa said that the committee would look into the suitability of the 13th amendment as a political solution to Tamil issues (*The Hindu* 22 July 2011; *The Sunday Times* 26 June 2011).

However, the TNA rejected the government's proposal to set up a parliamentary select committee (*The Nation* 10 July 2011). According to a TNA parliamentarian, the government and the TNA must reach a consensus before a solution can be found (ibid.). The main opposition party, the United National Party, also stated that it will participate in the proposed committee only once the TNA and the government reach a consensus (ibid.). Nevertheless, *ColomboPage* reports that the parliamentary select committee was approved by parliament in November 2011 (4 Dec. 2011). It will consist of 19 members of the governing party (*ColomboPage* 4 Dec. 2011) and 12 members of the opposition (ibid.; *The Sunday Leader* 4 Dec. 2011). It will also have "quasi-judicial powers" (*ColomboPage* 4 Dec. 2011).

In early December 2011, media sources reported that the constitution of the parliamentary committee was postponed because the TNA was delaying submitting the names of representatives for appointment to the committee (ibid.; *The Sunday Leader* 4 Dec. 2011). The TNA indicated that it would continue to delay the process until it had reached a consensus with the government (ibid.; *ColomboPage* 4 Dec. 2011), which the committee could then discuss (*The Sunday Leader* 4 Dec. 2011). It said that any agreements would come through a series of talks scheduled for December (*The Nation* 4 Dec. 2011b; *The Hindu* 4 Dec. 2011). As the Colombo-based *Daily Mirror* explains, the purpose of the meetings is to focus on "areas where the TNA has sought devolved power," including "police and land powers, the unit of devolution, the powers of governors and the powers to be vested with the government," which includes the possible establishment of a second chamber (18 Nov. 2011).

The *Nation* reports that, in the first round of the December 2011 talks, the TNA called on the government to come up with a solution to the "national problem" before 31 December (4 Dec. 2011a). However, in the *Sunday Leader*, a Ratmalana-based newspaper, a TNA parliamentarian noted that during the 6 December talks, the government had "reservations" about three TNA proposals, including the devolution of police powers to the provinces and the re-merging of the north and east (7 Dec. 2011). In *Global Tamil News*, a news source based in the United Kingdom, a government spokesperson indicates that talks with the TNA will be "difficult" to continue if the alliance is not "flexible" with its demands, which, in addition to devolving police powers and re-merging the north and east, also include granting land power to provincial councils (12 Dec. 2011a).

On 12 December 2011, *Global Tamil News* also noted that the TNA had still not joined the discussions of the parliamentary select committee, although invited to do so by the government, stating that its participation would depend on the progress of the December talks (12 Dec. 2011a).

3. 2011 Local Elections
3.1 Local Authorities

According to the Government of Sri Lanka, the local authorities are

comprised of municipal councils, urban councils and pradeshiya sabhas (Sri Lanka n.d.), which are established for, respectively, cities and large towns, less urbanized areas, and rural areas (ibid. 1999, Sec. 2.1.2). There are reportedly 335 local authorities, which include 275 pradeshiya sabhas, 42 urban councils and 18 municipal ones (*Asian Tribune* 27 Nov. 2011). Each local authority consists of elected members, the number of which is determined by the size and population of the area for which the local authority is responsible (Sri Lanka 1999 Sec. 2.2.1.3).

3.2 Election Results

The 2011 elections for local authorities were held in three phases: the first on 17 March, the second on 23 July, and the third on 8 October (*Asian Tribune* 9 Oct. 2011). *ColomboPage* suggests that, in the North,

a victory for the ruling party meant that the Northern Tamils are endorsing President Mahinda Rajapaksa's policies and his goals for reconciliation while a victory for Tamil party would strengthen the demands for self-rule in the Tamil-dominated North and East. (24 July 2011)

Phase One - 17 March elections: The United People's Freedom Alliance (UPFA), the ruling party of Sri Lanka (*Asian Tribune* 9 Oct. 2011), won control of 205 local authorities; the TNA secured 12 (ibid.; *The Island* 24 July 2011).

Phase Two - 23 July elections: The UPFA won 45 local authorities in the northern electoral districts of Jaffna, Kilinochchi, Mullaitivu and Digamadulla; the TNA won 18 of them (*The Island* 24 July 2011). The *Asian Tribune* reports that the UPFA won 44 local authorities, while the TNA took 20, two of which it won as the Tamil United Liberated Front (9 Oct. 2011). The Colombo-based *Daily News* explains that the results gave the UPFA 512 seats out of 875 in 65 local councils (25 July 2011). According to the Election Secretariat, the TNA won 183 seats (*The Island* 24 July 2011).

In describing the July results, *ColomboPage* noted that Tamils in northern Sri Lanka voted by an "overwhelming majority" for TNA candidates (24 July 2011). The BBC reports that the TNA "took 18 out of 26 councils" in the north and east of Sri Lanka (24 July 2011). The *Independent* writes that the TNA "won a landslide victory in local elections, capturing 20 out of 25 seats it contested in areas formerly held by rebels of the Liberation Tigers of Tamil Eelam" (25 July 2011).

Phase 3 - 8 October elections: The UPFA won in 21 out of 23 local authority contests, securing 245 seats (*Asian Tribune* 9 Oct. 2011). The *Asian Tribune* noted that, with the exception of two councils in the Mullaitivu district, which had still to be cleared of landmines, all local authorities had been elected (27 Nov. 2011). On 12 December 2011, *Global Tamil News* noted that the government was "contemplating" whether to hold pradeshiya sabha elections in the two Mullaitivu districts before or after the mine clearing (12 Dec. 2011b).

3.3 Voter Turnout

According to the 2009 voter register, the number of registered voters in Sri Lanka is 9,813,375 (*Daily News* 18 Mar. 2011).

Local election monitors, such as the People's Action for Free and Fair Elections (PAFFREL), estimating 64 percent voter turnout, and Campaign for Free and Fair Elections (CaFFE), estimating 58 percent, said that voter turnout for the 17 March 2011 elections was "higher" than expected (*The Sunday Leader* 20 Mar. 2011). The *Daily News* reports that the districts of Anuradhapura, Pollonnaruwa [both in North Central Province] and Hambantota [Southern Province] had the highest voter turnouts in the March elections, with more than 60 percent of registered voters showing up to vote (18 Mar. 2011).

Voter turnout for the 23 July 2011 elections was 55 percent, according to the United National Party General Secretary (*The Sunday Leader* 31 July 2011). The PAFFREL similarly reported overall voter turnout at between 55 and 60 percent (*ColomboPage* 23 July 2011). The *Daily News* reported that overall voter turnout was more than 60 percent, and that, in the north, it was more than 50 percent (25 July 2011).

In the 8 October 2011 elections, the PAFFREL reported that voter turnout was between 55 and 65 percent (*ColomboPage* 8 Oct. 2011).

Details of the election results and voter turnout are provided on the website of the Sri Lankan Department of Elections.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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