

State Responsiveness to Public Security Needs: The Politics of Security Decision-Making

Sri Lanka Country Study

Jayadeva Uyangoda and Sunil Bastian

About this study

Security sector reform (SSR) has moved rapidly up the international aid agenda during the past decade. There is growing recognition that SSR is fundamentally a political activity and that, to be effective, external assistance must be carefully tailored to the political and institutional context in which it is being delivered.

This Sri Lanka study was part of a comparative research project (which included Nigeria and Uganda) which had two aims: firstly, to enhance understanding about who makes decisions about security, the factors which influence decision-making, and the consequences for the security of people; and secondly, to suggest ways of incorporating such knowledge more effectively into UK SSR programming.

The study was conducted by the Conflict, Security and Development Group at King's College London in collaboration with the Centre for Democracy and Development in Nigeria, the Social Scientists' Association in Sri Lanka, and the Centre for Basic Research in Uganda.

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The Social Scientists' Association (SSA), established in 1978, is a leading civil society institution in Sri Lanka committed to the production and dissemination of critical knowledge in the areas of political economy, gender, social and political change, conflict and peace processes. The SSA is also engaged in community education and advocacy. Among its regular publications is *Polity*, a monthly journal on current critical issues concerning Sri Lanka.

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CSDG's **Governance and Security** programme is concerned with how international assistance in the security domain (notably the SSR agenda) can be better tailored to the political context and the needs of aid recipients.

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CSDG Papers

Number 15 ■ June 2008

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An electronic copy of this report can be obtained from the Global Facilitation Network for Security Sector Reform (GFN-SSR): <http://www.ssrnetwork.net/publications/psdm.php>

Copy-editing by Alex Potter (fproduct@intekom.co.za).

Design and typesetting by Richard Jones (rick@studioexile.com).

Printed in the UK by Russell Press Limited.

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First published June 2008.

CSDG Papers seek to showcase policy-relevant research findings from the Conflict, Security and Development Group's different programme areas. All papers in the series can be downloaded in PDF format from our web-site: www.securityanddevelopment.org

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Abbreviations and acronyms

CC	constitutional council
CFA	Ceasefire Agreement
DRC	Defence Review Committee
EU	European Union
HSZ	high security zone
IDP	internally displaced person
IGP	inspector general of police
IPKF	Indian Peace Keeping Force
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
LTTE	Liberation Tigers of Tamil Eelam
MEP	Mahajana Eksath Peramuna (People's United Front)
MOD	Ministry of Defence
NSC	National Security Council
PA	People's Alliance
PTA	Prevention of Terrorism Act
P-Toms	Post-Tsunami Operational Management Structure
SLFP	Sri Lanka Freedom Party
SLMM	Sri Lanka Monitoring Mission
TULF	Tamil United Liberation Front
UNF	United National Front
UNP	United National Party

Chapter 1

Introduction

This study is a part of a three-country comparative study managed by King's College London on security decision-making. The three countries are Nigeria, Sri Lanka and Uganda – three British ex-colonies whose political and administrative systems, social and economic transformation, and basic structures of their state apparatus had been variedly shaped by the British colonial transformation. The overall objective of this comparative research project is to gain a better understanding of how states make security decisions, and the factors that determine whether this process is responsive to the needs of different social and ethnic groups. The project seeks to (1) generate new understanding and insights into how security decision-making processes work in different political contexts; (2) provide a framework for external actors to better understand the specificities of decision-making dynamics in different countries; and (3) contribute to the development of security sector reform strategies that are more politically informed, while being sensitive to public policy processes that impact upon security.¹

The paper explores the contexts and conditions in which the security–insecurity problematic came to be shaped in Sri Lanka's post-colonial processes of political and social change. It seeks to find answers to the following three specific questions: (1) what are the sources of security decision-making authority in Sri Lanka? (2) what are the modes, channels and means through which different social and ethnic group interests can influence the security decision-making process? and (3) what have been the dynamics of external interventions in the security decision-making process? These three questions also constitute the 'core issues' that the present project considers as requiring a stronger empirical understanding so that they can provide the basis for efforts to support the development of more responsive security institutions. ■

1 See CSDG, 'State Responsiveness to Public Security Needs', 1.

Chapter 2

Methodology

This study is based on a desk study and six micro-case studies. Sections 3, 4 and 5 are largely based on the desk study that was carried out relying mostly on secondary sources and the authors' familiarity with the political processes, with all their multiple facets, in contemporary Sri Lanka. Section 6 is based on six micro-case studies conducted on the following themes: (1) the decision made by the Sri Lankan government to pass the Prevention of Terrorism Act in 1979 and its impact on the security of the Tamil minority ethnic community; (2) security policy-making in Sri Lanka during anti-Tamil ethnic riots in 1983; (3) how the security of the Muslim community was affected on three occasions that defined the political trajectories of Sri Lanka's ethnic conflict, namely (a) the Indo-Sri Lanka Agreement of 1987, (b) the Ceasefire Agreement of February 2002, and (c) the post-tsunami administrative structure in 2005; (4) the effectiveness of the government's commissions of inquiry of 1996 to provide redress to the victims of the state violence that occurred in the late 1980s; (5) the experience of the Defence Review Committee that was set up during the ceasefire process of 2002–04; and (6) the impact of the fractured political authority that is responsible for defence decision-making on the de-escalation process during the government–Liberation Tigers of Tamil Eelam (LTTE) negotiations in 2002–03.²

In selecting these six micro-case studies, we wanted them to be representative of the key trajectories of the security–insecurity problematic of contemporary Sri Lanka. All the case study themes are related to Sri Lanka's ongoing conflict and its impact on the decisions of governments regarding security, the security concerns of the people and ethnic communities, and state–society relations in terms of security. They were also selected to explore how the security decision-making process in a context of civil war and ethnic conflict has had consequences for the three main ethnic communities in the island – Sinhalese, Tamil and Muslim. The promulgation of the Prevention of Terrorism Act in 1979 (examined in S. I. Keethaponcalan's case study) and the security policy-making process during the ethnic riots in 1983 (Jagath Senaratne's case study) impacted primarily on the Tamil community, the largest minority community in the island, making up nearly 20 per cent of the total population. Farzana Haniffa's case study was specifically about the impact of three major policy

2 These micro-case studies were: Keethaponcalan, 'The Prevention of Terrorism Act of Sri Lanka'; Senaratne, 'Security Policy Making in Sri Lanka'; Haniffa, 'Security Concerns of the Muslim Community in Sri Lanka'; Jayawardena, 'The Role of Disappearances Commissions'; Jayasuriya, 'Sri Lanka Defence Forces'; and Fernando, 'Responsiveness for Defence'.

events in 1987, 2002 and 2005 on the Muslim community, who make up about 8 per cent of the country's population. Amal Jayawardena's case study on the effectiveness of the government's 1996 commissions of inquiry on disappearances was selected because the victims of these grave human rights violations that occurred in 1987–89 were from the majority Sinhalese community. Sundari Jayasuriya's case study examines the possibilities and limits of security sector reforms in a context of a ceasefire process that began in 2002 with international assistance, as the prelude to a negotiated peace between the Sri Lankan government and the LTTE. Austin Fernando's case study focused on a political-constitutional problem that emerged in the security decision-making process during the government–LTTE negotiations, in a context of fractured political authority between the country's president and prime minister.

In both the case studies and the country study, we were constrained by the extreme sensitivity to security issues that prevailed in Sri Lanka, in view of the resumption of war between the government and the LTTE in early 2007. In the last two case studies, the authors were very conscious of the fact that they were dealing with issues that were directly related to what the government would describe as sensitive national security issues. These studies were conducted in a context where the government had also introduced harsh counter-terrorism laws under a state of emergency that severely curtailed the freedom of expression. In intense political debates on the ethnic question, Sinhalese nationalist groups had publicly and repeatedly attacked some work conducted by a group of academics on security sector reforms, on the premise that the very idea of such reforms was a Western conspiracy to weaken the Sri Lankan state and its capacity to fight secessionist terrorism. In this atmosphere of insecurity, our team had to be extra-cautious in interviewing people and even conducting archival research.

This paper has the character of an interpretive endeavour. A large part of the paper is an interpretation of material provided by the six micro-case studies. In this interpretive exercise, we (1) define 'security' in a somewhat expansive framework; (2) take the idea of 'security decision-making' to mean a complex combination of decision-making, indecisions and the politics of security; (3) look at 'state responsiveness to security needs' as a contradictory relationship between the state and social/ethnic groups; and (4) view 'security decision-making' as reflective of a complex set of relations at the national, international state, sub-state, parallel-state and extra-state levels.

To elaborate, first we take the term 'security' to mean a range of issues that include (1) state security in the conventional sense; (2) the security of social and ethnic groups in the sense of equality, rights, access to economic and political resources, and non-discrimination; and (3) the security of citizens ensured through laws and state practices and grounded on a well-functioning regime of civil and political rights.³ Along with Dillon, we make the point at the start that 'we have to think security and insecurity together' because 'there is never security without insecurity'. In the dialectic of security and insecurity, 'one always occurs

3 In South Asia, there has been a recent body of literature that worked within a broad construction of the idea of security, moving well beyond the nation-state centric notion of security. See, for example, the volumes edited by Iftekharuzzaman, *Regional Economic Trends and South Asian Security*; Benerjee, *Security Studies in South Asia*; Khan, *Globalization and Non-Traditional Security in South Asia*; Delhi Policy Group, *Comprehensive Security in South Asia: Ethnic Dimensions*; and Uyangoda, *Militarizing State, Society and Culture in Asia*.

in whatever form with the other',⁴ thereby making security contingent on insecurity and security (for example, 'national security' through security legislation) and, in turn, generating insecurities (for example, among ethnic minorities, political dissidents, and as often happens, among the citizens in general). In this study, we explore the not-so-peaceful coexistence of security and insecurity.

In the application of this expansive construction of the idea of security, Sri Lanka provides a particularly challenging case study. It is a case of 'democracy' and 'non-democracy', as well as parliamentary democracy and armed insurgencies, appearing to coexist in a complex construction of politics. Sri Lanka is also an example, though not unique, of competing social constructions, discourses and practices of security that have been generated by powerful impulses of insecurity that have arisen in the process of post-colonial state formation.

Multiple armed insurgencies and competing state-making projects have been decisive in shaping the security–insecurity problematic that this paper explores. What is noteworthy is that in the protracted processes of state–counter-state conflict, the Sri Lankan case has also produced some major dimensions of what Cohen sees as factors that 'eat away' the power of the state.⁵ Paraphrasing Cohen, we may identify the following as the key factors that continue to 'eat away' the authority and legitimacy of the Sri Lankan state: (1) the failure of the state to protect its citizens under conditions of internal war; (2) the failure of the state to ensure economic prosperity; (3) the loss of the state's monopoly over violence and justice; and (4) the threat to the state from within, particularly in a context of the failure of pluralist nation-state-building. The fact that the Sri Lankan state has lost its monopoly over violence and coercive power in the context of protracted armed insurgencies is particularly obvious here.

Secondly, against the above backdrop, we seek to problematize the theme of 'security decision-making' by highlighting that a decisionist paradigm may not be adequate to capture the not-so-transparent dimensions of the politics of security. What we mean by this assertion is that the politics of security 'decision-making' is also about indecisions and not making decisions vital to the security of some communities – often ethnic minority communities – thereby subjecting a specific community of citizens to risk, danger and violence. In fact, one of the micro-case studies mentioned above examines why the Sri Lankan government and law enforcement agencies in 1983 did not decide to intervene to protect minority Tamil citizens when sections of the regime unleashed ethnic violence against them. For about a week, there was a deliberate 'indecision' to allow the mobs to operate freely so that the minority Tamils could 'learn a lesson'.

Similarly, we also highlight the fact that in Sri Lanka, security is an extremely contested category of political thinking and practice embedded in a protracted civil war. This is obviously not a new assertion, yet it needs to be made in order to contextualize the way in which the categories of security and insecurity have gained new salience in a context where the idea of 'security' has been 'securitized' to mean the security of the state, state institutions and the regime in power. Meanwhile, the idea of security is contested because each social or

4 Dillon, *Politics of Security*, 19.

5 Cohen, 'US Security in a Separatist Season'.

ethnic constituency has a phenomenological validation of its own specific construction of what security entails, secures and endangers.

To say it in the framework of the present project, security decisions – and indecisions – are influenced by different understandings of security. Different groups in society assert their ‘demands for security’ in a multiplicity of ways, yet the policy process may not serve all such security demands. This is where we highlight the political contestation of security. Recognition of the fluidity and essentially contested nature of the idea of security in a duality of securing and endangering is important to understand why, for example, the Sinhalese nationalist or majoritarian-statist perceptions of security and insecurity have come into conflict with minoritarian, counter-hegemonic conceptualization of security and insecurity.

Thirdly, we also explore the way in which public policy in Sri Lanka has been ‘responsive to security needs’ and demands emanating from a multiplicity of sources. This project views ‘policy responsiveness’ as being shaped by three interrelated factors: (1) policymakers’ *inclination* to formulate policies that address the needs of specific groups that are faced with insecurity; (2) the *capability* or institutional capacity to effectively assess such needs, devise appropriate policies and then implement the policy; and (3) *accountability* in the sense of whether decision-makers are held answerable if security decisions do not meet people’s needs. This study explores state responsiveness to security needs in the specific context of Sri Lanka, in which the state’s role as a neutral arbiter in mediating conflicting social demands for security has come under severe scrutiny. Violent social and ethnic conflicts, armed insurgencies and counter-insurgency warfare, and communalization of the state and state institutions – all these continue to erode the neutrality claims of the Sri Lankan state.

In this study, when we examine ‘state responsiveness to the security needs of the people’, we are sensitive to the fact that the Sri Lankan state is a party to a protracted ethno-political civil war and has not always treated its citizens as having equal entitlements to safety, security and well-being. This has generated what may be termed a weak and conflicting relationship between the state and the security-seeking minority communities, leading to a significant security shortfall.

Then the question that arises is, what happens when state responsiveness to security needs is characterized by a severe shortfall or negative policy response, resulting in policy failure and policy blindness? Therefore, this study will also focus on what has happened in Sri Lanka when some communities have experienced such security shortfalls. Have they sought, and established, informal security structures? If so, what are these informal sources and practices of security? With regard to ‘state responsiveness’, we treat it in its negative dimension as well. In our discussion, therefore, ‘state responsiveness’ does not entail a seamless relationship among the state, people’s security needs, policy responses, policy implementation and people’s consumption of security as a public good.

Fourthly, the fact that there are a multiplicity of players and actors engaged in the security decision-making process makes it possible to focus our attention on the ways in which competition, co-operation and even conflict among these actors define the diverse constructions of security and the impact of these constructions on the actual security policies of the state. At the risk of repetition, it needs to be pointed out that the provision of security is not

the monopoly of the state. There are parallel and informal structures that also provide alternative securities. The presence of the LTTE in large parts of Sri Lanka's Northern and Eastern provinces in the form of parallel administration, with its military, police and the judicial institutions, only highlight the salience of this point.

The rest of this paper is organized in the following way. Section 3 provides an account of the historical context and Sri Lanka's political and social structures that constitute the general backdrop to the ways in which the security decision-making process takes place at the political-institutional level. It also provides an account of perceptions of the threats and vulnerabilities that have shaped the discourses and policies concerning security. Section 4 maps the existing security arrangements, focusing on descriptions of the formal security apparatus, informal security arrangements, and informal coping strategies that the citizens and communities have devised in conditions of continuing insecurity. Section 5 focuses on the security decision-making institutions and dynamics in Sri Lanka, while Section 6 assesses the key findings of the micro-case studies from the perspective of the overall project aims. Section 7 provides a set of suggestions for the external actors who are committed to security policy reforms in Sri Lanka. Finally, the paper concludes in Section 8 with a brief summary of the key messages that the paper seeks to communicate. ■

Chapter 3

The context for conflict and insecurity

3.1 Historical context

This section begins with an account of how a specific insecurity dynamic began to be shaped in Sri Lanka in the immediate aftermath of political independence in 1948. It will then describe how competing discourses of ‘insecurity’ emerged from the perspectives of both the state and ethnic and social groups. We call it the ‘social construction of insecurity’. The section will specifically focus on social and ethnic rebellions – anti-systemic movements – that constituted the core of the state security problematic in the 1980s. Thereafter, it goes on to provide an account of the impact of the regime’s handling of state insecurity on political institutions and the democratic process. The last theme discussed in this section is how the perennial question of ‘whose security’ has surfaced in contemporary Sri Lanka’s political economy and processes of social change.

3.1.1 Immediate post-independence context

Sri Lanka gained independence from colonial Britain in 1948 and, importantly, inherited a highly centralized state structure, managed by a professional bureaucracy. The independence was not an achievement of a militant anti-colonial nationalist movement. Sri Lanka had produced only a conservative ‘nationalist’ movement that did not engage in mass mobilization for national independence. In the late colonial period, particularly after 1931, there was a process of partial democratization through constitutional reforms that introduced universal adult franchise and representative government. By the time of political independence in 1948, Sri Lanka also had a fairly strong left and trade union movement. The ethnic conflict that marked politics in the 1980s and after was in its incipient phase. Thus, in the late 1940s and most of the 1950s and 1960s, Sri Lanka enjoyed a considerable degree of social peace.

The initial ‘insecurity perception’ of the Sinhalese political class, who became the rulers after the political independence of 1948, was shaped by both external and internal dimensions that were, interestingly, linked to India. Sri Lanka’s smallness as an island state with a giant neighbour, India, in close proximity seems to have created a specific psychology of insecurity in the country. K. M. de Silva, writing about India–Sri Lanka relations in the early years of independence, states that Sri Lanka’s geographical and political separation from the Raj – British India – had a ‘profound impact on the political thinking and the strategic vision’ of

several generations of Sri Lankans, including ‘influential politicians’.⁶ Among them, according to De Silva, was Sri Lanka’s first post-independence prime minister, D. S. Senanayake. De Silva’s account suggests that the ‘country’s survival in the postindependence situation’ was foremost in Prime Minister Senanayake’s thinking. This ‘survival agenda’ was shaped by the belief that India was the most likely threat to Sri Lanka’s independence.⁷ Some commentators have noted a ‘fear syndrome’ that motivated Sri Lankan policymakers even in the 1970s to develop ‘countervailing forces to balance the Indian threat’ by building a ‘Colombo–Beijing axis’ in addition to a ‘Colombo–Islamabad axis’.⁸

In order to address this security ‘threat’ from India, Prime Minister Senanayake relied on the outgoing colonial power and, a little before independence, signed a defence agreement with Britain. The ‘India threat’ also had a domestic component. The Sinhalese political leaders had developed an uneasy relationship with India in the 1930s and 1940s on the question of the presence of a large population of Tamil plantation workers of recent south Indian origin in Sri Lanka. Both the Sinhalese political leaders and the nationalists viewed the Tamil plantation workers as the Indian state’s ‘fifth column’ operating in Sri Lanka. They wanted India to take back most of these workers and stop Indian immigration. The United National Party (UNP) government decided to resolve what it saw as the ‘problem’ presented by the Tamil plantation workers by depriving many of them of citizenship in independent Sri Lanka. The Citizenship Act of 1948 was interestingly one of the first legislative enactments by independent Sri Lanka’s Parliament.

While the UNP government (1947–56) viewed the continuation of colonial military and defence ties with Britain as necessary to face a potential threat from India, the Sri Lanka Freedom Party (SLFP) regimes that held power after 1956 developed an entirely different approach to dealing with India. Prime Minister Bandaranaike, who headed the Sinhalese–nationalist coalition regime that came to power in 1956, asked Britain to withdraw its troops and equipment from its bases in Sri Lanka. This was the prelude to establishing close political and personal ties with the Indian government leaders. This marked the beginning of the conception that the security of a small nation like Sri Lanka could better be served through a policy of non-alignment and closer friendship with the immediate neighbour, India.

Despite the SLFP’s policy of closer ties with India, the perception that India constituted a threat to Sri Lanka persisted, finding expression in two new contexts, first in the late 1960s and then in the 1980s. The radical nationalist JVP (Janatha Vimukthi Peramuna – People’s Liberation Front), which was formed in 1967–68, popularized the notion of ‘Indian expansionism’, which enunciated the view that the Indian state was in a process of territorially

6 De Silva, ‘India and Sri Lanka, 1947–79’, 16.

7 De Silva’s paraphrasing of the thinking of independent Sri Lanka’s first prime minister on this issue is worth citing in full: ‘As he [Prime Minister Senanayake] saw it, the stark choice of the country faced was between survival as a small but independent partner of the Commonwealth and *absorption by an independent India*. Senanayake believed that Nehru’s ambition was to make independent India the dominant power in the region, and that the latter’s continuing interest in Sri Lanka was solely on account of its strategic importance, the naval base in Trincomalee and air bases in other parts of the island’ (ibid., 17; emphasis added).

8 Keerawella, ‘Peace and Security of a Small State’, 182.

annexing its small neighbouring countries.⁹ According to this concept, which incidentally had roots in the Chinese foreign policy under Mao in the early 1960s, Sri Lanka ran the risk of being annexed to the Indian state, as was the case of Sikkim and Goa. When the JVP actively opposed the Indian intervention in Sri Lanka's ethnic conflict in 1987, this opposition was justified on the argument that India had actually launched its campaign of annexing Sri Lanka.

The second context was the spread of the Tamil nationalist insurgency in the early 1980s. The UNP government that came to power in 1977 perceived the Indian support for Sri Lanka's minority Tamil nationalists as a policy of backing the secessionist insurgency. In that reading, the UNP also saw what many Sinhalese nationalists viewed at the time as India's 'regional hegemonism' in action. To counter India's influence on Sri Lanka, the UNP government began to cultivate closer relations with the West, particularly the United States. The UNP government even proposed that Sri Lanka should join the Association of South-East Asian Nations as a symbolic action distancing Sri Lanka from the South Asian regional geopolitics and aligning it closely with the US global presence.

This policy of 'countering Indian influence' had another dimension. The UNP government seems to have resisted the Indian insistence that Sri Lanka, along with small South Asian states, should accept India's regional 'security umbrella'.¹⁰ As we will discuss later in this chapter, Sri Lanka's perception of India as a source of insecurity and the policy responses it generated continue to be a key aspect of the security–insecurity problematic grounded on the ethnic conflict.

3.1.2 Nation-state formation and the question of security

Among the key historical factors that have impacted on the security–insecurity problematic in Sri Lanka is the process of ethnic-majoritarian state formation in its post-colonial phase. At independence, Sri Lanka established a unitary state, although the society was multiethnic. The process of nation-state-building in the post-colonial phase did not produce a state structure of power-sharing among majority and minority ethnic communities.

The evolution of Sri Lanka's security sector occurred generally within the same trajectory of majoritarian state formation. When a twin civil war developed in the 1980s against the backdrop of regime failure in multiethnic state formation, the role of the security sector was widened to fighting a long-drawn-out internal war. The dynamics of the armed forces in Sri Lanka have not evolved to face an external threat or in response to external relations, but have primarily been shaped in response to the conflicts within the country.

9 The JVP is a radical nationalist movement that emerged in the late 1960s. It led two failed insurrections to capture state power, one in 1971 and the other in 1987–89. It is now functioning as a parliamentary electoral party, with 39 seats in Parliament. Although the JVP has abandoned the strategy of armed struggle, it continues to be a major voice of radical nationalism in Sri Lanka's Sinhalese society.

10 K. M. de Silva, who had access to and even perhaps shared, the UNP leadership's strategic thinking, writes: 'In the 1970s and 1980s, with Indira Gandhi reflecting the views of the exponents of India's assumption of the mantle of the raj, India decided that small South Asian neighbors like Sri Lanka must take shelter under that umbrella, and that a search for an alternative would be regarded as an unacceptable, if not intolerable, challenge to the now dominant regional power. This policy was made explicit with regard to Sri Lanka in 1983' (De Silva, 'India and Sri Lanka, 1947–79, 25).

It needs to be noted that in Sri Lanka, the provision of security in the conventional sense and the maintenance of law and order were the monopoly of the state, until that monopoly was challenged in the 1980s by a host of ethnic Tamil armed groups. In this context of protracted civil war, the space has also emerged to enable external actors to engage in shaping the security decision-making process in Sri Lanka. India played a key role in the early and mid-1980s in shaping the trajectory of the ethnic conflict and the civil war. The donor community began to exert pressure on the government in relation to human security and the humanitarian consequences of the civil war in the context of implementing macroeconomic reforms in the late 1980s.¹¹

Sri Lanka has also had a tradition of viewing ‘security’ in a broad public policy perspective. Both citizens and political parties continue to see the state as the supreme entity that should provide citizens not only with ‘security’ in a law and order sense, but also social protection. The strong social welfarist policy regime that emerged in the 1930s and 1940s had an impact on this ‘statist’ ideology of the post-colonial state. The ideology of associating the state with the notion of the main provider of social security and protection to vulnerable social groups had its origins in electoral and left-wing politics. The availability of an economic surplus generated by the plantation economy actually enabled and even facilitated the shaping of the Sri Lankan welfare state in the 1940s and 1950s. The social welfarist state continued for quite some time against a background of relative social peace and economic prosperity.

Thus, government policy in the post-independence period placed an emphasis on ‘human development’. Maintaining basic nutrition levels, and providing free education and health services, subsidized housing, water and sanitation were key elements in this human development public policy in the early phase of Sri Lanka’s independence.¹²

The economic liberalization process that began in 1977–78 against a backdrop of political violence and majority–minority unrest redefined this welfarist role of the state. Even after thirty years of economic liberalization, the general public perception of the state in Sri Lanka at present is that it should continue to provide a broad package of social security services, reflecting the public’s ‘faith in the state as the provider of services’.¹³

These social security demands at present emanate primarily from the rural peasantry and the educated youth in a context of the state’s reduced commitment to the traditional protectionist policy package for vulnerable social sectors. In the presidential election of 2005, the welfarist state ideology found a new articulation through the United People’s Freedom Alliance political coalition. Providing paddy farmers with a fertilizer subsidy, ensuring a guaranteed price scheme for paddy farm produce, creating state sector employment opportunities for the educated unemployed youth and enhancing poverty alleviation programmes were some of the key elements of this renewed ideology of state-led social protectionism.

11 For a discussion on the aid policy in Sri Lanka in relation to the ethnic conflict, see Ostard, ‘Countries in Violent Conflict and Aid Strategies’.

12 Alailama, ‘The Human Development Perspective’, 45.

13 Wickramasinghe, ‘Evolution of Anti-Poverty Programmes’, 303.

3.2 Security threats from within

The most serious event that posed a major threat to state security from within was the attempted military coup of 1962. Led by a group of senior officers in the armed forces, the police and the bureaucracy, this unsuccessful coup had a distinct political character. Those who led the coup attempt belonged to the ethnic and religious minorities, and also came by and large from urban, professional strata. They obviously were reacting to the policy of establishing a Sinhalese-Buddhist hegemony over the security and bureaucratic apparatuses by the nationalist regime of the SLFP.¹⁴

The government managed to defeat the coup before it was launched. The coup leaders were convicted and given long prison sentences, but they were eventually exonerated by the Privy Council. Although the 1962 coup was a reaction to the SLFP regime's Sinhalese-Buddhist domination of the armed forces and the public service, the government continued the same process in the aftermath of the coup failure with the same vigour. The failed coup was a moment of open contention between two social groups in post-colonial Sri Lanka who had been engaged in an undeclared struggle to control the commanding heights of the state apparatus.

The first group came from the Westernized elite who happened to be minorities in their ethnic and religious affiliation. In social terms, they were the urban, professional elite who probably watched in dismay as electoral democracy had brought to prominence non-elite social strata through a process of Sinhalese nationalist mobilization. The latter represented the second social group – a secondary ruling elite that emerged from the vernacular and intermediate social classes in Sinhalese society. The regime change of 1956 that brought to power the populist-Sinhalese nationalist social coalition of the MEP (Mahajana Eksath Peramuna – People's United Front) propelled this social group into the domain of political power. The policy reforms that the MEP regime initiated were clearly aimed at reconfiguring the social and ethnic bases of state power in a post-colonial context. Thus, one way to understand the 1962 attempted coup was to place it in the perspective of competition between the existing and emerging elites.

In the subsequent period, the Sri Lankan state did not face a major threat within the state apparatus. The story of a coup attempt by Sinhalese-Buddhist nationalist sections in the army, backed by some radical Buddhist monks, in 1966 was not as serious as the 1962 coup attempt. It appears that during the years subsequent to 1962, political leaders have managed successfully to establish and maintain firm political control over the armed forces

14 Horowitz, *Coup Theories and Officers' Motives*; Rajasingham-Senanayake, 'Transformation in Legitimate Violence and Civil-Military Relations'. Horowitz (p. 88) has the following graphic account of the social and cultural background of the 1962 'conspirators': They were 'disproportionately drawn from ethnic minorities; disproportionately Christian; disproportionately English-speaking (and often illiterate in Sinhala); disproportionately urban, salaried, and cut off from the countryside; disproportionately of the class that had filled the Englishman's shoes – after shining them – rather than of the traditional aristocracy; disproportionately old boys of the English-medium, often denominational, elite colleges; and disproportionately of the trouser-wearing, Anglicized, whiskey-drinking, clubby set that disrespected Buddhist priests, the sarong, the Sinhala language, and the culture of the island, and drew its inspiration instead from another island 6,000 miles away'.

and the bureaucracy in order to prevent any internal threat to the state from within the security apparatus. The decision of the People's United Front coalition regime, led by the SLFP, to bring the independent public service under the direct control of the cabinet was a policy measure taken to ensure that the leadership of the bureaucracy would be politically loyal to the civilian regime leadership. The close relationship that developed between the political leadership and the officer corps of the armed forces in facing the JVP rebellion of 1971 may also have consolidated the civil–military alliance.

One noteworthy development in this alliance in Sri Lanka is the effective political control that governments have been able to maintain over the armed forces, even in the context of protracted civil war in which the armed forces have been playing a leading role. This is despite the fact that the armed forces have expanded greatly in numbers, the officer corps has been enlarged and the defence budget has increased significantly.

3.3 Anti-systemic movements

3.3.1 Insurgencies

The most important push for strengthening the state security sector emerged in the form of responses to the armed insurgencies that were based on social and ethnic grievances. The first armed insurgency was launched by the JVP, a clandestine radical youth movement, in April 1971. The JVP was a nationalist-oriented 'New Left' movement that sought to practise what the traditional left had only advocated, but never put into effect – armed revolution.

Influenced by the then popular Maoist and Guevaraist ideas of revolution, the JVP believed that a surprise armed rebellion would precipitate a popular uprising against the state. While the popular uprising never occurred, the government and the entire establishment – social, political and security – were wholly taken by surprise by the fact that the youth had taken up arms against the state, which in a way shook the foundations of the established order. The JVP's influence was essentially in Sinhalese society, and its social base was the rural and semi-rural poor. It was a rebellion based on social and economic grievances.¹⁵

The way in which the government responded to the 1971 insurrection reveals how the ruling elite managed this serious challenge to the stability of the existing political order. The government deployed the entire security apparatus, backed by emergency regulations, as well as by India, Pakistan and China, to crush the insurgency. In a few weeks, the rebellion dissipated. Thousands of young rebels were killed and captured alive in a highly asymmetrical civil war in which the JVP's military assets were mostly handguns and low-technology bombs. Those captured alive were 'rehabilitated' or tried before specially created tribunals.

Interestingly, the government also realized that the insurgency had its roots in socio-economic grievances: the unemployment problem among the educated rural youth had precipitated youth radicalization and insurgent tendencies. The policy response crafted on

15 There is an extensive body of literature on the JVP, its politics and social bases. A recently published study presents the social marginalization, political exclusion and rebellion thesis; see Rampton, 'Sri Lanka's "Many-Headed Hydra"'.

that analysis was to expand the state sector of the economy so that public sector employment opportunities could be made available to the educated youth.

The nationalization of the European-owned tea and rubber plantations, the land ceiling and the further expansion of public corporations through the nationalization of private ventures were seen by the government as suitable policy responses to the insurgency. Although the government vigorously implemented these policies, they hardly addressed the unemployment problem and other youth grievances about upward social mobility and social emancipation. The nationalization programme soon became a source of new problems – corruption, nepotism, clientelism, bureaucratic inefficiency and the partisan politicization of the public sector of the economy.

The government learned some security-related lessons from the 1971 insurgency as well. The expansion and strengthening of the armed forces to face domestic threats to state security were a part of the government's response. A cliché popular among journalists and politicians was that the 1971 insurgency transformed an army that was performing a mere ceremonial role into a professional army equipped to fight an internal civil war. There was also a shift in the social background of the officer corps in the armed forces, with a greater emphasis being placed on candidates with a background in Sinhalese-Buddhist schools becoming apparent in the officer recruitment policy. This was continuation of a policy began by the SLFP government in response to the failed military coup of 1962.

3.3.2 Protracted civil war in the 1980s and after

The rise of the Tamil ethnic minority insurgency for secession in the early 1980s and the second JVP insurgency of 1987–89 were crucial events that had a major influence on the way in which the general framework of security decision-making in Sri Lanka further evolved. The early 1980s marked the beginning of a long phase in contemporary Sri Lanka in which the state lost the monopoly of violence and coercive institutions. Since then, all governing regimes have been attempting to restore this monopoly, primarily by military means, but with a little or no success.¹⁶

The Tamil insurgency slowly developed in the mid-1970s in a context of the politics of minority grievances, and then assumed the character of a protracted armed rebellion for secession in the early 1980s. Key elements in the broad political context in which the Tamil nationalist movement for secession evolved were the Tamil grievances about language rights, equality of treatment and exclusion from the sphere of state power.¹⁷

The Sri Lankan government initially viewed the rising Tamil militancy primarily as a 'law and order' issue that could be dealt with by means of police-military action and through emergency and anti-terrorist legislation. It was very reluctant to view the Tamil militancy as a political problem that required a political approach. In a now famous decision, President

16 Senaratne, *Political Violence in Sri Lanka*.

17 There is an expanding body of literature on Sri Lanka's Tamil nationalism. For an insider's view of Tamil nationalist politics, which also brings in the ethnic marginalization thesis, see Wilson, *The Break-up of Sri Lanka* and S. J. V. Chelvanayakam and the *Crisis of Sri Lankan Tamil Nationalism*.

J. R. Jayewardene ordered the army commander in early 1979 to go to Jaffna and ‘eradicate terrorism before the end of the year’. The army commander in turn went to Jaffna, launched a series of counter-insurgency operations, returned to Colombo in the last week of December that year and reported to the president that he had ‘successfully eradicated’ Tamil terrorism.

The attitude that the state should manage the radical Tamil nationalist threat by means of a counter-insurgency approach was also based on the perception among the Sinhalese political class that the Tamil claim for autonomy was totally unjustified and unwarranted. This perception was in turn embedded in the idea that the minority Tamil community was a potential threat to the security and sovereignty of the Sri Lankan state.

In the 1980s, Sri Lanka experienced a double insurgency. After the anti-Tamil ethnic riots of 1983, the Tamil nationalist insurgency spread phenomenally. The state responded to the expanding insurgency by intensifying its counter-insurgency war, which created a new situation of civil war in Sri Lanka. Expansion of the armed forces through new recruitment; the procurement of weapons and military equipment from Pakistan, China, South Africa and Israel; counter-insurgency military training; large-scale military operations in the Northern and Eastern provinces; and restrictions on civil and political rights under emergency regulations and the Prevention of Terrorism Act (PTA) and later the indemnity law were some of the key developments in this early phase of Sri Lanka’s civil war.

The second JVP insurgency of 1987–89 was the other civil war event in the 1980s. While the April 1971 insurgency was very short in duration – a few weeks – the second JVP insurgency was slightly more protracted. In terms of the level of threat, it was more serious, because the new generation of JVP insurgents has access to more and better weapons and had also infiltrated political parties and the armed forces. Since the rebellion was presented to the people as a patriotic war against the Indian intervention in the ethnic conflict, the second JVP rebellion enjoyed greater public support too.

The gravity of this ‘southern’ insurgency became more serious in view of the fact that the state was simultaneously fighting the secessionist insurgency in the north. What the state faced in 1987–89 was a double insurgency, encompassing the entire country. In this relatively protracted rebellion, the JVP used direct violence that mostly included killing members of the police and armed forces, politicians of the ruling and opposition parties, public servants, and even ordinary political opponents. The deployment of unrestricted violence against the state, as well as institutions and individuals associated with the regime, seemed to be a key JVP methodology in this insurgency.

The UNP government reacted to the JVP violence with an equal, if not more efficient, deployment of violence. This was the first time that the government appeared to have encouraged the armed forces to crush the insurgency with whatever methods possible. The formation and deployment of secret paramilitary units with various code names was a new phenomenon developed during this period. These units did not have any legal or institutional constraints on their essentially illegal methods of dealing with the insurgency, and the government actively encouraged this extra-judicial approach to the insurgency. It also discouraged the armed forces from taking prisoners, and thousands of rebels, as well those who were suspected of having links with the JVP, suffered death and disappearance in this period of two years.

The challenge to the state posed by the Tamil ethnic insurgency evolved along a path different from the trajectory of the JVP uprising. Whereas the JVP insurgency was crushed within three years, the Tamil separatist rebellion had the capacity and resilience to withstand the demands of a protracted war. In contrast, the JVP re-emerged in the 1990s as a parliamentary political party and became increasingly deradicalized.

The ruling elite's responses to the Tamil ethnic insurgency have been complex and diverse. The initial reaction to incipient rebellion has always been to manage it as a law and order problem. When this approach failed, it was combined with a military approach. When the military approach seemed ineffective, political leaders have also emphasized the necessity of political approaches to address the root causes of the conflict, yet from a position of military strength. But whenever political strategies have failed, there has been a revival of the military approach, once again treating the rebellion essentially as a security challenge to the state.

Throughout the 1980s, one of the major issues that reshaped the state–citizen relationship in a framework of violence was the spread and normalization of 'state-sanctioned violence'.¹⁸ Richardson has identified four components of state-sanctioned violence in Sri Lanka that contributed to the escalation of the country's violent conflict: the suspension of constitutional guarantees; arrests, exiles and executions; censorship of the press and other media; and restrictions on political parties. The intensity of state-sanctioned violence has been sharpened in accordance with the escalation of the conflict. The recent re-emergence of the ethnic war has once again produced the phenomenon of state-sanctioned violence, reproducing an old form that existed in the 1980s. Denial and the covering up of state excesses and the rejection of international humanitarian concerns are parts of the familiar process of normalizing state-sanctioned violence in Sri Lanka.

3.4 Sri Lanka: sociopolitical structure

Sri Lanka's post-independence political structures have in general evolved out of the structures of the late colonial state. As we have already noted, limited representative democracy, universal adult franchise and control of the executive by the legislature were the key elements of governance that Sri Lanka's British colonial state had established in the 1930s, two decades before political independence.

The constitutional structure of independent Sri Lanka was designed primarily in accordance with the Westminster model of parliamentary-cabinet government. In this framework, the authority and legitimacy for governance were derived directly from the people, through elections held normally every five years. The cabinet, headed by the prime minister, constituted the political executive and was answerable to Parliament. The prime minister headed the security decision-making structure in his/her capacity as the minister in charge of the area of defence. The annual budget debate was the main occasion when the members of

18 Richardson, *Paradise Poisoned*, 493–521.

Parliament could examine the functioning of the departments that came under the Ministry of Defence.

This constitutional structure of governance was altered in 1978 when the newly elected UNP government introduced a presidential system. The new system has been called ‘Gaullist’ because it brought into the Westminster model some strong features of the French presidential system.¹⁹ The central feature of the new constitutional structure was the creation of the office of ‘executive president’ as the nodal point of state power and the most powerful institution of governance. The president, directly elected by the people for a term of six years and enjoying a popular mandate independent of the legislature, combined the authority and powers of head of state and head of government. The president was thus the head of the state, the government, the armed forces, the cabinet and the ruling party. This change of the structures of government, moving away from legislature-centred to executive-centred governance, also marked the consolidation of a political trend that has been popularly called ‘authoritarian’ and ‘illiberal’.

In a formal sense, Sri Lanka continues to have a working parliamentary democracy. At present, Parliament is unicameral. The second chamber, or the Senate, which was a part of the legislature under the Soulbury Constitution of 1947, was abolished in 1972. Thus, the unicameral parliament in Sri Lanka has the monopoly of law-making.

Elections have been regular, with a record of high voter turn-out, often between 70 and 80 per cent. In recent years, in the face of intense interparty competition for power, elections have become marked by violence, often carried out by activists of the party ruling at the time of a particular election with the regime’s backing. Occasional tendencies towards the centralization of political power in the hands of regime leaders have not significantly weakened the democratic process, despite the growing presence of political/institutional decay, which we will discuss in some detail later.

There have been a number of other factors that have led to a process of continuing concentration of power in the presidency. The protracted civil war has been one major reason. The president also holds the office of the defence minister and makes the key policy decisions regarding war and peace. In a context where the ethnic conflict is the major national issue around which many policy decisions are made, the authority of the president has consequently increased phenomenally.

The dynamics of coalition politics make up another significant factor that has contributed to the consolidation of presidential power. In the political culture of coalitions, the president is the ultimate authority in the distribution of patronage. The continuing expansion of the size of Sri Lanka’s cabinets – at present there are over 100 ministers with both cabinet and non-cabinet rank – is only one bizarre manifestation of the increasing tendency for greater concentration of power in the hands of the president.

There is a power-sharing structure in Sri Lanka, called provincial councils, introduced in 1987 under the 13th amendment to the 1978 constitution. The main objective of setting up

19 Wilson, *The Gaullist System in Asia*.

provincial councils was to provide a political-institutional framework to accommodate Tamil minority demands for regional autonomy. This system of devolution was also expected to act as an effective alternative to secession. Eight provincial councils were thus created in 1987. They were not given any direct powers concerning security, but were supposed to exercise police and law and order powers; however, so far, the central government has not devolved police powers to the provincial councils.

Meanwhile, the provincial council system has not been functioning since 1990 in the Tamil majority Northern and Eastern provinces, where the devolution of power is mostly needed. In a bitter dispute between the provincial administration of the North-East Province (formed for a time from the merger of the Northern and Eastern provinces after the 1987 Indo-Sri Lanka Agreement)²⁰ and the central government, the president dissolved the elected council and brought the province under the direct rule of the central government in 1990.

In an institutional sense, the security decision-making system in Sri Lanka has been organized in a highly centralized political structure. The existing presidential system of government, which has created an exceedingly centralized state structure, provides the broad institutional framework for the centralization of security decision-making structures.

3.4.1 Social dynamics of state power

Sri Lanka's social structure needs to be understood in terms of the class, caste and ethnic composition of its populace. Sri Lankan society went through a historical transition from 'feudalism' to colonial capitalism under British colonial rule in the 19th and early 20th centuries. Colonial capitalism, centered on the plantation economy and commodity exports, created urbanization; an urban-rural divide; and a new class structure, with a thin class layer of indigenous capitalists, an ethnically heterogeneous working class and a mass of peasantry.

The emergence of the new class structure did not totally replace the pre-existing social divisions along caste lines, and in both Sinhalese and Tamil societies, caste divisions coexisted with class divisions, producing what sociologists have called a 'caste and class dialectic'. What this means is that new social classes emerged from among different caste groups, with a complex intersection of vertical and horizontal divisions in society. The new class structure also enabled upward economic and social mobility among subordinate caste communities whenever they managed to enter the process of capital accumulation, as well as access to positions linked to the colonial and post-colonial state.

Who are the holders of political power in Sri Lanka in class and social terms? This is a difficult question to answer directly, precisely because of the dialectic of class and caste that works in relation to the social bases of state power. Jupp has described the ruling elite in Sri Lanka as a class of 'notables'.²¹ They have been mostly Colombo-based professionals linked to prominent families belonging to the *govigama* upper caste, with their economic interests in the plantation sector. Prominent families from the *karawa* and *salagama* castes later joined

20 In 2007, by a Supreme Court order, the North-East Province was de-merged and became once again two separate provinces, the Northern and Eastern provinces.

21 Jupp, *Sri Lanka*.

this ruling elite of urban notables. Their control of power has been undergoing a process of change in recent years due to the emergence of national- and local-level political leaders from other, subordinate social strata.

The class and caste dynamics of Sri Lanka's security sector have not been explored in any scholarly work. Horowitz provides an account of the class nature of the officer corps of the Sri Lankan armed forces in the 1950s and 1960s.²² His main sociological point is that the officer cadre came from urban, elitist, Westernized and to some extent Christian social backgrounds. As Horowitz makes the distinction, they belonged to the urban elite, but not to the wealthy 'bourgeoisie' as such. The rank and file obviously came from the rural poor, the peasantry. The social composition of the officer corps has undergone a significant change since the 1970s, with the recruitment of officers from the middle-class social strata with an educational background in predominantly Buddhist schools in Colombo and provincial cities.

If one hazards a sociological guess, one could say that the officer corps of the Sri Lankan armed forces and the police at present come generally from the rural and semi-urban middle-class social strata, with a predominantly Sinhalese-Buddhist ethnic background. There is nothing unusual about this change. Sri Lanka's prestigious administrative service, the foreign service, the state banking sector and academia also reflect this social transformation of Sri Lanka's professional elites.

There is indeed a secondary and subordinate social elite that has come to occupy influential spaces in the political structure in recent years. Some call them 'an intermediate class',²³ made up of the social groups that defined the class character of the 1956 regime. Ideologically nationalist, these intermediate class groups are largely represented in the SLFP, one of the two main political parties in Sri Lanka. At present, they are largely mobilized by the radical-nationalist JVP. Their influence on the security policy process has become extremely significant in recent years.

The JVP advocates a somewhat conventional, state-centric approach to state security. In its view, for example, the Tamil minority insurgency should be militarily defeated and political reforms to address the ethnic question should not go beyond administrative decentralization. The JVP's argument against ethnicity-based power-sharing is that such reforms will weaken the Sri Lankan state and eventually encourage the secessionist minorities to secede. The JVP also advocates the position that the defence of the unity, security and sovereignty of the state should be ensured by means of an all-out war against the LTTE, and that the sovereignty of the state should take precedence over human rights and democracy. In the JVP's understanding, the restriction of human, civil and political rights in order to eradicate the threats to state sovereignty is not only necessary, but also legitimate.

In the political structure, the minority communities do not seem to play a major role, although they have been incorporated in all the regimes in recent years. In the early post-independence phase, political power was essentially concentrated in the hands of the political class of the ethnic majority. This led to a pervasive feeling of being marginalized among the

22 Horowitz, *Coup Theories and Officers' Motives*.

23 Shastri, 'The Political Economy of Intermediate Regimes'.

minority leaders, particularly the Tamils. The rise of post-colonial Sinhalese nationalism and its influence on public policy further strengthened the minority complaint that the political structures were essentially majoritarian.

However, most of Sri Lanka's governments, except the regimes formed in 1956, 1960 and 1970, have been ethnic coalitions. This tendency has been regular since 1977. The peculiar way in which the system of proportional representation, introduced in 1978, has operated has facilitated this continuing need for ethnic coalitions. Under this system, no single party of the two main parties has been able to obtain a majority of the seats in Parliament.

This has compelled both the UNP and the SLFP – the two main contenders for power – to forge coalitions with smaller parties, before as well as after the parliamentary elections. Among the smaller parties are Tamil, Muslim and plantation Tami parties who would normally obtain twenty to thirty parliamentary seats. But, these multiethnic coalitions provide very little space for small ethnic parties to really influence public policy. The small ethnic parties do not seem to complain about it, because the coalition governments continue to provide them with a firm foundation for patron–client and clientelist politics.²⁴

3.4.2 Trends in political institutions: political/institutional 'decay'

The rise of the Tamil ethnic insurgency, the spread of civil war and the militarization of the political process, the persistence of political violence, and the emergence of armed rebellions and counter-insurgency war as dominant mediatory practices between the state and society were processes that were concentrated in the decade of the 1980s. The armed rebellions posed a huge challenge to democratic institutions and practices, which successive Sri Lankan governments have always found inadequate to deal with the armed insurgencies.

Meanwhile, these governments have also 'infused authoritarian means' into the various democratic institutions as the best way to confront the rising militancy in both Sinhalese and Tamil societies.²⁵ The larger political context of this change in the 1980s was also characterized by a parallel process that some scholars have termed as institutional or political 'decay'²⁶ and the 'demise of constitutionalism'.²⁷

This process of 'decay' refers to a set of developments that more or less began with the formation of the UNP regime in 1977, leading to the weakening of democratic institutions; the excessive concentration of political power in the executive branch of the state, as well as in the hands of one or a few individuals who headed the regime; the increasing marginalization of the main ethnic minority from the state; the brutalization of the coercive practices of the

24 A somewhat bizarre manifestation of minority clientelist politics in Sri Lanka at present is the fact that all Muslim MPs from the volatile Eastern Province are ministers of the present cabinet, while all Muslim parties are constituent members of the ruling coalition. However, these Muslim ministers are both powerless and uninterested in improving the human security situation of the Muslim community in the context of the escalating war. This belies the argument that adequate ethnic minority representation in the institutions of state power would ensure minority protection.

25 Warnapala, *Ethnic Strife and Politics in Sri Lanka*.

26 Moore, 'Economic Liberalization versus Political Pluralism in Sri Lanka?'; DeVotta, 'Controlled Democracy, Institutional Decay and the Growth of Eelam'.

27 Edrisinha, 'The Demise of Constitutionalism and the Rise of Centralization in Sri Lanka'.

state; and a general political tendency that has been described as ‘authoritarian’ or ‘illiberal’ against a backdrop of economic liberalization.

Moore notes that a partial economic liberalization programme implemented by the UNP regime, which was in power for 17 years from 1977, had evolved in parallel with a process of political decay.²⁸ He asks the following question: how was it possible for a regime that implemented economic liberalization to be politically illiberal?

Moore points out that Sri Lanka’s economic liberalization did not reduce the role or size of the public sector of the economy. In his view, under economic liberalization, the state continued to be the central source of patronage and clientelist politics, and the regime’s control of public resources continued, along with the politicization of the public service and the mechanisms of public service delivery. Thus, the specific type of economic liberalization that the UNP regime implemented in the post-1977 years was followed by a ‘new political system’ involving a ‘high degree of centralization of power’ focused around an executive president. Harsh repression of the democratic political opposition and trade unions was a part of this new political system.

Moore identifies three elements in this process of ‘political decay’: the centralization of the state, the repression of democratic opposition and the sharpening of Sinhalese–Tamil ethnic tensions. DeVotta notes how this ‘political decay’ was paralleled with ‘institutional decay’, whereby public institutions became politically and ethnically partial, ultimately creating space for Tamil ethnic insurgency. Institutions should usually provide mediatory mechanisms for citizens and groups to negotiate their relations with the state in a framework of neutrality. Particularly in a polyethnic polity, institutions should be ethnically impartial. DeVotta presents a tale of the beginning of institutional decay that preceded 1977, and then of a heightened process of ‘institutional breakdown’ under the UNP regime that came to power in that year, particularly in the 1980s.

If we take ‘institutional breakdown’ as a metaphor for the new and broad political context that emerged in the 1980s, constituting the overall context of the security–insecurity problematic as well, we may focus on two key public institutions – the armed forces and the judiciary. The way in which the UNP regime used the armed forces to brutally suppress the Tamil and JVP insurgencies created an institutional culture of political control of the armed forces in a new framework of impunity.

This indeed provides a different meaning to the notion of ‘political control’ of the armed forces, because what it enunciates is not merely the fact that elected political leaders, who are directly accountable to the people, had effective control over the armed forces and that the armed forces accepted the authority of government leaders; it also means that the various regimes used the armed forces to brutally suppress both armed rebellions and political dissent in a culture of impunity and disregard for human rights and humanitarian consequences.

In the 1980s, the Sri Lankan armed forces and the police came under severe international criticism for indiscipline and gross disregard for international humanitarian law. Throughout the 1980s, the UNP government not only avoided taking policy steps to improve the behaviour

28 Moore, ‘Economic Liberalization versus Political Pluralism in Sri Lanka?’.

of the armed forces and the police in a context of civil war, but also refused to acknowledge that there were indeed excesses, and that these excesses were preventable. Thus, in the 1980s, the UNP regime ruled by means of what later came to be known in Sri Lanka's political debates as *bheeshanaya*, or state terror. The use of the armed forces and the police for regime-sponsored violence to confront not only rebellions, but also political dissent became a part of that 'reign of terror'.

The institution of the judiciary also provides a complex picture of a public institution in a multiethnic polity. Although all the constitutions of Sri Lanka have had elaborate provisions to create and maintain what is usually termed an 'independent' judiciary, the role played by the higher judiciary as the final public institution of arbitration between the state and the Tamil minority has been completely inadequate. During the first four decades after independence, there was 'a reluctance on the part of the apex judiciary' to develop 'judicial concepts and techniques of analysis which would protect the interests and rights of the minorities'.²⁹

In two major cases involving the protection of minority rights – the citizenship legislation of 1949 and the official language legislation of 1956 – the Supreme Court refused to exercise its powers of legislative review, thereby confirming the political agenda of Sinhalese majoritarian nationalism. In a context where the legislature had a Sinhalese ethnic majority and where Sinhalese nationalist politics had guided the public policy agenda of the governing regimes, minority leaders expected the higher judiciary to act as the watchdog of minority rights. But Sri Lanka's post-independence judiciary never thought of itself as an institution to protect minority rights. However, the politicians have been quite apprehensive about the limited power of judicial review of legislation implied in the Soulbury Constitution of 1947. When the constitution was changed in 1972, they specifically prohibited, under the new 'republican spirit', any judicial examination of the laws passed by Parliament.

It also needs to be noted that the Sri Lankan judiciary began to be sensitive to the civil and political rights of citizens – their human rights – rather late, in the 1980s. The judiciary seems to have held for quite some time the view that courts should not question the authority of Parliament to make laws and of the cabinet and the bureaucracy to take executive action in implementing such laws. The fact that the Soulbury Constitution of 1947 did not have an explicit Bill of Rights also contributed to this conservative judicial culture vis-à-vis the state and its citizens. The First Republican Constitution of 1972 in fact gave constitutional expression to this judicial conservatism when it prohibited the justiciability of fundamental rights. It was only as late as 1978 that the Sri Lankan constitution came to contain a justiciable fundamental rights chapter.

Nonetheless, the democratic process has also demonstrated resilience against all odds. The regime change in 1994 was a particularly significant rupture in Sri Lanka's drift towards authoritarianism that began in the late 1970s. The reform agenda of the People's Alliance (PA) regime that came to power in 1994 embodied popular expectations of democratization, peace-

29 Tiruchelvam, 'The Politics of Federalism and Diversity in Sri Lanka', 203.

building and social justice. Its promise of peace and democracy marked a clear shift from the politics of war, violence and authoritarianism of the previous one and half decades. The PA regime initiated peace negotiations with the LTTE in 1994, and until April 1995 there was relative peace in the country.

When the negotiations broke down in April 1995, the government and the LTTE went back to war. However, the government continued to work on a package of political reforms that should constitute the basis for a negotiated political settlement. The PA government's promise of abolishing the presidential system of government did not succeed due to political and constitutional obstacles; yet the PA government maintained a broadly liberal approach to governance. However, the re-escalation of the war has always eroded the democratic and human rights foundations of governance. In the present phase of intensified war that began in mid-2006, Sri Lanka's democratic process is once again under retreat.

3.5 Threats and vulnerabilities

3.5.1 The social construction of 'insecurity'

One way to map out the security–insecurity problematic in Sri Lanka is to understand how 'insecurity' was seen from the point of view of the state and social and ethnic groups. In the early years of independence, as well as during the last phase of British colonial rule – in the 1930s and 1940s – the labour and leftist movements were seen as the main source of threat to the stability of the state. The spread of a militant trade union movement that gave leadership to strikes, agitation and mass mobilization also provided the alibi for the government to maintain the colonial Public Security Ordinance in the post-colonial years. In 1947, the government employed the emergency legislation under the Public Security Ordinance to deal with a general strike. In 1958, the government again used the emergency legislation to bring the anti-Tamil riots under control. The 1958 ethnic riots did not have an anti-state character as such.

3.5.2 The 'Western' threat to 'national' security

The post-colonial Sinhalese nationalists, leftist parties and radical political groups in Sri Lanka have often defined their ideological agenda in opposition to what they describe as the 'imperialist'/'neo-colonialist' West. One major tenet of this critique of the West is the idea that the 'Western powers' continue to dominate the economic, cultural and intellectual life of the people in the non-Western world. This thesis of 'colonialism by indirect and other means' has surfaced in Sri Lanka in different contexts, including the ethnic conflict. Sinhalese nationalist groups have been particularly active in mobilizing this argument in their opposition to attempts made to explore a negotiated settlement of the ethnic conflict.

A range of positions have been developed in this argument. For example, the 'West' is supposed to have nurtured the Tamil secessionist insurgency as a part of a sinister strategy of destabilizing and eventually breaking up the state of Sri Lanka. In this belief, the 'Christian' West seems to possess a great antipathy to the Sinhalese, who are Buddhists. The Western

countries, particularly the European Union (EU), Canada and the United States, have throughout Sri Lanka's ethnic war emphasized the importance of a negotiated settlement that would produce political reform package for power-sharing with the Tamil minority.

Furthermore, they have often highlighted the Sri Lankan state's obligations to ensure minority rights and maintain internationally recognized human rights standards. Powerful Sinhalese nationalist parties, ideological groups, intellectuals and the media have repeatedly denounced this position of Western countries as Western colonialism in action. They have also portrayed such Western positions as interference in the internal affairs of a 'sovereign state'. These Sinhalese nationalist arguments found a particularly fertile context when in 2002 the UNP government, which is seen as the main 'pro-Western' political party in Sri Lanka, signed a ceasefire agreement with the LTTE and began negotiations. The fact that the Norwegian government facilitated the ceasefire agreement and negotiations, backed by the EU and the United States, reinforced the notion of a Western 'conspiracy' being unfolded in Sri Lanka.

It needs to be mentioned in this context that there has been, and continues to be, a paradigm of fear among Sinhalese nationalist forces about a non-military solution to Sri Lanka's ethnic conflict, a fear built on a set of assumptions that are central to the world view of Sinhalese nationalism.

These assumptions are as follows: the West is always sympathetic to ethnic and religious minorities at the expense of the ethnic religious majority; the West is influenced by the powerful Tamil diaspora lobby; the West is Christian and therefore intrinsically anti-Buddhist; and the West wants to colonize Sri Lanka indirectly because of the island's strategic importance in regional and global geopolitics. The 'recolonization' thesis takes this 'fear of the West' to an academic level, making the point that the spread of non-governmental organizations in Sri Lanka has been an essential component of a Western agenda for recolonization.³⁰

This recolonization thesis of Sinhalese nationalist forces has significant political implications. It opposes any political reforms in the direction of power-sharing, or 'federalism' as it is widely known in Sri Lanka, in the belief that political reforms are part of a Western agenda to weaken and eventually break up the state in Sri Lanka. Thus, any advocacy of political reforms in the country is easily portrayed as inimical to national interests. Those who advocate state reforms – NGOs, academics and the media – are described as working in alliance with the Western colonizing forces. In the intense political polemics that take place in the local media, the advocates of a negotiated peace, political reforms and minority rights are regularly branded as 'traitors', 'enemy agents' and 'Sinhalese Tigers' (that is, in league with the Tamil Tigers).

Thus, belief in a Western threat has widened the scope of Sri Lanka's insecurity paradigm, producing significant political consequences. The Sinhalese nationalist forces have

30 Gunatilake, *Recolonisation*. The vernacular media, particularly the mass-circulation newspapers, have been propagating this ideology for several decades. Seeing the West as a perennial source of cultural, political and economic threat is an essential component of the post-colonial nationalist ideology in Sinhalese society. Interestingly, Sri Lanka's Tamil nationalism has not produced such a stream of political consciousness.

posited the West as a continuing source of threat to the interests of the majority Sinhalese-Buddhist community. This justifies state excesses and atrocities in a psychology of xenophobia, ethnic jealousies and fears. The nationalists also use the argument of a 'Western threat' in their campaigns to justify the denial of minority rights and rationalize grave human rights violations. The blocking of concrete steps towards political reforms in the context of the ethnic conflict is also justified by portraying the political reform agenda as an essentially Western-inspired process.

3.5.3 Economic reforms, globalization and new insecurities

In the generation of insecurities, the macroeconomic reform process under the economic liberalization of late 1970s, the structural adjustment programmes of the mid- and late 1980s and the subsequent globalization have provided a particularly significant political economy context.

The economic liberalization policy was inaugurated in 1977–78 against a background of the state-centric development strategy that Sri Lanka had followed for the previous two decades. The UNP government, which had a history of preferring laissez faire economic policies, took the initiative for liberalization in the wake of a massive electoral victory in 1977 that gave the UNP a five-sixths majority in Parliament. The liberalization package included the removal of restrictions on import and export trade, the liberalization of the foreign exchange market, a wage freeze for labour, reorganizing the social welfare programmes in order to reduce public expenditure, the relaxation of price controls on consumer commodities and of guaranteed price schemes for agricultural producers, and the strengthening of market forces in the domestic economy.³¹

Economic liberalization, structural adjustment programmes and macroeconomic reforms under globalization impacted on Sri Lanka's state–society relations in a particular way. While the people expected the state to provide them with both economic protection and opportunities for upward social mobility, the public policy after economic liberalization was not designed for the state to play this role in the way it did in the past.

For example, the small and medium-sized industrialists, who had emerged in a policy environment of import-substitution industrialization, found that they had to compete with importers without the protection of the state. In the same way, fixed-wage earners in the private and public sectors had to face the new situation of a wage freeze, while the state reduced its role in regulating commodity prices and providing low-cost public services in health, education, transport, electricity, etc. The state also restricted employment opportunities in the public sector, thereby creating structural imbalances in the employment market in favour of the private sector. The retreat of the state from the social protectionist role, a process that began in the late 1970s and continued with enhanced pace throughout the 1980s and 1990s, thus intensified social inequalities.

The background against which the second JVP insurgency in 1987–89 spread was therefore marked by a tremendous degree of social discontent that was produced by the first wave

31 Nicholas, 'The Post-1977 Economic Strategy'.

of liberal economic reforms. Quite interestingly, the violent rebellion against the state did not deter the UNP regime or the multilateral institutions from further implementing macro-economic reforms. Parallel with the bloody crackdown on the JVP insurgency in 1987–89, the government implemented the first phase of structural adjustment programmes. It appeared that the violent suppression of resistance created a new political space for the government to move into a new stage of macroeconomic reforms, with a new policy innovation of poverty alleviation.

Successive governments have been quite aware of the fact that providing economic security to social groups that are left out or marginalized in the context of macroeconomic reforms was important for legitimacy, electoral support and social peace.³² Although economic reforms have contributed to positive growth trends in the economy, social and regional disparities – particularly at the expense of the rural economy – and social exclusion have been features of the post-liberalization development process in Sri Lanka.³³ Hence the proliferation of poverty alleviation programmes with such exotic names as Janasaviya ('People Power', 1989–93), Samurधि ('Prosperity', 1994–2005) and Mahinda Chinthanaya ('Mahinda Agenda', 2005).

3.5.4 State security versus human security: a continuing dilemma

Thus, from the 1980s onwards, Sri Lanka's security–insecurity problematic revolved around the question of whose security – of the state, minority groups or individual citizens – should take primacy. As expected, the regimes gave primacy to state security at the expense of the security of minorities and citizens, with the protracted war continuing to make the security of the latter two groups vulnerable. Pressure to arrest this state tendency came from two sources, domestic and international.

Domestic pressure on the government to address the insecurity problem of minorities and individual citizens came primarily from human rights and civil society groups in the late 1980s and early 1990s. A number of such groups emerged and became active in exposing human and minority rights violations, as well as lobbying international actors to persuade the government to improve the country's human rights situation and guarantee democratic rights. The external pressure on the government to improve the human rights situation coincided with the implementation of structural adjustment programmes in the mid- and late 1980s. As a part of the reform package, the donor community insisted on political conditionalities concerned with human rights and the democratic process.

In this general context of political conditionality for development assistance, a space was opened for global civil society organizations – notably Amnesty International, Human Rights Watch, Article XIX and the Minority Rights Group – to maintain a dialogue with the Sri Lankan government. In this period, the UN agencies also began a robust role in Sri Lanka to ensure better human rights and humanitarian conditions. The UN High Commissioner

32 Silva et al., 'Reform Agenda and Challenges for Poverty Alleviation Programmes'.

33 Lakshman, 'Income Distribution and Poverty'; Wickremasinghe, 'Evolution of Anti-Poverty Programmes'.

for Refugees was the key UN agency that provided human security services to large numbers of displaced Tamil people. When there was an economic blockade on the north, UN relief agencies, the International Committee of the Red Cross and Médecins Sans Frontières became the main humanitarian agencies to provide food, medicine and other essential facilities to the Tamil people in the Northern Province.

The security of the Tamil minority in a context where armed groups from Tamil society were engaged in a secessionist civil war became the source of a continuing dilemma. Against a backdrop of continuing violence directed by the LTTE against civilians and the army, the Sinhalese nationalist forces saw the Tamil community as a whole as a threat. The state agencies that were in charge of state security and counter-insurgency operations functioned in an overall ideological and political atmosphere in which Tamil people as a group, as well as individuals, were viewed with suspicion. At times of bomb explosions in Colombo or suicide attacks on military or political targets, stereotyping of young Tamil men and women as potential suicide bombers was quite common. Often, many young Tamil men and women were arrested under the PTA on suspicion with no recourse to legal assistance or right to a fair trial. It should be noted that since the PTA operated in the context of an ethnic conflict, the operation of counter-insurgency laws in such a context could take on an ethnic dimension, overtly as well as covertly.

The recent controversy regarding the high security zones (HSZs) in Jaffna encapsulated this conflict between human security and state security. The Ceasefire Agreement (CFA) signed in 2002 stipulated several key provisions for demilitarization. One such provision required the government military to vacate the HSZs it occupied. The Palali military and air base in Jaffna was one such large HSZ, while there were also other HSZs adjacent to the sea. These HSZs had been created by evicting the civilian population who lived there.

In 2002 and 2003, the LTTE demanded a full implementation of the HSZ provisions of the CFA, arguing that the evicted civilians who had been living in refugee camps had every humanitarian right to return to their original land. There was indeed a humanitarian basis to the demand for the right to return. But the United National Front (UNF)³⁴ government was reluctant to implement the CFA provisions relating to the HSZs, because it saw a major security risk in doing so. The army objected to early vacation of the HSZ land because it would make the security of the Palali air and military base vulnerable in case the war broke out again. To resolve the dispute, the assistance of an Indian expert was sought. The Nambiar Report suggested a phased approach to the HSZ issue so that both security and humanitarian issues could be addressed. But the issue still remains unsettled.

It has become quite apparent over the past few years that the policy dilemmas concerning security and humanitarian considerations did not have easy solutions. Quite apart from the fact that the parties approached these issues from a zero-sum perspective, they were also sceptical about making concessions to the other side. The fundamental question of 'whose security' will remain unresolved until the resolution of the larger issue of the ethnic conflict is politically addressed.

34 The UNF was a coalition with the UNP as the main member. It governed from 2001 to 2003.

3.5.5 Whose security? Re-emergence of the debate

Sri Lanka's state of civil war has often provided the context for the recurring debate on the theme, 'whose security?' The issues embedded in this question are not new, and they have been raised in the past as well. Central to the question as it is being posed in 2008 is the regime's commitment to a conventional paradigm of security that subsumes human rights and minority rights under the primacy of state security.

At present in Sri Lanka, there is an expansion of the political debate on this question of whose security should be given primacy. The government, its military apparatus, the government media and the Sinhalese nationalist political parties have taken up the position that state security should take priority over human rights. They characterize the advocacy of human rights in the context of the present war as 'anti-national'. Their belief in and commitment to a military victory over the secessionist LTTE seem to have provided the impetus for this approach of giving priority to 'national' or 'state' security.

The willingness of powerful sections of the Sri Lankan political class to consider the actions of the armed forces engaged in a 'war against terrorism' as above and beyond the law has reintroduced to Sri Lanka's current national security debate the old notion of impunity. It occurs along with an emerging notion that the security forces represent the nation, national unity and national sovereignty. The government, in its war against the LTTE, appears to be determined to protect its security apparatus from both international and local civil society scrutiny. This adds a new dimension to the continuing issue of military excesses, impunity and government accountability. ■

Mapping security arrangements

4.1 The formal security apparatus

The initial constitutional structure of the state in post-colonial Sri Lanka was based on the Westminster model, consisting of a governor-general as the representative of the queen of Great Britain and a bicameral legislature. Members to the House of Representatives were elected by universal adult franchise, while the Senate, the second chamber, consisted of appointed members. The cabinet of ministers was headed by the prime minister, who was from the largest party in Parliament. The constitution of Ceylon, which was introduced with the granting of independence, provided for the prime minister to hold the portfolios of defence and external affairs.

The Ceylon defence forces were established through Army Act No. 17 of 1949, Navy Act No. 34 of 1950 and Air Force Act No. 41 of 1949. The early history of the Ceylon defence forces was mainly one of transforming the defence forces formed during the colonial period into the defence forces of a post-colonial polity. This early phase was also characterized by the continuing link between the colonial and post-colonial institutions of defence. Both the military doctrine and the structure of the armed forces of post-colonial Sri Lanka reflected this continuity.

In the early decades of Sri Lanka's independence, there was a conceptual distinction between 'defence' and 'security'. Defence was understood as defence from external threats. Thus, the Ministry of Defence was paired with the Ministry of External Affairs. Security, understood as the functions of internal security with the responsibility of maintaining internal law and order performed by the police, came under a separate ministry – the Ministry of Home Affairs. However, this internal–external division of security became irrelevant when the Sri Lankan state began to face major security threats from within the country's borders.

These emerged as expressions of discontent among the citizens. The minority ethnic groups who had been deprived of citizenship in the process of post-colonial nation- and state-building were also seen as a potential threat to national security. At least some sections of the ruling elite recognized these possible sources of internal security threats at a very early stage of the post-independence period. For example, Anton Muttukumar, the first Ceylonese commander of the armed forces, reveals in his book on the military history of Ceylon how he proposed to set up regional commands within the army in order to deal with possible security threats emanating from three groups – Tamils, Indian Tamil labour and trade unions.³⁵

35 Muttukumar, *The Military History of Ceylon*.

The events such as the *hartal* of 1953, the 1958 riots, the 1971 JVP insurgency, the second JVP insurgency of 1987–89 and the ongoing armed conflict in the northeast point to the fact that the post-colonial Sri Lankan state has been in conflict not with any external source, but with its own citizens. In the context of these internal threats to state security, the role played by the armed forces in dealing with these threats has been ‘critical in shaping the self identity of the defence forces’.³⁶

As noted above, Sri Lanka’s formal security apparatus is constructed and governed within the formal framework of constitutional governance. Under the existing constitution, the president of the Republic is the minister of defence, and the political structure allows him/her to be the ultimate formal authority in security decision-making. There was one occasion when this authority became uncertain when the UNP, the party opposing the party of the president at the time, formed the government after the parliamentary elections held in December 2001.

While the constitutional authority concerning defence decision-making still remained with the president, there was an informal arrangement between the president and the prime minister to ‘share’ this power. Accordingly, a nominee of the prime minister was appointed as the minister of defence.

In a few months, the UNP prime minister took some key policy decisions relating to security that included the signing of the CFA with the LTTE and initiating externally facilitated peace talks with that organization. Political developments concerning the CFA and peace talks eventually created a major controversy about who held the authority on defence decision-making, as the president and the prime minister had competing mandates. This made it necessary for them to craft a framework of co-operation, along the lines of the French practice of cohabitation. Yet, in a context of sharp interparty rivalry and incompatible approaches to the challenge of managing the ethnic conflict, they failed to work together. The inevitable result was the emergence of a system of ‘fractured authority’ in defence decision-making.

In everyday life, Sri Lankan people do not usually maintain close links with the police or armed forces. The public perception of the police is a somewhat negative one, and in the State of Democracy and Human Security Survey carried out in 2004–05, it was found that only 57 per cent of the people trusted the police. People usually see the police as a potential source of misfortune, and the public image of the police is often associated with two negative characteristics, corruption and brutality, a negative characterization that was also reflected in the survey. The number of people who reported having any interaction with the police in the previous year was low, only 12 per cent. Only 28 per cent of the people said that they would approach the police if they had any need to do so.

Meanwhile, the public perception of the army is much better. People do not see the military as a corrupt or oppressive institution, despite the fact that the English-language media in Colombo occasionally publish stories of military corruption. In the 2004–05 survey, 77.8 per cent of the people trusted the security forces. But the most revealing aspect of this trust in the security forces is its ethnic variation. While 86 per cent of Sinhalese and 72 per

36 Jayasuriya, ‘Sri Lanka Defence Forces’.

cent of Muslims trusted the security forces, only 37.08 per cent of up-country Tamils and 35.1 per cent of the Tamils in the north and east expressed a similar trust.³⁷ In a survey carried out by Transparency International Sri Lanka in 2006, it was found that 70.4 per cent of the respondents who were dissatisfied with the country's criminal justice system attributed responsibility for this to the police.³⁸

4.2 Informal security arrangements

One major consequence of the general sense of insecurity created in Sri Lanka in the context of armed insurgencies, protracted civil war, counter-insurgency war and political violence is the state's persistent preoccupation with the internal war. With the need to deploy the police force in war-related responsibilities, there has emerged partial 'privatization' of security, bringing private, commercial actors into the 'business' of security provision.

The conditions for 'private' security provision began in the 1980s. In the midst of civil war, criminal violence also increased. The relatively easy availability of firearms, the resorting to armed robberies by military deserters as a form of self-employment and the growth of underworld criminal gangs created a new sense of insecurity, particularly in Colombo and other urban areas. It was the rich and the middle classes who first responded to this threat by raising high walls around their houses. Simultaneously, there was a proliferation of 'private security firms' to provide day-to-day security to private companies and banks, rich households and eventually government departments as well. Retired officers from the armed forces and the police with the necessary political connections have always played a key role in forming and operating these 'private' security companies.

The employment of private bodyguards by politicians and businessmen has always been a development that has amused the public in Sri Lanka. There is an assumption in Sri Lanka that politicians in power, particularly at high levels of government office, are under constant threat by the LTTE. The fact that the LTTE has in the past killed a large number of leading politicians through suicide operations, including a serving president, has provided justification for the politicians to be protected by the security forces. Even with the security provided by the formal structures, many politicians have resorted to their own, privately recruited bodyguards. The media have often portrayed these bodyguards as criminal elements with links to the underworld or military deserters who provide security to politicians in order to obtain security for themselves. There were media reports that even a president had obtained the services of underworld elements to supplement the formal security arrangements. Even local-level politicians have developed the culture of employing private bodyguards both as a security measure and a public statement of power.

The emergence of paramilitary militias in some of the conflict areas is yet another dimension of informal security arrangements. Linked to the Tamil militant groups, they operate

37 Uyangoda and Peiris, *State of Democracy in Sri Lanka*.

38 Transparency International Sri Lanka, *In Pursuit of 'Absolute Integrity'*, 51.

in Jaffna, Vavuniya and Batticaloa districts of the Northern and Eastern provinces, primarily as auxiliaries to the government armed forces engaged in the war against the LTTE. Observers have noted how since 1983 the number of paramilitary organizations controlling various parts of the conflict zone had proliferated, 'with regimes and sub-regimes' of the government and of the LTTE, the Eelam Peoples Revolutionary Liberation Front, the Peoples Liberation Organization of Tamil Eelam, the Eelam Peoples Democratic Party, the Rafik Group and the Tamil Eelam Liberation Organization. Some of these paramilitary groups have maintained camps 'whose existence often led to human rights violations, including illegal arrest, prolonged detention and torture, disappearances and extrajudicial executions'.³⁹

The paramilitary group called the 'Karuna Faction', which was formed in 2005 in the Batticaloa district, has given a new importance to the alliance between the state armed forces and the Tamil militias in the ongoing war. These groups cannot be considered as providers of security in any significant sense. Engaging in extortion and forcible recruitment, maintaining protection rackets and not accountable to any authority, they have become sources of insecurity as well. Interestingly, Sri Lanka does not yet have private militias or paramilitary entities operating in other parts of the country outside the conflict zone as agencies emerging to fill the security vacuum. There is no urban or rural war-lordism either.

In terms of citizens' options concerning better security, Sri Lankans are usually reluctant to challenge the actions of the police or security forces in situations of excesses and violations, for fear of reprisals. There have been occasional successes of human rights litigation against the police, but there are also many reports of police intimidating victims to dissuade them from resorting to human rights litigation. Complaining to politicians is one option available to people to ensure their security, yet politicians can hardly be expected to take action to fill the security vacuum.

Meanwhile, there has been a huge security vacuum generated by the protracted war in the Northern and Eastern provinces, where the LTTE's quasi-state structure emerged in the context of the breakdown of the governance structures of the Sri Lankan state. Through its parallel administrative structure, the LTTE has been providing the Tamil population in areas under its control with services such as law and order, justice, basic needs and ideological guidance. The LTTE has set up its own police and judiciary, and these institutions of law and order and the administration of justice have been in operation for over ten years in the Northern Province. They are highly authoritarian and coercive institutions of counter-state authority and terror, which emerged and are being maintained under conditions of a protracted civil war.

The LTTE had also claimed that it provides security to the Tamil people. However, this claim has come under increasing scrutiny in the face of the Sri Lankan government's recent military offensives against the LTTE in the Eastern Province. The LTTE has not only failed to protect Tamil civilians from being displaced in the government's military offensive, but seems to have 'encouraged' the Sri Lankan government to subject the vulnerable Tamil civilians to displacement and other abuses. The LTTE's strategic objective in this seems to rest on the

39 Sammonds, *Accountability of Security Forces in Sri Lanka*, 4.

belief that a humanitarian disaster created as a result of the government's military offensive would bring about beneficial political outcomes for itself.

What this means is that the Tamil people in the Northern and Eastern provinces are caught up in an inescapable and cruel 'security dilemma'. The government wants them to be 'liberated' from the LTTE by means of war, which reduces them to displacement and misery. The LTTE seems to tolerate such accumulation of misery by the Tamil people as a result of the government's military offensive, in the belief that it will bring the organization favourable political outcomes. An early escape from this peculiar 'security dilemma' seems to be impossible for those unfortunate enough to be caught up in it.

4.3 Coping with insecurity

In view of the fact that Sri Lankan society has produced an unending process of insecurity in a multiplicity of ways, how have the people been coping with this ever-present challenge of ensuring security? There have been a variety of coping strategies. In the north and east, many Tamil people have left their homes to escape the war, either as internally displaced persons (IDPs) or refugees in other countries. Asylum-seeking abroad was a pervasive practice in the 1980s. During the JVP insurgency of 1987–89 too, many Sinhalese citizens who had feared threats either from the state or the JVP also escaped abroad and sought asylum. Thus, out migration and asylum-seeking abroad has been a major strategy for coping with insecurity under conditions of protracted internal war and violence.

Internal displacement as a coping mechanism has taken two forms. In the first, displaced people are collected in what is known in Sri Lanka as 'refugee camps', which are administered by the government and humanitarian NGOs. People thus displaced cannot return to their original villages unless and until peace in the country is restored and the threat of war disappears. This uncertainty regarding war and peace has created a situation where people who came to refugee camps with the initial hope of returning home safely continue to live as IDPs for many years.

The Muslim IDPs living in camps in Kalpitiya in the Puutlam district and the Tamil IDPs in the Jaffna peninsula have been living in the camps for about twenty years. The second coping strategy for people caught up in the war is to live with relations and friends outside the areas of conflict. Many of them come to Colombo and the Western Province, and they are usually not recorded as internally displaced. Some would consider such relocation as a transitional arrangement before they manage to go abroad in search of asylum or employment.

There have also been half-hearted institutional mechanisms to provide redress to the victims of political violence. The Presidential Commissions on disappearances appointed in 1994–95 provided a forum for some of the survivors and members of the families of the victims to make complaints, but as an institutional mechanism of redress, they have not been satisfactory.⁴⁰ The fact that political leaders rely on the armed forces and the police to continue the

40 For full details of these commissions, see footnote 52.

war against the LTTE has been a major factor that has prevented the governments from moving decisively in the direction of providing redress to victims of state violence. This will be discussed in detail later in this paper. ■

Security decision-making dynamics

5.1 Decision-making structures

5.1.1 Sources of decision-making authority

Sri Lanka has had a fairly well-defined structure of authority for security decision-making, as laid down in the constitutional and governance structures. The key security decision-maker is the president in his/her capacity as defence minister and commander-in-chief of the armed forces. His/her authority is directly derived from the constitution and the people.

The degree to which the security decision-making authority enjoys popular support is usually dependent on the popular support that the regime commands. Sri Lanka does not have a mechanism to measure popular support for public policies. Politicians in power do not directly consult constituencies to measure public support for regime policies. However, periodic parliamentary, provincial council and local government elections provide an opportunity for political parties to politicize security-related policy issues. Key government decisions with regard to war and peace in Sri Lanka have thus been subjected to intense political debates and controversies. For example, the CFA, which the UNF government signed with the LTTE in February 2002, continued to be a major theme of political debate and controversy. During the parliamentary election of April 2004, the CFA and the 'insecurity' it generated was the main theme that the opposition coalition emphasized in its victorious election campaign.

Because of the high level of politicization of security issues, there is a possibility for new regimes to take radically different security policies after winning elections. The decision by the UNF government in early 2002 to sign a ceasefire agreement with the LTTE was made in the context of a successful election campaign in December 2001. In that election, the UNF critiqued the policies of the previous government to continue the war with the LTTE and offered the alternative of a negotiated peace. The United People's Freedom Alliance, which won the parliamentary election in April 2005, won popular support on a campaign that portrayed the CFA and negotiations as detrimental to national security. For political parties, a popular mandate from elections seems to be important in making radical shifts in the overall security policy.

Sri Lanka's security decision-making process is not entirely dependent on the legislative process. In this regard, there is a combination of executive and legislative processes. The president exercises considerable authority and power in making decisions, but usually relies on advisors who may not necessarily be elected officials or cabinet members. Among

these advisors would usually be the secretary to the president, the defence secretary, the chief of the joint operations command and the service commanders. This allows some degree of personalization of power in the hands of the president. At the same time, in key security decisions, the president consults the cabinet and the leaders of the political parties that comprise the ruling coalition. The fact that in Sri Lanka regimes are almost invariably multi-party coalitions has made such consultations politically necessary.

On certain key security policy matters there is a constitutional requirement for the executive to obtain the approval of the legislature, with the declaration of a state of emergency being the best example. The president has the constitutional authority to declare a state of emergency; however, this has to be approved by Parliament within ten days. The declaration is then subjected to a parliamentary debate, and the emergency needs to be renewed every month by means of a parliamentary vote. The president does not attend parliamentary sessions to take part in any of these debates, and it is always the prime minister or deputy minister of defence who represents the president in debates on a state of emergency. There is no recorded instance where a government has lost a parliamentary vote on a state of emergency.

In an internal war, the government would usually appeal to sentiments of patriotism, nationalism and public fears of insecurity, while portraying a picture of imminent threat to 'national security', thus making it difficult for opposition parties to criticize the state of emergency even on moderate grounds. Parliamentary debates on emergency situations have also shown a tendency towards ethnic polarization in a context where the ruling party's arguments are usually shaped by the ideological positions of national security and statism, whereas the minority parties raise concerns about the implications of war and the state of emergency for minority rights.

Generally, parliamentary oversight on security expenditure and military policies has been quite weak in Sri Lanka. Sammonds observes that the government has not been 'overwhelmingly fastidious in its answering of parliamentary questions concerning many issues, most particularly those concerning the security forces and the war in the north'.⁴¹

Sri Lanka provides an unusual case of the sources of security decision-making authority, because of the presence of the LTTE in Sri Lanka's Northern and Eastern provinces as an entity engaged in war with the state. The LTTE also behaves like a quasi state. It maintains institutions of a parallel state apparatus, backed by an efficient military-bureaucratic machine. The LTTE seems to derive legitimacy and authority for its security decision-making from an ideological perspective of 'national liberation'. This has enabled the organization not to be accountable to either the Tamil citizens or the international community.

While being exceedingly authoritarian and repressive in its behaviour, the LTTE's military structures do not seem to be accountable to a political wing either; neither does it appear to be overtly concerned with human rights or humanitarian consequences of its security decisions, which are basically about conducting the war against the state. This behaviour has a conceptual basis – the security of the nation and the emerging Tamil state should have priority and precedence over other rights and entitlements.

41 Ibid., 5.

5.1.2 Security policy orientation

Current security posture, values and interests

Sri Lanka's security policy at present is oriented almost exclusively towards the goal of weakening or defeating the LTTE's secessionist insurgency. To achieve this goal, the government has been mobilizing its military, economic, political and ideological resources. This policy seems to be based on an important assumption concerning security, namely that the security of the state should take priority and precedence over every thing else. In this approach, minority rights, civil and political rights, and humanitarian emergencies are secondary and subservient to the security of the state.

This is not a new development. When the Tamil secessionist insurgency began in the early 1980s, the approach of the UNP government was to privilege state security over non-state forms of security and subject civil and political rights as well as minority rights to the larger agenda of state security.

As Sri Lanka's past experience shows, the overemphasis on state security runs the risk of reducing state security to regime security. The presidential system of government has particularly encouraged this tendency. If the past is a reliable guide, the proclivity for equating regime security with state security emanates from a deep-seated sense of regime insecurity.

At present, in the context of the renewed war against the LTTE, Sri Lanka is showing signs of becoming a 'national security state'. In the present phase of the war, there are signs that the political leadership has given a great deal of autonomy to the defence establishment in matters relating to the conduct of war, as well as broad policy issues with regard to 'national security'. The fact that the defence establishment is headed by the president's own brother adds a new dimension to the relationship between the political leadership and the security apparatus. Winning the war against the LTTE appears to be the goal of the defence establishment at present, and there are indications that it is quite aware of the fact that doing so might take two to three years of intense fighting.

There is a specific context to this current tendency of the Sri Lankan government to give more 'autonomy' or 'flexibility' to the security establishment in the conduct of the war against the LTTE. An argument that has gained currency in the military, among Sinhalese nationalist political parties and the nationalist media is that in the past the Sri Lankan military could have won the war, but victory was prevented by a combination of factors external to the military. Among these extra-military factors are: (1) interference by regime leaders regarding military strategies and decision-making; (2) interference by external actors attempting to stop the war at crucial points; and (3) responsiveness to concerns about human rights violations and humanitarian issues. It appears that the present orientation of Sri Lanka's military policy on the war against the LTTE seeks to insulate the defence establishment from these 'external' influences.

Geostrategic context

Sri Lanka's official and nationalist perception of security has in the recent past been shaped to some extent by the country's geostrategic location. As we have already pointed out, the

fact that Sri Lanka is a small island located close to a huge neighbouring state, India, has led to an ideology of ‘national insecurity’ among both the political elite and Sinhalese nationalists. The smallness of Sri Lanka has also produced a related insecurity narrative:⁴² Sri Lanka’s politicians and journalists use the metaphor of ‘big brother’ to refer to India in this discourse of Sri Lankan insecurity.

Sri Lankan policymakers are also quite sensitive to the strategic importance of the island because of its great natural harbour, Trincomalee. During World War II, Trincomalee was a major naval centre of the allied forces that fought Japan in the Far East. In Sri Lanka’s security ideology, there is a belief generally shared by policymakers, bureaucrats, intellectuals and the nationalist intelligentsia that the West, the Russian Federation, India and China – the existing and emerging global powers – are keen to gain access to Trincomalee harbour for geostrategic reasons. The Indian sensitivity to the strategic value of Trincomalee was reflected in the Indo-Sri Lanka Agreement of July 1987. In the exchange of letters between the Sri Lankan president and the Indian prime minister at the time – the letters were part of the Agreement’s text – it was agreed that ‘Trincomalee or any other port in Sri Lanka’ would not be ‘made available for military use by any country in a manner prejudicial to India’s interests’.⁴³

As already mentioned above, Sri Lanka’s geopolitical proximity to South India has also reinforced the ideology of insecurity among Sinhalese nationalists. In their perception, Tamil nationalist forces in South India seek to annex Sri Lanka to a pan-Tamil state. In the mid-20th century, both Sinhalese nationalists and politicians viewed the presence in Sri Lanka of large numbers of south Indian plantation workers as a part of such a global Tamil design. The spread of Sri Lanka’s Tamil nationalist secessionist insurgency and the support the Sri Lankan Tamil militants received in south India in the early phase of the war have reinforced this fear.

5.1.3 Decision-making structures

The following is a brief description of the formal structures responsible for decision-making on security in Sri Lanka.

President: According to the Sri Lankan constitution, the president, directly elected by the people, is the head of state. The president is also the head of the political executive (the cabinet), the head of the government and the commander-in-chief of the armed forces. Therefore, powers over the security sector are concentrated in the office of the president. The president has significant powers regarding the security sector, including powers of appointment, retrenchment and promotions. To repeat a point that has been already made several times, the president is the central institution in the security decision-making apparatus.

Provincial councils and the National Police Commission: The 13th Amendment to the 1978 constitution, which established the provincial council system, contains provisions for

42 Keerawella, ‘Peace and Security of a Small State’.

43 Clause 2(ii) of Exchange of Letters, Indo-Sri Lanka Agreement of July 1987, cited in Kodikara, *Indo-Sri Lanka Agreement of July 1987*, 213.

the devolution of police powers through the establishment of a national police commission and provincial police commissions. The power to maintain law and order is vested with the provincial chief minister. Provincial police commissions have never been established, however. Currently, there is a controversy over the manner in which the National Police Commission has been established by the president, disregarding the constitutional stipulations under the 17th Amendment to the constitution.⁴⁴ As a result, the National Police Commission is at present facing both an institutional and legitimacy crisis.

The **Ministry of Defence** (MOD) is the key institution through which civilian authorities manage security decision-making. It is 'responsible for the formulation of defence policy and directs the implementation of that policy. It coordinates the administration of the armed forces, provides advice on defence issues to the government and gives strategic direction to the three services'.⁴⁵ Presidential control of the MOD is central to the politics of the security sector in Sri Lanka. The president ensures this control by appointing loyal bureaucrats to head the MOD or a loyal politician to be the deputy minister of defence, as and when the president feels that such a position is necessary. Normally, the MOD has been under the president, except for a short period from 2002 to 2003 when a separate defence minister was appointed. This was the result of an unusual situation in Sri Lankan politics when the presidency was controlled by one party and Parliament by another.

Parliament: Technically, the MOD is accountable to Parliament. However, parliamentary oversight of the security sector is marginal or non-existent due to a number of factors. Under the presidential system, the overall role of Parliament has become weak. With regard to the security sector, parliamentary control has been generally weak, and the establishment of the presidential system of government has further reduced the space for Parliament to monitor defence policies and expenditure.

The **National Security Council** (NSC) was set up after the 1971 insurgency to co-ordinate the overall internal security policy. The composition of the NSC is as follows:⁴⁶

- minister/s nominated by the president;
- the deputy minister of defence;
- the secretary to the president;
- the secretary of the MOD;

44 The 17th Amendment, passed in 2004, made provision for the establishment of a constitutional council (CC), which was to be the body in charge of making appointments to key public institutions, including the Human Rights Commission, the Elections Commission and the National Police Commission. The objective of setting up the CC was to depoliticize major public institutions. Despite the constitutional amendment, the CC has not been established due to a controversy among political parties about the individual composition of the CC membership. The present president, instead of resolving this dispute, has used his authority to appoint members to a number of key public institutions, including the Human Rights and National Police Commissions.

45 Jayasuriya, 'Sri Lanka Defence Forces'.

46 The sections that follow are taken from *ibid.*

- the chief of the defence staff;
- the commander of the army;
- the commander of the navy;
- the commissioner of the air force;
- the inspector general of police; and
- the director general of internal intelligence.

All these members are appointed by the president, making the NSC another institutional channel through which the president controls the security decision-making process.

Joint Operational Command: This was established in 1984 in the context of the escalation of the war with Tamil insurgent groups.

Joint Service Special Operations: This was an informal structure responsible for security and administration of the districts of Mannar, Vavuniya, Mullativu and Trincomalee, which are the districts affected by the Tamil insurgency. However, it was disbanded on 4 March 1985.

Chief of Defence Staff Joint Operations: This structure was formalized in 2000. It has the specific duty of maintaining joint operations headquarters to coordinate anti-terrorist operations by the army, navy, air force and police.

In terms of the governance structures, Sri Lanka's defence sector seems to be well integrated through the cabinet and the respective departments. The budget for the MOD is allocated annually through the budgetary process of the Ministry of Finance. The fact that the president has been holding both the defence and finance portfolios seems to have made it relatively easy for the defence sector to secure budgetary allocations without institutional or political hurdles. Since defence expenditure has been increasing in the context of the civil war, parliamentary approval of supplementary estimates for defence expenditure has become a regular practice. Parliament usually votes such defence budgetary requests with little debate and no controversy. Careful scrutiny of military expenditure even in Parliament is viewed as unwarranted interference by politicians in national security matters. ■

Chapter 6

Assessment of findings

6.1 Interpreting the case studies

This section draws from the material provided by the six micro-case studies. In interpreting these case studies, we have identified the following five themes: (1) the relative autonomy of political elite in decision-making on security; (2) the limits of the autonomy of political elite; (3) the impact of intra-elite conflicts on security decision-making; (4) the insecurity of communities and their coping mechanisms in extreme conditions of insecurity; and (5) the changing role of external actors in shaping Sri Lankan security policy.

6.1.1 The relative autonomy of the political elite in security decision-making

A striking conclusion that the case studies suggest is the degree of autonomy that the political elite of Sri Lanka appear to exercise even in crucial political decisions regarding the decision-making process in the security sector. The peace process of 2002–04 is a major case in point.

It was initiated with the signing of the CFA between the UNF government and the LTTE. This agreement acknowledged the presence of two military forces in one country. It also recognized the political fact that the secessionist LTTE controlled certain areas of the territory belonging to the Sri Lankan state. These were ‘realities’ that Sri Lanka’s political and defence establishments had refused to acknowledge in the past. As Austin Fernando’s case study demonstrates, the UNF government thereby formalized these ‘realities on the ground’ and did not systematically consult the security establishment on any of these provisions, which had far-reaching security implications.

The nominal ‘consultation’ offered to the defence establishment was the opportunity given to the army and navy commanders to ‘submit their concerns to the Ministers of Defence and Constitutional Affairs’.⁴⁷ However, their expressed concerns were ‘not adequately reflected in the finalized CFA’.⁴⁸ The security establishment had to accept this new shift in policy initiated by a section of the political elite. It basically forced the armed forces – which until then had been waging a war against the LTTE to defend the ‘sovereignty’ and ‘territorial integrity’ of a unitary state of Sri Lanka – to accept the fact that the LTTE, with its own military apparatus, was in control of some part of the country’s territory. It also stipulated a

47 Fernando, ‘Responsiveness for Defence’.

48 Ibid.

new code of conduct for the Sri Lankan armed forces, subjecting them to monitoring by foreign nationals of the Sri Lankan Monitoring Mission.

This autonomy of the political elite vis-à-vis the military establishment also had its limits. Fernando's case study also shows the negative consequences of the absence of dialogue between the political and security establishments. The military was not overtly enthusiastic about the implementation of the CFA. When President Chandrika Kumaratunga began to politically subvert the CFA in her power struggle with Prime Minister Ranil Wickramasinghe, the military's sympathies were clearly with the president.

The decision by the political leadership to set up the Defence Review Committee (DRC) in 2003, as discussed in Jayasuriya's case study, is another recent example of the political elite's willingness to use its relative autonomy to alter the structures of security decision-making. The DRC, initiated by the Wickramasinghe regime in 2002, demanded a fundamental reform in the structure and functioning of the security forces. If it had succeeded, this would have had far-reaching consequences for the security sector, as well as an impact on many operational aspects of Sri Lanka's armed forces.

In this instance too, the political leadership had only minimal consultation with the security establishment. The lack of publicity given to this reform initiative, which was long-awaited and expected by the rank and file of the armed forces to improve and update their livelihoods, living conditions and future prospects of their careers and lifestyles (DRC, part II), was to 'create disappointment, suspicion and mistrust among rank and file regarding the motive of the DRC'.⁴⁹

Jayawardena's case study on the state commissions on disappearances that took place during the military crackdown on the second JVP insurgency of 1987–89 contains another story of the capacity of Sri Lanka's political elite to initiate a process that had the potential to produce outcomes detrimental to the self-interest of the security establishment. A similar conclusion is suggested in the case study of events prior to the anti-Tamil violence in July 1983. Senaratne's paper mentions a series of steps taken by the political elite to discipline the sections of the armed forces that were responsible for violence against Tamil civilians. This even included the disbanding of an entire regiment.

How does one explain this relative degree of autonomy that Sri Lanka's political elite has been exercising in the security decision-making process? The following are some of the key factors that might constitute an explanation:

- 1) Despite ethnic conflict, political crises, counter-state insurgencies and the protracted civil war, Sri Lanka has maintained constitutional governance that has enabled the civilian political leadership to continue to exercise political control over the security establishment. Similarly, the armed forces have also accepted the existing political and social order managed by the civilian political leadership, despite frequent stresses and strains. In its relations with the civilian political elite, Sri Lanka's security sector appears to operate within a framework of professional norms.

49 Jayasuriya, 'Sri Lanka Defence Forces'.

- 2) In addition to having formal authority over the security sector through the structures of constitutional governance, the political elite has also devised and resorted to specific mechanisms to ensure civilian control over the security forces. One well-known mechanism is the appointment of civilian bureaucrats loyal to the political party in power or personally loyal to the prime minister/president to key positions in the defence establishment.⁵⁰ The position of secretary of the MOD is a well-known example of this.
- 3) While the constitution provides the power that politicians have over the security forces, structural factors such as class and ethnicity have enabled the civilian political leadership and the defence establishment to overcome any possible conflicts, except in the case of the failed coup of 1962. At the time of Sri Lanka's independence in 1948, both the political and military elites came from the same class of Westernized, British-educated and urban elite.⁵¹ Most of the elite that headed the security forces at the time of independence came from this same social background.⁵² With the widening of the social bases of the political elite after the mid-1950s, a new framework of solidarity was established on the basis of ethnic loyalties and nationalist ideologies. Ethnic solidarity has effectively replaced class solidarity among the new elites. In the context of the war against Tamil secessionist rebel groups, ethnic and ideological factors have contributed to ensuring solidarity between the political and security elites.
- 4) Anecdotal evidence suggests that there are regular antagonisms and rivalries among the senior personnel of the security forces on both personal and professional grounds. The battle for promotions among senior officers is a frequently cited aspect of rivalries within the security establishment. In waging these battles, the officers appear to resort to informal methods of using their links to individual politicians and political parties, loyalties based on family and caste, old school networks, etc. The political leadership

50 Prime Minister Sirimavo Bandaranaike's defence secretary in the early 1960s was N. Q. Dias, who was politically, ideologically and personally loyal to her. In her second term as prime minister in 1970, she appointed Arthur Ratnavale, a loyal bureaucrat as the defence secretary. President Jayewardene's first defence secretary in 1977 was C. A. Dharmapala, a party member and kinsman, while his commander of the army was also a relative. President Kumaratunga's defence secretary was a loyal bureaucrat, and she appointed her own uncle, a retired colonel in the volunteer army, as the deputy defence minister. Eventually, this ex-colonel was promoted to the position of a general in the regular army. The present president of Sri Lanka has taken this practice to its logical conclusion by appointing his own younger brother, an ex-colonel in the army, as the defence secretary.

51 Moore ('Economic Liberalization versus Political Pluralism in Sri Lanka?', 347) offers the following description of this elite: 'An important societal pillar of the Sri Lankan polity has been the indigenous elite which grew up in the colonial period around commercial and capitalist enterprise, the white collar professions and the early and thorough indigenization of the state bureaucracy. Socialized around attendance at a few British-model public schools in Colombo and residence in Colombo Cinnamon Gardens area, this elite developed a coherent consciousness which partly transcended caste, ethnic and religious identities. With roots in most ethnic, caste, regional and religious groups, the elite developed on the basis of individual or family participation in a wide range of occupations: commerce, capitalist enterprise (especially plantation ownership), urban land lordship, the professions, public service and electoral politics. This was not a "national bourgeoisie" in the sense in which this term is usually used – i.e. a conscious and active opponent of imperialism/metropolitan capital. It was however, a single, national elite marked by relative coherence, self-consciousness and capacity for co-ordinated, self-interested action. It continues to occupy almost all significant positions of political leadership.'

52 For interesting insights into the culture and thinking of this elite that headed the security establishment at the time of independence, see Horowitz, *Coup Theories and Officers' Motives* and Muttukumaru, *The Military History of Ceylon*.

seems to make use of these divisions and antagonisms to keep the security establishment under firm political control.⁵³

6.1.2 Limits of the autonomy of the political elite

Although the political elite has enjoyed a relative degree of autonomy vis-à-vis the security establishment in security decision-making, there are also limits to this autonomy. The empirical material provided in two of our case studies – Senaratne's⁵⁴ and Jayawardena's⁵⁵ – provides examples of limits to the autonomy enjoyed by the political elite.

The case study on the government's actions and non-actions before, during and after the 1983 anti-Tamil riots indicates how the political control of the behaviour of the security forces had functioned with clear limits. As Senaratne's case study shows, the anti-Tamil riots of July 1983 were preceded by a series of violent events that started sometime in April that year. It included actions by Tamil insurgents, sporadic anti-Tamil mini-riots by Sinhalese mobs and actions by some sections of the security forces, of which Tamil civilians were at the receiving end. As seen in the case study, prior to the outbreak of wide-scale violence in July 1983, government leaders had taken the following measures to curb this violence:

- the establishment of a police command centre linked to the operations rooms of the armed forces, in Colombo;
- the preventive arrest of known criminals and thugs around the country;
- a contingency plan to deal with disorder and rioting in Colombo;
- the linking of police, army, and navy command rooms in Trincomalee in the Eastern Province;
- the deployment of the army, navy and air force to assist the police in 'internal security duties', including the imposition of a curfew;
- the imposition of a curfew; and
- the activation of the Public Security Ordinance's 'Disposal of Dead Bodies' provision in the Northern Province.

While the aim of these policies was to tackle possible disorder such as riots and Tamil militancy, along with these steps the government also demanded discipline from the armed forces, taking a number of policy steps to ensure such discipline in the context of growing interethnic tension. These steps included instituting disciplinary inquiries against armed forces personnel found to be guilty of misconduct, direct orders from the president to the commanders to ensure discipline, and compensation payments by the government to victims of army indiscipline, thereby accepting the government's responsibility for indisciplined military behaviour. These disciplinary measures even led to the disbanding of an entire army regiment – the Rajarata Rifles – for excesses against Tamil civilians.

53 There are no studies of Sri Lanka's security sector from sociological or social anthropological perspectives.

54 Senaratne, 'Security Policy Making in Sri Lanka'.

55 Jayawardene, 'The Role of Disappearances Commissions'.

The killing of 11 soldiers of the Sri Lankan Army in Jaffna by the Tamil militants precipitated the July 1983 anti-Tamil violence. When the soldiers' bodies were brought to Colombo for burial, the funeral turned into a major event of mob violence. Backed by organized Sinhalese groups, the mob violence soon developed into country-wide anti-Tamil ethnic riots. Senaratne's case study shows that none of the preventive security measures put in place by the government prior to the riots had functioned once the riots broke out in earnest. Nor could the government ensure the security and protection of the Tamil community. The following is a brief account, based on Senaratne's case study, of the failure of security measures initiated by the government.

- 1) The police command centre, established in Colombo and linked to the operations rooms of the three armed forces, did not function to prevent the riots. The purpose of this command centre and its linking to the armed forces were to facilitate (a) the rapid acquisition of information regarding disorder and rioting from both police and armed forces' sources; (b) the communication of such information to the highest levels of government, i.e. the president, the NSC and ministers close to the president; and (c) the communication of orders and directives for action back to the police and the armed forces. When the rioting began in the vicinity of Kanatte cemetery in Colombo at about 7–8 p.m. on 24 July, a large body of police, army officers and other ranks were present in and around the immediate locality. They were duty bound to communicate the information about the disorder back to their respective headquarters. But this did not happen.
- 2) There was a contingency plan created in early June 1983 to deal with disorder and rioting in Colombo. When the disorder actually occurred, this plan did not work.
- 3) There was also a new policy of deploying army, navy and air force personnel to assist the police in 'internal security' duties. Under the Emergency Regulations, such deployment was already under way from early June onwards. Thus, armed forces personnel were already being used to assist the police. But when the anti-Tamil riots broke out in July 1983, the police and the armed forces did not act against the rioters, but merely watched the rioting or just moved around in vehicles. The case study shows that it was only after the first two to three days of rioting, subsequent to the news of the rioting spreading across global news channels, that the armed forces began to take action to prevent further violence. Complete order was restored only a week later.
- 4) There was a failure to impose a curfew in time as a preventive measure. A curfew was declared in Colombo only at 2 p.m. on 25 July, approximately 16 hours after the rioting began in the Borella area in Colombo city. As Senaratne's case study points out, there was no explanation of this delay at the time or subsequently. This stood in sharp contrast to the government's readiness to impose a curfew during the previous month in diverse parts of the country, including Trincomalee, Kurunegala and Panadura. In Trincomalee, the port city in the Eastern Province, daily curfews had been in operation for many weeks. On one occasion, a curfew had been imposed for an uninterrupted period of 65 hours. Senaratne's conclusion is that the 'non-declaration of curfew (and its effective enforcement) on the night of 24 July is the single most important factor in the rioting in Colombo taking the course it did'.

- 5) The decision to pre-emptively arrest known criminals and thugs around the country was not fully implemented either. While such arrests had taken place to some extent, during the rioting it became obvious that hundreds of criminals became involved in the rioting.

The limits of the civilian political elite's power over the security sector and in some areas of security decision-making seem to have continued to the late 1990s as well. This was clearly indicated by the failure of the People's Alliance government to provide redress to the survivors of state violence in 1987–89. The state-sponsored violence of 1987–89 was a part of the UNP government's strategy to suppress the second JVP insurgency by military means. The newly elected government of the People's Alliance, which came to power at the 1994 elections on a platform of democracy, human rights and peace, established three commissions to investigate the state-sponsored violence of 1987–89 and recommend redress to the victims and survivors.⁵⁶

These three commissions covered the entire country by dividing it into three units: (1) Western, Southern and Sabaragamuwa provinces; (2) Central North Western, North Central and Uva provinces; and (3) Northern and Eastern provinces. All three commissions had identical terms of reference, and it is significant to note that all three were appointed under the Commissions of Inquiry Act No. 17 of 1948 and not as presidential commissions. If the latter had been the case, the commissions could have been given wider powers and authority. It may be that government leaders were reluctant to launch in-depth investigations into allegations against the armed forces and the police regarding excesses and human rights violations.

As Jayawardane, who was a member of the commission that covered Western, Southern and Sabaragamuwa provinces, states in his case study, nearly 10,000 witnesses appeared before the commissions to give evidence. The commission also summoned a number of special witnesses in order to elicit information on various aspects of violence that occurred during the period concerned. They included the army commander, the inspector general of police (IGP); two former IGPs; the deputy IGP in charge of crimes and criminal intelligence; the deputy IGP of the Police Special Branch; the commandant of the Police Special Task Force; the chairman of the University Grants Commission; representatives from the Bar Association; the commissioner general of rehabilitation; the commissioner general of prisons; registrars of the Supreme Court, the Court of Appeal and the High Court; several ministers, including Mahinda Rajapakse, the then minister of labour and vocational education and presently the president of the Republic; representatives from government ministries and institutions; representatives from a number of civil society organizations; representatives of the

56 While in power, the UNP government had also established, in response to mounting international pressure, some mechanisms to investigate human rights violations. Accordingly, the Official Committee on Human Rights was established on 30 November 1990. The commissions appointed were the Presidential Commission of Inquiry into Involuntary Removal of Persons, established on 11 January 1991, to investigate cases after that date, the Presidential Commission of Inquiry to Investigate Reprisal Killings at Kokkadichcholai, established in June 1991 and the Human Rights Task Force, established in 23 August 1991.

organizations of the families of the disappeared; and representatives from several political parties, including the JVP.⁵⁷ The commissions functioned for almost three years, from 1995 to 1997.

In assessing what these commissions have achieved, the case study offers two distinctly different conclusions. On the positive side, it records the many practical things that these commissions succeeded in achieving. The commissions gave an opportunity for the affected families to present their cases before a body officially appointed by the president, which was considered ‘an important step towards national reconciliation’.⁵⁸ During the violence, the victims could not even register what was happening to them with the law and order authorities. The commissions provided an opportunity to the families of victims at least to record what had happened to them.

The commissions also recommended a series of relief measures for affected families, such as the payment of compensation; the issue of death certificates; and the establishment of an Advisory Services Bureau, and vocational training and emotional rehabilitation programmes.⁵⁹ The government acted on two of these recommendations – payment of compensation and rehabilitation measures – even while the commissions were still sitting. When the government enacted the Registration of Death (Temporary Provisions) Act No. 2 of 1995, it enabled a large number of families to obtain death certificates for those who had disappeared. They were then able to claim money lying to the credit of disappeared people in banks, insurance companies, the Women’s and Orphans’ Provident Fund, etc.⁶⁰

On the negative side, the biggest failure of the commissions has been their inability to prosecute the perpetrators to any significant degree or to establish measures that could contribute to preventing future occurrences of such excesses by the security forces. Although there were some prosecutions, these in no way compensated for the horrendous bloodletting that occurred during the period 1987–89. This is true of state officials as well as non-state actors who were responsible for murder and disappearances. Pointing out this limitation, Jayawardane states that ‘even disciplinary actions were hardly taken at the department level against offenders even where there was credible evidence’.⁶¹

There was no progress at all on the recommendations of a structural nature, the implementation of which could have contributed towards preventing the recurrence of violence against citizens. The commissions recommended the establishment of an independent human rights prosecutor, the enactment of effective witness protection laws and the acceptance of the doctrine of command responsibility. The latter recommendation was intended to limit the applicability of indemnity laws and introduce a new criminal offence to deal with disappearances. There has been no progress whatsoever on these recommendations. If implemented, they could have led to important institutional reforms, thereby going a long way in checking the abuse of power by the security sector.

57 Jayawardane, ‘The Role of Disappearances Commissions’.

58 Ibid.

59 Ibid.

60 Ibid.

61 Ibid.

6.1.3 The impact of intra-elite conflicts on security decision-making

Sri Lanka's political class demonstrates a fractured nature that goes beyond the normal inter-party competition in mature democracies. It has produced intense rivalries between the two main camps of the political class, sometimes making the institutions of governance dysfunctional and even threatening the effectiveness of the entire political order. In recent years, this intrapolitical elite rivalry has even shaped the dynamics of security-decision making in Sri Lanka. Before we move on to discussing the salient points in Fernando's case study of security decision-making in a 'fractured' polity, let us briefly discuss the nature of intra-elite, interparty antagonisms.

Sri Lanka's post-colonial democracy has produced a dominant bi-party system within a multiparty polity. The first-past-the-post electoral system with its winner-takes-all electoral outcome provided the broad institutional framework for intense interparty rivalries. It produced majorities for the winning party, while reducing the power of the opposition to a minimum.

The parliamentary elections of 1970 and 1977 were two major occasions where the ruling parties obtained massive parliamentary majorities and the opposition was reduced to a few parliamentary seats. The winning parties, making use of these majorities and their disproportionate power, not only brought about fundamental changes in state policies, but also abused that power in a partisan manner. In a context of intense power politics associated with electoral outcomes, post-election violence against the supporters of the losing party became a regular feature after the early 1970s.

The opposition, devoid of political power and always the target of the ruling party's attacks and harassment, had to struggle for survival. Back in power, the opposition party of yesterday would only repeat with greater enthusiasm what its ousted rival did when in power. This cycle of government-opposition rivalry, antagonism and abuse of power also created a situation in which the distinction between the state and the regime had largely disappeared. Against this backdrop of increasing intrapolitical class rivalry, the process of constitutional governance could not develop even a semblance of consensus politics.

Fernando's case study of the security decision-making process in a context of 'fractured' political authority in 2002-03 examines an extreme point in the process of rivalry among Sri Lanka's leading factions of the political elite. The defence establishment was also caught up in this occasion of rivalry, in a peculiar context where the president and prime minister represented the two leading rival camps of the political elite. The UNF government signed the CFA with the LTTE in February 2002 against this political backdrop of 'dual power' between two rival centres of state power. Under the constitution, the president was the head of the cabinet and commander-in-chief of the armed forces. This provision empowers the president to be responsible for all decisions for defence and security. When the opposition UNF won the parliamentary election in December 2001 and then formed the new government, the president

reluctantly agreed to hand over the Defence Ministry to the Prime Minister, who was her political rival. The Prime Minister in turn appointed a separate Minister

*for the subject of defence, yet the President continued her constitutional role as the Commander-in-Chief of the armed forces and the constitutional authority entrusted with the responsibility of defending the sovereignty of the Republic.*⁶²

The CFA was signed in the context of this dual authority. Fernando, who was the UNF government's defence secretary at the time, observes in his case study: 'Although the successful implementation of the CFA demanded delicate handling of security there was no chance of dealing with these issues successfully in the context of elite rivalry and fractured locations of power over decision making on security.'⁶³

These rivalries not only undermined the successful implementation of the CFA (the president's taking over of the Ministry of Defence along with two other ministries in October 2003 marked the end of the UNF-led peace process), but also crippled the functioning of key security decision-making institutions. The account given in the case study of the experience of the NSC is quite revealing:

*Before the CFA came into effect the decision making on security process was done through NSC deliberations. The NSC was the most important security decision-making forum during the twenty long years of conflict. However, after the CFA was signed, the NSC process became irregular and unimportant. Both Parties seemed to have ignored the NSC. There were only a few meetings of the NSC held and they were very informal for which the President was mainly responsible. The seriousness shown by the Prime Minister or the Minister of Defence too was low. The meetings were never held punctually and scheduled with short notice given, which made the Prime Minister an absentee due to his heavy schedules. No serious deliberation was made on CFA implementation at the NSC, but ad hoc criticisms were levelled giving an indication to the military authorities of the President's apparent negative responsiveness and displeasure of the CFA. The participants were mere listeners at the NSC, giving explanations to the President and her retorts on how weak the peace process was managed.*⁶⁴

This is a glaring illustration of how intra-elite conflicts could contribute towards institutional decay. It is hardly necessary to emphasize that the NSC was a major institution, the proper functioning of which was critical for the security policies of a country affected by civil war. This was also the time when a ceasefire and negotiation process, with international backing, was being implemented.

The establishment and operations of the Defence Review Committee in 2002 became another arena for intra-elite conflicts. In this part of the discussion, we use material from Jayasuriya's case study on the experience of the DRC.

The convening order of the DRC was gazetted on 5 July 2002. Described as a committee 'to examine and report on matters pertaining to higher defence control revision of regulation

62 Fernando, 'Responsiveness for Defence'.

63 Ibid.

64 Ibid.

under relevant acts and on future organisation and structure of the armed forces',⁶⁵ it consisted of three members – a former commander of the army who headed the committee, and the secretaries of the Ministries of Defence and Finance. The mandate was to review changes and adjustments to the higher defence organization of the armed forces and the legislation governing the armed forces, and conduct a national threat assessment in order to identify the future roles and missions (doctrine and weaponry) of the armed forces. In short, the DRC's mandate covered almost all critical aspects dealing with the armed forces. This was the first time since independence that such an exercise had been undertaken in Sri Lanka.

Although the DRC had a wider objective of reforms in the security sector, its politics shows that right from the beginning it was a move to limit the powers of the president, the then prime minister's rival, over the security forces. In making the decision to initiate the DRC, there was no consultation with the president, who was constitutionally the commander-in-chief of the armed forces. When the DRC began its deliberations, there was not even a representative of the president present. The president's nominee, Major General (rtd.) M. A. Jayawardene, was inducted onto the committee only on the president's insistence, after the committee had already held some sittings.⁶⁶

The DRC presented its first report to the minister of defence on 31 August 2001. It made some far-reaching recommendations that would directly impact on and change the existing power and control structures within the defence sector. These were:

- the expansion of the composition of the NRC;
- the creation of a National Defence Committee (or Council) chaired by the minister of defence and responsible for the day-to-day running of the military machine; and
- the appointment of a professional head of the armed forces at the Ministry of Defence to be designated chairman, Joint Chiefs of Staff Committee.

Based on the above report and recommendations of the DRC, the UNF government moved to introduce the Higher Defence Control Act.

As the case study points out, the proposed reforms would have had far-reaching effects on the management and control of the Sri Lankan armed forces. But what is relevant to our discussion in this section is that it would have meant a significant reduction of the control that the president had over the armed forces. The consequences of these proposed changes were seen 'as a move to "clip the president's powers" and gain control of the country's defence establishment from the President'.⁶⁷ The UNF government argued that the Higher Defence Control Act was designed to give 'more powers to Parliament'. If this Act had been passed by Parliament, it would in effect have severely undermined the powers of the president, who was constitutionally vested with the executive power of the people, including the power to declare war and peace. Ultimately, the president dissolved the DRC.

65 Jayasuriya, 'Sri Lanka Defence Forces'.

66 Ibid.

67 Ibid.

6.1.4 Insecurity among minority communities and their coping mechanisms in extreme conditions of insecurity

Four of the six case studies deal with insecurities experienced by Sri Lankan citizens belonging to both ethnic minorities and the majority community. These cover anti-Tamil violence in July 1983,⁶⁸ commissions on disappearances after the 1987–89 violence,⁶⁹ the impact of the PTA⁷⁰ and security concerns of the Muslim community.⁷¹ Two major themes emerge from these case studies. The first is that with regard to the Tamil and Muslim ethnic minorities, there has been and continues to be a security shortfall that remains unaddressed. The second is that even in a context where the majority community has suffered because of the excesses and atrocities committed by the security apparatus, the various governments have been reluctant to put in place a proper, effective and robust redress mechanism.

The anti-Tamil violence of July 1983 had a devastating impact on the security of the minority Tamil community. As Senaratne's case study shows, the violence resulted in the deaths of hundreds of Tamils and left thousands homeless. The government chose not to hold a public inquiry into the riots, and in the absence of any inquiry, it is not possible to give accurate figures of casualties and material loss. The official casualty figure given by the government was 387 deaths, mostly Tamils. This figure included 53 Tamils killed in two prison riots in Colombo, and also 34 individuals, most of whom were Sinhalese, killed by the armed forces and police in the course of restoring order.⁷² Other estimates vary between close to 400 and 2,000. Senaratne observes that in view of the scale of the disorder and confusion, these numbers are no more than approximations. He concludes that 'a reasonable estimation' would be that around 800 to 1,000 Tamils were killed.⁷³

Due to the violence of July 1983, between 100,000 and 200,000 Tamils became homeless. Close to 150,000 were moved to the Tamil-populated regions of the Northern and Eastern provinces. According to government figures, 116 Tamil or Indian-Tamil-owned large businesses were damaged, of which 38 were completely destroyed. At least 3,100 Tamil retail shops were damaged or destroyed. Thousands of Tamil-owned or -occupied homes were burnt or looted, along with the burning and destruction of 4,000 vehicles.⁷⁴ Other sources quoted in the case study state that 8,077 acts of arson, 3,835 cases of looting and 3,769 cases of mischief occurred throughout the island.

Even the Tamils who were in the custody of the criminal justice system were not spared. A total of 53 Tamil prisoners were killed by Sinhalese prisoners at Welikada Prison in Colombo. They were killed in two separate 'mini-riots' which took place within the prison's premises on 25 and 27 July. These killings took place 'under very suspicious circumstances' and they

68 Senaratne, 'Security Policy Making in Sri Lanka'.

69 Jayawardane, 'The Role of Disappearances Commissions'.

70 Keethaponcalan, 'The Prevention of Terrorism Act of Sri Lanka'.

71 Haniffa, 'Security Concerns of the Muslim Community in Sri Lanka'.

72 Senaratne, 'Security Policy Making in Sri Lanka'.

73 Ibid.

74 Ibid.

clearly indicate 'collusion amongst some prison guards and officers, some army personnel guarding the prison and Sinhala prisoners'.⁷⁵

The background of Jayawardane's case study on the disappearance commissions, some findings of which we have already noted, was the state-sponsored violence during the 1987–89 insurrection. The first insurrection of 1971 lasted for about two months (April to June), whereas the second insurrection in the late 1980s lasted for approximately three years. In order to quell the insurgency, the government deployed in addition to its own state machinery 'vigilante groups' or 'death squads'. These so-called 'civil defence units' were armed and trained by the state and they 'acted with a sense of impunity using unmarked vehicles which were allowed to pass through road blocks unhindered'.⁷⁶

It was a period characterized by disappearances, killings, counter-killings, and dead bodies being dumped by the wayside and floating down the rivers. Although the impact of the violence during this period with all its psychological aspects is significant, there are hardly any studies that have tried to systematically record the events or analyse them from the point of view of the community that suffered. Even the data collected about the numbers of victims consists of approximations.

The third case study in this section focuses on the enactment and impact of the PTA. This Act belongs to the category of legislative enactments in force in many states in dealing with violent challenges to state authority. However, the manner in which such laws are enacted and the larger context in which they operate differ from country to country. In some instances, there are oversight mechanisms at a number of levels in order to check abuses of such laws, involving constant reviews, checks and balances. A relatively independent judiciary that is ready to challenge the authority of the executive, and a vigilant press and civil society become components of such an endeavour. Exceptional laws have only a very limited role in tackling the underlying causes of violent insurrections. If there is no progress in the areas of reform to address the causes of anti-state violence, exceptional laws such as the PTA can only become mere instruments of counter-insurgency war. Eventually, these laws have a tendency to continue to exist as a regular source of insecurity for the community.

Keethaponcalan's case study shows that the Sri Lankan PTA was 'enacted as a supplementary instrument to invigorate the military operations in the North', where the Tamil insurgency was initially concentrated.⁷⁷ It was a part of the search for a military solution to the Tamil ethnic conflict. The PTA was enacted in 1978 with the approval of a two-thirds majority in Parliament and was later amended in 1982, subsequently going through further amendments in 1988, 1993 and 1994. It continued to exist until the ceasefire agreement between the Government of Sri Lanka and the LTTE was signed in February 2002.

The provisions of the PTA were draconian, giving extensive powers to the security forces. There are several comprehensive analyses of the Act that show that it actually encouraged practices like the torture and degrading punishment of people arrested. The manner in which

75 Ibid.

76 Jayawardane, 'The Role of Disappearances Commissions'.

77 Keethaponcalan, 'The Prevention of Terrorism Act of Sri Lanka'.

it was enacted shows that Sri Lanka lacked institutional mechanisms that could check abuses of such a law. Even the judiciary did not consider the implications of the new anti-terrorism law for civil liberties. The Bill was approved by the cabinet and referred to the Supreme Court as urgent. The government notified the Supreme Court that the Bill would be passed with a two-thirds majority in Parliament, and therefore its constitutional validity was ‘not an issue’.⁷⁸

The Supreme Court in turn was only interested in the question of a referendum, a mere procedural matter concerning the procedural validity of the proposed law. The court delivered its verdict in just one page, indicating the lacklustre approach adopted by the judiciary regarding the civil liberties of the citizens in a context of a counter-insurgency war, in this case with an ethnic minority.

As Keethaponcalan’s case study shows, the Bill’s passage through Parliament did not generate the debate that such a serious piece of legislation warranted. It was approved in 28 minutes after the summing up speech was made by the government. There was no opposition either from the Sri Lanka Freedom Party or the Tamil United Liberation Front (TULF), which represented the Tamil community. Incidentally, the TULF by this time was the main opposition party in Parliament, but it merely abstained from voting on the Bill.

Although legitimized as a piece of legislation necessary to provide for the security of the public, the PTA not only failed to arrest the cycle of violence, but also caused new security challenges to the people of Sri Lanka in general and ‘the Tamil community in particular’. The negative impact of the PTA on the Tamil community is analysed in Keethaponcalan’s case study under three broad categories: (1) provisions of the Act; (2) abuses aided by the Act; and (3) its psychological impact. The following is a summary of the case study’s observations:⁷⁹

- Offences were defined very widely. ‘Under these definitions if the armed forces or the government wanted any person arrested, he or she could be easily apprehended and punished or at least harassed. It is imperative to note that these provisions have been abused to a great extent and extensively misused against innocent civilians and political rivals.’
- Punishments included confiscation of property belonging to the family as well. This meant that if one member of a family were punished under this law, the entire family was affected. Given the fact that in Sri Lankan society family can mean the extended family that covers the kinship network, the impacts of such a punishment can extend far and wide. This, as Keethaponcalan’s study shows, amounted to the collective punishment of a community.
- Failing to give information became a punishable offence, and the vast majority of the Tamils who were arrested under the PTA were charged with this. According to a Tamil lawyer, who regularly appeared for PTA cases, almost all the people living in the LTTE-controlled areas could have been charged under this section.

78 Ibid.

79 Ibid.

- The PTA vested in the police extensive powers of search and detention, without any written authorization from courts.
- When people were produced in courts under the PTA, magistrates did not have the power to grant bail.
- According to Section 9(1) of the PTA, a person could be detained for up to 18 months on the order of the minister of defence. An order made under Section 9 was final and could not be called into question in any court or tribunal by way of writ or otherwise (Section 10). This section not only transferred some of the powers of the judiciary to the executive, but also led to people being detained for a prolonged period without access to an attorney or their families.
- One of the most criticized sections in the PTA has been Section 16, which allows confessions made while a detainee is in police custody to be used as evidence, provided that they were not made to a police officer below the rank of assistant superintendent. Many human rights organizations have criticized this provision as an invitation to carry out torture.

Many of these provisions opened room for abuses by the security forces, human rights violations and disappearances. By and large, most of the people taken in by the security forces or those who were affected by the PTA were Tamils; only in exceptional cases and exceptional situations did other ethnic communities experience the real effect of this Act. However, it was also used against in the southern part of the country during the JVP rebellion of 1987–89.

The final section of Keethaponcalan's case study focuses on the coping mechanisms of the Tamil people in the context of insurgency, counter-insurgency war and anti-terror legislation. It was not surprising that when the state resorted to repressive measures in dealing with political issues, the victims had to look beyond the state for coping mechanisms.

One such mechanism was simply fleeing abroad. After 1983, a large section of the Sri Lankan Tamil population left the country, seeking asylum elsewhere. The second mechanism was to obtain the support of international mechanisms. Since states are bound by international norms if they are to be considered as responsible states, the victims of the PTA began to make use of UN mechanisms such as the UN Human Rights Commission. Finally, another mechanism, but probably less effective, has been to join counter-state movements that have also been responsible for the war and human rights abuses.

Haniffa's case study is concerned with the security of another minority community in Sri Lanka, the Muslims, who form around 8.9 per cent of the population, making them the second-largest minority in the country. Haniffa's case study makes a link between the traditional state-centred notions of security and the resultant insecurity of the Muslim community. It argues that in making political decisions based on the security of the state, the security of the Muslims had concerned the state only minimally. Even that minimal concern had been due principally to the manner in which the country's minorities continued to be considered as unworthy of full Sri Lankan citizenship. Haniffa also argues that the manner in which

Muslims themselves have chosen to engage in politics has been a contributory factor to this process of minority exclusion.

This case study illustrates the undermining of the security of Muslims in three instances – the signing of the Indo-Sri Lanka Agreement in July 1987, the ceasefire agreement between the Sri Lankan government and the LTTE in February 2002, and the establishment of the Post-Tsunami Operational Management Structure (P-Toms) in 2005.

The Indo-Sri Lanka Agreement was a result of Indian interventions in Sri Lanka's conflict, which began after anti-Tamil violence in July 1983. The Agreement envisaged devolving power to the provinces while temporarily merging the Northern and Eastern Provinces into a single administrative unit. The Preamble to the Agreement declared that the Northern and Eastern provinces had been 'areas of historical habitation of Sri Lankan Tamil speaking peoples', who had 'at all times hitherto lived together in this territory with other ethnic groups'. This notion of 'Tamil speaking people', through which the Agreement saw a unified political identity for the two provinces, has been a long-standing position held by the Tamil political leadership.

However, the Muslims saw this as resulting in the denial of their distinct political identity as a separate ethnic community. As the case study shows, the Muslims protested the Indo-Sri Lanka Agreement on the grounds that the temporary merger of the Northern and Eastern provinces would make them a permanent regional minority, without adequate political powers to ensure their safety and security in a future of devolved power.

As in the case of the Indo-Sri Lanka Agreement, the CFA of February 2002 interpreted the complex conflict of Sri Lanka primarily as one between the Government of Sri Lanka and the LTTE. This implied a secondary importance to the problems of other ethnic groups. The Preamble to the CFA refers to Muslims 'as a group not directly a party to the conflict'. Haniffa's case study shows that this language constituted 'a stumbling block for substantive Muslim representation at any subsequent talks'. It was also indicative of the manner in which Muslims had been viewed throughout the process as a community with fewer entitlements than the Tamils, because of the fact that they were not a direct party to the armed conflict.

To continue with Haniffa's case study, this form of conceptualization that underpinned the CFA had serious consequences for the security of the Muslim community at the CFA's implementation level. For example, the framework used by the Sri Lanka Monitoring Mission (SLMM) for monitoring violations of the CFA did not allow for violations concerning Muslims to be recorded as Muslim-specific violations. Even for the purposes of information, there is no official SLMM record of violations targeting Muslims. In other words, while Muslims were targeted because of their Muslimness, there was no recording mechanism that recognized this important fact.

This shows the manner in which Muslims and their concerns were generally inadequately thought through in the formulation of systems and processes around the CFA and its monitoring mechanism. The end result, as Haniffa shows, was the inability of the monitoring mechanism to understand the nature of the violations at the community level in all its complexity, which was an essential element of promoting peace and security.

P-Toms was introduced by the government of President Kumaratunga in June 2005, six months after the tsunami of December 2004. It was welcomed by many as a step forward in the both the peace process and the tsunami recovery process. There was also the belief that the proposed mechanism would help some degree of development and economic stability in a country devastated by both the civil war and the tsunami. However, there was an unanticipated reaction by the Muslim community when they began to agitate against their marginalization in the process of negotiating and setting up the post-tsunami mechanism.

Muslim dissatisfaction with P-Toms stemmed from two factors. Firstly, the opportunity given to the Muslims to make representations in the formulation of the proposed mechanism left much to be desired. To quote Haniffa:

The manner in which the agreement was entered into, with Muslim members of the government and the Muslim Peace Secretariat consulted rather late in the process and allowed only very minimal input, with no place in the discussions and no possibility of having the signatory status, has been seen as a betrayal of the Muslims by the government. Their being deprived of any ownership in the process was deeply resented. The precedent that it sets for future Muslim exclusion with regards to the peace process was also troubling to many.

Secondly, since the P-Toms was an attempt to promote peace through post-tsunami rehabilitation, it gave less attention to the fact that the Muslim areas of the east were those worst affected by the tsunami. The case study shows that the neglect that the region has traditionally suffered and the threat from the LTTE as a consequence of the CFA were compounded by the slow progress of post-tsunami recovery. This dissatisfaction has been further exacerbated by the lack of consideration for the Muslim community's concerns shown by the government in drawing up a tsunami relief agreement.

Case studies cited in this section also provide insights into how the armed non-state actors have become sources of insecurity at the community level. Although this issue was not dealt with extensively in the present study, it is important to take note of it, because it signifies a critical dimension of security issues at the community level. One example of how non-state actors have become a source of insecurity is provided in the case study that focused on violence during the period 1987–89. During this period,

the JVP engaged in a relentless terror campaign not only against the members of the ruling party but also against other political parties, including the left parties. The JVP had its own military wing, the Patriotic People's Liberation Front (DJV), which murdered not only politicians but also innocent civilians and public servants who did not carry out its orders such as informal curfews, work stoppages, and the boycott of elections.⁸⁰

Thus armed, non-state actors have been active sources of insecurity in society in times of armed conflict and civil war.

80 Jayawardene, 'The Role of Disappearances Commissions'.

The case study dealing with the security issues of the Muslim community provides graphic details of how this community has suffered at the hands of the LTTE – the other major non-state armed actor in Sri Lanka.⁸¹ In one act of mass ethnic cleansing, the LTTE in 1990 expelled the entire Muslim community from the Northern Province. In the same year, the LTTE attacked the Muslim towns of Kattankudi and Eravur and shot down the congregations of two mosques while they were at prayer. In one of these incidents, at the mosque in Kattankudi, almost the entire male population of the village was wiped out, with barely anyone left to conduct the funeral rituals for those who died. Haniffa's case study provides many other examples of such atrocities on the part of the LTTE, such as attacks on Muslim property in Kalmunai in August 1987, harassment by the Karuna Faction and, more recently, incidents during the evacuation of Muslims from Muttur.

Both these case studies are concerned with the security of ethnic minorities. Ethnicity is a relevant factor in understanding community-level security in Sri Lanka. On the one hand, as was pointed out in earlier sections, the hegemony of Sinhalese-Buddhist nationalism within the state has had an impact on the security sector in numerous ways. Secondly, the inability of the Sri Lankan state to manage its relations with minority communities has been a source of insecurity at the community level.

6.1.5 Changing dynamics of the impact of external factors on shaping security policy

A feature that runs through all the case studies is the varied and contingent impact of the 'external factor' in decision-making that has relevance to security at all levels. The case studies show the following: (1) the external factor has been significant, but not decisive, in defining Sri Lanka's security policies; (2) the salience of the external factor peaked in the mid- and late 1980s with the direct Indian intervention in Sri Lanka's ethnic conflict and became less immediate in the subsequent years; and (3) in the 1980s, India was the main centre of gravity for the external sources of influence on Sri Lanka's security policies, whereas since the 1990s, bilateral and multilateral donors and the bodies of global civil society have become more active in trying to shape the trajectories of peace, conflict and human security in the country.

The material provided by the case studies suggests that the impact of external factors on security is mainly in three areas, namely,

- 1) the role of India in the formation and management of the conflict;
- 2) the role of structures of global governance; and
- 3) the international community's role in the implementation and monitoring of the CFA.

In some of the case studies – those dealing with the July 1983 violence⁸² and the Indo-Sri Lanka Agreement⁸³ – the external influence has been predominantly Indo-centric, where India played a key role in shaping the trajectories of the ethnic conflict.

81 Haniffa, 'Security Concerns of the Muslim Community in Sri Lanka'.

82 Senaratne, 'Security Policy Making in Sri Lanka'.

83 Keethaponcalan, 'The Prevention of Terrorism Act of Sri Lanka'.

With the spread of secessionist politics among Sri Lanka's Tamil society beginning in the mid-1970s, India began to become concerned about internal political developments in Sri Lanka. These concerns reached a critical point in the aftermath of anti-Tamil violence in July 1983. Immediately after the event, the prime minister of India dispatched an envoy with suggestions for a political solution.

This was the beginning of direct intervention by India in Sri Lanka's conflict, which culminated in the Indo-Sri Lanka Agreement of July 1987 and the establishment of provincial councils in 1987–88. On the military front, India began arming and training the Tamil militants in the early years of the insurgency and lobbying internationally to ensure that Sri Lanka did not receive state-to-state military assistance. With its increasing human rights violations, the Sri Lankan issue was given prominence in international forums like the UN Human Rights Commission.

The culmination of this process was the Indo-Sri Lanka Agreement, the temporary merger of the Northern and Eastern provinces and the entry of the Indian Peace Keeping Force (IPKF) into Sri Lanka in order to disarm the Tamil militants in 1987–88. The overall impact of this period on security was mixed. On the one hand, the Indian intervention forced Sri Lanka's ruling elite to go beyond the decentralization framework in solving minority grievances. The 13th Amendment to the 1978 constitution and the provincial councils set up accordingly are the only institutions that have made a dent in the centralized structure of the Sri Lankan state. These developments have moved the discourse on state reforms towards the issue of the devolution of power.

On the negative side, the Indo-Sri Lanka Agreement led to the insecurity of other minority communities. The case study on the security issues of the Muslim community focuses precisely on this point.⁸⁴ The merger of the Northern and Eastern provinces to form the North-East Province was considered as one of the fundamental breakthroughs engineered by Indian mediation. Making use of the notion of a Tamil-speaking people, the Agreement accepted that there was political unity between these two provinces. The result was disregard of the political position of the Muslim community and a worsening of their security. The Indian intervention of 1987 also led to large-scale fighting in the north-east between the IPKF and LTTE, and to the JVP-led insurgency in the south. Thus, the Indian intervention led to the escalation of the conflict as well, making security at the community level an intractable issue.

As the situation in the country deteriorated, the conflict and the situation of insecurity faced by the Sri Lankan population became the focus of attention of various international bodies, both intergovernmental and non-governmental. If we take the material provided by the case studies, the earliest such instance was the enactment of the PTA. Most of the early reports critical of the PTA were written by international organizations such as the International Commission of Jurists and Amnesty International. In this task, they were supported by local human rights groups.

84 Haniffa, 'Security Concerns of the Muslim Community in Sri Lanka'.

The case study on the PTA shows how appealing to these organizations became a major part of the coping mechanisms of the victims of this law and a principal focus of political strategies to deal with insecurity generated by the PTA. The Geneva-based UN Human Rights Commission was utilized for this purpose. To quote Keethaponcalan's case study:

Detailed reports have been prepared to present to the Commission and for lobbying. Moreover, other international human rights organizations were also supplied with data on alleged torture, disappearances, death and other forms of violations of human rights. The information was used rather effectively to mobilize international opinion against the government of Sri Lanka. At times this helped to minimize the damage done by some of the security measures including the PTA. When the international opinion turned hostile towards the Sri Lankan state since mid 1980s, measures were introduced for instance, to discourage human rights violations and educate the members of the armed forces on principles of human rights and international law.⁸⁵

In the aftermath of the violence in the south during 1987–89, international organizations became the means of ensuring security not only for the minority communities, but also for the majority Sinhalese community suffering at the hands of state terror:

There was increasing international pressure on the government to conduct investigations into the alleged human rights violations. The donor countries had indicated to the government that foreign aid would be affected unless the human rights situation was improved. Therefore the government took several measures to meet the concerns of the international community. Amnesty International which had last visited Sri Lanka in 1982 had made several requests in the late 1980s for permission to visit the country but their requests were denied. However, the government permitted a delegation from Amnesty International to visit Sri Lanka on a fact-finding tour in June 1991. Also the government in November 1990 invited the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) to visit the island. In October 1991 a three-member UNWGEID delegation visited Sri Lanka.⁸⁶

Even the appointment of the commissions to investigate disappearances after the change of government in 1994 had overtones of international influence. These commissions were appointed in the context of truth commissions that became a constant feature of countries coming out of conflicts at about this time. Although the Sri Lankan commissions never achieved anything close to what has been achieved by similar commissions in countries such as South Africa, Argentina and Chile, the government was keen to give the impression that these commissions had been appointed after a transition through elections that ended the period of *bishanaya* (terror). In other words, the government wanted to give the impression that it was operating in line with best international practices.

85 Keethaponcalan, 'The Prevention of Terrorism Act of Sri Lanka'.

86 Ibid.

It is important to note that in later years, the scrutiny of international organizations extended not only to the Sri Lankan state, but also to armed non-state actors. For example, a number of reports of international human rights organizations have focused on human rights violations by the LTTE, both in Sri Lanka and in other countries. Therefore, appealing to institutional global governance has become a principal means of redressing insecurity at the community level arising out of the actions of both state and non-state armed actors.

The case studies on security policy-making during the peace process and the establishment of the DRC demonstrate that 2002–03 was a period when the role of international actors was at its height. The peace process had international actors as mediators, co-chairs and monitors of the CFA: the Sub-Committee of De-escalation and Normalization operated in this context. The establishment of the DRC and its work were supported by a donor that had taken security sector reforms as a principal programme area. The architects of the peace process considered this degree of internationalization as an essential element of the success of the process.

Just as in the case of the Indo-centric period of external influence, the role of international actors during the 2002–04 peace process has left mixed outcomes in terms of its impact on security. The signing of the CFA led to a situation of normalization and increased security at the community level. However, the internal contradictions of a model that included extensive internationalization resulted in the breakdown of the peace process and renewed violence. The idea of supporting a DRC in the context of intense intra-elite conflicts and an immature peace process also contributed to a worsening of the situation. As shown in the case study on the DRC, it certainly exacerbated the battle between the prime minister and the president, thus contributing to the ending of cohabitation and the UNF-led peace process. Often, unsuccessful peace processes can end up creating a worse situation than before, thus generating a greater degree of insecurity among the population. Whether the 2002–04 process will be recorded as such an exercise will be a question that will be decided in the future.

6.2 Assessment of findings: summary

To return to the three questions raised at the beginning of this paper – (1) what are the sources of security decision-making authority in Sri Lanka? (2) what are the modes, channels and means through which different social and ethnic group interests can influence the security decision-making process? and (3) what have been the dynamics of external interventions in the security decision-making process? – the following are the answers suggested in the analysis developed in this paper.

6.2.1 Sources of authority

The security decision-making authority in Sri Lanka is derived from a constitutional-legal regime that has set up specific political institutions to govern the security apparatus. Governments obtain their legitimacy from a popular mandate. In a formal sense, there is a double mandate, one obtained by Parliament, and the other by the president, who constitu-

tionally heads the entire defence structure. The political leadership has successfully managed to maintain its political authority over the security apparatus. Despite the considerable expansion of the role and size of the armed forces during the past three decades in a context of internal armed rebellions, political control of the security apparatus continues. This formal process functions within complexities that are peculiar to Sri Lankan politics.

A protracted civil war; unmet minority ethnic grievances; the continuing spread of violence; and the breakup of the state monopoly of violence, security provision and justice have highlighted the centrality of the security–insecurity paradigm. In an informal sense, the Sri Lankan state is bifurcated, with the presence of a quasi-state form established by the LTTE in the Northern Province. In the past two to three years, a new paramilitary actor, the Karuna Faction of the LTTE, has emerged in the Eastern Province, challenging the LTTE's claim to a military presence there. The main conclusion of this study with regard to the sources of authority concerning security is that constitutional process and civil war continue to exist as parallel and competing sources from which authority on security is derived.

6.2.2 Channels of influence

The availability of channels for ethnic and social groups to influence the security decision-making process seems to be limited in Sri Lanka. The political leaders who manage regimes seem to enjoy a considerable degree of autonomy in decision-making. Security issues are rarely discussed directly in electoral platforms. But broader political issues that impinge on security in its wider sense are themes in electoral mobilization, public debates and policy controversies. Ethnic minority groups find it particularly difficult to channel their demands on human and group security issues in the ongoing context of war. They usually channel their concerns through civil society groups or international humanitarian channels. Political parties across the board often have a tendency to ethnicize state and human security issues.

Sri Lanka indeed provides a paradigm of ethnicized security and insecurity. Policy responsiveness of regimes and parties to security issues is often shaped by the politics of the ethnic conflict. Ethnicity, ethnic identity, ethnic interests and ethnic mobilization have become dominant modes for articulating security issues. The state, in turn, sees security through an ethnic lens. Both majority and minority communities appear to think that ethnic representation regarding security issues is the most effective strategy to make public policy responsive to their security concerns and demands.

A noticeable feature in the ethnic articulation of the security concerns of the minority communities in Sri Lanka has been the role of coalition politics. In the context of war and violence, political parties representing the Tamil and Muslim minorities feel politically insecure by being in the opposition. Joining a regime dominated by one of the two main ruling parties, the SLFP or the UNP, has been a regular post-election practice among some of the leading Tamil and Muslim minority parties since 1977, for reasons that include the political security of the minority ethnic communities and the promotion of clientelist interests.

The Ceylon Workers' Congress and the Up-Country People's Front represent the plantation Tamil community, together with the Eelam People's Democratic Party (EPDP) and the Peoples' Liberation Organization of Tamil Eelam (PLOTE), who represent the Tamils in the

Northern and Eastern provinces. The last two entities, EPDP and PLOTE, require state protection because they are anti-LTTE Tamil parties with paramilitary wings that have been fighting the LTTE along with the government armed forces. The point, nevertheless, is that coalition politics has been a useful channel of influence in securing a limited degree of security for the various ethnic minorities. Meanwhile, there is also a marked tendency to privilege state security over minority rights, civil and political rights, and humanitarian concerns. Sri Lanka's political shift towards some form of a 'national security state' might make this situation still more complex.

Parliament continues to be a forum for discussion on issues of security. Only the ethnic minority parties are vocal in highlighting the security concerns of their communities. The ruling parties, as a matter of routinized behaviour, either dismiss these minority concerns or merely acknowledge them, only to say that national security overrides every other security concern. Sri Lanka's experience in general with regard to Parliament as a medium of influence on security policy is that it has not been a robust channel.

In a context of the relative weakness of institutional channels as effective means of articulating security concerns so as to influence security policy, informal practices have also emerged. The fact that the president is the ultimate authority in security decision-making and that s/he overrides the legislature in policy-making has given rise to informal channels to the president for influencing official thinking through intermediaries. These intermediaries are often the president's friends and relatives, powerful businessmen who have funded the president's election campaign, religious virtuosos who perform magic for the security of the president and his/her family, and occasionally those presidential advisors who have direct access to the president.

6.2.3 External determinants

In assessing Sri Lanka's external relations, it is important to recognize that both the civil war and Sri Lanka's decision to liberalize the economy three decades ago had an impact on the political economy of security. From the point of view of the supporters of the economic agenda, Sri Lanka's economy has performed reasonably well, despite the protracted war. External linkages of different types – foreign aid, foreign investments and special agreements on trade – have played a part in shaping Sri Lanka's economic agenda. Security issues have not usually figured in terms of the economics of security, except as broad policy questions relating to the impact of war and peace on the country's macroeconomic performance. In other words, questions such as budget deficits and excessive government expenditure have been raised in discussions with donors and aid agencies, but primarily as economic issues unrelated to the domain of security.

A major reason for this development has been the fact that much aid to Sri Lanka has come from multilateral agencies such as the World Bank and the Asian Development Bank. Japan has been the principal bilateral supporter, but is less concerned about the increasing defence expenditure. The relative success of Sri Lanka's economy has been an added reason for Japan's lack of interest in the country's political problems, including the ethnic conflict, the war and the human rights situation.

Even when escalating defence costs have figured in donor discussions, the primary focus of donors in such contexts has been on how to reduce government cost commitments in other areas of expenditure. This shows that the real issue, as far as the multilateral and some bilateral donors are concerned, has been not just the levels of defence expenditure, but how government has managed the economy while fulfilling other governance functions. Sri Lanka has also managed its defence budget either by making use of its own resources or through soft loans from countries such as Pakistan and China. The conclusion is that the escalating defence budget has not been a major area of concern in the external domain of Sri Lanka's security decision-making.

The external factor affecting Sri Lanka's current security policies appears to work along two contradictory paths that have occurred primarily in the context of the ethnic war. The first is the concerns expressed by the international actors in the past two to three years to dissuade both the government and the LTTE from returning to full-scale war after the breakdown of the ceasefire process that began in 2002. International actors, both state and non-state, have been expressing serious concern quite regularly about the possible deterioration of the overall security situation in the country and the consequences for the civilian populations particularly in the Northern and Eastern provinces, due to the continuing escalation of war and violence.

Although these concerns have contributed to the global and domestic debates about the future of Sri Lanka's war and peace, the external pressure has not been successful enough to prevent the war's escalation. In fact, in the Eastern Province, the war led to the eviction of the LTTE from that province in mid-2007, but with the large-scale displacement of civilians and amid reports of grave human rights violations and a humanitarian crisis. Quite interestingly, the Sri Lankan government succeeded in managing external pressure in this regard by a combination of tactics that included continuing disregard for international inputs, denial of human rights and humanitarian issues, and an appeal to the 'national sovereignty' argument.

Secondly, the Sri Lankan government has successfully exploited the global conditions available under the US-led 'war on terror' in its ongoing military campaign against the LTTE. The Sri Lankan government has been defining its war against the LTTE as a part of the war against global terrorism. This has made international pressure on the government for de-escalation and to respect humanitarian and human rights concerns quite ineffective. Meanwhile, in its own military decision-making, the LTTE has also disregarded international pressure. ■

Chapter 7

Implications for policy

This country study offers a number of important lessons concerning dimensions of security-decision making in a society confronted with a protracted ethno-political civil war.

The external actors who seek a role for policy inputs in reshaping or reforming the country's security policies need to be aware of the fact that, as we have seen, the external factor in Sri Lanka's current security policies appears to work on two contradictory paths. In some way, this is repetition of history. The first is the concerns expressed by international actors in the past two to three years to dissuade both the government and the LTTE from returning to full-scale war after the breakdown of the ceasefire process that began in 2002. International actors, both state and non-state, have been expressing serious concern quite regularly about the possible deterioration of the overall security situation in the country and the consequences for the civilian populations particularly in the Northern and Eastern provinces, due to the continuing escalation of war and violence. Although these concerns have contributed to the global and domestic debates about the future of Sri Lanka's war and peace, this external pressure has not been successful enough to prevent the war's escalation. As we saw above, the government has used various tactics to deflect international criticism of its human rights record.

Meanwhile, Sri Lanka continues to receive assistance on the economic or development front. Despite the escalation of the conflict, there has been no significant change in policies on this front. There is continued support in areas such as assistance for mainstream development, special trade agreements to support the economy, support for private sector development, etc. And, as we saw above, the government has made the struggle against the LTTE part of the global 'war on terror', thus undermining criticism of its human rights record.

Therefore, key prerequisites for policy engagement with the Sri Lankan government in the current situation are the development of a co-ordinated approach among donors and the harmonization of aid policies. As mentioned in the OECD-DAC guidelines on aid in conflict situations, this should include 'the need for improved and shared analysis of conflict situations as a precursor to developing joint approaches to conflict situations in particular countries and regions'.⁸⁷ It is important to recognize what such co-ordination would actually entail.

Effective and robust donor co-ordination needs to be based on a shared analysis that presupposes a shared political position. Such donor co-ordination was visible during the

87 OECD-DAC, *Helping Prevent Violent Conflict*, 64.

2002 peace process, but has almost disappeared in post-peace process conditions. Donors now seem to be back to pursuing their own individual priorities, whether providing support to the government's economic agenda in spite of the conflict, as happened in the 1990s; promoting traditional projects; or simply maintaining a presence in order to satisfy their institutional agendas.⁸⁸

Major policy reforms to make the security sector both sensitive and responsive to the security needs of all Sri Lankan citizens in terms of the rule of law, civil and political rights, and democratic governance seem to be difficult, though crucially necessary, as long as the war between the state and the LTTE continues. This difficulty arises from three main sources. The first is that while it is engaged in the war with the LTTE, the government views any project to make the security apparatus responsive to human rights and human security as resulting in the weakening of the state's military capacity.

The second is that the LTTE, which has an alternative security apparatus, continues to remain unaccountable in terms of its own security policies and practices. There is hardly any mechanism to make the LTTE responsive to the rule of law in conditions of war. Thirdly, arguments for making the security sector responsive to people's genuine security needs emanate from Sri Lankan local civil society and external actors. However, the present Sri Lankan government views such inputs on security policy as undue interference with the mandate of the government.

The best space for constructive reforms in security policies, institutions and practices is created by conditions of ceasefire, negotiations and conflict de-escalation. In view of the fact that Sri Lanka's conflict is a protracted one with a long lifespan, interventions for policy reform should wait until conditions are ripe for an overall rearticulation of the security problem.

This creates a major policy dilemma. One way to address it is for the external actors to continue a high-level dialogue with the government, despite the latter's seeming stubborn rejection of external inputs in security policy. Punitive measures imposed on both the government and the LTTE in terms of conditionality might or might not work. In conflicts where nationalist sentiments are regularly invoked to justify unacceptable state action, punitive policies even in good causes have a tendency to be counter-productive.

The persistence of impunity is a recurrent concern in Sri Lanka. The commitment of both the government and the LTTE to reducing impunity is not robust at all. The government has been stubbornly resisting the suggestion to even admit that impunity is a problem. Regarding this question, the government's attempts to shield itself by deploying the arguments of national sovereignty should not deter international actors from raising the question of impunity regularly with the government and at international forums.

External interventions in the security sector run the risk of making the security-insecurity process more complex. There is at present a heightened level of nationalist politics in Sri Lanka, which has given rise to a politics of xenophobia and inward-looking patriotism. These nationalist groups are influential in government policy, in the media and in public debates on issues particularly relating to ethnic conflict, political reforms, peace negotiations

88 For a more comprehensive analysis of these issues, see Bastian, *Politics of Foreign Aid in Sri Lanka*.

and national security. External sources of policy influence are usually seen by such groups as a source of threat to national sovereignty. In this context, governments are most likely to exercise a great deal of caution about external inputs regarding the security decision-making processes.

Confrontation or dialogue? – this is the dilemma that external governments should address in engaging with the Sri Lankan government on the security policy challenges outlined above. Since all external interventions are bound to be political, external actors are also bound to become in some way trapped in the quagmire of political conflicts in the country. Therefore, maintaining the capacity for sound political judgement regarding the changing political processes in Sri Lanka is essential for external actors in making their policy inputs acceptable.

Finally, external actors need to keep in focus the role of non-state armed actors as a source of insecurity for the various Sri Lankan communities. In the current context, the actions of these actors have been responsible for these communities' insecurity as much as the actions of the state. In order to meet the threat to the security of communities from non-state actors, external actors need a separate set of strategies. ■

Chapter 8

Conclusions

As this country study demonstrates, Sri Lanka provides a case of changing dynamics and complexities with regard to security decision-making processes and actors, yet with some degree of continuity in broad structures, institutions and practices. A highly centralized state has produced an equally centralized defence and security structure with little room or argument for decentralization. The protracted civil war has further entrenched these processes of centralization.

The country study also demonstrates how a multiplicity of discourses and practices on security are in conflict in Sri Lanka. The regimes that have been in power, political elites and the majority community's nationalist forces all privilege state or 'national' security, which has been challenged by counter-state insurgencies, based on both social and ethnic grievances. This has produced a complex dialectic of security and insecurity that has shaped the dynamics of political change as well. It has also produced multiple discourses and practices of insecurity.

Discourses of insecurity seem to be powerful instruments of political mobilization in Sri Lanka, especially under conditions of an internal armed conflict. Interestingly, these discourses are both hegemonic and counter-hegemonic in orientation. The hegemonic statist policies of 'national security' are derived from a perception of insecurity and threat, the sources of which are seen to be both ethnic minorities and external forces. The minority discourse of insecurity is dialectically linked to the majority's ideology of insecurity. Sri Lanka's ethnic conflict is a stage on which these competing discourses of insecurity fight it out, creating and reproducing further insecurities for themselves and the various Sri Lankan communities.

The ethnic conflict and the protracted civil war have also intensely politicized the idea of security in Sri Lanka. Both public debates and policy processes on security take place in politicized and ethnicized constructions of what security should entail. One significant consequence of this politicization of security is the willingness of the various regimes that have been in power, the political class, the defence establishment, the media and the nationalist intelligentsia to prioritize 'state security' over human security.

Against a backdrop of renewed war between the state and the secessionist LTTE, Sri Lanka seems to be on a path to reinvent itself as a 'national security state'. This will pose complex challenges to those who seek to reconceptualize 'security' in broad and inclusive terms.

However, Sri Lanka is not a case of the hope for policy engagement lost. Regimes do seek different levels of engagement with external actors, depending on a particular regime's ideology,

the nature and dynamics of the ruling coalition, and the prevailing strategic approach to dealing with the civil war. While the UNP regime of 2002 had a fairly open-door policy towards external engagement on security policy, the two subsequent regimes have had a much more restrictive engagement with the international community on security policy matters. ■

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