

Working and Outcomes of Democracy in Sri Lanka

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Sri Lanka's experience of the working of parliamentary democracy in the post-independence period points to an interesting paradox: while the institutional process has existed interrupted, with no successful military coups or the collapse of the democratic order, insurgencies and violent conflicts constitute a major dimension of the process of political change. Indeed, a focus on the working of institutional dimensions of politics would offer only a partial, incomplete picture of Sri Lanka's post-colonial political process. There have been three armed insurgencies in Sri Lanka. Two of them, one in 1971 and the other in 1987-1989, were in the Sinhalese polity. The other began in the late 1970s in the Tamil polity, escalated after 1983 and then developed into a protracted civil war seeking secession. It is quite clear that the insurgencies and the civil wars were necessitated by some fundamental inadequacies of Sri Lanka's democratic order. At the same time, a faulty democratic order has continued to exist without major structural reforms. It is possible to argue that both these processes, parliamentary democratic and extra-democratic domains of political competition and conflict, have been mutually dependent, one sustaining the other.

If the co-existence of processes of parliamentary democracy and insurgency constitutes a major puzzle in the working and outcomes of Sri Lanka's democratic order, it also points to the continuation of certain politics of exclusion that are embedded in Sri Lanka's democratic process. The exclusion can be observed in both social-class and ethnic dimensions of state-society relations. While electoral democracy had enabled almost all citizens to stake a claim in the process of governance, it has not ensured emancipatory expectations of many marginal social groups in Sri Lankan society, resulting in an ever widening process of social resistance and radicalisation. Similarly, the electoral democracy has encouraged emancipatory impulses among marginal and minority ethnic communities, but it has not led to political-structural reforms that could effectively meet ethnic minority demands for equality and autonomy. Social and ethnic exclusion have been major dimensions of the political process that has created in Sri Lanka multiple rebellions since 1970. In the context of social unrest and rebellion, governments have often resorted to the emergency rule (in 1958, from 1971 to 1976, and then from 1983 to 1993) and exceptionally repressive legislation such as the Prevention of Terrorism Act. There has been co-existence of the rule of law and state of emergencies.

State Institutional Domain

One major outcome of the democratic political process in post-colonial Sri Lanka has been the consolidation of ethnicized political imagination in Sinhalese and Tamil polities. Politics of ethnicity began in the early twentieth century with the introduction of limited suffrage in the election of members to the colonial legislative council. The composition of the legislative council in its early existence was on the basis of ethnic, or communal, groups in the country. Under the limited franchise, when representatives were elected for various communities, communal appeal became crucial for candidates to win elections. This 'communal' process took further roots in the polity when universal franchise came to be implemented after 1931. In the absence of a political party system, democratic electoral competition reinforced ethnic identity politics.¹ That created a political culture in which state power, or access to state power and distribution of public resources, came to be seen primarily from an ethnic zero-sum perspective.²

Meanwhile, the broad political context in which democratic institutions and processes worked in the post-colonial Sri Lanka was characterised by the rise and spread of Sinhalese majoritarian and Tamil minoritarian nationalist projects. To a great extent, these two projects were mutually exclusivist. In the dialectical process of political conflict, the two antagonistic projects also fostered and sustained each other. Ethnic polarization in a majority-minority framework was a defining dimension of the context in which democracy has taken roots in Sri Lanka. However, in Sri Lanka's majority-minority dialectic, Sinhalese nationalism also had a minoritarian character. In the articulation of Sinhalese nationalist demands, there has been a recurrent theme of small Sinhalese populace, confined to a small island, being threatened by larger Tamil nation that had been present not only in Sri Lanka, but also in large numbers in Southern India. This complexity had led to some observers to characterise Sinhalese nationalism as a political project of a majority community with a minority self-understanding, or a 'minority complex.'

In this backdrop, the point that needs to be made is that the democratic process in Sri Lanka, while encouraging ethnic political imagination, had also ethnicized projects of political emancipation. The story

of working of democracy is one of both generating emancipatory impulses in ethnic identity terms and exposing their limits in delivery any meaningful political emancipation.

Majoritarian Democracy

State institutions in post-colonial Sri Lanka worked within the general institutional framework of parliamentary democracy, yet this process, as already mentioned, took the character of an ethnic majoritarian democracy. The latter evolved in a context of the rise of Sinhalese-Buddhist nationalism the ideology of which contained a political vision of using the post-independence state institutions to serve the interests of the majority Sinhalese community. This Sinhalese nationalist political vision had evolved along with a specific political understanding of Sri Lanka's European colonial past since the early 16th century, which viewed the colonial rule discriminating the Sinhalese-Buddhists and favouring ethnic and religious minorities. Driven by this particular understanding of the past, Sinhalese nationalists developed the idea immediately after independence that the policies of the independent state should be devised in order to address the 'historical grievances' of the majority community. The Sinhalese nationalists believed that political independence that the British colonial rulers granted to Sri Lanka in 1948 was incomplete since the governmental power was transferred to a Westernised local elite. They argued that since the political independence did not result in the restoration of the pre-colonial Sinhalese-Buddhist state and that independence was an incomplete project, the way to complete the political independence was to transform the new state into one committed to correcting the historical injustices of the majority community. This meant that the state policies should specifically serve the Sinhalese language, Buddhist religion and the Sinhalese-Buddhist culture.³ The majoritarianisation of the Sri Lankan post-colonial state did indeed occur within the first decade of independence. In 1956, a new coalition - *Mahajana Eksath Peramuna* - MEP or People's United Front -- came into power committing itself to implement the Sinhalese nationalist political agenda. It was also a coalition of intermediate social classes in Sinhalese society, led by nationalist sections of the Sinhalese ruling class. One of the first policy measures implemented by the MEP coalition of 1956 was the making of Sinhalese, the language of the majority community, the official language, amidst much opposition from the minorities. The 1956 regime also established a ministry of cultural affairs in order to implement the government's policy of serving the Sinhalese-Buddhist culture.⁴

The First Republican Constitution of 1972 in a way culminated the process of the post-colonial state in Sri Lanka being majoritarianised. It altered the constitutional foundations of the Sri Lankan state in a manner that brought the state to comply with the Sinhalese nationalist vision of a nation. Among the key majoritarian features of the new constitutions was the continuation of Sinhalese as the official language and recognition that Buddhism was the foremost religion in Sri Lanka and that it was the duty of the state to protect and foster Buddhism. The new constitution abolished some major provisions that were in the previous Soulbury constitution as 'constitutional safeguards' for the minorities. Among these minority protection institutions that the 1972 Constitution abolished were the Second Chamber, or the Senate, the independent Public Service Commission, the Judicial Service Commission, and the limited facility of judicial review of legislation.⁵ These measures were adopted in 1972 in response to two major Sinhalese nationalist arguments. The first was the belief that that the previous Soulbury Constitution, drafted by the outgoing British colonial rulers, had more provisions than necessary to safeguard minority rights. The second was that an autochthonous, or homegrown, constitution should reflect the aspirations of the majority ethnic community and its vision of political independence..

Minoritarian Responses to majoritarian democracy

The Tamil minoritarian response to Sinhalese majoritarian appropriation of the Sri Lankan state initially took the form of a demand for federalising the state. The state that Sri Lanka inherited with the departure of the colonial rulers was both unitary and centralised. Thus, the unitary character of the state defined the overall nature of Sri Lanka's democratic institutions. And the unitarist character of the state that the colonial rulers thought best suited to Sri Lanka essentially coincided with the political vision of Sinhalese nationalism. Before independence, Tamil nationalist leaders had also worked essentially within a unitarist perspective. During the constitutional debate in the mid-1940s, the primary demand of Tamil leaders was

to ensure equal representation to minorities in the national legislature and constitutional safeguards so that the 'majority' rule would not be a 'tyranny of the majority.' However, within four to five years of independence, the Tamil leaders began to demand a federal constitution on the belief that there was only a secondary status available to the Tamil community in the post-independence unitary state.⁶

The Tamil leaders formed the Federal Party in 1952 to campaign for regional autonomy to the Sri Lankan Tamils. The unit of regional autonomy was to comprise of Northern and Eastern provinces which the Tamil nationalists considered as the 'traditional homeland' of the Tamil community. The federalist demand made by the Federal Party contained the ideological assumption that the Tamils in Sri Lanka constituted a separate nationality and that a bi-national polity required a federal constitutional framework.

Legislature and Its Representativeness

The central parliament and local government institutions were the two arenas for representation in Sri Lanka till 1987. The creation of Provincial Councils in 1987, as a measure of regional autonomy to address Tamil nationalist demand for independence, introduced another important tier of representative governance. The first-past-the post system defined the mode of the representation till 1978 when the system of proportional representation was introduced. The two electoral systems had ensured minority representation in national parliament to a fair degree. In fact, during the debate on the new constitution in the mid-1940s, the minority leaders were very keen to ensure an electoral system to guarantee adequate representation of the minorities. To ensure more minority representation, the Soulbury constitution provided for a system of appointed MPs. Under this system, parliament could appoint six MPs to parliament to represent communities that had not found adequate representation after an election. The Second Chamber, the Senate, was the other form for minority representation until it was abolished in 1972.

The Tamil Congress and the Federal Party were the two Tamil political parties that dominated Tamil representation in the Northern and Eastern provinces. There was also considerable representation of plantation Tamils in Sri Lanka's first parliament. However, with the citizenship and franchise legislation of 1948 and 1949, the plantation Tamil community lost representation in the House of Representatives. To compensate the loss, one or two of them came to be appointed to the Senate. The Muslim community did not have a political party of their own since 1987 when the Sri Lanka Muslim congress was formed. Until 1987, the Muslim leaders worked within the two main Sinhalese political parties, the United National Party (UNP) and Sri Lanka Freedom Party (SLFP).

The data on ethnic representation in parliament since 1947 indicate a distinct disadvantage to the Plantation Tamil community of recent Indian origin until the late 1970s, yet fair representation to Sri Lankan Tamil and Muslim communities. In the 1947 House of Representatives, out of 95 MPs, 68 were Sinhalese, 13 were Ceylon Tamils, 6 were Muslims, 10 were Indian Tamils and one member was Burgher. In 1952, the number of Sinhalese MPs went up to 75, Ceylon Tamil MPs remained at 13, Muslims at 6, Burghers at one and Indian Tamils lost all their seats. In 1960, the size of the House of Representatives was increased to 151. Of this number, 122 were Sinhalese, 18 were Ceylon Tamils, 11 were Muslims, 1 were Burgher and none of the MPs was Plantation Tamil.⁷ This tendency continued till 1977. After 1977, the Ceylon Workers Congress entered into coalition agreements with either the UNP or the SLFP to contest elections under the PR system. This became a useful strategy for the Plantation Tamil leadership to secure not only parliamentary representation, but also places in the Cabinet as well as Provincial Councils.

Meanwhile, Prime Ministers had always taken precaution to include one or two Tamil and Muslim Ministers in their Cabinets. In these appointments, there was no demographic proportionality or any such formula for ethnic equilibrium. In fact, the minority representation in the Cabinet has been minimalist. In the 15-member Cabinet of 1947, there were 12 Sinhalese, Two Tamil and one Muslim Minister. In 1952 Cabinet, the minority representation remained the same. In the 1956 Cabinet, there were two Muslim Ministers, but none from the Tamil community. In the eight-member Cabinet of March 1960, seven were Sinhalese, and one Muslim. Between 1960-65, there was one minority Minister in the Cabinet and he was a Muslim. There were two minority members in the Cabinet of 1965, one Muslim and the other Tamil. In the Cabinet of 1970, there were 17 Sinhalese Minister and one each from Tamil, Muslim and burgher communities. In the

Cabinet of 1977, 21 were Sinhalese, two were Muslim and one was Tamil. In 1978, one more Tamil was included in the Cabinet.

The real grievance of minorities concerning governance was not about the lack of representation, but the fact that even with adequate representation they had been excluded from the sphere of state power. The two main Sinhalese political parties who formed governments alternatively had essentially implemented a policy agenda that favoured the Sinhalese majority. Even in occasions when the support of the Tamil parties was obtained to form coalition governments, the majoritarian public policy regime had rarely changed.

The caste representation in parliament as well as other elected bodies of governance in Sri Lanka has taken an interesting sociological dimension. In Sri Lanka, there are no openly caste-based political parties. At elections, caste has not been an issue over which parties or candidates openly campaign. Yet, the caste factor has always been present in all elections, all parties, all parliaments and all cabinets in an unspoken manner.⁸ In selecting candidates, political parties usually give preference to candidates belonging to caste communities whose members are concentrated in particular electoral divisions. In appointing Ministers to cabinets, there is an unwritten rule to maintain some degree of balance among major minority caste groups in Sinhalese society - *karawa*, *durawa*, *slagama* and *bathgama*. Both in parliament and cabinet, it has always been the tendency for the dominant and majority caste - *govigama* in Sinhalese society - to have the largest presence.

One factor that has led to the intensification of caste competition in Sri Lanka's democratic politics in recent years is the introduction of the system of proportional representation (PR). The PR system, with its preferential voting, allows members of a caste minority concentrated in a particular area to vote en bloc to candidates belonging to their own caste community. This has enabled many marginal caste communities to recognize the value of *en bloc* voting, at parliamentary, provincial and local government elections. The inter-caste competition has become particularly intense in local government elections where local issues and local loyalties matter a great deal in the democratic process.

Accountability among Different Organs of Government

Until 2002-2003, the relationship between Sri Lanka's legislature and the executive branches of the state has been relatively conflict free. This is largely due to the institutional composition of the structure of state and governance. Under the Soulbury as well as the First Republican Constitution of 1972, Sri Lanka's system of government remained within the general framework of the Westminster model in which the political party or combination of parties that commanded the majority in parliament also controlled the executive through the Cabinet. The Cabinet system of government until the promulgation of the Second Republican Constitution of 1978 usually worked in the belief that the cabinet was accountable to parliament. The tradition as well as practice was that whenever the party that headed the cabinet lost the majority in parliament, that party would resign from office and call for fresh parliamentary elections. For example, in March 1960, the UNP, which formed a minority government after elections, lost at the voting on the Governor General's policy speech and then the Prime Minister and his Cabinet immediately resigned calling for fresh parliamentary polls.

However, a conflict of epic proportions developed between the President and Parliament in 2002-2003 under the conditions of Sri Lanka's 1978 Constitution. Contrary to the expectations of its framers, the 1978 constitution created an anomaly after the parliamentary elections held in December 2001 when the UNP obtained a majority in Parliament while the all powerful President was from the opposing People's Alliance. Under the constitution, the party that commanded the majority in parliament could form the government and the cabinet, with its own Prime Minister. The anomaly in this situation was the President from the opposing party was the Head of the state as well as the Cabinet. For the President and the Prime Minister, and for the head of the executive and the majority party in parliament to work together, a new framework of cooperation - cohabitation—was needed. Yet, in a context of bitter rivalries and animosity between the two main political parties and its leaders, the President and the Prime Minister failed to develop cohabitation arrangements. Eventually, the President dismissed the UNP government from office in December 2003, dissolved parliament and won the power back to her party in April 2004.

The relationship between the legislature and the judiciary has also been generally conflict free, but at the expense of minority rights. One major institutional reason for the absence of tension between Sri Lanka's legislature and the judiciary is the fact that there has not been a clear provision for judicial review of legislation under the Soulbury constitution and the explicit prohibition of the principle of judicial review in the 1972 and 1978 constitutions. Under the Soulbury Constitution, judicial review of legislation was not explicitly provided for or excluded. Acting on this lacuna, the Tamils challenged before the judiciary the citizenship and official language legislations of 1949 and 1956 respectively before the judiciary on the premise that the two acts passed by the Sri Lankan parliament violated the constitution. While the lower judiciary accepted both the principle of judicial review⁹ and the argument that those laws were *ultra vires* of the constitution, the Supreme Court on appeal held the view that the Sri Lankan judiciary did not have the power to examine the validity of a law passed by a sovereign parliament.¹⁰

In the ethnic composition of the judiciary, bureaucracy and the armed forces, there have not been minority complaints as such until the civil war of 1980s and 1990s. In contrast, the grievances came from Sinhalese nationalists who believed that in most of the post-independence decades, ethnic and religious minorities (particularly Tamils and Christians) had dominated the higher judiciary, the officer corps of the armed forces and the higher ranks of the bureaucracy. There was a sociological reason for the disproportionate presence of ethnic and religious minorities in those prestigious and strategic services. During the British colonial rule as well in the first decade of independence, positions in these services were accessible only to the English educated elite. The vernacular educated found themselves excluded from the judiciary, armed services as well as the civil service. A change occurred in this only after 1970 when the Left-nationalist government of the United Front, led by Prime Minister Sirimavo Bandaranaike, initiated a programme of indigenising the judicial, military, police, diplomatic and civil services. This project of indigenisation essentially meant the recruitment of Sinhalese educated men and some women to those positions. Eventually, this practice became a component of the majoritarianisation of state structures.

The ethnic composition of the armed services in the early years of independence was characterized by what has been described as the "over representation" in the officer corps of the Tamils and Burghers, two minority communities.¹¹ In this period, Sinhalese Buddhists, who represented about 70 % of the population formed only two-fifths of the officer corps. The composition of the officer corps was also skewed towards the Christian minority. Meanwhile the majority of the rank and file of the armed forces came from the ethnic majority of the Sinhalese-Buddhists. This picture began to change after the Sinhalese nationalist regime of 1956. There was a conscious policy to promote Sinhalese Buddhist presence at the level of officers. This policy for change in the character of the armed forces became intensified after the failed military coup of 1962 in which a group of officers, all of who belonged to ethnic and religious minorities, attempted to take over power from Mrs. Bandaranaike's government.¹²

Ethnic imbalance in the security and public services became an issue after the escalation of the ethnic conflict in the early 1980s. In the backdrop of the Tamil nationalist war for secession, the government drastically reduced the recruitment of Tamils to the police, security forces and the civil services. There was no comparable reduction in the recruitment of Tamils to the judiciary. Government leaders often cited the presence of Tamils at the top of the legal profession, in the judiciary as well as in the Attorney General's department, to make the point that the Tamil nationalist claim about minority discrimination was not true.

Judiciary, the Public Service, and the Armed Forces: The Question of Independence

The notion of the independence of the judiciary and the public service as well as the armed forces in Sri Lanka needs to be problematized in relation to ethnic relations, social change and political transformation.

These three organs of the state in Sri Lanka have a reputation of being 'independent' in the sense that there have not been conflicts with the political executive or the legislature. Even then, the notion of their 'independence' needs to be problematized in relation to ethnic relations, democracy and pluralism, and the social bases of these institutions.

The bureaucracy has been 'independent' in constitutional and social sense till about the 1970s. In fact, the Soulbury Constitution which was in operation from 1947 to 1972 had provision to protect the public service from political control. There was an independent Public Service Commission, established by the Constitution itself, in charge of making appointments, transfers and disciplinary procedures concerning the civil service. Politicians could not influence the decisions of the Public Service Commission. In a social sense, members of the civil service in the initial decades of independence came from the Westernised educated urban elite who enjoyed a certain class authority in their relationship with professional politicians. The constitutional position of an independent public service was changed in 1972 when the First Republican Constitution brought the public service under political control. The new constitutional provision stipulated that the Cabinet of Ministers "shall be responsible for the appointment, transfer, dismissal and disciplinary control of state officers" (Section 106 (i) of the 1972 Constitution). This change was made in response to a particular critique of the civil service that both nationalists and socialists had developed in Sri Lanka. According to that critique, the civil service was a continuation of the colonial bureaucracy that was not accountable either to political leadership or the people. It also viewed the bureaucracy as a 'reactionary' force and an obstacle to social change and progress in the direction of serving the poor and the ordinary masses of the country. In this perspective, independence of the public service was seen as an unnecessary luxury. Thus, bringing the public service under political control was seen as necessary to transform it from being a reactionary entity to an instrument of progressive social change. Meanwhile, there has been a recent criticism of the public service in Sri Lanka that it has been excessively politicised. There is a growing realisation in Sri Lanka that bringing the public service under political control in 1972 was a mistake, particularly because it destroyed the independence, efficiency and integrity of the public service. The argument now is for a de-politicised public service.

The story of the independence of armed services and the police is no different from that of the bureaucracy, except that even under conditions of a prolonged civil war, the officers of the Sri Lankan armed forces have not altered the basic framework of civil-military relations that continue to exist under civilian control. During at least the first two decades after independence, Sri Lanka's armed forces performed an essentially ceremonial role while the police carried out law-and-order functions. The military was summoned to perform special tasks during the emergencies. One such emergency was in 1958 when race riots broke out between Sinhalese and Tamil civilians. When the government declared a state of emergency, it also mobilised the armed forces to assist the police in maintaining law and order. As we have already noted, the officer corps of the armed services and the police during the first two decades of independence was from the English educated upper strata of the religious and ethnic minorities, primarily Burghers, Tamils and Christians. Some of them tried to launch a military coup in 1962, but failed. After this unsuccessful coup attempt, the SLFP government implemented a policy of strengthening Sinhalese-Buddhist presence in the officer corps of the armed forces and the police. The civil war involving the Tamils and the Sri Lankan state that began in early 1980s further consolidated this process. It is however noteworthy that despite these volatile political processes that brought the armed forces to the centre of events, the civilian political leadership has managed to maintain control over the security services. Except occasional stories of politically ambitious military officer or two, the officer corps has also been remarkably 'well-behaved' in not attempting to transgress the traditional civil-military relationship.

In suppressing two insurgencies in the Sinhalese South, in 1971 and 1987-889, and in confronting a prolonged secessionist war from 1983 onwards, the role of the armed forces in Sri Lanka in defending the state and its territorial unity has become quite visible. The size of the armed forces and the police has also grown dramatically. Yet, the armed forces continue to work under civilian political authority and control.

Concerning the judiciary, the story is a peculiar one in which the independence of the judiciary is being viewed in terms of it as an institution that is beyond and above public scrutiny and accountability. Sri Lanka's higher judiciary has generally been a conservative entity. It allowed women - a woman judge, to be accurate-- only in 1997, even under great protest from both male and women lawyers, including feminists. Feminist legal activists with bourgeois and upper class social backgrounds opposed the appointment of the first woman judge for class reasons, because this particular judge did not have upper class and elitist social credentials. What it meant was that Sri Lanka's higher judiciary has been generally male-centric and upper class in social orientation, supported by an essentially elitist and self-serving professional class - a fact that many in Sri Lanka continue to consider normal and natural. Meanwhile, the judiciary does not tolerate public criticism. A young academic attached to Colombo University's Law Faculty wrote a scholarly essay in the late 1980s criticising a Supreme Court judgement. A Supreme Court

judge, who ironically became the foremost liberal judge in the Bench, threatened the young academic with 'contempt of court' citation unless he personally apologized to the judge. The judge withdrew his threat of contempt proceedings against the relatively unknown academic only after a senior lawyer, who was a politician as well as a human rights leader, pleaded personally with him and apologised. During the same period, late 1980s, a visiting Fulbright Professor from University of California at Berkeley planned a public lecture at Colombo University. His lecture was to be a critical assessment of a Supreme Court judgement on air piracy. The lecture had to be cancelled on the instructions of the Chief Justice. In both occasions, the argument put forward on behalf of the Supreme Court was that the Sri Lankan judiciary was above public criticism, except within the judicial process itself.¹³ This quite simply means that the judiciary's construction of the notion of 'independence' is one that does not accommodate scholarly or public criticism.

As recently as in 2004, Sri Lanka's Supreme Court sentenced a senior politician for two years of rigorous imprisonment on a charge of contempt of court. This demonstrated the degree of judicial intolerance of public and political criticism of the judiciary. Sri Lanka does not have a tradition of critical legal studies to subject judicial decisions to critical academic scrutiny. Pious statements made by leading lawyers at ceremonial sittings of the Supreme Court, or inauguration ceremonies for the newly elected President of the Bar Association, provide some space for occasional, extremely timid and amusing criticisms of the judicial conduct. That criticism has had no value other than being both cathartic and ritualistic.

Constitutional and Institutional 'Innovations'

In the sphere of institutional innovations and democratic governance, Sri Lanka's experience during the post-independence years has been a mixed one. The constitutional changes have been primarily in two directions, establishing the Sinhalese majority control over the state power and concentrating governmental power in the hands of the leaders of the executive branch of state, first the Prime Minister and then the President. There were indeed opportunities for greater and more democratic institutional innovation in the spirit of pluralism and multi-ethnicity in 1972 and 1978 when new constitutions were promulgated, but the Sinhalese political class, that dominated the reform process, was not very keen to widening the democratic-pluralistic foundations of the state. The reform ideas in which they believed in both occasions of constitutional reform were simply about strengthening the state in a framework of unitarism and centralism.

The constitutional change of 1972, when Sri Lanka was made a Republic, was hailed at the time as a great 'innovation', even a constitutional 'revolution,' on the argument that it was a 'home-grown' constitution. It was 'home-grown' in a limited sense. The United Front (UF) government, when it contested the parliamentary elections held in July 1970, sought a direct 'mandate' from the people to abolish the then existing Soulbury Constitution and replace it with a new constitution drafted by a Constituent Assembly. The UF government resorted to the device of Constituent Assembly in order to avoid the consent of the British parliament for the new constitution making process. The Constituent Assembly, which consisted of members of parliament who were elected at the parliamentary elections, deliberated for about a year constitutional proposals and adopted the new constitution. In terms of innovation, the Constituent Assembly totally rejected the proposal for a federal constitution made by the Federal Party. The new constitution re-affirmed the unitary and centralised nature of the Sri Lankan state, made the legislature the supreme organ of state power, established the authority of the Prime Minister and the Cabinet over the process of law making and governance, did away with many provisions that existed in the previous constitution to safeguard minority rights, and brought the public service under the political control of the cabinet. These changes appeared 'innovative' at the time of their introduction, because the ideas of constitutionalism that existed in Sri Lanka in the early 1970s were a combination of socialism and nationalism. These were ideologies that saw the state as the supreme instrument in social progress. This instrumentalist perspective envisaged a strong, interventionist state with minimum accountability. That was precisely the reason that the makers of the 1972 constitution brought the public service as well as the judiciary within the sphere of control of the legislature and the cabinet, and merely listed 'fundamental rights' in the constitution making them explicitly unjusticiable. In retrospect, all these were negative innovations.

The 1978 Constitution carried out the process of negative innovations when it altered the basic constitutional framework of the Sri Lankan state by introducing what has been a presidential system conceived within the de Gaullist authoritarianism in France.¹⁴ J. R. Jayewardene, who was the architect of the 1978 Constitution, held the view that the framework of government that had been designed along the pure Westminster model, could not create in Sri Lanka what he saw as 'political stability' in adequate measure. He also believed that in order for Sri Lanka to achieve rapid economic growth, the pre-existing development model of 'state capitalism' with social welfarism had to be immediately abandoned. That in Jayewardene's thinking required on the part of the political leadership the ability to make unpopular policy decisions and their rapid implementation with no regard for popular opposition. This proposal for taking unpopular policy decisions in turn required a new political order in which the head of state would not be subjected to, in Jayewardene's own words, the 'whims and fancies' of parliament! It is in this context that Jayewardene conceived for Sri Lanka, and for himself, a new constitution which brought the Gaullist presidential system to the centre of the constitutional foundation of Sri Lanka's state. Under the new system of government, the President, directly elected by the people, became the centre of state power. Being the head of state, head of government, head of the cabinet and head of the ruling party, the President could wield enormous power, totally unaccountable to parliament or the judiciary. The only occasion of presidential accountability was to be a presidential election. Sitting presidents, one may not, would rarely lose a re-election.

Another key innovation under the 1978 constitution was the introduction of Proportional Representation (PR) in place of the traditional first-past-the-post system of elections. Sri Lanka is the first South Asian country to opt for the PR system. Jayewardene's justification of abolishing the pre-existing electoral system was two fold. Firstly, he argued that the first-past-the-post system did not accurately reflect the overall voting pattern in the country, resulting in the distortion of the outcome when a party with a lesser percentage of the total votes would still obtain a majority number of seats in parliament. Secondly, he argued that the existing system could not ensure governmental stability and had led to unstable coalition governments. The PR system, in contrast, was to ensure an accurate reflection in parliament the overall voter preference in the country while ensuring government stability. With the latter in mind, Jayewardene initially introduced 12.5 per cent cut off point for political parties to qualify for seats in parliament. The objective clearly was to eliminate smaller parties from parliament so that the two or three major parties will have domination in the legislature. However, this cut-off point was later reduced to five percent in response to the pressure from a newly formed Muslim party, Sri Lanka Muslim Congress.

As an institutional innovation, Sri Lanka's PR system has produced both positive and negative outcomes. Among the major positive outcomes is the opportunity it offers, particularly after the cut-off point was reduced to five percent, to small and ethnic minority parties to get elected to parliament. With this change, Sri Lanka's parliament now represents almost all the important shades of political opinion. At the provincial and local level of representation, the PR system has also enabled some marginal caste communities to claim places within the party lists on the strength of concentration of a sizeable number of voters belonging to their specific community. The PR system has also created conditions for coalition government involving one major party and many smaller parties. This is because, under the new electoral system, no single party has so far emerged commanding even a simple majority in parliament. Because of this new dynamic, major parties have begun to form both pre-election and post-election coalitions, thereby strengthening the importance as well as the bargaining capacity of the smaller and ethnic minority parties.

Among the negative outcomes of the PR system is the weakening of the relationship between the MP and the voter. This is due to the fact that the MPs no longer represent a specific electorate, but are elected to an electoral district which may contain a number of traditional electorates. As it has often happened, after a parliamentary election, there may be at least dozen electorates without an MP. Even those elected MPs have focus on a fairly big electoral district. This has led to the weakening of the link between voters and MPs. Because of the fact that candidates are now compelled to campaign throughout an electoral district with a number of traditional electorates, election campaigns under PR system have become extremely costly. This has led to two negative consequences. Firstly, candidates with wealth and resources to finance expensive campaigns have a better chance of winning. Secondly, candidates often begin to depend on rich businessmen thereby making corruption an integral dimension of electioneering.

There has been a major argument in Sri Lanka for reforming the PR system. There are three key arguments in favour of electoral reforms. Firstly, the fact that the PR system has forced major political parties to

form coalition governments is seen in Sri Lanka in a negative light. Some argue that it has created political instability, instead of envisaged stability. Some others argue that the smaller parties have gained an undue advantage over major parties, because the latter is compelled to depend on the former for survival. Sinhalese nationalists have added strength to this argument pointing out that the two main Sinhalese political parties, the UNP and SLFP, have been forced to make dangerous compromises with relatively small Tamil and Muslim parties for sheer survival in power. An option that has been proposed is the German mixed system in which elements of both PR and FPP could be retained.¹⁵ A Parliamentary Select Committee for electoral reforms was appointed in 2003. It recommended that a “mixed system” be adopted, incorporating elements of the two electoral systems.¹⁶ But the electoral reform process has reached an impasse. The small parties who have benefited from the existing PR system are hardly serious about changing it, because they would be losers in any alteration of the PR system.

Another key institutional innovation is Provincial Councils (PCs) which were established in 1987 as a measure of provincial autonomy and devolution of power. The political objective of the PCs was to provide an institutional framework for a political solution to Sri Lanka’s ethnic conflict. They were set up under the 13th Amendment to the 1978 constitution. All the nine provinces in Sri Lanka were to be turned into elected provincial councils, except the Northern and Eastern councils which were to be merged after a referendum. The rationale for the merger of the North and East came from the notion that the two provinces constituted a unified ‘homeland’ of Sri Lankan Tamil people. Interestingly, the Provincial Councils were created in 1987 not on the free will of the Sri Lankan government or the ruling elites, but due to the diplomatic and military pressure brought on them by the Indian state through the Indo-Lanka Accord of July 1987. It needs to be noted that because of the perception of external imposition, the PC system did not enjoy much popular support when it was created. Rather, there was Sinhalese nationalist resistance, beginning with protest demonstrations and the leading to a prolonged armed insurgency against the state. When the elections for the provincial councils were held in 1988 on a staggered basis because of this resistance, there was much violence that included the assassination of candidates, campaign workers and voters. Anti-PC election violence spread countrywide. In the South, the violence was mobilised by the *Janatha Vimukthi Peramuna* (JVP) on the argument that the system of devolution and PCs were a part of an Indian-led conspiracy to territorially disintegrate Sri Lanka. In the North and East, the LTTE unleashed violence to disrupt the PC elections on the argument that devolution was a part of the Indian government strategy to weaken the Tamil liberation struggle. Meanwhile, the SLFP, the main opposition political party, boycotted the PC elections in 1988 because the party opposed to any measure of regional autonomy deviating from the unitary state structure.¹⁷

There is however an irony in the evolution of provincial councils in Sri Lanka. Although it lacked political legitimacy at the beginning, the provincial council system is now an integral part of the constitutional as well state structures in Sri Lanka. The JVP that opposed the inauguration of the PC system through a violent anti-state rebellion as well as the SLFP which opposed the devolution process have now accepted it. Both parties have joined the PC process, even controlling some of them.

Party Political Domain

Over the past five decades, Sri Lanka has developed a system of competitive political parties, along with a tendency for two political parties, the United National Party (UNP) and Sri Lanka Freedom Party (SLFP) to continue to remain the main ruling parties. The UNP was formed in 1947 and the SLFP in 1952. However, there are two Left parties with a longer history, the *Lanka Sama Samaja Party* (LSSP) formed in 1936 and the Communist Party formed in 1944. These two Left parties spearheaded the parliamentary opposition till about the 1960s. Later in the 1964 and 1970, they formed a coalition government with the SLFP.

The social base of the UNP’s leadership came from the urban, landed and professional elite who constituted the top stratum of Sri Lankan society. Initially, the UNP’s social base was also multi-ethnic in the sense that Tamil and Muslim leaders, representing the respective ethnic elites, were among the second-level leaders of the party. Its electoral base was essentially the rural peasantry, while the rural landed and upper caste sections constituted its actual power base in the rural society. The UNP’s national leadership meanwhile has remained within two families, the Senanayakes and Jayewardene’s. The SLFP was formed in 1952 by a break away group from the UNP. Led by S. W. R. D. Bandaranaike, the SLFP

appealed to the more nationalist sections of Sinhalese society. Its leadership came from the aristocracy, urban gentry as well as the intermediate groups in Sinhalese society. The SLFP's electoral base was also the rural peasantry. Its rural leadership came from the secondary strata of the rural elite, who did not have extensive agrarian landholdings. The Left has described the SLFP as a party of the 'national bourgeoisie' and this term helps us to distinguish the class bases of the SLFP leadership from that of the UNP. In its anti-colonial and nationalist ideology with stress on social welfarism, the SLFP, soon after the party was formed, succeeded in making inroads into the electoral bases of both the UNP and Left parties. Forming a broad alliance with a group of Sinhalese nationalist forces, the SLFP won the parliamentary election in 1956 and formed the coalition government of *Mahajana Eksath Peramuna* (MEP).

There have been smaller parties formed in Sri Lanka in the 1950s, 1960s and 1970s. However, the governmental power has alternated between the UNP and SLFP. Other significant parties were the LSSP, CP and the Federal Party. While the LSSP and CP drew their support from the urban working class in the Western province and a few rural electoral districts in Southern and Sabaragamuwa provinces, the Federal Party was essentially ethnic and regional party of the Tamils. The FP's support was confined to Northern and Eastern provinces where the Tamil population had historically been concentrated. A notable tendency in the political party system in Sri Lanka is the emergence and consolidation of ethnic parties. The FP and the All Ceylon Tamil Congress were the two traditional Tamil parties. In 1976, Tamil United Front was formed to unify all Tamil political formations. Meanwhile, the plantation Tamil community has its own political party, the Ceylon Workers' Congress (CWC) which is also their main trade union. The plantation Tamil population is concentrated in the Central and Uva provinces, and therefore the CWC's main electoral bases are these two provinces, particularly Nuwara Eliya and Badulla districts. The formation of a separate Muslim party (SLMC) in 1986-87 was significant in the sense that it brought to the electoral arena a new political leadership of the Sri Lankan Muslim society. The new leadership emerged from educated and non-elitist Muslim youth most of who came from the Eastern Province. Until then, the political leaders of the Muslim community were business and professional elites from Colombo who worked through the two main Sinhalese political parties.

The emergence of the *Janatha Vimukthi Peramuna* (JVP) as an electoral parliamentary party in the 1990s, after two unsuccessful armed insurgencies, is a major development in Sri Lanka's political party system. Formed in the late 1960s as an underground radical movement, the JVP was responsible for the two abortive insurgencies of 1971 and 1987-89. In its early years, the JVP's ideology was a mixture of Marxism, Maoism and third world radicalism. It mobilised mainly the educated youth in Sri Lanka's rural Sinhalese society. In the late 1970s and early 1980s, the JVP made an attempt to join parliamentary politics. In the early 1980s, the JVP contested local government and Presidential elections. The movement suffered a major setback in 1983 when the government proscribed it after the July 1983 anti-Tamil riots. Then the JVP went underground again and moved towards a Sinhalese nationalist ideology - or 'patriotism.' It then organised a 'patriotic rebellion' after Sri Lanka's President Jayewardene and India's Prime Minister Rajiv Gandhi signed the Indo-Lanka Accord of July 1987. The JVP's justification of the rebellion was that the Accord was a part of an Indian strategic design to colonise Sri Lanka, using the Tamil ethnic problem as a pretext. In the rebellion that lasted nearly three years, most of the JVP membership and leaders perished to violence. After a few years of inactivity since the bloody defeat of the 1987-89 insurgency, the new JVP leadership re-organised the movement as an electoral party, contesting local government, provincial council and parliamentary elections. At the parliamentary election of 1994, the JVP won one seat. At the April 2004 elections, the JVP fared extremely well, electing 39 of their candidates to parliament. Two factors enabled the JVP's electoral success in April 2004. The first is that fact that the JVP contested the election in coalition with the SLFP which enabled many JVP candidates to secure SLFP votes. The second is the existing PR system that allocates seats according to percentage of votes parties poll in electoral districts.

The process of political parties in Sri Lanka's Tamil society has also been a chequered one. Until the mid 1970s, the Federal Party and All Ceylon Tamil Congress were the main Tamil political parties. The FP had in 1965 entered into a coalition government with the UNP in order to bargain for some regional autonomy. That experiment failed. In 1972, the Federal Party proposed a federal constitution to the Constituent assembly which was deliberating a new constitution for Sri Lanka. The constituent assembly rejected this federal proposal, and consequently the FP boycotted the constitution making process. The new constitution of 1972 turned out to be a unitarist one, with no provisions for minority rights. Subsequently, the relationship between the FP and the government deteriorated in a context of nationalist radicalisation of Tamil politics. In 1975-76, there were attempts to form a common Tamil political front in order to

mobilise the Tamil populace for a new phase of bargaining with the government. The Tamil United Front, which later became Tamil United Liberation Front, was formed in 1975 in this backdrop. The TULF contested the parliamentary elections of 1977 on a separatist platform and won 18 seats from the Northern and Eastern provinces. The TULF interpreted this electoral outcome as a mandate to seek a separate state through peaceful means. The relationship between the new UNP government and the TULF also entered a path of confrontation and hostility when there were regular incidents of anti-Tamil violence. The anti-Tamil riots of 1983 radically altered the nature of ethnic politics in Sri Lanka, paving the way for militarisation of the conflict. In order to quell the growing campaign for Tamil separatism, the UNP government introduced a constitutional amendment banning the advocacy of separation. The TULF refused to take the oath of office under the new constitutional amendment and that disqualified the MPs of the main Tamil political party from being members of parliament. The TULF leadership went into exile in South India and that marked the beginning of the domination of Sri Lankan Tamil politics by militant movements engaged in a civil war with the state.

During the civil war after 1983, a number of Tamil militant groups emerged to fill the political vacuum created by the TULF's exile. They carried forward the TULF's political project by means of an armed struggle. Quite interestingly, a number of them abandoned the path of armed struggle and joined what has been termed in Sri Lanka as 'the political mainstream' after the Indo-Lanka Accord of July 1987. The Accord sought to bring the Tamil nationalist insurgency to an end by means of a 'political solution' the centrepiece of which was the setting up of a system of provincial councils. Called 'devolution of power', it meant to provide regional autonomy to the Tamil-majority Northern and Eastern provinces in a semi-federal framework.¹⁸ Among those militant groups who emerged as political parties to work within the arena of provincial councils and parliament are Eelam People's Revolutionary Front (EPRLF), People's Liberation Organisation of Tamil Eelam (PLOTE), and Eelam People's Democratic Party (EPDP). These three parties and the TULF have been active in parliamentary politics since 1987.

The ethnic conflict and the civil war provide the crucial context in which political parties in Sri Lanka's Tamil and Muslim polities have evolved and functioned. The Sri Lanka Muslim Congress (SLMC), now the leading Muslim political formation in Sri Lanka emerged in 1986-87 against the specific backdrop of the ethnic conflict. Until then, Muslim political interests were represented in the UNP, SLFP or the TULF. One crucial development occurred even in the early phases of civil war in the 1980s was the development of enmity between Tamil and Muslim communities, particularly in the Eastern province. Quite interestingly, Tamil nationalists always included the Muslim community in their conceptualisation of the Tamil struggle. The formulation 'Tamil-speaking people' included both the Tamil and Muslim communities since both spoke the same language. When the Sinhalese-Tamil ethnic conflict developed into a war, the Muslim politicians began to argue for a separate and independent political identity to the Muslim community, because they did not share the Tamil nationalist agenda of secession and the means to achieve it, the armed struggle. The formation of SLMC occurred primarily against this backdrop of the civil war. Some of the key leaders who founded the SLMC were political activists of the TULF in the Eastern province. In articulating a separate political identity for the Sri Lankan Muslims, they argued that although both Tamils and Muslims spoke the same language, Tamil, their separate religions gave them separate cultural identities and their different political aspirations constituted separate political identities.¹⁹

Ethnic conflict has also imposed restrictions on the functioning of political parties in Sri Lanka. During the civil war, conventional political parties did not function in the areas of war, particularly in the Northern province. In the areas under the LTTE control, the LTTE does not allow any political party to function. The non-LTTE Tamil parties who have joined the parliamentary politics function in the North mainly in areas under the government control.

Political parties have penetrated Sri Lankan society to a great extent. Among citizens, party loyalties are very strong, and most of the violence during the election campaigns and after elections occurs because of the strong political party identities. Political parties have been quite active during as well as between elections. One of the main reasons for strong political party loyalties has been that party networks have also been networks of patronage politics and resource distribution. Party networks are also networks of power and domination at the local levels as well as in neighbourhoods and workplaces. Against this backdrop, a parliamentary election will not only result in the change of power at the national level. It also marks change of power embedded in party networks at those local, neighbourhood and workplace levels. It has been a tendency in Sri Lanka since the early 1970s for this multi-level change and transfer of power to be violent.

Non-Party Political Domain

The working of Sri Lanka's democratic process has evolved in relation to a fairly active civil society that has functioned parallel with the political party domain. Sri Lanka has had a very strong working class/trade union movement the militant history of which goes back to the early twentieth century. Till about the 1970s, Left parties provided political leadership to the trade union movement. With the decline of the Left and as a consequence of economic liberalisation which began in the late 1970s, the influence of the trade union movement has also declined. There has been a tendency since the 1970s for trade unions to align themselves with political parties in power, because the trade union politics became attached to the patronage politics of the two main political parties, the UNP and SLFP that compete for governmental power. With the economic liberalisation, the structure of production in the manufacturing and export processing sectors has also changed. In the new capital-labour relations in this expanding sector, there is no room for unionisation. The nature of working class has also drastically changed in the sense that young male and female workers from rural areas are recruited to the export-processing sector, with no exposure to unionisation.

In the agrarian sector, the peasantry remains essentially unorganised. There are a few peasant organisations, led by Left activists. The rural peasantry is politically 'organised' through national political parties and therefore there is hardly any political activism on the part of rural peasantry outside the electoral process.

Traders, industrialists and manufacturers are well organised in Sri Lanka. There are competing chambers of commerce and industry that provide organised forums for the employers. The Ceylon Chambers of Commerce (CCC) is the largest and oldest business chamber which has been maintaining close links with major political parties as well as governments. Business chambers have developed two main strategies of influencing political parties and parties in power. The first is the formal consultation on issues of economic and financial policies. The second is an informal one. It entails the donation of large sums of money to political parties in times of election. In fact, the business houses are known to donate money to almost all political parties at varying proportions. The political parties in turn are not known to maintain accounts of private donations. Sri Lanka does not have a law to regulate political party funding during elections.

One key development in the non-party political domain is the emergence and spread of human rights and women's movements since the 1970s. The formation of the Civil Rights Movement in 1971 to campaign for the release of young political prisoners connected to the 1971 JVP insurgency marked the beginning of Sri Lanka's human rights movement. Human rights concerns became quite urgent after 1983 when the ethnic conflict entered the phase of a civil war. Individual human rights as well as minority rights were at the centre of human rights agenda during this period. Among the violations that were frequently reported in the ethnic war as well as during the JVP insurgency of 1987-89 were disappearance of civilians, abductions and extra-judicial executions, arbitrary arrest and detention, torture and severe restrictions on the freedom of speech and the of the press. Human rights bodies brought to the world attention of the grave human rights situation in Sri Lanka while campaigning nationally and internationally for the restoration of civil and political rights as well as minority rights.

The women's movement became particularly active during the ethnic war and the JVP insurgency. A number of independent women's initiatives sprang up in the 1980s and 1990s to protect human rights and make the state accountable to large numbers of cases of disappearances and extra-judicial killings. The Mother's Front in Batticaloa and the Mothers of the Disappeared in the South were particularly active women's organisations during the 1980s. A range of women's civil society bodies emerged during this period to mobilise and coordinate women's activism for democracy, peace and human rights. 'Women for Peace' was a leading mobilisational group in Colombo. In fact, women's organisations took up politically urgent issues which the political parties and trade unions would not normally consider as their legitimate agenda of activity.

Community mobilisation for alternative development initiatives has been the main concern of the Sarvodaya movement, one of the largest civil society, or non-governmental entities in Sri Lanka. Sarvodaya

was established in the late 1950s as a voluntary citizens' initiative for rural upliftment, particularly development among marginal and poor caste communities in rural Sri Lanka. It later evolved itself into a major network of citizens, even drawing hostile responses from political parties and governments.

Non-party, or civil society, groups were politically active and played a crucial role for democracy in the entire 1980s and early 1990s when the traditional role of the opposition had become weak and ineffective.²⁰ The rise of the politically active society movement in the 1980s occurred in a peculiar political context in which the ruling UNP held a five-sixth majority in parliament and the parliamentary opposition had become fragmented and weak, unable to pose a credible challenge to the UNP rule of constitutional authoritarianism. The civil war and continuing state of emergency also contributed to an atmosphere in which the traditional opposition parties found themselves ineffective. In this backdrop, a few civil society groups working in the field of human rights became significant centres of dissent and mobilisation. The Movement for Inter Racial Justice and Equality (MIRJE) was one such civil society body. Formed in 1978 in the context of growing inter-community tension, MIRJE provided a rallying ground for human rights and democratic activists. Its campaign for minority rights, democracy and peace was significant at a time when the political parties did not take up these issues. In the early 1990s, when there emerged an anti-authoritarian political movement, a broad coalition of trade unions, women's organisations and civil society bodies had developed arguing for negotiated peace, returning to parliamentary democracy, constitutional reform, human rights and media freedom. Other than MIRJE, the Free Media Movement acted in this period as a centre of dissent as well as a forum for freedom of expression and human rights. In the regime change of 1994, this civil society 'movement' made a significant contribution by preparing the ground for a new stage of democratic politics.

Meanwhile, civil society activism has also become a subject of intense controversy in Sri Lanka. Described as NGOs in a pejorative sense, they first became a target of attack of intellectuals and the press affiliated to Sinhalese nationalist politics in the early and mid-1980s when they came forward to highlight human rights violations of the Tamil citizens by the Sri Lankan state. Sinhalese nationalists accused the human rights groups of being traitors to the nation and allies of 'Tamil separatist terrorists.' In Sri Lanka's Sinhalese nationalist understanding, even Christian groups involved in religious activities are described as NGOs. There was an overall argument developed in the 1980s that the NGOs were anti-national, anti-Buddhist and backed by Western imperial forces in an agenda to break up Sri Lanka by supporting ethnic and religious minorities. In an atmosphere of intense debate on the role of NGOs, the UNP government of President R. Premadasa appointed a Presidential Commission of Inquiry to investigate some key civil society organisations. The Commission investigated three NGOs, the Sarvodaya movement, the Eye Donation Society and a Christian evangelical group called World Vision. In the investigation, all three organisations were accused of being corrupt. The Commission's activities came to an end with the death by assassination of President Premadasa in May 1993. This Commission was more an exercise of politically motivated state harassment than an attempt to understand the role of non-government entities in a changing society.

In the continuing controversy on the role of NGOs in Sri Lanka, three key critical arguments have emerged to propose a regime of state control and monitoring of NGOs. The first is that the NGOs are primarily foreign funded and therefore their activities, defined and driven by foreign interests, are a threat to national security and sovereignty. The second is that the NGOs have been engaging in politics, propagating political ideas and agendas. The third is about the absence of their accountability to the government or to the people, even though their work impinges development, democracy and the political process.

Economic Domain

During the past five and half decades since independence, Sri Lanka has gone through three phases of economic policies. The first policy regime was between 1948 and 1956 when the UNP government continued the colonial laissez faire policy with no focus on economic reforms or structural changes. In the UNP's economic vision, the plantation-centred colonial economic structure needed no alteration. Improvement of the peasant agriculture was seen as a government policy priority, but there was no emphasis on agrarian reforms. The UNP's vision of agricultural development was to distribute state-owned land to the landless peasants and then assist them to become stable, smallholding peasant farmers.²¹

With the change of government in 1956, Sri Lanka's economic development strategy entered a new phase, the basic objective of which was import-substitution industrialisation and state-led capitalist development. This change of economic policy was facilitated by the change of the social bases of the MEP regime that came into power in 1956. The MEP consisted of a class alliance at the centre of which was the so-called 'national bourgeoisie' and the intermediate classes. The new regime brought a new perspective on economic development that combined the existing social welfarism with state-centric economic development.²² The goal of creating a strong public sector as the mainstay of the economy led to a policy of nationalisation of import-export trade, banking and insurance and import controls. To promote social justice goals in the rural society, the government introduced the Paddy lands Act in 1958, which regulated the tenancy rights of sharecropping peasants and lowered the rent levied by agrarian landlords to one-fourth from three-fourth of the produce. The Paddy Land Act was a minimalist policy of land to the tiller, but not one of re-organisation of rural landownership, because the government had to withdraw its original radical intentions of the legislation when landed interests brought pressure not to abolish share tenancy.²³

Governments till 1977 continued with the development strategy of social welfarism and state-led economic growth. The expansion of public corporations as well as the state bureaucracy was one notable outcome of this policy. The policies of state-led industrialisation led to the establishment of a core industrial sector with the assistance of the Soviet Union, China and some Eastern European countries. These public sector industries included the production of steel, tyre, rubber goods, leather goods, ceramics, cement, textiles, paper, sugar, timber and chemicals. The distribution of petroleum was nationalised in 1962 by the SLFP government, amidst much protest from the United States. Meanwhile, the United Front government of which the SLFP was the main partner nationalised tea, nationalised rubber and coconut plantations in 1972. This was a policy response to the youth insurgency of 1971. Government leaders thought that the youth insurgency occurred because of the lack of economic and employment opportunities for the rural youth and that nationalisation of foreign-owned plantations would alter the major structural barriers to rural economic and development.

The welfarist economic and social policy had a major impact on political party agendas till about the mid-1990s. Since the major political parties competed with each other to command electoral support of the rural masses, the poor and middle classes, welfarist electoral promises constituted the core of election campaigns until 1994. There was however some differences between the SLFP and the UNP in their respective approaches to development. The SLFP stood for a more Left-oriented state capitalist path, with a strong public sector and less emphasis on the private capital. The UNP, while continuing the state-led growth strategy gave incentives to private capital and encourages the private sector in industrial and agricultural sectors. The excessive welfarisation of electoral politics also reinforced the politics of patronage.

Another major shift in the economic policy occurred in 1977-78 when the UNP came into power at the parliamentary elections held in July 1977. Against a backdrop of huge unpopularity of the then United Front government, primarily due to an economic crisis brought about by the stagnant economy, the UNP promised to the electorate economic liberalisation and free-market reforms. The liberalisation policy of the UNP in 1977-78 was the first in South Asia. It brought to an effective end the policies of import-oriented industrialisation, import restrictions, exchange controls, market regulation, administered prices, state-led development and social welfarism. These reforms were justified on the argument that Sri Lanka needed a regime of economic liberalism and free-market in order to facilitate rapid and export-oriented economic growth through a new alliance of the state, domestic private capital and private foreign capital. The government established a Free Trade Zone in 1978 to attract private foreign capital in the manufacturing sector. It also encouraged the joint ventures between domestic and foreign investors. Some of the key public services were partially or fully privatised. Or else the private sector was invited to compete with the public sector. That included transport, health, banking, external and internal trade and industries. In a context of substantial reduction of the public expenditure on social welfare and subsidies, the government implemented throughout the 1980s and early 1990s a separate poverty alleviation program called *Janasaviya*. It sought to target the so-called poorest of the poor in Sri Lankan society for state assistance. With the regime change in 1994, the poverty alleviation program continued under a new name, *Samurdhi*.

The mid and late 1990s saw the UNP government implementing Structural Adjustment Programs (SPAs), further enhancing the free-market reform programs. In the early years of liberalisation, the government

implemented the reform program at a deliberately slow pace in order not to provoke social resistance to reforms. The *Janasaviya* poverty alleviation program and the job bank scheme implemented by the UNP during the early phase of economic liberalisation meant to cushion possible social unrest. Paradoxically, the SAPs were implemented in the late 1980s when the second JVP rebellion was crushed and Sri Lanka had just passed through a period of intense political violence. The ethnic war was still raging when these SAP reforms began to be implemented.

There was also a policy debate in Sri Lanka about the efficacy of liberalisation and SAPs and their social impact. There were two perspectives on the social consequences of economic liberalisation. The first was arguing for continuing state intervention through targeted poverty alleviation and job creation programs until the economic benefits of growth were trickled down to those social segments who were left out by the new process of development. The second was to abandon the reform program and return to the state-led development and welfare policy regime. The SLFP and the LFT parties as well as nationalist sections advocated the second perspective.

The regime change of 1994 occurred in the context of this policy debate. A new coalition led by the SLFP and a few Left parties as its partners won the Parliamentary and Presidential elections held in August and November 1994 respectively. In its critique of the UNP economic policy implemented since 1977, the new People's Alliance was generally in favour of altering the liberal economic framework. In the election campaign of 1994, some of the PA leaders even advocated return to the pre-liberalisation economic strategy. However in power, the PA leadership continued with the reform program with further privatisation on the rhetorical justification that they were giving a 'human face' to free-market reforms.

Since 1983, the impact of the economic reform initiatives were not directly felt in most of Sri Lanka's Northern province and some parts of the Eastern province which were experiencing the impact of the ethnic war. Economy of these areas was militarised. The LTTE controlled the market in areas under its control, the economy of which has been reduced to a state of subsistence and misery due to the prolonged war. The increasing poverty, social misery and economic ruin in those areas have been induced by war, and not by free-market economic reforms.

Social Domain

There has been significant social change in Sri Lanka during the post-colonial period due to the working of democratic politics, welfare state, the Left movement, social conflict and ethnic war. Much of the social change that occurred during the post-independence years has also been linked to the processes and agent of change during the pre-independence period. The formation of a westernised native elite and the emergence of a *swabhasha* (vernacular) educated literati, in conjunction with the spread of egalitarian ideals in society, had prepared the ground work for many processes of social change after independence.²⁴ One of the notable aspects of social change is the availability of avenues for upward social mobility for individuals as well as social groups and those opening up of those avenues was associated with the spread of mass literacy and free education, state sector employment, social welfare and subsidies. Free accessibility to education enabled sections of the rural poor to escape from social marginalisation and poverty, leading to making the traditional rural social structure somewhat flexible. The universal franchise and mobilisation of the masses by political parties made them an important agency in the democratic transformation as well.

In terms of class structure of society, Sri Lanka has had a small layer of capitalist class whose activities were mainly in the trading, commercial and plantation sectors. Because of the state domination in the industrial sector, the growth of an independent industrial capitalist class was hampered. There were entrepreneurs who had invested in the industrial production of textiles, clothes, biscuits, asbestos and housing material, and in newspapers, printing, but they were small in size and their operations were medium-sized. With the liberalisation of the economy many of them invested in tourism, banking, and joint manufacturing ventures. However, the overall nature of the Sri Lanka's capitalist class continues to be characterised by the domination of merchant, or rentier, capital.

Sri Lanka's working class has also undergone changes in its demographic composition in recent decades. In the immediate post-independence years, most of the workers were concentrated in the plantations, the

private mercantile sector and the state sector that mainly included the railways and the government factory. However, after the policy of nationalisation and the spread of the public corporations, the state sector employment increased. Most of the working class also remained unionised. However, there were significant changes occurred in the nature of the working class after economic liberalisation and the spread of export-oriented manufacturing sector after 1977-78. These changes became visible in the early 1980s onwards. The recruitment of the rural youth and mostly rural young women to the export-oriented industries added a new dimension to the demography of the Sri Lankan working class. The new working class was also comparatively better educated than the conventional working class. With the expansion of household production units in the urban areas under the system of flexible specialisation of production, many young men and women found employment as contract or casual labour. There is no unionisation of them. Thus, with economic liberalisation, labour-capital relations too changed, large segments of the working class becoming unorganised and non-unionised labour.

Changes among the plantation workers were also significant. Till about 2003, there remained a section of Tamil plantation workers who did not enjoy citizenship rights. The statelessness among several thousands of Tamil plantation workers was a result of the citizenship legislation on 1948. Negotiations between the Indian and Sri Lankan governments for many years on the question of where should Sri Lanka's Tamil plantation workers belong to - India or Sri Lanka - was partially settled through the Shastri-Bandaranaike agreement of 1962. In that agreement the Indian and Sri Lankan governments agreed to accept the joint responsibility of granting citizenship to the stateless plantation workers. However, due to procedural and policy difficulties, the question remained unsettled for years. Although the citizenship issue has now been resolved, the Tamil plantation workers continue to remain the most exploited and under-paid segment of the Sri Lankan working class. This is despite the fact that the plantation political leaders have been Ministers in coalition governments since 1977, holding key cabinet positions in charge of subjects directly linked to the plantation sector. There are only minor improvements in the appallingly poor conditions of housing among these workers. There are some visible improvements in the primary education and health, largely due to programs implemented by international donor agencies. There is also a small middle-class emerging in the plantation sector from among the trade union bureaucracy and due to the spread of patronage politics as well education.

The rural peasantry as a social group has been experiencing substantial changes with the penetration of capital into the peasant agriculture as well as state policies that encouraged 'green revolution'-type agrarian transformation. The opening up vast areas of state forestland to establish peasant resettlement schemes, that began in the 1930s, continued throughout post-independence years. The peasants for re-settlement in the dry zone colonies were selected from among the landless peasantry in the wet zone districts where due to rapid population growth the problem of landlessness among the peasantry had become acute. The availability of state land to be freely distributed among the rural landless poor also helped all post-independence governments not to implement a radical agrarian reform program. One of the major peasant re-settlement schemes was the Mahaweli development program launched in the early 1970s with the assistance of the World Bank and the British government. After 1977, the project was accelerated completed within six years. This massive settlement program envisaged re-settling of 140, 000 farmer families in 350, 000 acres within 5-6 years. The settlements were provided with irrigation water and other infrastructure facilities as part of the overall package of accelerated rural development. The policy makers envisioned the rise of a stable, middle-class peasantry with the inclination towards producing for the market. With this objective in mind, a green revolution policy package was introduced with emphasis on capital-intensive and market oriented production. However, due to the process of rapid capitalist penetration into the rural agrarian economy, there soon emerged a new process of class differentiation among the peasantry. The emergence of a small class of rich farmers, engaged in agricultural production as well as rural commercial activities and a widespread stratum of landless and poor agricultural workers has been the primary feature of social structural change in the countryside after the 1970s.²⁵

Social change in Sri Lanka's Tamil society in the North is somewhat different from the changes in Sinhalese society. Caste structures there have been more rigid than in Sinhalese society. Meanwhile, the historical pattern of land tenure in the north, and particularly in the Jaffna peninsular, was not one where a few families had monopolised land ownership. Rather, it was a pattern in which smallholder ownership prevailed primarily in the hands of the dominant caste, the Vellala. The subordinate caste communities in Jaffna did not have access to much of the agricultural and cultivable land. When the capital-intensive agriculture oriented to the domestic market became widespread, particularly after the 1960s, the

subordinate castes provided the agricultural labour to the class of smallholder commercial farmers. Thus, in the Northern Tamil agrarian society, the class and caste differentiation had a parallel. The fishing and toddy taping industries have also been caste specific. It needs to be noted that the Tamil political leadership during the twentieth century emerged exclusively from the professional stratum of the Vellala caste in the Tamil society, with occasional exceptions. This particular sociology of Tamil politics underwent a radical change during the armed struggle for secession. The militant movements mobilised the Tamil youth from non-dominant classes. Most of the top leadership of the main Tamil militant movement, the LTTE, has emerged from non-Vellala caste communities. With the decline of the TULF and the deaths and assassination of the first and second generations of the Tamil mainstream political leadership, the leadership of Tamil politics has now effectively moved away from the dominant Vellala caste. Meanwhile, large-scale displacement and out-migration in the diaspora due to the prolonged war can be seen as factors that have impacted on the social dynamics of Sri Lankan Tamil society. Many of the Tamil people who have remained in the North without out-migrating are mostly the poor with no means to live outside Jaffna or to go abroad. Many of them also survive on foreign remittances, sent by relatives who have joined the diaspora. There are many others, several thousands, who still live in refugee camps as internally displaced people or with relatives, because their land has been taken over by the military for high security zones or the land is still inaccessible to them because of landmines. In brief, the social structure of Northern Tamil society is rendered lop-sided by the consequences of war.

Social change in Sri Lanka's Muslim society has been uneven and partly determined by the consequences of the ethnic war. Sri Lankan Muslims are a dispersed minority, with some concentration in the Amparai and Batticaloa districts of the Eastern province. They are also dispersed as a small minority in almost all other provinces. Most of them engaged in small trade and agriculture, although the popular ethnic myth is that Muslims are big traders. Due to the war, Muslims in the Northern and Eastern provinces have suffered under violence and forced eviction. The LTTE evicted in the early 1990s a prosperous Muslim trading community from Jaffna and Mannar towns and they still live in refugee camps as IDPs outside the Northern province.

The emergence of a Muslim middle class due to the spread of small trade, higher education and overseas, primarily in the Middle East, employment is a noteworthy dimension of social change. The spread of higher education among Muslims in the rural and peripheral provinces, particularly among the poor, is a result of the setting up of Tamil medium schools in areas with Muslim populations since the 1960s. The spread of higher education among the Muslim men and women also paralleled with the emergence of the Muslim middle class, particularly engaged in small trade and commercial agriculture. In the 1980s, young Muslim men and women began to receive university and tertiary education in considerable numbers and they joined the ranks of such professions as medical doctors, lawyers, schoolteachers and business executives. It is in this context that Muslim identity politics began to assert itself in the electoral and parliamentary process.

End Notes

¹ Among the writings that deal with the rise of ethnic politics in the context of colonial democracy are Russel, Jane, 1982, *Communal Politics under the Donoughmore Constitution 1931-1947*, Dehiwela: Tisara Press; Wickramasinghe, Nira, 1995, *Ethnic Politics in Colonial Sri Lanka*, New Delhi: Vikas.

² For this particular interpretation of Sri Lanka's 'colonial democracy' see, Uyangoda, Jayadeva, 2001, *Sri Lanka: Questions of the Minorities*, Colombo: International Centre for Ethnic Studies.

³ Two key texts that have articulated this ideology are: Wijewardena, D. C., 1953, *The Revolt of the Temple*, Colombo: Sinha Publications; and Buddhist Inquiry Committee, 1956, *The Betrayal of Buddhism*, Balangoda: Dharmavijaya Press.

⁴ Wriggins, Howard, 1960, *Ceylon: Dilemmas of a New Nation*, Princeton University Press, provides a well-documented account of the rise of post-colonial Sinhalese and Tamil nationalisms in the 1950s.

⁵ From a perspective of critical radicalism, one may argue that none of these provisions was really helpful to ensure minority protection. Rather they were liberal-constitutionalist illusions that the Tamil political leaders, the majority of whom were lawyers, were quite comfortable to believe in.

⁶ In a federalist resolution passed in 1949, one year after independence, those who formed the Federal Party affirmed: "We believe that the present constitution of the country is unsuited to a multi-lingual country, and is inimical to the interests of the Tamils living in Sri Lanka.... We believe that the only means of ensuring that the Tamils are guaranteed their freedom and self-respect by law, and of solving their problems in a just and democratic manner is to permit them to have their own autonomous state guaranteeing self-government and self-determination for the Tamil nation in the country." Cited in K. M. de Silva, 1986, *Managing Ethnic Tensions in Multi-Ethnic Societies, Sri Lanka 1880-1985*, London and New York: University Press of America, p. 211.

⁷ Wilson, A. Jeyaratnam, 1975, *Electoral Politics in an Emergent State, The Ceylon General Election of July 1970*, Cambridge University Press.

⁸ Jonathan Spenser makes the following perceptive observation about the presence and absence at the same time of caste in the public domain in Sinhalese society: "caste, rather like drink or enmity, is always present, but almost never seen. It lies just beneath the surface of daily life, threatening to intrude or upset any moment." Spencer, Jonathan, 1990, *A Sinhalese Village in a Time of trouble: Politics and Change in Rural Sri Lanka*, Delhi: Oxford University Press.

⁹ To quote a legal authority on this issue: "The Independence Constitution did not in expressed words confer a power of judicial review of the constitutionality of legislation on the courts, but the courts exercised such power on the ground that it was implicit in the Constitution." Cooray, L. J. M. 1984, *Constitutional Government in Sri Lanka 1796-1977*, Colombo: Lake House, p. 271.

¹⁰ For perspectives on the limits of Sri Lanka's higher judiciary in safeguarding minority rights, particularly in relation to legislation and parliamentary authority see, Tiruchelvam, Neelan, 1999, *Constitutionalism and Diversity*, Colombo: ICES and Coomaraswamy, Radhika, 1996, *Ideology and the Constitution: Essays on Constitutional Jurisprudence*, Colombo: ICES.

¹¹ De Silva, K. M. 1989, "Police and Armed Services" in *Sri Lanka: Problems of Governance*, Kandy: International Centre for Ethnic Studies, p. 351.

¹² "It was only in the 1960s that major shifts in the ethnic and religious composition of the police and army officer corps were evident. Between 1957-59, 72% of the Sri Lankan cadets sent to Sandhurst were Sinhalese. After Mrs. Bandaranaike took over in July 1960, every single Sri Lankan cadet sent to Sandhurst was a Sinhalese.... By the mid-1960s, the security forces and the police were overwhelmingly Sri Lankan and Buddhist in composition, both at the level of the officer corps and of the rank and file." De Silva, K. M. 1989, 353-355.

¹³ This writer is personally aware of both these instances of judicial 'independence' in Sri Lanka.

¹⁴ See Wilson, A. J. 1980, *The Gaullist System in Asia: The Constitution of Sri Lanka (1978)*, London: Macmillan.

¹⁵ An early advocacy of the German system for Sri Lanka is found in Edrisinha, Rohan and Uyangoda, Jayadeva, 1997, *Essays in Constitutional Reform*, Colombo: CEPRA, University of Colombo.

¹⁶ Parliament of Sri Lanka, 2004, *Interim Report of the select Committee on Electoral Reforms*, p. 45.

¹⁷ For the background and difficulties concerning the establishment of Provincial Councils in Sri Lanka see, Bastian, Sunil (ed.), 1984, *Devolution and Development in Sri Lanka*, Delhi: Konark Publishers.

¹⁸ For details of the circumstances, the nature and political consequences of the Accord, see Shelton U. Kodikara (ed.), 1987, *Indo-Sri Lanka Agreement of July 1987*, Colombo: University of Colombo.

¹⁹ For a discussion on the background of the SLMC, see, Knoerzer, Shari, 1988, "Transformation of Muslim Political Identity [in Sri Lanka]," in Mithran Tiruchelvam and Dattathreya, C.S. (eds.), *Culture and Politics of Identity in Sri Lanka*, Colombo: International Centre for Ethnic Studies.

²⁰ For a discussion on the role of civil society initiatives in Sri Lanka's democracy and minority rights campaigns, see Uyangoda, Jayadeva, 2000, "Post-Independence Social Movements [in Sri Lanka]," in Weligamage D. Lakshman and Clement A. Tisdell (eds.), *Sri Lanka's Development Since Independence, Socio-Economic Perspectives and Analyses*, New York: Nova Science Publishers.

²¹ Among the literature that deals with the early phase of post-independent Sri Lanka's economic policies were Snodgrass, Donald R, 1966, *Sri Lanka: An Export Economy in Transition*, Illinois; and Corea, Gamani, 1975, *The Instability of an Export Economy*, Colombo: Marga.

²² For a discussion of the social bases of the MEP regime of 1956 and the economic policies it implemented, Shastri, Amita, 1983, "Political Economy of Intermediate Regimes: The Case of Sri Lanka," *South Asia Bulletin*, Vol. III, No. 2, pp. 1-14.

²³ Herring, Ronald J, 1983, *Land to the Tiller: Political Economy of Agrarian Reform in South Asia*, Delhi: Oxford University Press.

²⁴ Hettige, Siri, 2000, "Transformation of Society [in Post-independence Sri Lanka]," in Wligamage D. Lakshman and Clement A. Tisdell, 2000, pp. 19-40.

²⁵ For an extensive discussion on the capitalist penetration and rural social change in Sri Lanka in recent decades see, Abeysekera, Charles (ed.), 1985, *Capital and Peasant Production: Studies in the Continuity and Discontinuity of Agrarian Structures in Sri Lanka*, Colombo: Social Scientists' Association.
