ISAS Working Paper

From National Security State to Human Security:
The Challenge of Winning the Peace in Sri Lanka

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For the victors, at least for part of them, the war will have been politically profitable. And the responsibility for this rests on the behaviour of all that made resistance impossible. Now, as a result of the ethics of absolutism, when the period of exhaustion will have passed, *the peace will be discredited, not the war.*

Max Weber, Essays in Sociology

Having won the three decade-long war against the Liberation Tigers of Tamil Eelam (LTTE), the Sri Lankan government faces a historic opportunity and challenge – to win the peace in Sri Lanka. The LTTE was a symptom of a problem that had roots in the history of post-colonial state-building on the island. The rise of Sinhala Buddhist majoritarianism was accompanied by the marginalisation of the Tamil, Muslim and Eurasian (or Burgher) minorities, and it was hence that the LTTE began the struggle for a separate state for the Tamils. However, it morphed into a war machine. The issue of marginalisation of the minorities remains to be addressed.

The end of the armed conflict in the small Indian Ocean isle in May 2009 gave rise to a sense of euphoria and optimism that life would return to normal, that the barriers and check-points would be removed, and that the economy would finally take off. Some have suggested that Sri Lanka may even become South Asia's Singapore. However, much work lies ahead if the narrative of economic boom is to be realised. The defeat of the LTTE was accomplished at great cost, in terms of lives lost and maimed, as well as damage to property and the country's international reputation. The last three years of war also saw a serious erosion of governance structures, democratic institutions, and traditions of multiculturalism and co-existence among diverse ethnic and religious communities.

While the military victory over the LTTE is conclusive and there is little chance that it would regroup and return any time soon, the military victory needs to be converted into a stable and sustainable peace. Other long term, low intensity, ethno-national conflicts in the region point to the fact that groups fighting for autonomy or rights for minorities may regroup and return

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years or decades later, as was the case in Nepal and Aceh Indonesia, unless there is a political solution that addresses the root causes of the conflict. To ensure a sustainable peace, the government would need to win the confidence of the minority cultural groups, work toward reconciliation and address the root causes of the conflict. Simultaneously, it would be necessary to repair a dysfunctional democracy whose institutions were significantly eroded in the course of decades of war-induced Emergency Rule, which the government still has not lifted.

During the final push to defeat the LTTE, the Mahinda Rajapakse regime discredited the very idea of peace. Those opposed to war were termed 'traitors'. Following the end of the war, the government has plans to build a war museum instead of a peace and reconciliation museum.[2] In the last three years, militarisation and the 'national security state' had become pervasive with significant erosion of Sri Lanka's democratic traditions and institutions. The concept of a national security state will be discussed later. The LTTE had kept the island in a spiral of violence for the past quarter of a century and the conflict had given rise to a siege mentality among the majority Sinhala community who consider themselves an endangered minority since there are over 125 million Tamils living in neighbouring South India. Hence, the challenge now is to reach out to the minorities and move beyond a highly militarised, state-centric national security paradigm and prioritise human security and development and welfare state principles which have enabled the island to achieve the highest social indicators in South Asia. It is thus that the military victory over the LTTE may be translated into a stable and sustainable peace.

The Rise and Fall of the LTTE and the Global War on Terror

The leader of the LTTE, listed as one of the world's deadliest terrorist organisations, Velupillai Prabhakaran, and his right hand man, Intelligence Chief Pottu Amman, were shot dead by security forces on the morning of 18 May 2009 while trying to flee northeast Sri Lanka. They did not commit suicide or flee the country before the final *dénouement*, as had been predicted. Earlier, thousands of civilians, held as human shields by the LTTE in the face of the final onslaught by the armed forces, had been released and the organisation "silenced its guns" in the face of imminent defeat. Prabakaran's son, Charles Anthony, who headed the air wing of the LTTE, and the Head of its Peace Secretariat, Pullithevan, a familiar face from the days of the abortive Norwegian-brokered peace process, were killed hours earlier.

There were several reasons for the defeat of the LTTE at this time. Principle among them was the changing global security environment that became increasingly hostile to insurgent networks post 9/11. The LTTE and its transnational network had grown and benefitted from a period of relatively unfettered globalisation at the end of the Cold War. After 9/11, with the global 'war on terror', there was far less international space and tolerance for the organisation to manoeuvre with, and the government capitalised on this by renaming the conflict in Sri Lanka a 'war on terror' and soliciting international assistance to shut down the LTTE's funding and supply networks from the diaspora. While the Rajapakse government waged a determined battle against the organisation after abrogating the Norwegian-brokered ceasefire in 2008 and provided the armed forces all that was needed by way of arms, ammunition, and men, the international context that had made the LTTE apparently invincible in the previous decades had changed. Moreover, the demise of the LTTE was also largely due to its leader's

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[2] The army commander, General Sarath Fonseka, is reported to have said that the museum would also showcase the LTTE's weaponry, Colombo page, 21 June 2009.

egotism and the compounding of mistakes, including the assassination of then Indian Prime Minister Rajiv Gandhi, which had turned India against the group.

The deaths of Prabhakaran, his son and LTTE's highest commanders mark the end of an era – the bloodiest in Sri Lanka's modern history. The LTTE set the bar on violence very high in Sri Lanka, the land pledged to protect the Buddhist *Theravada* doctrine. The state followed its example, having transformed the conflict into a form of *dharma yudhaya* (holy war) that legitimised great violence and Sinhala nationalism. While there were spontaneous street parties in Colombo to celebrate the demise of the LTTE, the Tamil-speaking minorities in Sri Lanka did not share this triumph. The violence unleashed by the LTTE has left them more marginalised and traumatised than when the armed conflict began.

The military victory over the LTTE is only one half of the solution to building a peaceful and stable polity in Sri Lanka. There is a difference between a purely military victory and building a sustainable solution to a long standing socio-political conflict. A military victory does not necessarily mean that a sustainable and just peace has been attained because, more often than not, a military victory by one party to a conflict cannot address the root causes and grievances that gave rise to the militant group in the first instance. This certainly is the case in Sri Lanka, and the Tamil diasporas have already set up a transnational government in exile, albeit one that eschews violence.

Root Causes of Violence: India and Identity Politics in Sri Lanka

The Sri Lankan conflict has been called an "ethnic" conflict by a majority of scholars and analysts and a "terrorist" conflict by others. Both these frameworks for explaining the conflict in Sri Lanka are only partially correct. The narrative of perpetual "ethnic" conflict ignores the fact that for most of the island's history, Sinhala and Tamil-speaking communities lived together peacefully and even intermarried. The island also has many diverse communities, including a significant Muslim population and the Eurasian Burghers.

In 1948, when Sri Lanka gained independence from the British, the prognosis, both for democratic governance and development in the island nation then called Ceylon, was generally excellent. Sri Lanka was considered a 'model democracy' with an established record of peaceful co-existence between diverse ethnic and religious communities until the armed violence erupted in the early 1980s. Its social indicators (literacy, health and education) were the envy of much of the developing world in the decades of the 1960s and 1970s, and they remain the best in South Asia. Nobel prize-winning economist Amartya Sen was fond of referring to Sri Lanka and its particular development model and trajectory as an 'outlier' because of its high levels of social development despite relatively low per capita income. Later, it was expected that the island, given its size and ethno-religious mix, would develop like Singapore rather than Malaysia which was seen to have an uneasy ethnic peace.[3] However, somewhere along the way, the country's politicians and policy-makers seemed to lose the plot and were subsequently ambushed by the LTTE.

The war between the LTTE and Sri Lankan government was partly a colonial inheritance. The British, who ruled the island for 150 years, promoted the Tamil minority community

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[3] Sri Lanka's success was often posited in comparison with Southeast Asia's emergent nations. Thus, Donald Horowitz stated in a retrospective on Sri Lanka that "any knowledgeable observer would have predicted that Malaysia was in for serious, perhaps devastating, Malay-Chinese conflict, while Sri Lanka (then Ceylon) was likely to experience only mild difficulty between the Sinhalese and Tamils" (1993, 1).

over the Sinhala majority community, and when they left, a disproportionate number of senior civil administration positions were held by the Tamil and Eurasian (or Burgher) minorities. The war between the two dominant linguistic groups, the Sinhalese and the Tamils, has been due to the processes and problems relating to post-colonial nation-state building, democratisation and the requirement of the state to balance the expectations of different communities and electorates (Rajasingham Senanayake 1999). Clearly, the conflict on the island was complex and it is necessary to look beyond the blame game between the two principle protagonists and the gloss of the 'war on terror' to seek sustainable solutions.

After the ethnic riots of 1983, which may be better described as a pogrom, the LTTE grew exponentially. A quarter of a century of violence killed over 70,000 people, mainly in the north and east of the country, and displaced between five and ten percent of the island's 20 million people. The LTTE forcibly evicted the Muslim minority population from the northern Jaffna Peninsula in 1990, claiming they were a security threat to the Tamil homeland. A significant number of Tamils displaced in the conflict between the Sri Lankan government and the LTTE formed a powerful diaspora in North America, Europe, Australia and parts of South Asia and Southeast Asia. From afar, they contributed to sustain family members and communities as well as subsidise the conflict in their homeland. It was largely with the funds generated from the diaspora that the LTTE was able to run a *de facto* state for almost a decade in the northern and eastern parts of the country.

The LTTE was a symptom of a problem and sustainable peace would need to be based on an analysis and address of the root causes of conflict that gave birth to the group. Most post-colonial nation states in South Asia and Southeast Asia, from India, Pakistan and Bangladesh to Indonesia, Malaysia and Singapore had experienced "ethnic" riots and problems related to the rights of the minorities and identity politics. Balancing the expectation of majority and minority groups has been a post-colonial challenge for all. Sri Lanka too experienced ethnic riots in the post colonial period – 1956, 1977 and 1983 where the Tamil minority people were targeted. The 1983 riots were partly orchestrated by segments of the state which is why some social scientists have said that the 1983 was a pogrom (state-orchestrated violence and terror) rather than a civilian riot. It was after this that the LTTE grew in strength and numbers. However, there is another reason for this violence. The post-colonial ethnic tensions in Sri Lanka were not exceptional.

However, Sri Lanka, with 20 million inhabitants, had its post-colonial state-building problems set on fire by the regional superpower that militarised Sri Lanka's ethnic tensions. In the late 1970s, India's Research and Analysis Wing (RAW) and Intelligence Bureau provided funds and training to the LTTE and other Tamil youth groups in Jaffna. (Kumaraswamy: P. R 2009, 16). The external militarisation of the internal tensions in Sri Lanka meant that the conflict escalated and took on a different shape – militarised violence. It was now a different ball game altogether. As Edmund Burke noted, "war never leaves a country where it found it". India, the regional superpower under Prime Minister Indira Gandhi, set up armed Tamil groups in northern Sri Lanka as a means to issuing a warning to Colombo and J. R. Jayawardene government, which was perceived to be too close to the United States during the Cold War. Later, India leased the oil terminals in the famous Trincomalee Harbour in Sri Lanka, one of the world's best natural ports. From then onwards, the conflict became a military rather than a civilian one and it moved beyond its ethnic root causes. The LTTE morphed into a war machine. Subsequently, the organisation was responsible for the assassination of Rajiv Gandhi in a classic story of a "blowback" because Rajiv Gandhi had sent "peace-keeping" troops to Sri Lanka. The LTTE undermined several

attempts to broker peace and rejected several attempts at political compromise. The rest is history.

Impact of War and Militarisation: Democracy as Collateral Damage

The military victory in Sri Lanka was marred by the violence that preceded it as well as the disproportionate triumphalism of the government after the defeat of the LTTE in the context of the failure to offer a political solution to the minorities, aside from vague promises of a "home grown solution". The cost of almost 30 years of war in Sri Lanka may be calculated in terms of human, economic, governance and opportunity costs. The conflict has resulted in a governance culture of nepotism and over-centralisation that breeds corruption on the one hand, and institutional fragmentation on the other, particularly, in the conflict-affected north and east. While a number of ministries have proliferated, those that actually have power to make and implement policy are few and patronised by the Rajapakse triumvirate. During the last few years of the conflict, development projects were required to go through and get clearance from the Ministry of Defence. Such centralisation has weakened democracy in Sri Lanka and strengthened the grip of the ruling family on power. One of President Rajapakse's brothers, Gotabaya, is the Defence Secretary and the other, Basil, is a non-elected Member of Parliament who also controls reconstruction in the north and east. Together, the Rajapakse brothers, with their cousin, Chamal Rajapakse, control 70 percent of the economy via control of key ministries.

In his book "Brave New World Order" (Orbis Books, 1992, paper), Jack Nelson Pallmeyer identified several characteristics of a 'national security state'. The first characteristic of such a state is that "the military not only guarantees the security of the state against all internal and external enemies, it has enough power to determine the overall direction of the society. In a 'national security state', the military exerts important influence over political, economic as well as military affairs…Authentic democracy depends on the participation of the people. 'National security states' limit such participation in a number of ways. They sow fear and thereby narrow the range of public debate; they restrict and distort information; and they define policies in secret and implement those policies through covert channels and clandestine activities. The state justifies such actions through rhetorical pleas of "higher purpose" and vague appeals to "national security."

It is axiomatic that, as externalised threats are perceived and nations go to war, civil liberties and rights in the domestic sphere are eroded. This phenomenon was observed by Max Weber, a founding father of the discipline of sociology. Within days of the celebrations following the capture of LTTE's *de facto* capital in January 2009, one of the island's leading journalists, Lasantha Wickrematunge, Editor-in-Chief of the Sunday Leader newspaper, a liberal anti-establishment paper known for exposing corruption and nepotism in the state apparatus, was assassinated in broad daylight in Colombo. At his funeral, where thousands gathered, an effigy of President Rajapakse was burnt. The slain journalist's funeral was attended by political leaders, media representatives, civil society organisations and senior foreign diplomats in Colombo. The slain journalist, who was also a lawyer, had penned his own obituary three days before his assassination, "And then they came for me", naming in all but words his killers. His final editorial published posthumously, which has come to be known as the 'letter from the grave' constitutes a powerful indictment on the regime that would be hard to shake off in a country where astrology, the symbolic and uncanny, carries significant weight in politics. Minimally, the state is accused of promoting a 'culture of impunity' that has rendered Sri Lanka 'one of the world's most dangerous places for journalists', according

to the organisation, 'Reporters without Borders'. In the past two years, at least eight journalists have been killed in the country, according to the Committee to Protect Journalists.

As the war (including an information war) escalated, the phenomenon of extra-judicial killings rose. Wickramatunge's assassination was in the wake of a series of killings and intimidation of journalists and lawyers, and attacks on independent media institutions in the south. A few weeks earlier, the largest independent television station in the capital, MTV, criticised by segments of the state of being unpatriotic, was attacked by a masked gunman in a city teeming with security forces. A few months earlier, the house of a leading lawyer and head of Transparency International, Sri Lanka, who had appeared in several fundamental rights cases, was struck by grenades. In August 2008, Sri Lanka lost its seat in the United Nation's Human Rights Council and has since turned down several requests of the United Nations Human Rights Commission (UNHRC) to set up an observer mission to monitor the situation in the country.

At the end of the war the UNHRC called for an independent inquiry into the war crimes by the parties to the conflict. The culture of militarisation and impunity that the conflict had enabled needs to be rolled back. Sri Lanka has one of the largest standing armies per capita in South Asia and alternative jobs would be necessary for the over 200,000 troops. The Sri Lankan government was spending almost 17 percent of the gross domestic product on the war effort. Kelegama (1999), estimates that every "one percent increase in defense spending leads to a 1.4 percent decrease in investment". Yet ironically, the temptation at this time seems to be to expand rather than contract the military for reasons best known to the Sri Lankan army commander who had suggested that the forces need to be expanded from 200,000 to 300,000.

The government faces an economic challenge to service its balance of payments deficit, also a result of soaring defence expenditure. It would also need to address the intra-group dynamics of the inter-group conflict. Many of those who fought and died or were disabled were from the poor rural communities and marginalised caste groups. A war economy had grown and many of the rural poor worked as soldiers (and women go as housemaids to the Middle East). In a time of rising unemployment due to the global recession, it would be necessary to boost the economy and provide jobs. The government has asked the international community for assistance with the reconstruction. However, given the fact that there are outstanding human rights issues, western donors have been reluctant to do so. The United States initially withheld an International Monetary Fund (IMF) loan. During the conflict, Asian donors supported the country while the western donors have been in retreat.

The situation in the eastern province which was re-captured by the Sri Lanka military from the LTTE in mid-2007 and which is showcased as a post-conflict development model is instructive. The International Crisis Group (ICG) report "Development Assistance and Conflict in Sri Lanka: Lessons from the North East", issued on 16 April 2009 notes that:

> Even now, the eastern province is still not the 'post-conflict' situation that development agencies had hoped. Despite the presence of tens of thousands of soldiers and police in the east, the LTTE has proven able to launch attacks on government forces and its rival, the Tamil Makkal Viduthalai Puligal (TVMP). There have also been violent conflicts between different factions of the pro-government TVMP and impunity for killings and disappearances, many of them apparently committed by government forces and their allies. The government still has not devolved power to the eastern province as required by

the 13th Amendment to the Constitution which established the provincial council system in 1987 in response to Tamil demands for regional autonomy. The governor of the province, appointed by the President, is blocking the councils; the initial piece of legislation and development planning, and implementation continue to be run from Colombo and the central government ministries. The government has yet to articulate any plans for a fair and lasting distribution of resources and political power that would satisfy all communities.

The ICG Report further notes that, "In this environment, development of the east remains affected by the conflict and threatens to exacerbate them. Despite the need for development there is a danger of funds being wasted or misused." The critique of development assistance within the country has, of course, also remarked that international aid itself has contributed in the past to the conflict scenario both due to poor governance locally and in the international aid system and bureaucracy, with the key issues being phantom aid, a lack of transparency about the amount and conditions of aid, and poor monitoring, evaluation and exit-strategies. In this context, it is hoped that in a post-conflict situation in Sri Lanka, the IMF loan and other forms of international aid would be conditional upon the civil society's monitoring of reconstruction assistance at the macro-economic and project level, given the fact that in the past, Sri Lanka has been subjected to the phenomenon of what a report by Action Aid International titled 'Real Aid' has termed 'phantom aid'.

Power-sharing and Reconciliation

A substantive peace would require a change in the currently dominant state-centric national security mindset that relies on high levels of militarisation and militarism now that the LTTE threat has passed. Rather, emphasis should be on addressing the immediate humanitarian needs of over the 250,000 internally displaced people, quick resettlement back into their homes and reunification with family members. Many were separated from their families in the final rush to flee the Sri Lankan government's onslaught and the LTTE. There are 400 orphans from the last days of the fighting. Also, there is a need to re-integrate the LTTE fighters who surrendered with their communities. The international community and aid agencies have only limited access to these people. Additionally, the resettlement of the 100,000 internally displaced Muslims, forcibly displaced by the LTTE from the Jaffna Peninsula, as well as the return of refugees from India and those who wish from the diaspora would be necessary.

The government would need to lift the Emergency Rule to which successive governments have become addicted. The substantive normalisation of the security situation and the lifting of barriers to movement would be necessary. Under the Emergency Rule, detention without informing family, disappearances and a culture of impunity which gave the armed forces and paramilitaries attached to the government *carte blanche* flourished. The war saw a systematic erosion of the Rule of Law and transformed civil military relations in Sri Lanka. The military is far more powerful than in the past.

The freedom of the media needs to be restored along with the lifting of the Emergency Rule and barriers to the movement of people in Vavuniya and Colombo. In early June 2009, there was a protest by journalists in Colombo due to the continuing attack on media freedom. Moderate Tamil voices need to be heard and provided the political space, and paramilitaries allied to the government need to be disarmed. During the war, both the LTTE and

government-allied Tamil paramilitary groups killed many moderates. Now the Tamil community is largely represented by fighters who have blood on their hands and are partners of the government. There needs to be a balance between rehabilitating and punishing these fighters. Those with records of grave human rights violations should not be appointed as ministers and the Tamil paramilitary groups supporting the government need to be disarmed.

The Tamil minority at this time is depleted, scarred and factionalised, having been destroyed by the LTTE and by the fury of the armed forces and the Sri Lanka state. The LTTE assassinated Tamil moderates such as Neelan Thiruchelvam and Amirthalingam and used child soldiers and women to wage violence. To be sure, the government has tried to distinguish between the Tamil civilians and the LTTE but, all too often, in the heat of the battle, they were reduced to the same thing and the Tamils in southern Sri Lanka are constantly racially profiled and, more often than not, treated as second class citizens. In this context, the devolution of power to the north and eastern regions and the implementation of the 13th Amendment to the Constitution which provides for a provincial government will be essential to ensure sustainable peace. For this, a southern consensus would be possible since the 13th Amendment was enacted under the United National Party government which is now the principle opposition party – it would have no major opposition. However, this may alienate the extreme Sinhala nationalist parties, the *Janatha Vimukthi Peramuna* and the monks' party, *Jathika Hela Urumaya* who are coalition partners in the Rajapakse government.

It is in this context that the resounding victory of the Congress Party in India may mark a new chapter in relations between the two countries and a new beginning. As South Asia's regional superpower, India has significant leverage over Sri Lanka. It is a major trading partner and has had a long history of engagement with the Tamil question in Sri Lanka.

Now that the LTTE threat is passed, there should be meaningful power sharing rather than the masquerade of democracy that is evident in the east since the government apparently "liberated" the eastern province. What exists in the east at this time is a distortion of democracy even though elections were held. It is in this context that a post-conflict political solution in Sri Lanka would require India's constructive engagement to ensure power sharing and the implementation of the 13th Amendment to the Constitution. The United States and Britain have condemned the humanitarian catastrophe unleashed by the Sri Lankan armed forces against civilians caught in the war against the Tamil Tiger separatists and have warned that Sri Lanka's leaders, as the LTTE would have been, must be held accountable for the violence against the civilians. The United Nations High Commissioner for Human Rights, Justice Navanethem Pillay, has called for a special council to investigate "war crimes" in Sri Lanka. India and many of Sri Lanka's Asian donors have remained largely silent.

The Gandhi dynasty had an intimate connection with the conflict in Sri Lanka. While it was Indira Gandhi's rule that saw the RAW set up and train the LTTE and other Tamil militant groups, her son, Rajiv Gandhi, was assassinated in an LTTE suicide attack in Tamil Nadu at an election rally. It is, thus, the hope of the moderate Tamils in Sri Lanka that Rahul Gandhi's generation would put the past behind and steer the Sri Lankan government to seek a sustainable peace on the island. It is hoped that a strong and stable Congress government in India will ensure that the defeat of the LTTE by the Sri Lankan government forces would translate into sustainable peace with justice for the minorities on the island.

Finally, Sri Lanka needs to reaffirm that it is a multi-cultural and multi-religious polity and a commission on ethno-religious equality should be set up. Finally, the challenge would be to move from a national security state to the human security paradigm that puts people and equitable human development first in the post-conflict period to ensure sustainable peace in Sri Lanka.

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