

# The *Danse Macabre* of Sri Lanka's Liberal Democracy

## By William Clarence

**Despite energetic efforts, many of them assisted by the international community, to forge peace in Sri Lanka, war once again is tearing at the country. William Clarence explores the history of the conflict and the seemingly intractable obstacles that have so far thwarted hope. It should never have come to this, he argues.**

WHEN THE DEEPLY MOVING ceremony on National Day came to the two minutes of silence for “patriots who died for Sri Lankan independence,” I doubted if I was alone in thinking not only of those who had died in distant rebellions against British colonial rule, but also of the suffering and heroism of the much greater numbers of Sri Lankans, whether in the north or south, who had been fighting each other in recent years. Later, there was a cultural pageant — a lively show with coordinated mass gymnastics and the traditional drum dancers from Kandy, bare to the waist, in white drawers with long drums slung horizontally across their shoulders as they marched forward and swayed rhythmically from side to side. A magnificent performance with the traditional Sri Lankan flair for pageantry, it struck a much-needed note of national confidence. Then the president spoke of the need for a “fairer and more tranquil future,” and I found myself sending up a prayer that this might come about.

That was in 1990, the president was Ranasinghe Premadasa, who would be assassinated three years later, there was a ceasefire between the government and the Liberation Tigers of Tamil Eelam (LTTE) that was holding, and talks between the two parties with the aim of bringing the latter into the political mainstream were underway. But today — eighteen years later and on the 60th anniversary of independence, Sri Lankans are again at war with one another.

*Eelam War IV* has been active, although undeclared, for the past two years during which time it has been marked by fierce intermittent

<sup>1</sup> Devanesan Nesiah, *Tamil Nationalism* (Marga Institute, Colombo, 2001), 7.

engagements, callousness toward civilian victims in the northeast and LTTE strikes in the south (including some terrorist atrocities of exceptional cruelty) that have extended the scope and reach of this intense internecine war. Now that the government has withdrawn from the 2002 Ceasefire Agreement and the fiction of a ceasefire is no longer maintained, this latest in the series of Eelam Wars seems set to be even more devastating than its predecessors. Apart from the already deadly turbulence in the east, the heavy offensive currently planned by the army to knock out the LTTE in the north cannot fail to increase the degree of inhumanity on both sides toward civilians in the Jaffna peninsula and in the Vanni territory. In such circumstances, the likely response of the LTTE will be to extend its operations to targets in the south, which raises the disturbing prospect of a revival of the crude communal confrontations, the deep open wounds of which had only just begun to be healed by President Chandrika Kumaratunga's historic apology in 2004 on behalf of the state to the victims of the notorious anti-Tamil pogroms in July 1983.

This grim prospect triggers a barrage of queries on the conflict — where it came from, what it is (and isn't) and where it is leading? Above all, there is a fundamental question that has never been entirely satisfactorily answered: How did a country with such rich cultural endowments, abundant economic resources and highly professional, skilled and decent people get itself into such an abyss of national catastrophe?

Sri Lanka's conflict is often treated as an abiding ethno-cultural clash of ancient lineage between Sinhalese and Tamils, compounded by the insensitivities of a century and a half of British colonialism. Although undeniably it has deep and diverse roots, in reality it is much more the product of raw end-of-empire politics in South Asia at the close of the Second World War, together with a Constitution that in effect delivered a "tyranny of the majority." It finds its mirror image in an extremist Tamil liberation movement of formidable military ability, which also practices terrorism at its tactical discretion. The problems

of a country that should more appropriately be one of the world's more creatively diverse polities, is explored below.

#### HISTORICAL MYTHS AND MISPERCEPTIONS

**a) An ethno-cultural clash?** Although often presented as dating back to antiquity when the Indo-Aryan ancestors of the Sinhalese landed from northern India and the Dravidian forebears of the Tamils crossed over from south India, Sri Lanka's conflict is not primarily an ethno-cultural clash, ancient or modern, between Sinhalese and Tamils. Neither the classics of Tamil literature nor their folk tradition reflect a fundamental hostility between the two communities; there was an almost uninterrupted friendly coexistence over the centuries between Tamils and Sinhalese.<sup>1</sup> The numerous wars in the pre-colonial period were more often the product of local dynastic rivalry than ethnic animosity. Indeed, owing to the absence of a royal caste (kshatriya) in the Lankan tradition, local kings chose to marry women of that caste from south India and in some situations, the king was succeeded by a close relative of the queen who would take on a Sinhalese Buddhist identity and establish a new dynasty.<sup>2</sup> This was the case with the Nyakkars from Malabar from whom Sri Wickrama Rajasinha, the last King of Kandy, deposed by the British in 1815, was descended.

And today, even in the bitterness over the last twenty years of fighting the level of inter-communal tension is relatively low in comparison with conflicts such as Northern Ireland and the Balkans. Many people in both communities maintain that the differences on the personal level are slight, and the impression of international aid workers in the war zones has often been that the combatants are much the same and they share more common culture than they care to admit. Moreover, on the intellectual level, some of the most courageous critics of the present administration and its war policy are Sinhalese analysts and journalists. At present, crudely ethnic actions are indeed found on both sides, but this is more the result of political manipulation than generalized inter-communal animosity.

**b) Imperialism?** Attributing the war to the iniquities of imperialism in general, and British colonialism specifically, is an oversimplification. In the quasi-piratical age of maritime imperialism when the European sea powers were fighting each other for access to the resources and markets of Asia, the colonization by one power or another of an island with spices, precious stones and vital strategic anchorage such as Ceylon (as it was then known) was geopolitically inevitable. Ethnically driven civil wars have indeed been one of the most burdensome of imperial bequests to successor states, regardless of whether the empire was British, French, Dutch, Belgian or Russian/Soviet, as witness the problems of Nigeria with Biafra, Pakistan with Bangladesh, Sudan with its south and Darfur, and Georgia with Abkhazia and South Ossetia — to name but a few of many such wars. But as regards governance — the establishment and competent staffing and leadership of the relevant organs of state — independent Sri Lanka was in a better position than most to deal with its own variation on this common post-imperial theme.

**c) British colonialism?** With surprising irony, the case against the British in Ceylon is less their record as the autocratic imperialists they were during the first century of their rule than as the architects of democratic institutions in their last half-century of dominion. They were painstakingly professional, even idealistic, in their efforts to progress towards democratic self-government with significant protection for minorities, including most notably the Tamils. In 1931, the Donoughmore Constitution introduced a state council as a halfway step to full self-government. It operated with executive as well as legislative committees, while universal suffrage was introduced with the intention of moving the island on from caste, communal and class allegiances to a broader national identity. But these measures did not work out as intended; the constitution was widely unpopular and the introduction of universal suffrage stimulated and strengthened rather than dissolved communal politics.

#### THE REALITY OF TRANSITION AT INDEPENDENCE

At the end of the Second World War, as the time for further progress towards self government was fast approaching, the Soulbury commissioners recommended the adoption of a new Constitution in line with the Westminster model of parliamentary democracy, together with a bundle of measures designed to ensure balanced representation and safeguard minorities against legislative discrimination by the Sinhalese majority. They had been through much soul-searching as to whether British parliamentary democracy was an appropriate framework to heal the deep divisions expected within a new unitary state. But noting that this was what most politically active Ceylonese wanted, they decided it was the right way forward.

However, events were soon to show how critically they had misjudged the situation, both as to the pace of decolonization and the nature of discrimination. As regards the former, they had recommended a Constitution for which a substantial period of self-government prior to independence had been envisaged. But post-war the tide of history in South Asia was running out fast, and taking the British with it. As a consequence, the period of self-government was drastically shortened and Ceylon became independent on February 4, 1948.

Unfortunately, the Tamils had been counting on a longer interim period when the much needed compromises and adjustments could be made between the two communities.

But within months of independence, nearly one million Tamil plantation workers of Indian origin were deprived of their voting rights and citizenship. Such a blatantly discriminatory measure also entailed the loss of seven minority seats in parliament, thus upsetting the compromise on balanced representation that had been the basis for minorities accepting the Constitution. Thereafter, it was easier for a large Sinhalese party to ignore the wishes of the Tamil minority and still obtain a majority in parliament. Then, section 29(2) of the Constitution, which prohibited discriminatory

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legislation, largely failed as discrimination in everyday life proved to be more a matter of public administration than legislation.

As successive Sinhalese-dominated administrations ignored the alarming storm signals from the Tamils, the seeds of militancy and terrorism were sown that would lead to civil war and national evisceration. The headmasterly admonition of the Soulbury commissioners to play the game of parliamentary democracy well — “it will behove the Sinhalese majority to take the utmost care to avoid giving cause for any suspicion of unfairness or partiality”<sup>3</sup> — served only to underline their flawed judgment and political naiveté.

There was yet more chagrin in store for the British. Of course, they could not be criticized for having established good-to-excellent relations with the political class during the latter days of colonial rule, yet taking a long view, there is the irony that if there had been less cooperation and more conflict, it is possible that in a struggle to get rid of their colonial masters, the pressure of a mass movement for independence might have forged a more robust sense of national unity, the absence of which is at the root of the problem today.

#### THE DOWNWARD SPIRAL OF GOVERNANCE

Civil war is, of course, an immense strain on liberal democracy anywhere. But if a government abandons its principles in the process of fighting a war, it risks losing a lot more than it can hope to gain. In Sri Lanka's case, the biggest threat to the Tamil Tiger's goal of a separate *Eelam* in the extreme form is that it could be accommodated equitably within a well-functioning liberal polity. Such a consideration may help to explain the current LTTE policy of provoking Colombo into abandoning traditionally liberal democratic principles. International pressure on the LTTE to cooperate in the peace process is likely to diminish in direct proportion to the speed with which the Sri Lankan state ceases to be a liberal democracy. Put with the brutality appropriate to the situation, what support, let alone sympathy, is there likely to be in the international community for

4 Adrian Wijemanne, *War and peace in post colonial Ceylon* (Longman-Orient, 1991), 20.

5 Godfrey Gunatilleke, "Voices in the Open Forum", *The Island*, 2/3 June 2001.

6 Jehan Perera, *Daily Mirror*, Colombo, 11 May 2004.

7 *Sunday Times*, Colombo, 26 April 2004.

the suppression of a Tamil liberation movement — however ugly — by a Sinhalese-dominated state of equal ugliness? In such a view, whatever the human cost, the ultimate achievement of *Eelam* would be inevitable.

Liberal principles apart, however, Sri Lanka is far from being a failed state. Negotiation of the 2002 ceasefire was not only an historic achievement but also one of exceptionally able statecraft, even if its great early gains in stopping the fighting are being quickly forgotten. And the organs of state are functioning, even if not always with appropriate impartiality, integrity and dignity. Rather than the absence of governance, the problem is more one of quality. Undeniably, there is now a vicious downward spiral. Some of the decay stems from systemic flaws, other from the indifference to democracy of some southern parties opposed to the peace process. There is also insensitivity to the finer points of governance in the current administration, and, not least, there are the anti-democratic forces in the north. Together, they make a deadly mix that is destroying the fiber of liberal democracy.

**Partisan politics:** Sri Lanka's political life has long been subjected to scathing criticism from many Sinhalese intellectuals and academics — several with long experience in government — who maintain that even with the maximum allowance for the shortcomings of democracy anywhere, there is still a serious problem in the way it is practiced in Sri Lanka. One may contend provocatively that democracy has never been tried and that what has been done in its name is "a mechanistic form of political organization, producing an institution to succeed imperial power."<sup>4</sup> Another regards politics as "a nationally destructive exercise" arising from an unscrupulous struggle for power by contesting parties without any moral constraints.<sup>5</sup> One commentator puts the problem dryly as whether the county's leaders "can transcend the desire to obtain political power at the expense of the people at large."<sup>6</sup> A Colombo editorialist defines it more brutally as "short term greed to grab political power."<sup>7</sup> The result is that some of the more substantive points of liberal democracy are missed and the full and

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free functioning of its institutions is inhibited. Such defects have been inherent in Sri Lankan democracy from the outset.

But while in no way doubting the validity of these criticisms and the need to change the deeply entrenched attitudes they reflect, it has to be admitted that until recently Sri Lanka was a sophisticated, albeit problematic, polity that managed to carry on even in the thick of civil war. Largely, this has been possible for two reasons. One, there is a degree of national pride in being a liberal democracy and, two, a certain equilibrium exists between civil servants and their elected political masters made possible by the survival of an ethos maintained by some outstandingly committed civil servants.

**International humanitarian cooperation:** That was my personal experience as an international humanitarian official working in the north at the outset of *Eelam War II* in 1990. At that time the government accepted its responsibility to feed civilians in the war-torn north, and as it could not itself deliver food supplies to LTTE-controlled areas it entrusted the task to the small refugee agency team I was leading, which pushed its convoys through no-man's-land to open relief centers. With previous experience working in

8 Tisarane Gunasekera, "The State of Confusion", *Asian Tribune*, 15 April 2007.

socialist "peoples' democracies," I soon found that the fact that Sri Lanka was a proudly liberal democracy made my job much easier. The many liberal aspects of such cooperation included the access we were given to all levels of competent authority, the freedom to move in the war zone with minimum security restrictions, the flexibility we were permitted to organize our program and the tolerance of frankly expressed criticism in some highly sensitive situations. Such open-mindedness greatly facilitated the close working relations with the authorities on the ground that a humanitarian agency such as ours needs to be effective. At that time, the relations of international agencies working with the government's relief services were an exemplary model of cooperative humanitarian practice.

How different is the corresponding situation today, when the government has food, but does not want to give it to the conflict-affected civilians in the north east. It now has to come from the international organizations whose field-workers often find that they have difficulty in obtaining humanitarian access to deliver supplies to those in need. It has been asked why there is such a contrast in the humanitarian interface between then and now, particularly in view of the similarities between the ground situations in *Eelam Wars II and IV*. The answer of one courageous Sinhalese commentator is, "The crucial lacuna today is the absence of a leader who understands the nexus between paying some attention to the security and welfare needs of civilian Tamils in the conflict zone and the defense of Sri Lankan unity."<sup>8</sup>

Such a striking lapse in the level of statecraft demeans Sri Lanka in the eyes of the world, but it has not been limited to international humanitarian relief efforts: it has spread across the wide gamut of governance, in the south as well as the north. Some of the most egregious examples include the sharply rising level of unlawful killings, enforced disappearances and other grave human rights abuses. Attacks on the press (a combination of crude thuggery and sinister menaces to silence individual journalists who report what

the administration does not want to hear) are becoming sadly common. There is manipulation of the All Party Representative Committee process, mishandling of the Eastern question (the hubris of *Nagenahira Navodaya* [Eastern reawakening] in Colombo contrasting starkly with the violence of forcible elections in Batticaloa, not to mention the callous disregard for the plight of internally displaced persons), and the politicization of the civil service (the appointment of the president's three brothers to the administration, including one to the key position of Secretary of Defense, traditionally held by a distinguished public servant, military or civil).

In a country such as Sri Lanka, with sophisticated organs of government underpinned by competent public servants, such a succession of dubious actions raises the question of whether the accumulated damage might not be greater than the sum of their immediate shortcomings.

#### THE PRABAKHARAN PHENOMENON — AND WHY HE WILL NOT LOSE *EELAM WAR IV*

At different times and by different people, Velupillai Prabhakaran, the LTTE leader, has been described as a Napoleon, a Stalin and a Machiavelli — an awesome combination of attributes that have enabled him to dominate the situation over the last two decades.

It was the late President Premadasa who said to his ministers that Prabhakaran was a Napoleon. His clearly exceptional generalship in building the LTTE into a formidable fighting force, his capacity to inspire intense loyalty and sacrifice among its cadres and his tactical brilliance as a commander on the battlefield make the comparison seem apt. In view of the way he has used terror tactics and eliminated large numbers of perceived opponents, his qualifications as a Stalinist do not need to be argued. But it is his accomplishment in subverting the organs of state outside LTTE-controlled areas that deserves more attention.

The presidential election in November 2005 was won by Prime Minister Mahinda Rajapakse, a hardliner, by a narrow majority over the opposition candidate, former Prime Minister Ranil

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Wickremesinghe, who had been the architect of the ceasefire and, if elected, was expected to try and revive it. But the result could well have been different if there had not been an effective boycott of the polls in Tamil areas, particularly in the Jaffna peninsula, where there were reports of intimidation. Such a paradox is not new to the convoluted politics of the Sri Lankan conflict. But why would the LTTE prefer to have a hardline administration in Colombo likely to pursue a militarist policy in the northeast to one which would try to revive the peace process? Among the various possibilities, the following would seem to be the most likely.

First, there is the difficulty of making peace: as Clemenceau, France's leader during World War One, commented after it was over, it's easier to wage war than to make peace. As a highly effective military leader himself, Prabhakaran would probably agree. Indeed, the evidence is that he doesn't do peace very well. During the 1989-1990 detente with the government, he reportedly said that he envisaged devoting himself to social work once the conflict was satisfactorily resolved. But the reality that he had created a highly effective war machine with compulsively

bellicose dynamics of its own soon intervened when, in June 1990, intrinsically trivial events occurred in Batticaloa and triggered the fighting that escalated rapidly into *Eelam War II*. Similar intra-LTTE tensions were also part of the problem during the abortive peace talks in 1995 between *Eelam Wars II* and *III*, as in the unraveling of the ceasefire at the end of 2005.

Second, there is the paradox of tactical advantage in defeat: in the likely scenario where the Sri Lankan Army's superior numbers, firepower and hardware enable it to win a number of battles and control extensive swathes of territory in the north, Prabhakaran would be in his element. Tactically, he has an impressive record of exploiting LTTE reverses to its advantage, as in 1987, following *Operation Pawan* when the Indian Peace Keeping Force took Jaffna by force, and after the Sri Lankan Army's recapture of Jaffna at the beginning of *Eelam War III*. In both situations, the Tigers withdrew to their bases in the dense jungle of the Vanni, where they waged a war of attrition with ambushes, attacks on isolated outposts and cutting over-extended lines of communication, while biding their time to launch a series of deadly tactical strikes.

Third, re-validation of the LTTE claim to be the sole defender of the Tamils: with the current standing of the LTTE among Tamils in Sri Lanka and abroad not quite what it once was, a grim scenario would help restore its reputation. Under an army of occupation, there will inevitably be some atrocities and much fear among the civilian Tamil population. In Colombo, there will doubtless be political speeches about the need for magnanimity and moderation to win the Tamils' "hearts and minds." But judging by past experience, the reality is more likely to be hardline Sinhalese attitudes, including displays of triumphalism, the desecration of LTTE war graves etc. as happened in Jaffna in late 1995. This will rub salt into deep communal wounds. In such a scenario, the LTTE position as the sole defender of the Tamils will be undeniable. It will not win the war, but neither will the government. This is in no way an adverse comment on the Sri Lankan Army's professionalism, but a judgment based solely on the nature of the *Eelam Wars* as a fundamentally political struggle for Tamil survival in their heartland. The situation will return to stalemate, as in previous wars — but with much more intense conflict and a dangerously volatile atmosphere in inter-communal relations throughout the country.

Above all, Sri Lanka needs leaders of statesman-like stature in both communities. Since independence 60 years ago the best leaders it got were SJV Chelvanayagam, the Tamil leader of the Federal Party who devoted his political life to trying to defend the Tamils via parliamentary tactics whenever possible and by non-violent civil disobedience when it wasn't; Premadasa, who began talks with the LTTE in 1989-90 with the objective of bringing it into the national mainstream; and Ranil Wickremesinghe, who as prime minister in 2002 negotiated the historic, albeit now defunct, ceasefire. Of these three leaders, the first failed in the face of the arrogant indifference of the Sinhalese politicians of his day; Chelvanayagam died in 1977 having seminally defined the issue as "whether (the Tamils) are to be a subject race in Ceylon or are to be a free people." The second

was assassinated in 1993, perhaps, one may surmise, because he seemed like he might be able to solve the problem. The third fell victim to both irresponsible opportunism in the south and the accomplished Machiavellianism of the north. Indeed, rather than his creation of one of the world's most formidable liberation movements and his victories on the battlefield, future historians may well see Prabakharan's principal claim to notoriety as his success in calling the tune in the *danse macabre* of Sri Lanka's liberal democracy.

The LTTE's success in playing this grimmest of endgames will continue until it is outclassed by the advent of an enlightened government in Colombo with sufficient sensitivity to realize what is happening and the will and ability to stop it.

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