

Power and politics

in the shadow of Sri Lanka's
armed conflict

Camilla Orjuela (editor), Sunil Bastian,
Sepali Kottegoda and Jayadeva Uyangoda





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POWER AND POLITICS IN THE SHADOW OF SRI LANKA'S ARMED CONFLICT

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FOREWORD

The dramatic change in the Sri Lankan political landscape caused by the defeat of the Tamil Tigers in 2009 created the space for a historic, new process for change to power balances, both the political and the economic. However it will take time, effort and political compromise to change the underlying structures and culture that laid the foundation for these violent events and the growth of the Liberation Tigers of Tamil Eelam (LTTE). The armed power struggle between the government and the LTTE has been a natural starting point for many analyses of Sri Lanka. For Sri Lanka's future processes, it is important to widen the analytical structure in order to be able to observe power structures, inter-linkages and the long processes of change throughout the island.

Democratic processes often include long-term change within both the culture and societal institutions. Historically, changes of political and economic power have been an intricate part in any country's development. A deepening of democratic culture and the democratic system itself ensures that the people feel included. It creates opportunities for them to influence decisions that affect their lives. Economic realities create power structures, but they also directly influence political power. In all societies there is a complex web of power structures that plays into people's lives, from democratic elections to the practices of local institutions. Sweden's international cooperation needs to be built on a sound understanding of the context and processes in its partner countries. Studies of power and change assist any external actor to gain an understanding and to engage in dialogue with its counterparts.

This volume of Sida Studies gives the reader a historical platform concerning the power structures and struggles – political, economic and with an important gender dimension. Even though Sri Lanka has had women prime ministers and a female President, women's rights and opportunities still need extra attention. Understanding the historical accounts that lie behind contemporary politics is vital. Sri Lanka is now in a new and very important process – post-war development. A true democratic process may be an important step towards the establishment of a long, stable period of peace in Sri Lanka, in which inclusiveness and ownership are prerequisites.

March, 2010



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CHAPTER 1

UNDERSTANDING POWER AND CHANGE IN THE CONTEXT OF ARMED CONFLICT AND POST-WAR RECONSTRUCTION

Camilla Orjuela

1.1 INTRODUCTION

On the 19 May 2009, Sri Lanka's President Mahinda Rajapaksa declared that his armed forces had defeated the separatist Liberation Tigers of Tamil Eelam (LTTE) and ended Sri Lanka's civil war. It had been a long war – one of the most protracted armed conflicts in the world – and a war which few analysts had predicted could be ended militarily. The LTTE was a strong rebel group which had been able to capture and control substantial parts of Sri Lankan territory. Known to be 'at the cutting edge of terrorist technology' (Gunaratna, 2001: 13) it had managed to kill top political leaders as well as scores of soldiers and civilians. The Sri Lankan victory was a major military achievement, but one that came at a high human cost. In 2008, the war in Sri Lanka was responsible for the highest number of battle-related deaths globally, followed by the conflicts in Afghanistan, Pakistan, Iraq and Somalia (Harbom & Wallensteen, 2009: 579). A total of around 100,000 people – many of whom were civilians – are believed to have been killed during the war, and at least 7,000 in the last few months of battle (US Department of State, 2009: 15).

The turbulent end to the 26-year civil war led to dramatic changes in power relations in Sri Lanka. After decades of armed conflict between two main belligerent parties, one party to the conflict was annihilated. The way that the news about the LTTE's defeat was received among various groups also illustrated the power shifts in society. In May and June 2009 there were massive celebrations around the country. Sri Lankan flags were hoisted on public and private buildings and outside most homes, while massive cut-outs and banners honoured President Mahinda Rajapaksa and the heroic soldiers who had secured the victory. The President drew parallels between his own achievements and those of the famous kings of Sri Lanka's glorious past. Having rid the country of LTTE terror, the President's popularity and power had grown greater than ever. But while the majority of Sri Lanka's population

celebrated, many of those who belonged to the Tamil minority, on whose behalf the LTTE had claimed to wage their violent struggle, mourned. For them, the relief that the war was over was overshadowed by the grief for their dead or wounded relatives and the anger about the plight of those hundreds of thousands of surviving Tamil civilians who were confined to camps without freedom of movement. Many Tamils also feared that the death of the much idolised LTTE leader would mean a loss of voice for Tamil rights. So, while the predominantly Sinhalese crowds of celebrators joyfully filled the streets and the government's Victory Day parade displayed Sri Lanka's military might, many Tamils kept quiet. They stayed at home and hoisted the Sri Lankan lion flag only because they were told to do so and feared the consequences if they did not.¹

The defeat of the LTTE meant that there was no longer a war in Sri Lanka. However, many of the underlying conflicts and power struggles that had led to the bloody conflict remained unresolved. The uneven power relations that characterised war-time Sri Lanka – between ethnic and religious groups, between rich and poor, and between women and men – continue to shape Sri Lanka's society as the country faces its post-war future. Much demanded political reform (including regional power sharing), economic development, reconstruction of the war-torn areas and reconciliation are endeavours that have to be negotiated between different sets of actors with unequal access to power.

While the elimination of the LTTE had huge implications in terms of changed power relations in Sri Lanka, other systems through which power is wielded have remained intact. In order to understand Sri Lankan society, as well as its opportunities and challenges after the war, we need to be aware of both the continuity and the changes in these various power relations. We have to focus our attention on the negotiations of power that take place both inside and outside the political system, in the economic sphere as well as in the day-to-day life of people, as they are manifested, for example, at the military checkpoints or inside people's homes.

This publication aims to contribute to an in-depth understanding of the complexities of power in Sri Lanka. It does so by investigating power relations historically as well as in contemporary Sri Lanka. It looks at the various spheres of power in Sri Lankan politics (Jayadeva Uyangoda's chapter), the ways in which power in Sri Lankan society is gendered (Sepali Kottegoda's chapter), and the intersection of politics and the market economy (Sunil Bastian's chapter). It discusses how these power dynamics have developed in the shadow of Sri Lanka's long war and comments on what implications the end of this war may have.

¹ Interviews and observations by the author, June 2009.

This introductory chapter continues from here with a brief discussion about the concept of power itself, before it goes on to analyse the power relations that have historically shaped Sri Lanka's armed conflict. Then, the chapter takes a closer look at power relations at various levels – national, global and local – and at how these levels are interlinked and shape each other, particularly focusing on the power shifts that led to, and were caused by, the defeat of the LTTE in 2009. The chapter concludes with a look towards the future and the three succeeding chapters.

1.2 THE CONCEPT OF POWER

One common way of understanding power is as a capacity – the ability to make someone do what he or she otherwise would not have done. Power, in the words of Bertrand Russell is 'the production of intended effects' (cf. Russell, 1938/1995; Hydén & Mmuya, 2008: 23; Lilja & Vinthagen, 2009). These workings of power can be observed in decision making in various contexts, such as in international negotiations between states, in national politics or in conflicts in local communities.

Feminist scholars have also contributed to taking power studies from the public, male-dominated spheres of society, into the private spheres, showing that it is at work also in the everyday management of life within a family (Peterson & Runyan, 1993; Shaheed, 2004. See also Kottegoda in this volume).

However, regarding power as merely a capacity gives a rather one-dimensional understanding of the concept. Power, it has been pointed out, is to be found not so much in the capacity of an actor to influence, as in the relationship between that actor and those being influenced. Power, thus, is produced by those who obey (Foucault 2000; Lilja & Vinthagen 2009).

Power can be understood both in consensual and conflictual terms – indicating different approaches to the concept (see Hydén & Mmuyo, 2008: 23). A consensual approach assumes shared interests between those with much power and those with less, and sees power as the legitimacy to wield power over someone. Cohesion and violence would, in such a perspective, not be seen as demonstrations of power, but rather as a consequence of lack of power – such measures are used when the legitimacy to wield power is missing (Arendt 1958). A conflictual approach, on the other hand, acknowledges that some have more power than others and enables us to see the diverging interests, for example, between political leaders and the people they claim to represent. A conflictual approach to power uncovers the multiple struggles that take place also within what, at a first glance, may appear to be homogenous entities, such as 'a state', 'a nation', a political party or a household. A struggle to change unequal power relations (whether manifested in economic inequalities, ethnic discrimination or gender-based constraints) necessitates shared

efforts and unity which may lead to the silencing of alternative voices and interests within the group and, in the long run, develop into internal suppression (Jabri, 1996). Resistance to power, hence, produces its own power and domination (Lilja & Vinthagen, 2009).

What makes power so difficult to study is its elusiveness – sometimes power is not clearly visible in terms of who influences whom, or measurable in wealth, political clout or military strength. An analysis of power that only looks for it in the concrete situations of decision-making will miss the more subtle workings of power. Steven Lukes (1974) describes three different dimensions of power. The first is the visible manifestations of power in decision-making behaviour. The second dimension of power concerns who has the power to determine which issues are relevant to take decisions about – which conflicts that actually make it onto the agenda. The third dimension also takes into account latent conflicts and power asymmetries. The analysis of power, Lukes argues, has to discuss even the workings of power that people are unconscious of, and instances where a disadvantaged position may not be perceived as such, but as a natural or god-given order.

Michel Foucault has further developed these ideas about power, arguing that power works not on people but through them, through values and systems of knowledge (Foucault 2000). Such systems and their figures of authority (religious leaders, medical doctors and other experts) shape the generally-accepted understanding of what is right or wrong, normal or deviant. What can be talked about and how, and what behaviours are acceptable, rewarded or punished, is often regulated through prevailing values and dominant discourses. Although these discourses, values and practices systematically operate to the benefit of certain individuals and groups at the expense of others, it is difficult to define where exactly the power is situated and how it can be challenged. Hence, a study of power has to search for unequal power relations both where decisions are taken and where no decisions are taken, and recognise that social structures and values may prevent some individuals or group from voicing their concerns – or even thinking that they have any concerns to voice.

Foucault further shows how power permeates identity (Foucault, 2000; Lilja & Vinthagen, 2009). Your ability to influence depends on your structural position in society – whether you have access to political or economic decision-making within your family, community or nation-state may depend on your age, gender, class background, education, ethnic or religious identity and a range of other factors that position you as more or less powerful in a specific context. In addition to this, your identity position may also make you accept a subordinate position as a natural consequence of your identity, as in the case when minority groups consent to having a subordinate position in relation to the majority population, or when women find their lack of influ-

ence in the family or in politics ‘natural’ or even desirable. Identity, however, cannot be understood one-dimensionally, as in ‘woman’ or ‘Tamil’. Rather, ethnicity, gender, age, class and other identity positions intersect to form identity positions such as ‘Tamil woman’, ‘young Muslim man’ etc. which determine the individual’s access to power in different contexts (Lilja & Vinthagen, 2009; Hyndman & de Alwis, 2004).

It is important to note that power can be both constraining and enabling (Lukes, 1974; Foucault, 2000; Gramsci, 1971). This becomes evident when other concepts are examined which are closely related to the power concept. ‘Suppression’, ‘manipulation’, ‘cohesion’ and ‘violence’ are associated with the constraining aspects of power, while ‘resistance’, ‘empowerment’ and ‘agency’ indicate that power can be something that enables an individual or group – even those who find themselves in a structurally disadvantageous position – to instigate change. Even the less-easily discerned workings of power can be challenged. Foucault, again, talks about competing discourses; where new ways of thinking and acting that are more beneficial to disadvantaged groups can challenge dominant discourses and eventually gain prominence (Foucault, 2000).

When analysing an armed conflict, such as the one that has plagued Sri Lanka over the last few decades, we see how power works as both constraining and enabling. The most obvious power struggles take place between the armed actors. However, the power dynamics between numerous other groups and individuals also shape society and the lives of individuals living in it. At the end of a war, the process of reconstruction provides a new context in which the earlier power structures can be reinforced and/or challenged.

1.3 THE GROWTH OF THE ARMED CONFLICT IN SRI LANKA

The decades of war between the Sri Lankan government and the Tamil separatists made ‘ethnic conflict’ the overriding depiction of power conflict in Sri Lanka. Historically, however, competition for power has taken place along a number of different lines, such as class, caste, ethnicity, religion and party political affiliation. Sri Lanka has a long history as a multi-cultural society. The island is home to four world religions (the majority of the population are Buddhists, but there are also Hindus, Muslims and Christians), three main ethnic groups (Sinhalese, Tamils and Muslims)² and three languages (Sinhala, Tamil and English). For most of Sri Lanka’s past the various identity

² The Sinhalese make up about three quarters of Sri Lanka’s population of 20 million. The Tamils are divided into two groups: Sri Lankan Tamils mainly residing in northern and eastern Sri Lanka (13%) and Indian Tamils originally brought as laborers to the tea estates of central Sri Lanka by the British (5.5%). Muslims make up a separate ethnic group of 7%, according to the last, but outdated, all-island census (*Census of Population and Housing 1981*).

groups have been living intermixed and without violent conflicts. During colonial times, conflicts arose along religious lines, rather than ethnic (Nissan & Stirrat, 1990), while the labour movement in the late 19th and early 20th centuries mobilised protests along class lines (Jayawardena, 1972). It was during British rule that ethnic identity gained importance as a way of categorising the population. Through a Legislative Council, ethnicity also became the basis for political representation and competition under the British (Wickramasinghe, 1995).

1.3.1 Domination of outside powers

One central feature of power politics in Sri Lanka has been the occupation of the island by outside powers. Old chronicles tell the stories of how the kingdoms of South India invaded Sri Lanka, and were fought back by the Sri Lankan kings. In the 16th century, the Portuguese became the first colonial power to control parts of the island, followed by the Dutch a century later. In 1815, the British defeated the last resisting King of Kandy and took control of the whole island of Sri Lanka. Colonial domination brought Sri Lanka, to a larger extent than before, into the global economic system where the island, as an exporter of primary produce (most importantly tea, coconut and rubber), found itself in an economically disadvantaged position in relation to industrialised countries.

Colonial domination also had severe implications for power relations within Sri Lanka. Local religions, languages and ‘culture’ had a subordinate position in relation to Christianity, the English language and the ‘culture’ of the British rulers. Locals who adjusted to the British way of life by adopting the English language or Christian religion came to form a local elite. Education introduced through missionary schools, many of which were established in the Tamil-dominated Jaffna in the north,³ also became a way to achieve upward social mobility. Their disproportionately extensive access to education led the Tamils of the north to gain proportionally higher representation in the administration, as well as in the higher professions, than the Sinhalese.

1.3.2 Politicisation of ethnic identity

Nationalist and religious revival movements during the early 20th century engaged people across ethnic lines. Independence was granted in 1948 without bloodshed, in the wake of India’s independence a year earlier. However, post-independence Sri Lanka did not see an immediate and dramatic shift in its internal power relations. Those who belonged to the local elite during the British continued to dominate, politically as well as economically (see Bastian in this publication). However, a power shift eventually came, facilitated by

³ See a map of Sri Lanka in Annex 1.

the democratic political system designed on a British model. Newly independent Sri Lanka was hailed internationally as a successful third world democracy, with early universal suffrage and non-violent regime changes. However, the politicisation of ethnic identity that had begun under the British continued, albeit in a political system which lacked any measures to protect minority rights. The consequence was a process of 'Sinhalesation' of the Sri Lankan state, initiated as a reaction against the uneven distribution of power that remained from the colonial times. The Sinhala Only Act, in which English was replaced by Sinhala as the sole official language in 1956, university admission reforms which worked to the disadvantage of the Jaffna Tamils, clientelism in access to state employment and the granting of Buddhism a special place in the constitution all contributed to a sense, among the minorities, of being marginalised in a predominantly Sinhalese state (Wilson, 2000).

The centralisation of the state and uneven access to power did not only affect the ethnic minorities. Large sections of rural Sinhalese also held grievances against the state. These gave rise to extremely violent and equally violently repressed rebellions by socialist Janatha Vimukthi Peramuna (JVP) in the early 1970s and late 1980s (Gunaratna, 1990).

1.3.3 Tamil resistance and anti-Tamil violence

The Tamil resistance against Sinhalese domination over the state initially took place within the political system and through non-violent campaigns. However, the inability of the small Tamil parties to gain a hearing for their demands in parliament, and state repression of the civil disobedience campaigns gradually pushed the Tamil struggle towards militancy. What were initially small groups consisting of young men carrying out minor acts of violence, grew into increasingly efficient rebel groups after a massive outburst of violence against Tamils in 1983 (Swamy, 2002; Balasingham, 2004).

The violence against the Tamils has to be understood in relation to the history of a power struggle framed in ethnic terms. The Sinhalese have sometimes been described as 'a majority with a minority complex'. Although they are a majority in Sri Lanka, the large Tamil population of southern India makes them a minority in a regional perspective. The stronger position of the northern Tamils during the British and the influence that minority parties at times have been able to exercise as kingmakers in the electoral system, coupled with the violent acts of the militant Tamil youth made large sections of the Sinhalese population perceive the Tamils as a serious threat to their identity and security. It was against this background that political leaders were able to instigate the brutal anti-Tamil violence of 1983, which left thousands dead and hundreds of thousands displaced. After the riots, the support among ordinary Tamils for an armed struggle and for the goal of an independent Tamil state in northern and eastern Sri Lanka grew exponentially, while sup-

port from India for the Tamil separatists transformed them into full-fledged and relatively well-equipped guerrillas (Swamy, 2002).

1.4 POWER STRUGGLES IN THE SHADOW OF WAR

1.4.1 Intra-ethnic power struggles and forgotten minorities

The Tamil struggle against Sinhalese domination led to new patterns of domination and marginalisation within the Tamil community. The LTTE grew to be the all-dominant rebel group, largely through its violent attacks on competing Tamil groups. The struggle against the enemy (the Sri Lankan state) called for Tamil unity which concealed the power differences and conflicts between Tamils of different class, caste, gender and geographical background. Anyone voicing criticism against the LTTE was branded as ‘traitor’ and risked death.

In Sinhalese society, the power struggles between the two main political parties, the Sri Lankan Freedom Party (SLFP) and the United National Party (UNP) have played a central role in this ethnic conflict. Evoking Sinhalese nationalist fears of Tamil domination of ‘terrorism’ has been regularly used as a strategy to win votes at elections – something which has fuelled the conflict.

One important, but often ignored, group in the armed conflict is the Muslim minority, who make up a substantial share of the population in the contested eastern part of the island, and who have ended up squeezed between the two main parties to the conflict. Also the Indian Tamils, brought by the British to work in the tea plantations in Sri Lanka, have been negatively affected by the ‘Sinhalesation’ of the state and the anti-Tamil violence, but have often lacked a voice in discussions on conflict resolution.

1.4.2 Militarisation of society

The many years of war have led to a shift of power in society from civil actors to armed actors. The number of people in Sri Lanka who carry arms (including the Sri Lankan Armed Forces, the civil defence force, army deserters, the LTTE and various Tamil paramilitary groups) is estimated at around 400,000 – one person in 50 of a population of 20 million (see Orjuela & Lindberg, 2009). Defence expenses have taken priority over spending on health and education; while emergency regulations and military rule in parts of Sri Lanka have led to a weakening of civil society (see Orjuela, 2008). The dominance of military actors has had very practical consequences in people’s everyday lives. This can be observed, for instance, in the many restrictions imposed on civilian mobility. The fear of sexual harassment at checkpoints has particularly served to restrict the movements of women.

Power has also worked on a discursive level. The dominant discourse on the Sri Lankan government side has been that the LTTE are terrorists and have to be defeated at any cost. In LTTE-dominated areas, the all-overshadowing truth was that the LTTE were spearheading a freedom struggle that had to be supported by all Tamils. The dominance of these polarised, pro-violence discourses made it very difficult to think and act differently – to do so was traitorous. This polarisation of society along ethnic lines has also been played out on women's bodies. The important task of upholding the 'national identity' and nurturing patriotism has often fallen to women, whose respectability is seen as a symbol for the whole nation. The LTTE made repeated demands on Tamil women to wear 'national dress' (sari) and to withstand the deterioration of 'Tamil culture' – while at the same time reformulating what was acceptable as 'Tamil' when recruiting female cadres to its armed struggle. The patriotism of Sinhalese society has similarly given rise to demands on women to preserve the Sinhalese culture, as seen for example in the post-war imposition of a dress code for mothers entering the premises of their children's schools (Cat's Eye, 2009: 15).

1.4.3 Global power dynamics

Global power dynamics have been of central importance to the armed conflict in Sri Lanka, as well as for attempts at peacemaking. India's support of the Tamil militants in the 1980s can be understood in the light of the Cold War divide, where Sri Lanka's shift towards market liberalisation in 1977 had brought the country closer to the 'West', while India's allegiance was with the 'East'. In the 2000s, the power struggle between China and India over the Indian Ocean and its crucial sea route between the Middle East and East Asia has had implications for the war in Sri Lanka, as both powers have aspirations to increase their presence in Sri Lanka, and therefore have been willing to extend support (including military support) to the Sri Lankan government in its war against the LTTE. Outside powers have also played important roles in attempts made at brokering peace in Sri Lanka. In the 1980s, India signed an agreement with Sri Lanka promising increased power-sharing to the Tamil north-east. This peace attempt, however, ended disastrously with the Indian peacekeeping forces fighting a brutal battle with the LTTE. In the early 2000s, Norway (with backing from the US, EU and Japan) acted as peace mediator between the Sri Lankan government and the LTTE, until the talks broke down and the ceasefire gradually collapsed (see Rupesinghe, 2006).

1.4.4 Welfare and globalisation

In the shadow of the armed conflict, other important power shifts have taken place in Sri Lankan society. The post-independence development of a welfare

state, which provided access to both education and health care to the broad masses of the population, challenged the prevailing caste, class, gender and urban-rural power divides. Through the welfare system girls have been given equal access to education and the rates of infant mortality and deaths in childbirth have decreased. Processes of globalisation, and Sri Lanka's opening up towards a market economy in 1977, led to further power shifts, with new winners and losers. Siri Hettige traces the development of a new urban middle class which has adopted a western life style and has access to attractive jobs and transnational contacts – while the old vernacular rural elite lost power in the post-1977 economic system (Hettige, 1998). The new elite, Hettige argues, often adopts universalist values (such as human rights and gender equality), while the old elite tends to advocate nationalist and traditionalist discourse. The entry to power of President Mahinda Rajapaksa in 2005 – a man with a rural background who made a point of speaking in the UN General Assembly in Sinhala – can be understood as a power shift from the urban, westernised elite to the rural, traditionalist elite (cf. Uyangoda's chapter).

The opening up of the economy in 1977 also made it possible for women to enter the labour market in larger numbers. Women remain central to Sri Lanka's economy in their role as workers in the tea sector, the garment industry and as export labour to the Middle East. Their important economic role has led to shifts in power relations within households, but has so far failed to empower women within the political system (see Kottegoda in this volume).

A good understanding of power in Sri Lanka requires an analysis which takes into account global as well as national power dynamics. In addition, a look at power from a local perspective will show that local power politics are both linked up with, and different from, global and national dynamics. It is to a power analysis of these three levels (national, global, local) that we now turn our attention.

1.5 THE END OF THE WAR – NATIONAL LEVEL DYNAMICS

With the demise of the LTTE, it is at the national level of conflict that the power shift has been most immediately visible. Even since the mid-1980s, the Tamil militants had been a strong force to reckon with. This meant that the Tamil cause had vociferous and militarily strong champions that could force the Tamil demands onto both the national and international agenda. However, their violent behaviour triggered counter-violence by the Sri Lankan state and contributed to a reluctance to give in to their demands. Nevertheless, the strength of the LTTE gained them a seat at peace negotiations with the Sri Lankan government both in the mid-1990s and in the talks initiated with Norwegian facilitation in 2002. 'Parity of status' between the govern-

ment and LTTE was important for the LTTE to join the peace process in 2002 (Balasingham, 2004). The military stalemate and the relatively strong position of the LTTE at a time when the government was suffering from economic problems, led to the February 2002 ceasefire agreement which recognised LTTE's control over territory, and legitimised their role as the representative of the Tamil people.

The breakdown of the Norwegian-facilitated peace process was both caused by, and led to, shifts in power relations. A split within the LTTE, as its eastern commander Colonel Karuna broke out of the movement and later joined the government, seriously weakened the LTTE. It is likely that the peace talks had facilitated closer association between Karuna and the government. LTTE's loss of important military power in the east, together with the predominant view internationally that the guerrilla organisation was to blame for the breakdown of the talks and the ceasefire, prepared the ground for the military advances of the Sri Lankan government forces. Gradually, the government took back the LTTE-controlled territory and finally declared that it had killed the LTTE leader and won the war (BBC, 2009). The defeat of the LTTE has pushed the Tamil demands for power-sharing and constitutional reforms lower down on the agenda, as the Tamils have lacked strong and credible representatives to push for it. The politically dominant discourse after the war has been of Sri Lanka as a multi-cultural society, but one where the Sinhalese as a numerical majority naturally dominate. No strong actors have been able to seriously challenge this discourse. However, with the LTTE out of the picture in Sri Lanka, protests against the Sinhalese-dominated state have come from the Tamil diaspora – earlier a major funder of the LTTE. Diaspora organisations have vowed to continue the struggle for Tamil independence, but with the lack of the LTTE as an all-dominating and unifying force, a struggle for power has been unleashed in the diaspora (International Crisis Group, 2010b).

Interestingly, the unity on the winning side of the war, mustered against the LTTE as a shared enemy, did not last long. A split between President Rajapaksa and the Army Commander Sarath Fonseka caused the latter to take up the opposition candidature in the January 2010 presidential elections, something which resulted in a fierce power struggle. Ironically, the two Sinhalese presidential candidates, who had both pursued a Sinhalese nationalist line, were dependent on the Tamil vote, and hence showed some election-time sensitivity to Tamil concerns (e.g. resettlement of the displaced and the lifting of restrictions on mobility). The victory of President Rajapaksa paved the way for further consolidation of power in his hands. However, the polarised election campaign and the tense situation after the elections points to deep party political divides in Sri Lankan society and conflicts that are likely to dominate Sri Lankan politics in the future.

1.6 GLOBAL SHIFTS OF POWER

The power struggles in Sri Lanka at the end of the war and the beginning of the post-war era have been closely intertwined with global power struggles. The peace process of 2002 had been encouraged by a consensus among key international actors – the US, EU, India and Japan – that a negotiated settlement between the Sri Lankan government and the LTTE was necessary and pressure from these powers was exerted on the parties to take such steps. Moreover, the global war on terrorism provided an incentive for the LTTE to show its willingness to replace terror attacks with peaceful conflict resolution. The many ceasefire violations by the LTTE, which included child recruitment and the assassination of Tamils collaborating with the government, efficiently assigned them a global image of ‘terrorists’, and contributed to them being added to the EU list of terrorist organisations in 2006. This played into the hands of the Sri Lankan government who could market its efforts to defeat the LTTE as part of the global war on terrorism.

While Western powers criticised Sri Lanka for the many human rights violations during the end phase of the war but were unable to effectively intervene to stop them, other international actors extended their support for the war. The interest of Asian powers in gaining influence in Sri Lanka has led China, Pakistan, India and Iran to pursue closer relations with the Sri Lankan government – sometimes in competition with each other. China is now believed to be the biggest military and aid donor to Sri Lanka, providing nearly USD 1 billion in 2008 (House of Commons, 2009: 36). In the national political arena, these new global and regional realities have enabled the Sri Lankan government to frame the Western powers as imperialists, whose calls for respect for human rights and an end to the military offensive could be ignored and blamed as support for the LTTE. As the foreign development assistance from Western powers dwarfed in comparison to the funding offered (often in the form of loans) from Asian countries, with no peace or human rights conditions, the power of the West to influence the Sri Lankan government diminished. The reconstruction of the war-torn areas has largely been focused on infrastructure development with minimal, if any, consultation with the local population (Bulathsinghala & Parakrama, 2009). Concerns have also been raised about an influx of Sinhalese into traditionally Tamil areas, something that may exacerbate conflicts along ethnic lines. Important partners in reconstruction projects, such as China and India, have not made conflict-sensitivity a condition of their support (Ibid, 2009).

1.7 LOCAL POLITICS AND POWER STRUGGLES

Power struggles at global and national level become very concrete as they trickle down to the local level and into the lives of people⁴. Hambantota, in the south, is the President's home district. This can be clearly observed, not only in the many placards paying tribute to him but also in the many large-scale development projects that have been located here. Major investment in a China-funded harbour, an airport, an international cricket stadium and various roads and modern school buildings are on their way to transforming the district from backward to rather well-developed. The outcome in the 2010 presidential elections was of central importance to the people in the district – continued Rajapaksa rule meant more resources for his home district and supporters. Those in Hambantota who did not support the ruling party, however, held a different view on the state of development in the area. They told stories about corruption and about how only the areas where government supporters live had received road improvement and street lights, while other areas were neglected. There is clearly a lot at stake in politics in Sri Lanka. If you are 'on the right side', you have everything to win – employment opportunities, better roads and various development projects. If you are on 'the wrong side', your access to power and resources shrinks (cf. Spencer, 1990). This becomes evident in the links between local power-holders and the central government – if the governing party is in power locally, state resources more easily find their way to local needs. If the opposition is in power, local development risks being hampered (see Hettige & Bigdon, 2003).

The government-LTTE conflict (1983–2009) had not been directly played out in Hambantota District. However, as a recruitment area for the armed forces, the war had significant consequences for people in the district. With high levels of unemployment, many rural youth had turned to the armed forces for employment. A post-war reduction of the army would mean fewer employment opportunities, particularly for young men. The promises of continued recruitment and army involvement in reconstruction in the north-east have hence been received as a hopeful sign by the rural south.

The need to be 'on the right side of politics' has even more serious implications in the war-affected areas, where the different sides carry arms. In a small Tamil village in Ampara District, the population has for years been squeezed between the LTTE, the Sri Lankan armed forces and Tamil paramilitary groups. A shocking number of inhabitants have seen their family members killed, disappeared or captured and tortured during the course of the conflict. Situated on the border between the two main warring parties,

⁴ The local examples build on field work in the south (Hambantota District) and east (Ampara District) carried out in February and June 2009 (see also Lindberg and Orjuela, 2010). (See a map of Sri Lanka in Annex 1.)

the pressure on the villagers to collaborate with any of the sides would regularly lead to retribution from the other side. The relative power of the LTTE and the government forces had direct implications on life and death here during the course of the war, as it determined the opportunities to gain protection and the risks of attack. After the end of the war, those who had actively supported the LTTE (voluntarily or because they were forced to) feared for their safety, as the area was dominated by the government-linked Karuna group – formally a political party, but still carrying arms. The villagers who supported the Karuna group, however, talked enthusiastically about the development projects brought to the village through this group's close connections with the President. The alliance between the Karuna party and the ruling President had hence opened up for more power and access to resources for the Tamils here. Some villagers, though, saw the LTTE defeat as having weakened the Tamils in relation to the state. Tamil farmers complained that their water needs were neglected by the Sinhalese-dominated irrigation authorities. While in the past, the LTTE had some clout in influencing water resources, Tamils felt that they were now at the mercy of Sinhalese officials and farmers who had few incentives to share. That the defeat of the LTTE had very concrete implications for access to water for some individual farmers serves to illustrate the complex links between national and local power dynamics.

Another consequence of the end of the war was that Tamils were able to restart cultivation in fields that were earlier situated in insecure areas, and that they were freer to travel to sell their produce. This contributed to a different kind of power shift – the nearby Sinhalese farmers and the Muslim traders suddenly faced the competition that had been eliminated by the war. While the end of the war had clear positive consequences in terms of increased security and freedom of movement for people in this village, the various (sometimes contradictory) shifts in power locally hence risked giving rise to new conflicts.

International actors were also part of the local power dynamics. In the war-affected Tamil village in Ampara District, international Non-Governmental Organisations (NGOs) functioned as alternative centres of power and were sometimes, to some extent, able to act as a counterbalance to the power of the armed actors. The 2004 tsunami brought the NGOs to the area. Their presence meant that outside actors noted the human rights violations and poverty of the area and, to a limited extent, intervened to provide protection and development where the state failed to do so. The presence of these NGOs, and the employment opportunities they offered for women however, gave rise to reactions by traditionalist, LTTE-linked groups, who accused the NGOs of sexually abusing local women and threatened female employees in order to force them to quit their jobs (see Kottegoda's chapter).

1.7.1 Vulnerable widows

In both Hambantota and Ampara districts, the war has made many women widows. The status of widows in Sri Lankan society illustrates well how power works through values and discourses. Although their new responsibilities as heads of household in some cases had empowering effects in terms of decision-making and freedom of movement, the attitudes of the larger society often contributed to marginalising them. Without male protection, the widowed women were seen as ‘inauspicious’ and even potentially dangerous for society, and harassment (including sexual harassment) was common (cf. Hyndman, 2009). While the LTTE had given some status to war widows as mothers of martyrs, the post-war situation showed no particular signs of improvement for this group.

1.8 POWER IN POST-WAR SRI LANKA: CONTINUITY AND CHANGE

This introduction chapter has aimed to provide some illustrations of the complex power dynamics present in war and post-war Sri Lanka. We find competition for power along a variety of different and shifting lines, and we find actors and processes at global, national and local level that are intertwined. As Sri Lanka strives towards post-war reconstruction and reconciliation, an understanding of these power dynamics is more important than ever. Demobilisation and demilitarisation will have implications for power holders at different levels, just as reconstruction of the war-torn areas involves decision making that will affect the future prospects of the people affected by the war (of different class, caste, ethnicity and gender), as well as of the political leaders in charge of the reconstruction. Efforts towards reconciliation after 26 years of divisive war are also conditioned on the power relations in society – a decisive victory has left the victor with the power to define whether reconciliation is necessary and if so how it is to be defined. So far, recognising and punishing crimes committed by all sides in the conflict has not been high on the government’s agenda. Analysts have pointed out that there have been no official initiatives to listening to the many different stories about what actually happened during the war and what needs to be done after it to solve underlying conflicts (see International Crisis Groups, 2010a).

The President, when announcing victory over the LTTE, stated that:

We have removed the word minorities from our vocabulary [...]. No longer are the Tamils, Muslims, Burghers, Malays and any others minorities. There are only two peoples in this country. One is the people that love this country. The other comprises the small groups that have no love for the land of their birth.⁵

⁵ www.president.gov.lk/speech_New.asp?Id=74 (accessed 2 February 2010).

While some have seen this as a positive move towards equal treatment of citizens of all ethnicity, others have expressed concerns that the minorities are deprived of the possibility to voice their ethnically-based concerns, and worries about the fate of those defined by the government as having ‘no love for the land of their birth’ (see International Crisis Group, 2010a: 13).

The power dynamics in post-war Sri Lanka can be linked with the discussion earlier in this chapter about a consensual or conflictual understanding of power. Sri Lanka’s President claims to wield power based on consensus – ethnic and other divisions are to give way to ‘national unity’. However, the consensus is challenged by the party political conflicts that have surfaced after the defeat of the LTTE. There are also a number of power asymmetries and conflicts which have been concealed or silenced. This works in different ways: for some actors – such as the pro-government Tamil groups in eastern Sri Lanka – lending support to the government is a strategy to make the best of the situation, even though the power relationship remains asymmetric. In other cases, the government’s power is upheld with cohesion and those challenging the current order and power structures are imprisoned or attacked – as in the case of the arrest of the opposition presidential candidate after the January 2010 elections and the threats and attacks on civil society activists and journalists that have continued after the end of the war.

All those who wish to contribute to Sri Lanka’s post-war future would benefit from a thorough understanding of the power structures at work in Sri Lankan society. The next chapter, by Jayadeva Uyangoda, gives important insights into the less visible determinants of power in the political system – the power vested in caste, religion and family (where the election and re-election of President Rajapaksa paved the way for the rise of a new political family in Sri Lanka). After an in-depth investigation of arenas of power such as political parties, the bureaucracy, civil society and the media, Uyangoda concludes that the end of the LTTE did not imply an end to the reform-resistance of the highly centralised Sri Lankan state.

Sepali Kottegoda makes an important contribution to our understanding of power by bringing in gender aspects. She discusses the remarkably poor representation of women in Sri Lankan politics (as compared to other South Asian countries), but also traces the various attempts by civil society organisations to change this. The obstacles and achievements of women’s activism in Sri Lanka clearly illustrate the opportunities available to resist gendered power structures. Kottegoda’s chapter also brings the power dynamics closer to the ground, as she shows that even the family is a stage for politics, as it is linked up with, for instance, a globalised labour market and national laws on land rights.

Sunil Bastian's chapter focuses on the nexus between politics and economics as he analyses the ways in which the state has used its power – through institutional design, patronage and coercion – to impose market liberal reforms on a reluctant population. His discussion of the 2002 peace process highlights the hazardous combination of the politics of peace negotiations with politics of radical market liberalisation. Bastian's contribution is significant since it draws our attention to the interconnectedness between the power dynamics of politics, on the one hand, and economics on the other. One of these spheres cannot be fully understood without analysing the other.

Together, the chapters in this volume show that power is multidimensional, shifting and something that we have to look for in many places. Over the course of Sri Lanka's modern history, nationalist projects have dominated the struggles for power, and hence also the analysis of power dynamics. Social discontent has most commonly found its expression in ethnic politics, and politicised ethnicity has hence come to define democratic competition as well as counter-state struggles. The debate about power, both within Sri Lanka and among international actors, has tended to be gender-blind, caste-blind and class-blind, as nationalist struggles and ethnic divisions have overshadowed other important power struggles and identities. This publication contributes to bringing these important aspects of power into the analysis of Sri Lanka, while also relating them to the armed conflict. It becomes evident that a power study enables a complex understanding of society and politics which is not possible by conducting an analysis of one dimension of power only.

Although this publication cannot claim to give a complete picture of power dynamics in war and post-war Sri Lanka, it does point to areas that are absolutely crucial to understand: the structures of the state, and different actors such as political parties, the bureaucracy, civil society, media and religious leaders. It also stresses the importance of understanding how economic aspects, and particularly the global neoliberal economic order, interplay with the competition for, and maintenance of, political power. Moreover, it shows how power is always gendered. With this analysis we are better equipped to understand the challenges involved in outside intervention into conflict resolution or reconstruction. International donors and peacemakers inevitably become part of various power struggles, and also contribute to transforming them. What we also learn from a power study is how power can be both constraining – sustaining structures which large sections of a population perceive as unfair and blocking reforms that are necessary for conflict transformation – and empowering, as seen in resistance to, for instance, male domination, market liberalisation or political repression. With the defeat of the LTTE and end of war in 2009, power dynamics have altered substantially, both globally, nationally and locally in Sri Lanka. However, we also see that much of the

uneven power relations, as well as the attempts to challenge them, remain and will shape politics and everyday life in Sri Lanka as the country struggles to build a post-war future.

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CHAPTER 2

POLITICS OF POLITICAL REFORM – A KEY THEME IN THE CONTEMPORARY CONFLICT

Jayadeva Uyangoda

One key theme in contemporary political conflict and debate in Sri Lanka is state reform. The protracted ethnic conflict has brought the need for substantial political reforms in the direction of power-sharing, decentralisation and federalism into sharp focus. The push for such an agenda of state reform has emanated from the perspectives of ethnic minorities, particularly the Tamils. Regional and international states, notably India, the US and the countries of the European Union, have also been a source of what can be described as external pressure for internal political reforms in Sri Lanka.

Even now, when the civil war has ended, Sri Lanka does not seem to be moving in the direction of political reform in the foreseeable future. Against this backdrop, the following questions can be asked by a perplexed observer: Is change possible at all in Sri Lanka's political institutions and structures? Who are the change agents? What are the spheres in which reforms have produced outcomes? What are the areas in which reform has not been possible? This paper seeks to shed light on these questions by examining four institutional spaces of political power – political parties, the bureaucracy, the judiciary and the media – and four societal spaces which facilitate the exercise of political power – caste, patron-client relations, religion and civil society.

This paper is organised into three analytical sections. The first section (see headlines 2.1–2.5), will elaborate how the broadening of the social bases of political power has paradoxically led to the narrowing down of ethnic foundations of Sri Lanka's post-colonial state with direct consequences for what can be and what cannot be achieved in a programme of state reforms. The second section (see headlines 2.6–2.8.6) of the paper will identify and comment on the constraints on reform embedded in institutionalised spaces of political power. In the final section (headlines 2.9–2.15) the discussion will be on non-institutional, but societal spaces and practices that give meaning to contests for power in Sri Lankan society. The paper ends with a postscript that highlights the paradox of political reform difficulty in Sri Lanka even after the end of the conventional civil war which earlier stood as a barrier to reform.

2.1 REFORM RESISTANCE IN THE POLITICAL AND CONSTITUTIONAL SPHERE

There is a powerful parallel process that runs counter to the drive towards state reform. It sees the political reforms necessary to address minority demands for regional autonomy as unnecessary and even dangerous to the unity and sovereignty of the state. This perspective is associated with Sinhalese nationalist political, ideological and intellectual groups. Meanwhile, a significant state reform measure has actually been introduced in Sri Lanka on the initiative of external actors. It is the 13th Amendment to the Constitution of 1978, introduced by the United National Party (UNP) regime in 1987. The 13th Amendment established the system of devolution and provincial councils as a political measure for ethnic conflict resolution. The UNP government of President J. R. Jayawardena was initially reluctant to reform Sri Lanka's unitary and centralised state. However, President Jayawardena introduced the 13th Amendment in response to political and diplomatic pressure exerted on him by the Indian government for a political settlement to the ethnic conflict. By 1987, neither the Sri Lankan ruling elite, nor the Sinhalese society was ready to accept such a state reform exercise. The Indian intervention immediately generated an anti-state armed rebellion in the Sinhalese society. No new state reform initiative has been constitutionalised ever since the 13th Amendment was promulgated in 1987.

Quite paradoxically, the existence of a protracted ethnic insurgency aimed at secession has not made state reforms in Sri Lanka any easier. During the secessionist civil war, which began in the early 1980s, state reform initiatives were linked with the search for a negotiated solution to the ethnic conflict. Attempts that were made to reach these twin objectives failed repeatedly (Loganathan: 1996, Rupesinghe: 1998, and Uyangoda: 2007). When the civil war ended in May 2009, with the total military defeat of the LTTE, the devolution and power-sharing agenda was once again pushed into the background. This has belied the expectation that once the LTTE's secessionist project was neutralised, it would be easier to implement power-sharing arrangements.

2.2 SIGNIFICANT REFORMS IN THE ECONOMIC SPHERE

Reform resistance in the sphere of the state notwithstanding, there have been significant reforms, without much resistance, in the economic sphere. In 1978, the United National Party (UNP) regime began to liberalise the Sri Lankan economy. It was a major policy deviation from the state capitalist development model that had maintained a regime of social welfare with a dominant public sector in the economy. Economic liberalisation redefined state-society relations when the state withdrew from some of its social engi-

neering functions and promoted the private sector and market forces as the engine of growth. Interestingly, the UNP regime in the late 1980s implemented policies to further liberalise the economy in its Structural Adjustment Programmes (SAPs) amidst the armed rebellion launched by the *Janatha Vimukthi Peramuna* (JVP) against the Indian political and military intervention in Sri Lanka. Sri Lanka was the first South Asian country to liberalise the economy and implement SAPs with a great deal of effectiveness. This seemingly contradictory picture in political and economic reforms was re-enacted in 2009, in the aftermath of the state's military victory over the Tamil secessionist insurgency. While the government is showing extreme reluctance to implement even the existing constitutional provisions for devolution of state power, it has agreed with the International Monetary Fund to further reform the economy in exchange for an emergency loan. There seems to be no social or political resistance to externally induced macro-economic reforms, although political reforms continue to generate resistance and rejectionist responses.

Reform resistance in the political and constitutional sphere and reform implementation in the economic sphere – this constitutes an interesting puzzle in the politics of contemporary Sri Lanka. To re-state the point, Sri Lankan governments have demonstrated a readiness to implement macro-economic reforms while deferring political reforms. The only regime that tried reforms in both economic and political spheres at the same time was the United National Front (UNF) government in 2002–2003. It survived in power only for two years and in April 2004 lost the parliamentary elections.

2.3 SOCIAL BASES AND ETHNIC FOUNDATIONS OF STATE POWER

One key outcome of the post-colonial democratisation process in Sri Lanka is the widening of the social bases of state power. This, in a way, is Sri Lanka's 'passive revolution' which began with the introduction of the universal franchise in the late colonial period and was consolidated throughout the 1950s and 1960s through the welfare state and shifts in the composition of the ruling elite.

2.3.1 Sri Lanka's 'Passive Revolution'

'Passive Revolution' is a concept that has been employed by European and Indian Marxists to refer to the specific manner in which capitalist classes engage in re-organising and re-structuring state power and its relationship with society. It is a mode of re-constituting and consolidating state-society relations without going through a process that leads to a sudden and revolutionary transition of state power. Antonio Gramsci, Italian Marxist thinker, used this concept in the early twentieth century to describe 'conservative'

modernisation projects that combine conservative aims with revolutionary means (Gramsci: 1971). In Gramsci's conceptualisation of it, passive revolution is a process in which capitalist classes manage an organic crisis of state power by making necessary political compromises with subordinate social classes and modifying the social organisation of state power. Passive revolutions are 'revolutions from above,' but its main actors are political organisations such as parties and movements, rather than the state bureaucracy or political notables.

2.3.2 A comparison with India

Partha Chatterjee, an Indian political theorist, has extended this Gramscian concept of passive revolution to the Indian experience of post-colonial political change that saw a reorganisation of the political order (Chatterjee: 1992). According to Chatterjee, India's passive revolution was "moderated" in two fundamental ways. On the one hand, it did not attempt to break up or transform in any radical way the institutional structure of the colonial state, established by the British. It did not undertake a full scale assault on all pre-capitalist dominant classes. Rather, it sought to limit their former power, neutralise them where necessary, attack them only selectively and then bring them round to a position of subsidiary allies within a reformed state structure (Chatterjee, 1992:2120. If we extend the metaphor of passive resolution to Sri Lanka, we can observe a slight difference in the Sri Lankan case. Sri Lanka's passive revolution did not subdue the pre-capitalist landed classes. Instead, sections of the landed classes, as represented in the top leadership of the SLFP, joined with the peasantry to form a broad alliance against the urban upper class elites who had close links with the colonial state. The re-organisation of state-society relations in a manner that expanded the social bases of state power beyond the monopoly of the urban-centric upper class elite is more visible in Sri Lanka than in India.

2.3.3 Social basis widening

During the five decades after independence, social bases of political power in Sri Lanka have been shifting and widening. This process has taken place through the expansion of electoral democracy, increasing popular participation and the consolidation of the political party system. These are also developments that linked the masses to the formal institutions of governance. The spread of Sinhalese and Tamil nationalism and the politicisation of minority ethnic and religious communities provided greater impetus for shifting the locus of power somewhat away from the elite-dominated institutions of governance, particularly the legislature, the judiciary and the bureaucracy. The spread of Left parties and trade unions led to the presence in the polity of a significant countervailing political space until about the mid 1970s.

2.3.4 The victory of MEP – People’s United Front in 1956

The rise of the *Mahajana Eksath Peramuna* (MEP-People’s United Front) coalition and its electoral victory in 1956 is an event that re-configured power relations in post-colonial Sri Lanka. This coalition was led by the newly formed Sri Lanka Freedom Party (SLFP). Its other constituent parties were Sinhalese nationalist and Left-wing parties with anti-establishment leanings. The new coalition also had a wide social base in the Sinhalese rural society, particularly among the smallholders and poor peasantry. In political terms, the MEP coalition elevated the secondary social elite in Sinhalese society to the level of a political class providing them with access to state power. In Sri Lanka’s popular political discourse, the regime change in 1956 is described as a ‘revolution.’ It was not a revolution in the radical sense of the term, but the metaphor of revolution captures the shift of political power previously held by the dominant social elites into the hands of a new social coalition of secondary social elites. Some analysts have called this new political class a coalition of ‘intermediate classes’ (Shastri: 1983). They are intermediate in the Marxist sociological sense that they did not represent the upper stratum of the capitalist elite or the working class. They were a coalition of the secondary layer of the capitalist class, the rich and the middle peasantry, the *salarial* or salaried classes, and the working class as well. Electoral democracy enabled this broad social coalition of secondary elites and subordinate classes to elevate themselves to the status of a ruling political class. The electoral democracy also facilitated a process in which the new secondary political class and the old ruling elite could alternate the exercise of political power.

2.3.5 Narrowing down of ethnic foundations

Paradoxically, the broadening of the social bases of political power has been paralleled with the narrowing down of the ethnic foundations of Sri Lanka’s post-colonial state. This is the ‘conservative’ side of Sri Lanka’s post-colonial passive revolution. The consolidation of state power by representatives of the majority Sinhalese community, the discriminatory policies and practices towards minorities by almost all regimes since independence, the rise of Sinhalese as well as Tamil nationalist social movements and the absence of any state reform to share state power with the ethnic minorities were all aspects of this process.

The weakening of the pluralist possibilities of post-colonial state formation in Sri Lanka is an outcome of these developments. The Tamil minority, in turn, felt itself excluded from the domain of state power. The constitutional framework of electoral parliamentary democracy provided for multi-ethnic coalition regimes as a mode of pluralising state power. However the inter-ethnic coalition regimes of 1947 and 1965 could achieve nothing that broad-

ened the base of the ethnic foundations of the Sri Lankan state. They have been pragmatic, electoral coalitions with short-term agendas.

Although Tamil and minority communities could elect their representatives to the legislature, representation without participation or executive responsibility and without a clearly-defined role for minority representatives in shaping public policy, became recurring dimensions of Sri Lanka's majoritarian democracy. The Tamil nationalist campaign for secession that began in the late 1970s, the anti-Tamil ethnic violence of 1983, and the spread of the Tamil secessionist insurgency after 1983 further added to the continuing process of diminishing the pluralist potential of the Sri Lankan state. The constitutional reforms introduced in 1987 for devolution have not really altered this trajectory of the state. It has not meaningfully devolved state power to any ethnic minorities. The inability of any government since 1987 to broaden the constitutional foundations of the state and move them away from this entrenched majoritarianist path is an indication of the extent to which the Sri Lankan state has acquired a mono-ethnic character in recent years.

2.3.6 Counter-state rebellions

The conservative flow of Sri Lanka's post-colonial passive revolution continued amidst the spread of counter-state rebellions in the 1970s and afterwards. The decline of the traditional left and the trade union movement was an outcome of the hegemonic impact of conservative passive revolution. The decline of the Left created a crucial political vacuum. This empty space for countervailing political mobilisation came to be occupied by the politics of armed rebellion in Sinhalese and Tamil societies. The new politics of armed insurgency and rebellion transformed the nature of the politics of resistance in Sri Lanka. It replaced class mobilisation with ethno-identity politics, and mass mobilisation with the cadre-based politics of the armed struggle. Meanwhile, the spread of counter-state rebellions produced counter-insurgency responses by the state. Once the armed rebellions and counter-insurgency responses by the state jointly produced a prolonged civil war, the state began to function in two parallel modes – as a 'normal' state through its institutions and practices of democratic governance, and as a state at war, engaged in a protracted internal war with its own citizens.

A 'state of emergency', literally and metaphorically, mediated between these two modes of state existence in Sri Lanka during the civil war. This in turn led to another anomaly in the contemporary politics of Sri Lanka. Two contradictory and mutually hostile processes, one electoral-democratic politics, and the other the politics of armed insurgency and counter-insurgency, began to exist side by side, one enabling the other's continuous reproduction.

2.4 INTER-ETHNIC ACCOMMODATION

The protracted armed insurgency for secession, sustained by the LTTE for nearly three decades, seems to have produced a specific framework of ethnic bargaining among Sinhalese, Tamil and Muslim political elites. This can be described as pragmatic inter-ethnic elite accommodation. The LTTE's commitment to secession by means of war and its violent hostility towards its rivals in Tamil society has pushed a number of Tamil political parties, who had earlier engaged in the rebellion, to establish close alliances with mainstream Sinhalese parties. The Eelam People's Democratic Front (EPDP), People's Liberation Organisation of Tamils (PLOTE), and the Eelam People's Revolutionary Front (EPRLF) chose this option of accommodation soon after the Indo-Lanka Accord of July 1987. As a core principle in this politics of accommodation, they have consistently opposed secession as a goal and war as a political strategy, and held the view that negotiated devolution as the goal of Tamil political struggle would be possible. They eventually joined parliamentary politics. The EPDP has been most active in practicing coalition liaison with the SLFP, even accepting cabinet positions.

A parallel process occurred in Muslim politics too. Responding to Tamil demands for regional autonomy, Muslims began to bargain for regional autonomy for the Muslim community in the Eastern Province. The formation of the Sri Lanka Muslim Congress (SLMC) in 1986–1987 was a key development in the Muslim mobilisation for regional autonomy (Knoerzer: 1988). Thus, by the late 1980s and the early 1990s, ethnic minority politics had produced two models, separation by armed struggle as spearheaded by the LTTE and regional autonomy as demanded by Tamil parties engaged in parliamentary politics. The first did not argue for reforming the existing Sri Lankan state, but the second did.

2.4.1 Accommodation of minority parties

What is most significant in this backdrop is the strategy adopted by the Sinhalese political leadership of both the SLFP and UNP to accommodate Muslim and Tamil demands for regional autonomy in a dual framework consisting of limited devolution through provincial councils and limited power-sharing at the centre through coalition politics. This model of pragmatic ethnic accommodation was first used by President J. R. Jayawardena in 1978 when he invited the Ceylon Workers' Congress (CWC), the political party of the Plantation Tamil community, to join his coalition government. The CWC had earlier aligned itself with the Tamil United Liberation Front, formed in 1976, to campaign for secession. Soon, the CWC leadership left the TULF and contested the 1977 parliamentary election on its own, while the TULF at this election sought a mandate for separation for the Tamil people.

The CWC decision was prompted by the realisation that political interests of Tamils of the North and East and the Plantation Tamils did not coincide. It also indicated that the CWC leadership had abandoned the path of confrontation with the state and opted for negotiation and accommodation. Perhaps, it was also based on the pragmatic calculation that when one minority community confronted the state on a platform of secession, another minority community could be better off in its bargaining capacity, within the existing rules of the game.

The UNP government of President J. R. Jayawardena seems to have made a similar pragmatic calculation with regard to the CWC on two grounds. The first is to detach one Tamil community from another when separatist violence was beginning to replace the old politics of ethnic bargaining in the parliamentary arena. The second reason was related to the strategic position which the CWC and Plantation Tamil community held in Sri Lanka's economy. The plantation workers were the backbone of Sri Lanka's tea export economy. The CWC was their main trade union as well as their political voice. The Jayawardena regime inaugurated a policy of economic liberalisation in 1978. Wage freezes in the public and private sectors and the weakening of the bargaining capacity of trade unions were key components of the new policy of economic liberalisation. While the government adopted a policy of frontal attack on trade unions belonging to the Left parties and the SLFP, its policy towards the CWC of the plantation Tamils was political accommodation.⁶ Having joined the UNP government in 1978, the CWC's leader became a Cabinet Minister, although his capacity to influence the policies of the regime remained extremely limited. However, the success of the CWC's strategy of coalition accommodation had a different effect. The CWC managed to obtain state support as well as the international donor support for the social and infrastructural development in the areas where the plantation Tamil community lived.

This model of mutual accommodation between the regime and 'moderate' minority parties continued under the subsequent governments of President Ranasinghe Premadasa (1988–1993) and President Chandrika Kumaratunga (1994–2005). It continued under President Mahinda Rajapaksa (from 2005) as well. The working of the proportional representation (PR) system has facilitated this politics of inter-ethnic elite accommodation through coalition regimes at the centre. The PR system, introduced in 1978 and implemented since the parliamentary election of February 1989, has not so far ena-

6 S. Nadesan, a leader of the non-CWC trade union among Tamil plantation workers writes that by inviting the CWC into his government, President Jayawardena sought "to drive a wedge in the opposition led by the TULF and negate any possibility of collaboration of the Upcountry Tamils with the growing militant Tamil political movement in the North" (Nadesan, 1993:263).

bled any single party to obtain even a simple majority. This has made it necessary for the two main parties, the UNP and SLFP, to enter into pre-election and post-election coalitions with ethnic minority and small parties. Pre-election coalitions have also shown a recurring tendency to break up due to the need for re-constitution of coalitions to facilitate regime formation on the basis of parliamentary election results. Thus, coalitions have become a pragmatic and flexible space that allows the main parties and ethnic minority parties to make, break and re-make coalitions. These inter-ethnic elite coalitions have also assumed the character of proto-consociational alliances, since ethnic elites of all ethnic communities are represented in the government. Thus cabinet positions, as well as many other key government offices, are shared among the majority and minority parties.

Have the politics of inter-ethnic elite coalitions facilitated Sri Lanka's state reform process? In this sphere too, ethnic elites have found pragmatic alternatives to state reform. The Sinhalese political leadership of both the SLFP and UNP have found the strategy of accommodating minority political elites at the central government and in the cabinet more acceptable and less-threatening than strengthening power-sharing in the periphery through constitutional reform. Quite a few minority political leaders appear to prefer lucrative ministerial positions at the central government for themselves and their colleagues to agitating for regional autonomy. Thus inter-ethnic elite coalition politics has emerged as a new form of inter-ethnic accommodation, which does not require political-structural reforms. So far, it has satisfied both majority and minority political elites in terms of short-term, pragmatic outcomes.

2.5 COUNTER-REFORMIST REFORMS

If state reform in the direction of pluralisation of the state has become an impossibility, what is the nature of political reforms that have actually been carried out in Sri Lanka? There were constitutional reforms in 1972 and 1978. The 1972 Constitution made Sri Lanka a republic, thereby severing the island's constitutional links with the British monarchy. Makers of the Republican Constitution refused to accommodate the minority demand for regional autonomy. In fact, the 1972 Constitution firmly re-established the unitary and centralised structures of the post-colonial Sri Lankan state. It also deviated from the secular foundations of constitutionalism by introducing the notion that the protection of Buddhism, the religion of the majority community, was the duty and obligation of the state. These are reforms that entrenched the unitary and centralised state. The Constitutional reform of 1978 advanced this process of state centralisation further in a new form of presidential system of government. It brought Sri Lanka's parliament under the con-

trol of an all-powerful President who is the central institution of state power. It altered the electoral system by introducing proportional representation. The makers of the 1978 Constitution also rejected the minority demand for regional autonomy. The combined effect of the presidential and the proportional representation systems has had an unforeseen consequence with regard to constitutional reform. It has made constitutional reform virtually impossible, because the PR system has not enabled any government to obtain the two-thirds majority in parliament which is the minimum constitutional requirement for amending the Constitution. Meanwhile, no elected President has been willing to give up power in order to become a Westminster-style Prime Minister, or a nominal Head of State, through constitutional reform. Thus, since 1994, no political party in Sri Lanka has been able to carry out its promise of changing the Constitution, despite the fact that such promises continue to be effective weapons in electoral campaigning.

The point then is that Sri Lanka's political reform process has reached a political and constitutional dead-end. Constitutional and legal barriers to political-structural reform are buttressed by the absence of even a minimum working consensus among political parties about the nature of such reforms and methods of their being introduced. The civil war between the state and the LTTE did not provide any major incentives for state reform, despite efforts made by the Peoples Alliance regime in 1995–2000. The civil war, in fact, provided disincentives to political reform. Thus, Sri Lanka's experience goes against the hypothesis that crisis, political instability and expression of social discontent creates opportunities for reform and change.

2.6 POLITICAL PARTIES, REGIMES AND RE-CONFIGURATION OF POWER

Are Sri Lankan political parties effective agents of political and social change? In what spheres have they been instrumental in change and transformation? Where have they failed and why? These are important questions in evaluating the relative power political parties have exercised in Sri Lanka's political processes.

When Sri Lanka gained independence in 1948, universal adult franchise had been in operation for seventeen years, but there was no political party system as such. Two Left parties had been in action, but they did not constitute a party system. Thus the evolution of the party system was essentially a post-independent process. The United National Party (UNP), the first major non-Left party, was formed in 1947 in order to contest the first parliamentary election held in that year. The All Ceylon Tamil Congress (ACTC) was the main Tamil ethnic party which contested the parliamentary election of 1947. The ACTC split in 1949 and soon a new Tamil party called the Federal Party

was (FP) was formed. In 1952, the UNP split, leading to the formation of the Sri Lanka Freedom Party (SLFP). Thus, within the first decade of independence of 1948, Sri Lanka had developed a multi-party system.

The way in which contest for political power took place among these political parties till about the mid-1970s reveals some interesting aspects of the evolution of Sri Lanka's post-colonial polity. The social core of the UNP was the urban Westernised elite that consisted of a class of urban gentry of big landowners and professionals, or as Jupp calls "urban notables" (Jupp, 1972). The UNP also had a mass social base, particularly among the rural peasantry, built around the UNP's policy emphasis on rural agricultural development and land colonisation. Initially, it was a multi-ethnic party which claimed to represent all ethnic and religious communities. However, soon in power, the UNP's social base changed. It began with the desertion of a large share of the Tamil support base, due to the UNP government's discriminatory and Sinhalese-majoritarian legislative policies in 1948 and 1949. The UNP's split of 1952 and the formation of the SLFP further eroded the social bases of the UNP. Those who rallied around the newly-formed SLFP were the Sinhalese 'nationalist' segments of the rural elite and the peasantry.

2.6.1 The MEP coalition victory in 1956

The most crucial test of power between Sri Lanka's conservative political class as represented by the UNP and the emerging political class organised in the SLFP took place at the parliamentary election held in April 1956. The SLFP contested the 1956 election through a newly formed coalition of political parties that were Sinhalese nationalist in ideological and cultural convictions. In social terms, as opposed to the UNP's dominant elite, the new *Mahajana Eksath Peramuna* (MEP) coalition's social core was a secondary and subordinate elite (Wriggins: 1960, Shastri: 1983) that did not find the UNP rule from 1947 to have served their economic and cultural interests. The MEP coalition won the election of April 1956, reducing the once-powerful UNP into an insignificant parliamentary force with mere eight seats.

2.6.1.1 *The beginnings of a two party system*

The consolidation of the SLFP through the MEP coalition of 1956 marked the beginning of an effective two-party system in Sri Lanka (Woodward: 1969). In subsequent years, governmental power alternated between these two electoral power centres, the UNP and the SLFP. The electoral competition between the UNP and the SLFP has been a contestation between two class blocs, or two social coalitions, ever since. This is where Sri Lanka differed from India. In the case of India, one party, the Indian National Congress, has dominated political power for over thirty years since independence, giving rise to what Rajni Kothari has called the "Congress system" (Kothari:

1964). The UNP continued to rely on the urban, westernised, landowning and professional elite as its social core, while appealing to the votes of the rural peasantry as well as the religious and ethnic minorities. On the other hand, the SLFP's social core has been the non-Westernised economic and professional elite in urban areas and the intermediate classes in the rural society. The SLFP too appealed to the rural electorate, but its support base among ethnic and religious minorities has been quite marginal until about the mid-1990s.

One key dimension of the 'power politics' between the UNP and the SLFP has been the competition between the two parties to maintain their electoral support among the rural peasantry, particularly among the Sinhalese peasantry (Moore: 1985). This is despite the urban and elite nature of the leadership of both parties. One peculiarity in the political sociology of the UNP and SLFP as political parties has been the fact that the party leadership revolved around the family of the party's founding leader – the UNP around the Senanayake family and the SLFP around the Bandaranaike family. In the course of the competition for power in late colonial and early post-colonial years, they had also developed intense political/family rivalries. In the electoral arena, their rivalry for power took the concrete form of competition for the electoral support of the rural masses. The persistence of social welfare policies and pro-rural public policy regimes under UNP as well as SLFP-led governments can be largely understood in terms of this electoral competition.

2.6.1.2 A strong framework of cultural identity

The changes that accompanied the electoral victory of the Sinhalese-nationalist MEP coalition of 1956 continue to shape the trajectory of Sri Lanka's politics even up to the present day. A key consequence of the policies of the MEP regime of 1956 was the rapid Sinhalisation of the post-colonial state in a framework of Sinhalese-Buddhist cultural identity. This process of Sinhalisation of the state was demanded by the second generation of Sinhalese nationalist forces, during the immediate post-colonial years. The first generation of Sinhalese nationalism had emerged during the British colonial rule and before political independence in 1948. Its demands had been primarily in areas of culture and religion. Sri Lankan historians generally call this colonial-period nationalism a project of 'cultural revival'. As we have already noted, in social terms, the post-independence Sinhalese nationalists came from the middle and subordinate social classes in Sinhalese society. Their primary demands, even in the spheres of religion, culture and language, were explicitly political. They were demands relating to state power, state-society relations and the state's relations with ethnic and religious communities. They have been a forceful source of political power in determining the proc-

esses of post-colonial state formation as well as public policy. Irrespective of who was in power, whether the UNP or the SLFP, the state continued to respond to the economic, political and cultural demands of this second level social coalition. The adoption of the highly unitarist, exceedingly centralist and essentially Sinhalese-Buddhist nationalist First Republican Constitution of 1972 was a major outcome of its influence on post-colonial political change, change which eventually alienated minority ethnic and religious communities from the state.

2.6.2 The emergence of armed movements

The emergence of radical and armed political movements in both Sinhalese and Tamil societies in the 1970s and 1980s constituted a hugely significant development in the structures of political power in Sri Lanka. These were social 'movements' and not political parties as such. The first of these movements was the JVP which launched an armed insurrection against the state in 1971. The JVP launched a second unsuccessful armed insurrection in 1987, which lasted over two years. The JVP's armed insurgency against the state spread throughout Sinhalese society. The JVP mobilised the youth of the subordinate classes in the rural, agrarian society of Sinhalese ethno-social formation on a platform that combined Left politics with a nationalist agenda. The two JVP rebellions were also attempts to capture state power by radically mobilising sections of subordinate social classes. The latter constituted a widespread social stratum that had been excluded from the dominant structures and institutions of state power as organised through a conventional parliamentary democracy. Meanwhile, in Tamil society, the nationalist insurgent groups began to develop in the late 1970s in the context of a widening gulf between the state and Tamil society on the unresolved question of Tamil nationalist claims to regional autonomy. Secession from the existing state and the establishment of a Tamil ethnic state were the political objectives of these guerrilla movements. Those who gave leadership to the Tamil nationalist rebellion as well as those who were mobilised for the insurgency came from social backgrounds quite similar to the JVP. These were social groups who felt marginalised in a double sense, excluded from the domain of political power and marginalised within their own social structures.

Against this backdrop of recurring anti-state insurgencies, one notable feature of Sri Lanka's politics since the early 1970s has been the subversion of the state monopoly of armed power by two anti-state insurgent movements. The breakup of the state's monopoly of armed power became particularly significant in the late 1980s and then when the Liberation Tigers of Tamil Eelam, (LTTE), began to control and administer parts of the country's geographical area and a section of the Tamil population in the fashion of an emerging sub-state in the periphery. The Tamil ethnic rebellion ended in

May 2009, after nearly 30 years of prolonged war and violence. The military victory of the state over the LTTE achieved after a protracted civil war signifies the restoration of state authority by military means without a parallel process of political reforms.

Thus, a significant dimension of the way in which political power is organised in Sri Lanka since the early 1970s has been the existence of political power at two competing and antagonistic levels, at the level of the state and in the form of counter-state mobilisation. Formal structures and institutions of power – the legislature, the executive, the judiciary, bureaucracy, the electoral process, external relations, and the media – have existed in competition with counter-state structures of power linked to anti-state armed movements and insurgencies. During the past four decades, the resources of the state in Sri Lanka have been mobilised and invested primarily in order to restore its monopoly on armed violence. It is against this backdrop that the inability of governments to carry out pluralistic state reforms makes some political sense.

2.6.3 Greater ethnicisation

Greater ethnicisation of political party agendas is a continuing dimension of democratic political life in Sri Lanka under conditions of an ethnic civil war. With the exception of the Left, all the other political parties in Sri Lanka – from their inception – have promoted ethnicised political visions. Ethnic appeal has been an essential practice in electoral democracy among the mainstream political parties. The intensification of the ethnic conflict in the early 1980s and thereafter has provided a further reason for political parties to be not only ethnic, but also for some parties to be ethnic exclusivist. Now, all ethnic communities – Sinhalese, North-Eastern Tamil, Tamils of the Eastern Province, Plantation Tamil, Muslim, and Muslims of the Eastern Province – have their own ethnic political parties aimed at promoting their separate group interests.

Some exceptions to this rule occurred in the 1990s when both the SLFP and UNP moved away from Sinhalese ethnic politics and began to make their political appeals across ethnic identities. However, the SLFP's multi-ethnic political platform changed after the party came under new leadership in 2005.

The UNP has been struggling to maintain its multi-ethnic appeal, in spite of the argument that the party's electoral setbacks have been due to its abandoning of the traditional Sinhalese-Buddhist identity and vote base. There is some validity in this claim. At the parliamentary election of 2004, the *Jathika Hela Urumaya* (JHU) with its hard-line Sinhalese nationalist and right-wing political agenda drew most of its electoral support from the urban UNP voters, who were disgruntled with the party's new agenda of minority accommodation. Re-ethnicisation of politics in Sinhalese society is perhaps the de-

velopment that has greater consequences for the contemporary political change in Sri Lanka. The emergence of the JHU and the championing of Sinhalese ethno-nationalist politics by the JVP occurred in a context where the SLFP and the UNP, the two traditional Sinhalese political parties, had (since the early 1990s) begun to abandon their Sinhalese ethno-nationalist agendas, thereby opting for the politics of pluralism and inter-ethnic accommodation. Although the combined electoral strength of the JVP and JHU among the Sinhalese voters has not exceeded ten per cent, their ability to promote Sinhalese identity politics through incessant propaganda and mobilisation has actually weakened the commitment of both the SLFP and UNP as concerns in an agenda of pluralistic political reform.

2.6.4 Agents of pluralistic reform?

One key question that arises from the discussion above is whether political parties or inter-party coalitions can act as agents of pluralistic political reform in Sri Lanka. The answer suggested in the discussion above offers no reason to celebrate. Sri Lanka's political parties, as the discussion shows, are caught up in multiple traps and escape is exceedingly difficult. Parties are in the 'power trap.' Sharing the spoils of power in both the political and economic sense has become an end in itself for many political parties to such an extent that any notion of democratic and pluralistic political reforms is now an anachronistic proposition. Its validity is seen only as a means to power, not as the springboard for a concrete policy agenda. Political reforms in Sri Lanka, as it has been proved repeatedly since 1994, have hardly gone beyond the stage of electoral sloganising among political parties not in power. The lack of progress could be interpreted as a sign that, once in power, parties with reform potential such as the People's Alliance (PA) in 1994–2001, have become content with merely managing the constitutional and structural status quo.

2.7 THE JUDICIARY

As an institution of the state, Sri Lanka's judiciary has largely remained a conservative entity. This institutional and political conservatism found its expression in the judiciary's attitude to minority rights, fundamental rights and women's rights. In the immediate post-independence years, the higher judiciary failed to uphold minority rights when Sri Lanka's parliament enacted discriminatory legislation in relation to citizenship, franchise and language (Coomaraswamy: 1994, Tiruchelvam: 1999). This was in the late 1940s and late 1950s. These were laws that defined the majority-minority relations in post-colonial Sri Lanka in a manner that placed the ethnic and linguistic minorities at a decisive disadvantage. When these laws were challenged before the courts by minority representatives, the Supreme Court refused to exercise the powers of

judicial review of legislation. The position taken by the judges was that Sri Lanka's independent Parliament was a sovereign entity and that the judiciary should not interfere with the sovereign law-making powers of parliament.

2.7.1 The 1972 Constitution

The institutional conservatism of Sri Lanka's judiciary was further reinforced through the 1972 Constitution. The 1972 Constitution prohibited even the limited space available under the Soulbury Constitution for judicial review of legislation. According to the new Constitutional provision, no person or body, including the judiciary, could question the validity of a law passed by Parliament. The 1972 Constitution also restricted the institutional mechanisms for judicial independence by bringing the appointment, transfer and disciplinary control of judges under the Ministry of Justice.

Meanwhile, the judiciary has also been called upon to decide over matters that have a political character, particularly in relation to minority rights and ethnic conflict. Constitutional matters that are referred to the Supreme Court are usually political in nature. When the 13th Amendment to the Constitution in 1987 was challenged before the Supreme Court, it demonstrated a sharp division of views held by the judges on the ethnic conflict and devolution of power. The Supreme Court allowed the 13th Amendment in a one-vote majority decision. The four judges who opposed the 13th Amendment held the general view that the proposed system of devolution of power was federal in nature and consequently it violated the unitary clause of the Sri Lankan constitution. These learned judges were strong believers in the unitary state in their intellectual and political convictions.

The role of constitutional interpretation by the Supreme Court has expanded in recent years. When a new law is presented to Parliament in the form of a Bill, citizens can go before the Supreme Court to challenge the constitutionality of the proposed law. This limited power which the Sri Lankan judiciary has with regard to judicial review of legislation is important particularly in relation to legislation that has implications for minority rights, human rights, devolution of power and ethnic conflict resolution.

The Sri Lankan Supreme Court has advanced significantly by being sensitive to its role of being the final arbiter in matters relating to fundamental rights. However, on matters of a political nature, the Court has adopted a position that has disappointed ethnic minorities, particularly Tamils. On legal issues with immediate political implications, or rather political issues with constitutional implications, judicial rulings have sometimes become quite crucial in shaping the country's political trajectory. For example, the Cease-fire Agreement signed by the United National Front government and the LTTE in 2002 was challenged before the courts on the ground that it violated the Constitution. The courts have not made a ruling on this issue so far.

2.7.2 Two significant cases more recently

However, there have been two recent instances of judicial interpretation of politically significant issues that have impacted on the political process. Both these cases involve ethnic relations, particularly the relationship between the state and the Tamil community. The first is the Supreme Court judgement delivered in July 2005 on the agreement signed by the Sri Lankan government and LTTE to set up an administrative mechanism for post-tsunami reconstruction. In May 2005, amidst much opposition from Sinhalese nationalist parties, President Chandrika Kumaratunga's government signed a memorandum of understanding (MoU) with LTTE to set up an administrative structure called Post-Tsunami Operational Mechanism (PTOMS). The JVP, which was a member of the coalition government, spearheaded a political campaign against this move on the grounds that the proposed structure would endanger national security. Failing to press the government to abandon the MoU with the LTTE, the JVP filed a fundamental rights petition before the Supreme Court challenging the legality of the MoU. The Supreme Court invalidated the MoU for the post-tsunami administrative mechanism. This judgement had immediate and dramatic political consequences. It brought to an effective end any space for the government and the LTTE to work together for post-tsunami reconstruction efforts. It also hastened the breakdown of political engagement between the LTTE and political actors at national level.

The second recent judicial ruling of far-reaching political consequence was the ruling on the question of the merger of the Northern and Eastern Provinces. The two provinces were temporarily merged in 1988 as a part of the implementation of the Indo-Lanka Accord. This came under legal challenge in 2006–2007. The merger of the Northern and Eastern Provinces was a key Tamil nationalist demand which was based on the notion of a Tamil homeland. The merger of the two provinces was an exceedingly controversial move made by the government in power in 1988 in response to pressure mounted by the Indian government. However, over the years, major political parties had come to accept it as a political reality. Nevertheless, when the war between the new UPFA government and the LTTE intensified in 2006, the separation of the two provinces became a part of the government's overall military strategy. The Supreme Court in October 2006 ruled that the temporary merger of the two provinces effected in 1988 under Emergency Regulations by former President J. R. Jayawardena was “unconstitutional, illegal and invalid” (*Daily News*, October 27, 2006). These two decisions have reinforced the impression among ethnic minorities in Sri Lanka that the Supreme Court continues to be lacking pluralistic sensitivity.

2.7.3 The definition of the institutional role of the judiciary

The conservatism of the Sri Lankan judiciary in relation to public policy is buttressed by the reluctance of governments to reform the judiciary to ensue greater popular access to justice. The conservatism of the legal profession is also responsible for judicial conservatism. In Sri Lanka, there is no tradition of public discussion of judicial decisions. Lawyers always refrain from initiating or joining public debates on the judiciary or on its actions. Rarely would university academics in the field of law or political science publicly review, or subject to scrutiny, judicial decisions. Media too is reluctant to critically respond to judicial action. A major reason for this lack of public or professional review of the judiciary is that the courts have interpreted the provisions for contempt of court in an extremely narrow fashion.

The point then is that Sri Lanka's judiciary is quite cautious, and has been reluctant to define its institutional role in terms of facilitating political and social transformation. This matter becomes all the more important in the context of the constitutional interpretation of devolution of power. The peculiarity of the Sri Lankan situation is that although the 13th Amendment to the Constitution lays down in detail the provisions for devolution of power to provincial councils, all constitutional provisions are not implemented by the central government. There is also the possibility of conflict between the central government and provincial councils in the exercise of their respective powers. The adjudication of these disputes requires an independent authority that is sensitive to minority rights and regional autonomy. At present, the Supreme Court is that higher authority of adjudication. But the Supreme Court has a conservative outlook on regional autonomy. As Coomaraswamy (1994) argues, this judicial conservatism is also linked to the continuing adherence to the positivist legal tradition, inherited from the British. It has prevented the legal profession from "coming to terms with problems of power-sharing in a plural, Third World society" (Coomaraswamy, 1994:121). What Coomaraswamy noted with regard to Sri Lanka's judiciary has not changed even fifteen years later.

The point then is that the Sri Lankan judiciary continues to be a powerful branch of the unitary and centralised state. The latter's transformation in the direction of pluralisation requires the presence of a higher judiciary that is conscious of, and sensitive to, minority rights and inter-ethnic power-sharing as the judiciary will be called upon to adjudicate crucial constitutional disputes concerning the nature of the state and its structural composition. However there is hardly any evidence to suggest that the judiciary in Sri Lanka is ready to play such a transformative role.

2.8 BUREAUCRACY

There is a perception in Sri Lanka that the bureaucracy is a conservative force when it comes to institutional change. It is a perception linked to the colonial as well as class origins of the Sri Lankan bureaucracy. At least till about the 1970s, members of Sri Lanka's bureaucracy – the Ceylon Civil Service – were recruited from the urban, anglicised elite. There was a nationalist critique of the civil service. It held the view that the bureaucracy as an institution was not sensitive to the changing needs of society in post-colonial conditions or to 'national aspirations'.

2.8.1 Reforms in the 1970s

The United Front (UF) government of the SLFP and the Left parties that came to power in 1970 through the United Front Coalition, implemented a programme of reforms in the public service, to make it 'development-oriented' and responsive to 'national aspirations.' There were three components of this reform policy. The first was to bring the public service under the political control of the Cabinet of Ministers. This was achieved by means of a constitutional provision in the new Constitution of 1972. The second was to change the social bases of recruitment to the public service. The government abolished the Ceylon Civil Service and set up the 'Sri Lanka Administrative Service' (SLA) in 1972. The government initiated a new policy to recruit members of the SLAS from among vernacular-educated university graduates, with rural social backgrounds. This policy move resulted in a clear shift in the social background of the officers in the administrative service. The third was to provide training for the public service through an institutionalised process, in order to transform the public service into an effective agency of social and economic change. The Sri Lanka Centre of Development Administration was established in 1975 for this purpose.

However, these reforms initiated in the 1970s do not seem to have made Sri Lanka's public service any less conservative. They only gave a new meaning to the bureaucracy's culture of conservatism. Bringing of the public service under direct Cabinet control quickly led to political control and interference in the administrative service to such an extent that the bureaucracy became institutionally subservient to politicians and political parties in power. In popular parlance in Sri Lanka, this change has been called 'politicisation of the public service.' Governments also began to treat the public service as a subservient institution that should not do anything beyond implementing the wishes of politicians in power. There is a public perception that this situation has led to a decline in the quality and standards of the Sri Lanka public service.

2.8.2 The 17th Amendment in 2001

The politicisation of the public service became particularly excessive under the presidential system of government. This had negative consequences for its efficiency and impartiality. In the political debates that developed in the mid-1990s, excessive politicisation of the public service came to be re-framed as issues of democracy and governance. There were civil society campaigns to convince policy-makers of the need for depoliticising the public service for efficiency and good governance. The Organisation of Professional Associations (OPA) in Colombo was a key civil society body that not only argued, but also mobilised public opinion, for making the entire public service accountable, transparent and free of political control and interference. The culmination of this public campaign for major reforms in the public service was the passing of the 17th Amendment to Sri Lanka's Constitution in October 2001. The amendment received the consent of all the political parties in Parliament.

2.8.3 The setting up of the Constitutional Council

The essence of this reform measure was to set up a Constitutional Council, with representatives from all political parties and ethnic communities. The Constitutional Council was to have the authority to make recommendations to the President on the appointment of members to the Election Commission, Public Service Commission, National Police Commission, Human Rights Commission, Bribery Commission, the Finance Commission and Delimitation Commission. The Constitutional Council was also to have the power to approve the appointment by the President of the Chief Justice and Judges of the Supreme Court, judges of the Court of Appeal, Members of the Judicial Service Commission, the Attorney General, the Auditor General, the Inspector General of Police, the Ombudsman and the Secretary-General to Parliament. On paper, the 17th Amendment is a very important piece of constitutional reform that sought to free the public service, as well as some major public institutions and offices, from regime control. If implemented, it would have restored some public confidence in the public service while strengthening practices of democratic governance. However, the fate of the 17th Amendment has been tragic. For eight years, it still remains unimplemented as politicians in power are not inclined to create a situation where their power over the public service is curtailed.

2.8.4 Bureaucratic resistance

The bureaucracy is, in a way, not as wholly weak or powerless as this public perception would make it out. There are instances when the bureaucracy has resisted the political programmes of governments and politicians. The bureaucratic resistance to the devolution of power in the 1980s and 1990s is a key example. The 13th Amendment to the Constitution, introduced in 1987,

required that certain key powers traditionally enjoyed by the central government, should be devolved to the newly created provincial councils. Politicians in power, who were initially not very keen to devolve power to the periphery, found an able ally in the bureaucracy who were also reluctant to part with powers they had exercised. However, later, when politicians found devolution of power as a useful policy tool to manage ethnic conflict in the 1990s, the bureaucracy did not cooperate. There are probably two reasons for this bureaucratic conservatism as concerns state reforms. The first is that Sri Lankan bureaucracy has been a centralised entity, an apparatus of the centralised state, with a rigid institutional culture of centralism. This is a culture coming down from the colonial origins of the administrative service. The second is the influence of the Sinhalese nationalist ideology which perceives devolution of power as a threat to the unity and sovereignty of the 'nation.' In terms of its social and class background, Sri Lanka's bureaucracy in general is recruited from the social groups that are under the ideological sway of Sinhalese nationalism.

2.8.5 Bureaucracy as a link

The bureaucracy maintains its links with the people essentially as an agency of the government, representing the writ and authority of the political party in power. Because of its formal subordination to the Cabinet of Ministers, the bureaucracy does not enjoy relative independence from the regime in power, or its politicians. In that sense, politicians and regimes use the bureaucracy as their link with the people. Consequently, people's access to the state and state institutions is facilitated through the bureaucracy at the local level.

The lowest level officers representing the state are *grama niladharis* (village officers – GN). The GN divisions are small units, covering a few villages. Usually, a *grama niladhari* of a particular cluster of villages is a person from the same locality and is known to the people in the villages. This makes the relationship between the GN and the people direct. However, there is also a widespread perception that many *grama niladharis* are corrupt and that corruption and abuse of power is rampant at lower levels of the bureaucracy. One reason that may have contributed to this corruption thesis is that these officials play a key role in the delivery of social services and poverty alleviation benefits. They have a say in deciding who should get what as state support. Allegations of corruption against *grama niladharis* became commonplace during the distribution of relief for the people affected by the tsunami of 2004. Corruption among higher and middle levels of the bureaucracy is probably not high in Sri Lanka. The public perception is that officials of the middle and higher levels collude with politicians, tolerating political corruption and abuse of power. In the public eye, the police are the most corrupt public institution in the country. According to a survey conducted in 2007 on corrup-

tion, 43% of the respondents believed the police to be the most corrupt public institution in Sri Lanka (Social Indicator-CPA, 2007:13).

2.8.6 Recent initiatives for reform of the public sector

Governments have introduced initiatives for reform of the public sector in recent years. In the late 1980s there was an effort to downsize it. This was in the context of the implementation of macro-economic reforms through structural adjustment programmes. Privatisation of public corporations and reducing the size of the public sector labour force were policy components of these macro-economic reform programmes. One scheme implemented to achieve this objective was to provide incentives for public servants to opt for early retirement with compensation for the lost years of service. This policy measure covered mostly the lower levels of bureaucracy. Making the public sector smaller, and consequently more efficient, was an expected outcome of these reforms.

The political and public perception of the state bureaucracy in Sri Lanka is that the bureaucracy is quite inefficient and lethargic. The existence of bureaucratic inefficiency can be seen as the outcome of two factors. The first is political. Since the public service is under direct political and regime control, officials are reluctant to take any independent initiatives. The second is linked to the institutional culture of the bureaucracy. Public officials are not expected to make independent decisions. Their inputs in policy making are neither expected nor encouraged. They are mere implementers of decisions made by the Cabinet of Ministers, often in collaboration with such external agencies as the World Bank, International Monetary Fund or Asian Development Bank. The very few officials who have a role in policy making are either those who have close personal links with the top political leaders, or those who have become government consultants/advisors after retirement, through their links with multilateral agencies.

Sri Lanka's bureaucracy, as the discussion above shows, is not an independent actor within the state structure. It is institutionally subservient to the political leadership in power. There does not seem to be a movement, or even an urge, from within the bureaucracy to emerge as a public institution free of political control. It may be the case that political domination and control exercised by each successive regime since the early 1970s has broken the institutional backbone of Sri Lanka's public service. This institutional subservience has, in turn, produced a bureaucratic culture of conservatism, accompanied by a parallel culture of passive resistance to any shift away from centralised state structures.

2.9 MEDIA

The media is an institution of power with considerable significance. This power is exercised and expressed in a variety of ways. One way to understand the political power of the media and its limits is to identify patterns of media ownership and the ideological and political agendas that different media institutions serve.

2.9.1 Patterns

The mainstream media has two ownership patterns, state and private. The state owns and operates newspapers (those published by the Lake House Company of newspapers), television stations (*Rupavahini* and Independent Television Network) and radio stations (Sri Lanka Broadcasting Corporation). The state-owned TV and radio channels have the widest coverage in the country. The private newspapers, radio and TV stations are owned by families who are usually linked to main political parties. All the mainstream media institutions are located in Colombo.

The non-mainstream media is essentially newspapers, published in Colombo and Jaffna. These newspapers are overtly political. There are a few Sinhalese newspapers that are directly linked to political parties. The Tamil newspapers published in Jaffna have expressed the political perspectives of the LTTE when the LTTE exercised coercive influence over the Tamil society in the Northern Province. The mainstream Sinhalese newspapers published in Colombo have the highest and widest circulation in view of the fact that the Sinhala readership comes from the majority ethnic community.

2.9.2 Different dimensions of power

The political power held and exercised by the media has a variety of dimensions. Privately-owned newspaper institutions have a 'tradition' of being king-makers, playing a direct and influential role in shaping the outcome of elections. The Lake House and the Times groups of newspapers from the 1950s onwards and the Davasa group from the 1960s onwards were major political allies of the right-wing UNP. They actively campaigned for the UNP at all parliamentary elections against the SLFP and Left parties. In 1964, the SLFP-Left coalition government made an attempt to nationalise the Lake House Company of newspapers. This was also an attempt by the ruling Bandaranaike family to settle political scores with the powerful Wijewardena family which owned the Lake House and was closely linked through kinship to the UNP leadership. However, the SLFP-Left coalition government could not secure a majority of votes in parliament to pass the Lake House nationalisation bill, because the UNP and the powerful Wijewardena family had engineered a split in the ruling SLFP. A group of dissident SLFP MPs crossed

over to the UNP, depriving the SLFP-Left coalition regime its parliamentary majority, at the time of voting for the Governor General's annual 'Throne Speech.' As a result, the coalition government also lost power, paving the way for a UNP victory at the parliamentary elections held in March 1965.

The SLFP and the Left parties in the 1960s and the 1970s gave expression to a point of view concerning the media that private ownership of media establishments was not in the interest of the people or of the country's progress. The fact that all the private newspaper companies were owned by families linked to the UNP largely contributed to this perception. Ideologically, the newspaper establishments at that time were right-wing in political inclination. The United Front coalition regime of 1970, formed in an alliance of the SLFP and two Left Parties (LSSP and CP), brought the three main private newspaper companies under state control. The Lake House was nationalised in 1970. A year later the Davasa group of newspaper was forced to close down under emergency regulations. Later the Times group of newspapers was taken over by the government under the business acquisition law. The Davasa group has not been able to revive whereas after several years of closure the Times group has been revived by the Wijewardena family who earlier owned the Lake House group of newspapers. After nationalisation in 1973, the Lake House continues to remain under state control, although the law that nationalised the Lake House envisaged public ownership of the company through the sale of shares. The Lake House also continues to be the main institution of propaganda of any ruling party.

2.9.3 State control

State control of the media is a peculiar phenomenon in Sri Lanka. Political parties in the opposition have been consistently critical of the state media control, because it has actually meant the regime abuse of the media. The state media – newspapers, the television and the radio – has been the main propaganda machinery to be used by the ruling parties. However, whenever the parties in opposition became ruling parties they never implemented their campaign promise of freeing the media from state control. In power, all parties have found the state ownership and control of the media politically useful. One argument put forward in favour of such state control of a section of the media is that the private media are critical of, and even opposed to, the government in power. This argument further states that a government too should have its own mass media to put across its own points of view and communicate with the people directly. The most articulate exponent of this position was Mangala Samaraweera, the Media Minister of the PA regime under President Chandrika Kumaratunga. Both Samaraweera and Kumaratunga were equally effective campaigners for freeing the state media before they came into power in 1994. Now in opposition, Samaraweera has once again

become an ardent advocate of freeing the state-owned media from regime control. Meanwhile, state ownership of the Lake House, the Rupavahini Corporation, Independent Television Network and the Sri Lanka Broadcasting Corporation continues under different regimes. During election times, regime abuse of state media for election campaigning has become a regular feature.

2.9.4 The issue of media freedom

The issue of media freedom in Sri Lanka is problematic. The fact that there is a state sector of the media is somewhat unusual. The state-owned media are essentially institutions and organs of propaganda on behalf of the ruling political party. Employees of these institutions, including journalists and editors, are 'government servants.' In effect, they are expected to function as employees of the ruling party as well. As a rule, they do not criticise the government, government policy or the politicians of the ruling party. But they will have all the freedom to criticise the opposition parties and opposition politicians. Their expected role is that of propagandists for the ruling party. This has created an embedded imbalance in the state sector of the media which is both political and professional. Politically, the state media exists to serve the political interests of the ruling party. Professionally, the personnel at the state media institutions are servants of the ruling parties, with no vocational culture of being able to see the 'other side of the story.'

Meanwhile, the privately-owned media have been, in a limited manner, forthcoming in offering critical perspectives on governments, government policies and politicians in power. Sometimes, media is inhibited from engaging in critical reporting and commentary on governments or ruling parties due to economic considerations. The private newspapers are dependent on state sector support for securing bank loans, the supply of printing paper and ensuring advertising revenue. This has made the private sector media somewhat regime-dependent. The newspapers that have defied these limitations, like the *Ravaya* and *Sunday Leader*, have encountered anger in the form of police raids, lawsuits and even the death of journalists, as has been the case in recent years.

The way in which the present UPFA government has managed the media since the war against the LTTE escalated in 2006 indicates the extent to which the conflict between the regime and the media can have debilitating consequences for democracy. The government's war policy since 2006 had a strong emphasis on managing news and commentary about military operations. Media was briefed by the defence establishment to refrain from reporting on the war in a manner that 'helped the enemy' or 'affected the morale of the soldiers.' The objective of the military establishment was to prevent the media from reporting events and consequences of the war in a manner that

might compromise the security interests of the state. When some journalists ignored the new constraints, they faced grave consequences such as direct threats, abduction, torture and even death. Nearly two dozen journalists have left the country since 2006 in the face of death threats. A few who ignored the death threats and stayed have actually been killed by unidentified death squads. In the past, governments used only the emergency law to curb the free media. Death threats, abduction and killing of journalists for independent war reporting are a development that indicates an alarming phase of militarisation into which the Sri Lankan society has entered along with war intensification.

2.9.5 Investigative journalism

Investigative journalism is a recent development in Sri Lanka. The private sector media has been quite daring in exposing corruption and abuse of power among ruling party politicians. However, it is an irony that despite repeated media exposure of corruption, the ruling party politicians are neither penalised by government leaders nor forced to resign from office. The politicians, whose corruption and abuse of power is exposed in the media, have acquired a capacity to treat such media exposure with contempt and then continue to stay in office as presidents, prime ministers, ministers and deputy ministers. Actually, the media exposure of corruption or abuse of power has not led to any politician resigning or being forced out of office. This shows the limits of the power of the media in Sri Lanka in combating political corruption and abuse of power.

2.9.6 Various approaches

Meanwhile, Sri Lanka's media has been quite influential in sustaining ethno-political ideologies and agendas, thereby contributing to the intractable nature of the ethnic conflict. The mainstream vernacular press, Sinhalese and Tamil, is primarily ethno-nationalistic in orientation. The privately owned Sinhalese and English press is generally Sinhalese nationalist in ideological orientation. The privately owned Tamil press published in both Colombo and Jaffna is Tamil nationalist. The ideological line of the state-owned media depends on the policy of the government, wavering from moderation to extreme Sinhalese nationalism. The mainstream press does give limited space to minority points of view as well as non-nationalist perspectives but, overall, the press has not contributed to strengthening the argument for a negotiated political settlement to the ethnic conflict. There has, however, been an alternative press that has contributed to the broadening of the public debate on the ethnic conflict from the perspective of minority rights, democracy and peace. *Ravaya* is a Sinhalese weekly that has been providing a forum for such alternative discussions.

2.9.7 Dual role

To sum up, the media in Sri Lanka has been playing a dual role on issues related to ethnic conflict, conflict settlement, peace-building, democratic and political reforms. The media has been both a bridge-builder and a bridge-burner. It has been a whistle-blower and a barrier to change. It has provided space for debate and weakened arguments for pluralism. Thus, it has been part of the problem as well as part of the solution of the Sri Lankan crisis of governance, democracy and ethnic relations. The recognition of this essential duality of the media's role in political transformation is important in order to strengthen the media's contribution as a part of the solution.

2.10 POLITICAL LEADERSHIP AND FAMILIES

In the sociology of political power in Sri Lanka, political family is a key mechanism that helps reproduce political power outside formal and institutional spaces. It works at both national and local levels. The phenomenon of political family is a form of political capital that is available only to a few, even under conditions of democracy. However, it also has democratic credentials. Political families in Sri Lanka are specific entities of political elite made possible by democratic competition at national, regional and local levels. Like in the case of patron-client networks, they enable institutions and practices of democracy – political parties, electoral politics, party networks, and mobilisation – to exist as socially meaningful processes of power. In this sense, political families are hubs of political bargaining and mediation. They connect arteries of political power at a societal level. By being social hubs of political power, the continuing reproduction of political families make the social dispersal of power less and less democratic. This, in an abstract sense, encapsulates the democratic anomaly of political families in Sri Lanka. This point will be made clearer in the following discussion.

2.10.1 The period 1948–2004

As we have already noted, the leadership of the two main political parties, the UNP and the SLFP, has revolved around the families of their founder leaders. The UNP was founded by D. S. Senanayake, who became the first Prime Minister of independent Sri Lanka in 1948. Upon Senanayake's death in 1951, his son, Dudley Senanayake, became the party leader. When Dudley Senanayake resigned in 1953, the new leader of the party was D. S. Senanayake's Nephew, Sir John Kotelawala, who was already in the cabinet. Kotelawala became the Prime Minister in 1953. Because of this nepotistic tendency concerning party leadership, the UNP earned the nickname of Uncle Nephew Party! When Kotelawala resigned from the party leadership after the electoral debacle in 1956, Dudley Senanayake returned to the party leadership

position. When Dudley Senanayake died in 1972, the successor was J. R. Jayawardena, who was linked to the Senanayake family. After Jayawardena retired from politics, a rank outsider, Prime Minister R. Premadasa, became the party leader. In family, class and caste terms, he was a total outsider. He won a fairly intense battle for party leadership in 1986 in a situation where Sri Lanka had two insurgencies, foreign (Indian) military intervention and unprecedented political violence. Premadasa, who became the UNP leader and then won the presidential election in December 1988, was assassinated on 1 May 1993. Premadasa's successor was another 'outsider', Prime Minister W. B. Wijetunga. Wijetunga retired in 1994, leaving room for a nephew of J. R. Jayawardena, Ranil Wickramasinghe, to become the party leader.

Since 1995, Ranil Wickremasinghe, who is linked to both Senanayake and Jayawardena families, has continued as the UNP leader. Wickramasinghe has a fairly long record of losing elections and keeping the party out of power. Consequently, there have been many attempts by dissident sections of the party to remove him from the party leadership. None of these attempts has so far succeeded. Against this backdrop, since the late 1990s, UNP dissidents at the second and third levels of party leadership have been leaving the party and joining the ruling party, the UPFA, and accepting lucrative ministerial positions. For example, in December 2006, 19 UNP MPs joined the government of the UPFA government and accepted ministerial posts. Nearly half of the Cabinet of Ministers of the present UPFA government are politicians who have crossed over from the UNP. Amidst periodic desertions of party loyalists, the UNP has not been able to find a winning leader to replace Wickramasinghe.

The story of the family ownership of the SLFP leadership is slightly more straightforward than the story of the UNP. From 1952 to 2005, the leaders of the SLFP have been individuals who happened to be two parents and a daughter. S. W. R. D. Bandaranaike formed the SLFP in 1952 and became the Prime Minister in 1956. He was assassinated in 1959. After about a year of uncertainty about the party leadership, Bandaranaike's widow, Mrs. Sirimavo Bandaranaike, became the SLFP leader. She functioned as Prime Minister twice, in 1960–1964 and 1970–1977. In 1994, her daughter, Chandrika Bandaranaike Kumaratunga, became the President of the country and the SLFP leader. She continued in these positions till 2005. In 1994, the mother Bandaranaike was appointed as the Prime Minister of the daughter's government, and she continued in that position until her death in 2000.

2.10.2 A shift in 2005

A significant shift in the class and family dimension of the SLFP leadership occurred in 2005 when Mahinda Rajapaksa succeeded Chandrika Kumaratunga as the SLFP leader and the country's President. Rajapaksa had man-

aged to be appointed as the Prime Minister two years before he became President with little support from President Kumaratunga of the Bandaranaike family. It was his popularity with the MPs and ordinary members of the party that enabled him to become the Prime Minister and subsequently make his claim to be the SLFP's presidential candidate in 2005. Becoming the presidential candidate in 2005 was an uphill task for Rajapaksa who was the Prime Minister at the time, primarily because of opposition from President Chandrika Kumaratunga, who appeared to prefer her own brother to Rajapaksa as her successor. The opposition to Rajapaksa had a class and family dimension as well. Rajapaksa came from a regional political family in the Southern Province. His family, though elitist in social terms, did not belong to the aristocratic nobility that the Bandaranaike's claimed or the urban upper class as did the UNP leaders. However, his father had been a founder member of the SLFP and a loyal follower of Prime Minister Bandaranaike who formed the SLFP in 1952. This gave enough genealogical credentials for Prime Minister Mahinda Rajapaksa to make a successful bid, after a bitter fight, to become the SLFP's presidential candidate and eventually be the party leader and President of the country.

After becoming the President of the country and leader of the SLFP, Mahinda Rajapaksa took immediate steps to establish his authority over the party by detaching it from the influence of the Bandaranaike family. This has been a key requirement for his consolidation of power, both as the leader of the party and the President of the country. In this process, he seems to have laid the foundation for his own family to emerge as the newest, and currently the most powerful, political family in the country. His youngest brother holds the most powerful position of Senior Presidential Advisor. His other younger brother is the Secretary of the Ministry of Defence. Holding that key position, he spearheaded the successful war against the LTTE. An older cousin of President Rajapaksa is in charge of a number of important ministries. In September 2009, he appointed his nephew to be the Chief Minister of the Uva Province. He has also appointed close family relatives to a number of key bureaucratic positions in the government. Thus, President Rajapaksa has extended his family's influence to the party as well as the state structure. This, indeed, is a continuation of a tradition inaugurated by Mrs Sirimavo Bandaranaike when she became the Prime Minister in 1960.

In electoral politics, the UNP and SLFP have established the political culture of family domination in local politics as well. In many instances, district and local leaders of the parties have maintained the 'family' as a locus of electoral power. The mechanism for this has been political succession, from father to son or daughter, from husband to wife, or from brother to brother or sister. In political mobilisation and marshalling electoral support, the family provides 'symbolic capital' as well as a resource base.

Now, how can the question of political reform in Sri Lanka be framed in view of the critical role of political family in the political process? It can, indeed, be framed in the following manner: what kind of political reforms will be acceptable, and non-threatening, to the national political leadership that is committed to centralising political power in the hands of the ruling family? Or should political reforms await the emergence of a national political leadership that is committed to strengthening institutions of governance at the cost of the key role of the family in the state structure? At present, there are no clear answers to either of these questions.

2.11 CASTE AND POLITICS

Caste seems to provide a major organising principle of politics in Sri Lanka, along with the working of political parties and ethnic identity, in order to provide a parallel framework of political belonging and community. Caste mediates political power in Sri Lanka in a thoroughly informal manner. Unlike in India, there are no specifically caste-based political parties in Sri Lanka. There is no open caste competition at the political level either. Neither is the caste factor constitutionally recognised as a social disability, except in a brief reference to caste discrimination in the Fundamental Rights Chapter of the present Constitution. The state does not make any claims to assist marginalised caste communities through policies of positive discrimination and state support. This also makes the Sri Lankan case with regard to caste different to the Indian experience.

As researchers have repeatedly pointed out, and as experience shows, the presence of caste in political competition, particularly in electoral politics, has been pervasive in Sri Lanka however it escapes the notice of the casual observer. Even in everyday social relations, as Spencer observes, “caste is always present, but almost never seen” (Spencer, 1990:191). This observation is equally applicable to the unseen presence of caste in political competition, electoral choices and the actual working of democracy. In other words, caste operates as an underground, or secret, process embedded in Sri Lanka’s political culture.

Meanwhile, the system of proportional representation, with its preferential voting system, has reinforced caste as a factor in electoral politics. Under this system of voting, at national as well as provincial elections, political parties prepare lists of candidates for each electoral district, comprising several electoral divisions, or electorates. At local government elections, candidate lists are prepared for each local government authority which are smaller in size than electoral divisions in national and provincial elections. The caste factor comes into significance at two stages in the electoral process. When there is concentration of communities of non-dominant castes within an electoral dis-

trict, a constituency or a local government authority, representatives of these castes would claim a place in the list of candidates. Party leadership usually obliges such requests, in view of the importance of block voting in shaping the electoral outcome. The second occasion arises at the time of voting. Under the PR system in Sri Lanka, a voter can mark up to three preferences from among the candidates of the party for which s/he is voting. In marking voter preferences among individual candidates, ethnic as well as caste loyalties have acquired a continued significance.

As we have already noted caste has been, and continues to be, an important criterion in selecting candidates for parliamentary, provincial and local government elections. This practice particularly applies to electorates where some intermediate and subordinate castes – *karawa*, *durawa*, *slagama* and *vahumpura* communities – are concentrated. For example, even in metropolitan Colombo District, caste considerations are crucial for candidate selection in Colombo-West (*durawa*), Dehiwela (*durawa*) and Moratuwa (*karawa*) electorates. In the Southern Province, electoral lists are usually balanced with adequate number of representatives from *karawa*, *slagama*, *durawa* and *vahumpura* caste communities along with candidates belonging to the dominant *govigama* community. In Gampaha, Kegalle, Kurunegala and Ratnapura districts, inclusion of candidates from the *bathgama* community is crucial for parties to win. The UNP and SLFP, the two main political parties, have always followed this caste rule in electoral politics. Interestingly, Left parties have also followed this caste rule in candidate selection, particularly in electoral areas in the Southern Province.

Hence, caste consideration in candidate selection is an unspoken, unwritten, yet widely known practice in Sri Lanka's democratic process. Before an election, prominent leaders of the non-dominant caste communities would lobby party leaders, who are usually from the dominant caste, for their inclusion in candidate lists. In election campaigns, parties would rarely appeal openly to caste loyalties. Public canvassing is always on the basis of party identity. But voters are usually aware of the caste identities of candidates. Candidates, in turn, will appeal to caste loyalties in a secret manner, usually by deploying local level activists of their own caste community. The availability of preferential voting under the PR system has provided a new impetus for caste-based voting.

In Cabinet appointments too, the balancing of caste representation is a major challenge for government leaders. The legislature and the cabinet are usually dominated by the members of the dominant *govigama* caste. However, there are five non-*govigama* caste communities who invariably seek positions as cabinet ministers or deputy ministers. They are *karawa*, *slagama*, *durawa*, *bathgama* and *vahumpura*. When a new cabinet is appointed after a fresh parliamentary election, presidents and prime ministers are hard-pressed to accom-

modate these influential caste communities along with the ethnic factor.

However, caste representation in Parliament has not so far led to caste-specific legislation. MPs, who are elected with the support of caste electorates, do not campaign for legislation to assist these caste communities. They resort to other measures of resource distribution. Provision of government employment, sending supporters abroad as labourers and ensuring business and economic opportunities, building roads and infrastructure development for the common benefit are the standard methods of serving caste interests. However, the members of the caste communities also attach a great deal of symbolic significance to the opportunities that their community leaders would obtain as MP's, cabinet ministers, members of provincial councils and local councils.

How the caste factor works in the Northern Tamil society in Sri Lanka is not as clear-cut as it is in the Sinhalese society for two main reasons. The first is the absence of an electoral process there for nearly three decades due to the civil war. Although parliamentary elections have been held there, voter participation has been extremely low, sometimes even less than five percent of registered voters. Meanwhile, voter registration has not been regular due to continuous population displacement and the absence of proper census records. Provincial or local council elections were not held for nearly two decades. Thus, the process of electoral democracy remained suspended for quite some time. The second reason is the LTTE's conscious policy of eradicating caste distinctions and discrimination in Northern Tamil society. During its presence as an armed political entity controlling a large section of the Tamil civilian population, the LTTE banned caste discrimination. It is too early to assess what has actually happened to the internal social relations, both caste and class, among the Sri Lankan Tamils many of whom have been subjected to displacement from their traditional community life. It can only be surmised that caste is too strong a social relation to disappear completely, even in the midst of civil war.

In terms of sociology of politics, the expansion of democracy and the political party system has not diminished the value, significance and role of caste in politics. Kaviraj's comment on caste and democracy in India applies to Sri Lanka with equal relevance. Electoral politics, Kaviraj (1997:17) observes, have "instead of contributing to a fading away of castes, led to a re-inforcement of identities in a startlingly nontraditional way." However, there is a paradox. Governments do not usually take policy measures openly and specifically addressing caste grievances. Indeed, many of the subordinate caste communities are economically poor and socially disadvantaged. Social welfarism and state intervention in such areas as education, health, housing and employment have addressed their grievances only to a limited extent. However, Sri Lanka does not have equal opportunity legislation or constitu-

tionally laid-down policies of positive discrimination as there are in India. Public denial and private admission of caste as a factor in social injustice is an essential component of caste in Sri Lanka's democratic politics.

What does the persistence of caste discrimination, caste distinctions and caste competition in society indicate about Sri Lanka's political process? The key point it suggests is that six decades of electoral democracy have not really led to societal democratisation. Internal hierarchies in both Sinhalese and Tamil social formations persist. They reinforce undemocratic and authoritarian tendencies in Sri Lankan society. At the same time, subordinate caste communities have appropriated the electoral process in order to make their claims in the spheres of representation, sharing of political power and access to public resources. This constitutes the positive side of the interaction between caste and democratic process in Sri Lanka.

2.12 PATRON-CLIENT RELATIONS

The recognition of the presence of patron-client relations in the political process and the appreciation of how they work is vital to the understanding of how political power works in Sri Lanka in a framework of state-society relations. The welfare policy regime that emerged in the 1930s along with the expansion of representative government linked to the universal adult franchise has contributed largely to the kind of patron-client relations that exist even now. The welfare regime, backed in early years by the surplus generated in the plantation economy, provided state support for all citizens in the areas of health, education, food, social infrastructure and employment in the immediate post-independence decades. This eventually created a social vision of the state among citizens – the state being the supreme agency of social welfare and benevolence. This also constituted something like a 'social contract' between the ruling elites and the citizens of the subordinate classes

Parliamentary elections have provided regular space for the political class, as well as the citizens, to renew and re-affirm this patron-client social contract. At every election, the two main parties, in a spirit of competition, have promised welfare measures to the electorate that would usually include food and agricultural subsidies, relief to the poor, programmes for poverty eradication, public sector employment, free education and huge public investments in rural society. As recently as in the 2004 parliamentary election and 2005 presidential election, the UPFA, which won both elections, promised a massive package of agrarian subsidies, creation of public sector employment and bringing the state back into the economic and social spheres. The electorate in general expect the state to play the role of a benevolent patron and the political class, motivated by electoral considerations, is quite willing to offer to the electorate patronage as a key guiding principle of public policy. Indi-

vidual politicians and political parties are the link through which this patron-client relationship between the state, citizens, political class and the voters is mediated.

Thus, political clientalism works at every level of governance – national, regional and local. The presidential system that was introduced in 1978 has widened the space for political clientalism at the very top level of governance. Many presidential advisors are appointed, with no regard for their role in the decision-making or implementation process, but purely to please ruling party loyalists, to provide them with employment as well as links that are useful in the business of influence-peddling. The ever-expanding cabinet of ministers is an institution of extreme political clientalism. For example, in 2007 there were 113 MPs affiliated to the ruling coalition and 108 of them were cabinet ministers, deputy ministers and non-cabinet ministers. In 2009, the same figure is stated with no reduction of the size of the Cabinet which has now established itself as Sri Lanka's highest and foremost institution of political clientalism. Only a handful of MPs with the coalition regime do not hold ministerial office. In the past, public corporations were the main institutional space for the practice of such clientalism, but with the shrinking of the corporation sector, the Presidential Secretariat, the Foreign Service and the Cabinet of Ministers have emerged as the three key public institutions for political clientalism and patronage. Meanwhile, the provincial council system, introduced to devolve power to the periphery, has also emerged as an institution of de-centralised clientalism, patronage, nepotism and corruption.

Is political clientalism negative, avoidable or necessary? In Sri Lanka's political debates, two main approaches have evolved on the issue of political clientalism. Political parties in the opposition, independent media and civil society groups share the view that political clientalism goes against the interest of good governance, it perpetuates political corruption and therefore it should be removed from the body politic. However, those in power seem to think otherwise. They value its pragmatic consequences and rewarding outcomes. In this polarisation of approaches, political clientalism as a form of political corruption has become a cyclical process in which the opposition party today will practice it when in power tomorrow. Similarly, today's ruling party when it becomes a party in the opposition will join the media and civil society groups to oppose all forms of political corruption. And this constitutes political corruption's cycle of reproduction in the democratic political process.

2.13 RELIGION

To what extent has religion become a mediatory factor in politics and competition for power in contemporary Sri Lanka? How do religions relate themselves to politics in Sri Lanka? It is important to note that in Sri Lanka's eth-

nic conflict, religion is not an overt dimension, although Sinhalese nationalist ideology is shaped by Buddhist monks and a Sinhalese Buddhist vision of an appropriate post-colonial polity (Seneviratne: 1999, Tambiah: 1986).

Among minority religions, Hinduism is the most apolitical religion in Sri Lanka. The Tamil ethnic struggle has not identified itself with Hinduism at all. There is no religious-extremist Hindu political movement among Sri Lanka's Tamil Hindus, as it is the case in Northern and Western states of India. Meanwhile, all Tamil political parties and groups are nationalist, but secular. Christianity is not a politicised religion either. Christian and Catholic churches were powerful in the British colonial period as well as in the first two decades after independence. Many of the local political, administrative, intellectual and military elites also were Christians or Catholics. But, there was a process of change after 1956 that broke the political power of the Christians/Catholics and their churches (Stirrat: 1992). The triumph of Sinhalese-Buddhist nationalist forces at the parliamentary election of 1956 brought Buddhism to the centre of public policy discourse. The nationalisation of Christian and Catholic denominational schools by the SLFP government in 1961–62 provoked a direct confrontation between the state and the Church (Stirrat: 1992). The Catholic Church lost the battle. Ever since then, Catholic and Christian religious leaders in Sri Lanka have been acutely conscious of the fact that their religious communities in Sri Lanka represent only a small minority of the population and that their capacity to challenge the state backed by the Buddhist majority is quite limited.

Islam in Sri Lanka is politicised in an identitarian sense. The Muslim community speaks Tamil as their national language. However, Muslims consider themselves a separate ethnic group as against the Tamil community by virtue of their Islamic religious identity.

Buddhism is the most politicised religion in Sri Lanka. The Sinhalese nationalists have appropriated and incorporated Buddhism as a religion into their ideologies as well as political visions. A powerful belief among these nationalists is that the Sri Lankan state and its rulers have a duty to protect and foster Buddhism as the state religion. The United Front government in 1972 incorporated this demand into the new Constitution and that has also undermined the secular character of Sri Lanka's present constitution. Ethnic and religious minorities have demanded the repeal of this Buddhism clause, but governments have been extremely reluctant to change it for fear of Sinhalese nationalist backlash.

A significant constituency of power in Sri Lanka's Buddhist society is the Buddhist clergy, who are known as the Sangha. There are about 40,000 of them. They are organised into caste-based 'sectors' in a fairly decentralised framework of authority and management. There is no single Sangha leader, a counterpart of an Archbishop or the Pope in the Catholic Church. Each sec-

tor has its own 'supreme leader' or Mahanayake. In organisational terms, the Sangha society also continues with traditions and practices that can be described as feudal. The political power of the Sangha appears at present at three levels. Firstly, they have been the leading articulators and popularisers of Sinhalese nationalist ideology. In the context of the ethnic conflict, politicians also make use of nationalist ideology for electoral ends and mobilisation of public support for regimes. Secondly, politicians have been seeking the active participation of the Sangha in electoral campaigns and as vote brokers. In the context of the leadership positions that Buddhist monks hold in local communities, they have been effective vote brokers for individual politicians as well as for political parties. Thirdly, Buddhist monks have begun to contest public office as political party candidates.

The last point warrants some elaboration. At the parliamentary elections held in April 2004, the *Jathika Hela Urumaya* (JHU), which is an ultra-nationalist Sinhalese political party, fielded over 120 Buddhist monks as parliamentary candidates. Ten of them won and became MPs. On an earlier occasion, in 1994, there was a single Buddhist monk elected to parliament from Lanka Sama Samaja Party, a Left-wing political party. However, the election of ten Buddhist monks as MPs became an unusual and sensational political development. The background to this development was the resurgence of Sinhalese nationalist politics in a context marked by the collapse of peace negotiations between the Government and the Liberation Tigers of Tamil Eelam (LTTE).

The unexpected death of a prominent Buddhist monk, Gangodawila Soma, in Russia in December 2003 under controversial circumstances provided the JHU with a sudden and unexpected opportunity to appeal to the Sinhalese-Buddhist voters that their interests could be best served by electing Buddhist monks as law-makers. Protection of the interests of the majority Sinhalese community, protection of Buddhism from non-Buddhist adversaries and international conspiracies while working towards the moral regeneration in society and politics were the main elements of the JHU's electoral platform in 2004. Quite significantly, the JHU monks received the highest share of their votes in urban electorates with a concentration of middle-class Buddhists. In rural districts of Southern and North-Central Provinces, which are usually described as the heartland of Sinhalese nationalism, the JHU polled less than even five percent. Thus, the emergence of Buddhist monks as parliamentarians can be described as a manifestation of the spread of militant Sinhalese nationalism among urban, middle class constituencies.

The politics of the JHU is a theme which is directly relevant to this paper's overall focus. Before it came to prominence during the parliamentary election campaign of March–April 2004, the JHU remained a relatively small political entity with one member in parliament. However, the JHU established its

presence in Sri Lankan politics by advocating a hard line Sinhalese nationalist perspective on the ethnic conflict, minority rights, negotiations with the LTTE and political reforms. Presenting itself as the only genuine representative of the Sinhalese-Buddhist interests, the JHU strongly opposed the very idea that there was an ethnic conflict in Sri Lanka. According to the JHU, what existed in Sri Lanka was rather a terrorist problem that required only a military solution. As the JHU further argued, the idea of minority rights threatened the interests of the Sinhalese-Buddhist majority community. Power-sharing and devolution, according to this perspective, only weakened the unitary state. The JHU attacked both the UNP and SLFP for the accommodation of minority rights in their policies. Quite significantly, this hard line perspective enjoyed support among sections of the print and electronic media and that enabled the JHU to take its militantly nationalist message to a broad national audience. The JHU's electoral success in 2004 occurred against this backdrop. It received a further fillip when Prime Minister Mahinda Rajapaksa launched his presidential election campaign in October 2005. Rajapaksa did not receive the full support of the SLFP in his election campaign due to the fact that he was not the preferred choice of the Bandaranaike family, headed by the then President Chandrika Kumaratunga. As a result, the SLFP party machinery was largely inactive in the election campaign. This compelled Mahinda Rajapaksa to establish new alliances. He turned to the JHU and the Sinhala-Buddhist nationalist constituency for support. Once Rajapaksa won the election and took over the office of the Presidency, the JHU and its Buddhist monk MPs became an influential ideological entity in the new government. Some of them became vocal advocates of war and a military solution to the ethnic problem. They have also passionately opposed devolution and power-sharing with Tamil and Muslim communities.

This background points to a complex problem concerning religion, politics and the state in contemporary Sri Lanka. Politically active Buddhist monks and their lay supporters are a counter-reformist and conservative force. Although they represent only a minority of Sinhalese Buddhist voters, they occupy a strategic location in the political process by being spokespersons for a hard line, extremist version of the Sinhalese political vision. This assures them adequate votes to ensure a small number of seats in parliament, access to the media and definite bargaining power in the competition for power among major political actors. There are moderate Sinhalese-Buddhist political visions, articulated by moderate monks and lay intellectuals, but they have not become political actors as such. For example, Sarvodaya is a social movement that has been propagating moderate social and political perspectives in Sri Lanka's Sinhalese Buddhist society. For decades, it has mobilised Buddhist monks as well as lay communities for social service, peace and inter-community understanding. However, Sarvodaya is a non-political

social movement in the sense that it refrains from engaging in activities leading to political mobilisation and intervention. It shuns electoral politics. Therefore, it cannot strategically position itself in national politics as the JHU and its politically active monks do. Consequently, its capacity to shape public policy and the nature of the Sri Lankan state has been extremely limited. This is the experience of other moderate Buddhist entities as well.

2.14 CIVIL SOCIETY INITIATIVES FOR REFORM

In this discussion, the term ‘civil society’ is used to describe organised groups engaged in non-party political and social activism. These are specific type of citizens’ groups that are engaged in political activity outside the political parties and trade unions and attempt to influence party and government policies as well as public opinion.

Rajni Kothari’s phrase ‘non-party political formations,’ (Kothari, 1984) used in relation to India is applicable with modification to Sri Lanka too. In Kothari’s analysis, non-party formations refer to the grass-roots social movements that had emerged in India independent of established political parties. Their political and social significance lays in the historical context within which they had emerged. Kothari’s analysis identifies two developments that constituted this particular context, the undermining of the role of the state as an agency of social transformation, and the decline of democracy, giving way to corruption and criminalisation of politics. Kothari saw the emergence of non-party ‘grassroots’ politics as a new form of popular participation. In the Sri Lankan case, popular social movements in the Indian sense have been largely absent. Trade unions have had the character of a social movement. There have been no peasant movements, or movements of the urban poor, or even movements consisting of the victims of modern development, except occasional events of protest linked to political parties. Interestingly, Sri Lanka’s popular politics has been dominated by the political society, namely political parties. Politics outside the political parties is a recent development associated with intellectual and activist entities that are called in Sri Lanka’s political vocabulary ‘civil society’ groups.

These civil society groups need to be distinguished from NGOs who are engaged in development and social welfare activities. Sri Lanka’s civil society activist groups can be divided into two broad camps in terms of their political orientation, ‘nationalist’ and ‘democratic.’ Nationalist civil society groups are those promoting nationalist political agendas whereas the democratic civil society groups focus on political issues concerning political democracy. In recent years, there has been sharp polarisation between these two groups and their relationship has been mutually antagonistic. This antagonism is rooted in their competing approaches to ethnic conflict and minority rights.

In this discussion, the focus is on the 'democratic' civil society activism. Some key examples of Sri Lankan civil society groups that have been engaged in democratic activism are Sarvodaya, Centre for Policy Alternatives, International Centre for Ethnic Studies, Law and Society Trust, Foundation for Co-Existence, Movement for Inter-racial Justice and Equality, Movement for the Defence of Democratic Rights, Marga Institute, Free Media Movement and the Women and Media Collective. Most of these organisations are not community-based entities, although an organisation like Sarvodaya has a specific identity as being a community-based social movement. They work mostly in relation to such politically controversial issues as minority rights, democratisation, human rights, media freedom, constitutional reform, power-sharing and conflict resolution. At times, as exemplified in the mid-1990s, they have succeeded in influencing political party agendas and public policy on the above issues however at other times, because of the political nature of their work, they have been subjected to severe criticism.

In state reform politics, some Sri Lankan civil society groups have been active in terms of popularising reform ideas and campaigning among political parties as well as external actors. Ideas concerning a negotiated political settlement to the ethnic conflict, devolution and thereafter federalism are primarily associated with democratic civil society politics. Political parties have been sometimes reluctant to advocate or associate themselves with these ideas that were seen as 'unpopular' or going against the grain. Parties have appropriated them in their agendas only when they suited their electoral priorities. Most of the civil society organisations are Colombo-based and their leading activists come from liberal or left-wing intellectual backgrounds. Because of the advocacy of state reforms and federalism, these civil society organisations have become targets of much criticism and attack by Sinhalese nationalist political parties, particularly the JVP and JHU, and the 'nationalist' civil society groups. The latter's argument is that the civil society organisations of the former kind, or NGOs as they call them, have become centres of power with no direct accountability to the people. The nationalist political parties see NGOs as a direct threat to their ideologies and politics. They also feel that some NGOs have acquired disproportionate positions of power in influencing government and donor policies.

The absence of a popular social movement for political reforms has hampered Sri Lanka's civil society initiatives for democratic and pluralistic change. The strategy adopted by civil society activists to influence the policy process through engagement with political parties, individual politicians and the donor and diplomatic communities has worked, but only up to a point. During the first term of President Chandrika Kumaratunga's regime, from 1994 to 1999, and then during the United National Front (UNF) government of 2002–2003, Colombo-based civil society groups enjoyed greater access to

the policy process than at other times. This was, in a way, the legacy of political struggles waged throughout the 1980s and the early years of the 1990s against the political authoritarianism of the UNP governments and for democracy, minority rights, women's rights and human rights. During these years, Sri Lanka's opposition political parties, the Left parties and the trade union movement had suffered setbacks. They were subjected to frontal attacks by the UNP regime in its drive towards consolidation of one-party rule.

The spread of the ethnic civil war in the eighties and the breakdown of the second JVP insurgency in 1987–1989 further reduced the space for these traditional mechanisms for political debate, dissent and mobilisation. Under these conditions of severe setbacks to democratic politics, civil society groups emerged as a new space for activism and search for alternatives. They focussed on a range of themes that the political parties had not been in a position to bring to the political debate – democracy, minority rights, human rights, media freedom, women's rights, political pluralism and social justice. In a way, the spaces available for activism for liberal as well as social democratic politics shifted from political parties and trade unions to civil society and non-governmental organisations. This shift marked a significant aspect of political change in the 1980s – a decade characterised by two armed rebellions against the state, unprecedented political violence and the decline of the efficacy of political parties and trade unions as centres of mobilisation against the regime. A new phase of mobilisation against the UNP regime was inaugurated in 1991–1992 through a new, broad political alliance of three main constituencies, the SLFP and Left-wing parties, trade unions and importantly, civil society organisations. The emergence of the People's Alliance (PA) government in 1994 was a direct outcome of this tripartite alliance.

Meanwhile, the United National Front government received the backing of civil society organisations in 2002–2003 primarily because of its agenda of peace negotiations with the LTTE. Civil society bodies also received donor funding and support to promote peace-building initiatives. Some even attempted to build bridges between the LTTE and political actors in mainstream politics. Civil society peace activism during this period soon led to a Sinhalese nationalist backlash. The JVP and the JHU accused civil society peace activists of being agents of both the LTTE and Western powers.

The experience of civil society organisations committed to democratisation and peace-building under the PA and UNF government has led a number of new issues and questions regarding civil society political activism. When the PA government pursued its peace-building and reformist agenda during its first phase in power, there was a greater official acceptance of civil society's role in shaping the country's political agenda. But the PA reformist agenda began to suffer political setbacks after its peace initiative with the LTTE col-

lapsed in 1995. A few years later, the PA government's constitutional reform initiative came to a standstill. Eventually, the PA government's reformism was replaced by a new shift towards political conservatism that combined Sinhalese nationalism, militarism and mild authoritarianism. Eventually, civil society activism lost its independent political space. In 2002–2003 civil society activism was able to retrieve some of its lost political space. However, the Sinhalese nationalist offensive against civil society political activism gained new momentum under the UPFA government of President Mahinda Rajapaksa. Rajapaksa's Sinhalese nationalist allies intensified their offensive against what they called 'NGOs', by means of a Parliamentary Select Committee. A number of civil society bodies were summoned before the Select Committee and questioned about their activities, on the assumption that they had either collaborated with the LTTE or acted in a manner that endangered national security and sovereignty.

The Sinhalese nationalist backlash against democratic civil society activism has led to some measure of re-defining what civil society bodies can and cannot achieve in Sri Lankan politics. It in a way exposed the limits of civil society activism. A key argument in the JVP-JHU critique of civil society activism is that non-governmental bodies had entered a domain that is exclusively reserved for political parties, namely politics. In this argument, politics in any form – for example, peace activism, protection of human rights, political and constitutional reform – is not a legitimate area of activity for NGOs. By engaging in politics, they have usurped the role of political parties. The legitimate domain of activity for the NGOs is social welfare. This critique has a larger political context. The Sinhalese nationalist agenda as evolved in this period was committed to the concept of a strong and centralised state. In the analysis of Sinhalese nationalist forces, both the civil war and macro-economic reforms had weakened the state. The state reform efforts that focussed on the need for enhanced devolution and power-sharing with the minorities was regarded in this analysis as an attempt to further weaken the Sri Lankan state. Western powers and NGOs were singled out as key agents of the 'conspiracy' to further weaken the state by means of liberal democratic and federalist reforms. The emphasis on an exclusively military solution to the ethnic conflict also had its ideological roots in this Sinhalese nationalist quest for bringing back the strong, unitary and centralised state in Sri Lanka.

The close association which some civil society actors have established with Western governments and external donors has had a negative impact on the political legitimacy of civil society activism. The Sinhalese nationalist media have even accused these civil society bodies of working for anti-national agendas. Even academics have begun to reflect this criticism in a milder way, calling NGOs 'new circles of power' (Wickramasinghe: 2001). In the past two to three years, some of Sri Lanka's civil society groups have been subjected to

frontal attacks by the governments and groups linked to the government. In this larger context, civil society activism at present is in disarray. It also faces a serious legitimacy crisis. This is probably not unique to Sri Lanka, but in Sri Lanka's case this legitimacy crisis has political implications. It is the democratic civil society that has in the past championed human rights, minority rights and pluralistic state reforms. The political setbacks it has suffered are a part of a larger process of de-democratisation of the overall political process.

2.15 CONCLUSIONS

Sri Lanka has fairly defused structures of power. The exercise of power at formal institutions of state and other mediatory institutions is facilitated and even constrained by the working of informal and societal processes. State reform processes have very much been a product and victim of the interplay between formal and informal processes of power, as indicated in this paper. It would not do to be ambitious, or even overtly optimistic, about state reform processes in Sri Lanka. A state reform process must be slow, with long-term visions and perspectives. Reform from below is a less frustrating vision than reform from above, which has often failed in Sri Lanka.

As this paper repeatedly suggests, the absence of a credible and committed agency for democratic and pluralistic political reforms is a fact of political life in Sri Lanka. In the political debate there have always been strong arguments being made for political reforms however, there is no political agency capable of, or committed to, transforming ideas into concrete programmes of state reform. Even when programmes of reform are formulated, regime commitment to their implementation has been unstable and wavering. Even after the defeat of the LTTE, political space for reform does not appear to be expanding.

Previously, the Sri Lanka case of unreformability of the existing state arose to a large extent from the fact that arguments for state reform came from the perspective of ethnic minorities. In the context of Tamil nationalist campaign for secession by means of armed rebellion, the minority argument for state reform has suffered a huge legitimacy crisis. The global war on terrorism, initiated after the American war against Islamic terrorism, has further eroded the legitimacy of minority rights campaigns the world over. This further complicates Sri Lanka's problem as there are no state reform arguments emanating from the majority Sinhalese community. There is yet another development that might make state reform doubly difficult for some time to come. During the most intense phase of the civil war in 2006–2009, the Sri Lankan state reached maturity as a national security state, with partial militarisation of governance. De-militarisation is thus one key requisite of a democratic reform agenda. De-militarisation, democratisation and devolution are interrelated components of a post-civil war state reform agenda in Sri Lanka.

What then can be done to promote democratic, de-militarised and pluralistic political reforms in Sri Lanka? What can be done is actually limited. It is limited to piecemeal reforms here and there. If a society that has suffered a massive internal crisis in the form of a deadly civil war for nearly three decades refuses to acknowledge the necessity of political reforms, will that society be able to move towards reform in the context of a long period of relative peace? This, perhaps, is the best hope for a reformist agenda for Sri Lanka.

2.16 POST SCRIPT

The total military defeat of the LTTE in mid-May, 2009 was the most dramatic political event in Sri Lanka in recent years. After resisting the Sri Lankan state's multi-pronged military offensive for over two years, and when cornered into a small coastal area of Mulaithivu, the LTTE's military structure collapsed within the few days after 15 May, 2009. The top military and political leadership of the LTTE died within a space of twenty-four hours. Bodies of some, including that of LTTE's leader Velupillai Piribaharan, have been found by the Sri Lankan soldiers. Bodies of many other LTTE leaders have not been recovered. The circumstances under which they met their deaths are not publicly known and will remain controversial for many years to come. Some third level leaders may have surrendered to the army, but little is known about the fate of many of them. With this unexpected collapse of the LTTE, Sri Lanka's protracted ethnic insurgency came to a halt. Will it mark the end of the ethnic conflict as well? Will it facilitate a political solution to the ethnic conflict with non-LTTE Tamil political parties in a post-civil war context? These are questions directly relevant to a discussion on the theme of state reform in Sri Lanka.

In the new political context in which the LTTE is not a part of Sri Lanka's political equation, what are the real possibilities for political change? Three broad issues are at the centre of Sri Lanka's post-civil war political agenda. They can be presented as three 'D's – democratisation, de-militarisation and devolution. Re-settlement of large numbers of internally displaced Tamil citizens, restoration of their normal life and re-building of the economic and social infrastructure in the war-ravaged Northern Province are immediate priorities too. The broad and immediate issues are interrelated. All these constitute a massive challenge to the government in the form of managing transition from civil war to ethnic peace, peacefully and democratically. Winning the war and winning the peace are equally formidable challenges. The first will not automatically lead to the second.

Meanwhile, the LTTE's role in Sri Lanka's politics is now over, although LTTE supporters abroad do not seem to be ready to acknowledge this reality. The Sri Lankan state, particularly its defence establishment, is not likely to

allow the LTTE to re-emerge even as a parliamentary political entity. The pro-LTTE diaspora is attempting to mobilise its supporters and sympathisers abroad to keep the flag flying, but their impact on the political process within Sri Lanka would be quite limited. Sri Lanka's Tamil politics will, in the short-run, be dominated by anti-LTTE Tamil groups who have been partners with the state in the counter-insurgency war against the LTTE. It will take some time before a new moderate Tamil party emerges to champion minority rights in Sri Lanka within a democratic framework. Until then, the Tamil National Alliance (TNA) which has been pro-LTTE and has maintained a critical distance from the Rajapaksa regime is likely to emerge as the strongest voice for Tamil rights.

2.16.1 Political solution?

The question of a political solution to the ethnic conflict encapsulates the larger framework within which the nature of post-civil war ethnic relations in Sri Lanka will continue to be defined. India and Western powers appear to have thought that once the intransigent LTTE was removed from Sri Lanka's political equation, a political compromise with non-LTTE Tamil parties would be immediately forthcoming. However, this does not seem to be happening in Sri Lanka. During the war, President Rajapaksa assured international actors that once the war was over he would implement a political solution. That promise now appears to be easier made than put into practice. There are internal constraints that limit the political capacity of the Rajapaksa administration to move in the direction of a political solution acceptable to the Tamil and Muslim minorities. The regime is a coalition of Sinhalese nationalists. It constitutes the core of a broader coalition which President Rajapaksa put together a few years ago to back his war effort. Included in that coalition were the military, the bureaucracy, the media, nationalist intelligentsia, political elites of the anti-LTTE Tamils as well as non-Tamil minorities, Sri Lankan diaspora as well as the Buddhist religious establishment. This is a broad and powerful war coalition.

One key reality factor in post-civil war Sri Lanka is that the same coalition that was formed to fight the LTTE militarily cannot be the vehicle for a fair and just political solution that can meet at least some of the key Tamil political demands. President Rajapaksa's hesitation to implement any devolution framework is largely rooted in this complex problem. Under these circumstances, President Rajapaksa had two contrasting options. Either President Rajapaksa should forge a new post-war coalition of moderate political and ideological forces or he could continue to defer a political solution to the ethnic problem. The latter seems to be the option he has at present. Quite paradoxically, the electoral challenge mounted by the previous Commander of the Army at the presidential election has prevented President Rajapaksa

from re-configuring the ruling coalition. Understandably, the urgency of responding to ethnic minority demands is no longer taken as seriously in the post-civil war context. It would also be difficult for the government to regenerate any new public enthusiasm for such political reforms. The emerging agenda of constitutional reform appears to highlight other issues such as the restructuring of the presidential system of government and changing the electoral system.

2.16.2 Demilitarisation

Post-civil war issues of democracy in Sri Lanka are closely linked to an agenda of demilitarisation. During the war, Sri Lanka saw the emergence of a national security regime in which the defence establishment played a pivotal role. Under the national security regime, the cabinet of ministers and parliament became secondary to the defence establishment. Prevention of terrorism and emergency legislation provided the legal framework for the national security regime. During the intense period of the war, media freedom took a severe beating, both literally and metaphorically. In order to face criticism, the government resorted to the argument that the war against terrorism and imperatives of state sovereignty should take precedence over other considerations.

Once the war ended, there is now a relaxation of the atmosphere of fear, intimidation and reprisals that previously characterised political life. However, de-militarisation is not a part of the immediate agenda of either the ruling party or the opposition. In an unusual twist of fate, the opposition's candidate for the presidential election held on January 26, 2010 is the former Commander of the Sri Lankan Army, who actually led the counter-insurgency war for the past three years. Sri Lanka's main political actors appear to take militarisation as the normal state of affairs. In a way, Sri Lanka has entered a specific phase of post-democracy. In this phase, state security is accorded priority over individual rights. This is also a key political outcome of the protracted civil war.

2.16.3 Ethnic relations

In a political cost-benefit analysis of Sri Lanka's ethnic civil war, the ultimate losers seem to be the Sri Lankan Tamils. After nearly thirty years of the armed struggle for what was understood as 'national self-determination,' many of their citizens only have the status of IDP's (internally displaced/detained persons) inside open camps surrounded by barbed wire. The outcome of the war has re-affirmed the structures of ethnic hierarchy in Sri Lanka. It will require massive efforts to re-introduce the values of inter-ethnic equality, justice and trust into the political debate and culture.

During the civil war, relationships between Sri Lanka's ethnic minorities and the state have gone through an unusual transformation. Due to the destructive consequences of the LTTE's military confrontation with the state, many Tamil and Muslim political leaders have come to accept the politics of coalition collaboration with the Sinhalese political leadership as the most prudent option available to them. They have also come to terms with the hegemony of Sinhalese nationalism and its continuing influence on public policy, regime agendas and state-society relations. They are acutely aware of the fact that extreme polarisation of politics along Sinhalese and Tamil nationalist projects continues to prevent any significant political reforms in Sri Lanka. Thus, the quest for minority rights on the basis of equality and regional autonomy is not an immediate priority for non-LTTE Tamil parties, nor for the political parties of plantation Tamil and Muslim communities. Their emphasis has been on power-sharing in central government in the form of obtaining cabinet positions for party leaders to facilitate what is understood as regional economic development. In parallel with this shift the government will pay more attention to an economic and infrastructural development agenda in the North and East. That is an agenda with which the international donor community will also feel quite comfortable in a historical period where ethnic conflicts are regarded through the prism of security, stability and economic development.

2.16.4 Presidential election

Meanwhile, in a surprising political development, Sri Lanka's former army commander challenged President Mahinda Rajapaksa at the presidential elections held on January 26, 2010. General Sarath Fonseka, who quit his official position as Chief of Defence Staff, became the presidential candidate for the joint opposition, led by the UNP. Fonseka was a key architect of the recently-concluded war against the LTTE. He is known to have played a leading role in formulating the strategy and the execution of war against the LTTE. The dispute between Rajapaksa and Fonseka erupted ostensibly on the question of sharing the credit for the military victory. A deeper issue was also involved in this dispute. Rajapaksa and his brothers, who are very influential civilian officials of the administration, may have tried to curtail the influence of the military on the post-war policy process. Civilian politicians perhaps became aware of the need to restore the pre-war balance of power between them and the army. Obviously, this has angered General Fonseka. The opposition, which has been searching for a viable presidential candidate to pit against the popular President Rajapaksa, wasted no time in convincing General Fonseka to be its presidential candidate.

At one level, the Rajapaksa-Fonseka dispute shows that the war coalition has cracked from within. On the other hand, Fonseka's presidential candida-

cy has not done much to strengthen the Three D Agenda referred to earlier. His challenge to the incumbent President focused primarily on the issue of corruption and nepotism which are, of course, governance issues. However, the debate during the election campaign was centred less on democratic reforms than on regime change. Broad policy issues were not on the campaign agenda of either of the two main candidates.

The question of addressing minority grievances by political means was only a marginal theme in the election campaign. Both the main candidates made vague promises to work towards a political settlement acceptable to the minorities. However these commitments did not go beyond half-hearted election promises. But the election campaign did see some realignment of political forces when several key Tamil and Muslim political parties, notably the SLMC and TNA, decided to back the Fonseka candidacy. There was also a split in the CWC, the main political entity of the plantation Tamil community. Some influential dissident sections of the CWC backed the opposition candidate. Moderate minority parties seemed to have lost faith in President Rajapaksa and his government. Ironically, in Sri Lanka *sans* the LTTE, Velupillai Piribaharan was not there to decide the outcome of Sri Lanka's presidential election of January 2010, as he did in 1994, 1999 and 2004. Instead, in post-LTTE Sri Lankan politics, the presidential election provided an opportunity for some of the deep contradictions within the Sinhalese power elites to play out in the open, as demonstrated by the highly acrimonious and bitterly personalised election campaign and post-election developments.

President Mahinda Rajapaksa has now been re-elected with a comfortable majority of 58% of total votes cast. Amidst allegations of misuse of state resources and manipulation of results by the Rajapaksa camp, Sarath Fonseka has refused to concede defeat. He has challenged the election results before the Supreme Court, although it is surely a long-drawn out process with no immediate impact on the outcome of the election. Three key trends in the outcome of the election stand prominent. Firstly, the electoral districts with a concentration of ethnic minorities have overwhelmingly voted for the opposition candidate. Secondly, President Rajapaksa has received only very little support in the urban constituencies where ethnic minorities, as well as the social elites, represent a sizeable share of the voters. Thirdly, and emanating from the first and the second points, is the fact that President Rajapaksa's main and strongest support base is in the rural districts and among the voters of the majority Sinhalese community. These three factors might weigh heavily on the policy agenda of the Rajapaksa regime in its second term. One way to interpret these trends is to say that the minorities are clearly estranged from the Rajapaksa regime. In this post-election context, reaching out to ethnic minorities, particularly the Tamils, will be essential to address this deep sense of minority alienation and for Sri Lanka's political stability. In a press interview

on the NDTV Television Channel of India soon after the election result was announced, President Rajapaksa asserted that he had a plan to address minority grievances. President Rajapaksa will have to wait until after the parliamentary elections which are due before April 2010 to disclose its contents.

The presidential election campaign, as well as post-election developments, very clearly indicate that Sri Lanka's dominant political class is deeply and antagonistically divided. The 2010 parliamentary election will further sharpen these divisions and antagonisms. The tragedy of electoral democracy in Sri Lanka is that elections do not seem to help the political class to negotiate and settle their contradictions and resolve problems in the polity. Rather, elections compel the factions of the political class to resort to false agendas and to take turns to invent and pursue enmities. Nevertheless, parliamentary elections will be crucial for Sri Lanka to allow a new political balance of forces in the country to emerge. Parliamentary elections, as well as post-election regime formation, will show how the political power is to be re-configured through coalitions.

2.16.5 Post-civil war, post-election prospects

The end of the violent civil war and the dramatic demise of the LTTE have created a significant political disequilibrium in Sri Lanka. While the war-coalition has disintegrated from within, a new post-civil war political equilibrium has come to the centre of Sri Lanka's political agenda. The parliamentary elections, scheduled for early April 2010, will provide opportunities for the political actors to forge new alliances and re-define the mandate of the dominant power bloc to manage the post-civil war Sri Lankan state. Thus, although the civil war is over, the trajectory of the island's post-civil war politics is still in the process of being formed. Assessment of the possible paths of Sri Lanka's future politics must be suspended until the shape of the new configuration of political forces becomes clearer during the first half of 2010. Meanwhile, state reform may not be high up on the political agenda of either the ruling party or the opposition. In the post-LTTE politics of Sri Lanka, the minority parties may not pursue the state reform agenda either with the same degree of ardour and commitment as they did in the past. They have become sensitive to the fact that the military victory over the LTTE has re-affirmed the hegemonic hold of majoritarianism over the Sri Lankan state. They also know that, at present unlike in the past, minority rights struggles have no global nor regional friends. Entering into pragmatic coalitions with Sinhalese political parties and regimes is likely to occupy their attention in the near future. For any meaningful political transformation to occur, Sri Lanka needs to move out of the shadow of its violent civil war. What seems clear is that although war with the LTTE is over, power struggles are not. They have begun

to manifest themselves in the form of intra-political class struggles. Settlement of these power struggles by peaceful means is an essential pre-condition for Sri Lanka to forge a new agenda of democratic and pluralistic political transformation.

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CHAPTER 3

GENDER, POWER AND POLITICS

Sepali Kottegoda

The nuclear and/or extended family, the neighbourhood or village, and the broader community are all sites for the negotiations of rights and space where power is flexed subtly or brutally, authority is exercised and challenged and the game of politics is played out even though we are not used to thinking of these as a continuum of the political process.

Farida Shaheed (2004:1)

3.1 HIGH SOCIAL DEVELOPMENT INDICATORS IN SRI LANKA

In South Asia, Sri Lanka stands out as a country of exceptionally high social development indicators which enable its population, especially women, to enjoy better access to basic needs and beyond. An extensive network of government schools across the country, most offering education from primary to secondary schooling, coupled with deeply inculcated social values assigned to formal education in Sri Lankan society, ensures that there is no overt discrimination against girls in access to schooling. Incredibly, Sri Lanka offers quality university education also free of charge. A comprehensive outreach system of Government health services and healthcare centres enables women and men to access health care virtually free of charge. Exceptions in accessibility to comprehensive healthcare at present are the areas in the country that were severely affected by the conflict.

3.2 DIFFERENTIAL ACCESS TO SOCIAL, POLITICAL AND ECONOMIC POWER DUE TO GENDER

Despite these ‘achievements’, prevailing high rates of violence against women, poor representation of women in decision-making structures and a pervasive social environment that places women as ‘victims’, highlights sites of gender-based contestations arising from differential access to social, political and economic power. The nexus of gender and power, then, underpins the societal power play between women and men.

3.3 THE CONCEPT OF GENDER

The concept of gender, as different from sex, is fundamentally based on the notion of socially ascribed identities. It is in the very *ascription* of these identities within the structure of the social order that 'power' plays such a definitive role: the allocation of power and the difference in power whether in terms of the material or the emotional, of the relations between genders, of access to resources, the arenas of decision-making and the private/public dichotomy. It is the relationship between the individual's identity as a 'woman' or a 'man' and the ensuing social recognition of each person's ability to make decisions regarding what is deemed 'important' or 'influential' that makes the concept of gender key to understanding the distribution and the impact of 'political' power.

3.4 POWER AND POLITICS FROM A GENDER PERSPECTIVE

The challenge in examining power and politics from a gender perspective arises from the conventional expectation that 'politics' is defined and confined to the male-dominated mainstream. Most political scientists engage in the discourse on 'power' in terms of the degree of access and control exerted by different sections of society to the state, to mechanisms of government and to political authority. As Batliwala notes, power lies in the social, economic and political, between and among individuals and groups. Some people or groups are, obviously, more powerful than others (Batliwala, 1995). The discourse on gender and patriarchy grounds this framework, more usefully, in the tangible, deeper realities of the meaning of power: on the one hand, in understanding the degree of access to materials essential for the well-being of individuals in a society, and on the other, in understanding the relations between individuals and their consequent behaviour within this framework of relations. A gender-sensitive lens broadens and enhances the mainstream discourse on 'politics' and 'power' by integrating key indicators of the private/public domains, such as the social identities of those holding the reins of power, whether the subjects are women, men, girls or boys, their political identities (in terms of caste, tribe, ethnicity, race), the degree of their control over their own and others' labour, their physical and emotional being, their sexual behaviour, their access to knowledge, ideas, information and their access to financial resources.

Hence, if politics is understood as *the means of accessing or acquiring power or authority* (Shaheed, 2004), it is also necessary to recognise that the dynamics of *exercising power* are a continuous series of negotiations and contestations by women and by men, most often on a daily basis, both at the individual and the social level. These interactions are executed by individuals or groups who

carry, or are seen to carry, socially ascribed identities and related capabilities to exercise these rights. Obviously, the control of one or more of these aspects by one or more groups can become a source of individual or social power. Batliwala (1995) points out that it is necessary to understand that different degrees of power are sustained and perpetuated through social divisions such as gender, age, caste, class, ethnicity, race, North-South and through institutions such as the family, religion, education, media and the law (Batliwala, 1995).

3.5 STRONG GENDERED SOCIO-CULTURAL DYNAMICS OF POWER

The development discourse in and on Sri Lanka has, for most of the last two decades, been dominated by the ethnic conflict and an analysis of power which focuses narrowly on the ramifications of the confrontations and 'negotiations' between the Sri Lankan government and the LTTE for over 25 years, and the debates taking place within the Sri Lankan polity with the ending of the military war in 2009 may be inadequate to address other socio-cultural dynamics of power which are an integral part of Sri Lankan polity. One outcome of the debates and discussion (along with the activism) on gender and rights, at the international as well as the national levels, has been the creation of the theoretical space to re-visit the more conventional parameters of 'politics' and 'power' and to understand the inter-linkages between the 'public' and 'private' arenas of negotiations and contestation (Kottegoda, 2004). It allows for the recognition that the structure of power within different social institutions such as political parties, civil society organisations and those within the family-based household in many ways inform the structure and distribution of power in the political arena. Different degrees of power can most often be seen within the home, hierarchically characterised with a 'head' of the household commonly perceived to be an adult male (often politically designated as such). The rights and obligations of the individuals who are its members are determined by a process of negotiations through their gendered identities and relationship to each other. These relationships are often replicated at the national level, for example in the formal political stage as argued below.

A more holistic discourse on power and politics necessarily demands focus on these social identities; women and men bring with them their own individual identities as mother/father or daughter/son, wife/husband. They also carry with them membership of other social groupings, such as ethnicity, class and religion.

Through an examination of selected aspects of Sri Lankan social and political structures, this paper argues that these identities and the relations/dynamics between them need to be factored in, in order to gain a better

understanding of the nature and dynamics of power and politics and the positioning of a rights discourse in Sri Lanka. Within the limitations of this brief paper, the inter linkages of concepts of power, of politics and of gender in Sri Lankan society are discussed. These concepts will be explored both in terms of the formalised political process as it directly relates to the state and governance and to the less formalised processes that relate to the socio-political relationships which determine sensitivity to the articulation of equality and non-discrimination.

The paper will first set out the policy level institutional structures that address gender equality. It will then look at the mainstream political arena, gender aspects of the conflict and peace processes, and specific aspects of public policy where the gender/power/politics interplay is examined in relation to household headship, income earners and poverty reduction policies.

3.6 INSTITUTIONAL MECHANISMS FOR GENDER EQUALITY

The path to ‘modernisation’ and the doorway to women’s entry into formalised decision-making positions was carved out by the British colonial administration in the early 20th century with the introduction of the Westminster form of governance. This resulted in, what Jayawardena and de Alwis note, a change in life-styles where ‘... middle class women continued to shock the orthodox. They not only went in for higher education but also rode bicycles, drove cars, travelled abroad, wrote novels, socialised with men, gambled at the races, and wore the latest western fashions and set the pace for other aspiring “new women” (De Alwis and Jayawardena, 2001, p.1). Despite, at times, vociferous opposition from men, in particular male legislators, strong campaigns by women in the early part of the 20th century, resulted in Sri Lanka obtaining universal adult franchise in 1931 thus enabling women and men over 21 years of age to vote.

3.6.1 The Constitution

The Constitution of Sri Lanka proclaims equality between women and men and, non discrimination based on gender. Our analysis of the differential access to resources by women and men and the conceptualising of gender as the key element in understanding the exercise of political power in society is useful when examining the institutional mechanisms that are tasked with ensuring equality between women and men, both in the international and the national arenas.

3.6.2 The Women’s Bureau and the Ministry of Women’s Affairs

For example, Sri Lanka’s official recognition of gender-based disparities in the country occurred in the late 1970s and resulted in the setting up of the

Women's Bureau in 1978. This development was a direct consequence of the country's participation at the first UN World Conference on Women in Mexico in 1975. In 1981 the Sri Lankan government ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and brought into the formal policy arena the framework of 'Women's Rights'. The Ministry of Women's Affairs was set up the same year. In 1993 the Sri Lanka Women's Charter was drafted by the Ministry of Women's Affairs in collaboration with representatives of civil society organisations and was accepted by Cabinet as the key policy on women.⁷ Following the participation of representatives of the government and a large number of women from the NGO sector at the UN Fourth World Conference on Women, Beijing '95, the National Committee on Women was set up drawing in women from both the public and non-governmental sectors.

3.6.3 The National Committee of Women and the First National Plan of Action Of these three state-instituted bodies, the Ministry of Child Development and Women's Empowerment is expected to be supported in the formulation of policy by the National Committee on Women while the Women's Bureau is expected to implement programmes in line with the official policy on women. The fact that the National Committee on Women comprises both representatives of government and non-government organisations is key to an understanding of the nature of interventions that it has sought to engage in over the past decade. Framed within a rights discourse, the first National Plan of Action on Women was drafted in 1996 and details issues to be addressed and goals to be reached.⁸

3.6.4 The Women's Rights Bill

One of the most far sighted policy documents relating to gender equality and women's rights was drafted by the National Committee on Women in 1999 in the form of a Bill for the Formation of a National Commission on Women. This bill, which has been revised by successive governments over the past ten years, was renamed the 'Women's Rights Bill' in 2002, and was subjected to a negative campaign particularly in the media on the grounds that it is against the culture of Sri Lankan women and that it advocates the legalisation of abortion. The contestation was based on notions that adherence to international conventions and treaties opens up a space that threaten the status quo of gender relations and the distribution of power therein.

7 The Ministry of Women's Affairs was renamed the Ministry of Child Development and Women's Empowerment in 2004.

8 The National Plan of Action was revised in 2000, 2006 and 2008. The latest version is expected to be presented to parliament for approval in 2010.

The negative publicity that was given to the Bill is indicative of the nature of the challenges that the discourse of power and politics provokes in the realm of gender equality in Sri Lanka. Most importantly, it also indicates the hostility among some sections of society towards the involvement of policy in relation to women's reproductive rights (Abeysekera, 1997, Galwaduge, 2005, Women and Media Collective, 2005).

Given the 'controversial' nature of the Bill, it was further revised by the Ministry of Child Development and Women's Empowerment in 2008, notably with no consultation with the group of experts from civil society organisations and universities who had been very much involved in the drafting process from inception.

A reading of the current draft (2009) of the Bill shows that the role of the Constitutional Councils in the setting up of an independent National Commission on Women and the appointment of its members has been removed; instead, the President of the country is named as the person responsible for these actions. As the debates and campaigns for the presidential elections drew to a close in January 2010, the main opposition campaign stated in its manifesto that it would bring out a 'Women's Rights Bill'. As with each election, women's rights receive marginal attention in the debates from contenders for the highest office in the country.

The state putting mechanisms in place in order to address women's issues and the manipulation of policy relating to the empowerment of women fall clearly within the ambit of the power and politics that this paper is concerned with. Interestingly, the re-naming of the Ministry for Women's Affairs since it was set up appears to be symptomatic of the dilemma of upholding the rights and empowerment of women that the Sri Lankan state has confronted over the past two decades. This Ministry has been named under different governments as Ministry of Women's Affairs and Teaching Hospitals, the Ministry of Women's Affairs and Highways, the Ministry of Women's Affairs. In 2005, reflecting the government's ideological focus and prioritisation of women's maternal roles and responsibilities over their rights as women, it was named the Ministry of 'Child Development and Women's Empowerment'.

The act of setting up institutions to address issues specifically related to women is, in itself, a political action and a recognition of the importance that gender plays at the national level. The degree to which these institutions are powerful enough to decisively bring about gender equality can be assessed by looking at some key areas of the representation of women in the political arena, the engagement and role of women in peace building and the politics of gender in public policy where intense contestation and debates are taking place.

3.7 THE REPRESENTATION OF WOMEN IN FORMAL POLITICAL PROCESSES

An analysis of the engagement of women and men in formal political processes seems an appropriate specific field in which to begin this inquiry, given the recorded high level of gender equality in some key socio-economic indicators (e.g. access to health, education) in Sri Lanka (in the South Asian context). The question which has dogged many researchers on women's 'empowerment' has been the stark contrast between these socio-economic gains in Sri Lanka and its abysmal record of the representation of women in decision-making in the mainstream political arena. In 1947 with 101 seats, there were 3 women (3%) elected to Parliament; in 1977 with 168 seats 11 women (6.5%) were elected and in 2004 with 225 seats 13 women (5.8%) were elected. (Inter Parliamentary Union Statistics, 2009). At the Provincial Councils, in 2009 (excluding the results of the Jaffna elections) there were only 17 women (4.1%) out of 417 members elected into office (Kodikara, 2009). At the South Asian level, Sri Lanka shows a poor 2% of women in local government compared with 33.3% in India 33% in Pakistan, 24% in Nepal and 33.3% in Bangladesh (Inter Parliamentary Union Statistics, 2009).

These figures indicate that women's access to political power is grounded in factors quite different from those that facilitate men's access to political power. For example, the interplay between gender and sharing of power in mainstream politics in South Asia in general, and in Sri Lanka in particular, is most often epitomised by the emergence of women as political leaders primarily through their kin relationships (see further below).

3.7.1 Lack of political commitment to gender equal sharing of power

With the political arena continuing to be male dominated there are, obviously, many obstacles in this path. One such key obstacle is an overall absence of democratic processes and a marked lack commitment to a more gender equal sharing of power within political parties; there is correspondingly little support from among the majority of the women in Parliament, all of whom are members of political parties, for decisive measures to increase women's representation in politics.

The distribution of women elected to the different levels of formal structures of governance cited above is important in that it highlights the contrast between the near invisibility of women and their confinement to other levels of political activism such as at grassroots mobilising, involvement with political party programmes and campaigning for (the mostly male) candidates at election times. The control over the *process* in the political arena, in the party hierarchy and at the electoral level has been, and remains, the *forte* of men despite the rhetoric of successive governments on the introduction of special

temporary measures to increase the representation of women in mainstream politics.⁹ Various interested groups have presented lobby documents, engaged in media campaigns, been given time for discussions with party leaders to advocate and argue using South Asian examples, for such measures to enable gender balance in the highest decision-making bodies in the country. The Sri Lanka Women's NGO Forum carried out a media campaign 1998–2000 which included advocacy for increasing women's representation in politics.¹⁰

As a consequence of these interventions, an important development in state-level interventions for changes in the electoral system for over 20 years was the setting up in 2003 of the Parliamentary Select Committee on Electoral Reform. Women's groups seized this opportunity to prepare lobby documents and formally present their arguments for legislative change to introduce temporary special measures to increase the political representation of women.¹¹

The Women and Media Collective and the International Centre for Ethnic Studies presented one document, the Mothers and Daughters of Lanka presented another document, the National Committee on Women presented a third document at these hearings in 2003. These arguments were seemingly well received at the time. The change in government with the general elections in 2004 and the presidential elections in 2005 suspended the deliberations of this Parliamentary Select Committee for almost two years. Sittings of the committee recommenced in 2006. In September 2006, the Committee announced that no recommendations for any special measures to increase women's representation in politics would be proposed; rather, the Committee argued that Sri Lanka has a *good* record of women's representation in politics, and hence it would advocate that *political parties* take special measures in this regard to enhance women's political representation. In 2008, the revised Local Government Act only recommends that more women should be enlisted into designated committees within political parties but refrains from promoting a single workable regulation that would facilitate better representation of women within the party structures or within the structures of local government.

Women's issues have become a focus area in presidential manifestos as can be seen in the past few presidential election campaigns. In 2005, the Mahinda

9 The Draft Constitution of 1997 clearly addressed this issue and recommended a 33% quota or a reservation of seats for women.

10 On January 15th 2010 over a thousand women from around the country, facilitated by the Women and Media Collective, marched in Colombo asking the two presidential candidates to introduce special measures to increase the representation of women in politics.

11 The Select Committee comprised approximately 80% male parliamentarians. No change in the status quo can be seen over the past 5 years despite periodic discussions with members of the Select Committee, including its President and the submission of petitions, reports substantiating the need for special measures.

Chinthanaya Manifesto of the current President proclaimed that he would increase women's representation in politics by 25% and empower women through his 'Diriya Kantha' programmes. (*Mahinda Chinthanaya*, www.priu.gov.lk/ma). No measures to empower women through political representation materialised over the next 5 years. With the early presidential elections held in January 2010, the two main candidates, the incumbent President Mahinda Rajapaksa and the main opposition candidate, General Sarath Fonseka, both made statements on how each would promote women's issues (Sunday Island, 17 January, 2010).

3.7.2 The 2010 election manifestos

Mahinda Rajapaksa's 2010 Manifesto begins with the same refrain as his 2005 Manifesto: "the world rests on the kindness and love that flows from the hearts of mothers..." The family that the manifesto addresses is the family that comprises mother, father and children. Recognising women's contributions to the economic sphere in the country, the manifesto focus is on "prioritising women" rather than giving them "an equal place with men". In situations where a woman bear the greater responsibility for the household, the Manifesto claims that laws would be enacted recognising her as the head of the household, and that steps would be taken to increase the representation of 'educated' women within political structures; women's participation in 'village level decision making structures' would be made 'compulsory'. The Manifesto further proposes that the economic development of women who have become heads of households due to the conflict in the North and East or the 1987–89 terror period in the South or due to natural disasters be guaranteed through the provision of loans up to Rs.200,000 at low interest (*Mahinda Chinthanaya Idiri Dakma*, 2010, pp 20–21).

The 2010 Election Manifesto of General Fonseka prioritises a society where 'women are protected', where women will be 'empowered'. A Women's Rights Bill is to be presented, female-headed households will be helped, a woman's bank for micro-credits set up and higher wages for migrant workers will be negotiated. Solutions will also be sought for the socio-economic problems of families of women employed overseas (www.sarathfonseka.com, 2010).

At the National Ceremony to celebrate International Women's Day, 2010, the role of the woman as mother and wife was reiterated and placed in a context where terrorism had been eradicated. 'The mother occupied the leading position in the family unit which is the basis of the social fabric. When the mother lives in co-existence with children and the father as a family...'. (Daily News, March 8, 2010, p vi). The Daily News on March 8 also included a centrepiece article on women and smoking as part of its special features for Women's Day.

The rhetoric of 'empowerment' and the dearth of comprehensive programmes of action are indicative of a pervasive lack of commitment to sharing power, or even a semblance of a basis of gender equality within political parties. This has to be understood as an articulation of discrimination against women and the limiting of the space available within the wider discourse on sharing political power.

3.7.3 Kinship and ethnicity

In addition, as mentioned above, almost all the women in parliament today are in politics because of close kinship or marital relations to males who are, or have been, in mainstream politics. These women politicians thus have little recognition as politicians in their own right.

The Sinhala ethnic domination of state power that has characterised the Sri Lankan polity over the last 50 years is reflected in the ethnic profile of the twelve women parliamentarians: eight are Sinhalese, two are Muslim and two are Tamil.

Policy advocating special measures which would open doors to women 'outside' these parameters appears to be viewed as an unacceptable proposal to the Parliamentary Select Committee. The control over the mainstream political 'space' thus not only stems from a reluctance to share power with women but also from a reluctance to enable women outside the main 'political' culture access to seats of state power and authority.

This examination of the approach adopted against special measures to enhance (women's) political representation at the formal level needs to be placed in conjunction with the strategies of activism which have been adopted by women's groups to push for recognition of gender-specific concerns in the peace process. These deliberations attempt to pull together critical concerns relating to current socio-political concerns, for example the representation of different, but key, interests in the conflict and peace negotiations.

3.8 ENGENDERING THE PEACE AND RECONCILIATION AGENDA

Most formal-level discussions relating to the ethnic conflict were devoid of any reference to, or recognition of, gender as a fundamental area that informs the different interests and concerns of women and men in a positive and constructive process of political power sharing. As the toll on civilian life became heavier and the destruction of physical and social structures became even more pronounced, women across the country responded by coming together to form organisations giving voice to their many concerns, but most strongly articulating their right to live without fear and their demands for justice for those killed or disappeared. The Mothers' Front in the North in the 1980s, the Mothers' Front in the South in the early 1990s, Association of War Af-

affected Women in the 1990s, the Organisation of the Families of the Disappeared in the 1990s/2000s, Women for Peace and Democracy in 2007/8 are examples of some of these broad network organisations that stridently gave voice to the survivors of conflict and called for the protection of the rights of all those affected by the ethnic conflict.

The impact of the military confrontations was particularly harsh on the women living in the areas directly affected by the conflict, given the gendered responsibilities that they are expected to fulfil. In the event of the arrest, disappearance or death of their father/spouse/brother or son, it was/is the women who had to take total responsibility for their families and dependents.

Female-headed households are now estimated to form 24% of households in the country as a result of the ethnic conflict in the North and the East, and the conflict between the state and the socialist Janatha Vimukthi Peramuna (JVP) in the South in the late 1980s and early 1990s. Given that no comprehensive census of population has been conducted since 1981, it is likely that this number would be higher when the data from the North and the East is included. The fact that female-headed households have also begun to feature in election manifestos and party manifestos show that there is an awareness of public policy focus for this social and economic phenomenon. The rising cost of living, together with the economic opportunities specifically targeting women, albeit in the lower rungs of the labour market, have drawn large numbers of women onto the labour market and the changing form of the family has assigned women increasing responsibility for providing for their families.

3.8.1 Little attention paid to women's fear of violence and to displacement

Many women in the North and East and in the 'border' areas such as Polonnaruwa lived for decades in fear of sexual or gender-based violence either from males in their families, community or the armed forces. Given regular displacement, women had to constantly look out for means of income through self-employment or wage work (mostly in the informal sector) or state/NGO disbursement. With the end of military war in May 2009, more than 300,000 people, many of whom are women, have waited months to be allowed to go back to their villages. Women's concerns, as survivors of almost two decades of war were rarely, if ever, the focus of mainstream discussions, negotiations or post-war programmes. Women's groups both in the North and the South have raised these concerns from the beginning of the war; most such appeals and representations were not paid the attention they merited (Samuel, 2006).

It is in this context that an examination of the outcome of directing these informal processes of advocacy on women's concerns to engage with the mainstream processes becomes an important factor in this discussion on power and politics. Sri Lankan women's involvement with civil processes over

the past two decades has mostly been viewed as primarily confined to the 'local' arena.

3.8.2 Successful local and international gender advocacy in the peace negotiations

The process that resulted in the formation and interventions of the International Women's Mission to the North East of Sri Lanka in October 2002 saw this advocacy strategy move from the local to the national level and then to the international level. Facilitated by women's organisations which advocated for a negotiated settlement to the ethnic conflict and an end to the war, the Women's Mission, comprising experts from India, U.K., Malaysia, Nigeria and Sri Lanka, visited areas affected by the conflict and prepared a detailed report on the concerns expressed by women living in these areas.¹²

The strategy of sharing the Report from this Mission with donor countries and at the preliminary meetings in Oslo and in Tokyo in 2002/3 between the Sri Lankan Government (GOSL), the LTTE and countries supporting the peace process in Sri Lanka brought the most comprehensive recognition of the importance of gender concerns to the Sri Lankan peace negotiations. The Subcommittee on Gender Concerns, set up in February 2003 as part of the official peace process, was a collaborative entity of the GOSL and the LTTE and comprised five members appointed by the GOSL and five members appointed by the LTTE.¹³ In the post war scenario, clear policy guidelines focusing on gender are yet to be formulated.

3.8.3 Back to a masculine agenda

While the setting up of the Sub Committee on Gender in Sri Lanka as a component of peace negotiations was a unique development both at international and national levels, it has to be conceded that its integral link to a broader official level structure also meant its virtual demise with the collapse of peace talks in 2004.

Gender differences appear to have been recognised by the LTTE as an issue in its quest to harness young girls/women who were recruited, at times forcibly, to join its fighting cadre. Couching its appeals to Tamil youth in the terminology of the Tamil 'nationalist' struggle, the LTTE reportedly encouraged women to maintain 'feminine' attributes while learning to use the gun and fight the war (de Mel, 2001). In the South, the JVP also had women in its cadre; however, it is clear that the roles that these women were expected/al-

12 The International Women's Mission was facilitated by the Women and Media Collective in 2002.

13 The appointment by the Sri Lankan government of non-party representatives namely activists, academics and lawyers together with one person nominated by Muslim political parties gave the southern committee increased credibility.

lowed to play had not been explored further than those of assisting male comrades (de Mel, 2001). Outside of the ambit of armed struggle, there has been a strong and continuous engagement by civil society organisations, spearheaded by women's groups, concerning the issue of a political settlement to the ethnic conflict.

For our discussion on power and politics, the relative success of the strategy on pushing through the inclusion of women's concerns in the peace process in 2002/2003 indicates the importance of the politics of drawing on both national and international expertise for this advocacy. Until the advocacy by women's groups in the south in 2002, neither the government nor the LTTE had indicated any interest in gender concerns at the level of peace negotiations. It was the carefully-thought-out strategy to work through some of the 'accepted' modalities of the diplomatic negotiations that were planned for the peace talks on Sri Lanka which enabled women's groups to combine years of experience in national level mobilising on women's concerns in the conflict, with international expertise on women's issues, and form a strong enough force to push the peace agenda to include gender concerns. The response of the LTTE to this advocacy, by selecting from among its own high level of women cadre, could have been indicative of its own approach to the involvement of women at decision-making levels.

In 2006, with the reversion to open military confrontation between the GOSL and the LTTE, there was a re-emergence of the same gender concerns that were the focus of activism (1984 onwards) and formal peace processes in 2002–2003.

By the mid 2000s, the ideological battle in the arena of gender relations pulled in the public role of women as income-earners for their families. An environment of politically motivated intense hostility to NGOs and the combined impositions of restriction on entering areas affected by the recent military attacks by both the Sri Lankan government and by the LTTE, pushed the gender focus out of the peace talks.¹⁴

The discourse on peace talks was more dominated by a masculine agenda, where no women were brought into discussion or consultation with regard to the ending of the conflict. With the election of Mahinda Rajapaksa as President in 2005, military strategy became the primary strategy to 'end the conflict'; women were not consulted or included in the decision-making structures.

The interplay of power, politics and gender in the conflict and peace arena can also be found in other aspects of socio-economic structures and relations, in particular in the area of the formulation of public policy.

¹⁴ The work of the NGOs, whether international or local, and the credibility of most of these organizations among communities, whether living in conflict affected areas or in other parts of the country, appears to be perceived as a threat and orchestrated as such by some mainstream political parties.

3.9 THE NORMS THAT FRAME PUBLIC POLICY

A brief examination of the norms that frame public policy is useful in relating the processes through which social power can be translated into political power through particular individuals or groups. Hence, a discussion on power and politics in Sri Lanka necessarily needs to look at public policy which is informed by, and in turn impacts, social relationships and structures and that may be regarded as an indicator of the extent to which a rights perspective is integrated into policy. The distribution of land, access to income-earning opportunities and the nature of access to state poverty alleviation programmes are formulated within the framework of these relationships which incorporate the differential degrees of power based on gendered notions of individual and group capabilities.

3.9.1 Discrimination in areas related to marriage and the right to ownership of state lands

While the Constitution of Sri Lanka (Article 12) guarantees non-discrimination in the area of gender, this assurance is not played out in critical areas of legislation as can be seen in key areas related to marriage and the right to ownership of state lands.

The General Law (founded on the Roman-Dutch Law) together with the Special Laws places the father with a greater role and responsibility than the mother in relation to household decisions.¹⁵ While under the Kandyan Law, based on customs that were prominent in the geographical area that was the Kandyan Kingdom at the time of British colonisation (19th Century), and the Muslim Law based on Islamic principles adhered to in Sri Lanka, a married woman can deal with her own property. Under the Thesavalam Law, a system of customs and practices selected and put together by Dutch colonial administrators (18th Century) to be followed by Tamils living within the Jaffna district, a married woman is required to obtain her husband's consent to dispose of, or deal with, her immovable property.

Legally the status of a woman as head of household, i.e. responsible for supporting her household, is recognised only in situations where there is no adult male partner in the household (Department of Census and Statistics, 2006) This is reflected in the formulation of state policy in relation to distribution of welfare benefits through household units deemed to be in poverty (see discussion on poverty alleviation programmes below).

This framework that informs legal provisions is clearly not grounded in the realities of social relations and structures of the Sri Lankan polity where,

15 The Kandyan Law for the Sinhalese of hill country domicile, the Thesavalam for Tamils of Jaffna domicile and the Muslim Marriage Law operate along with the General Law of the country

historically, women have been recognised as key to the survival of households and communities. The 'modernist' state continues to draw on patriarchal notions of the rights of men over those of women, social practices that recognise the male as *de facto* head of households. For example, the eligibility criteria for state land to those who were displaced or lost land as a result of the conflict or the Tsunami of 2004, is based on a 19th century British colonial law where the adult male (spouse/father) is recognised as the main recipient. The Land Development Ordinance (1935, LOD) gives preference to males as title holders. As a consequence, women in families who were settled in or were born into households that were allocated land through state land development/colonisation programmes from the 1950s, are not recognised as having the right of ownership of such land while their father or brothers are alive (Cenwor, 2008).

Hence, despite years of lobbying by women's groups and lawyers advocating non-discrimination in rights to land ownership, there is still little more than verbal assurances that this anomaly would be rectified and inheritance rights would be given to the first born in the family.¹⁶ This delay is further affecting the power balance among and within families, particularly in situations of re-settlement in post Tsunami or post war. Muslim and Tamil women living in the Eastern region of the country, where according to customary practices property rights pass from mother to daughter on marriage as economic security for the daughter, have not had this right recognised in principle nor in policy. At present there is no acknowledgement of this practice in the formal legal structures of the country and in state land allocation programmes many women are deprived of their right to property. This non recognition of the right of women to ownership of resources such as land further pushes them into relationships of dependence on men, on state institutions and social relations at the community level that are disempowering.

3.9.2 Access to household income and resources

The politics of power and gender are perhaps most clearly evident in the understandings and structuring of access to household income and resources among household members. The gendered nature of social relationships, as has been argued in this paper, are built on notions of a 'head' of a family-based household who is expected to be the main 'provider' for the other household members and who thus is acknowledged as possessing political power in the household and the community.

16 In 2005, the National Committee on Women once again brought this discriminatory issue to the notice of the Land Commissioner. In the same year, the Ministry of Justice drafted legislation which sought to eliminate such discrimination from the Land Development Ordinance. As yet, no revisions to the LDO have been implemented.

The notion that woman's income, whether from the formal or informal sector, is secondary to that of her spouse continues to be pervasive. This perception is compounded by notions that household financial management (as different from earning income) and child care are socially not regarded as the primary duties of the husband who is expected to earn and be involved more closely with the world outside of the home.

3.9.2.1 Increase of numbers of women in employment

The tensions in the arena of politics of power are played out very clearly when, as can be seen in Sri Lanka, there has been a marked increase in the numbers of women in employment. For example, in the phenomenon of employment migration to West Asia women are the main income earners for the family. The stresses and strains of this situation on the families and communities have been explored extensively in current research. The wife/mother becoming the principal income earner can also lead to situations where the *threat* to gender-based duties and obligations is critically laid at the feet of the woman. The challenge is that the 'rules of engagement' of authority within the home, the community and the broader political canvas are being forcefully changed through women's direct role as income providers; this is often perceived as a way in which power is moved from men to women. From the view point of one researcher (de Silva, 1997):

In this context... the traditional authority of the husband is under challenge. The new situation created in most of the households has altered the behaviours of the husband ... to a person confronting directly with the wife ... has made the husband a drunkard and /or a drug addict. Very few have resolved the situation by accepting the changes and authority of the wife. In a few cases, however, particularly when the wife is feeble or a woman with some understanding, the couple has worked out alternative systems where both roles are mutually accepted with some division of responsibilities.

3.9.3 Resurgence of social control over women

The phenomenon of women's access to their own sources of income in the public sphere and subsequent unease that unacceptably challenges existing gender based power relations has also given rise to a resurgence of social control over women. During the early months of 2006, a campaign was launched in the Batticaloa and Ampara districts against women employees of NGOs accusing them of sexual misconduct and of forgetting their cultural roots. This campaign, which was publicised primarily through posters and leaflets, threatened women who refused to stop work with death. Organisations which

continued to employ these women received bomb threats; the families of these women were similarly intimidated. Although no one group or individuals openly claimed responsibility for this campaign against women employees, it appeared to have been a sequel to the arrival in these regions of many international NGOs in the aftermath of the Tsunami who offered high income employment to qualified women living and working in these districts.

Leaving aside the merits of these organisations, what is relevant to our discussion is the fact that resentment against these organisations was articulated through the bodies and sexuality of women. In this process, the politics of the contest for power was manifested through the use of forms of media (including the distribution of videos) alleging sexual misdemeanours of women NGO employees. These threats were followed by attempts to restrict their mobility and deprive them of avenues for economic empowerment through intimidation in the public sphere (employers) and the private sphere (families). The emergence of women as major income providers to their households and them becoming visible in the public sphere engaged in organisational work becomes articulated as a threat to the balance of power and authority between women and men in the community (Social Scientists' Association, 2005).

The link between these perceptions and the reluctance to recognise women's rights was most clearly articulated during the debates in Parliament in 2004 and 2005 on the bill on 'the Prevention of Domestic Violence'. Much criticism was levied against the bill by parliamentarians, both men and women, on the grounds that it was not appropriate to Sri Lankan culture where domestic disputes are not brought into the public domain and where culturally it is accepted that women, along with drums, are meant to be beaten.¹⁷ There were also statements in Parliament that this Bill had been drafted by 'feminists' thus clearly indicating the discomfort and unease with groups that define social issues in terms of political rights (Hansard, 2005).

The discussion above points to the nature of the tensions and contradictions that surface in relationship to women's access to their own incomes and assertion of their rights. These aspects can also be seen reflected in state policy aimed at alleviating poverty.

17 The Prevention of Domestic Violence Act was eventually passed by Parliament in August 2005.

3.10 GENDERED CONCEPTS AND ABSENCE OF RIGHTS IN POVERTY ALLEVIATION PROGRAMMES

The recognition that the ‘development’ models of the international economic and financial system have failed to enhance the standards of living of the majority of those living in countries designated as ‘under developed’ or ‘less developed’ has been followed by the extensive promotion of programmes for ‘poverty alleviation’ as the panacea for this inherently skewed system of economic growth. What is of interest to us here is the fact that, in Sri Lanka, the primary focus for the successful implementation of these poverty alleviation programmes is on women and their (assumed) social identities as carers and nurturers.

While men are seen to ‘legitimately’ dominate and control access to decision-making and authority in almost all other spheres of family and public life, there is unquestioning and uncritical acceptance that men have little role/responsibility to play in the economic well-being of the family-based household. The shift away from the universal ration card system of the post Second World War era to the poverty alleviation system since the late 1970s, has been informed by this world view as was illustrated by the then Minister for Samurdhi some years ago, when he observed that:

“The main obstacle we faced in our work is the level of ignorance in poor families, in addition to an inherent disorganization, laziness, and drunkenness amongst the men. About 30 per cent of these families are affected by alcohol abuse, and they are difficult to rescue. The rest are ignorant, careless, lazy, and have outmoded beliefs. It is easier for us to work with the women of these families, and there are social reasons for this. Women are affected by these problems to a greater extent than men, and are more sensitive to their situation. For example, women are more concerned with the welfare of their children, their wants and nourishment. Thus, they feel a need to lift themselves out of this situation.”

*Minister of Samurdhi, Mr. S.B. Dissnayake, 2001.*¹⁸

These sentiments reflect the ideological framework which is the focus of poverty alleviation programmes in this country. The entire structure of these programmes recognise the men as the de facto ‘head of the household’ in whose name the membership of the family in the poverty alleviation programme is registered. Politically, men are ‘accepted’ as having the power to head the primary institution of society – the family based household. But (*in poor families*) these very same men are excused from exercising these powers

¹⁸ Speech given at a Workshop on Gender and Poverty Reduction organized by the Ministry of Women’s Affairs in collaboration with UNICEF. February 2001. Colombo.

for the well-being of their families because of their ignorance, laziness and partiality to alcohol. On the other hand, women, who are presumably as poor as the men, are expected to be responsible for their families and be sufficiently self motivated to lift themselves out of their situation of poverty.

The issue is not so much that women are capable (or not) of providing for the family as the fact that formal policy makers appear to be unable to engage with contradictions of the assumption of male access to power and the issue of non-contribution of men to household welfare.

As I have observed elsewhere, poverty alleviation strategies utilise a highly gendered conceptualising of the unit of the family/household as the means of targeting its flow of funds. The demarcations of the responsibilities and participation of women *and* men remain largely undiscussed; men appear to be framed outside the family unit in terms of its immediate welfare/needs (Kottegoda, 2002, 2004, 2006).

An estimated two million individuals are recipients of the government-sponsored Samurdhi poverty alleviation programme that was mostly concentrated in the south of the country during the last two decades of the conflict. The involvement and active participation of thousands of women in this, the major state-driven poverty related intervention, has undoubtedly provided opportunities for self-employment, elements of empowerment and increased self-confidence for some women participants.

However, these have not translated into any manifestation of public level contestation of existing power structures, whether at the local or national levels. The reiteration of gender-based responsibilities within the 'privacy' of the home in the policy approach remains unchallenged. In the 'public' domain, a significant number of male Samurdhi Development Officers (SDOs) have crossed the threshold of government employee and entered the political arena, but the same has not been evident from among female SDOs or among female Samurdhi recipients.

The inherent gendered structuring of the poverty alleviation programmes themselves, in effect, inhibits the transformation of the 'empowerment' of women into political activism. A few women may become successful entrepreneurs at the local level; almost none have used the social mobilisation skills from involvement with the programme to move into direct political organising for social change.

The absence of a rights framework in the formulation and implementation of poverty alleviation programmes that would draw on and develop women's capacities to engage and negotiate with decision-making structures at the local and national level compounds the difficulties in assessing the true programme impact in terms of 'empowerment'. There has been no organised articulation from among this body of women for interventions in the conventional zones of power relations at the public level, for example, against domes-

tic violence, gender-based discrimination as concerns wages, or measures to ensure equal access to food within the home in order to reduce the incidence of low birth-weight babies.

3.11 CONCLUSION

This paper has attempted to place some of the key issues relating to gender and power politics in Sri Lanka within a framework which recognises that the social identities of 'woman' or 'man' designate the space in which negotiations on rights is permitted. The ability to wield power, to be effective politically and to be seen to be in a position of authority in the public or private domain is clearly anchored in Sri Lankan 'ground realities' of these social identities of gender, ethnicity and class.

The institutional mechanisms focusing on gender equality are primarily political entities, in that the setting up of these by the state is a political declaration. However, a *political agenda* with programmes that publicly articulates a rights agenda and which is supported by adequate funds and authority in order to directly address gender equality and the sharing of power remains confined to the outer limits of the mainstream discourse on power and politics. It is in the light of these configurations that the emphasis needs to be placed on the strengthening of democratic processes that would facilitate interaction between the state and civil society groups and that would advocate on the basis of the principles of rights and equality.

Introducing temporary special measures such as time-limited quotas at local government, provincial or parliamentary levels has been found to have brought significant results in other South Asian countries. As Shaheed observes, the absence of state support for formal recognition such as collective rights-based processes in the social arena could open up avenues for religious or ethnically defined institutions which could play a negative role in intensifying power imbalances and political marginalisation (Shaheed, 2004). Hence, institutional mechanisms such as the National Committee on Women would need to be strengthened by being transformed into a National Commission on Women with powers to ensure the implementation of policy that would protect and enhance women's rights in the country.

The advocacy by women's groups on national issues and proposed Constitutional Reforms can be viewed as an important development in the process of mediating between power and politics in the country.¹⁹ There is inevitable resistance to change in existing power structures, the concentration of political authority and pressure to recognise the extensive role played by women in the socio-economic arena. If these power dynamics are to be altered, there

¹⁹ A Memorandum was submitted by women's groups to the panel of experts on the National Question in October 2006.

needs to be coherent and comprehensive support for effective and meaningful interventions and linkages between activism which incorporate gender equality and women's access to mainstream political power.

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CHAPTER 4

POLITICS AND POWER IN THE MARKET ECONOMY

Sunil Bastian

The purpose of this chapter is to provide a framework for understanding how politics and power operates within the market-oriented economy of Sri Lanka. The chapter consists of five sections. The first section creates the background for the discussion that follows by analysing the social composition of the political class that rules Sri Lanka today. It discusses how the political power enjoyed by the English-educated, westernised, colonial elite was diluted due to the impact of electoral politics. It also shows how their influence continues through the control of key levers of power.

The second section focuses on the political management of liberal economic reforms that began in 1977. Given the social composition of the political class, the key issue was how to manage the social groups within the political class who were not direct beneficiaries of liberalised policies. This section elaborates on the three mechanisms – institutional design, patronage and coercion – that have been used to overcome this political problem.

The third section focuses on the fate of the poor in this context, and the existing social relations that conspire to keep them in poverty. On the basis of findings from available literature, this section identifies social groups that can be categorised as the poor. This is followed by an analysis of the structural factors that keep them in conditions of poverty. Three factors – access to assets, powerlessness and vulnerability form the focus of this analysis.

The fourth section attempts to link this debate with the politics of the United National Front (UNF)-led negotiations with the Liberation Tigers of Tamil Eelam (LTTE) within the framework of the ceasefire agreement, through a discussion on the social contradictions of liberal economic policies. It demonstrates how UNF's insensitivity to the socio-economic contradictions of liberalised policies contributed to its defeat in the 2004 general elections and undermined its negotiation strategy.

The final section provides some concluding remarks based on the analysis of the first four sections.

4.1 THE SOCIAL COMPOSITION OF THE POLITICAL CLASS

4.1.1 The right to vote

The political impact of the establishment of universal adult franchise in 1931, enabling women and men over the age of 21 to vote, is a critical event that needs to be taken into account in order to understand power and politics in contemporary Sri Lanka. Universal adult franchise was established in Sri Lanka 17 years before independence, and only three years after Britain extended universal franchise to her own citizens. The colonial elite actually opposed the establishment of the universal franchise. For the Sinhala elite, the masses were not yet ready to exercise voting rights. The Tamil elite were genuinely concerned about what would happen to their rights once the Sinhala masses begin to exercise electoral power. Universal franchise was established despite this opposition. The liberal attitudes of the British commissioners, who were definitely influenced by debates going on in Britain at that time, and representations by certain sections of Sri Lankans, such as labour leaders, prevailed.²⁰

4.1.2 The indigenous elite

The dominant representation in the 1947 parliament, the first parliament after independence, came from the elite classes that benefited from the colonial economy and the opportunities for social mobility available during the colonial period. Characterising this elite, Moore (1990) points out,

‘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,

²⁰ See De Silva K.M. (1981) for an account of this interesting history.

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' (Moore 1990:347).

Quite a number of studies have covered the emergence of these elites, their family connections, social life and role in politics. There are also two political biographies of representatives of these elites. The lifestyles of, and intrigues within, these families have also been tackled in a number of literary works. (De Silva and Wriggins 1994, Jayawardena 2000, Roberts 1979, Peebles 1995, Jiggins 1979, Jupp 1978, Manor 1989).

What is important to note for our discussion is that, during the period of the domination of the legislature by these elites, there was a strong correspondence between economic power and political power. Politics was dominated by those who benefited from the capital accumulation of the colonial economy and those who came from elite professions. In the 1947 parliament, the major departure from this pattern was provided by those who came into parliament with the support of the plantation working class and the left movement.

4.1.3 The colonial elite

One of the important factors for the understanding of the power structure in the contemporary politics of Sri Lanka is the continuity and discontinuity of the power of the colonial elite. There is a consensus in the literature that electoral politics has resulted in a broadening of the social base of the political class. Perhaps the election of Mr. R. Premadasa, who came from a so-called lower caste and a relatively less privileged background, as Executive President in 1989, was the most significant factor signifying the broadening of the social composition of the political class. However the available literature also argues that there is a continuity in the influence of the colonial elite due to their control of key positions in the cabinet.

4.1.4 Understanding the changes in the social composition

There are two conceptual frameworks that have been used to understand the changing social composition of the political class. The first is based on study of the sociological characteristics of the political elites. The second trend, broadly within a Marxian framework, tries to characterise the new entrants on the basis of their relationship to the overall social structure of a capitalist economy.

One of the earliest studies in the first tradition was by Marshall R. Singer, a scholar from the United States. He studied the social background of the members of the following legislative chambers – 1924 Legislative Council,

1931 First State Council, 1936 Second State Council, 1947 First Parliament, 1952 Second Parliament, 1956 Third Parliament, 1960 Fourth Parliament and 1960 Fifth Parliament. What is important for our discussion is his comparison of the social base of representation beginning from the 1947 parliament onwards. During the pre-independence period only those who could read and write in English could become members of the legislature, even though the franchise was universal.

Singer's conclusions captured what have been termed the post '56 changes within the Sri Lankan political class. The 1956 election, which saw the defeat of the UNP that had inherited power from the colonial masters, has been hailed as a significant landmark in the political transformation of Sri Lanka. The most important conclusion that Singer arrives at is the entry of 'middle level' landowners from a rural background into the political elite. As stated by Singer,

'A new type of landowner has merged within the political elite. Neither extremely wealthy (as were British or the earlier Ceylonese counterparts) nor relatively poor (as are the overwhelming majority of landowning peasants), the landowning members of the emerging elite are again, in the broadest sense, "in the middle"' (Singer 1964:87).

Tara Coomaraswamy's unpublished Ph.D. thesis entitled 'Parliamentary representation in Sri Lanka 1931–1986' is a more recent study within the same tradition. She compares the composition of the legislature in the 1931 State Councils, the 1947 Parliament and the 1986 Parliament. The 1986 Parliament occurred during the second J.R. Jayawardena regime. Hence it covers a parliament during the post liberalisation period. Coomaraswamy comes to similar conclusions to Singer, although she uses different social categories in her analysis. She concludes,

'Between 1931 and 1986 considerable changes have taken place in the composition of the legislature. Middle class and lower class MPs of more rural origin predominate, in place of Westernised upper class. The relatively unified 'national' political elite of 1931 and 1947 has been replaced by more heterogeneous and regionally based elites, with property, connections in towns and villages around the country' (Coomaraswamy 1988:109).

Commenting on the occupational background of the members of the legislature, she points out,

‘The greater occupational diversity of parliament also reflects the rise of new occupational categories among the population since 1931 and 1947. Two categories which have expanded rapidly since independence, teachers and lower level government servants, have gradually achieved a larger presence in parliament, especially under SLFP governments. Another increasingly important group since independence, small town swabasha²¹-speaking businessmen (mudalalis), are also represented.’ (Coomaraswamy 1988:112)

The debate among the scholars who have utilised Marxian class analysis has been about the entry of intermediate classes into the ruling block (Shastri 1983, Gunasinghe 1996, Uyangoda 1999). Intermediate classes are the social groups that occupy an intermediate position between the capitalist class and working class which form the principal classes of capitalism. These intermediate classes included middle level landowners, sections of the trading classes, those employed in minor positions within government employment and vernacular intelligentsia. A large section of these intermediate classes came from rural areas.

Once intermediate classes became a strong force in the legislature, their interests became a dominant factor in economic policy-making. The writers using a Marxist framework point out the strong link between the increased influence of intermediate classes within the state and the growth of state dominated development policies. State capitalist policies provide new avenues for social mobility to the intermediate classes. Access to state resources is also a major avenue of capital accumulation for the representatives of intermediate classes. In the case of Sri Lanka, a large section of these intermediate classes came from the rural areas.

4.1.5 Broadening of the social base versus persistence of the (post)colonial elite

Broadening the social base of the political class is the discontinuity part of the composition of the political class. The continuity part comes from the persistence of the power of the colonial elite or their progeny through their influence on the important levers of state power.

There has been a certain degree of debate and disagreement in literature on this issue. While the earlier writers like Singer, who were probably influenced by the changes that were taking place after 1956, emphasised the discontinuity part, the other writers (Jupp 1978) have pointed out how the westernised elite continued to control the key nodes of power such as important cabinet positions.

²¹ Swabasha is another term for local languages. The term Swabasha speakers refer to the sections of the population whose home language is either Sinhala or Tamil.

Commarasway in her study of the 1986 cabinet points out to the presence of an ‘outer circle’ and an ‘inner circle’ of cabinet ministers in the second Jayawardena regime. The ‘outer circle’ of cabinet ministers was formed primarily of Sinhala-speaking members who were not from elite occupational categories. They attended less elite schools and, wealth-wise, belonged to the middle classes. On the other hand the ‘inner circle’ of ministers came from English speaking backgrounds. Many of them were linked by family to other social elites. They came from a wealthy background and were cosmopolitan in their outlook. They also tended to control some of the key ministries.

Commaraswamy’s study seems to capture the discontinuity and continuity in a much more nuanced fashion. After all, the ministers of the ‘outer circle’ that came from less elite background were still cabinet ministers. This means the broadening of the social composition of the political class had reached this level. But sections of the older elite still dominated the inner circle and the levers of power.

Findings from these studies are relevant to the understanding of the nature of the political class even today. The Sri Lankan political class consists of two principal groups – a group that has a link to the elite that emerged during the colonial period, and a middle layer which is less westernised and has its social origin in the periphery. By winning elections and maintaining ruling regimes, each of these groups play different roles. Moore, in an analysis of the victory of the People’s Alliance (PA) government in 1994, provides an interesting picture of how these two groups combine to ensure an electoral victory, while ensuring that the party that wins is able to continue with liberalised policies (Moore 1997).

By the time the 1994 election was held the United National Party (UNP) had been in power for 17 years. During these 17 years the UNP had established the broad policy framework necessary to shift economic policies in the direction of liberal, market-oriented policies with a greater integration into global capitalism. However the orientation of the constituent parties of the PA was for a greater role for the state. Hence an important political task for the new leadership of the PA led by Chandrika Kumaratunge was to shift party policies away from their old statist orientation, while maintaining their electoral base in order to win elections. Moore analyses how this happened.

4.1.6 Negotiations within the People’s Alliance

He points out that the PA at the time of the victory consisted of two distinct components, confirming our earlier analysis of the social composition of the political class. ‘A rural-based “peripheral” component and a modern-sector based “metropolitan” component. These two components perform different functions. The peripheral component mainly delivers electoral support and has a special concern with patronage resources. The metropolitan compo-

ment, comprising in part directly organized interest groups' (Moore 1997:1009).

What happened in this election was that while the "metropolitan group" backed up technocrats and shifted its ideology towards a pro-liberal orientation, the electoral support was delivered by the peripheral. However in order that the peripheral groups could mobilise electoral support the metropolitan group had to agree to certain populist measures – in this instance the Samurdhi programme, the largest poverty-alleviation programme of the PA government, which continues to the present time (Moore 1997).

4.1.7 Strong impact of social composition of Parliament

Consequently the granting of universal adult franchise widened the social base of the legislature. Entry into the legislature provided a significant source of power and influence for these new social groups. This power and influence through the legislature operates at several levels. First, the members represent certain interest groups and ideologies. This is the familiar terrain found in the normal discussion of a representative democracy. Second, there is the access to resources and influence that entry into the parliament provides. MPs who hold various offices such as cabinet ministers would control greater degrees of resources and influence, depending on the ministry. However Sri Lanka has devised a system where quite a large number of MPs hold some sort of office.

The impact of the second element is seen much more in the periphery, where the power of the MPs is pervasive. MPs dictate terms to the state machinery. Even the private sector has to come to terms with the MPs in order to operate successfully. Although Sri Lanka's polity has undergone changes due to the introduction of a presidential system, which diluted the power of the Parliament, the focus on a legalistic analysis of institutions alone does not provide insights into how power operates in Sri Lanka. MPs have many ways of asserting their power despite what is defined by institutional frameworks. Therefore looking at the social composition of the Parliament is important in understanding one critical aspect of power in Sri Lanka.

4.2 POLITICS OF MARKET REFORMS – KEY ISSUES

Much of the mainstream discussion on policy reforms in Sri Lanka, especially in agencies such as the World Bank, is technocratic. It assumes that what needs to be done in order to develop an efficient market economy is by and large known. It is the usual World Bank prescription of stabilisation and structural adjustment. The problem lies in implementation.

Shortcomings in implementation are explained by "(a) weakness in policy design (b) poor implementation capacity (c) disruptive power of short term

transition problems (social costs of adjustment) and (d) the lack of ‘political will’. Failure was frequently regarded as being the result of weak institutions, for which the typical remedy (of donors in particular) was to strengthen the institutional capacity of the implementing agency and to encourage “good governance” (in the technical sense of coordination, accountability and managerial propriety). Stronger institutions, it was argued, would lead to more robust policy analysis, technically sound policy and more effective implementation’ (Lamb 1987 quoted in Dunham 2000:5).

The second approach to explaining how the stabilisation and structural adjustments reforms are progressing came to the fore in the second half of the 1980s. ‘It was part of what came to be known as “the political economy of reform” in which emphasis shifted to the government’s ability to anticipate and manage social and political response to reform initiatives. In this view politics is central. The lack of “political will” (or of political commitment to reform) is interpreted not as slippage so much as calculated response to local political realities – as probably the wisest course of action given the particular circumstances (Bery 1990). Economic reform is no longer a technical exercise – an order progression from analysis to policy formulation, to decisive and authoritative decision making and to the mundane, but less contentious issue of policy implementation. It is a bargaining process in which the necessary support for reform has to be consciously marshalled and sustained and where powerful vested interests have to be out manoeuvred, co-opted or in some way accommodated (Grindle and Thomas 1991; Lamb and Weaving 1992)’ (Dunham 2000:5).

4.2.1 The “multi-class” issue

In Sri Lanka implementing policies to liberalise the economy faces two key political challenges. Given the social composition of the political class analysed in the previous section, a key concern is how to manage reform when the ruling regime overseeing the reform process has a multi-class composition. The direct beneficiaries of both external (liberation of the flow of goods and services) and internal (removal of state control in the economy and allowing prices to function) deregulation in the economy are classes that have sufficient assets to benefit from a market economy. The emphasis of the private sector, both local and foreign, has the same immediate results. Even the proponents of market economies would argue that the others would benefit in the long run through the trickle-down effect. While this happens there has to be social costs. The sum total of both external and internal deregulation is the reduction of the role of the state both in the economy and in the welfare sector. This has direct negative impact on those who benefited from the growth of a state economy.

The intermediate classes and rural middle classes who have entered into the ruling block are not direct beneficiaries of these reforms. On the contrary they would lose out from the reduced role of the state. However, as we have seen above, they are important for electoral politics. The critical issue regarding the political management of reforms is how to deal with this class.

The ruling elite, principally led by what Moore calls the ‘metropolitan’ section of the political class, has adopted three key strategies to deal with this issue. These are a) Design of new institutions b) Opening up avenues of patronage through access to state power c) Use of the coercive powers of the state. Making use of new institutions to manage this politics is a more acceptable legal way of doing things. Patronage secures loyalty by ensuring reciprocal benefits. Coercion depends on the repressive powers of the state machinery. In short they control, buy or punish those who may become a problem for the reform agenda.

4.2.2 The management of the politics of economic reforms

Beginning with institutional design in order to manage the politics of economic reforms, the key institutions are the Presidential form of government and a proportional system of elections for choosing the legislature. The essence of both the Presidential system and the proportional representative system of elections (PR) to the legislature is the introduction of a new set of institutions that can better manage the legislature and the social forces represented in it. The presidency creates an institution that can enjoy relative independence of the legislature. PR is an electoral system where parties can have a greater control over the individual members and, through that, the legislature.

Both these institutions were introduced by the 1978 constitution. The ‘metropolitan’ sections of the ruling elite made use of the controlling power over the legislature that they enjoyed in 1977 to introduce these institutions. In the Parliament elected in 1977, 140 out of a total of 168 members belonged to the governing UNP. The centre-left opposition alliance, which ruled the country prior to 1977, was decimated. Its leading party, the Sri Lanka Freedom Party (SLFP), won only 8 seats and for the first time after independence there were no representatives of the left parties.

4.2.2.1 *Swift enactment*

Making use of this legislative power, Prime Minister Jayawardena moved swiftly to enact the institutional design that the UNP had planned.²² Just three months after being elected to power, the Government put through an

²² Jayawardena first talked about the need for these institutions long before 1977. He first proposed them in 1966 in an address to the annual sessions of the Sri Lanka Association for the Advancement of Science (De Silva and Wriggins, 1994).

amendment to the 1972 constitution in order to establish a directly elected president. Although it brought about a fundamental change in the existing constitution, the bill was not even discussed by the government parliamentary group. 'It was only taken up at Cabinet level, duly approved, and in addition certified by the Cabinet as a bill that was "urgent in national interest."' (Wilson 1980:30), and sent to the Constitutional Court for its approval. Under the provisions of the 1972 constitution, the Constitutional Court had to give its verdict within twenty-four hours for bills that are 'urgent in national interest'. The Constitutional Court duly certified the bill. 'It was then adopted by the National State Assembly and certified by the Speaker on 20 October 1977' (Wilson 1980:30).

The rest of the constitutional structure was drafted through a Select Committee in the Parliament appointed in October 1977. The Select Committee process is a mechanism that limits wider participation in the process of designing a constitution. The Select Committee of the parliament that formulated the 1978 constitution which is still in force 'held 16 meetings in all and based its findings on a questionnaire that had been issued to the general public and the evidence, oral and written, it obtained from various political, economic, social and religious organisations' (Wilson 1980:32). The response to this was extremely limited. 'Only 281 responses to the questionnaire were received and sixteen organisations and a Buddhist priest presented evidence before the Committee' (Wilson 1980:32).

4.2.2.2 Tight control

This was the manner in which these institutions were created. It was a process tightly controlled by the UNP leadership. There was very little debate or consultation. Participation of any section of civil society was unheard of. No doubt the agenda to liberalise the economy was the key reason for the hurry to introduce these new institutions without allowing much of a debate.

The 1978 Constitution created a powerful, directly-elected president. The President was the head of state, head of the executive and the commander of armed forces. The President was given powers to take over any number of ministries. The President could not be challenged through a court of law. If there was any controversy between the President and the Parliament, the President had the power to dismiss the Parliament. Although the principal opposition party was critical of this institution when it was first proposed, this criticism was forgotten once they assumed power. From 1994 onwards the opposition has been enjoying the power of the presidency. Although there has been a lot of talk of reforming, or getting rid of the presidency altogether, this has not occurred.

The power of the presidency has been used to promote market-oriented reforms. Often the important ministries in charge of economic policy have

been under the President. From the time of President Premadasa, the all-important Finance Ministry came under the President. The President always brings with him a group of advisors or political appointees loyal to him who are given key positions in the decision-making structure related to the economy.

The original proposal for establishing a PR system, the other key institution, included elements intended to ensure control over Parliament by the two major political parties, and to bring MPs totally under the control of party hierarchy. The intention was to control the MPs, and through them the legislature, through the party hierarchy. These mechanisms were the twelve and a half per cent of the valid votes to be eligible for seats, and an automatic dismissal of members from Parliament if they crossed over to a party other than that through which they were elected. The 1978 Constitution reforms actually brought these mechanisms. They were altered subsequently by a Parliamentary Select Committee.

The twelve and a half per cent cut-off point would have made it extremely difficult for smaller parties to have a say in politics without making coalition arrangements with larger parties. It would have ensured the dominance of the two largest parties in parliament. The original proposals gave party hierarchy authority to determine the names as well as the order of the names in the list submitted to the electorate for election. Depending on the percentage of votes each party received those at the top of the order had a greater chance of gaining a seat in Parliament. These provisions, coupled with the power given to removing members if they crossed over to other parties, would have given the party hierarchy total control over the MPs.

4.2.2.3 Challenges to the design

However this was an institutional design that did not go unchallenged. Both these provisions had to be changed in the final design. As a result, the cut off point was reduced to five per cent and a Select Committee appointed in 1983 introduced a system of preference votes. In this system, the voters and not the order in the list put forward by the party, determined who gained a seat in parliament.

These changes to the original institutional design complicated the process of the political management of economic reforms. The lower cut-off point has resulted in a situation where smaller parties have become important for the stability of regimes. It has introduced an era of coalition politics. Given this context, the President and key ministers cannot have their own way when it comes to reforms. There is constant bargaining with smaller parties which has contributed to instituting patronage politics.

When it comes to identity politics the PR system has complicated political bargaining. While there is a perception among the Sinhalese that ethnic mi-

norities have an undue influence because of PR, a close examination of the political outcomes of PR shows that the picture is much more complicated. On one hand PR has allowed smaller Sinhala nationalist political formations such as Jathika Hela Urumaya (JHU) and Janatha Vimukthi Peramuna (JVP) to exert a greater influence on ruling regimes. Secondly compared to the first past the post system that allowed Tamil United Liberation Front (TULF) to dominate the Tamil electorate, PR has resulted in the proliferation of minority parties. This, plus the context of coalition politics, bargaining on the basis of patronage, makes it difficult to conclude that PR has been all that positive for minorities.

4.2.3 The institutionalisation of the patronage system

This discussion on the electoral system takes us directly to the second element of politics of economic reforms – patronage. Coalition politics and the instability of regimes due to the political outcome of the PR system have moved an old mechanism of maintaining regime stability up to new heights. Most politics in any country involves a process of ensuring the loyalty of various political factions through a variety of mechanisms. One of these mechanisms is handing over the control of key ministries to political factions in return for loyalty to the regime. If coalition politics dominate, this mechanism tends to become even more important.

In Sri Lanka this has reached a hitherto unknown level. The distribution of various parts of the state to the leaders of various parties that come together to form coalition governments has become the principal mechanism for ensuring the stability of regimes. The coalition politics of Sri Lanka are characterised by bargaining for various parts of the state machinery with every crossover. In order to satisfy these political demands, the structure of the state is constantly altered either by breaking existing institutions into smaller parts or by creating new ones. The process began under President Jayawardena after the general election of 1977. Under him there were close to 40 members occupying various ministerial posts, although all of them were not cabinet ministers. There were cabinet ministers, junior ministers, ministers in charge of specific subjects and district ministers. Apart from a short period during the first Chandrika Kumaratunge regime in the mid 1990s, the phenomenon of large cabinets and proliferation of ministries has continued. This trend reached new heights in the Parliament elected in 2004. Initially the government had a total of 89 members (32 ministers, 26 non-cabinet ministers, 31 deputy ministers). This increased to 106 (53 ministers, 26 non-cabinet ministers and 20 deputy ministers) in order to accommodate parliamentarians who crossed over from the UNP to the government side. The final result of this proliferation of ministries is not only utter confusion as to who is in charge of what, but the undermining of state capacity to a considerable extent.

The institutionalisation of a system of patronage is the most significant aspect of how politics has been reconstituted in the context of liberal economic policies. As a result of the dominance of liberal economic regimes, ideological debates on economic policies have vanished from politics. Instead, politicians enter politics principally to enjoy power and control various parts of the state machinery. The system has to ensure patronage in order to ensure regime stability. Both aspects feed into making patronage politics a key feature of the Sri Lankan political scene.²³

In addition to designing institutions and doling out patronage, those who inaugurated liberal market policies did not shy away from using authoritarian methods to ensure continuation of these policies. Although there need not be any structural linkages between authoritarianism and market-oriented policies, ruling elites in certain historical contexts can resort to coercive methods to ensure their continuation. This is what happened in Sri Lanka.

The tradition was begun by the UNP of 1977. The UNP was ready to meet any opposition to its policies through repression and authoritarian politics. The main targets were the leadership of the principal opposition party, students, the intelligentsia and the working class. Any type of protest or agitation against new policies was met with violence and the repressive power of the state. There were a number of incidents when the police, as well as thugs, were unleashed against this opposition. Members of the UNP-sponsored trade union Jathika Sevaka Sangamaya (JSS) played a special part in this violence.²⁴ Special mention should be made of the 1980 general strike called by left-wing political parties and trade unions against these new development policies. The government mobilised a massive force against the strikers. Thugs attacked pickets killing a trade union activist. Close to 40,000 strikers were sacked.

4.2.4 Authoritarian trends

In 1978, making use of the power of a Presidential Commission, the main opposition candidate was removed from the impending presidential election. Immediately after that, making use of a fraudulent referendum, the general election due in 1983 was postponed. There is no doubt that the principal reason for these authoritarian actions was to maintain the parliamentary majority that the UNP enjoyed from 1977 in order to continue with liberal, market-oriented policies. This was the beginning of a long period of electoral violence that still plagues the political system today.

23 There is hardly any research on patronage politics in Sri Lanka. This is an aspect that needs to be given greater prominence in future political economic research. Some insights can be gleaned from village studies that have focused on agrarian issues. See for example, Silva (1992) and Gunasekera (1992).

24 The violence of this period has been recorded in many writings. See for example Senaratne, (1997) and Obeyesekere (1984).

The next President of the UNP was elected in an atmosphere of violence and intimidation. Violence stemmed from an insurgency led by the JVP, a leftist/nationalist party that led its first insurgency in 1971. The insurgency was suppressed and leaders were given long jail sentences after a lengthy legal process. In 1977 JVP leaders were pardoned and they entered into mainstream politics. However the UNP, by making use of the July 1983 violence which was largely instigated by government supporters, proscribed the JVP once again. In the early eighties it resurfaced leading a violent insurgency, this time with a combination of leftist rhetoric and an extreme Sinhala nationalist ideology.

The voter turnout in the 1988 presidential elections dropped dramatically, indicating how democratic institutions had been battered during the post 1977 period. The overall turnout was only 55 per cent, compared to 81 per cent during the previous presidential election (average turn out for all general elections held up to that point had been 78.1 per cent). The end result was that the second executive president of Sri Lanka was elected with the support of a mere 27.4 per cent of the total electorate.

Making use of this authoritarian climate the Premadasa regime elected to power in 1988 inaugurated major privatisation programmes. Simultaneously, the regime launched a crackdown on the JVP insurgency. This resulted in large-scale violations of human rights, disappearances, extra-judicial killings etc. Some estimate that the number of people killed was as high as 40,000. It was extremely difficult to mount any political opposition to these economic reform policies in this climate.

By the time the PA came to power in 1994, electoral violence was endemic to the system. Electoral violence included murder, attempted murder, injury, grievous injury, assault, threats and intimidation, robbery and arson. At this time violence was less connected with the economic reform agenda as its motivation was much more the continuation of fruits of office and patronage by any means. Consequently a principal mechanism introduced to manage the reform process politically had become an end in itself.

These three mechanisms of control through institutions, patronage and use of authoritarian means provide a framework to help understand how power and politics are played out in economic reforms. It can be used to throw light on specific instances of policy reform, either at macro level or at the level of specific policies. In each instance these factors operate in different combinations.

Although the design of new institutions, institutionalisation of patronage politics and authoritarian tendencies have been analysed above as a framework for understanding the politics of the economic reform process, it must not be forgotten that they also contributed to the reconstitution of politics in Sri Lanka during the period of liberal economic policies. Today, the domi-

nant orthodoxy in development policy discussions is how to liberalise the economy more and more and how to strengthen market mechanisms. The Sri Lankan state is trapped in this ideology both due to the nature of its internal political forces and by external pressures. As a result, ideological debates on development policies have disappeared. This is especially true of the two main political parties. What dominates is how to get into power and benefit from patronage mechanisms. The politicians are also ready to use authoritarian means to ensure their continuation in power so that they have access to patronage. For the poor people of the electorate, whose livelihoods have been dismantled through liberal economic policies and who have not benefited from new opportunities that a liberal economy provides, whatever benefits that they can get through the recipient end of the patronage mechanism is the principal means of maintaining at least a subsistence level of living. This also makes them go along with politicians whether they are engaged in violence or not. Some of them who are close to politicians will be the agents of this violence. The final outcome is the undermining of democratic institutions and the prevalence of violence in the political culture.

4.3 POVERTY IN SRI LANKA

In trying to bring in politics and power to throw light on the fate of the poor, it is important to begin with a clarification on how we understand the notion of poverty. In the most common approach the focus is on economic poverty. There is a search for a cut off point dividing the rich and the poor. Hence the eternal search for the poverty line. In terms of policy debates, the focus is on how to move more and more people above this magic line. If current policies reduce the percentage of people below this line there is satisfaction all round. Such conclusions strengthen an ideology of gradualism, and support the argument that there is nothing radically wrong with the current order. All we have to do is carry on as before and let time take care of this problem. The only issue is that, for some sections of society, this has already been a really long wait. For example in the plantation sector there are people who have been trapped into a production system and miserable living conditions for generations.

The second approach to analysing poverty has focused on the characteristics of the population who live below the poverty line. This had led to the recognition that poverty means much more than just lack of monetary income. Poor people suffer from a large array of deprivations. This has certainly enriched our understanding of what it means to be poor and we have developed many indicators to measure these deprivations. But how much this has added to the ability to identify the mechanisms in society that keep some people poor is debatable.

The third approach to understanding poverty is to view this condition as a product of existing social relationships in society. There are structures and institutions in society which produce and reproduce these relationships and maintain some people in conditions of poverty. In this approach, focusing on what goes into the reproduction of these mechanisms is equally as important as what maintains them at present. The existing power relations that maintain this social order ensure the continuity of these structures and institutions. It is not that these structures cannot be changed, but that a significant reform of these structures is required.

Since this approach to poverty focuses on a social system there is a link between why some people are poor and others not. If I am to use the jargon used by those who use statistical data, absolute poverty and relative poverty are linked. They are two sides of the same coin. This paper is biased towards this third approach for understanding poverty, because this allows us to bring power and politics into an understanding of poverty.

Most of the Sri Lankan literature on poverty is based on the first approach. Consequently we have to start with them and try to move into the social relationship approach that is essential for our purposes.

4.3.1 Measuring poverty

W. D. Lakshman, in a seminal article published in 1997, summarised the findings on poverty in Sri Lanka on the basis of available literature up to that point (Lakshman 1997). He covered literature published from 1970 to 1990. The data collected by him shows, depending on the method used, that the extent of poverty ranged from 11.2% to 50.5% of the population. This huge divergence is simply due to methodological issues. Poverty line measurements that make use of minimum nutritional levels usually result in a much larger proportion of people under the poverty line than those that depend on a minimum income levels based on a basket of goods.

At present most of the policy documents use the official poverty line determined by the Department of Census and Statistics to measure poverty. The current definition was introduced in 2002. Those households whose real per capita monthly total expenditure was below Rs.1423 in 2002 were considered to be poor (Department of Census and Statistics 2004). The cut-off point is adjusted every year to measure the proportion of households below the poverty line. According to this data the incidence of poverty in 1990/91 was 21.8%, 24.3% in 1995/96, 19.2% in 2002 and 12.6% in 2006/7 (Department of Census and Statistics 2008). Obviously the change in the definition of poverty line in 2002 has reduced the number of households considered to be in poverty. There is no room here to go into the methodological debates of measurement of poverty, although it throws an interesting light on the politics of knowledge. However, this should be kept in mind when dealing with these figures.

What is clear, though, is that this data does not cover the Northern and Eastern provinces. Surveys were not carried out in these areas due to the war situation. These areas have been devastated by a civil war resulting in a negative impact on living conditions. Consequently, the poverty situation in Sri Lanka is much worse than is indicated by this data.

4.3.2 Categories below the poverty line

For the purpose of understanding how politics and power work in order to keep this group of people in poverty, it is more important to understand what type of social groups belong to the category of people below the poverty line. Laksman, in his article, identifies these groups from available literature (Alailima 1986, Marga 1981, Bhalla & Glewwe 1985, Edirisinghe 1990) and characterises them as follows;

- 'i) landless agricultural workers,
- ii) small land-owning peasants cultivating food crops using family labour,
- iii) fishing and animal husbandry,
- iv) workers in small scale, often cottage type, rural industry,
- v) small traders and self employed persons in personal and other activities and,
- vi) individually operated craftsman like masons and carpenters' (Lakshman 1997:210).

In the case of categories (iii) to (iv) it is those people who are engaged in these occupations at a smaller-scale that have been included in poor social groups.²⁵

The limitation of this list is the exclusion of plantation workers. Citing factors such as the availability of regular employment, welfare facilities provided and the presence of unions this group has been excluded from the list. However certain sections of the plantation workers have to be included because of the recent findings of the Consumer Finance Survey by the Central Bank²⁶ that showed an increase in the incidence of poverty in the estate sector.

One important dimension that can be added is remoteness from urbanised centres. Mick Moore, in his study on State and Peasant Politics, gives a prominent place to this factor. The further the people are located from what he calls core areas of the country, the greater the risks of being poor (Moore 1985). Thus, for example, people belonging to the category of small land-

25 Quite a lot of studies on poverty in Sri Lanka have focused on rural areas. This has been because of the perception of Sri Lanka as an agrarian society. Poverty in urban areas has entered the discussion through studies on the working class in the organised sector. Certainly this is inadequate to understand the current situation. Semi-urban conditions have spread to what was once classified as the rural sector. Poverty in this setting is largely a phenomenon associated with casual labour and small-scale self employment.

26 See Institute for Policy Studies (2009) for a discussion of poverty in the estate sector.

owning peasantry identified above but living in remote areas has a greater chance of falling into the poor category. There is also an indication that shows that, in these remote areas, there is a correlation between poverty and caste background.

4.3.3 Causes of poverty

In order to understand how politics and power conspire to keep these social categories in poverty, the framework utilised in the last World Bank Report on poverty produced at the turn of the century may be utilised. This interesting, but quickly forgotten, report from the World Bank identified causes of poverty making use of three variables – assets, power and vulnerability. It argued that,

‘One route for investigating the causes of poverty is to examine the dimensions highlighted by poor people:

- Lack of income and assets to attain basic necessities – food, shelter, clothing and acceptable level of health and education.²⁷
- Sense of voicelessness and powerlessness in the institutions of state and society.
- Vulnerability to adverse shocks, linked to an inability to cope with them’ (World Bank 2001:34).

All social groups mentioned above suffer from these three factors. They do not have assets to escape from structural positions that they are locked into, their ability to influence power structure is limited and unexpected shocks make their situation worse.

However the central issue is how they are trapped in this situation generation after generation. As the authors of the World Bank Report argue, this is fundamentally determined by existing social and political forces. ‘Access to assets depends on a legal structure that defines and enforces private property rights or on customary norms that define common property resources (World Bank 2001:34)’. Therefore unless there are some reforms in this property rights regime, poor people will remain poor. This, in turn, depends on politics and power.

If we take the example of smallholder peasantry, there are numerous studies on peasantry carried out in Sri Lanka which show how the existing property regime confines this population to small, uneconomical plots of land. The people in remote parts actually do not legally own these plots. They are the so-called encroachers living on state land. They have not benefited from all these years of state investment in irrigation. Smallholder peasants cannot afford to hire labour to cultivate their land, and therefore depend on family

²⁷ The World Bank report expands assets into different categories such as Human Assets, Natural Assets, Physical Assets, Financial Assets and Social Assets.

labour. They produce very little marketable surplus. They are burdened by debts. The existing social relations and property rights regime keep on reproducing these conditions because they deprive them of the opportunity to move out of these structural constraints.

4.3.4 Lack of organised representation

A distinguishing feature of almost all the social groups mentioned above is the lack of any organised representations on their behalf. The exception is the plantation workers who will be discussed below. Unlike the modern sectors such as the industries or the state, where there are trade unions to make their voices heard, none of the above-mentioned categories have organisations that are organically linked to these social groups. If we go by sector, fishing is the only sector that has recognisable organisations – fishery cooperatives. But a closer examination of the membership shows that these really represent much wealthier fishermen, who are usually the owners of larger boats.

The absence of these organisations means a lack of means of influencing the state and state decision-making. Certainly most of the representatives of these social groups will be ritually taking part in elections. Quite apart from that, they hardly have any means of influencing the decision-making process. In this context, the linkage to political leadership is primarily through the agents of politicians who operate at rural level. As a result, trying to get their needs satisfied by making use of these political networks has become a permanent feature of the lives of the poorer sections.²⁸

4.3.4.1 *Plantation workers*

Plantation workers can be taken as one of the social groups in poverty, where the importance of organisations representing them can be illustrated. The plantation sector is highly organised. There is solidarity not only on the basis of common working and living conditions, but also because of ethnicity. However for a long time they stood out as a group with the worst social indicators. In the early seventies while development literature was celebrating Sri Lanka as a model of high social development in spite of low per capita income, the plantation workers, who produced the surplus for these welfare policies, suffered from famine conditions. The majority of them did not even enjoy basic rights as citizens. Their social indicators were relatively low. Therefore, despite their being organised, very little change took place in their conditions.

²⁸ As previously mentioned, political patronage is an area that is under-researched both at macro and micro levels. However it is vital to move away from highly normative and moralistic discussions on patronage. In literature, studying feudal society patron-client relationships has been recognised as a regular feature which fulfilled certain social functions. A somewhat similar situation seems to exist at present. While patronage politics has its negative, predatory side, there are remote, low-caste villages in Sri Lanka where nothing would have come to the village without the intervention of a political patron.

4.3.4.2 *Trade unions – a step towards change*

However from the beginning of the 1980s something did begin to change. The key was their trade unions who began to be important in national politics. This paved the way for increased influence in decision-making within the state. Legislative enactments were also carried out to solve the citizenship problem. This resulted in more and more of the plantation workers becoming voters. In short, their capacity to influence power relations and politics improved. This has certainly had a positive impact on the conditions of the workers while definitely not asserting that all their problems have been solved or that there are no problems in plantation politics. However it does show how politics, and the ability to influence power, is important for sustaining conditions of poverty.

4.3.5 The issue of vulnerability and poverty

Vulnerability is the third aspect of their lives. Vulnerability can come into the lives of these social groups in various forms. Sudden fluctuations in prices and markets can affect their precarious conditions. Natural disasters and conflicts can undermine even the little security that they have.

These aspects are important in a country which has been affected by a tsunami as well as experiencing a civil war which is more than two decades old. Unfortunately much of the tsunami debate has been on the degree of success of recovery. By recovery what is meant is an attempt to restore the conditions before the tsunami. Numerous reports and documents²⁹ are full of numbers and percentages trying to prove the status of recovery. While those who engage in recovery try to use these figures to prove that things are not too bad, the critics use the same logic to demonstrate limitations. In this process all of the people who suffered from the tsunami are lumped together into a single category as if a natural disaster has obliterated deep-seated structural inequalities. Consequently it is difficult to unpack how this recovery process is affecting different social groups. The most likely scenario is that among the victims of the tsunami there are those who belong to the above social categories. Probably they have the greatest difficulty in getting back on their feet.³⁰ If these areas are revisited once the funds are used up and all the relief agencies have gone, we might find that these groups still remain in a vulnerable situation.

The situation is even worse in the case of the victims of the conflicts. Aid agencies have created a term – Internally Displaced People (IDPs) – that has robbed these people of their social characteristics. This convenient term, used

29 For some of the key reports see Government of Sri Lanka and Development Partners (2005); Practical Action (2006); Centre for Policy Alternatives (2006); RADA (2006).

30 See Cynthia Carson (2008) for a rare discussion of the problems that poor people faced in obtaining tsunami assistance.

for raising funds and planning projects all over the world where there are conflicts, once again removes all social distinctions. Hence any meaningful social analysis in order to understand how the impact of the conflict mediates through the social structure is difficult. Although there are no comprehensive surveys, a large section of the middle or upper middle class who lived in the North/East have escaped from these areas. Many of the people found in camps and who have been there for a long time are from the poorer social groups. For example, those who were trapped in the so called no-war zone towards the end of the military conflict between the LTTE and government troops in 2009 and finally ended up in camps appear to come from the poorer sections of the population.

4.4 POLITICS OF MARKET REFORMS AND THE UNF-LED NEGOTIATIONS

In the first section of this paper we have focused on how the institutionalisation of electoral politics led to a break in the monopoly of power held by the colonial elite. Although members of this class still enjoy considerable influence due to their control of key positions in cabinets, the break in the monopoly of political power of English-educated, westernised colonial elite had far reaching repercussions on many aspects of the economy and society. The sum total of these developments was that attacking inequality became established as a central plank of Sri Lanka's political debates.

No political party or any individual hoping to have a future in politics can make a move against this ethos. On the contrary, everybody will argue that they are for breaking down existing barriers and moving towards a more egalitarian society. The attack on inequality features not only in policy debates, but also in other spheres such as media, novels, cinema etc. Unlike some other societies, Sri Lanka has never had any intellectual tradition that has defended inequality.

4.4.1 Perceptions of equality and inequality

When an ideology emphasising equality and social justice gets hold of a society, perceptions of equality and inequality becomes as important as the actual presence of these features. Hence politicians should not only support policies that support equality, but should also be seen to be against social inequality. Politicians have to play the role of being close to the 'common man' in their interaction with society. This has given rise to a range of practices within the ruling elite.

Social class inequality is a critical factor in understanding the rise of political parties like the JVP. For a long time in Sri Lankan literature the JVP was regarded as the representative of poorer social groups identified in the

previous section. However more recent studies have shown the importance of inequality for the rise of the JVP. David Rampton, one of the few researchers who has focused on JVP for his Ph.D. work, has argued that the JVP ‘must be understood against a background of “relative poverty” or exclusions that exist in the vast disparity perceived between the elites and masses, the capital and provinces, the urban and the rural and the centre and the periphery’ (Rampton 2003:103). During the 2004 general elections the JVP cleverly combined inequality and Sinhala nationalism to become the third largest party of the Sinhalese in Parliament.

This discussion on the politics of inequality as it has been established in Sri Lanka is important in order to understand the defeat of the UNF government in the April 2004 elections which effectively ended its strategy of negotiation with the LTTE. UNF signed a ceasefire agreement in a country that has been subjected to a quarter of a century of liberal economic policies. From 1977 onwards Sri Lanka had moved away from the state-centric capitalism that had dominated the previous period. Since 1977, the basic objectives of development policies have been liberalisation, reduction of the role of the state and promotion of the private sector. This has exerted an impact on many areas of social life.

4.4.2 Growth of inequality with a regional dimension

One outcome of these developments has been growth of income inequality. Data from the Central Bank Consumer Finance and Socio-Economic Survey for 2003/2004 showed that the share of the national income acquired by the richest ten per cent of the population at 38.6 per cent, is about twenty three times as high as the share of the poorest ten per cent (1.7 per cent) indicating highly unequal income distribution. Similarly the richest twenty per cent account for more than half of the total income (53.7 per cent), while the poorest fifty per cent (i.e., the lower half of the total income deciles) account for only about one fifth (19.6 per cent) of the total income (Central Bank 2003).

This inequality has a regional dimension as well. With close to 50% of the GDP concentrated in the Western Province, the other regions are neglected. This is reflected in the figures for the share of households in poverty. This figure is 12.2% of households for the Western Province but goes up to 40% of households in Sabaragamuwa, the worst-off province.

4.4.3 The three elements of the United National Front strategy

The UNF strategy between 2002 and 2004 consisted of three elements – a ceasefire agreement and negotiations with the LTTE, an extensive economic reform programme and a conscious attempt to mobilise international support for both these elements.

The economic agenda of the UNF was spelled out in the document 'Regaining Sri Lanka'. The thinking behind the UNF's economic agenda was dominated by the traditional preoccupation with growth figures. During the negotiations, the LTTE made the accusation that 'Regaining Sri Lanka' did not have anything to say about the war torn area. Hence the agenda was reviving the economy to help the 'South'. Subsequent political developments showed that neither did it have any credible political vision to manage the political fallout in the 'South'.

The specific policies in the economic plan included the usual mix from the Washington Consensus. There were the stabilisation measures to curtail expenditure and bring about fiscal control. New laws such as the Fiscal Management (Responsibility) Act (FMRA) and Welfare Benefit Law were enacted for this purpose. On the structural side the goals were extensive. State-owned assets that were earmarked for privatisation included the Sri Lankan Insurance Corporation, 100 petrol stations belonging to the Ceylon Petroleum Corporation, the trading venture Co-operative Wholesale Establishment and leases of an oil tank farm. Plans were also drawn up to totally privatise Regional Transport Boards. According to the 2003 Central Bank Report the government had plans to merge four enterprises, restructure and reform 51 more and liquidate 15.³¹ Apart from this, the government took steps to restructure major, state-owned institutions like the Ceylon Electricity Board, the Railways, and to establish a Revenue Authority.

What is amazing is that all these politically difficult reforms were attempted by a regime that was simultaneously embarking on negotiations with the LTTE after signing a ceasefire which virtually accepted the presence of two armies and territories controlled by two armies, and internationalised the Sri Lankan conflict resolution process to an unprecedented level. All these steps were politically controversial and demanded a great deal of political acumen to carry them through. What's more, all this was attempted by a regime that did not even control the presidency.

The economic agenda of the UNF did not have any serious answers to these social aspects. There was the usual belief in growth and trickle down, and some notion of 'connecting the poor' to the growth process. It never gave any impression that it cared about the social inequality or the poor. It quickly alienated important political groups, especially the intermediate classes.

The social contradictions of a market economy and an absence of answers to deal with these issues on the economic agenda of UNF contributed to its defeat in the general election of 2004. This is not to argue that it is the only factor. Certainly the political backlash of the UNF's strategy of negotiations played a certain role. However electoral behaviour in Sri Lanka is rarely

³¹ Central Bank of Sri Lanka, *Annual Report 2003*.

based on a single factor. At the same time socio-economic issues are never absent from electoral politics. For example, a pre-poll Social Indicator survey carried out just before the general elections of 2004 indicated that while 40.6% were concerned about the negotiations while making a decision for whom to vote, 36.9% indicated the importance of issues related to the economy.³² Consequently the reasons for UNF's defeat in 2004 are a combination of factors. Its economic agenda provided ample space for its opponents to combine socio-economic grievances and nationalism.

4.5 WHAT OF THE FUTURE?

4.5.1 The government and the President

The defeat of the UNF in 2004 the general election was the beginning of the end of negotiations with the LTTE. The UNF was defeated in 2004 by a coalition called the United People's Freedom Alliance (UPFA). This brought together large sections of the Sri Lanka Freedom Party (SLFP) with extreme Sinhala nationalist elements such as the Jathika Hela Urumaya (JHU) and the Janatha Vimukthi Peramuna (JVP). The same political forces ensured the victory of the UPFA candidate Mahinda Rajapaksa in the presidential election held in December 2005.

4.5.2 The military defeat of the LTTE

Although there was speculation about the revival of the negotiations, and even some attempts at starting negotiations after the election of Rajapaksa, the dominant trend was towards an all-out military confrontation between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan armed forces. This confrontation ended with the defeat and destruction of the LTTE in May 2009.

The military defeat of the LTTE is a significant event that will have repercussions for the future. Rajapaksa's ability to mobilise a diverse set of social groups among the Sinhalese behind him for this military battle has implications for future elite politics and the mode of development in the future. These are areas that need further research. What can be contributed at this moment are a few speculative comments.

In the political mobilisation for the military defeat of the LTTE, Rajapaksa was ensured of the support of those who joined the westernised bourgeoisie as a part of the ruling bloc. This development, and the socio-economic characteristics of these social groups, has been analysed in the first section of this paper. By and large they have espoused a nationalist ideology. Even in the

³² The Sri Lankan Voter and the April 2004 elections, Wave 3, 24th-26th March 2004, Social Indicator, Centre for Policy Alternatives, Colombo, March 2004.

past they were the champions of Sinhala nationalist policies, and it did not take much to ensure their support behind a military effort. But what is more interesting is the support that Rajapaksa received from those sections of the capital that have emerged after the liberalisation of the economy in 1977. This support was reflected in statements from individual businesses and business organisations during and after the military defeat of the LTTE. This was contrary to the experience and rhetoric of some of the peace lobbies that saw business interest as a support group for peace. On the contrary, experience during the military campaign showed that capitalists could be nationalists as well. What capitalists need is not peace, but stability, and it does not matter if this is achieved through military means.

4.5.3 The social contradictions of the economic policies

The nationalism espoused by the business sector and their support for Rajapaksa's military campaign has implications for future economic policies. Rajapaksa's main theme in his presidential election campaign in 2010 was development. All indications are the ideology of development that Rajapaksa is espousing will include the interests of the capitalists who have backed him during the war. This will be a shift away from the ideology that Rajapaksa is normally associated with. In the past he was regarded more as a supporter of pre 1977 policies in which the state played a significant role. He also showed a strong commitment to the rural peasantry. These ideas are bound to be adjusted in the new context. Probably Rajapaksa will continue with the same liberalised policies, but with a strong nationalist bent. This reflects the configuration of social forces that supported the war effort.

However he must take care if the social contradictions that such policies entail become critical issues that need to be considered. This is especially important in the case of the Sinhala peasantry. The slow dismantling of paddy-based agriculture during the period of the liberal economy has been a critical reason for poverty in rural areas. How the new policies will impact on this social class which forms the bedrock of the support base of the political parties of which Rajapaksa is the leader, will be an important political question for the future.

4.6 CONCLUDING REMARKS

This paper on politics and power in Sri Lankan society begins with an analysis of the impact of electoral politics on the composition of the political class. Universal adult franchise was introduced to Sri Lanka in 1931, 17 years before formal independence. From this beginning, electoral politics have been institutionalised in the country. There is a significant voter turnout. Voters have regularly changed regimes in power through the electoral process.

Electoral politics have resulted in changing the social composition of the legislature. The biggest impact has been the dilution of the power of the westernised English educated elite that emerged during the colonial period. Electoral politics has brought new social groups into the legislature. As a result, the colonial bourgeoisie has to share power with other social classes.

In existing literature, these new entrants to the legislature have been characterised in different ways. Some have highlighted their rural middle class origins, their non-English speaking character and occupational backgrounds such as trading and agriculture. Marxist scholars have used the term intermediate classes – classes in between the capitalist class and the working class, to identify them.

Widening the social base of the political class did not mean the colonial bourgeoisie disappeared from politics. While sharing power with other social groups, they still control some of the key cabinet positions in different regimes. However they need the support of the new entrants to the legislature to win elections and govern. The social composition of most regimes that have ruled the country can be understood within this framework.

These political developments exerted a direct impact on the development policies followed during the post-colonial period. Expanding the state sector, subsidising the peasantry and the growth of the welfare sector can be attributed to the widening of the social base of the legislature. It also established a political discourse focusing on inequality and welfare as a central issue in electoral politics. It is difficult to successfully contest elections in Sri Lanka without paying attention to these issues.

It is against the backdrop of these developments that Sri Lanka embarked on a process of liberalising the economy in 1977, a process which was essential for furthering the capitalist relations in the country. These policies, supported by international aid agencies, sought to stabilise the economy and promote structural reforms. Opening up the economy to global capitalism, promoting markets and strengthening the private sector were the key elements of these policies.

Within the ruling political class the driving force of these policies was the colonial bourgeoisie. It was led by President J.R. Jayawardena, who led the UNP to a massive electoral victory in 1977. He was the first Minister of Finance of the first cabinet of independent Sri Lanka and had been the best champion of capitalist interests for a long time.

One central, political issue in promoting liberal economic policies was managing the intermediate classes that constituted a part of the political class. This meant challenging the social pressures and opposition that could arise from the dominant discourses of welfarism, subsidies and egalitarian ideology. These currents were prevalent not only in the society at large, but also within the ruling political class.

As argued in this paper there have been three mechanisms that have been utilised for the political management of liberal economic policies in this context. These are institution design, entrenchment of a network of patronage and authoritarian measures.

The paper has discussed the establishment of a presidential system and a proportional representation system of elections as the principal elements of institution design. The political objective of both of these has been to reduce the power of the legislature, and through that the social pressure that could be channelled through it. The presidency creates a powerful body that has a relative degree of autonomy from Parliament. This has been important for implementing economic reforms. The PR system of elections brings members of parliament under the control of the party machinery of the ruling regime. These institutional mechanisms have not worked in the way it was expected by their architects. However the objective was to manage the legislature and, through it, the social pressures that emanate through the legislature with its wider social bases.

The second mechanism of patronage ensures resources and influence for members of parliament if they become supporters of the ruling regime. This ensures the loyalty of MPs. Under the PR system of elections, coalition politics has become the norm, and patronage, as a mechanism for maintaining regime stability, has reached new heights in Sri Lanka. This has resulted in jumbo cabinets and a proliferation of new ministries. Parts of the state are handed off to members of the political class in order to secure loyalty. The result is a large, but dysfunctional, state.

The third mechanism of authoritarian tendencies began right after the election of the UNP to power. The UNP did not tolerate any opposition to its new economic policies. It resorted to various strategies against such opposition. The infamous referendum of 1982 that postponed the elections due in 1983, and July 1983 violence against the Tamil population were such measures. The end of the 17 years of UNP rule was marked by a very high level of violence. Since then violence has become entrenched into the electoral process.

Three decades of liberalised policies have generated social contradictions. Official poverty data shows that close to 12.6% of households were below poverty line in 2006/7. There are debates about the methods of calculating poverty. In addition recent surveys have not been able to cover the Northern and Eastern Provinces due to civil war. Since these areas have been devastated by the civil war, most probably the extent of poverty is much higher than depicted by these figures.³³

33 The literature that exists mostly sums up data from government surveys. They confirm the negative impact of the war on the economy (see Sarvananthan (2003)). However, government surveys which measure poverty and income distribution did not cover the entirety of these provinces.

The literature identifies a range of social groups that fall below the poverty line. Farmers with small uneconomical plots, petty traders and fishermen, agricultural workers, casual unskilled labourers and sections of the plantation workers fall into this category. Many of the poor households depend on several sources of income. Inequality is another social contradiction of liberalised policies. This has a social as well as a spatial dimension. Data quoted in the paper shows that the share of the total income of the richest ten percent of the population is about 23 times the share of the poorest ten per cent. Almost fifty per cent of GDP is concentrated in the Western Province where the capital city is located. These, already well-developed, areas of the country were able to benefit from the market-oriented policies.

Much more than these statistical discussions on poverty and inequality, it is important to focus on mechanisms that trap certain sections of the population in poverty generation after generation. It is these structural mechanisms that reproduce conditions of poverty for some groups that are important aspects of a power analysis of poverty. Poverty is produced by existing social relations and the power structures that maintain them. This paper has tried to go into these issues by focusing on three dimensions – assets that poor people have, their capacity to influence power relations and their vulnerability to shocks.

Against the backdrop of the discussion that has gone on so far, the final section of the paper briefly focuses on the relationship between the economic agenda of the UNF government, that was responsible for signing a ceasefire agreement and beginning negotiations with the LTTE, and its defeat in the 2004 general election. This defeat ended the UNF strategy of a negotiated settlement.

The economic agenda of the UNF was based on a classical, neo-liberal ideology. It ignored the social contradictions of two decades of liberal economic policies mentioned above. It also ignored the long tradition of welfarism, as well the attacks on inequality that have dominated electoral politics. This paper argues that these shortcomings in the UNF economic ideology contributed to its defeat in the 2004 general election.

The UNF was defeated in general elections by the UPFA, a coalition consisting of large sections of the SLFP, JHU and JVP. This combination also ensured the victory of Mahinda Rajapaksa in the Presidential elections of 2005. After some initial hesitancy the Rajapaksa regime launched a full-scale military assault on the LTTE and defeated them in May 2009. The paper speculates about the implications of the support for the military campaign that the Rajapaksa regime received from capitalist interests, especially from those who came into prominence under the liberalised economic regime. This paper also argues that this is bound to have an impact on the development policies that will be espoused by Rajapaksa if he comes to power in the

forthcoming presidential elections. It is speculated that he will move away from the state-centric policies that he is identified with and continue with liberalised policies, but with a more nationalist bent. However the critical issue is the impact of these policies on the paddy-growing rural peasantry. This has implications both for poverty issues and overall electoral politics.

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ANNEX 1
MAP OF SRI LANKA



Map by Andrés Orjuela

ACRONYMS

ACTC	All Ceylon Tamil Congress
CFA	Cease-Fire Agreement
CP	Communist Party
CPA	Center for Policy Alternatives
CWC	Ceylon Workers' Congress
EPDP	Eelam People's Democratic Party
EPRLF	Eelam People's Revolutionary Liberation Front
FP	Federal Party
GOSL	Government of Sri Lanka
IDP	Internally Displaced People
JHU	Jathika Hela Urumaya ('National Heritage Party')
JSS	Jathika Sevaka Sangamaya
JVP	Janatha Vimukthi Peramuna ('People's Liberation Front')
LSSP	Lanka Sama Samaja Party ('Lanka Socialist Party')
LTTE	Liberation Tigers of Tamil Eelam
MEP	Mahajana Eksath Peramuna (People's United Front')
MoU	Memorandum of Understanding
MPs	Members of Parliament
NGOs	Non-Governmental Organisations
OPA	Organisation of Professional Associations
PA	People's Alliance
PLOTE	People's Liberation Organisation of Tamil Eelam
PR	Proportional representative system of elections
PTOMS	Post-Tsunami Operational Management Structure
SAPs	Structural Adjustment Programmes

SDO	Samurdhi Development Officer
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
TNA	Tamil National Alliance
TULF	Tamil United Liberation Front
UF	United Front
UNP	United National Party
UNF	United National Front
UPFA	United People's Freedom Alliance

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Power and politics in the shadow of Sri Lanka's armed conflict

The defeat of the Liberation Tigers of Tamil Eelam (LTTE) in May 2009 brought Sri Lanka's 26 year long civil war to an end. It also led to a dramatic change in power relations in the island, where politics and everyday life had for decades been dominated by the conflict between the government forces and the Tamil rebels. Throughout Sri Lanka's modern history, the nationalist projects of the two main conflict parties have dominated the struggles for – and the analysis of – power. This publication highlights other important aspects of power, while also relating them to the armed conflict. The four chapters make an in-depth investigation of power relations historically as well as in contemporary Sri Lanka. They analyse the interlinkages between power dynamics at the global, national and local level (Orjuela), the power struggles involved in processes of political reform (Uyangoda), the ways in which power in Sri Lankan society is gendered (Kottegoda), and the intersection of politics and the market economy (Bastian).

This multi-dimensional power analysis is essential to understand Sri Lanka's efforts towards post-war reconstruction, and the ways in which outside interventions into conflict resolution and development become part of and transform various power struggles. Although the context in which power is maintained and resisted is in some ways radically new in post-war Sri Lanka, we also see that much of the uneven power relations, as well as the attempts to challenge them, remain and will continue to shape politics and life in Sri Lanka in the future.



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