

# Dysfunctional Democracy and the Dirty War in Sri Lanka

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I S S U E S

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**S U M M A R Y** After more than 50 years of independence, Sri Lanka, once a model democracy, has been devastated by a war in the north east that has gained a violent and self-sustaining momentum. The two sides in the armed conflict are the government's Sinhala-dominated military and the separatist group known as the Liberation Tigers of Tamil Eelam (LTTE). From a distance, Sri Lanka's war appears to be a Sinhala-Tamil conflict, dividing the island's two main ethnic groups. But the view from the war zone reveals something much more complex. A variety of politicians as well as members of the defense industry and paramilitary groups have used the armed conflict to acquire personal and political profit. In the war zones, violence by paramilitary groups and military forces alike has become routine and includes torture, rape, massacres, and summary executions. The war itself has become a "dirty war," reaching across ethnic and national boundaries, undermining civil-military relations and democratic practice, eroding multicultural social structures, and creating hidden economies of taxation and terror.

Sri Lanka, a country that steered a strict course of nonalignment during the cold war and possessed some of the best social indicators in the developing world, has been home since 1983 to a devastating armed conflict. The turning point in the island's history was July 1983, when an anti-Tamil pogrom took place in the capital city of Colombo. The pogrom ignited riots in other major cities. Sri Lanka had seen strife between its two main ethnoreligious communities before, but the Sinhala-Tamil clashes of that year, in which many lives were lost and homes and businesses burned, were unprecedented in scale and violence.

The relationship between Sri Lanka's two dominant ethnoreligious communities has been ruptured ever since. Before July 1983, sporadic public disturbances (riots in 1915, 1958, and 1977, for example) appeared to be aberrations in what was otherwise the overall advance of democracy; in hindsight, of course, they were also indicators of an emerging social-political conflict. After the pogrom, tensions between the largely Buddhist, Sinhala-speaking communities, constituting approximately 74 percent of the island's population, and the once politically dominant, Tamil-speaking minorities, constituting 18 percent, escalated into an armed confrontation that has never been resolved.

Analysts have focused on "ethnicity" as the cause of the conflict in Sri Lanka and on civilian riots as its hallmark. What ethnic-linguistic-religious explanations overlook is the fundamentally modern, organized, and institutionalized nature of violence as practiced by military and paramilitary groups since 1983. These explanations also obscure the role of the state and its coercive apparatus in the development of conflict, and they tell us little about the changing structures of violence or the changing participants in it. They do not take into account the processes whereby extreme forms of violence fracture civil society and render hostage its largely nonviolent members. Explanations based on ethnicity therefore cannot adequately explain modern conflicts nor can they predict the conditions necessary for a lasting peace.

*A focus on ethnicity as the cause of the conflict cannot predict the conditions necessary for a lasting peace*

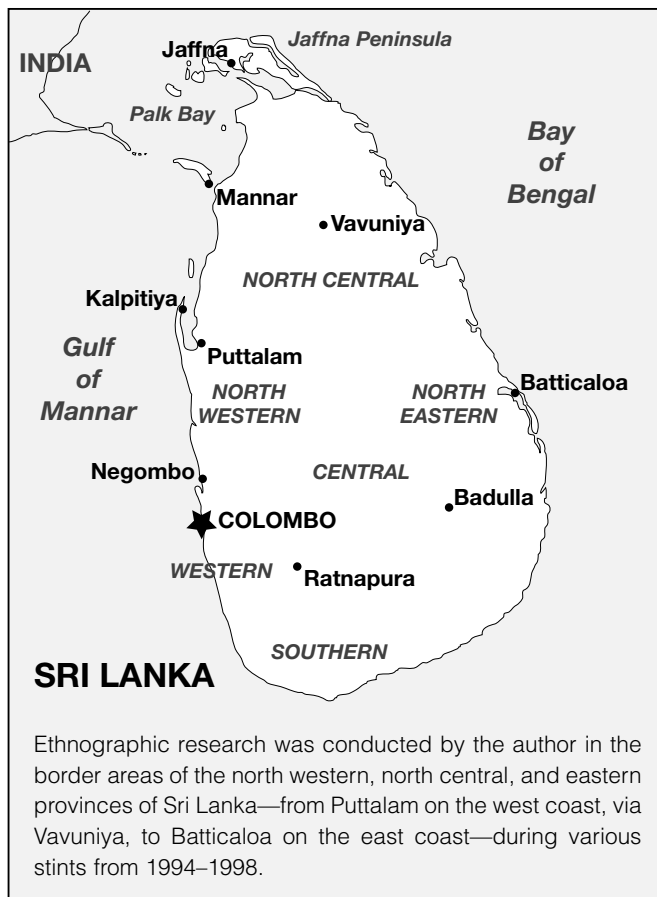
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### **Sinhala and Tamil Identity Politics**

Ironically, Sri Lanka's civil war has its roots in the previous three decades of postcolonial state building and related policies of democratization and development. The growth of polarized identity politics resulting from Sinhala and Tamil nationalisms was fueled by the actions of a political elite intent on building ethnolinguistic vote banks as they jostled for power and resources within a highly centralized state system.

**The Sinhala Only Language Act.** Sinhala-language nationalism was promoted by the political elite and aimed at erasing the dominance that minority Burgher and Tamil communities held during British colonial rule. The high-water mark of this phase of postcolonial nationalism was the Sinhala Only Language Act of 1956, which made Sinhala exclusively the national language, displacing English and marginalizing the Tamil-speaking minorities in the north and east as well. Similar processes were evident in the military. While the Sinhala Only Act was officially revoked in 1958 due to protests, the damage to ethnic relations had been done.

**The rise of the LTTE.** Tensions between an increasingly Sinhala-dominated state and the Sri Lankan Tamil political elites began to escalate through the 1970s. But it was the 1983 pogrom that consolidated a common Tamil sense of grievance and identity and fueled support for the secessionist Liberation Tigers of Tamil Eelam (LTTE), who called for armed struggle and creation of a homeland safe for Tamil people. Since then the conflict has spiraled, and the LTTE has begun an "ethnic cleansing" of the Jaffna peninsula. LTTE actions, military actions, and generalized fear have led to the displacement of between 500,000 and one million of the country's 18 million inhabitants, destroying many of the north east's multicultural communities and ending the story of Sri Lanka's enlightened democratic advance.



### Transformations in State and Society

The violent events of the anti-Tamil pogrom in July 1983 marked a significant change in civil-military relations, for rather than being a civilian riot the violence was organized by segments of the state. Not only did the police fail to take action against the mobs to restore law and order but they also appeared to be in complicity with anti-Tamil state groups. It was common knowledge that mobs used government electoral lists to identify the houses to be attacked. Sri Lanka's United National Party government was implicated in these organized attacks, which explains why no subsequent inquiry into the violent events ever took place.

Since 1983 increasingly brutal violence by armed groups is enacted under the sign of ethnicity but has gained a momentum of its own. New and sinister “dirty war” forms of violence—terror, summary executions, torture, rape, massacres—conducted by the

army, the LTTE, and other paramilitary groups have eclipsed civilian rioting. In fact, ethnically motivated civilian riots have been rare and localized—and often instigated by the police or military personnel. Otherwise, riots have more often than not been the result of local feuding between the two dominant Sinhala political parties at election time. Feuds between Tamil political parties have been settled by assassinations.

### Transformations in the Military

Up to independence in 1948, the defense establishment had not reflected social schisms nor did it reflect the island's ethno-religious composition. After independence, succeeding governments found it necessary to modernize and expand the armed forces. In the process the military was politicized and ethnicized, which contributed to the erosion of its objectivity.

The ethnicization of the military can in part be traced to the political elite's postcolonial efforts to redress imbalances cultivated by the British and to decolonize military culture. Previously, officers had come from the westernized urban elite, but the switch to native-language education enabled students from small rural propertied families to enter the university and subsequently the officer corps. The rapid expansion of the armed forces, however, meant less hierarchy, less order, and less discipline as well as an increased ability for civilian political elites to interfere in such areas as recruitment, promotions, and operations. Coinciding with an increasingly nationalist orientation, the rapidly changing army turned into a Sinhala one that was committed to Sinhala Buddhism. Thus when the army was called upon to fight the northern Tamil militancy—a group led by lower-caste Tamil youth who felt disenfranchised both from the Sinhala-dominated state and from the upper-caste Tamil political elites who claimed to represent them—the army perceived the war not as a conflict between government and insurgents but as a clash between Sinhals and Tamils.

Beginning with anti-Tamil riots that occurred in 1977, which saw sporadic police neglect and complicity, the succeeding years of United National Party rule marked a gradual transformation of police and

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military culture that culminated in the 1983 pogrom. In 1982 the electoral process itself had been changed—a highly centralized and repressive state structure was being built to counter growing opposition by educated and unemployed youth, both Tamil in the north and Sinhala in the south. Freedom of the press, an independent judiciary, and a nonpartisan bureaucracy were victims in this process. The stage was set for the military's slide into dirty war.

### The JVP Insurrection

Along with the still ongoing LTTE separatist conflict, the JVP insurrection represents a second war that the Sri Lankan army has fought against armed insurgents in less than two decades. The Janatha Vimukthi Peramuna (JVP), driven by a Maoist revolutionary agenda to create a new socialist state, was a group comprised largely of university and school-going urban youth from the dominant Sinhala community in the relatively undeveloped south of the island. The first phase of the JVP insurrection occurred in 1971, before the rise of the LTTE, when attacks were launched on police stations in April of that year. The group was defeated by government armed forces by June. The insurrection of 1971 marked the first time a state soldier felt free to shoot at a civilian or a suspected insurgent. It was also the first time army officers functioned as coordinators of civilian administration, a pattern now well established in the northern war zones.

During the second phase of the insurrection from 1987 to 1990, the JVP took on the government in newly brutal fashion. They were driven this time by a Sinhala nationalist agenda and on several occasions brought the capital city to a standstill through their campaigns of terror. The uprising was suppressed with equal brutality by the military, acting on government instructions. The disappearance of suspected JVP sympathizers as well as human rights organizers became commonplace. The cultivation of intelligence units within the police and military that carried out terror and torture operations was sanctioned by segments of the United National Party government. Party interference in the armed forces became further

*On several occasions the JVP brought the capital city to a standstill through campaigns of terror*

### Escalating Expenditures on Defense

Year	Amount in Sri Lankan Rupees* (billion)
1976	.334
1980	.827
1986	5.300
1990	9.340
1996	39.200

\*US\$1 = approximately 90 Sri Lankan rupees

entrenched—this time in clandestine and dirty war operations as well as intelligence.

The process of political interference became systematic during this later phase of the JVP insurrection. Succeeding promulgations, of which the most pernicious is Emergency Regulation 55, permitting burial without inquest, institutionalized a culture of brutality and immunity among military counterterrorists. This developed largely as a result of battles with the Sinhala leftist youth in the south but continued on when the army resumed its battle with LTTE separatists in the north in 1990.

### Taxation and Terror

As the armed conflict between the LTTE and the military escalated in the north after July 1983, Tamil paramilitary groups began to proliferate. Alongside the government and LTTE regimes of passes and checkpoints exist the subregimes of other armed groups, such as the Eelam People's Revolutionary Front on the east coast, the People's Liberation Organization of Tamil Eelam in Vanni, and the Eelam People's Democratic Party in Jaffna.

All these groups, made up mainly of youths and teenagers, carry guns. Some of them are bankrolled by the Sri Lankan government and collaborate with the army to fight the LTTE, thus blurring any ethnic divide to the conflict. Further, since the late 1980s, the LTTE has sought to eliminate other Tamil armed groups that initially cooperated with it. At the national

level, the leaders of these groups have joined the Sinhala political elite and are installed as members of parliament, again blurring ethnic lines. Today these paramilitary groups support the ruling People's Alliance coalition—a sign of the militarization of political process and an indication of democratic dysfunction.

Frequently the law-and-order functions of various groups spill over into disorder, torture, and illegal taxation of the locals. These groups have found new ways to fund themselves by means of deprivation and fear, sometimes controlling whole segments of the local fish or copra industry through control of transport. The LTTE pioneered the system of terror and taxation on the movement of people and goods. The army, marginally better trained and better aware of human rights and humanitarian law, has also resorted to curtailing the movement of persons and goods, and local people frequently complain of being shaken down by soldiers.

**Exploiting displaced people.** Civilians become tools in such a scenario, and the displacement or confinement of people in camps constitutes a profitable exercise for all armed groups. For those in the conflict regions, the right to set up residence in an area of one's choice and the right to move is seriously restricted by the LTTE and the government's security regimes. The army restricts the movement of Tamils displaced southward while the LTTE prevents Sinhala from moving or settling in the north. In fact, both the LTTE and the Sri Lankan government have used displaced persons as shields or buffers during military campaigns.

Incidents of paramilitary cadres and military deserters using their weapons to commit crimes and settle personal vendettas have risen dramatically. Incidents of checkpoint rape as well as the pass system and other restrictions on mobility particularly affect young women, who are body-searched. In this context, militant groups who infiltrate camps have little difficulty recruiting new cadres, men and women, girls and boys. At the same time recruitment to the military and paramilitaries has spiraled up. The LTTE in a desperate bid for reinforcements now boasts a

“baby brigade” of child soldiers. And youngsters with guns have little knowledge of humanitarian law.

**Cooperative arrangements between military and paramilitaries.** A precedent for the pattern of paramilitary groups carrying out dirty war operations in coordination with the Sri Lankan military was set by the Indian Peacekeeping Forces (IPKF) and Indian intelligence. After the signing of an accord between the Indian and Sri Lankan governments, the IPKF controlled the border zones in Sri Lanka from 1987 to 1990. But as the 1980s drew to a close, the new Sri Lankan president, opposed to the presence of Indian forces in the country, provided clandestine funds and arms to the LTTE to fight the IPKF—yet another instance of blurring the lines between ethnic allegiances and between the military and paramilitary groups. Meanwhile, the armed forces and indirectly some of the paramilitaries have benefited from training in violence under foreign experts, including those from the IPKF, Israel, and the United States—a fact that alerts us to the global dimensions of the armed conflict.

By the mid-1990s there were various informal agreements between local military commanders and paramilitary groups operating in the border areas for mutual protection against the LTTE. It is not uncommon to see paramilitaries and army or Special Task Force personnel manning checkpoints together to detect LTTE infiltrators in the border areas. Such informal agreements mean that the paramilitary has a freer hand to terrorize people, torture them, and extort money at gunpoint. These new structures of the war economy are an obstacle to peace, for the participants have reason to prolong the conflict in order to profit from it. Additionally, soldiers in the thousands desert and then return to the army on amnesty, adding to the general militarization of civil society.

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### **The Dirty War Machine**

The conflict since 1983 has been transformed into a dirty war. Increasingly, the conflict in the border areas is being waged between various armed groups trained in dirty war tactics across the Sinhala-Tamil

*Both the LTTE and the government have used displaced persons as shields during military campaigns*

### The Human Price of War: An Estimate

Official estimates as of January 1999 provide the following figures.

Deaths	60,000
Internally displaced	800,000
Extrajudicially killed ("disappearances")	26,935

The number of extrajudicially killed consists largely of persons disappeared in the south during the second phase of the JVP insurrection.

These figures, particularly for displaced persons, are open to dispute, however. Because of the conflict, the most recent census of the country was conducted in 1981. At the end of December 1995, the Ministry of Rehabilitation and Reconstruction estimated that there were 1,017,181 internally displaced people in Sri Lanka, while 140,000 were displaced overseas.

ethnic divide, since many of the Tamil paramilitary work with the army to combat the Tamil nationalist LTTE. The transformation of political violence from riots to torture, extrajudicial killings, and massacres by the military forces and paramilitaries alike in the border areas marks the evolution of a dirty war supported by a hidden economy.

**Erosion of multiculturalism.** The culture of terror generated in Sri Lanka is slowly eroding a deep tradition of multiculturalism, cultural hybridity, and multifaith coexistence in a region where Buddhists, Hindus, Muslims, and Christians have lived together for centuries. This is not to suggest that there were no clashes between communities and groups in the pre-war period. The point is that the present conflict is not based on inexorably explosive ethnolinguistic or ethnoreligious factors but on a multiplicity of local factors. As the war has escalated, however, older modes of coexistence, accommodation, and integration among bilingual Sinhala, Tamil, and Muslim communities have been destroyed in various parts of the island. This process has in turn polarized collective identities in civil society. At the same time, since the

pogrom of July 1983 it is significant that ethnically motivated civilian violence is practically nonexistent despite grave provocation, such as the attack by the LTTE on the sacred Buddhist temple, the Dalada Maligawa, in January of 1998. This fact indicates that, in the long run, a peaceful resolution is possible.

**The modern face of war.** It is in this context that ethnic explanations of the post-1983 Sri Lankan armed conflict elide more than they reveal. Not only do they echo nationalist rhetoric, they mask the fundamentally modern character of the war. The fact is that the conflict polarizes multiethnic communities, hardening ethnonationalist identities. The conflict also generates its own self-perpetuating political economy. This hidden economy extends from weapons purchase decision-makers at the highest levels in the military to the grassroots level where a few rupees are made each time the paramilitary taxes a catch of fish or a police officer issues identification papers for a fee.

Further, the process of globalization has tempered the old saying that a guerrilla movement needs the support of the people as much as fish need water: the LTTE now sustains itself to a greater extent from funds raised outside Sri Lanka than from funds raised among the people at home—the people it purports to be defending—and has emerged as one of the world's most powerful non-state forces. At the same time, many civilians view the war as autonomous and counterproductive to their concerns. Increasingly, it is desperation and deprivation that leads youths to join the armed groups.

Paradoxically, as the military apparatus has ceded its monopoly on violence to paramilitary groups, it has increased its sphere of control over traditionally civilian posts and administrative duties in the war zones. In the northern Jaffna peninsula as well as in the border areas where the conflict is being waged, local army brigadiers perform many civil administration functions. International assistance to displaced civilian populations in the border areas must first pass the scrutiny of the military. The military also gives clearance for settlement of displaced persons in the border areas. The war machine has thus extended its

*Older modes of coexistence among multiethnic communities have been destroyed*

functions in the border areas, problematizing the conventional distinction between civil violence and state violence and subverting any ethnic logic to the conflict. Dismantling these structures will be one of the great challenges to building peace.

In Sri Lanka it is well known that the armed conflict benefits the military industry and arms dealers, local and foreign. Censorship makes it impossible to present figures for the huge profits accruing to high officials in the military, but there is no doubt that large fortunes have been made. A systematic and no doubt dangerous inquiry into those at the apex of the arms trade remains to be conducted.

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### **Civil-Military Relations in a Dysfunctional Democracy**

Despite the growth of the military and its sphere of influence in the border areas, civilian government remains in control of the military complex and chain of command in Colombo. The portfolio of defense remains in the hands of the elected government. Yet the military has gained increasing prominence in national life since the breakdown of peace talks with the LTTE and the reimposition of extended emergency rule. At the same time, under international pressure the government has shown a commitment to the care and protection of civilians in the war zones controlled by the LTTE, and Colombo continues to supply relief aid to LTTE-controlled areas. Even so, it has banned the transport of a number of goods such as fuel and batteries and even fertilizer to the north and east on security grounds, as well as certain consumer goods, such as soap and some food items, fueling the hidden economy and causing much resentment among noncombatants.

As the conflict in the north and east of the country has brought little military success, and as the military has increasingly lost legitimacy in the eyes of many members of civil society, most civilians today fear the police and armed forces as much as they do the paramilitary groups. However, given the general subservience of the military establishment to the government and given the absence of a history of military rule in Sri Lanka, the emergence of a Sri Lankan

military state is unlikely. Rather, the threat is more likely to be found in a political elite increasingly captive to a war machine partly of its own making.

**Resolving the conflict.** The challenge of restoring peace, law, and order remains in the hands of the civilian political elite of Sri Lanka and the LTTE. At various stages of the country's postcolonial modernization process, both have acted to foster the culture of violence through competitive and lately bloody politics for personal power and profit in the guise of ethnic liberation. Simultaneously, the prolongation of the armed conflict has brought a significant shift in perception of large segments of both the military and civil society who see that the conflict cannot be resolved by military means and that a political solution is imperative. The desire for peace was reflected in the 1994 landslide victory of the People's Alliance and its devolution package for power-sharing with minority groups, an attempt to move ahead that was stalled by opposition from the United National Party.

The same processes of party political competition that resulted in Sri Lanka's ethnolinguistic conflict have thus far ensured that no government will be able to bring forward a peace package without the party in opposition seeking to destroy it. Ironically, the strength of the dual-party system and adherence to procedural democracy in amending the constitution to devolve power to the besieged regions as a means of solving the conflict also ensures that a political solution remains distant. Too much attention to legal procedure and too little regard for ethics have stymied the proper work of democracy.

**Different ills call for different remedies.** In this context, external facilitation of peace talks, such as the recent mediation initiative by the Norwegians, are essential to a negotiated settlement of the armed conflict. A just solution will have to mitigate and rise above the ethnic majoritarianism and territorialism that have become entrenched over two decades of war.

Constructive attempts at resolution must move beyond legal and constitutional matters—principally the devolution of power to the regions dominated by the minority Tamil community—and focus

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on the new structures of violence that have arisen in the last two decades. While devolution is a fundamental part of a political settlement, it cannot offer the complete solution. Devolution alone if not designed to protect local minorities will solidify ethnic thinking and ethnic absolutism. In fact, if devolution of power to the border regions does not go hand in hand with the restoration of multicultural communities, the return of displaced people, and the dismantling of the structure of violence, devolution may become a blueprint for the creation of ethnic enclaves and further conflict.

The case of Sri Lanka demonstrates that an understanding of civil-military relations in situations of modern internal armed conflict requires going beyond ethnic explanations of violence and beyond analyses of control structures and jurisdictional boundaries at the national level. If viable solutions to these seemingly intractable conflicts are to be found, one must recognize that violence is inherent in state-building processes and that there are complex political economies and cultures generated by modern armed violence.

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