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Session 8: Re-envisioning Sri Lanka – Lessons learned & Challenges and Opportunities

Dr Sachithanandam Sathananthan

Sometime Visiting Research Scholar at

Jawaharlal Nehru University School of International Studies

Re-envisioning Sri Lanka: ways forward and breaking the dead-lock

The dimensions of the political crisis

There are three main facets to the political crisis generated by the unresolved and deepening Tamil National Question in Sri Lanka.

The first, military dimension has to do with the armed resistance of the Tamil National Movement, which began in the mid-1970s and is led by the Liberation Tigers of Tamil Eelam (LTTE). By 1986 the armed resistance evolved into a full-fledged armed conflict between the Tamil National Movement and the Sinhala State and by mid-1990s the Movement controlled most of the territory within the majority Tamil-speaking North East Province (NEP). This means the Movement has decisively broken the Sinhala State's monopoly of armed power. The over-riding aim of the State is to re-establish its monopoly of armed power. That after all is a defining feature of a functioning State, which cannot tolerate another armed power within its territorial border. So the Sinhala State launched several military campaigns from 1979 onwards to destroy LTTE's military capabilities. All of them failed.

The political dimension, corresponding to the two armed forces, is that a *de facto* State of Tamil Eelam covering most of the NEP has taken root under the protective umbrella of LTTE's military power while the *de jure* Sri Lankan Sinhala State is confined to the rest of the island. The Sinhala State's manoeuvres – ranging from multi-party conferences to direct 'talks' with the LTTE – are guided by the fundamental necessity to restore the State's monopoly of armed power; they are political ploys crafted to entice the LTTE to decommission weapons. The ongoing Oslo-sponsored 'peace process', backed by the Co-Chairs (US, Norway, EU and Japan) of the Sri Lanka Donor Consortium, is the international community's current ruse to help the State once again achieve military domination. The rhetoric of 'democratisation', 'pluralism', 'inclusiveness' is the sugar coating on an otherwise bitter pill.

The so-called 'peace process', then, is a power struggle in the political arena that complements the military power struggle – both overt operations and covert 'shadow war' – on the battlefield. The Sinhala State's aim is to eliminate the LTTE's defensive military shield and then dismantle the *de facto* Tamil State. The Tamil National Movement on the other hand intends to retain its military power and seeks *de jure* recognition for the Tamil State.

The third, ideological dimension goes to the heart of Sinhala political identity. Over the past five decades, Sinhala leaderships systematically changed the political criteria of citizenship from the individual to ethnicity in the teeth of Tamil opposition. This is the central dynamic underlying political and cultural marginalisation of Tamil and Muslim peoples. The British and Swiss models, for example, connect

citizenship to the individual; that is an important pillar of liberalism. Ceylon too had inherited the political association between citizenship and the individual at the time of independence from British rule in 1948. But it did not sit well with the semi-feudal Sinhala oligarchy unschooled in liberalism.

Not surprisingly successive governments between 1948 and 1972 used numerous policy measures and legislation to alter the political criteria of citizenship. The 1948 Citizenship Act disenfranchised Up-Country of Kandyan Tamils; the national flag designed in 1951 accords primacy to the Sinhala nation; the 1957 Official Language Act enacted Sinhala as the sole official language and effectively decreed second class status to Tamil speaking peoples; and the 1972 Constitution conferred 'foremost place' to the Buddhist religion and in effect declared it to be the virtual State religion and undermined secularism. These are the better known among many instances.

By the time the country was renamed Sri Lanka in 1972 the new political association was firmly established between citizenship and ethnicity – in this case the Sinhala-Buddhist ethnicity. The identity of Sri Lankan 'sons of the soil' (*bhoomi puthra*) henceforth is defined by language (Sinhala), religion (Buddhism) and race (Aryan). In this way the country moved away from the British model and closer to the pre-Second World War German model in which German citizenship was politically linked to German ethnicity, defined by language (German), religion (Catholicism) and race (Aryan).

The rigidly hierarchical Sinhala worldview imputes irremediable subordinate status to the Tamil-speaking peoples. It looks upon any hint that 'talks' could even remotely induce the State to revert to the link between citizenship and the individual as an almost mortal threat to its internal order and coherence. This fear fuels the Sinhala nationalists' anxiety, that 'a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka' as provided in the December 2002 Oslo Statement will fundamentally alter Sinhala political identity as well as reform the status hierarchy and emasculate Sinhala national hegemony.

Restructuring the State: structural limits

Many Sinhala peace activists hope the Oslo-sponsored 'talks' would be a vehicle to restructure the authoritarian unitary State, to create political space within a federalist framework for devolving power to the Tamil-speaking peoples.

But can the State be restructured?

The ruling Sinhala oligarchy has systematically centralised State power. That is not an accident. Centralisation of power is the logical response of the oligarchy to defeat challenges to its rule. From the mid-1950s class contradictions and caste antagonisms in Sinhala society deepened in direct relation to the decline of the moribund colonial plantation economy. These social forces dramatically crystallised in the 1971 Insurrection launched by the Sinhala-extremist *Jathika Vimukthi Peramuna* (JVP). The oligarchy brutally put down the rebellion, slaughtering an estimated 20,000 Sinhala men and women, and almost immediately began transforming the largely ceremonial army into a professional military machine. Simultaneously it entrenched the unitary State under the Republican Constitution of 1972. The Sinhala oligarchy created an Executive President under the 1978 Constitution and further centralised power in that office to deal with the traditional threat to its rule from within Sinhala society and the new one posed by the armed resistance of the Tamil National Movement.

Sinhala working classes revolted against the privations caused by the economic liberalization imposed in the late 1970s and through the 1980s. The State armed itself with a cluster of repressive legislation and ruthlessly decimated the vibrant trade unions and farmers' organisations and ensured docile workers primarily for the benefit of transnational capital, or 'Robber Barons' as the then President JR Jayawardene explained glibly. The Sinhala oligarchy rapidly militarised the State during the same period also to cope with the fast-growing armed power of the Tamil National Movement. The result is the military-bureaucratic authoritarian unitary State, loosely described in Sri Lanka as the 'National-security State'. Far from abating, in the 1990s challenges to its rule intensified from within Sinhala society as well as from the Tamil National Movement.

The Sinhala oligarchy's necessary reaction is to protect its interests by further centralising State power. It is extremely wary of a democratic restructuring of the State since that will weaken the oligarchy's hold on power and make it more vulnerable. Therefore the oligarchy will resist it tooth and nail. In other words, under the present conditions there is hardly any scope for restructuring the Sinhala State to facilitate devolution of power.

Restructuring the State: psychological barriers

A restructuring of the State goes counter also to the Sinhala nationalist political currents gathering strength since the early 1950s. Successive Governments have resolutely defended and strengthened the post-colonial unitary State. In fact the then President J R Jayawardene confidently claimed to have 'all but closed the door on federalism' in his 1978 Constitution under which the country is governed today. He was especially proud of Article 2 ('the Republic of Sri Lanka is a Unitary State') and Article 76 ('Parliament shall not abdicate or in any manner alienate its legislative power and shall not set up any authority with legislative power'). Successive Sinhala leaderships up to now have categorically rejected federalism and in many ways built their political careers as protectors of the Sinhala nation and Buddhist religion on the back of the 'ethnic conflict'. Indeed, having defended the unitary State for more than five decades, conceding federalism now is a historic political and ideological defeat for Sinhala nationalism. No Sinhala leader, present or on the distant horizon, would invite this extreme national humiliation upon him and the Sinhala nation.

Moreover, the psychology of the State is to crush any armed challenge to its power. The imperatives of power militate against rewarding armed resistance. Therefore to negotiate a political settlement with the LTTE without first destroying or neutralising its military capability is seen by influential sections within the government, armed forces and Sinhala civil society as capitulating to the armed power of a non-State actor. That, they fear, would send out the wrong signals.

The ground reality

So, constitutional remedies analysed threadbare from the 1957 Bandaranaike-Chelvanayagam Pact to Chandrika Kumaratunga's 2000 Draft Constitution – approximately 25 proposals, give or take a few – all failed because successive Sinhala leaderships have been incapable of reaching a democratic political settlement. They are mired in the prevailing twin trends of increasing centralisation of power and deepening political association between citizenship and Sinhala-Buddhist ethnicity. And these trends are virtually irreversible.

The parallel but different political repression and military atrocities have schooled the current generation of Tamils to grasp and value the over-riding importance of their national or collective rights. Tamil people have evolved from being a nation in itself to a nation for itself in the crucible of Sinhala State terrorism. The growth of Tamil national consciousness is also irreversible.

The concrete reality on the ground is the existence of two States, each with its own administrative framework and political superstructure. The militarised *de jure* Sinhala State in Colombo is confronting the armed power of the *de facto* Tamil State in Kilinochchi. Each is the institutional expression of the mutually exclusive sovereignties of its respective peoples. This fact cannot be wished away. Nor is it possible to conjure up self-serving schemes, such as amalgamating the armed forces of the LTTE with those of the Sinhala State. The 'sell by' date for them is long past.

A way forward

To go forward without bloodshed, and in accordance with human rights principles, it is essential to take the ground reality as given and build on it. It is especially important to keep in mind that territorial borders are impermanent creations of the human mind, to avoid 'border fetish' that deludes many into believing that borders once drawn are eternal. Borders reflect the balance of power between nations at any give time and they change with the ebbs and flows of history that throw up new power relations.

Indeed respect for human life should inform all that altering borders is but a small price to pay to accommodate new political realities and protect the sanctity of life. To resist at great human cost the re-drawing of borders to defend archaic notions of 'sovereignty' and 'territorial integrity' is a travesty of every humanitarian principle. The absurd idea of 'uniting' Sinhala and Tamil nations through military repression of the latter is indefensible. The underlying grotesque logic is that killing and maiming and raping Tamils is 'acceptable' price for 'unity'. 'Acceptable' to whom? And what is the moral value of the blood-drenched 'unity'?

It is essential to recognise that force has its limits. It is obvious that the Sinhala State has virtually exhausted its military options. It is equally clear that the LTTE does not seek a purely military solution to the Tamil National Question. What may be left is a peaceful and non-violent path to envision a new political order based on the current balance of power between the Sinhala State and the Tamil National Movement.

What is that path?

What is **not** the way forward is to require the LTTE-led Tamil National Movement to relinquish its military power and dismantle its political infrastructure. It is futile in the extreme to expect Tamils would abandon the Movement and sacrifice the political gains won so far on and off the battlefield. Nor will they accept or be manoeuvred into agreeing to a political solution that preserves the bond between citizenship and Sinhala-Buddhist ethnicity and entrenches Sinhala domination. That cannot happen under any circumstance. In other words, the clock cannot be turned back.

It is **extremely unrealistic** to expect the Sinhala oligarchy to restructure its State on democratic lines for reasons adduced above. Moreover, the Sinhala oligarchy and intelligentsia cannot undo the association between citizenship and Sinhala-Buddhist ethnicity and revert to the link between citizenship and the individual that characterises liberalism.

To conclude, the unitary State is grossly dysfunctional; acute Sinhala nationalism has fatally undermined the federal option.

The alternative path to peace, then, could be identified by the following main coordinates:

- (a) Sri Lanka is deeply divided into two broad nations – Sinhala and Tamil.
- (b) Both nations have State institutions in defined territories that separately express the mutually exclusive sovereignties of their respective peoples.
- (c) That expression of sovereignty is guaranteed by the armed power of each State.

The **minimum** requirement for peacefully resolving the Tamil National Question under these conditions is to grant *de jure* recognition to the Tamil State within a **confederal structure**.