

ISAS Insights

No. 94 – 16 March 2010

469A Bukit Timah Road
#07-01, Tower Block, Singapore 259770
Tel: 6516 6179 / 6516 4239
Fax: 6776 7505 / 6314 5447
Email: isassecc@nus.edu.sg
Website: www.isas.nus.edu.sg



‘Seeing it Comin’: The Post-Parliamentary Scenario in Sri Lanka

Dayan Jayatilleka¹

“You never see it comin’ till it’s gone”
– ‘Falling & Flyin’, Jeff Bridges in ‘Crazy Heart’

Abstract

In the span of less than a year, Sri Lanka will have transited three decisive turning points: the conclusion of armed conflict in May 2009, the Presidential Election of late January 2010 and the Parliamentary election scheduled for this April. While the ruling coalition strives for a two thirds majority in the legislature, which would permit the replacement of the Constitution, this paper argues that the main result of the upcoming election is already prefigured and portends a new cycle of conflict along the lines of identity politics. The paper concludes that the dominant ideologies on the Sinhala and Tamil sides prevent Sri Lanka’s adoption of the recognised contemporary Asian mechanisms of the management of diversity, thus preventing the country from fully integrating into and benefiting from the economic rise of Asia.

There was an old Cold War joke about the thief who broke into the Kremlin and stole, among other things, the complete results of the next election. Well, one of the most important results of Sri Lanka’s upcoming parliamentary election is already n, or rather, is predictable: the predominance of the Tamil National Alliance (TNA)² in the Tamil majority areas of the North and East and the resultant political polarization between North and South.

¹ Dr Dayan Jayatilleka is Visiting Senior Research Fellow at the Institute of South Asian Studies, an autonomous research institute at the National University of Singapore. He can be reached at isasmdds@nus.edu.sg. The views reflected in this paper are those of the author and not of the institute.

² The mainstream Tamil Nationalist political coalition was regarded as a proxy for the Tamil Tigers during the war.

Seeing it comin': Will the Tamils silently celebrate and the Sinhalese secretly curse the day that Prabhakaran³ died? With his secessionist fundamentalism and ghastly terrorism, he was the biggest obstacle to achievable autonomy for Tamils and the best excuse for the Sinhala establishment's tardiness in devolving power to the Tamil speaking periphery. Now the North is no longer hostage to secessionism and the South is bereft of a human shield against democratic demands for devolution.

Unipolar Mindset

While Ranil Wickremesinghe⁴, the leader of the Opposition and the centre-right United National Party (UNP), arguably has the cosmopolitanism necessary to reintegrate the Tamils into the Sri Lankan polity that very cosmopolitanism (and his track record of appeasement of the Tigers) means that he cannot carry the Sinhalese with him on this issue even if he becomes President someday. By contrast President Rajapakse is indispensable because he *can* carry the majority (Sinhalese) with him into a settlement with the Tamils, but does the consciousness of his close allies permit him to do so, on a basis other than that of unilateral imposition and total Tamil capitulation? The Sri Lanka Freedom Party (SLFP) has reformist nationalists and the United National Party (UNP), nationalist liberals, who could forge an overarching consensus, but these factions are marginalised to the point that they cannot be factored into any serious current discussion of future prospects.

The incumbent administration seems to think that all problems can be solved through political uni-polarity of a sort that would issue from a two-thirds majority at or after the parliamentary election (through defections). Serial victories – in the war, in a single diplomatic theatre and at the Presidential election – have given rise to a mood and mindset, ideology and project, that we have witnessed before in other more important parts of the world on a much larger scale.

We have seen politically uni-polar moments, with their attendant delusions and tragic denouements. When the Union of Soviet Socialist Republics (USSR) lost the Cold War, the United States won the first Gulf war and the Kosovo conflict, and went on to overthrow the Taliban in Afghanistan and Saddam Hussein in Iraq, the Bush administration and more precisely its two most influential components, the religious fundamentalists and the neoconservatives, were convinced the moment had come for the USA to re-mould the world unopposed and as it saw fit. Parallels were made with the Roman Empire at its height. A favourite dream theme was that of a 'New Middle East'. It is hardly possible to recall those absurd illusions today, buried up-ended as they have been. Domestically too we have experienced the equivalent of such hubristic delusions: in late 1982, at the moment of President JR Jayewardene's⁵ triumphant re-election, with a booming economy and a prostrate Opposition.

Today there is yet another such moment; one in which the Southern hawks, the Sri Lankan equivalent of the neoconservative populists, think that a Sinhala solution can be imposed

³ Velupillai Prabhakaran, leader of the Tamil Tigers slain on 18 or 19 May 2009.

⁴ Former Prime Minister, 2001-2003.

⁵ First executive president of Sri Lanka, 1978-1988, author of the 1978 constitution introducing the Presidential system of government; architect of Sri Lanka's open economic policy.

upon the Tamils; a Southern solution on the North and East; a solution which entails the rollback of the Indo-Lanka accord and the 13th amendment and its substitution by something else amounting to something *less*. The argument seems to be that having decisively defeated the secessionist war which was itself an outgrowth, zenith and logical culmination of Tamil nationalism, nationalism can be totally rolled back and the Sinhalese can (re)write their own 'ethnic contract' for Sri Lanka as if it were a *tabula rasa*. For these ideologues, 'Sri Lanka' and 'Sri Lankan' are (as it perhaps was in the spirit animating the 1972 Constitution) but synonyms and masks for 'Sinhala Buddhist' – and not a negotiated or evolved synthesis of the identities of all the island's citizenry, albeit with a natural 'core' status and function for the Sinhala Buddhist civilisation. One may observe parenthetically that the conversion from 'Ceylon' to 'Sri Lanka' and 'Ceylonese' to 'Sri Lankan' did not stop at 'Lanka' and 'Lankan'.

Reconfiguration of Mainstream Tamil Nationalism

Thus the political deadlock in the North-South relationship continues while the war, the armed conflict, has been won. The April 2010 parliamentary election takes place in a context that is post-war, post-victory and post-presidential election, *but not post-crisis*. If one defines the conflict not as a military one but as a *political conflict*, then it is a moment that is not yet 'post-conflict' and is even describable as 'pre-conflict'. The upcoming election must be viewed as embedded within this situation. Its real consequences go beyond the arithmetical outcome and reside in how the electoral outcome impacts upon the larger context of the long-running crisis. The commencement of *the crisis of Sri Lanka's political identity* was obviously not in 1983. The Vadukkodai resolution, whereby the Tamil parliamentarians led by S.J. V. Chelvanayagam⁶ called for the establishment of 'an independent sovereign secular socialist state of Tamil Eelam' was in 1976, while JR Jayewardene's UNP manifesto of 1977 said that "the Tamil people have been driven even to seek a separate state" – and the TULF⁷ swept the North on this single issue at the watershed elections of that year.

The TNA has undergone a partial yet welcome reconfiguration; partial because it entails personalities rather than political line and policy platform. Welcome, because the most pro-Tiger elements have been shed and the party looks more like the old TULF, TUF⁸, or Federal Party. It is not that the TNA has no radicals or militants in its ranks. Suresh Premachandran is one, but though he was pro-Tiger, he was never a Tiger and is originally from the Left- Wing EPRLF⁹ stream of Tamil militancy. The reconfigured TNA is rather like what the ruling United People's Freedom Alliance (UPFA) would have been without the militant Sinhala Buddhist Jathika Hela Urumaya (JHU) (Sri Lanka's equivalent of the Indian Shiv Sena) led by Minister Champika Ranawake¹⁰, but only the more secular radical nationalist National

⁶ Samuel James Veluppillai Chelvanayakam, politician and leader of the Tamil community who negotiated the Bandaranaike-Chelvanayakam Pact in 1957 which agreed to provide government services in Tamil and devolve powers to a set of provincial councils. Bandaranaike, then Prime Minister and founder leader of the SLFP abandoned the pact after stiff opposition from Buddhist monks.

⁷ Tamil United Liberation Front formed in 1976.

⁸ Tamil United Front formed in 1972.

⁹ Eelam People's Revolutionary Liberation Front, an avowedly Marxist–Leninist organisation formed in 1981 with links to the Indian left parties and radical Palestinians such as the PFLP of George Habash.

¹⁰ Cabinet minister of environment and natural resources in the government of Mahinda Rajapaksa and leader of the militant Sinhala ultranationalist JHU.

Freedom Front (NFF) of ex-Janatha Vimukthi Peramuna (JVP) member Wimal Weerawansa¹¹. Premachandran¹² is probably best seen as the TNA's counterpart of the UPFA's Ranawake or Weerawansa. Gajan Ponnambalam's¹³ breakaway grouping which seems to have the support of the more hard-line elements of the Tamil Diaspora and organs such as the *TamilNet* is the JHU equivalent and are no longer part of the TNA.

Still, there is a major problem which will contribute to the exacerbation of the situation. One part of the problem is that the TNA has not yet officially and formally abandoned the secessionist Vadukkodai resolution. That platform may have had some historical validity or comprehensibility at that time, and after July 1983, but it has been unjustified and obsolescent since Indian mediation commenced, serious negotiations started and the Indo-Lanka Accord produced a reasonable reform as alternative. It would be a wise and legitimate stance were the TNA were to unilaterally and unconditionally renounce secessionism and formally return to a federalist platform, while settling for autonomy within the unitary state of Sri Lanka. The other part and no less troubling aspect of the problem is that the Southern establishment is not staunch in its commitment to authentic provincial autonomy within a unitary state; not even the autonomy contained in the country's Constitution and derivative of a bilateral agreement with our most indispensable international ally.

After the election, the TNA will put forward demands that dominant Sinhala opinion may think excessive, if not outrageous, but world opinion and many Governments find unexceptionable. If President Rajapakse contents himself simply by not giving in, rather than keeping the TNA engaged but off balance with a counterproposal that at least the rest of Asia will think reasonable, the TNA will go the SJV Chelvanayagam route of peaceful agitation. This will be stimulated by competition from Ponnambalam's grouping and pressure from Premachandran and such others within the party.

Scenario: A New Cycle of Conflict

It is unlikely that there will be a Southern consensus, given the basic bipolar (two party) split in Sinhala society. The Rajapakse administration's response will also be tangentially affected by the Sarath Fonseka¹⁴ factor: a caged, wounded lion in the basement or dungeon does not make for socio-political stability and a generous, consensual response to minority issues.

¹¹ Member of parliament, he entered politics through the Peoples' Liberation Front (JVP) during 1989 but left to form a radical Sinhala nationalist party the National Freedom Front (NFF) and joined the government of Mahinda Rajapaksa.

¹² Kandaiah Premachandran, better known as Suresh, is a Sri Lankan Tamil militant turned politician and current leader of the Suresh Wing of the Eelam People's Revolutionary Liberation Front (EPRLF), and member of the Tamil National Alliance (TNA). Elected to Parliament in April 2004, he represents Jaffna for the TNA.

¹³ Grandson of G.G.Ponnambalam, founder of the Tamil Congress and Minister of independent Sri Lanka's first cabinet and son of G.G. Ponnambalam junior, lawyer and Tamil Congress leader murdered by an unidentified gunman.

¹⁴ Former commander and General of the Sri Lanka Army. As Commander of the Army, he played an instrumental role in ending the 26 year Sri Lankan Civil War in 2009, defeating the Tamil Tigers. He later had a public falling out with President Mahinda Rajapaksa, and unsuccessfully challenged Rajapaksa in the 2010 presidential election. Presently under arrest and facing a military tribunal on as yet unspecified charges.

If the state cracks down on, or elements in the South react violently and with impunity to peaceful and democratic *non-secessionist* Tamil demands, the global diplomatic reaction in this YouTube age will not be the same as in 1956, 1983 or 2009. The TNA will be armed with democratic legitimacy in the eyes of the world, from West to East. The Tamil Diaspora and its ex-colonial Western patrons will exploit *the gap between MR's nativist ideological constituency and the globalised world*. That's when the Tamil Diaspora's serial referenda campaign will have set the stage, and the British connection (not just Labour's Miliband-Brown but the Conservatives' William Hague) which is a bridge to 'human rights crusaders' in Washington DC will kick in. The diplomatic battle at the UN Human Rights Council in Geneva was won last May not only because of Sri Lanka's friends but also the nature of its enemy: the Tigers and the Tiger-flag bearing Tamil Diaspora demonstrations. The same strategy and tactics will not work against a democratically elected TNA option, *unless* the latter remains formally and demonstrably secessionist while the 13th Amendment is implemented. The Eastern friends helped against armed Tamil separatism but they regard the Tamil community as a respected, productive component of Asia's citizenry and will not back Sri Lanka in a confrontation with the democratically elected representatives of the Sri Lankan Tamils of the North and East.

India remains Sri Lanka's key 'buffer state' internationally, and if the prevailing view is that the Indo-Lanka accord can be rolled back without something more extensive in place; i.e. *go below* the 13th Amendment to the Constitution (1988) which made for provincial autonomy, and continue to have Delhi's support, it is unlikely to be so. The provision for devolving police powers does not have to be implemented right now. However, the carefully negotiated arrangements on land cannot be deleted or diluted. The problem arises when the leadership refers to "village level devolution for the North and East" on an occasion as portentous as the first peacetime Independence Day in decades. It is as if nothing has been learnt. If Mr. Sampanthan is not successfully co-opted with adequate power sharing, Ponnambalam's splinter group will grow, ironically as Chelvanayagam's breakaway Federal Party did when Colombo undermined Ponnambalam's grandfather, GG Ponnambalam's political credibility with the citizenship move on the hill country Tamils.

Asia's Mechanisms for Managing Diversity

The issue of Sri Lanka's collective identities is hardly likely to be resolved by integration through economic development. If economic development alone would do the trick, the UPFA would not have lost the East so badly at the Presidential elections. Indeed this formula puts the cart before the horse. A viable option for Sri Lanka would be *the Asian model of globalization*, but the dominant ideology, mindset and policy framework of the incumbent administration is far from *the paradigm of the New Asian modernity*. The experience of Asia reveals broadly five formulae or models for handling diversity, though one could also envisage a suitable combination of various aspects of these models:

1. Meritocratic multiculturalism; a level playing field and a managed market economy (the Singapore model)
2. Secular state, constitutional guarantees of equality, and quasi-federalism (the Indian model; the secularity of the state/central government is not contradicted by sporadic outbreaks of ethnic or religious violence at the sub-national, local or civic level).

3. A secular, unitary/non-federal state with suitable regional/provincial autonomy arrangements (China, Indonesia, Philippines)
4. Non secular, federal state (Pakistan)
5. Secular unitary state (Vietnam, Bangladesh)

The relevance of secularism is that it is symbolic of the state's/central government's neutrality or non-alignment in relation to the constituent communities/collectivities of that society, irrespective of the sizes of those communities and ratios between them. Thus the state stands above the communities, able to reconcile them.

The Soulbury Constitution would have been closest to model 1. If the existing Sri Lankan Constitution inclusive of the results of the Indo-Lanka accord, i.e. 13th amendment were fully implemented, the Sri Lankan state would arguably be a variant of model 3: non-secular, not a level playing field, but with an offsetting provincial autonomy. However, the 1972 Constitution, the 1978 Constitution without the 1988 amendment and the ideas of *counter-reformation* proposed by the ideologues of Sinhala dominance all posit a model which does not fit with any Asian framework. It is/would be the model of a non-secular, linguistically unequal, non-federal polity devoid of even provincial level devolution/autonomy. In a homogenous society, devolution is not an imperative. In a heterogeneous society, strong centralism devoid of devolution is fine if accompanied by meritocratic multiculturalism and secularism, i.e. a neutral state. Conversely, a secular meritocracy – a neutral state – is not necessary, and the dice can be loaded as affirmative action in favour of the majority perceived as historically underprivileged, *provided* there is a compensatory counterweight at the periphery in the form of federalism or regional/provincial autonomy (as in Malaysia). Sri Lanka does not have a homogenous society. Its minorities are mixed with the majority in some areas and preponderate in others. Yet Sri Lanka today neither has a neutral state (secular or meritocratic multiculturalism) nor a federal system nor active devolution within a unitary framework. Thus it does not have the necessary framework for successful globalisation along Asian lines and full participation in the Asian economic miracle.

This threefold asymmetry between (A) Southern *and* Northern political choices; (B) social reality *and* political structure; and (C) the dominant paradigm *and* reform imperatives for fulfilment of the country's potential, constitute the core of the Sri Lankan crisis and the fault-lines which will be exploited by those who do not wish the country well. Meanwhile, we may well reflect with Jeff Bridges playing Bad Blake in 'Crazy Heart' as he sings:

"Funny how fallin' feels like flyin' / For a little while".