

SRI LANKA:

SINHALA NATIONALISM AND THE ELUSIVE SOUTHERN CONSENSUS

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EXECUTIVE SUMMARY

Sinhala nationalism, long an obstacle to the resolution of Sri Lanka's ethnic conflict, is again driving political developments on the island. Nationalist parties, opposed to any significant devolution of power to Tamil areas of the north and east and to negotiations with the Tamil Tigers, help set President Mahinda Rajapaksa's agenda. The government takes a hardline stance, responding in part to opposition to the flawed 2002-2006 ceasefire and peace process. Would-be peacemakers need to better understand Sinhala nationalism, which is too often dismissed as merely irrational and racist. With little likelihood of a new formal peace process soon, the long-term challenges it poses to the conflict's resolution need to be addressed.

The search for a political solution to nearly 25 years of war has repeatedly foundered as a result of competition between mostly Sinhala parties in the south as well as excessive Tamil demands. The Sri Lanka Freedom Party (SLFP) and the United National Party (UNP) have never been able to agree on a proposal for power sharing with the Tamil community. Instead, they have engaged in recurring bouts of ethnic outbidding, with each undermining the other's devolution policies. Opposition from more overtly nationalist parties, notably the left-wing People's Liberation Front (JVP) and more recently the extreme Buddhist National Sinhala Heritage Party (JHU), has helped sustain this pattern. Both have flourished in opposition to the 2002 ceasefire and oppose any political settlement involving devolution to the predominantly Tamil regions.

Sinhala nationalism goes back to the British period, when it was part of a broader anti-colonial, anti-foreign movement, accentuated by Buddhist revivalism. It grew stronger with independence and electoral democracy. With society divided along caste, class and political lines, it has been a powerful unifying force, giving radical parties a platform for populist agitation and established politicians a diversion from their failure to address economic weakness, social concerns and pervasive corruption.

As the ethnic conflict grew more violent, the UNP and SLFP came to accept the existence of legitimate Tamil grievances and the need for devolution and other constitutional reforms, but LTTE brutality and intransigence have kept strong currents of Sinhala nationalism alive. Together the two competing ethnic nationalisms have sapped the ability of governments to develop a consensus for a negotiated settlement and power sharing.

The election of President Rajapaksa in November 2005 halted the slow movement towards reforms. While many had hoped he would abandon the hardline approach that won him office and move to the centre to govern, the opposite has been the case. His government has increasingly adopted a hardline nationalist vision, leaving little room to be outflanked in the name of Sinhalese interests. The JHU has joined the government, and Sinhala ideologues are influential advisers. Since mid-2006 the government has been fighting the LTTE with the aim of defeating or at least severely weakening it militarily.

At the same time, Rajapaksa has repeatedly stated his commitment to a political solution. With international prodding, several efforts have been made to form a united front to promote a settlement. An October 2006 SLFP-UNP memorandum of understanding (MOU) expressed a superficially common position on the conflict but quickly collapsed, undermined by mistrust, a lack of commitment and ultimately the defection of opposition deputies to the government.

The All-Party Representative Committee (APRC) set up in 2006 is developing constitutional proposals intended to be endorsed by all parties. The progress made so far – against stiff resistance from the JHU and JVP and the president's delaying tactics – threatens to unravel due to Rajapaksa's insistence on maintaining the unitary definition of the state and the UNP's decision to abandon the process. Unless domestic and international pressure can shift both Rajapaksa and the UNP, it seems unlikely the APRC will produce a proposal that can achieve the

necessary two-thirds support in parliament and acceptance by Muslim and moderate Tamil parties.

The failure of the MOU and the president's lack of enthusiasm for the APRC suggest the government is not serious about a political solution. Instead of working for a compromise the UNP could endorse, it has coerced most of the political establishment to support its military strategy, which has been accompanied by serious human rights abuses. Yet that strategy, especially if it remains unattached to serious political proposals, is unlikely to succeed.

The international community has struggled to come to terms with Sinhala nationalism, frequently misunderstanding its nature and legitimacy. Interventions, even including the Norwegian-sponsored 2002 ceasefire, which most Sinhalese ultimately judged as too favourable to the LTTE, have tended to stimulate xenophobic elements in the Sinhala community and help the extreme nationalist parties gain ground. With the present administration one of the most nationalist in the country's history, however, there is a need to review approaches to peacemaking. Domestic and international actors should begin to fashion new, long-term strategies that take into account the power of Sinhala nationalist ideology, while aiming to minimise the sources of its appeal and its ability to set the political agenda.

While this report, with its recommendations summarised below, deals wholly with the issue of Sinhala nationalism, Crisis Group of course accepts that this is not the only factor contributing to the present conflict. Subsequent reporting will address, with appropriate recommendations, the challenges posed to peacemaking by Tamil nationalist ideas and organisations.

RECOMMENDATIONS

To the Government of Sri Lanka:

1. Actively pursue a concerted policy of state reform designed to ensure equal treatment and opportunities for all citizens, irrespective of ethnicity or religion and in particular:
 - (a) expedite the conclusion of negotiations by the All-Party Representative Committee (APRC) and agree to endorse constitutional proposals for devolution of power that go beyond the constraints of the present unitary definition of the state;
 - (b) develop with a sense of urgency a program of "language rights for all", featuring:
 - i) expanded incentives and training opportunities for government

servants to learn Tamil and full provision wherever needed of Tamil translators, government signs, and forms in Tamil;

- ii) expanded and improved instruction in Tamil for Sinhala-speaking students and in Sinhala for Tamil-speaking students; and
 - iii) expanded access to quality English instruction for all students throughout the country;
- (c) ensure that reconstruction and economic development work in the Eastern Province is directed by the civil administration, not the military, is carried out with the active participation of local political leaders and civil society groups from all ethnic communities and makes no changes in the ethnic balance or administrative organisation of the province; and
 - (d) reconstitute immediately the Constitutional Council and expedite the appointment of new members to the full array of independent commissions established under the Seventeenth Amendment, most crucially the Human Rights, Police and Judicial Services Commissions.

To the United National Party:

2. Publicly express the party's commitment to cooperate with the government in devising a political consensus for maximum devolution within a united Sri Lanka and agree to rejoin the APRC and to be a full and constructive member of the All-Party Conference when it considers the APRC recommendations.

To Tamil, Muslim, and Left Parties in the Government:

3. Endorse the importance of the APRC proposals for devolution of power moving beyond the limitations of the unitary state.

To the European Union (EU) and the Governments of India, Japan, the UK and the U.S.:

4. Publicly encourage the government to bring the APRC process to a rapid conclusion and to state its willingness to accept devolution proposals that avoid both unitary and federal definitions of the state.
5. Urge the government publicly to reestablish the Constitutional Council and appoint new members

- to the full array of independent commissions established under the Seventeenth Amendment.
6. Make it a priority of aid policies to support government initiatives for state reform, good governance, human rights and inclusive language policies designed to ensure equal opportunities and treatment for all citizens regardless of ethnicity or religion.
 7. Appoint a joint donor task force to investigate allegations of ethnic bias in land use and settlement policy in the Eastern Province and agree to provide development assistance only after the government establishes procedures for meaningful consultation with representatives of all ethnic communities, ensures the full participation of elected leaders and local civil administration and agrees not to change the ethnic balance or administrative organisation of the province.
 8. Begin planning support for a future, more principled peace process that emphasises human rights, good governance and state reform and that aims to respond seriously to Sinhalese fears and sense of insecurity.

Colombo/Brussels, 7 November 2007

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I. INTRODUCTION

The legacy of colonialism hangs over Sri Lanka, not least in the form of competing nationalisms that intensified in the last years of British rule. Soon after independence in 1948, the pan-ethnic “Ceylonese” nationalism of the elites was eclipsed by the self-assertion of the Sinhala¹ and Buddhist majority. Rooted in a desire to overcome the humiliation of colonial rule, Sinhala nationalism also aimed to resist what it saw as the excessive political demands of Tamil leaders and the disproportionate power and positions Tamils had gained under British rule.

Tamil nationalism began as a peaceful movement for minority rights, partly in reaction to Sinhala control of the state. Failure to achieve a political settlement eventually led to armed militant movements fighting for a separate Tamil state in the north east of the island. The Tamil nationalist movement came to be dominated by the Liberation Tigers of Tamil Eelam (LTTE), a group many states have banned because of its terrorist tactics.² Sinhala nationalism has also spawned violent offshoots but has mainly been channelled through political parties, which have used it to mobilise popular support. The competition between the two major parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), has led to destructive “ethnic outbidding”, as each claims to be the authentic representative of the majority.

Both major parties also have faced repeated challenges from smaller groups agitating in the name of the Sinhala people’s endangered rights. Sinhala nationalism and opposition to foreign interference were central to the revolutionary program of the People’s Liberation Front (JVP) in its 1971 and 1987-1989 uprisings. In addition, a

politically organised section of the Sangha (Buddhist clergy) has formed, together with activist laymen, an even smaller but influential minority, whose frequent interventions in the name of the Sinhala Buddhist majority have had major political effects.

Sinhala nationalism has waxed and waned in response to the political context. At times, there has been strong Sinhala support for a negotiated settlement. Nevertheless, competition between the two main parties and their inability to neutralise smaller nationalist parties have prevented governments from compromising with Tamil nationalists. The LTTE has been equally important in blocking the elusive “southern consensus”. Its violence and intransigence have provided political ammunition for the most extreme Sinhala nationalist elements.

Since President Rajapaksa’s election in November 2005, Sinhalese dynamics have changed. In part to avoid being challenged by hardline nationalist parties, he has adopted many positions formerly associated with extremist parties. Reacting to what many saw as a peace process dangerously biased in favour of the LTTE, the government is pursuing the kind of military strategy many nationalists have long urged. But facing international pressure not to abandon a political solution, it still says it seeks a southern consensus on constitutional reforms.

This is the second in a series of Crisis Group reports that explore tensions and political dynamics within the major ethnic communities in Sri Lanka, and a future report will examine changing political dynamics in the Tamil community.³ It examines the main currents of modern Sinhala nationalism, including the recent growth in support for nationalist policies and parties, and assesses the government’s willingness and ability to overcome party divisions and extreme nationalist positions and reach a constitutional reform consensus that could lay the basis for a lasting peace.

¹ In everyday usage, Sinhala and Sinhalese are often interchangeable, though “Sinhala” is more frequently used to name the language and culture and “Sinhalese” the ethnic group. In this paper, Sinhala will be used in all cases except when referring to the ethnic group as a collective entity, as in “the Sinhalese” or “Sinhalese interests”.

² For background, see Crisis Group Asia Report N°124, *Sri Lanka: The Failure of the Peace Process*, 28 November 2006.

³ The first report in this series was Crisis Group Asia Report N°134, *Sri Lanka’s Muslims: Caught in the Crossfire*, 29 May 2007.

II. POLITICAL CULTURE

The mansions and tree-lined streets of the exclusive Colombo 7 district testify to the lingering power of Sri Lanka's Anglicised, post-colonial elite. The families that have dominated politics since independence live there, many passing power from father to son. The UNP – the “Uncle-Nephew Party” to detractors – has drawn its leaders from an extended clan of Senanayakes, Jayewardenes and Wickremesinghes. D.S. Senanayake, the first prime minister, was followed as party leader by his son, Dudley, from 1952 until 1973. J.R. Jayewardene (president, 1978-1989) was succeeded by his nephew, the present leader and twice prime minister, Ranil Wickremesinghe. The only break in the pattern was the presidency of Ranasinghe Premadasa (1988-1993), the first leader to emerge from outside this cosy elite.

Nevertheless, the UNP cannot match the SLFP as a dynasty. It is the creation of Solomon West Ridgeway Dias (S.W.R.D.) Bandaranaike, who began a political line that remains potent, even if now under great pressure. After his 1959 assassination, his widow, Sirimavo, took over and ruled as prime minister in the 1960s and 1970s. The family returned to power in 1994, after years of UNP rule, when Chandrika Kumuratunga, the daughter, became president, serving until November 2005.

These and other ruling families have traditionally dominated the higher echelons of the mainstream parties. They are largely distant from the lives of ordinary citizens due to class and language. To a large degree, the elite is still fluent in English, sends its children to schools with quality English teaching and pursues advanced education overseas.

Dominated by its class and caste hierarchies, the post-colonial state has only ever been partially democratic. Essentially, politics has been for the socio-economic elite, even its apparently grassroots institutions. Thus, while Sri Lanka has been a welfare state, the system is paternalistic rather than egalitarian. In its heyday from the 1950s to the 1970s, the welfare state improved living standards but it was built on top of exclusive hierarchies. In the absence of serious efforts to democratise governance, either at the national or local levels, patronage relationships have endured. The political elite remains largely beyond popular challenge or accountability.

Sri Lankan voters are mostly entwined in party patronage, and parliamentarians are elected for their ability to redistribute resources, provide access to public sector goods and jobs, and develop infrastructure for supporters. The winner takes all; supporters of losing parties have

traditionally been denied government jobs and services.⁴ This patron-client system has major repercussions on political culture. Members of parliament (MPs) are under pressure to obtain a cabinet post to get access to state resources, so change parties easily, as eighteen UNP members did in January 2007.⁵ Such switches from opposition to government generally have little to do with policy or principle. As a recent UNP “crossover” to the government put it, “you can't give anybody a job if you're in the opposition”.⁶

Despite its democratic appearance, including regular relatively free elections, the system is largely exclusive and unresponsive to popular concerns, in part because there is little space for ideological or issue-based movements. As a result, it has provoked political violence from groups which feel excluded from or sidelined by uneven patronage distribution. Such feelings and the lack of response from elite-led politics contributed to the JVP insurrections in the 1970s and 1980s as well as the LTTE insurgency, which began in 1976. The patron-client nature of governance is also a cause of election violence.⁷ While recent polls have been comparatively peaceful, there is a long tradition of violence by the cadres of the two main parties. Little behaviour is off limits when it comes to winning power. Likewise, the patron-client system has negative economic effects in that it tends to result in regionally and ethnically uneven long-term development.

Political leaders have tried to find ways to mobilise voters that ensure their election, while not undermining the system that they seek to dominate. Nationalism has offered both parties the simplest and most effective mobilisation strategy in the south.⁸ Nationalist arguments are often presented as posing a challenge to the English-speaking elite that has lost touch with the people and with local traditions and values. Sinhala nationalism, however, is regularly used by those same elites to cement their hold on power or oust political rivals, while simultaneously papering over deep economic fissures and the mostly unrepresentative nature of politics.

⁴ Dilesh Jayantha, *Electoral Allegiance in Sri Lanka* (Cambridge, 1992).

⁵ For discussion of the relationship of caste to patron-client relationships in Sri Lankan politics, see Dilesh Jayantha, *Electoral Allegiance in Sri Lanka* (Cambridge, 1992); Janice Jiggins, *Caste and Family in the Politics of the Sinhalese* (Cambridge, 1979).

⁶ Crisis Group interview, Colombo, December 2006.

⁷ See reports of the Centre for Monitoring Election Violence, at www.cpalanka.org/election_monitoring.html.

⁸ This is not to say that ethnic outbidding is always the most effective mode of political opposition. The 1977, 1994 and 2001 elections were won on moderate, even explicitly pro-negotiation platforms. The current main opposition alliance has a more moderate position than the ruling coalition.

Nonetheless, the nationalist policies these leaders have endorsed and implemented have led, among other changes, to the gradual Sinhalisation of the political class, while weakening the hold of the old Anglicised elites over the major parties. The 2005 transfer of control of the SLFP from Chandrika Bandaranaike Kumaratunga to Mahinda Rajapaksa, known for his deep roots in the southern town of Hambantota, is symbolic of a slow, larger shift from an Anglicised political elite to a new bilingual one, with a foot in both the Sinhala- and English-speaking worlds.

III. THE EMERGENCE OF SINHALA NATIONALISM

A. PRE-COLONIAL AND COLONIAL SINHALA IDENTITY

Sri Lankan scholars argue that the island has been multi-ethnic and multi-cultural from pre-historic times, contrary to popular Sinhala belief that it primarily belongs to the Sinhalese, who arrived first.⁹ Sinhalese and Tamils come from the same South Indian-Sri Lankan gene pool; early Buddhist Pali chronicles refer to the Tamils (Damelas) in the Early Iron Age. Scholarship also rejects popular theories of mass migration or invasion. Demographic changes occurred gradually, over long periods, through trade, cultural, religious, political and military movements. Nor was the movement only from South India to Sri Lanka. Sinhalese entered South India even as South Indians entered Sri Lanka. Sinhala and Tamil kings cooperated in peace and war and protected each other's religions.

By the twelfth century, Sinhalese and Tamils were distinct identities, with Tamils identified with the north east and Sinhalese with the rest of the island.¹⁰ While Buddhism mostly disappeared from India in the thirteenth century, Sinhala Buddhism became a politico-religious category between 1236 and 1815, with Sinhalese viewing the island as a *Dhammadipa* (a place blessed by the Buddha), entrusted to them to protect his teachings.¹¹ Concepts of the "people of the land" and "foreigners" or "strangers" took root. The heroics of Sinhala kings in battles against the Tamil "outsider" were celebrated.¹² Though Sinhala religion and culture showed a mix of influences, the Buddha's supremacy, the Sangha and kingship had to be accepted and could not be compromised.

⁹ K. Indrapala, *The Evolution of an Ethnic Identity: C 300BCE to C 1200BCE* (Sydney, 2005); R.A.L.H. Gunawardena, "The People of the Lion: Sinhala Consciousness in History and Historiography", in *Ethnicity and Social Change in Sri Lanka* (Colombo, 1984).

¹⁰ A distinctive Sinhala identity emerged through the assimilation of tribal, linguistic and ethnic communities about five to six centuries BCE. The language was a mixture of several local languages and Pali. The Tamil language in the island developed in a similar way, though Sanskritic or Pali influence was less. Over time, Sinhala speakers in Tamil areas were Tamilised and Tamil speakers in Sinhala areas were Sinhalised.

¹¹ Michael Roberts, "Sinhala-ness and Sinhala Nationalism", Marga Monograph Series on Ethnic Reconciliation, no. 4, Colombo, 2001.

¹² Michael Roberts, *Burden of History: Obstacles to Power Sharing in Sri Lanka* (Colombo, 2001).

The process of ethnic assimilation, common in the pre-British era, largely ceased under colonial rule, when communal identities were fostered and emphasised.¹³ Modern Sinhala nationalism emerged in the nineteenth century as a counter-colonial movement that used Buddhist identity to mobilise popular support. Buddhism was portrayed as under threat, first from Christian missionaries and later from British capitalist interests, especially in the form of the plantation industry and its perceived deleterious effects, including the rising use of alcohol.¹⁴

As a challenge to the missionaries and a response to the state's failure to provide the "traditional" patronage to Buddhism, monks began to challenge Christians to religious debates.¹⁵ Pioneering Sinhala nationalists such as Anagarika Dharmapala developed a revivalist movement, which began publishing journals dedicated to promoting Buddhism, Buddhist religious (*Dhamma*) schools, a Buddhist flag, codes of disciplinary conduct, the codification of Buddhist dogma in opposition to popular folk religious practices, and the empowerment of laity to engage actively in Theravada Buddhism and of the Sangha to participate in social and political action.¹⁶

This early Sinhala Buddhist revivalism – which some have termed "Protestant Buddhism"¹⁷ – deliberately mixed nationalist politics and religion. Its leaders agitated for restoring the tie between state and religion. Their interpretation of history propounded a sense of mission, in which the Sinhalese were bound to protect Sri Lanka as an outpost of Buddhism against invaders, colonisers and other religions.¹⁸ The revival of ancient narratives, according to which the Sinhala nation is surrounded by

threats, gave rise to what is often called a "majority-with-a-minority-complex" vis-à-vis the millions of Tamils in India.¹⁹ At the same time, the perception that Tamils are essentially tied to a homeland in Tamil Nadu, India, remained, and remains, quite widespread.

A substantial part of Sri Lanka's modern history involves the Sinhala struggle against Indian immigrants, mainly labourers and traders who came in the wake of the British and the introduction of a globalised, capitalist economic system in which many Sinhalese felt outsiders had the upper hand. By 1910, there were more than 400,000 Indian immigrant plantation workers and by 1931 651,000, a fifth of the island's population. Non-plantation worker immigrants were more than 100,000 by 1935. "No other event in the island's history has had such an impact on the polity of Sri Lanka".²⁰ By 1920, Sinhala nationalism, nurtured on Buddhist fears of Christianity since the late nineteenth century, had taken up the Indian immigrant issue.

Nationalist leaders like S.W.R.D. Bandaranaike and D.S. Senanayake of the Ceylon National Congress (CNC) argued that Indian immigrants were pampered by the colonial rulers despite being only temporary residents with no commitment to Sri Lanka. They were seen as limiting employment opportunities for Sinhalese, from whom the tea and rubber plantations and Indian money lenders had taken vast areas of land. What irked Sinhala nationalists most was the attitude of the British Indian government and the Indian nationalist leaders, who seemed to support the immigrants blindly for narrow economic and political reasons. The first major act of government after independence in 1948 was to deny citizenship and voting rights to some 800,000 Indian workers.²¹ This was supported by parts of the Sri Lankan Tamil leadership, undermining their own later claims for minority rights.

B. NATIONALISM, DEMOCRACY AND THE STATE

Upon independence, and with the granting of universal franchise, it was inevitable the Sinhalese – 70 per cent of the population – would be able to redefine ethnic relations as they wished, so long as they were persuaded to vote on

¹³ Ibid; Darini Rajasingham-Senanayake, "Democracy and the Problem of Representation: The Making of Bi-polar Ethnic Identity in Post/colonial Sri Lanka", in Joanna Pfaff- Czarnicka, Darini Rajasingham-Senanayake, Ashis Nandy and Edmund Terence Gomez (eds.), *Ethnic Futures: The State and Identity Politics in Asia* (New Delhi, 1999).

¹⁴ Mick Moore, "The Ideological History of the Sri Lankan Peasantry", *Modern Asian Studies*, vol. 23, no. 1, (1989), p. 190.

¹⁵ K.M. de Silva, "Religion and Nationalism in Nineteenth Century Sri Lanka: Christian Missionaries and Their Critics", *Ethnic Studies Report*, vol. xvi, no. 1 (1998).

¹⁶ Richard Gombrich and Gananath Obeyesekere, *Buddhism Transformed: Religious Change in Sri Lanka* (Princeton, 1988).

¹⁷ Ibid.

¹⁸ This world view was partly informed by the Mahavamsa chronicle, a remarkable historical document written by Buddhist monks in the sixth century, which charted the rise and fall of Buddhist civilisation in Sri Lanka. While it contains rich historical material, it has a profoundly religious-nationalist subtext. An important section taught to virtually all Sinhala children is devoted to battles in which Sinhala King Duttugamunu defeats the Tamil King Elara. and so conquers almost all the island. Mahanama Thera, *The Mahavamsa: The Great Chronicle of Sri Lanka* (Colombo, 2005).

¹⁹ Stanley J. Tambiah, *Ethnic Fratricide and the Dismantling of Democracy* (Chicago, 1986). See also K.M. De Silva, *Reaping the Whirlwind: Ethnic Conflict, Ethnic Politics in Sri Lanka* (New Delhi, 1999).

²⁰ W.T. Jayasinghe, *The Indo-Ceylon Problem: The Politics of Indian Immigrant Labour* (Pannipitya, 2002).

²¹ According to the 1946 census, Indian Tamils totalled 781,000. The 1953 census figure was 974,000.

ethnic lines.²² Constitutional arrangements at independence lacked sufficient safeguards for minority rights.²³

1. 1956 “Sinhala Only” legislation

The political logic of Sinhala Buddhist nationalism emerged with full force in 1956, when S.W.R.D. Bandaranaike and the SLFP won power on an uncompromising nationalist platform. Its central plank was the promise – known as “Sinhala Only” – to establish Sinhala as the single official language for government business within 24 hours of election.²⁴ Retention of English – the language of elites and the colonial regime – as in effect the state language had excluded most of the population from active involvement in public affairs. Bandaranaike’s language policy was designed to capture the votes of rural, Sinhala-educated elites – local administrators, indigenous (ayurvedic) physicians and teachers, who felt marginalised by the English-speaking elites of all ethnic groups and viewed the dominance of English as the source of many of their socio-economic ills.

“Sinhala Only” also gained support from elements of the Sangha, including the Eksath Bikkhu Peramuna (United Bikkhu Front), a political movement of Buddhist monks. Although few in number, the Sangha spearheaded vernacular-speaking, Sinhala Buddhist interest groups, even as national political leadership remained with the Anglicised, Western-educated elites.²⁵ With Tamils having a disproportionate share of government, university and professional jobs – largely due to better education – many Sinhalese felt excluded from political and economic power.²⁶ The 1956 victory of the SLFP-led Mahajana

Eksath Peramuna (People’s United Front, MEP) sought to reverse, according to Sinhala nationalist logic, the preferential colonial treatment of Tamil elites.

Although “Sinhala Only” was a disastrous policy which prompted decades of confrontation between Tamils and Sinhalese, it was the product of the untenable contradiction between a democratic system in which 70 per cent of voters were Sinhala and a state system in which Sinhalese were seriously underrepresented. It was a landmark in the populist mobilisation of ethnic nationalism that eventually affected the policies of all Sinhala-dominated parties: the SLFP, the UNP and the “Old Left”, the Lanka Sama Samaja Party (LSSP) and the Communist Party (CP). It set in train a process in which all dropped support for the Tamil language having equal legal status.²⁷ It also set in motion processes of “ethnic outbidding” in which attempts by government coalitions to come to an agreement with the Tamil Federal Party (or subsequent Tamil parties) were undermined by those in opposition.²⁸

Inevitably “Sinhala Only” provoked protests by Tamils, who were now the ones who felt excluded by language policy and its effects on the availability of public sector jobs and services. Peaceful protests by S.J.V. Chevanayagam’s Federal Party (FP) in 1956 and 1958 were repressed violently and led to deadly anti-Tamil riots across the island.²⁹ By the end of the decade, most of the small community of English-speaking Burghers (descendants of Dutch and other European settlers) had

²² For an analysis of how majority rule under conditions of ethnic block voting can undermine the moral legitimacy of apparently democratic systems, see Donald Horowitz, *Ethnic Groups in Conflict* (Berkeley, 2000), especially pp. 83-86.

²³ Section 29(2) of the Soulbury Constitution, independent Ceylon’s first, states: “No law shall make a person or any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable. No law shall confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions. Any law made in contravention of sub section (2) shall to the extent of such contravention be void”. This only restricted parliament from enacting discriminatory laws but gave no protection against discriminatory practices.

²⁴ Bandaranaike’s policy had particular resonance at the time, since Sri Lanka was celebrating the *Buddha Jayanti*, which commemorated 2,500 years of Buddhism.

²⁵ Michael Roberts, *Exploring Confrontation* (Switzerland, 1994), pp. 260-265; Kenneth Bush, *The Intra-Group Dimensions of Ethnic Conflict in Sri Lanka: Learning to Read between the Lines* (New York, 2004), pp. 89-92.

²⁶ In 1956, Tamils were 30 per cent of the Ceylon Administrative Service, half the clerical service, 60 per cent of engineers and doctors and 40 per cent of the armed forces, Urmila Phadnis,

“Ethnicity and Nation-Building in South Asia: the Case of Sri Lanka”, *India Quarterly*, vol. 35, no. 3, p. 348. For Sinhala nationalists this evidenced British favouritism and Tamil, specifically Jaffna-elite, collaboration with the colonial rulers. Many scholars have argued that the colonial success of Jaffna Tamils had more to do with the scarcity of fertile land in the north and the abundance of good missionary, English language schooling. See Anthony Jeyaratnam Wilson, *The Break-up of Sri Lanka: The Sinhalese-Tamil Conflict* (London, 1988), pp. 42-45; Jane Russell, *Communal Politics under the Donoughmore Constitution: 1931-1947* (Colombo, 1982). Other scholars add that most non-British plantation owners were Sinhalese; primarily Sinhalese and Muslims prospered in the private sector under British rule. See Michael Roberts, *Caste, Conflict and Elite Formation: The Rise of the Karava Elite in Sri Lanka 1500-1931* (Cambridge, 1982).

²⁷ Anthony Jeyaratnam Wilson, *SJV Chelvanayakam and the Crisis of Sri Lankan Tamil Nationalism, 1947-1977: A Political Biography* (London, 1994), pp. 102-115.

²⁸ See Neil De Votta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka* (Stanford, 2004); Bush, *Intra-Group Dimensions*, op. cit.

²⁹ Stanley J. Tambiah, *Buddhism Betrayed? Religion, Politics and Violence in Contemporary Sri Lanka* (Chicago, 1992), pp. 42-57.

emigrated, concerned they would no longer have a place in an independent Sri Lanka.³⁰

2. Bandaranaike-Chelvanayakam pact

It is not certain Bandaranaike really believed “Sinhala Only” was a good idea, but it was effective for getting elected. On entering office, he delayed passage of the language bill and began talks with Tamil parties on concessions to minority interests. Tamils were worried not only about jobs and government services. They also demanded greater protection of minority rights generally, including citizenship for Indian Tamils on plantations, as well as guarantees for some form of regional autonomy for the traditionally Tamil-speaking Northern and Eastern Provinces, to balance the overwhelming power of the Sinhala majority.

Bandaranaike came up with a three-point proposal: “reasonable use” of the Tamil language, limited devolution of power to regional councils and constitutional amendments to guarantee the fundamental rights of minorities. Negotiations produced the 1956 Bandaranaike-Chelvanayakam pact, which was notable for the compromises both leaders were willing to make, though the balance was decidedly in Bandaranaike’s favour. The proposals for regional autonomy, for instance, remained vague, including the promise to grant local control over state schemes to settle landless Sinhalese in Tamil areas of the Eastern Province. On citizenship for Indian Tamils, Bandaranaike merely conceded that FP proposals would “receive early consideration”.³¹

With a political expediency that was to become all too familiar, the main opposition party, J.R. Jayewardene’s UNP, rallied Sinhala Buddhist opinion in protest. Bandaranaike eventually abrogated the pact, leading to a new civil disobedience campaign by Tamil parties, which sparked deadly ethnic riots across the island in 1958. Thus started “the first cycle in a pattern which has recurred as a central and poisonous feature of the political process at critical junctures. The party in power strives to foster communal accommodation. The major party in opposition manipulates Sinhalese parochialism to wreck that attempt”.³²

3. Dudley-Chelvanayakam pact

The same dynamics recurred in 1965 but with party roles reversed. The UNP, needing FP support for a solid parliamentary majority, reached agreement with Tamil leaders. The Dudley-Chelvanayakam pact covered familiar ground, offering use of the Tamil language in the north and east for administrative and court matters and a framework for creating district councils, with powers to be allocated after further negotiation, though since “the Government should have power under the law to give directions to such Councils in the national interest”, there would probably have been only minimal devolution.³³ Finally it covered issues involving the Land Development Ordinance and colonisation, prioritising landless Tamils’ rights to resettlement in parts of the north and east.

Regulations under the Tamil Language (Special Provisions) Act of 1958 were passed in 1966,³⁴ despite hostility from the SLFP, now backed by leftist parties, including the Lanka Sama Samaja Party (LSSP) and the CP, which seemed eager to jump on the Sinhala bandwagon.³⁵ The plan for district councils, however, was defeated by the opposition, backed by much of the Sangha and by Muslim interest groups fearful of the impact on the political balance in the Eastern Province.

4. Sinhala nationalism and constitutionalism

The Dudley-Chelvanayakam pact remained a fading landmark in attempts at inter-ethnic accommodation. The 1972 and 1978 constitutions promoted Sinhala Buddhist hegemony, further centralised the state and failed to provide adequate protection of minority rights. The 1972 document, a product of the SLFP/Marxist United Front (UF) coalition which took power in 1970, eradicated the few remaining minority safeguards and gave Buddhism “foremost” status. To an extent it and the UF regime’s policies were responses to the 1971 JVP insurrection, most directly in university “standardisation” procedures that expanded education opportunity for rural Sinhala youth at the expense of Sinhalese and Tamils from educationally advanced districts like Colombo and Jaffna. These measures worsened the existing divide. Jaffna-led Tamil students and politicians interpreted university standardisation as

³⁰ Tessa J. Bartholomeusz, “Buddhist Burghers and Buddhist Fundamentalism” in Bartholomeusz and C. R. De Silva (eds.), *Buddhist Fundamentalism and Minority Identities in Sri Lanka* (New York, 1998), p. 174

³¹ Bush, *Intra-Group Dimensions*, op. cit.; James Manor, *The Expedient Utopian – Bandaranaike and Ceylon* (Cambridge, 1989), pp. 268-271. See also the text of the “Bandaranaike-Chelvanayakam Pact”, in De Votta, *Blowback*, op. cit., pp. 209-210.

³² Manor, *Expedient Utopian*, op. cit., p. 269.

³³ See “Agreement between Dudley Senanayake and SJV Chelvanayakam (1965)” in De Votta, *Blowback*, op. cit., pp. 212-213.

³⁴ See Wilson, *SJV Chelvanayakam and the Crisis*, op. cit., pp. 102-112.

³⁵ For an interesting analysis of the left parties decision to abandon support for language parity, see Horowitz, *Ethnic Groups in Conflict*, op. cit., p. 336.

hostile and mobilised support for a militant Tamil nationalist movement.³⁶

The UNP's landslide 1977 victory produced a new episode in constitution-building the next year, led by J.R. Jayewardene. It had equally disastrous results. Creation of an immensely powerful executive presidency and a relatively weak judiciary, reinforcement of Buddhism's special status and failure to develop meaningful devolution to predominantly Tamil areas all resulted in a further centralisation of power, in part deliberately designed to buttress the ruling party's domination. The 1978 constitution did have two advantages. First, it created a bill of civil and political rights, which could be used in limited ways to hold the state accountable for abuses. Secondly, the proportional electoral system for parliament allowed minority parties somewhat greater political power than the old first-past-the-post system – though party leaders have used this new power regularly to form and break coalitions in a quest for ministerial positions and patronage.³⁷

C. THE ECONOMICS OF NATIONALISM: LAND, WELFARE AND BUSINESS

Sirimavo Bandaranaike's 1970-1977 government presided over a huge expansion of the welfare state, as well as nationalisation of much of the economy. The welfare system, which made the state critical in all aspects of economic and social life, became an important mechanism for cementing nationalism in the political system. Political leaders became even more susceptible to nationalist pressure, and welfare policy increasingly began to operate through the same ethno-populist and discriminatory logic as other aspects of state policy, even as it allowed Sri Lanka to achieve some of the best indicators of social well-being outside the industrialised world.

The welfare system was built on the foundations of colonial state intervention and was strengthened by the popular mobilisation led by the communist and other Marxist parties, which remained strong through the 1970s. For its income level, Sri Lanka developed high quality-of-life

indices in health and literacy. However, the connection between welfare and exclusivist Sinhala nationalism was apparent in the increasing Sinhalaisation of government services.³⁸ The state's role was widely seen as providing jobs to the Sinhala majority.

Reforms designed to assist poor and landless peasants contributed to contentious land issues. Successive resettlement schemes – most famously the Accelerated Mahaweli Development Program – sought to move poor farmers from predominantly Sinhala areas of the south to areas populated by Tamils and Muslims.³⁹ These schemes changed the demography of Eastern Province substantially.⁴⁰

Expanded educational opportunities in the 1970s and 1980s raised the expectations of growing numbers of young people, who placed demands on the state that were impossible to meet in an economy based on volatile agricultural exports.⁴¹ The UNP's decision in 1977 to liberalise the economy and diversify exports was an attempt to address this problem but the reforms further weakened the welfare state and helped fuel the turn to political violence by both Sinhala and Tamil youth.

The state's capacity – though not yet its size – has withered under the pressures of globalisation, poor economic management and military spending. Today the national budget is no longer capable of funding any significant

³⁸ See Roberts, *Exploring Confrontation*, op. cit., pp. 260-265, and De Votta, *Blowback*, op. cit., pp. 92-142.

³⁹ See Mick Moore "Ideological History of the Sri Lankan Peasantry", *Modern Asian Studies*, no. 23 (1) (1989), pp. 179-207; Patrick Peebles, "Colonization and Ethnic Conflict in the Dry Zone of Sri Lanka", *The Journal of Asian Studies*, vol. 49, no. 1 (1990), pp. 30-55.

⁴⁰ According to the 1946 census, Tamils constituted 48.7 per cent of the population of the Eastern Province, while Moors [Muslims] made up 38.6 per cent and Sinhalese 9.9 per cent. By 1981, Sinhalese accounted for almost 25 per cent of the population, Tamils 42 per cent and Moors 32.4. While it has been impossible to get accurate population statistics since then, conventional wisdom holds that the Eastern Province is divided roughly equally between the three major communities. 2004 estimates by the Northeast Provincial Council, based on figures from district secretariats, found Tamils accounted for 42.8 per cent of the province, Moors 36.2, and Sinhalese 20.4 per cent. As a result of these demographic changes, the Eastern Province's history is hotly disputed by Sinhala nationalists and Tamil nationalists alike, with arguments for and against the east as part of a homeland of the "Tamil-speaking" people. See Jonathan Spencer, *Sri Lanka: History and the Roots of Conflict* (London, 1990) and Qadri Ismail and Pradeep Jeganathan, *Unmaking the Nation: The Politics of Identity and History in Modern Sri Lanka* (Colombo, 1995).

⁴¹ The terms of trade, especially the value of tea, rubber and coconut in world markets, turned sharply against Sri Lanka between the mid-1950s and the mid-1970s. Crisis Group correspondence, John Rogers, researcher, October 2007.

³⁶ On another reading, university standardisation was meant to give weight to backward districts, whether Sinhalese or Tamil, but was misinterpreted as anti-Tamil by the Jaffna-dominated Tamil movement. Crisis Group interviews, D. Sidharthan, politician, and Muttukrishna Sarvananthan, researcher, October 2007. In any event, the Tamils sorely missed Section 29 (2) of the Soulbury Constitution, which would have remedied distortions.

³⁷ Asanga Welikala, "Towards Two Nations in One State", *Liberal Times*, vol. 10, no. 3, 2002. This practice has become a major source of resentment for many Sinhalese, who see minority parties as unfairly inhibiting the will of the majority.

development projects; almost all revenue goes to public sector salaries and pensions, debt payment and the military.⁴² Nonetheless, Sinhala nationalists continue to view the state not just as the rightful protector of the Sinhala Buddhist nation but as their prime source of development, relief and welfare.

The private sector has also had a role in the evolution of Sinhala nationalism. In the 1970s, the nationalisation of many sectors prevented private businesses from providing opportunities that might have mitigated minorities' grievances. Instead, the public sector and good relations with its political masters became the key elements in economic success.

Conversely, when the economy was liberalised in 1977, increased competition from Muslim and Tamil business contributed to a new round of nationalist agitation. A thuggish element emerged in Sinhala nationalism, led by overt racists such as Cyril Mathew, a minister in the UNP government who campaigned against supposed Tamil and Muslim domination of business. Mathew, who also headed a labour union, was implicated in the infamous 1983 pogrom in which Tamil businesses and shops were systematically attacked in Colombo and other towns.⁴³ This extreme current of Sinhala nationalism, combining politically connected thugs, business interests, and organised crime, became a key part of ethnic politics. The 1983 violence, in which at least 1,000 Tamils died, began a new spiral, with the militant Tamil response provoking more extreme positions by Sinhala nationalists.

D. THE INDIAN INTERVENTION

India holds an important and complex place in Sinhala nationalist world views. Some contemporary nationalists consider its influence more acceptable – because more culturally sensitive – than that of Western states. Others regard India with suspicion, drawing, for instance, on historical narratives of ancient Tamil invasions.

Delhi's 1987-1990 intervention remains highly controversial. In July 1987, troops arrived to enforce the

hastily agreed Indo-Lanka Accord, which brought the first real devolution to the north and east. The accord led to the Thirteenth Amendment to the constitution and the accompanying Provincial Councils Bill, which extended executive and legislative power to eight provinces, including a newly merged Northeast Province. The attempt to force devolution was deeply resented,⁴⁴ provoking violent opposition from both Sinhala and Tamil nationalists. The Indian Peace Keeping Force (IPKF) was designed to protect Tamil civilians from an army offensive against Tamil militants and to police a political agreement but soon found itself fighting the most radical of the Tamil groups, the LTTE, which ultimately forced a humiliating withdrawal after a loss of 1,500 men. Many Sinhala nationalists now argue that the Indian intervention saved the LTTE from an imminent defeat by the Sri Lankan military.⁴⁵

Sri Lanka was in no position to oppose Indian pressure. It faced rebellion not only in the Tamil north and east, but also in the south, where a new JVP uprising had broken out. Jayewardene used the Indo-Lanka Accord to redeploy troops to the south, but the accord only gave the insurrection more energy. Political forces in the south were quickly polarised between those that vehemently objected to a loss of Sri Lankan sovereignty and those that felt the intervention had created an opportunity to implement a viable political solution.

The Sinhala nationalist reaction took the form of shared mobilisation among parties such as the Mahajana Eksath Peramuna (MEP), sections of the SLFP, the JVP and the militantly nationalist sections of the Buddhist Sangha. These groups began to coalesce around such bodies as the cross-party Maubima Surakima Vyaparaya (Movement for the Protection of the Motherland, MSV). Founded in 1986, it achieved rapid (albeit short-lived) expansion in the aftermath of the accord.⁴⁶

If Sinhala nationalists saw the Thirteenth Amendment and the Provincial Council system as the product of India's violation of Sri Lanka's sovereignty,⁴⁷ others, both Tamil and Sinhala, viewed the devolution plan as inadequate. The Provincial Councils were grafted on to a centralised polity and premised on the light devolution or quasi-federalism of the Indian model. Executive control of Provincial Councils was placed in the hands of governors appointed

⁴² In 2006, debt service payments were 24.5 per cent of current government expenditure, public sector pensions 11 per cent and defence costs 19 per cent; salaries and wages were 32 per cent of recurrent expenditures in the 2006 budget. According to the appropriation bill the government presented in early October 2007, defence expenditure is projected to increase 19 per cent in 2008, amounting to 17.9 per cent of the projected budget. See "Annual Report 2006", Central Bank of Sri Lanka, pp. 98-99, 103-106; also Kelum Bandara, Yohan Perera and Gihan de Chickera, "Defence expenditure for 2008 up by 19 percent", *Daily Mirror*, 11 October 2007.

⁴³ Tambiah, *Buddhism Betrayed?*, op. cit., p. 73.

⁴⁴ A major source of Sinhalese resentment of India was its covert but well known support for Tamil militant groups, including the LTTE, between 1983 and 1987. Many believe that without this early support the LTTE would not have become so powerful.

⁴⁵ See De Silva, *Reaping the Whirlwind*, op. cit., pp. 230-231.

⁴⁶ Tambiah, *Buddhism Betrayed?*, op. cit., pp. 80-90.

⁴⁷ This view continues to be strong among many Sinhala nationalists and colours the attitude of many toward any form of international mediation to end the conflict.

by the president.⁴⁸ If anything, this limited devolution added another layer of bureaucracy through which the central authority could limit the powers of local governments. The repercussions still resonate in ways that exacerbate ethnic conflict, especially the question of the merger or de-merger of the Northeast Province.⁴⁹

E. CHANDRIKA KUMARATUNGA'S DEVOLUTION PROPOSALS

The crushing of the JVP uprising and the UNP's failure to achieve a breakthrough in the conflict with the LTTE eventually led to resurgence of support for more conciliatory attitudes and new attempts at peace. With extreme nationalist views temporarily in check, SLFP leader Chandrika Kumaratunga's People's Alliance (PA) won the August 1994 general election. Three months later she was elected president in a landslide. The elections were not just a mandate for peace talks but also an expression of anger at UNP rule, which had been characterised by authoritarianism, corruption and a brutal counter-insurgency against the JVP.

Kumaratunga's peace initiatives lasted only until April 1995, when the LTTE broke the brief ceasefire, claiming the government was not serious. The government responded with a "war for peace" in which it tried to defeat the LTTE in battle while restructuring the state to accommodate Tamil grievances. In 1995 the president proposed the most far-reaching devolution plan in Sri Lanka's history. It was diluted twice, first in 1997 then in 2000, after multiparty negotiations, but the 2000 version was federal in all but name. The list of subjects over which the central government and the provinces had concurrent legislative power was dropped. A nominated interim council was proposed for five years for the Tamil-speaking north east, which was to remain merged for ten years and then be subject to a referendum. The country was to return to the Westminster form of government after Kumaratunga's term. However, Buddhism would retain the "foremost place", with the state committed to protecting the Sangha.⁵⁰

As these proposals were being debated, however, the military side of the strategy failed, with the two sides eventually fighting to a stalemate. These were some of the worst years of conflict, with thousands of battlefield deaths, massive refugee flows and civilian casualties, LTTE suicide bombings, and human rights abuses by all involved.

LTTE atrocities did much to revive opposition to devolution but party politics finally defeated Kumaratunga's draft constitutional bill of August 2000. Although it had emerged through cross-party deliberations, the UNP, the Sangha and the JVP joined to block passage. The Sangha and the JVP were opposed to dividing the nation, while the UNP's chief concern was that Kumaratunga would retain her power for the remainder of her term. Wickremesinghe also "insisted that his party would never support any legislation without the Sangha's imprimatur".⁵¹ In the face of UNP opposition, hunger strikes by Buddhist monks, widespread protests and roadblocks manned by Sinhala nationalists, Kumaratunga was forced to abandon the bill and later dissolved parliament.

The collapse of Kumaratunga's initiative confirmed the apparent inability of politicians from the two major parties to find a united position on the conflict and bypass the JVP and militant sections of the Sangha. Over four decades, Sinhala nationalism had failed to address the crisis, instead placing obstacles in the way of compromise. But with the country in deep crisis in 2001 – military stalemate, economic collapse and no political solution in sight – nationalists faced perhaps their most significant challenge yet: a UNP government intent on a ceasefire and an end to the conflict on terms that directly challenged basic nationalist beliefs.

⁴⁸ See Asanga Welikala, "Towards Two Nations in One State", *op. cit.*

⁴⁹ The provincial council system functioned only briefly in the Northeast Province. In response to intra-Tamil violence and the unilateral declaration of independence by A. Varadarajaperumal, the first chief minister of that province, the central government suspended it in 1990. Subsequently, the Northeast Provincial Council was run by a presidentially-appointed governor until 2006, when the Northeast Province was divided again into separate Northern and Eastern Provinces.

⁵⁰ Full text available at www.tamilunitedfront.com/documents.html

⁵¹ Neil DeVotta, "Sri Lanka's Political Decay: Analysing the October 2000 and December 2001 Parliamentary Elections", *Commonwealth and Comparative Politics*, vol. 41, no. 2 (2003), p. 125.

IV. THE RESURGENCE OF SINHALA NATIONALISM

A. THE UNINTENDED CONSEQUENCES OF A FLAWED PEACE PROCESS

The election of Ranil Wickremesinghe's coalition in December 2001 and the February 2002 ceasefire (CFA) with the LTTE marked a major, but temporary shift in politics. The most obvious change was three years of comparative peace, in which Sri Lankans were able to visit parts of the island previously off-limits and economic growth returned.

Although most communities welcomed the CFA, it represented almost everything nationalists had struggled against. It internationalised the conflict, bringing in Norway as facilitator. Denunciations of Oslo became commonplace in nationalist discourse: "salmon-eating busybodies" was one of the milder characterisations.⁵² International non-governmental organisations (NGOs) engaged in peacebuilding and conflict transformation were vilified by the extreme nationalists.

Beyond the hyperbole, both CFA content and how it was agreed – acknowledging only the two dominant sides to the conflict and without consultation with the president – raised legitimate concerns and ultimately contributed to the demise of the peace process. The CFA not only accepted the LTTE as a legitimate partner for talks and gave it parity of status with the government, it also gave quasi-official recognition to its de facto state in the north east. Had talks been successful, the process would likely have resulted in a significant level of devolved power to the LTTE.

The approach of the government, the Nordic ceasefire monitors, the Norwegian facilitators and even some sections of civil society was "peace now, human rights later", which led many to turn a blind eye as the LTTE strengthened its military position and authoritarian control over the Tamil population. The increased public presence and apparent international legitimacy of the LTTE, without any corresponding development of democratic accountability or respect for human rights, was particularly grating to many Sinhala nationalists.⁵³ The government, ceasefire monitors, and facilitators looked weak and biased in favour of the LTTE, as they did nothing to stop

its numerous ceasefire violations, political killings and forced recruitment of child soldiers.

Eventually LTTE intransigence, government incoherence and nationalist opposition ended the talks but the revival of Sinhala nationalism continued, boosted by neoliberal economic policies which brought no economic dividend to most people in the south; a flawed peace-through-development approach, which many Sinhalese saw as a way to channel foreign funds to the north and east; and the image of UNP leaders as elitist and Westernised.⁵⁴ In this environment, the JVP and the extremist National Sinhala Heritage Party (JHU) thrived; indeed, a JHU leader admitted that the "rise of a Buddhist party such as the JHU was only possible under Ranil [Wickremesinghe]".⁵⁵ The two groups have been fundamental in ensuring Sinhala nationalism's continued domination of the political system.

B. THE JVP

No party made more of its opposition to the CFA than the JVP. It mobilised support on the basis of the apparent threat to national sovereignty as well as disaffection with UNP economic policies. The 2004 election, when it skilfully maximised its chances as part of the United People's Freedom Alliance (UPFA) coalition headed by the SLFP, saw it achieve its largest number of seats in ten years of parliamentary politics.

1. From Maoist insurgents to king-makers

The JVP emerged in the mid-1960s from the Maoist wing of the Communist Party, finding ready backing among Sinhala rural youth unhappy with the lack of economic opportunities.⁵⁶ It won support through its *panti paha* (five classes) recruitment program and by organising on university campuses.⁵⁷ In 1971, against a backdrop of widespread disillusionment with the UF coalition

⁵² "Norwegians 'salmon-eating busybodies'", BBC News, 30 May 2003.

⁵³ The LTTE opened political offices in the north and east, and unarmed cadres moved about freely; LTTE members also undertook study tours to countries such as Switzerland and Canada.

⁵⁴ For more extensive analysis of the peace process' failure, see Crisis Group Report, *The Failure of the Peace Process*, op. cit.; on human rights dimensions, see Crisis Group Asia Report N°135, *Sri Lanka's Human Rights Crisis*, 14 June 2007, pp. 6-7.

⁵⁵ Crisis Group interview, Udaya Gammanpila, JHU legal affairs adviser, Colombo, December 2006.

⁵⁶ A.C. Alles, *The JVP: 1969-1989* (Colombo, 1990); C.A. Chandraprema, *Sri Lanka: The Years of Terror. The JVP Insurrection 1987-1989* (Colombo, 1991); Rohan Gunaratna, *Sri Lanka, A Lost Revolution: The Inside Story of the JVP* (Colombo, 1990).

⁵⁷ The *panti paha* (five classes) refers to a rapid mode of recruitment used by the JVP in the 1960s and early 1970s; members would be indoctrinated into the movement through lectures that mixed Sinhala nationalist and Maoist ideas on economic crisis with other revolutionary teachings. C.A. Chandraprema, *Sri Lanka: The Years of Terror*, op. cit., pp. 28-31.

government, it launched an armed uprising, which the army crushed with the help of numerous foreign powers.⁵⁸ Between 1977 and 1983, it re-emerged after what remained of the original leadership was released from jail. The party entered a short-lived electoral phase before it was banned by J.R. Jayewardene's UNP government on the false charge of being involved in the 1983 anti-Tamil pogrom.

It then went underground and launched a new insurrection just as the Indo-Lanka Accord was signed in 1987. The UNP government, led by President Premadasa from 1988 onwards, met JVP violence and terror – enforced election boycotts, attacks on police and government officials, assassinations of political rivals and suspected government sympathisers – with a counter-insurgency of even greater brutality. As many as 60,000 on all sides were killed in three years before the uprising was eventually crushed through the physical elimination of its top leadership.⁵⁹ The terror and counter-terror remain fresh memories for many Sinhalese, who recall burning bodies in the streets of southern towns and young people herded into government detention centres, many never to be seen again.

The JVP made a comeback as a parliamentary force in 1994 with one deputy representing the National Salvation Front. In every subsequent election, it has expanded its representation, going from ten MPs in 2000, to sixteen in 2001, to 39 in 2004, when it campaigned as part of the UPFA coalition with the SLFP.⁶⁰

As a minority party with maximalist goals, the JVP has played a key role in recent parliamentary coalitions. In 2001 it supported the Kumaratunga government, which collapsed when the Sri Lanka Muslim Congress withdrew its backing. It was part of the UPFA government from April 2004, after President Kumaratunga called fresh elections in opposition to the UNP-led peace process. It briefly held four ministerial portfolios but left government in June 2005 to protest an agreement with the LTTE on tsunami aid. In November 2005 it was important in mobilising support for Mahinda Rajapaksa's campaign. Since December 2006 it has increasingly distanced itself from the government over the decision to accommodate UNP crossover MPs, as well as its failure to meet a number of JVP conditions, including formal abrogation of the 2002 ceasefire. While the JVP continues to support the military campaign against the LTTE, it has become a vocal critic of inflation and corruption.

⁵⁸ Fred Halliday, "The Ceylonese Insurrection of 1971", *New Left Review*, no. 69, September-October 1971.

⁵⁹ See Crisis Group Report, *Sri Lanka's Human Rights Crisis*, op. cit., p. 3.

⁶⁰ It also controls a local authority, Tissamaharama Pradeshiya Sabha, in its traditional southern stronghold, Hambantota District.

2. Support base and political style

The JVP's base has been in the rural areas of the Sinhala-speaking south and centre of the country. Particularly important have been areas such as Hambantota in the south and Anuradhapura in North Central Province, where farmers, businessmen and the rural elites make up the movement. Its support is largely a factor of regional disparities in economic resources and infrastructure, which result mainly from the centralised political system.⁶¹

Since the 1970s and 1980s, when the support base was mainly rural youth, there has been a notable rise in JVP popularity among the poor and lower-middle classes in urban and semi-urbanised areas. Although the party emphasises nationalist rhetoric publicly, it also attracts support with promises to address economic grievances and its claim to challenge an unjust system. It has particularly exploited the state's failure to provide public sector employment for young people, especially those from rural areas who after graduating cannot find jobs. Linguistic marginalisation is another key element of its appeal. It draws its cadres almost entirely from students and young people who have graduated from Sinhala-medium schools and universities but whose lack of English prevents them from finding jobs with any chance of upward social mobility.⁶²

Sinhala youth have been ghettoised by the state's social policies since the imposition of language legislation. While poorer children are educated in the vernacular, the wealthy and politically connected mostly send theirs to elite schools that offer high-quality English instruction.⁶³ The JVP once was more supportive of the vernacular but now mostly supports better access to English in recognition of its role in overcoming elite-sponsored linguistic discrimination.

The JVP has also challenged the political marginalisation suffered by most citizens. It has consistently attacked the patron-client system that dominates politics. Its own hybrid

⁶¹ In 2006, 50.1 per cent of GDP was recorded in the Western Province, Central Bank of Sri Lanka, press release, 27 June 2007.

⁶² From the 1970s, universities have had increasing numbers of rural students. Despite access to higher education, these students have remained at a disadvantage when competing with students from middle- and upper-class English-speaking backgrounds. This has benefitted the JVP, which has made universities a main recruiting base. See Heingo, "Politics affects campus life", *Daily Mirror*, 2 March 2007; Sasanka Perera, *Living with Torturers and Other Essays of Intervention* (Colombo, 1995).

⁶³ Public schools teach either in Sinhala or Tamil but the elite ones – Royal, St. Thomas' and Trinity – have additional facilities for English and acquisition of proficiency is actively encouraged. Since educational reforms in the 1990s, those with money also have the option of sending their children to private "international schools", whose instruction is generally in English.

Marxism/nationalism has aimed at grassroots mobilisation of those outside political patronage. A major part of this project has been to challenge the corruption, nepotism and political dynasties of the mainstream parties. Despite its history of insurrectionary violence, it has developed a reputation – confirmed by monitoring statistics – for relatively clean, non-violent, disciplined politics, especially during elections.⁶⁴ JVP officials claim to recycle their salaries to the party, and their reputation for self-renunciation, commitment and hard work is acknowledged by rivals, especially at the local level.⁶⁵

The JVP claims that its organisational structure is a classic example of Marxist “democratic centralism”, with a cellular structure descending from a politburo and central committee. Despite this top-down hierarchy, it is one of the few political movements that has engaged in a consistent strategy of building at the grassroots. This has probably helped to keep its leadership and policies broadly in tune with popular demands.

3. Relations with the military and the Sangha

Of increasing importance to the JVP is its growing popularity within the army’s lower ranks and junior officers. Some support existed in the 1980s but it has increased since the JVP became an electoral party with a strong Sinhala nationalist line. This is not surprising, since the military’s ranks are made up of young Sinhalese with the same economically disadvantaged background as those who tend to gravitate toward JVP ideology and rhetoric.

This development has been strengthened by the Manel Mal (Water Lily) Movement, an army support group spearheaded by the Desha Hitaishi Jathika Viyaparaya (Patriotic National Movement, PNM).⁶⁶ The PNM is a JVP-dominated group that aims to establish a broader coalition of like-minded Sinhala nationalists, including those from the Sangha, such as the Venerable Elle Gunawansa, and nationalist intellectuals, like its chairman, Gunadasa Amarasekara, S. L. Gunasekara and the JHU’s Udaya Gammanpila. They regularly appear on platforms alongside JVP firebrand Wimal Weerawamsa. Amarasekara explained: “The Manel Mal is designed to provide uplift for the Sri Lankan military and their families in the form of legal aid, educational resources and compensation for those families whose fathers and brothers have died in

noble sacrifice for the country”.⁶⁷ The organisation gives resources to soldiers’ barracks and organises high-profile visits to troops by Sinhala nationalist ideologues.

The JVP began as secular and Marxist but also appeals to sections of the Sangha, particularly junior and younger members across the *nikayas* (monastic orders). Their support for the JVP is based in part on caste, class, and generational tensions within the traditionally hierarchical Sangha.⁶⁸ More recently, however, the JVP has become extremely effective at creating a broad organisation of monks from all sects, ages, castes, and levels of seniority. This is a testament to both its organisational skill and to the broad mobilising potential of Sinhala nationalism.⁶⁹

While the JVP does not use *bhikkus* (Buddhist monks) in elections in the same way as the JHU, it maintains an affiliated organisation, the Jathika Bikkhu Peramuna (National Bikkhu Front), which often stages protests and hunger-strikes. In February 2007, members sat for several weeks in front of the Colombo town hall to protest the continuing existence of the ceasefire agreement.⁷⁰ The party has also won acceptance from at least some of the more established Sangha members. The senior leaders of the Asgiriya and Malwatte chapters⁷¹ were formerly hostile due to the JVP’s history of violence and militant-left rhetoric but relations have warmed considerably. JVP leaders now also receive the ceremonial blessings of the *Mahanayakes* (head priests) once exclusive to mainstream politicians.⁷²

4. JVP unions

Though all parties have affiliated trade unions, they have been a particularly vital resource for the JVP. Its largest support base is in student politics, where it controls the Socialist Students Union and the Inter-University Students

⁶⁴ See “Local Government Elections 2002” and “General Election 2001”, Centre for Monitoring Election Violence, Colombo.

⁶⁵ Crisis Group interview, Dr Vickramabahu Karunaratne, former member, Western Provincial Council, London, March 2007.

⁶⁶ Manel Mal is the Sinhala name for water lily. The movement’s emblem is a blue water lily, the national flower.

⁶⁷ Crisis Group interview, Colombo, December 2006.

⁶⁸ See, for instance, Iselin Frydenlund, *The Sangha and its Relation to the Peace Process in Sri Lanka* (Oslo, 2005); Tambiah, *Buddhism Betrayed?*, op. cit., pp. 95-101.

⁶⁹ See Sarath Amunugama, “Buddhaputra or Bhumi Putra? Dilemmas of Modern Sinhala Buddhist Monks in Relation to Ethnic and Political Conflict”, *Religion*, no. 21 (1991), 115-39.

⁷⁰ “Sri Lanka monks urge government to abrogate ceasefire”, 16 February 2007, available at www.colombopage.com/archive.

⁷¹ The Malwatte and Asgiriya chapters are the two branches of the Siyam Nikaya, the largest body of monastic orders which constitute the Sangha. The Siyam Nikaya is open only to the Govigama caste. The other two orders, the Amarapura and Rammana *nikayas*, were founded to enable the ordination of those from other castes. The govigama is Sri Lanka’s largest, but also traditionally considered the highest, caste.

⁷² David Rampton and Asanga Welikala, *The Politics of the South: A Thematic Study Towards the Strategic Conflict Assessment: Aid, Conflict and Peacebuilding in Sri Lanka* (Colombo, 2005), p. 31.

Federation (IUSF), through which rural and vernacular-educated students are recruited. The party has also expanded its reach into unions through the Inter-Company Employees Union and All-Ceylon Trade Union Federation (ACTU). The latter, with 82 affiliated unions in the public sector, plays an important role in organising strikes. In 2006 and 2007 the ports and health sectors were hit by stoppages organised or supported by the JVP. In August 2007, a JVP-sponsored railway strike collapsed when the UNP-allied rail workers union failed to support it.⁷³

The JVP's very effective social relief network was evident in the aftermath of the December 2004 tsunami and subsequent natural and man-made disasters.⁷⁴ The establishment of the *Sahana Seva Balakaya* (Relief Services Force) is an implicit recognition of the state's limited capacity to respond in a crisis as well as an attempt by the JVP to create structures that parallel but challenge NGOs, which are anathema to its state-driven vision of development and relief delivery.

5. What the JVP wants

The JVP's commitment to democratic process is often questioned by opponents, who cite as danger signs the thuggery of its campus politics,⁷⁵ its tendency to label political opponents as traitors⁷⁶ and its recent infiltration of the military. Perhaps the biggest question is whether the JVP has a coherent political program capable of responding to the various forms of marginalisation and injustice it claims to oppose.

It has been successful in organising around governance issues, including using parliamentary debates to condemn government corruption. It has also used control of the Tissamaharama municipal council to develop a more responsive system at that level, including introduction of new local services, the abolition of some taxes and the improved collection of others. Nationally, though, the JVP

is better at opposing perceived injustices than proposing coherent alternatives. It denounces a market economy, condemns "neo-imperial globalisation" and calls for workers' rights to be protected and wages increased but has no real plan for more equitable and sustainable economic development. Its economic policies consist of calls to "encourage local production",⁷⁷ harking back to an imagined prosperous past when indigenous production was practiced.

While demanding that the government increase wages and reduce the rapidly rising cost of living, the JVP is at the same time a vocal supporter of the government's increasingly high-tech, capital-intensive military efforts. Bitterly opposed to negotiations with the LTTE or constitutional changes leading to a federal system, it sees the demand for self-determination as inevitably leading to a "Balkanisation" suited to foreign interests and inimical to more equitable redistribution by the unitary welfare state.⁷⁸ As a result, its response to "the national question" is essentially limited to a military solution.

Despite its refusal to take seriously the devastation the war inflicts on Tamil civilians or to accept the existence of systemic discrimination against minorities, JVP leaders insist, "we stand for equality of all citizens. Many were surprised when they saw that we opposed the [June 2007] Tamil evictions from Colombo".⁷⁹ They are quick to distinguish themselves from the JHU, which they call "a racist party":

We're a secular party. We have never used religion for political purposes....We've always treated all three ethnic groups as equal citizens. We've always believed you need to distinguish between the Tigers and Tamils. The JHU on the other hand is talking about a Sinhala Buddhist country. This is unimaginable. It can't be accepted....We oppose Tamil chauvinism and Sinhala chauvinism both. We've always said the JHU shouldn't create a Sinhalese Prabhakaran [leader of the LTTE] to face a Tamil Prabhakaran.⁸⁰

⁷³ "Musings on a railway strike", *Lankanewspapers.com*, 29 August 2007, at www.lankanewspapers.com/news/.

⁷⁴ Rampton and Welikala, *Politics of the South*, op. cit., p. 30.

⁷⁵ JVP-affiliated student unions are well-known for violence and intimidation of groups which espouse contrary policies. In August 2007, for instance, JVP members are alleged to have violently broken up an anti-war campaign at Peradeniya University organised by the International Students for Social Equality. "Sri Lanka: JVP student leader physically threatens ISSE campus team", 9 August 2007, at www.wsws.org/articles/2007/aug2007/jvp-a09.shtml.

⁷⁶ See Jayadeva Uyangoda, "Social Conflict, Radical Resistance and Projects of State Power: The Case of Janatha Vimukthi Peramuna of Sri Lanka", in Markus Mayer, Darini Rajasingham-Senanayake and Yuvi Tangarajah (eds.), *Building Local Capacities for Peace: Rethinking Conflict and Development in Sri Lanka* (New Delhi, 2003), pp. 37-64.

⁷⁷ "Emphasis on the socio-political aspects of the budget", interview with Wimal Weerawansa, at www.jvp.srilanka.com/interview_with_wimal_weerawansa.htm.

⁷⁸ The JVP took a positive line on Tamil self-determination under Lionel Bopage, 1977 to 1983, but before and since has opposed Tamil nationalism. Crisis Group interview, Lionel Bopage, London, March 2007. See also Lionel Bopage, *A Marxist Analysis of the National Question of Sri Lanka* (Colombo, 1977).

⁷⁹ Crisis Group interview, JVP leaders Somawansa Amerasinghe and Vijitha Herath, Colombo, July 2007.

⁸⁰ Ibid.

C. THE JHU

The Sinhala nationalist project has not been confined to the poorer rural and urban voters from whom the JVP draws support. Its contemporary appeal to urban middle and upper classes can be seen in the rise of the Jathika Hela Urumaya (JHU), which first came onto the scene in 2000 in the form of the Sihala Urumaya (Sinhala Heritage) Party (SU). If the JVP is the left wing of Sinhala nationalism, the JHU is its right wing.

Although its central leaders, figures such as Champika Ranawaka, Udaya Gammanpila and Ven. Athuraliye Rathana, had links with the JVP in the 1980s and were active in the agitation against the Indo-Lanka Accord, the JHU is a very different from the JVP. These leaders split from that party in the 1990s and developed a new path in the eco-nationalism of the *Janatha Mithuro* (Friends of the People) and the extreme nationalist politics of the National Movement against Terrorism (NMAT), before finding a home alongside more elite partners in the SU.⁸¹

Unlike the JVP, the JHU is not a grassroots party but emerged, in the form of the SU, as a result of the mainstream parties' increasing alienation from the politics of Sinhala Buddhist nationalism. Tilak Karunaratne, formerly (now again) with the UNP, and S. L. Gunasekera of the SLFP were important elite figures in the SU's formation. The UNP's movement away from the Sinhala nationalist dynamics that underpinned it in the late 1970s and 1980s was particularly significant. Under Ranil Wickremesinghe, the UNP's traditional support of free markets took on an increasingly internationalist cast, advocating further integration into the global economy and reduced preoccupation with national sovereignty. This "resulted in the emergence of the SU/JHU because they wanted but were denied one thing: to be allowed to counterbalance a Sinhala nationalist project alongside Ranil's economic role".⁸²

Not surprisingly most voters who turned to the SU and then the JHU come from traditionally UNP constituencies in the urban and suburban middle classes, as opposed to the rural and urban poor who support the JVP. The SU fared badly in its first parliamentary elections, in 2000, winning only one seat from the national list and 1.47 per cent of the national vote. However, the election of the Wickremesinghe government in 2001 provided an ideal backdrop for its subsequent mobilisation.

At the 2004 parliamentary election, the SU was reborn as the JHU and fielded a full slate of candidates, all of them Buddhist monks.⁸³ Nine were elected. Many are known for involvement in high-profile religious events, often appearing on TV, and are used to living in cities despite their rural origins. In that respect, they are entirely consistent with the profile of "protestant Buddhism", providing a strong bridge between more modern, rationalist forms of Buddhist observance and the religious participation of the suburban and urban middle classes. Their 2004 platform advocated a *dharma raja* (just state/righteous kingdom) based on Buddhist principles as the answer to the nation's declining morals.⁸⁴ Bringing morality back into public life was one of its fundamental planks.⁸⁵

JHU policies also borrow considerably from the principles of *Jathika Chinthanaya* (National Consciousness), a political and philosophical movement that proposes "a radical indigenous alternative to both capitalism and socialism" and advocates defence of Sri Lanka's cultural heritage against global forces. The country's culture, the argument goes, provides a framework within which solutions can be found for its problems.⁸⁶ Even as JHU followers claim this cultural framework is common to all ethnic groups, the party makes clear that "the national heritage of a country belongs to the ethnic group that colonised and built its civilization and culture", which is to say, to Sinhalese and Buddhists.⁸⁷

The JHU's 2004 campaign also capitalised on the death of the Ven. Soma Thera, a telegenic Buddhist preacher who epitomised "protestant Buddhism" among the aspiring middle classes.⁸⁸ His death in Russia in 2003 was

⁸³ The majority of JHU *bhikkus* are from the Amarapura and Rammana *nikayas* and affiliated to suburban temples such as the Sri Vajiraghana in Maharagama (Colombo).

⁸⁴ Iselin Frydenlund, *The Sangha*, op. cit.

⁸⁵ The idea JHU monks would bring a new moral quality to political life was dealt a major blow when it was revealed at least one sold a car he had imported on a duty-free permit to a businessman for a million-rupee (\$10,000) profit. The JHU first denied the allegation, then pointed out that while technically illegal, what the monk did was not wrong since other MPs had been doing the same for years. The money, it was said, went to party coffers. In using and selling the car, the monk also violated *vinaya* (monastic rules). On the case and its political fallout, see Jayadeva Uyangoda, "The tale of a monk and his Mercedes in Sri Lanka", *Economic and Political Weekly*, vol. 42, no. 36, September 2007.

⁸⁶ Kanishka Goonewardena, "National Ideology in a Buddhist State", *Himal Southasian*, October-November 2007, www.himalmag.com/2007/october_november/national_ideology_buddhis_%20state.html.

⁸⁷ JHU 2004 election manifesto, undated pamphlet.

⁸⁸ Mahinda Deegalle, "Politics of the Jathika Hela Urumaya Monks: Buddhism and Ethnicity in Contemporary Sri Lanka", *Contemporary Buddhism*, no. 5 (2), 2004.

⁸¹ Rampton and Welikala, *Politics of the South*, op. cit., pp. 43-44.

⁸² Crisis Group interview, Gunadasa Amarasekera, intellectual close to the JHU, Colombo, December 2006.

officially declared due to a heart attack but it generated conspiracy theories that he had been killed by shadowy Christian elements. Tens of thousands of mourners lined the roads into Colombo to view his funeral procession, and public anger fed into a wave of anti-Christian sentiment, which included firebombings of churches and an attempt to introduce an “anti-conversion bill”, sponsored first by the JHU but later by the government. Ostensibly designed to target Christian NGOs and evangelical missionary organisations, the draft was eventually dropped, in part as a result of strong U.S. and other international pressure.

The JHU’s success in 2004 came at a time of dissatisfaction with the UNP’s defence of Sinhala rights and sovereignty and fears of Westernisation and cultural decline among some urban voters. Just prior to joining the government in late 2006, even some JHU leaders admitted they probably would not fare as well in a future election in a different context.⁸⁹ In a sense, the JHU has been too successful: it has shifted the SLFP, and perhaps the politics of the country in general, so far to the nationalist right as to undermine the rationale for its own existence.

It remains to be seen, however, how much a difference its presence in the SLFP-led government will make to its electoral future. Much will depend on the results of the government’s military campaign, which the JHU has long advocated. Joining the Rajapaksa government has certainly given the JHU greater legitimacy and public exposure and a significant policy-making role. The appointment of several key JHU leaders to government bodies has also given it means to consolidate power. Udaya Gammanpila, its legal adviser, is now chairman of the Central Environment Authority; Champika Ranawaka, its only MP who is not a monk, is the environment minister.⁹⁰

V. WHAT SINHALA NATIONALISTS BELIEVE

As a general rule, it is easier to see what Sinhala nationalists oppose (federalism, the Norwegian-facilitated peace process, the LTTE, terrorism and so forth) than their positive alternatives to resolve the country’s problems. Much of their energy has been taken up with combating Tamil views of the state. While Tamil nationalists generally argue that the state is irredeemably racist, in response Sinhala nationalists question the reality of Tamil grievances and argue that it is Tamil nationalism that is racist and mono-ethnic.

1. Sri Lankan Tamils are not a nation

Central to Sinhala nationalism is the denial that Tamils are a distinct nation or people deserving political recognition that requires a restructured state. The concept of Tamils as a separate nation is generally associated with their claims to an exclusive territory or homeland – “We have our own territory so we are a nation”, Tamil nationalists say. This explains Sinhala nationalists’ strong resistance to “federalism” or any proposals that would grant significant political autonomy to the north and east. To recognize Tamil rights to determine their own affairs, even within a united Sri Lanka, would be, they say, to accept the right of full self-determination. Any concession, it is feared, would whet appetites for more, and ultimately Tamils would seek separation and sovereignty. Hence the widespread Sinhala resistance to merging north and east into a single, Tamil-majority Northeast Province, a central demand of virtually all Tamil nationalists (even those aligned with the government).⁹¹

The insistence on federalism or other forms of autonomy is frequently dismissed as simply the desire of the Tamil elite to gain the political power that would flow from having their own territory. Average Tamils, the argument goes, have no interest in federalism. Udaya Gammanpila, a prominent lay member of the JHU, said, “the Tamil elite wants a political solution to enjoy power and the luxuries that come with being politicians. But ordinary Tamils only

⁸⁹ Crisis Group interview, Udaya Gammanpila, JHU legal affairs adviser, Colombo, December 2006.

⁹⁰ To allow Ranawaka to enter parliament and take up his ministerial post, the JHU general secretary, Ven. Dr Omalpe Sobitha Thero, resigned his national list seat in January 2007.

⁹¹ The rejection of federalism or extensive devolution is sometimes supported by historical arguments claiming to show that before colonialism all Sri Lanka was controlled by Sinhala kings, thus disproving the Tamil nationalist claim that the Northern and Eastern Provinces are the traditional “Tamil homeland”. Among the writings disputing the Tamil homeland claims is G. H. Peiris, “An Appraisal of the Concept of a Traditional Tamil Homeland in Sri Lanka”, *Ethnic Studies Report*, no. 9 (1), 1991.

want one thing – to be liberated from their so-called liberators [the LTTE]”.⁹²

More recently, the president and others have taken to claiming that 54 per cent of Tamils now live outside the north and east.⁹³ That figure – for which no evidence is given – is used to argue that devolution is not relevant, since many Tamils no longer have a connection to their supposed homeland and in any case prefer to live in the south, where a federal solution would not benefit them. That so many Tamils live outside the north and east is also offered as proof they are well treated by the government and the Sinhala majority. “There is no ethnic conflict”, Gammanpila said. “If you come to Colombo, you see every ethnic community living in harmony....Outside of the north and east, all communities are living in peace and harmony”. What all Sri Lankans suffer from, it is said, is not an ethnic conflict but terrorism, from which the government is doing its best to liberate Tamils, since they, more than any other group, suffer from the LTTE. “When we liberated the east”, Gammanpila said, “civilians came and flocked around the [armed] forces. They knew who their real liberators were”.⁹⁴

2. Tamil grievances

The nationalist position for the most part rejects Tamil complaints. “There are no real Tamil grievances”, said a

government official, “there are only Tamil aspirations”.⁹⁵ A nationalist commentator argued that:

Members of the Sri Lankan Tamil community, who today constitute less than 10 per cent of Sri Lanka’s population, keep reminding us of the need to address their grievances without specifically defining what these grievances are....Without clearly enunciating the problem, the Tamil community has come to the conclusion that the sources of their grievances is the structure of the state, and the mere transformation of the state into a federal structure, would somehow resolve their grievances.⁹⁶

The vision of a democratic, liberal Sri Lanka that treats all its citizens as equals continues to be defended strongly by most Sinhala nationalists. Gammanpila and the JHU maintain that “in Sri Lanka, everyone is equal before the law. Tamils have no right to self-determination or political independence but they have equal citizen rights and equal human rights”.⁹⁷ There is genuine bemusement among many Sinhalese at Tamil complaints of discrimination. They argue that earlier Tamil problems concerning education, language and employment have been corrected: university policies favouring Sinhalese are a thing of the past, Tamil is now an official language for official documents and signs, and Tamils have more than their proportionate share of state and private sector jobs.⁹⁸

These claims are formally accurate but ignore the history of discrimination and oppression, which governments have not adequately acknowledged, and that formal legal equality does not always translate into equal treatment in practice. It continues to be difficult for many Tamils to do government business in their language. Even in the Jaffna peninsula and Tamil areas of the east, official forms are more often than not in Sinhala. Few police stations, even in the north and east, have Tamil-speaking officers. Almost all government activities and many government signs, even in multi-ethnic Colombo, are only in Sinhala. Governments have promised to fix these problems but they persist.⁹⁹

Ongoing security force harassment is generally explained as the effect of the war and accompanying security measures. According to a senior official, “if the violence

⁹² Crisis Group interview, Udaya Gammanpila, JHU legal affairs adviser, Colombo, October 2007.

⁹³ President Rajapaksa, addressing the World Affairs Council in Los Angeles, stated that “54 per cent of Sri Lanka’s Tamil population now lives in areas other than the north and the east of the country, among the Sinhalese and other communities”. For full text, see Walter Jayawardhana, “President Rajapaksa appeals to civic groups in US to join his efforts to reconstruct east”, *Asian Tribune*, 29 September 2007, at www.asiantribune.com/index.php?q=node/7568. Accurate population figures for Sri Lankan Tamils are difficult to come by, given the 2001 census could not be held in the Northern and Eastern Provinces and given ongoing war-related displacements. Calculations are further complicated by the fact that many Indian or Up-Country Tamils categorised themselves as “Sri Lankan Tamils” in the 2001 census. Nonetheless, one can come to a rough estimate by combining the 2001 census data for Sri Lankan Tamils living outside the north and east – 622,961 – with figures for Tamils living in the north and east – 1,693,751 – compiled in 2004 by the Northeast Provincial Council from district secretariats’ data. Based on these figures, 27 per cent of the total Sri Lankan Tamil population lives outside the Northern and Eastern Provinces, not 54 per cent. Using the same combination of sources, the total of Tamils of all origins, including “Indian” or Up-Country Tamils, outside the north and east is approximately 47 per cent. Including “Indian Tamils” weakens the president’s point, however, since they have never been involved in the struggle for a Tamil homeland or autonomous region in the north and east.

⁹⁴ Crisis Group interview, Colombo, October 2007.

⁹⁵ Crisis Group interview, Colombo, December 2006.

⁹⁶ Neville Ladduwahetty, “Call to address ‘legitimate Tamil grievances’”, *Daily News*, 17 October 2006.

⁹⁷ Crisis Group interview, Colombo, October 2007.

⁹⁸ “The Facts about So-Called Discrimination”, at www.spur.asn.au/facts.htm

⁹⁹ The government’s intermittent efforts to address the problem have been unsuccessful due to lack of implementation mechanisms and political will. See “Two languages, one country”, *The Nation*, 23 September 2007.

stopped, the harassment would stop too".¹⁰⁰ This is true to a large degree but discounts the impact on Tamil society and the resentment of the militarisation of communal relations. There is no evidence of serious attempts to reduce the discriminatory effects of security policies.

The Sinhala nationalist concept of a land of liberal equality is ill-equipped to comprehend the continued inability of Tamils to receive justice for the many massacres and gross violations of human rights they have suffered at the hands of the security forces over the past three decades. Sinhalese have also suffered from the brutality of an unaccountable military and continue to suffer police abuse.¹⁰¹ Nonetheless, it is hard to maintain that the justice system fails all equally. There have been too many killings and disappearances of Tamils in which the legal system was unable to convict anyone despite overwhelming evidence of security force involvement.¹⁰²

3. Myth of one nation

Consistent with the vision of a liberal, "colour-blind" state is the argument that Sri Lanka is already one nation. In 2007 – as the army was clearing the Eastern Province of LTTE fighters at the cost of displacing hundreds of thousands of Tamil civilians – a government poster campaign in Colombo showed attractive children from all three major ethnic communities – Sinhala, Tamil and Muslim – accompanied by the slogan, "One nation, one people, one Sri Lanka". The suggestion that there exists a nation encompassing all its ethnicities and able to overcome all differences is particularly attractive for many liberal Sri Lankans tired of war and conflict.¹⁰³ The same approach was evident in discussion of the national cricket team. In response to Amnesty International's "Play by the Rules" campaign, which tried to use Sri Lanka's participation in the 2007 Cricket World Cup to raise awareness of the human right crisis, several voices objected, asserting that the team represented an already existing multiethnic identity.¹⁰⁴

¹⁰⁰ Crisis Group interview, Colombo, October 2006.

¹⁰¹ When Sinhala nationalists accept that Tamils have legitimate grievances, they are generally said to be what all citizens suffer, such as poor government services, a slow judicial system and insensitive police, not anything specific to being Tamil.

¹⁰² For a short list of prominent massacres of Tamils by state forces that reached the legal system but failed to result in convictions, see Crisis Group Report, *Sri Lanka's Human Rights Crisis*, op. cit., pp. 4-5.

¹⁰³ "One Nation, One People, One Sri Lanka, a Unique peace campaign", *Daily Mirror*, 12 March 2007, at www.kumar.rupesinghe.org/Article.aspx?ArticleID=100.

¹⁰⁴ The team's biggest star, Muttiah Muralitharan, is a Tamil of recent Indian origin. The team also included two Muslims and four Sinhala Christian players. All others were Sinhala and Buddhist.

While this approach has certain attractions, echoing more considered arguments for a civic nationalism rejecting both Sinhala and Tamil nationalist views, it is but a step away from a dangerous attempt to subsume Sri Lankan identity into a Sinhala identity that recognises some cultural differences but not the Tamils as a distinct community deserving political and legal recognition. A Sri Lankan identity overriding ethnic differences might be welcome but cannot be achieved while much of the state's symbolism and reality is Sinhalese.

Both the liberal "one nation" rhetoric and more obviously Sinhala nationalist defences of the state are blind to the symbolic marginalisation to which Tamils and Muslims are subject. State symbols are essentially Sinhalese. The flag is dominated by a lion wielding a sword, the ancient symbol of Sinhala kings; Muslim and Tamil communities are represented by two coloured stripes along the side. State ceremonies are intimately tied up with Buddhism; ministers regularly seek monks' blessings; each full moon is an official holiday. Coins and paper money show only Sinhala and Buddhist cultural objects and symbols. The military is imbued with Sinhala patriotism. Regiment names are taken from Sinhala kings: the Gemunu Watch, named after Duttugemunu, who defeated the Tamil king Elara, the Sinha Regiment, the Gajaba Regiment, and the Vijayabahu Infantry Regiment. Even the economic development plan for the newly "liberated" east is called in government statements by its Sinhala name *Negenahira Udanaya* (Rising of the East), though more than two thirds of those in the Eastern Province speak Tamil.

The exclusion of Tamils, Muslims and other minorities from collective state symbols is consistent with the majoritarian vision of democracy accepted by most Sinhalese and virtually all nationalists. Democracy means majority rule, even if that means a distinct, stable minority is unable to have any significant policy influence. On this view there is no need for or right of Tamils to be a majority with their own political power anywhere on the island, especially as this would likely result in restrictions on the freedom of Sinhalese to settle where they want. In practice, then, only Sinhalese have the right to be represented collectively, either politically, through elections and the political system, or symbolically, through state symbols, ceremonies and connections to Buddhism.

4. Sri Lanka as "Sinhale"

While Sinhala nationalists at times invoke the liberal vision of Sri Lanka as one nation, they have another, more troubling and explicitly exclusionary vision of the country as culturally Sinhala and Buddhist. That the cultural practices of most Sri Lankans come from Sinhala and Buddhist traditions is argued to give the state the right to institutionalise those practices in the political system and the society as a whole. The JHU's Gammanpila said:

We know there are English in England, French in France, Thai in Thailand, and Japanese in Japan. They are the people who created the civilization in those countries. This doesn't mean there aren't minorities in those countries. Likewise, Sri Lanka is the country of the Sinhalese and Sinhalese civilization was born in Sri Lanka. The British name Ceylon was derived from "Sinhale", which means land of the Sinhalese. What's the country for Tamils? They should also have a country. Everyone accepts that Tamils emigrated from India. Tamil Nadu means "land of the Tamils". No nation has two homelands. Tamils admit their civilization was born in Tamil Nadu, and they immigrated to Sri Lanka.¹⁰⁵

Tamils thus have equal rights, but must on this view remain content with being a minority on a Sinhala and Buddhist island. Rather than seeing Sri Lanka – and even Sinhala – culture as a complex co-creation, the JHU and other Sinhala nationalists propound a vision of "Sinhalese civilization" as separate, distinct and rightfully dominant in Sri Lanka. There can only be one civilization in any country, the argument goes, and in Sri Lanka it is Sinhala and Buddhist.

5. Sinhalese as a majority under siege

Strident versions of nationalist ideas permeate the heart of the present government. The denial that Tamils are a constituent people of Sri Lanka, the refusal to accept their claims of discrimination, and the repetition of dubious statistics can at times be explained away as products of cynical quests for power. But they also suggest a deeper psychological dynamic. The international emphasis on Tamil suffering has been viewed as one-sided, ignoring the historical problems faced by many Sinhalese.

A recurring theme in nationalist writings suggests it is not Tamils who are the targets of discrimination but Sinhalese. This mindset, which has led many scholars to characterise the Sinhalese as a majority with a minority complex,¹⁰⁶ explains some of the lack of confidence with which Sinhala nationalists approach minority issues.¹⁰⁷ The rise of the JHU and the growing appeal of Sinhala supremacist positions have much to do with the widespread view among Sinhalese that they are, regionally speaking, a threatened minority, potentially at the mercy of the 70 million Tamils in Tamil Nadu and their foreign supporters,

and thus in need of someone who can speak on their behalf and defend their rights.

This viewpoint draws on what is seen as the long history of excessive demands by Tamil nationalists, beginning with G.G. Ponnambalam's request for "50-50" representation in the electoral reform debates of the colonial Donoughmore Commission in the 1930s¹⁰⁸ and concluding with the demand for a separate Tamil Eelam, first by the Tamil United Liberation Front in the 1976 Vaddukoddai Declaration, then in the subsequent armed struggle. These have contributed to a feeling among many Sinhalese that Tamils are unreasonable on the ethnic issue.¹⁰⁹

Sinhalese fears grew stronger with the peace process, as the LTTE flouted the ceasefire and carried out political assassinations and child recruitment with impunity. The appeal of nationalist visions is partly due to their engagement with issues ignored by many liberal anti-nationalists. The Sinhala nationalist critique of the exclusive nature of some Tamil nationalist voices, its strong rejection of LTTE brutality and suppression of pluralism and its highlighting of human rights abuses suffered by Sinhalese, such as the expulsion of many from parts of the north and east in the early 1990s, resonate widely. Many of these issues have been glossed over in the liberal, pro-negotiation approach to the conflict; there has been insufficient understanding of the extent to which LTTE attacks, on Buddhist monks in 1987 for example, and on religious sites have deepened fears and exacerbated militancy.

¹⁰⁵ Crisis Group interview, Colombo, October 2007.

¹⁰⁶ See Kumari Jayawardena, *Ethnic and Class Conflicts in Sri Lanka* (Colombo, 1986).

¹⁰⁷ See Rajpal Abeynayake, "The Pharsees and the Sinhalese after Thoppigala", *Lakbima News*, 15 July 2007, for a recent thoughtful analysis of Sinhalese insecurities.

¹⁰⁸ Ponnambalam sought "balanced representation" in the State Council, with Sinhalese getting half of the seats and minorities, including Tamils, getting the other half. The demand, made in 1936, was put forward after Sinhala politicians formed an all-Sinhalese Board of Ministers. Jane Russell, *Communal Politics under the Donoughmore Constitution: 1931-1947* (Colombo, 1982).

¹⁰⁹ Some Tamil intellectuals also argue that the Tamil leadership has been unreasonable in its demands. See, for instance, M. Saravananthan, "In Pursuit of a Mythical State of Tamil Eelam", *Third World Quarterly*, vol. 28, no. 6 (2007), pp. 1185-1195.

VI. THE NEW NATIONALIST PROJECT

A. BUILDING A NATIONALIST MOVEMENT: JVP AND THE SLFP 2002-2005

The three and a half years of relatively stable ceasefire enabled a strong improvement in macro-economic indicators. Indeed, a central reason behind Wickremesinghe's pursuit of the peace process was to integrate Sri Lanka more tightly into the global economy.¹¹⁰ Recovery was to come in part from close cooperation with donors. The World Bank, the International Monetary Fund (IMF), the Asian Development Bank (ADB) and bilateral donors – particularly Japan, the U.S., and the European Union (EU) – pledged significant support for the peace process. The approach achieved immediate results, at least according to donor criteria: public expenditure and subsidy cuts reduced the budget deficit; economic growth, negative in 2001, was 5 per cent the next year; inflation fell from 14 per cent to 10 per cent by the end of 2002. The cut in defence expenditure and the rise in international trade and foreign investment pushed foreign exchange reserves up by a quarter, to \$1.7 billion, between December 2001 and December 2002.¹¹¹

However, as one analyst noted at the time, “for the rural masses, particularly the peasantry, there were no economic benefits that they could share. The peace dividend had not reached the poor and low income groups”.¹¹² The impressive economic development in the south mostly benefited only the immediate environs of Colombo. Combined with the reduction in government subsidies for staple goods, the less well-off faced rising living costs and were ripe for political mobilisation.

1. The Patriotic National Movement

It was in this context that the JVP played a crucial role in drawing together the forces of discontent under the banner of the Patriotic National Movement, the main vehicle for a combined assault on the UNF and the Wickremesinghe peace process. Established officially in 2003, the PNM grew out of public rallies a year earlier at which MPs from various parties criticised the ceasefire. Regular attendees

joining the JVP's Wimal Weerawansa on these platforms included Anura Bandaranaike and Mangala Samaraweera of the SLFP and MEP leader Dinesh Gunawardana. The PNM's success was a key element in the process that led to the UPFA coalition between SLFP and JVP which came to power in April 2004.

As early as June 2002, four months after the ceasefire was signed, Anura Bandaranaike of the SLFP and the JVP's chief leader, Somawansa Amarasinghe, met in London to start development of a common platform.¹¹³ With the SLFP's defeat in the 2001 parliamentary elections, failure of President Kumaratunga's war-for-peace strategy, economic collapse in 2000-2001 and undermining of presidential authority by the UNF during the Kumaratunga-Wickremesinghe “cohabitation”, the SLFP was in crisis. Riven by rivalries and with its party machinery in disarray, it was “tired, flabby and corrupt”¹¹⁴ and desperately in need of JVP help to oppose the government.

2. The United People's Freedom Alliance (UPFA)

Despite the reluctance of some members to undermine the peace process, the SLFP eventually joined with the JVP in a familiar example of ethnic outbidding. Their cooperation gathered strength as the peace process and the CFA grew weaker, particularly after the LTTE's presentation of its bold Interim Self Governing Authority (ISGA) proposal in November 2003.¹¹⁵ The JVP and SLFP charged that the peace process gave dangerous, undeserved recognition to an anti-democratic, terrorist organisation, that negotiating on the basis of those proposals would inevitably lead to the division of the country and that the Sri Lanka Monitoring Mission (SLMM) and the Norwegian mediators were failing to control or even criticise the LTTE effectively, leaving civilians at its mercy.

It was in the context of widespread Sinhalese fears about the direction of the peace process that President Kumaratunga used her executive powers in November 2003 to proclaim a state of emergency, suspend parliament and claim the defence, interior and mass communication portfolios for herself. These moves in effect suspended the peace process.

¹¹⁰ Jayadeva Uyangoda, “Three years after the ceasefire agreement: where have we gone?”, *Daily Mirror*, 18 March 2005. Wickremesinghe has been criticised even in his own party for too technocratic an approach to the peace process and to society and politics generally. Crisis Group correspondence, UNP activist, December 2006.

¹¹¹ Jayadeva Uyangoda, “Sri Lanka: A Fractured Mandate”, *South Asian Journal*, no. 5 (2004); J. Scott-Joynt, “Peace Pays in Sri Lanka”, BBC News, 18 March 2003.

¹¹² Jayadeva Uyangoda, “Sri Lanka: A Fractured Mandate”, *South Asian Journal*, no. 5 (2004).

¹¹³ Fredrica Jansz, “SLFP plagued with rivalries”, *Sunday Leader*, 9 June 2002.

¹¹⁴ “Foreign Minister Kadirgamar discusses the Sri Lanka experience”, *Colombopage News Desk*, 13 May 2004, at www.srilanka-botschaft.de/NEWSupdates_neu/Updates_2004/Updates_May2004/040513kadirE.htm.

¹¹⁵ The ISGA envisaged an absolute LTTE majority in a non-elected Interim Council for the north east, though it would include government and Muslim minority representatives. The Interim Council would have had plenary powers in the north east, financial autonomy, including the right to negotiate loans, control over government structures and an election commission.

After the failure of talks between representatives of the president and prime minister on a new mode of cohabitation and power sharing, the SLFP and the JVP announced formation of the UPFA coalition in January 2004.¹¹⁶ While the JVP had to compromise, the critique of the peace process that had been pursued on PNM platforms was a central element of the deal. The pact revived the SLFP's electoral chances, and in February 2004, citing "national security concerns" arising from the peace process, the president dissolved parliament, ending the two-year cohabitation between the UNP-led government and the SLFP president.¹¹⁷

The UPFA won a slender victory in the April 2004 elections, gaining 105 parliamentary seats but not a working majority. The JVP won 39 seats. Constrained by the terms of the SLFP/JVP coalition and the LTTE's negative response to it, attempts by the new government to revive the peace process made no headway. A failed suicide bombing that targeted a Tamil political leader and government minister in Colombo in July 2004 indicated that the LTTE was returning to its old ways, and by the end of the year rumours were circulating of an imminent return to war.

The peace process was given a new, fragile and ultimately temporary lease on life by the tsunami on 26 December 2004. The scale of the disaster and the urgent need to respond across dividing lines led many to hope the peace process could be revived. Norwegian mediators and donors hoped in particular that communication and cooperation between the government and the LTTE could be rebuilt in an aid-sharing mechanism.

After nearly six months of dispute, an agreement to establish the Post-Tsunami Operations Management Structure (P-TOMS) was signed in June 2005 by Kumaratunga and the LTTE. It was very much the president's project, not the government's or the UPFA's as a whole, and this final glimmer of a chance for peace disappeared when the Supreme Court, responding to a JVP/JHU suit, blocked its implementation, arguing that portions of the aid-sharing mechanism that dealt with LTTE involvement were unconstitutional. Weeks earlier, immediately after the agreement was signed, JVP ministers

had resigned, and the party had withdrawn support from the government, thus ending the UPFA coalition.

3. The 2005 presidential election

The cooling of JVP-SLFP relations was short-lived, however, thanks to the Supreme Court's surprise ruling that President Kumaratunga's term would expire in November 2005, rather than 2006 as she maintained. That precipitated a struggle for the SLFP leadership that Prime Minister Mahinda Rajapaksa quickly won. The JVP and JHU were called on to provide grassroots support and populist muscle for his presidential campaign.¹¹⁸

Rajapaksa cemented nationalist support by signing separate pre-election agreements with those two parties. These committed him to reject the P-TOMS and ISGA, amend the CFA, consider replacing the Norwegians as mediators and reject a federal framework for a peaceful settlement of the conflict while agreeing with the JVP to "protect, defend and preserve the unitary nature of the Sri Lankan state under any solutions to be presented, formed or formulated".¹¹⁹ The agreement with the JHU further denied the principle of self-determination and rejected any reference to historical and traditional boundaries of ethnic groups in the formulation of state policy.¹²⁰

With hindsight, it was significant Rajapaksa signed an agreement with the JHU and not just the JVP. Though many commentators saw the electoral alliances as familiar, cynical political manoeuvring, the decision to join with both parties signalled the degree to which the Kumaratunga-led SLFP's more moderate, pro-devolution positions of the 1990s and early 2000s had run their course. The party, or at least its leadership, was returning to its nationalist roots.

B. THE MAHINDA VISION AND THE NEW REGIME

He is our President – He is next to King Dutugemunu!
Poster slogan, Colombo, 2006

When he came to power in November 2005, there were two dominant views of Rajapaksa. The first suggested he was a Machiavellian pragmatist, who had used the

¹¹⁶ The constituent parties of the UPFA were the SLFP, JVP, Mahajana Eksath Peramuna (MEP), Lanka Sama Samaja Party (LSSP), Communist Party, Sri Lanka Mahajana Pakshaya (SLMP), National Unity Alliance (NUA), Democratic United National Front (DUNF) and Desha Vimukthi Janatha Peramuna (DVJP, National Liberation People's Front).

¹¹⁷ Kumaratunga expressed regret at the decision to hold elections and form the alliance with the JVP in 2004, calling the latter "a big mistake". See "President has decided to harass me continually", *The Sunday Leader*, 12 November 2006.

¹¹⁸ Rajapaksa was able to end the Bandaranaike family's 50-year hold over the SLFP thanks in part to support from the two Sinhala nationalist parties. As opposition leader (2001-2004), he was careful to avoid appearing on Sinhala nationalist platforms with the JVP and was not known as a particularly strong nationalist. This suggested to many his JVP/JHU alliance was pragmatic.

¹¹⁹ Gangani Weerakoon, "Mahinda agrees to cancel P-TOMS deal", *Daily Mirror*, 6 September 2005.

¹²⁰ "No self-governance, no P-TOMS, no homeland", *Daily Mirror*, 14 September 2005.

nationalists to win an election but would pursue his own more moderate agenda. The second claimed he was at heart a nationalist, and the alliances with the JVP and the JHU reflected his own beliefs about how the conflict should be solved. Both views may have been correct. Rajapaksa has parted with the JVP, and he refused to dismantle the ceasefire agreement or end Norway's role, as the JVP demanded. But in launching a military campaign against the LTTE and refusing to develop a political approach to the conflict, he has largely implemented, and in some areas surpassed, the key nationalist planks.

From the start of the election campaign JVP and JHU influence was evident. The Mahinda Chinthana ("The Mahinda Vision") manifesto was a list of vague promises, characterised by sweeping assertions rather than concrete policy proposals. It contained conservative policy prescriptions for everything from disciplining society, creating virtuous citizens and restoring family values, to strengthening the state and aiding agriculture and the landless, as well as for infrastructure development, foreign policy and constitutional reform. In the spirit of the nationalist project, it questioned the framework of the UNF-sponsored peace process; criticised "foreign countries unnecessarily intervening into our internal affairs" in the name of peace; and stated that in the quest to develop a "national consensus" on solving the conflict "the sovereignty of Sri Lanka, the territorial integrity, the unitary structure of the State... would be preserved", and the consensus would be subject to a referendum. The manifesto also suggested replacement of the Norwegian mediators by India or another Asian power.¹²¹

The manifesto has since taken on a life of its own, such that when people refer to it, they often mean not so much to the specific pledges as the overall style and content of the Rajapaksa government and its apparent key tenets, such as the unitary character of the state and the desire for more homegrown economic development. However, it has also become shorthand for the growth of a new dynasty, in which Rajapaksa has increasingly sought to embody the Sinhala nation in his own self and to pursue a political style characterised by a closed circle of advisers made up of his immediate family and politicians and bureaucrats drawn from Sinhala nationalist circles.

The government is not a coherent decision-making body but a coalition of widely divergent parties constructed to ensure that Rajapaksa has a majority in parliament. To that end, almost every member of the coalition has been given a job or title: 107 MPs have a portfolio of one sort or other¹²² but most government members have no control

or influence over policy except for the very narrow sector they directly oversee.

Rajapaksa himself holds the most important ministries: finance, defence, and nation building. A brother, Gotabhaya Rajapaksa, is defence secretary and, with the army commander, Sarath Fonseka, the chief architect of military strategy. Another brother, Chamal Rajapaksa, is minister for fisheries, water resources and ports and aviation. Basil Rajapaksa, the fourth brother, is widely seen as the chief political strategist and deal-maker; after two years as a highly influential special presidential adviser, he was appointed in September 2007 to a vacant SLFP parliamentary seat and is expected to be named a minister soon. According to one estimate, some 75 per cent of government revenues are under the control of the president and his brothers.¹²³

The cabinet as whole (now 52) has only limited influence over the war and key government business. Instead, a small coterie around the president appears to dominate a rather ad hoc decision-making process. The defence establishment seems particularly influential, allowing little scope for civilian ministers to control broader war policy. In part for these reasons, it has been relatively easy for key nationalist advisers to outflank more moderate ministers and influence policy. The JHU environment minister, Champika Ranawaka, is widely acknowledged to be powerful, while more traditional SLFP ministers are reportedly excluded from significant decisions.

Bypassing most legitimate and accountable decision-making bodies, the Rajapaksas have created a highly personalised, authoritarian regime, in which extreme nationalist views are widely accepted. This is a change from previous administrations, which had been forced to adopt highly nationalist stances by the dynamics of party politics or in response to mobilisation by non-party forces such as Buddhist monks. The discourse and logic of Sinhala nationalism are central to Rajapaksa's governance and conduct of the war. This was not so predictable from his earlier political career, and the international community has perhaps been too ready to believe in his public expressions of commitment to finding a southern consensus for peace.

¹²¹ "Mahinda Chintana: Towards a New Sri Lanka", p. 32 at www.mahindarajapaksa.com.

¹²² This includes 52 cabinet ministers, 35 non cabinet ministers,

and 20 other deputy ministerial positions. Figures available at the government's official website, www.priu.gov.lk.

¹²³ "Rajapaksa brothers increase their wealth: UNP", Lanka newspapers.com, 18 May 2007 at www.lankanewspapers.com/news/2007/5/15002.html.

VII. THE MYTHICAL SOUTHERN CONSENSUS

The Rajapaksa government has been adept at maintaining several different public images simultaneously. While nationalist at its core, it has made gestures to address the old goal of achieving a southern consensus on peace. Two classic approaches have been tried, so far unsuccessfully. The first was a proposed deal with the opposition UNP, designed to produce cross-party agreement on the ethnic conflict and other controversial policies. The second is an all-party conference to bring together all non-LTTE political forces on a political solution to the conflict.

A. THE SLFP-UNP MEMORANDUM OF UNDERSTANDING AND THE UNP CROSSOVERS

As outlined above, a central problem for any government desiring to address Tamil grievances by constitutional and/or power-sharing proposals, either in its own right or as part of a deal with the LTTE, has been opposition resistance. Many analysts, diplomats and donors concerned with peaceful resolution of the conflict have suggested a way out of the ethnic outbidding which has afflicted the two-party system might be to encourage cross-party dialogue and ultimately agreement on state reform.¹²⁴ The government had various reasons to be interested in such a deal in 2006 but with hindsight its primary concern was to preserve its fragile parliamentary majority.¹²⁵

Negotiations on a UNP-SLFP deal began in earnest in September 2006. An early draft of a memorandum of understanding (MOU) proposed a system in which executive committees would have substantive powers, and SLFP ministers would be helped by UNP deputies in key areas, including the ethnic issue, electoral reforms, good governance, social policy and welfare, nation building and youth empowerment. The text signed in late October 2006 defined some areas clearly, including the war, electoral reforms, good governance and social development, but contained no detail on how the MOU

would actually operate, only a “proposed structure for collaboration.”¹²⁶

The failure to agree in advance on a precise framework suggested a lack of political will for implementation. A disillusioned UNP politician said, “the MOU doesn’t have sufficient substance or content, and it has made little if any practical difference at all on the ground. Especially after all the hype and euphoria, no real convergence has occurred.”¹²⁷ For Rajapaksa, the MOU had very few costs, since it gave the opposition no real decision-making power and insulated him from criticism, because at least officially the UNP was now on board. The UNP was rendered mute, less critical than the government’s official allies, the JVP and JHU. The MOU also gave Rajapaksa a concrete example of his commitment to peacebuilding to show donors.

The UNP leadership largely saw the MOU as a way to halt the time-honoured defection of members of the defeated party to the government. It is doubtful Ranil Wickremesinghe actually ever thought the MOU was a “truly historic” pact of “immense importance” which “replaced the politics of confrontation, which has been the bane of our nation, with inclusiveness”, as he later claimed.¹²⁸ The hope was that the veneer of cooperation and vague promise of a share in power would stabilise the increasingly faction-ridden party and restrain the desire of many – frustrated by his continued control – to defect. That hope quickly proved unfounded, in large part because the MOU provided no opportunity for senior UNP politicians to access the ministerial reservoirs required to water their clientelist gardens.

After a failed attempt to mount a coup against Wickremesinghe’s leadership, eighteen UNP deputies crossed the floor of the house in January 2007. Some were former SLFP stalwarts, including Mahinda Wijesekara and G.L. Peiris, the latter an architect of the SLFP’s devolution proposals in the late 1990s and chief negotiator in the 2002-2005 peace initiative. Additionally, the government gained support of the Sri Lankan Muslim Congress (SLMC). The JHU – no friend to either the UNP or the SLMC – chose the same moment to join the government officially.

Rajapaksa had also been negotiating with the JVP to join but talks broke down, ostensibly over the government’s refusal to abrogate the CFA and end the Norwegian

¹²⁴ Previous attempts to reach a “southern consensus” have included the Parliamentary Select Committee headed by Mangala Moonesinghe (1991-1993), The Liam Fox Agreement (1997), a Parliamentary Select Committee for multi-party constitutional negotiations (1995-2000), and the Chandrika-Ranil talks (December 2003).

¹²⁵ With hindsight, late 2006 was a particularly bad time to attempt such a consensus. The SLFP was being taken over by hardline elements, partly in response to the LTTE’s undeclared war, and Wickremesinghe’s hold on the UNP was weakening due to dissatisfaction with a string of defeats and lack of internal party democracy.

¹²⁶ Memorandum of Understanding between the Sri Lanka Freedom Party and the United National Party, 23 October 2006, full text available at www.srilanka-botschaft.de.

¹²⁷ Crisis Group interview, UNP representative, Colombo, December 2006.

¹²⁸ “Ranil: SLFP-UNP pact over, dark times ahead”, Tamilnet.com, 7 February 2007.

mediation. With the announcement of the crossovers from their arch-rivals the UNP, the JVP shifted gears. Denouncing what it claimed was the government's turn away from its election promises, as well as the inflated number of ministers and deputy ministers, it joined the opposition. That suited Rajapaksa, who had a parliamentary majority without the JVP and was no longer dependent on the most volatile of his former allies.¹²⁹ He also faced a more fractured, ineffective opposition than he would have with a united UNP. Made up of the UNP (43 seats), the JVP (37),¹³⁰ and the pro-LTTE Tamil National Alliance (TNA, 22), the opposition could hardly be more ideologically and practically divided.¹³¹

By accepting the UNP crossovers, the government killed the inter-party MOU. But in retrospect that document was little more than a temporary compromise reached for the narrow objectives of both participants, including the need to maintain a positive international image of commitment to finding a bipartisan political solution.

B. THE ALL-PARTY REPRESENTATIVE COMMITTEE

While the MOU never really had much chance of generating a southern consensus, to many an alternative process seemed to offer greater grounds for optimism. In January 2006 the government convened an All-Party Conference (APC) to "fashion creative options that satisfy the minimum expectations ... as well as provide a comprehensive approach to the resolution of the national question".¹³² The initial work of designing the consensus proposal was delegated to an All-Party Representative Committee (APRC), chaired by Minister Tissa Vitarana, head of the left-wing LSSP, and advised by an experts panel of

seventeen public servants, scholars and lawyers appointed by the president.¹³³

Whether or not, as some have claimed, the APRC "was foisted on Mahinda Rajapaksa by the international community, including the EU, as part of the deal for implementing the LTTE ban",¹³⁴ it is clear that international supporters of the government have actively encouraged it. Considerable Indian pressure at crucial times has been particularly important in preventing collapse and ensuring at least some progress.¹³⁵

However, something like the APRC was suggested in Rajapaksa's campaign manifesto, which stated he would "commence extensive discussions with all political parties represented in Parliament", in keeping with an "undivided country, a national consensus and an honourable peace".¹³⁶ One APRC aim was to avoid an exclusive drafting process. By bringing in potential spoilers and Sinhala nationalist parties that might otherwise be opposed to serious reforms, it was thought to have a better chance to build the long-sought southern consensus for peace.

In fact, the APRC never included all parliamentary parties, not even all such Sinhala parties. The pro-LTTE TNA, for instance, was not invited. More damaging to the possibility of a southern consensus have been the roles of the UNP and the JVP. The UNP opted for limited, sporadic participation and withdrew formally at the end of August 2007; the JVP abandoned the process mid-way, ostensibly in protest at procedural flaws.¹³⁷ Given the government's evident lack of enthusiasm¹³⁸ and the slow pace, expectations have generally been low, even as some have tried to make the most of the APRC for lack of any other public process that encourages a political solution.

¹²⁹ The new MPs lessened the impact of the departure of Foreign Minister Mangala Samaraweera, who lost his portfolio in a cabinet reshuffle following the crossovers. He left the government and formed an SLFP splinter group now allied with the UNP.

¹³⁰ This number excludes the JVP dissident Nandana Gunatilleke.

¹³¹ In May 2007 a UNP member returned to the opposition. Together with the two-member SLFP-M faction, led by Samaraweera, the opposition today totals 108.

¹³² "Seeking a Political and Peaceful Settlement of Conflict", www.peaceinsrilanka.org/peace2005/Insidepage/SCOPP_Daily_Report/SCOPP_report130707.asp. Rajapaksa's made more promising remarks at the APRC's first session, urging it to begin "formulating the framework of a political solution to the ethnic conflict by way of the greater devolution of power in an undivided country". "All Party Committee to prepare framework of political solution", 2 June 2006, at www.priu.gov.lk/news_update/Current_Affairs/ca200606/20060602all_party_conferenc_e.htm.

¹³³ Rajapaksa invited representatives of fifteen parties, excluding the TNA, to participate in the All-Party Conference (APC). The first meeting was held on 19 January 2006. In June 2006 he established the All-Party Representative Committee (APRC), with one nominee of each party in the APC. The APRC will present its proposals to the APC.

¹³⁴ Crisis Group interview, SLMC representative, Colombo, December 2006.

¹³⁵ See D.B.S. Jeyaraj, "Constitutional Reform for the Republic of Sri Lanka", *Himal SouthAsian*, February 2007, at www.himalmag.com/2007/february/analysis3.htm.

¹³⁶ "Mahinda Chintana", at www.mahindarajapaksa.com/MahindaChinthanaEnglish.pdf.

¹³⁷ Fourteen parties have participated in the APRC at some point: SLFP, UNP, JVP, JHU, SLMC, CMC, MEP, LSSP, Communist Party, All Ceylon Muslim Congress, EPDP, Up Country People's Front, Western People's Front and the National Congress.

¹³⁸ It was obvious, for instance, that the government's acceptance of the UNP crossovers in January 2007 would jeopardise UNP participation in the APRC and reduce the likelihood of reaching a real southern consensus.

1. Majority and minority reports

What progress there has been has often seemed directly related to the pressure on the government from India and other foreign powers. In reaction to a 15 December 2006 deadline reportedly set by Delhi, the APRC produced two major proposals that provoked much discussion when leaked to the press. The “majority report”, signed by eleven Sinhala, Tamil, and Muslim members, was greeted with surprise by those in the federalist camp, who had not expected such extensive devolution, power-sharing, and rights-protection proposals, including:

- ❑ a second chamber of parliament with representation from the provinces;
- ❑ two vice-presidents, from ethnic communities other than the president’s;
- ❑ recognition of local government as an independent level;
- ❑ clear demarcation of subjects between the provincial and national levels;
- ❑ autonomous zonal councils for Up-Country Tamils;
- ❑ asymmetrical (increased) devolution for the north and east relative to the rest of the country; and
- ❑ options on the contentious issue of a merged or demerged Northeast Province.¹³⁹

The “minority report”, signed by four Sinhalese known for their nationalist views,¹⁴⁰ proposed the province as the unit of devolution and recognised second and third tiers of local government, including a modified *panchayat* system (decentralised village government as in India). Its vision of devolution was much more limited, however, reserving considerably more powers to the centre, explicitly rejecting devolution on a language or ethnic basis, recommending demerger of the Northeast Province and proposing territories to be controlled by the centre for security reasons.¹⁴¹

The unauthorised release of the reports – and especially that the “majority report” in essence proposed a federal solution – caused a political uproar. Not wishing the “majority report” to be perceived as its position, the Rajapaksa administration quickly distanced itself, arguing

that it had been deliberately leaked and misrepresented to undermine the government.¹⁴² The JVP rejected the proposals as separatist and withdrew from the APRC in protest on 12 December. From its perspective, Rajapaksa had been elected on the basis of the manifesto and so had a mandate to pursue any constitutional reforms only within the framework of the unitary state.¹⁴³ It said, however, it would return to the APRC if the government rejected the “majority report”.¹⁴⁴

In response to the protests and criticism, Chairman Vitarana prepared a consensus document incorporating major elements of the two reports, which he showed the president on 8 January 2007. It included most of the key features of the majority paper, rejected the “unitary state” concept and contemplated peace talks with the LTTE to determine the merger of the Northern and Eastern Provinces.

2. SLFP proposals and Vitarana’s progress

After long delays and much pressure from Delhi, the SLFP submitted proposals to the APRC in May 2007. While claiming they took a “fresh approach”, they were roundly criticised for turning the clock back to 1980, ignoring subsequent progress in constitutional discourse. In addition to keeping what they called the “unitary” structure of the state, they proposed the district as the proper unit of devolution, returning to the ideas of various governments prior to the Thirteenth Amendment in 1987.¹⁴⁵ They thus failed to recognise the central Tamil demand, to be recognised as a constitutive community, which requires at a minimum the province as the unit of devolution.

The proposals were also disappointing in other ways. They ignored the issue of the merger of the north and east, a fundamental demand of Tamil parties; maintained the “foremost place” for Buddhism in the constitution; and while including a second parliamentary chamber ostensibly to provide regional representation at the centre, provided that the president would appoint the majority of its

¹³⁹ The proposals also included several safeguards to ensure accountability, such as a constitutional court to guarantee genuine power sharing between centre and provinces. Other positive recommendations were for a comprehensive bill of rights, including socio-economic rights, and the extension of fundamental rights jurisdiction to each province appeals court. For the full text of the “Preliminary Report of Sub-Committee A of the APRC”, see <http://csa-chennai.org/full%20text.pdf>.

¹⁴⁰ H.L. de Silva, Gomin Dayasiri, Prof G. H. Peiris, and Manohara de Silva.

¹⁴¹ “Interim Report of Sub-Committee B, APRC”, December, 2006, copy on file with Crisis Group.

¹⁴² See Tisarane Gunasekera, “Repeat Performances?”, *Asian Tribune*, 17 December 2006. According to a member of the experts panel, the president’s dismay was due in part to the fact that he had given his word to the Indian government that he would accept whatever it recommended. Crisis Group interview, Colombo, October 2007.

¹⁴³ Crisis Group interview, JVP leaders Somawansa Amarasinghe, Tilvin Silva and Vijitha Herath, Colombo, December 2006.

¹⁴⁴ Mandana Ismail Abeywickrema, “JVP pulls out of APRC”, *The Morning Leader*, 13 December 2006.

¹⁴⁵ The SLFP proposals were described as “13th amendment minus, minus”. Rohan Edrisinha, “The Sri Lanka Freedom Party’s Breathtaking Proposals on Constitutional Reform”, *Groundviews*, 5 May 2007, at www.groundviews.org/2007/05/05/the-sri-lanka-freedom-party%E2%80%99s-breathtaking-proposals-on-constitutional-reform/.

members. In numerous other ways, too, they would continue to vest enormous power not only in the centre, but specifically in the president, thus undermining the central purpose of the APRC process, to work out a consensus for the maximum devolution of power within a united Sri Lanka.

A majority of APRC parties, including the UNP and all Tamil groups, rejected the SLFP proposals. V. Anandasangaree, leader of the Tamil United Liberation Front (TULF), speaking on its behalf as well as two smaller Tamil parties, said, “the SLFP proposals, instead of taking the peace process forward, have made it difficult to find a reasonable solution”.¹⁴⁶ The UNP threatened to withdraw from the APRC by the end of August unless a consensus, endorsed by the government as a whole, could be reached.

In response to this timetable, there was a flurry of activity, as Vitarana, with the support of the minority and left parties, sought to hammer out a consensus.¹⁴⁷ Although some had declared the APRC “as good as dead”,¹⁴⁸ significant progress was achieved as the UNP deadline approached. According to Vitarana, agreement was reached on many important issues, such as the province as the unit of devolution, abolition of the concurrent list (which has been used to weaken provincial powers), and power sharing at the centre through a second chamber of parliament.¹⁴⁹ There also appeared to be agreement to drop the reference to the “unitary” character of the state.

Concerned that the APRC was heading towards a final document that would in effect propose a federal solution, the nationalist parties briefly brought proceedings to a halt to give their leaderships time to regroup.¹⁵⁰ Rajapaksa, too, was threatened by the possibility, especially since he had publicly promised to abide by the APRC decisions.¹⁵¹ In response, he is widely reported to have convened a

meeting with the leaders of the APRC parties, including Muslim, Tamil and left parties, all of whom are ministers in the government, and pressured them into agreeing that the APRC proposal would maintain the state’s unitary structure.¹⁵² With the president clearly not wanting the APRC to release its final text until after the budget is voted on in mid-November 2007, the APRC has resumed a more modest pace. The final package of proposals is now expected only in early 2008.¹⁵³

Vitarana, nonetheless, maintained that “deliberations at the APRC are going on smoothly while agreement has been reached on many issues”¹⁵⁴ and expressed hope that President Rajapaksa would resume peace talks with the LTTE once the APRC’s report was ready.¹⁵⁵

3. Unitary, federal or neither?

According to reliable reports from those involved with the APRC, the only major issues that remain are the structure of the state and certain specific powers to be allocated to each of three levels of government.¹⁵⁶ Of these, state structure is the key. So long as Rajapaksa and the SLFP insist any devolution remain within a unitary state framework, it is hard to see how any APRC proposal can play a useful role in resolving the conflict. The “unitary” state is a deal breaker for all Tamil parties, even those aligned with the government. The TULF’s Anandasangaree, for instance, has clearly stated that after “decades of conflict, deaths, destruction, suffering and debates about constitutionalism, the ‘unitary’ state will not be acceptable to the Tamil and Muslim people....A ‘unitary’ proposal will kill the hopes of those who have placed so much faith in the APRC”.¹⁵⁷

Minorities, especially Tamils, have long advocated a federal state to enable substantive devolution to the regions, as well as to establish regional representation at the centre. The unitary nature of the constitution, preserved in Article 2 and other clauses,¹⁵⁸ has been interpreted to prevent such

¹⁴⁶ Franklin R. Satyapalan, “Three Tamil Parties Reject SLFP Proposals”, *The Island*, 1 May 2007.

¹⁴⁷ D.B.S. Jeyraj, “President Imposes Unitary State Structure on the APRC”, 3 September 2007, at www.federalidea.com/focus/archives/146.

¹⁴⁸ Interview with R. Sampanthan, TNA deputy, *Sunday Times*, 19 August 2007.

¹⁴⁹ D.B.S. Jeyraj, “The APRC Conclave and the Cold War Between Hawks and Doves”, 17 August 2007, at www.federalidea.com/focus/archives/139.

¹⁵⁰ “MEP, JHU to return to APRC”, *The Sunday Times*, 16 September 2007.

¹⁵¹ A budget defeat would mean mandatory general elections. Since the JVP said it would oppose the budget if the government endorsed the APRC’s federal proposal, the president’s power was potentially at risk, though most analysts believe the JVP would be unlikely to carry out its threat lest the UNP come to power. But that threat gives Rajapaksa an excuse for resisting the APRC proposal. Suranga Gamage, “JVP warns govt. it will oppose budget if APRC proposal accepted”, *The Island*, 23 August 2007.

¹⁵² “APRC put on backburner as MR revises his UN strategy”, *The Nation*, 23 September 2007.

¹⁵³ “Sri Lanka looking beyond terrorism: a road map to peace”, address by Rohitha Bogollagama, minister of foreign affairs, Johns Hopkins University School of Advanced International Studies, 4 October 2007, <http://slembassusa.org>.

¹⁵⁴ Sadun A. Jayasekera, “APRC to come to consensus soon”, *Daily Mirror*, 2 October 2007.

¹⁵⁵ Sandun A Jayasekera, “Prof. Vitharana hopes for peace talks soon”, *Daily Mirror*, 29 August 2007.

¹⁵⁶ Crisis Group interviews, Colombo, October 2007.

¹⁵⁷ V. Anandasangaree “The unitary state will not be acceptable to Tamil and Muslim people”, 12 September 2007, at <http://federalidea.com/focus/archives/date/2007/09/12/>

¹⁵⁸ For instance, Article 76 (1), which states that “Parliament shall not abdicate or in any manner alienate its legislative power and shall not set up any authority with any legislative power”.

arrangements, with provincial bodies deemed subordinate to the central government on all matters.¹⁵⁹ Inclusion of the unitary label in an APRC proposal would open the door for constitutional drafters to water down its provisions for devolution in the name of preserving the state's nature. Similarly, if a new constitution retained the unitary definition, whatever power-sharing mechanisms it might contain would be vulnerable to restrictive Supreme Court rulings.¹⁶⁰

Minority parties, both Tamil and Muslim, and their allies in the left parties, have already made significant compromises in the APRC negotiations. They have agreed, for instance, not to demand the re-merger of the Northern and Eastern Provinces but instead to leave the issue for further negotiations. They have also agreed to accept the special place accorded Buddhism under the present constitution and not to insist on the constitution being explicitly labelled federal.¹⁶¹ To expect them to accept devolution within a unitary state, however, would almost certainly be asking too much. A Tamil party supporting this would lose all credibility with its voters.

4. The UNP's "repositioning"

In a 28 September statement, "UNP for a Credible Power Sharing Arrangement without Federal or Unitary Labels", the party announced that "long-lasting peace is possible only through a negotiated political solution based on credible power sharing proposals acceptable to all communities".¹⁶² The new position is clearly an attempt to distance itself from the unpopular term "federalism" and part of a broader shift from the approach it adopted during the peace process. What exactly the party is proposing instead is unclear. Coming two days after a UNP spokesman announced the party was "repositioning" itself and clarified that it did not favour a federal solution,¹⁶³ many viewed the statement as the latest capitulation by a southern party to Sinhala nationalist opposition to federalism and

devolution.¹⁶⁴ It has also been read by many as a move to win JVP support for efforts to topple the government.¹⁶⁵

There is, however, a more positive interpretation. The content of the UNP's newly elaborated position in no significant way contradicts its previous public positions. Endorsement of "credible power sharing between the national government, Regional/Provincial Councils and Local Authorities", including guarantees the centre will not encroach upon powers of the regions, is consistent with the broad outlines of a federal constitution. The statement nowhere endorses a unitary state – its title states a desire to avoid both federal and unitary labels. In this, it is in line with Chairman Vitarana's position, as well as that of a public letter from intellectuals and activists, mostly Tamil and Muslim, calling on Rajapaksa to abandon both labels in any constitutional proposals he makes.¹⁶⁶ This is a position subsequently endorsed by the U.S. ambassador and other internationals.¹⁶⁷

5. The way forward

For its move to have any positive effect, the UNP will need to change its approach and engage with the APRC process. Ideally the party would join the final stages of those negotiations; at least it should express willingness to be a full partner in the subsequent All-Party Conference and to support any changes to the constitution necessary to enact "credible power sharing proposals acceptable to all communities".¹⁶⁸ To date, however, it still dismisses the APRC process as merely a political exercise by the Rajapaksa government to please the international community.¹⁶⁹

¹⁵⁹ "In Re the Thirteenth Amendment to the Constitution and the Provincial Councils Bill", 1987, 2 SLR 312.

¹⁶⁰ For a contrary view, see H. L. De Silva, "The Controversy Concerning the Unitary State", *The Island*, 26 September 2007.

¹⁶¹ D.B.S. Jeyraj, "APRC put on backburner as MR revised his UN strategy", *The Nation*, 23 September 2007.

¹⁶² "UNP stands for credible power sharing", *Sunday Leader*, 30 September 2007.

¹⁶³ First announcing the shift two days before the official statement was released, UNP MP Ravi Karunanayake said the party had never actually advocated federalism, and the belief it had was a media misrepresentation. The UNP government did, however, sign the December 2002 "Oslo Declaration" with the LTTE, committing to "explore a political solution...based on a federal structure within a united Sri Lanka". Karunanayake added that while the party was for broad devolution, it would also seek a military solution if required. See Yohan Perera, "UNP ready for military solution if needed", *Daily Mirror*, 27 September 2007.

¹⁶⁴ Vindya Amaranyake, "UNP policy shift: what the parties have to say", *The Nation*, 30 September 2007.

¹⁶⁵ The JVP branded the UNP's shift as opportunistic, to win JVP support for toppling the government, Kelum Bandara, "Deviation from federalism: JVP says will never support UNP", *Daily Mirror*, 27 September 2007. The JHU urged the UNP to explain the shift and prove it was not solely to gain power, "UNP leadership should declare no to federalism says JHU", *Daily Mirror*, 29 September 2007.

¹⁶⁶ "Tamils, Muslims plead against unitary state", Indo-Asian News Service (IANS), 19 September 2007.

¹⁶⁷ Remarks of Ambassador Blake at the seminar "Sri Lanka: the Way Forward", 21 September 2007, at <http://colombo.usembassy.gov/ambsp-21sep07.html>.

¹⁶⁸ Some provisions likely to be in an APRC package could be approved by parliament. Most, however, would require two-thirds approval, which would almost certainly need to include the UNP. The most controversial reforms, affecting "entrenched" sections of the constitution, including the state's unitary character, would need a two-thirds majority plus a referendum.

¹⁶⁹ According to Ranil Wickremesinghe, "The APRC is virtually dead. It couldn't come to an agreement. The UNP has left the APRC, so we are no longer involved in the work of the APRC. If the government wanted to come up with a solution, they should

While many observers agree that the APRC is primarily a public relations exercise, it could yet produce a valuable document. But for this potential to be reached, the constraints resulting from the unitary state concept must be abandoned. Sri Lanka's international backers will need to do all they can to persuade the president to agree to drop any reference to the unitary state.¹⁷⁰ The U.S. and UK governments have been speaking in support of the APRC process and about the importance of moving beyond unitary and federal labels. Other donors and influential supporters, notably the EU, India and Japan, also need to speak out and in favour of a revitalised political track.

The minority and left parties in the APRC and government should be encouraged to withstand Rajapaksa's pressure to accept devolution within the unitary state. The progress achieved by the APRC has been due almost entirely to those parties cooperating to push against the boundaries imposed by the Sinhala parties. The "southern consensus" the APRC was designed to reach must not be confined to the predominantly Sinhala parties (SLFP, UNP, JVP, JHU, MEP), but must extend instead to all parties not aligned with the LTTE. It is hard to see how a broad southern consensus of all non-LTTE parties will be possible, however, so long as the government insists on retaining the unitary definition of the state.

The aim of all those committed to effective constitutional reform should be to offer the president a real choice: move away from the unitary state concept or abandon any claim to be pursuing a political solution. A non-unitary state is the only viable basis for resolving the conflict politically. Nothing less has a chance of strengthening the hands of non-LTTE Tamil parties and opening up a new, broader political agenda endorsed by Muslim, Tamil, and Sinhala parties for reform of the state. Rajapaksa must be challenged to choose between a political solution and a Sinhala nationalist attachment to the unitary state. It is simply not possible to have both.

have come up with it earlier". N. Ram and B. Muralidhar Reddy, "For credible power-sharing acceptable to all communities", *The Hindu*, 4 October 2007, at www.hindu.com/2007/10/04/stories/2007100454371100.htm

¹⁷⁰ This will not be easy. Rajapaksa recently said he was "elected primarily by a Sinhala constituency on an election manifesto which made it clear that an ultimate solution to the ethnic crisis could be evolved only on the basis of a unitary state", and he must "carry the Sinhala voters with him in any peace settlement". See "I am not a Sinhala chauvinist but a Sri Lankan nationalist" – Mahinda Rajapakse", *Asian Tribune*, 20 September 2007, at www.asiantribune.com/index.php?q=node/7435.

VIII. CONCLUSION

Peace is a long way off. The LTTE has demonstrated a clear lack of interest in a negotiated settlement. The government is beholden to and sympathetic with forces that conceive of Sri Lanka as an essentially Sinhala and Buddhist nation. Denying the existence of legitimate grievances specific to Tamils and the need to accommodate their concerns in a settlement, the politically dominant forms of contemporary Sinhala nationalism assert that the central problem is a terrorist threat that needs to be crushed.

Despite claims to be committed to a political solution, the decision to rely on hardline Sinhala nationalist parties with an ideological commitment to the unitary state has left the government with little option other than to pursue the LTTE's military defeat. Any meaningful southern consensus on devolution – necessary for a lasting solution – will take time but without much stronger international efforts to persuade both the government and the UNP to find common ground beyond unitary and federal labels, there is little chance the APRC will produce a political package attractive to Tamil moderates and able to win two-thirds support in parliament. Reaching a sustainable settlement will be even harder if government plans to establish new Sinhala settlements and weaken the power of Tamil and Muslim political parties and civil servants in the Eastern Province are in fact carried out.¹⁷¹

Moving away from supremacist versions of Sinhala nationalism and toward the conditions for sustainable peace requires a new long-term strategy for both domestic and international actors that addresses the sources of that nationalism and supports development of a truly multi-ethnic identity. The first step should be to take Sinhalese fears and concerns more seriously. Too often they are dismissed as irrational or majoritarian intransigence. Sinhala nationalism, both in its intensity and content, shifts with the political context. Recently it has fed off the mistakes of its liberal critics and their international supporters but there is ample evidence Sinhalese are not unalterably opposed to a fair deal for Tamils.¹⁷² Peacemakers must learn to distinguish the legitimate concerns and grievances from positions that consciously

¹⁷¹ A subsequent Crisis Group report will be devoted to analysing these and other recent developments in the Eastern Province.

¹⁷² "The Survey of Public Opinion on the Peace Process", conducted by the Marga Institute on behalf of the National Peace Council, found a large majority of Sinhalese supported the current war against the LTTE. But an almost equally large majority advocated constitutional reforms to address Tamil grievances. For an analysis of the survey, see Tisarane Gunasekera, "The people and their leaders", *Asian Tribune*, 23 September, 2007, at www.asiantribune.com/index.php?q=node/7473.

or unconsciously render many Tamils and Muslims second-class citizens. The most extreme views of Sinhala supremacists exploit the wider community's unaddressed fears but are the preserve of a small minority whose links to the government and domination of the media give it disproportionate influence.

The past decade's slow progress in gaining Sinhalese acceptance of the legitimacy of Tamil grievances and the need for devolution was reversed in large part thanks to the unprincipled nature of the 2002-2006 peace process, which gave human rights little consideration and allowed the LTTE to further consolidate its power, even as neither side made any serious attempt to address Tamil grievances. There is considerable truth in the Sinhala nationalist critique of the 2002 ceasefire agreement, the peace process and LTTE violations. A new peace process must directly and convincingly address Sinhalese fears and sense of insecurity.

To be sustainable, the next attempt at peace also needs to be conceptualised and presented as part of a larger project of state reform and good governance from which all communities benefit, not merely a deal in which Sinhalese trade territory for an end of war and terror. State reform can begin immediately and, with human rights protections crucial to guaranteeing Tamils and Muslims equal citizenship, should be framed to invite Sinhalese endorsement. Thus, attempts by civil society groups to address human rights violations connected with the renewed war could be linked more effectively with police reform and anti-corruption efforts, whose benefits could be seen by average Sinhalese. Stronger efforts are also needed to reconstitute and strengthen the independent commissions – most importantly the Human Rights, Police and Judicial Services Commissions – established under the Seventeenth Amendment, which are crucial for more accountable governance and on which professionals and civil society groups of all ethnicities have already begun to cooperate.¹⁷³

Language policy offers another area for reforms that could build bridges between communities. Since the advent of "Sinhala Only", the absence of state services in Tamil has been a major cause of Tamil discontent. Linguistic barriers have also been a source of much misunderstanding, while the lack of English competence has blocked youth of all communities from better jobs and fuelled economic grievances that have historically been channelled in Sinhala nationalist ways. A serious long-term commitment by the government, donors and civil society is needed to address

the three issues in a program of "language rights for all": expanded training in Tamil for government services and wider availability of translators; expanded instruction in Tamil for Sinhala speakers and Sinhala for Tamil speakers; and expanded access to quality English instruction.

There is room for engaging more skilfully with Sinhala nationalism by addressing its causes and responding to the sense of grievance and insecurity that gives it power. But until it is taken more seriously and made a central focus of peacebuilding, it will continue to challenge attempts to formulate a political settlement to Sri Lanka's conflict.

Colombo/Brussels, 7 November 2007

¹⁷³ For a discussion of the constitutional crisis affecting the Seventeenth Amendment and the independent commissions, see Crisis Group Report, *Sri Lanka's Human Rights Crisis*, op. cit., pp. 19-20.

APPENDIX A

MAP OF SRI LANKA



Map No. 4172 Rev. 2 UNITED NATIONS
January 2007 (Colour)

Department of Peacekeeping Operations
Cartographic Section

APPENDIX B

GLOSSARY OF ACRONYMS AND TERMS

<i>ayurvedic</i>	Sri Lankan and Indian indigenous medical system
<i>bhikku</i>	Buddhist monk
Ceylon National Congress	A pre-independence era political party which dominated the semi-autonomous government established by the Donoughmore Constitution in the 1930s.
<i>Dhammadipa</i>	Island blessed by the Buddha.
<i>dharma raja</i>	A just state or righteous kingdom.
Eksath Bikkhu Peramuna	United Bikkhu Front, the first modern political movement of monks, founded in 1956.
FP	Federal Party, led by S.J.V. Chelvanayagam, founded in 1949 by a splinter group of the All Ceylon Tamil Congress. The Tamil name for the party is Ilankai Thamil Arasu Kadchi (ITAK), variously translated as Tamil Homeland Party or Tamil State Party.
IPKF	Indian Peace Keeping Force, the Indian military force deployed to Sri Lanka as part of the Indo-Lanka Accord 1987 designed to end the conflict between the Sri Lankan government and Tamil militants.
Jathika Bikkhu Peramuna	National Bikkhu Front, an organisation of Buddhist monks affiliated to the JVP.
JHU	Jathika Hela Urumaya, National Sinhala Heritage Party. Known from 2000 to 2004 as Sihala Urumaya (Sinhala Heritage), the party promotes a strong Sinhala nationalist ideology and promises a new brand of corruption-free politics. Nine Buddhist monks were elected to parliament under the JHU banner in 2004, and prominent Buddhist monks are among its current leadership.
JVP	Janatha Vimukthi Peramuna, People's Liberation Front, the largest and longest-standing Sinhalese nationalist party. Originally a splinter group of the Maoist Wing of the Ceylon Communist Party in 1965, the JVP led armed insurgencies against the state in 1971 and 1987. It is now part of the political mainstream with 38 seats in parliament.
LSSP	Lanka Sama Samaja Party (Lanka Equal Society Party), a Trotskyist party founded in 1935 and presently part of the ruling coalition with one seat in parliament.
LTTE	Liberation Tigers of Tamil Eelam, the dominant Tamil nationalist militant group founded in 1976 and led by Velupillai Prabhakaran. It claims to fight for the rights of the Tamils and seeks to establish a separate state in the north and east of the country.
MEP	Mahajana Eksath Peramuna, People's United Front, Sinhala nationalist party founded in 1959 and now a constituent party of the UPFA with two seats in parliament. It is to be distinguished from the SLFP-led alliance of the same name that won the 1956 elections.
<i>mahanayake</i>	Chief priest, generally of a monastic order (<i>nikaya</i>)
Manel Mal Movement	Water Lily Movement, a JVP-dominated army support group founded by the Patriotic National Movement in July 2006. The water lily is the national flower of Sri Lanka.
MSV	Maubima Surakima Vyaparaya, Movement for the Protection of the Motherland, a JVP-supported nationalist movement in the late 1980s.
<i>nikaya</i>	Buddhist monastic order. There are three <i>nikayas</i> in Sri Lanka: the largest, the Siyam <i>nikaya</i> , has two chapters, Malwatte and Asgiriya, and is open only to the Govigama caste, traditionally considered Sri Lanka's highest. The other two orders, the Amarapura and Rammana <i>nikayas</i> , were founded to enable the ordination of those from other castes.

PNM	Patriotic National Movement (<i>Desha Hitaishi Jathika Viyaparaya</i>), a Sinhala nationalist group founded in 2003, drawing its leadership from the JVP, JHU, UNP, SLFP and independent intellectuals and entrepreneurs.
<i>panchayat system</i>	A decentralised form of village government found in India
Sangha	Buddhist clergy
SLFP	Sri Lanka Freedom Party, centre-left party founded in 1951 by S.W.R.D. Bandaranaike after breaking with UNP. It instituted socialist economic policies in 1970s. In power under Bandaranaike's daughter, President Chandrika Kumaratunga from 1994 to 2005 as the main constituent party of the People's Alliance coalition, it is now led by President Mahinda Rajapakse.
TNA	Tamil National Alliance, a coalition of smaller Tamil parties that support the LTTE, currently with 22 members of parliament.
UNF	United National Front, a coalition led by the United National Party, with the Sri Lanka Muslim Congress, Ceylon Workers' Congress, and Western People's Front. It won elections in December 2001 and was in power until April 2004
UNP	United National Party, centre-right political party formed in 1946 and currently the main opposition party. It was founded by D.S. Senanayake and is at present led by Ranil Wickremasinghe, prime minister from 2001 to 2004.
UPFA	United People's Freedom Alliance, coalition formed in January 2004 and led by the SLFP and JVP. It won the parliamentary elections held in April 2004 but since December 2006 has been in opposition.

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 145 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates twelve regional offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Islamabad, Istanbul, Jakarta, Nairobi, Pristina, Seoul and Tbilisi) and has local field representation in sixteen additional locations (Abuja, Baku, Beirut, Belgrade, Colombo, Damascus, Dili, Dushanbe, Jerusalem, Kabul, Kampala, Kathmandu, Kinshasa, Port-au-Prince, Pretoria and Yerevan). Crisis Group currently covers some 60 areas of actual or potential conflict across four continents. In Africa, this includes Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia,

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APPENDIX D

INTERNATIONAL CRISIS GROUP REPORTS AND BRIEFINGS ON ASIA SINCE 2004

CENTRAL ASIA

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