

Normalization of the Abnormalcy: A Diagnosis of the Existential Threats to the Tamil Community in Sri Lanka and Some Observations for Imagining an Alternative Future

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Introduction

This chapter¹ revolves around the theme of what I call the normalization of abnormalcy in Tamil collective existence and politics in the post-war context in Sri Lanka. I define normalization of abnormalcy as the forced transformation of the unacceptable into the acceptable as a consequence of deep-seated oppression that is all pervasive, and that which is both subtle and deliberate. Gramsci's definition of hegemony as 'a successful process through which the dominant group presents their definition of reality, their view of the world, in such a way that it is accepted by other groups as 'common sense' has been particularly in conceptualising what I have termed above as the normalisation of abnormalcy². I will explore this theme under three different issues – the everyday life in post-war North-East, accountability for crimes committed against the Tamil collective and resolving the National Question.

The normalisation of the abnormalcy of the everyday lives of Tamils in post-war Sri Lanka

In mid-2016, I took a motorbike ride to Mandaitheevu, a small island off Jaffna city. The main roads from Pannai Bridge to Jaffna's islets are now well laid and the less than 10 km ride took less than 15 mins. The signpost to turn to the road towards Mandaitheevu doesn't emphasise on the name of the village. It refers to the huge SL Navy base called 'Welisumana' on the island. As you travel inwards and take one of the byroads to the Mandaitheevu Veppaththidal Muththumaari Amman temple, just outside the temple walls there is again a sign pointing to the SL Navy Camp. Next to the temple is a water

container that reads 'community service by Sri Lanka Navy'. The identity of Mandaitheevu is today inescapably linked to the SL Navy Base.

Mandaitheevu is just one such village in the North-East that is quite deeply penetrated by militarization. But, of course, villages like Mandaitheevu don't figure in the national or international discourse on demilitarization. The hotspots of the land grab such as Valikamam North in Jaffna and Sampoor in Trincomalee are the focus of international attention. Progress with release of land in these areas are considered the markers of whether the new Government voted into power in January 2015, and hailed by the then US Ambassador to the UN³ as a global champion of human rights, is doing enough to justify its support. I stress that the support isn't conditional. The support only requires justification for its international and local audience.

But, even in these hotspots, when land is released, the army camps remain. In Sampur, the navy camp has been relocated to a new adjoining land larger than the previous area it occupied. In a village in Valikamam North in Jaffna, lands were released last year with the army camp left intact right in the middle of the village. There have been very few areas released accompanied by dismantling of army structures, and even when they have been so dismantled, they have been relocated close by.

The Yahapalanaya Government's promise to release lands is meant to be without it being accompanied by demilitarization. It reassured its constituency in the South repeatedly that it would not dismantle any camps. In essence, the message being sent by even a Government that was being hailed as a champion of human rights, is that the Tamil people will have to learn to live with the military. This line of thinking insists that the presence of the military will be a fact of life that has to be digested and internalized in the everyday lives in the Tamil majority North-East. Organizing reading camps for schoolchildren, organizing meetings of village development committees, conducting pre-school

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teacher training, recruiting farm workers and preschool teachers into the civil defence force to work in Sri Lankan army run farms and Montessori schools, and filling teacher vacancies are example of projects through which the Army seeks to normalize its presence in the North and East. The objectives of the militarization project were self-articulated quite clearly by the Jaffna Security Forces Commander in an interview that he gave in 2013 to the state-owned Sunday Observer:

Our concern is for the betterment of the people, knowing their true problems by getting close to them...Today we understand that the Jaffna people see us as a positive force. Even during a case of domestic violence, the wife runs to the nearby camp not to the police station. Our officers coordinate with the police to sort out the matter legally. That's the level of understanding we have with them. It is futile to convince political parties. Because they know as long as separatist ideas are kindled among the public, they can survive...But the people have a problem with politics. We have to capitalize on that⁴.

Demilitarization was deleted from the UN Human Rights Council's 2015 resolution that otherwise referred to release of land. It has to be remembered that Sri Lanka was a co-sponsor of the resolution. The Government on this particular issue was quite clear and cannot be accused of rhetorical flourish.

The long-term effects of militarization are of grave concern to Tamils. It directly and indirectly hampers free thought and expression. It impedes self-development, interest in community affairs, public life and politics. Involvement and articulation in the public sphere is greeted with a 'why bother', 'why-invite trouble' attitude from one's own kith and kin. The long-term objectives of this suppression mediated through the community's internalization of the oppression is the normalization and transformation of politics. The struggle gets converted on realist terms to one of daily survival and not of self-determination. In fact, an impression is being forcefully created that seeking self-determination will be inimical to the very survival of the Tamil community. Self-determination politics it is argued will provoke the military and hence that we should remain quiet.

The above only refers to one aspect of the troubles of the everyday life in the Tamil North-East

of Sri Lanka. I am going to assume that the reader will be able to draw parallels to the other aspects of the normalization issue from my treatment of the militarization issue. The question then is 'what do we do about it'? How do we campaign against militarization and for demilitarization? Is it likely to be effective and deliver results particularly in the current context where international pressure is more on the Tamils not to resist than on the Government to deliver? Is it likely to work in the context of a politics of hopelessness reinforced by a politics of realism that believes in taking what is given? I will attempt to answer these questions towards the latter part of this chapter. I will now turn the focus on the quest for a political solution to the national question.

Normalization of politics and the quest for self-determination

In July 2016, a very senior foreign official who had previously served as his country's top most diplomat in Sri Lanka during the height of the war told us in Jaffna that, according to him, the present moment in Sri Lanka constituted the best opportunity to find a political solution. He also added that, unlike in the pre-2009 context, a political solution had to be worked out through the existing political system and that it could not be found at the negotiating table.

The talk of opportunity was quite viral in Sri Lanka. Every diplomat who visited Sri Lanka suggested it during the period of 2015-2018. Even the main Tamil political party, the Tamil National Alliance, characterized it as such and expressed hope during the election campaign of 2015 that by the end of that year a political solution would have been found.

Why is it that the moment created by the supposed democratic revolution of 7 January, 2015 was being called an opportunity? The frequently heard answer to that question was that it was an opportunity because the two main Southern parties were in the same Government.

It was true that at that time both main parties were in Government and that this had never happened before. But this assumed that a political solution in Sri Lanka had not been arrived at owing to a bi-partisan elite driven Sinhala politics. It assumed that it was the opposition of the day that had impeded a political solution which the then sitting Government was willing to settle for. They argued that this problem was being resolved by having the two main rival parties in Government. This, however, is a

reductionist way of looking at the history of constitutional politics in Sri Lanka. It misses the point that in the Sinhala Buddhist consciousness a united Sri Lanka is so firmly identified with a unitary Sri Lanka. Any constitutional arrangement that deviates from the unitary character is understood to threaten the territorial integrity of the State. The Sinhala Buddhist attachment to a unitary state is driven by larger social forces which have been fed by insecurities that are deep rooted in the everyday life of the Sinhala Buddhist community. These Sinhala Buddhist forces are hugely influential in electoral politics and there is no political party in the South that is not affected by its influence.

Hence, it was not surprising that when the resolution to set up a constitutional assembly was debated on, a section of the Government and their party colleagues in opposition insisted, and succeeded, in deleting a reference in the preamble that the new constitution would aim to resolve the national question. Hence, it is also not surprising, that the Prime Minister and the President repeatedly insisted that Sri Lanka would continue as a unitary state. But, irrespective of any of this, the Tamils were consistently being lectured about how this moment constituted an opportunity.

The difficult truth is that there is no short cut to a constitutional reform process. But the constitutional legal engineers in Sri Lanka in the Sirisena-Wickremesinghe Government, working with the constitutional process, were actively looking for such short cuts. One such attempt they believed was to avoid any labels – unitary or federal. While it is true that the unitary and federal models are not tight waterproof compartments in constitutional law, there are certain characteristic features of what constitutes unitary and federal which are fundamental which provide reasonable basis for such general categorization. For example, a unitary state would necessarily mean that the powers, if any, that are devolved to the periphery would be exercised by the periphery at the discretion of the centre. Federalism would generally mean the contrary - that there is no such hierarchical relationship between the different tiers of government and that each is sovereign within its own sphere of authority. Hence, there is a very important distinction between what is understood to be a unitary state and a federal state which could not be avoided by merely avoiding the label. Most recently, in their report on the public consultations

that they carried out throughout the country, a majority of the Public Representation Committee on Constitutional Reforms has recommended a no-label approach to the problem. I submit, with respect, that this is nothing more or less than a lazy attempt at avoiding the real debate that informs the unitary vs federal debate. It is also insincere in that it avoids the serious social conversations that we need to have to move towards a genuinely plurinational Sri Lanka.

Then there are others who are conscious of the Sinhala Buddhist attachment to the unitary terminology, who are looking for alternative definitions to the term unitary as a way out of the problem. These pragmatists know that avoiding the label is not an option when it comes to the majority community. This is reflected in the views of six of the members of the Public Representations Committee who suggest that the term unitary be retained in the constitution with unitary being narrowly interpreted as meaning an undivided Sri Lanka with multiple tiers of governance. This school of thought is also shared by the small team of lawyer-politicians involved in the constitutional drafting process which is keen to appease and address the fears and insecurities of the majority Sinhala Buddhist community via-a-vis the discourse around federalism. They had no such regard whatsoever for the need to respond to the sensitivities that surround the Tamil dislike for the term unitary. Even more importantly, there is the fundamental disregard for the need to tackle the real problem behind what the insistence of a unitary state may mean in practice – the existence of a hierarchical state with the Sinhala Buddhist nation on top, which is the primary question that informs the discourse on the national question. This, in my opinion, is indicative of a serious problem of avoidance in the current discourse on the National Question, even from amongst the so-called progressive and liberal sections of Sri Lanka's South. There is an assumption that a democratization discourse based on the notions of good governance and rule of law will be adequate to respond to the National Question⁵. The Public Representation Committee's report on many other aspects such as control over land and police powers are indicative of such an attitude. The ideas presented in the Public Representation Committee are not very far from those found in the Rajapaksa appointed Lessons Learnt and Reconciliation Report (LLRC) which argued that, in the post-war context, the 'minorities have to re-position themselves to

accepting the state'. The state on the other hand, the LLRC report insisted, must 'reach out to the minorities'. Advertently or inadvertently, the LLRC conceded that the 'minorities' were the 'others' in the Sri Lankan state; the state is being identified with the Sinhala Buddhists, and these 'others' who are not integral to the understanding of the state, had to be 'reached out'. The state will not do anything to re-position itself, but it is these 'minorities' who have to re-position themselves – re-position themselves to accept a hierarchised state driven by Sinhala Buddhist ideology. This, I argue, is the normalization of Tamil politics that is being sought after in the post-war context.

Hence, it was no surprise that the lobbying and advocacy efforts of the local and international do-gooders, whom the Tamils were expected to trust, were directed at the Tamils. The advice towards a compromise was not directed to the Sri Lankan Government but rather to the Tamils. The Sinhala Buddhist preoccupation with a unitary state, it was argued, needed to be appreciated and understood. Advocacy of federalism and self-determination was portrayed as a provocative and disruptive act. The advice in favour of a compromise asked Tamils to be realistic and to settle down for a constitution that was a slight improvement on the existing system of devolution of powers to the provinces within a unitary state, and to make best use of the little powers contained in the current scheme of devolution of powers utilizing the 'favourable climate' of good governance prevailing in the South. There was a systematic political campaign that portrayed politicians and civil society activists from within the Tamil community who resist such a change of narrative as spoilers and extremists.

This agenda of normalization of Tamil politics involves a significant toning down self-determination politics. Tamil politicians seen to be worthy of promotion by those seeking normalization of Tamil politics, are allowed to employ the self-determination rhetoric as and when found to be useful for retaining their support base within the Tamil community (during election seasons), but to be worthy of such a promotion they had to sign up to this normalization agenda. The same goes for diaspora formations seen to be worthy of promotion as well. The promotion of such political elites is sweetened with their portrayal as politically smart and moderate.

The real problem, however, is far greater than the one of manipulation of the Tamil political elites. My particular worry is about how this normalization of Tamil politics is being allowed to seep down to the bottom. The weariness and loss of hope in politics among the Tamil populace and the lack of real solutions, is facilitating the Tamil population's acceptance of the normalization of the abnormalcy of their collective political life. As Maamanithar Taraki Sivaram warned, the ultimate goal of counter-insurgency programs is the closure of the political space that led to the insurgency in the first place. The huge influx of drugs, the growth in organized crime from within the Tamil community that have spiked as of recent times, is taking place in a part of the country that is most militarized, and hence cannot be organic. One cannot help think that these are strategies of distraction aimed at converting the Tamil struggle to one of mere survival and existence. The narrative-changers find the present environment ripe to falsely dichotomize self-determination politics with that of survival and argue for a focus on having to respond to the latter.

This has become more acute owing to the political climate that led to the election of Gotabaya Rajapaksa as President. The new President, unlike earlier Heads of State and Government in Sri Lanka, has been even more categorical in his disdain for the 'National Question'. For the first time ever, a sitting Head of State, in the 40 years of the ethnic conflict, civil war and the aftermath, has claimed that there was no political question that required a solution. He has also stated that implementation in full of the 13th amendment to the Constitution was possible, signaling yet again the failure of liberal constitutionalism in Sri Lanka. The democratic project in Sri Lanka, and the aims of liberal constitutionalism, are irreversibly at odds. The new President has been elected on a new wave of Sinhala Buddhist nationalism that is still strong on its fundamental enmity towards the Tamil polity and its waning political project, and a wave which has now broad based itself by appropriating the global currents and tendencies of Islamophobia, thus bringing forth a new phase of Sinhala Buddhist Nationalist politics which is intent on furthering the project of normalizing the abnormalcy. The aim is to render any political discourse on state restructuring worthless and force upon a politics of realism on the Tamil community with the intention that it will content itself with the current framework of the state and

navigate its survival under the oppressive conditions that it finds itself in.

Accountability and Justice⁶

Similar to the pride of place that 'Federalism' enjoyed during the Norwegian mediated peace process in Sri Lanka between 2002 and 2005, 'Transitional Justice' was the buzzword of the civil society and think tank fraternity in post- January 8, 2015, Sri Lanka. The language of 'accountability' and 'justice' which was in vogue took a notable 'Transitional Justice' turn, following the defeat of President Mahinda Rajapaksa, suggesting that the transition had begun. The discourse on transitional justice was without a coherent understanding of what constituted the transition, however. There is no single way in which political transition is conceived and understood across Sri Lanka's divergent political communities. Broadly speaking, there are three visions of transition in Sri Lanka. First of these is the vision shared by liberal sections of the Southern polity of democratic transition of the rule of law, good governance variety. The second one shared among the majority of the Tamil community is one of deep democratization - transition to a pluri-national Sri Lanka. Thirdly, there is the one shared by the majority Sinhala Buddhist community built on the belief that no transition whatsoever was required. The current regime is caught up somewhere in between the first and third approaches to what constitutes transition in post-war Sri Lanka. This significantly undermines the ability of the regime to address genuinely the issues of accountability and justice.

The Sirisena-Wickremesinghe duo Government, promoted by its Western allies as the liberal democratic alternative to the nationalist SLFP led by Rajapaksa, always viewed the issue of accountability as a foreign policy management issue. There was a lack of political will on the part of the political leadership in Colombo to engage with the Sinhala Buddhist base to convince them on the need for genuine accountability based reconciliation. The supposedly liberal-democratic variant of the Southern political leadership used the nationalist opposition as an excuse to side step their obligations towards accountability while espousing the same nationalist rhetoric (possibly a milder version) when engaging with their Sinhala Buddhist voter base. The arguments of the supposed real champions of human rights were that Rajapaksa was not to be faulted with the conduct of the war but that he mismanaged the

aftermath. The reason for this mismanagement in the UNP's assessment was that it wasn't because Rajapaksa didn't do well in accommodating the estranged Tamil community, but because of him developing relationships subsequently with China and Iran at the expense of US and India, and that this had back fired on him. The UNP's view was that so long as there was transition being made in the foreign policy domain which would favour the US and India, coupled with the strategic use of the transitional justice norms in Governmental policy, it would be sufficient to save Sri Lanka from the accountability problem. The appropriation of international human rights norms by domestic actors with the intent of boosting their international image is not new to Sri Lanka at all, a phenomenon that has been studied in other similar contexts as well. The transitional justice strategy of the Sirisena-Wickremesinghe Government in part, unlike the previous regime's policy, included accepting that certain individual war crimes took place, while denying that systemic crimes (such as crimes against humanity) ever took place. Addressing these individual violations, and removing those few rotten apples from the Sri Lankan Army, it was being publicly argued, would be something that would help restore Sri Lanka's international image. This was promoted among the Sinhala Buddhist electorate as the smart thing to be done and as the adjustment that was required to protect its continuing dominance in Sri Lankan politics.

Part of this process of managing issues of accountability and justice was also managing the expectations of the Tamil people with regard to justice. One of the major premises of a legitimate transitional justice process is that the victims have to be consulted as part of the process. The present government put in place a consultative process leading to the delivery of a 'neutral report' (like the Public Consultation Report on Constitutional Reforms) which found supporters in liberal quarters. The Office of Missing Persons and the Office of Reparations were timed at intervals meant for digestion by the Office of the High Commissioner for Human Rights in Geneva, the liberal human rights community in Colombo, and the rest of the world. UN reports have always highlighted the positives and negatives, and encouraged the Sri Lankan government to do better (no different under the Rajapakasa regime).

Liberal Colombo supporters of the Sirisena-Wickremesinghe Government in fact were suggesting that the window of opportunity to act on transitional justice was fast closing and that to keep insisting on better victim consultations and better institutional mechanisms were counter-productive. So, essentially the argument was that the Tamils had a duty to cooperate, and failure to cooperate with the transitional justice agenda will be met with the labels of extremists and spoilers.

Ultimately, however, the Government knew that the best way of avoiding accountability issues was to give the impression of creating and setting in motion a political process that will deliver a political solution. The quest for accountability, in this logic, is argued to be damaging and a distractor to both the normalization of everyday life in the North-East and to finding a political solution. For reasons explained earlier, accountability was actually seen as a distractor to the normalization of the abnormalcy of everyday lives of the Tamils, and as a distractor to the process of normalizing Tamil politics.

With the election of Gotabaya Rajapaksa, the subtlety in the hegemonic process as described above is also reaching an end. The new President was elected on a platform that this subtle hegemony was too much and allowed loopholes that ended up targeting the Sri Lankan Army. The few arrests that were made in relation to what was described as emblematic cases (the targeting of the 'rotten apples') was too much for the Sinhala Buddhist establishment. Hence, it was not surprising that Gotabaya Rajapaksa promised very early on during his presidential election campaign of 2019, the release of all army personnel in detention in relation to crimes they may have committed during war. Since being elected he has kept to his promise and the promise had even been extended to pardoning an army sergeant whose conviction was upheld in appeal by the Supreme Court (a rarity) for murdering civilians in Mirusuvil, Jaffna⁷. It is quite clear that President Gotabaya Rajapaksa is going to either disband or render worthless the showpiece institutions created by the former Government such as the Office for Missing Persons⁸. As the President has clearly pointed out to the mothers of the disappeared who have been protesting for more than 1000 days, that they are all dead but that he could help with compensation. That is the state of discourse on accountability and transitional justice.

What needs to be done?

I have portrayed a very depressing picture of the current status quo of the praxis of 'transition' in post-war Sri Lanka, and how it affects every day Tamil lives and our collective future as a political community. Let me attempt to answer some of the questions that I have posed and suggest as to what needs to be done.

Let me start with the question of resisting the normalization of abnormalcy of our everyday existence. I believe that the issue of confronting and resisting continued militarization for the Tamil community has to start from home. We need to keep reminding ourselves that we are actually living in a state of abnormalcy. This may sound strange but it is absolutely essential and key to any resistance. It is important to learn not to live with militarization and to internalize oppression. The easiest path to breaking the inherent collectivity of a community is for it to internalize oppression and accept it as a way of life. We need to educate our children that what they see around them is not normal and that they should not accept it as normal. The most difficult need that has no alternative is a process of political conscientization. I truly believe that this is necessary both in the homeland and the diaspora.

Secondly, I think we need to get creative with our politics. I think for far too long we have remained reactionary and waited for external factors and actors to shape our destiny and deliver our political aspirations. We need to start believing in the democratic strength of our people and the energy that a democratic mobilization will deliver in setting our own narrative and agenda. This could only be achieved with a bottom-up political movement. We need to urgently understand the limitations and inherent compromises of representative electoral politics and build the space for what is known in critical democratic theory as the post-representative democratic space. We need to build up the internal energy of our democratic politics to the extent where it will be unavoidable to any external actor who wishes to dabble with Sri Lanka to avoid the agenda that we have set.

Thirdly, we need to think about the struggle in the long term while engaging in a political praxis that is productive and produces tangible results in the short to the mid-term. We cannot afford to take the short term view of the struggle that Geneva will deliver us justice or that a political solution will come by

international intervention. A perspective of the long term will also help us realize that we as a community are journeying through a transitional phase when we need to engage mostly in a nation building exercise. We need to develop our internal capacities, build sustainable and credible social, economic and political institutions that are built on an inclusive understanding of the Tamil nationalist project and build community networks that can respond to the counter insurgency challenges thrown at us, but also come up with a viable plan for rebuilding our societies economically and socially. I honestly believe that we do not have to wait for institutions of self-government for these to happen. Public power can be directed through credible institutions that are set up outside the framework of the existing state institutions but without violating the framework of the legal system.

These are merely normative outlines of what should be part of a larger plan for Tamil Nation building. I hope these provide avenues for thought and further deliberation. I also hope that we can build a critical mass of activists who will commit to engaging with Tamil politics beyond the narrow lens of electoral and organizational politics.

The end of the Tamil armed struggle signaled the end of an era of revolutionary armed struggle for liberation globally. The way in which we nurture the Tamil struggle in the present circumstances with a blend of continuity and change will define not just the lives of Tamils in the island of Sri Lanka but also be instructive for oppressed peoples all over the world. Our capacity to think and act from our experience and the experience of those similarly situated to us will be a test for the maturity of our struggle thus far and will define our collective existence in these challenging times.

¹ This chapter draws heavily from the author's *Mamanithar* Late Prof C.J. Eliezer AM Memorial Lecture delivered at Monash University, Clayton Campus, Melbourne, 12 June 2016

² Antonio Gramsci, *Prison Notebooks* (Columbia University Press, 1975)

³ Financial Times (Sri Lanka), 'Lanka has emerged as global champion of human rights: Samantha Power' <http://www.ft.lk/article/539264/Lanka-has-emerged-as-global--champion--of-human-rights--Samantha-Power> (30 April 2016)

⁴ Sunday Observer, 'Jaffna rises from the Ashes' <http://archives.sundayobserver.lk/2013/07/28/fea04.asp> 28 July 2013

⁵ Cf, K. Guruparan, 'Understanding the National Question as a Pre-Democratic Problem: A Skeptical Note on the Southern Reform Agenda' <http://groundviews.org/2014/05/24/understanding-the-national-question-as-a-pre-democratic-problem-a-skeptical-note-on-the-southern-reform-agenda/> (24 May 2014)

⁶ For my detailed treatment of this question please see further K. Guruparan, 'The Difficulty and probable impossibility of a Coherent Conception of Transitional Justice in Sri Lanka' appearing in Bhavani Fonseka (ed), *Transitional Justice in Sri Lanka: Moving Beyond Promises* (CPA, 2017)

⁷ Sunil Ratnayake v Attorney General SC TAB 01/2016, decided on 25.04.2019.

⁸ See for example: <https://twitter.com/ompsrilanka/status/1217345382071574528>