During the so-called “Third Wave of Democratization” that swept Asia beginning in the 1980s, there was widespread optimism that democracy was developing deep roots in the region. But with growing rivalry between China and the US, and changing political dynamics in many countries in Asia, there are now growing fears of democratic backsliding throughout the region.
Knocked Down, Getting Back Up: Sri Lanka’s Battered Democracy
By Neil DeVotta

As Asia’s oldest democracy, Sri Lanka is unfortunately a case study in how ethno-religious conflict, majoritarian politics and a systematic neglect of minority populations can undermine democracy. Still, its post-independence history has been marked by valiant efforts to reassert democratic norms, and it remains to be seen whether the country’s elections in April will underpin such efforts or see the deepening of authoritarian tendencies, writes Neil DeVotta.

THE CONTESTED NATURE of democracy, which does not always bring forth individuals’ better angels, was perhaps what caused Winston Churchill to say “democracy is the worst form of government except for all those other forms that have been tried from time to time.” Since there are no guarantees that those contesting within a democracy will always observe the rule of law and pluralist values, even democracies considered consolidated are capable of regression, a development currently evidenced among some supposedly stable Western democracies. Indeed, the more diverse a country is along ethno-religious lines, the more likely politicians will manipulate crosscutting cleavages in ways that promote democratic erosion.

This is also true in Sri Lanka, which is Asia’s oldest democracy, having achieved universal franchise in 1931. The island gained independence soon after India, albeit without the ruckus and carnage that saw the British subcontinent partitioned. Yet Sri Lanka evidenced its own carnage, thanks to Sinhalese Buddhist politicians eschewing consensus building and instead pursuing majoritarian politics. This led to nearly three decades of civil war against minority Tamils, with the Liberation Tigers of Tamil Eelam (LTTE) playing a leading role in fanning separatist violence.

Ethnic conflict between Sinhalese and Tamils is not the only violence that has affected the country. Indeed, Sri Lanka has hardly experienced a single decade since independence without undergoing a violent movement, including ethno-religious rioting, civil war and left-wing insurgencies. The island saw two Sinhalese-based insurgency movements (in 1971 and 1988-90) that led to thousands of Sinhalese youth killed. It has also seen episodic anti-Muslim rioting, which picked up after the LTTE was militarily defeated in 2009.1 The state-sanctioned violence (and pogroms in the case of Tamils and Muslims) and the impunity with which it was perpetrated, consequently, disqualifies the island from being branded a liberal democracy, notwithstanding its formal political contests.

Sri Lanka thus represents a democratic paradox: its people passionately value the franchise and have used it to regularly alternate parties in power even while tolerating grotesque ethno-religious violence. Post-independence Sri Lanka initially looked like it had got on the road to being a liberal democracy. However, when Sinhalese Buddhist majoritarianism took root, it turned the country into an ethnocracy: Sinhalese Buddhist nationalistic ideology now circumscribes minorities’ sense of equality by dictating that they live on the island thanks to majority suffering.2 Ultimately, majoritarianism has combined with the civil war and the authoritarian proclivities of individuals to compromise democracy.

The island’s demographics necessitated checks on authoritarianism. The absence of such structural constraints ensured it was only a matter of time before ambitious politicians played the Sinhalese Buddhist nationalist card to seek office. This happened within a decade of independence and led to anti-Tamil discrimination. The Sinhalese Buddhist nationalism undergirding such discrimination caused a reactive upswing in Tamil nationalism, and hence the LTTE-led civil war.

It is debatable if an ethnically tranquil Sri Lanka would have been able to stymie certain leaders acting in an authoritarian vein, but it is indisputable that the ethnic conflict enabled authoritarianism. In this context, the semi-presidential constitution instituted in 1978 allowed J. R. Jayewardene to act arrogantly, while the war and its triumphalist aftermath allowed Mahinda Rajapaksa to operate autocratically. Ultimately, both leaders compromised democracy more than any other presidents. Rajapaksa’s failure to seek a third term in 2015 allowed for some democratic revival, but the Rajapaksas are now back in power, with Mahinda Rajapaksa currently serving as prime minister and his younger brother, the controversial former defense secretary, being elected president.

Over 30 countries proscribed the LTTE for its terrorist practices, and Sri Lankans in the majoritarian mindset, especially focused on the separatist threat the group posed and overlooked how the war and other majoritarian practices undermined pluralism and democracy. While most today realize that discriminating against Tamils was what caused the ethnic conflict, few connect this discrimination to the erosion of democracy. However, the majoritarian mindset, rooted in Sinhalese Buddhist nationalism that justifies discriminating against minorities is directly connected to the island’s democratic backsliding.

Majoritarianism may privilege the Sinhalese Buddhists within an electoral democracy but it will never allow Sri Lanka to become a liberal democracy. For to rank as a liberal democracy, the country must go beyond merely holding competitive and inclusive elections; it must also uphold civil liberties for all citizens irrespective of ethnicity and religion, ensure an independent judiciary that fearlessly enforces the rule of law, tolerate civil society, minimize corruption and balance against executive overreach.3 The aspiration of progressive forces to attain this gold standard and the island’s failure to do so contribute to both democratic regression and resilience.
DEMOCRATIC EROSION AND QUESTIONABLE REVIVAL

Sri Lanka’s democratic erosion began when Sinhalese politicians disregarded the verbal promises made to Tamils and the departing British and superimposed blatantly discriminatory policies empowering the majority Buddhists. Following the civil war, the Lessons Learned and Reconciliation Commission baldly noted: “The root cause of the ethnic conflict in Sri Lanka lies in the failure of successive Governments to address the genuine grievances of the Tamil people.” As one author aptly noted when referring to the anti-Tamil policies that were instituted, “If the gods had wished to destroy, the madness of Sri Lanka’s rulers gave them every opportunity.”

Majoritarianism promotes sullen minorities not conducive to consensus politics, and rather than accommodate legitimate Tamil grievances, successive Sinhalese leaders went about further marginalizing them. Such discrimination, however, came at the expense of meritocracy and good governance. To highlight one example, it led to individuals hired into the civil service, bureaucracy, and state-owned corporations not because most were the best qualified but because they were Sinhalese Buddhists. Such politicization inevitably led to lax standards and a gradual breakdown in professionalism and the rule of law.

The 1978 constitution also played a leading role in eroding democracy. It did so by concentrating power within the executive president. This weakened parliament and further politicized governing institutions. Needing to implement vigorously the free market policies adopted in 1977 and deal effectively with a burgeoning Tamil rebellion in the northeast helped justify expanded presidential powers, but President J. R. Jayewardene more often than not acted in a supercilious and autocratic manner. Not only were presidential powers used to rig a referendum that followed, the president and his minions sought to violently suppress civil society, unions and their detractors. Indeed, Jayewardene summed up his attitude toward democratic governance by saying: “We intend... to demolish and completely destroy the opposition politically. After that I say to you, roll up the electoral map of Sri Lanka. You will not need it for another ten years.” In defending democracy, Jayewardene laid the foundation for his successors to further compromise democracy.

None undermined democratic governance as effectively and ruthlessly as Mahinda Rajapaksa. Sinhalese Buddhists had long overlooked spreading illiberalism, because the ethnocentrism that came with it benefitted them materially, those who faced the consequences of illiberalism were mainly Tamils, and the threat the LTTE posed privileged security and sovereignty over civil liberties and political rights. However, the post-war illiberalism Rajapaksa and his family instituted sought to create a Rajapaksa dynasty by undermining the state. As one of President Rajapaksa’s younger brothers bragged, “an era of ‘ruler kings’ has begun.”

Mahinda Rajapaksa’s presidency from 2005 to 2015 saw nearly 140 members of his immediate and extended family take over various government positions. Three Rajapaksa brothers, by virtue of controlling nearly 80 government portfolios, arrogated to themselves between 60 to 70 percent of the country’s budget. A fourth brother operated as speaker of Parliament. The Rajapaksa family cavalierly reversed decisions made by ministers and interfered in judicial trials. White vans operated by rogue units within the military abducted critics. Some journalists were tortured and some murdered; among those who reported on military corruption and crimes, many continue to live in exile. Under his rule, opposition politicians were harried, civil society was neutered and thugs associated with the regime operated with impunity. Instead of accommodating the defeated and broken Tamils in some fashion, the regime further humiliated them especially in the Northern Province by resorting to militarization and predatory behavior. The Rajapaksa regime also allowed racist Sinhalese Buddhist nationalist groups to attack Muslims, a minority group that had unfailingly supported the fight against the LTTE. Overall, the attempts to prevent institutions operating independently and fan anti-minority sentiment were deliberate. Sri Lanka was increasingly ruled in authoritarian fashion and could well have ceased to be even the flawed democracy that it is, had Mahinda Rajapaksa won a third term in January 2015.

Maithripala Sirisena’s victory over Rajapaksa and the unity government that followed with Ranil Wickremasinghe as prime minister portended democratic revival. It certainly enabled a freer society. Indeed, huge minority turnover was a major reason for Rajapaksa’s defeat. There is no gainsaying that notwithstanding the serious anti-Muslim rioting that took place in a couple of instances under the Sirisena-Wickremasinghe government, minorities felt more secure compared to the Rajapaksa years. The government, having bungled intelligence reports that might have averted the 2019 Easter Sunday suicide bombings by Islamist terrorists on Christian churches and hotels, did well (with help from Catholic clergy) to minimize revenge attacks against Muslims. It also sought to institute ethnic reconciliation mechanisms in accordance with Sri Lanka’s agreements with the United Nations Human Rights Council (UNHRC), although the progress made was halting and slow.

Sirisena and Wickremasinghe, together with other parties and civil society, may have combined to defeat Rajapaksa, but the two leaders soon fell out and this led to a directionless regime. The cor-
Gotabaya Rajapaksa's victory led to Mahinda Rajapaksa becoming prime minister and returned the Rajapaksa clan to power. The new president has eschewed the glaring and glamorous trappings of the presidency and signaled his desire to institute a meritocratic government. The same time, he has appointed a number of close friends and relatives with questionable qualifications to government posts.

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Rajapaksa Redux: Democratic Progress or Backsliding?

Not only did Mahinda Rajapaksa use the LTTE's defeat to win early reelection in 2010, he also engineered the 18th Amendment to the Constitution, which eliminated presidential term limits. While the Sirisena-Wickremasinghe unity government failed to institute a new constitution, it did pass the 19th amendment, which reintroduced the two-term presidential limit and created conditions designed to stymie a return of the Rajapaksa family, even as it empowered the prime minister and parliament at the expense of the president.

Mahinda Rajapaksa, however, refused to back down following his defeat, and he deftly used his Sinhalese Buddhist nationalist credentials and links to prominent temples throughout the island to return the family to power. The 19th Amendment precluded him from running for a third term and ensured his oldest son did not meet the age threshold to contest the 2019 presidential election. The amendment also sidelined the two ablest Rajapaksa siblings because it stopped dual citizenship from running for the presidency. This did not stop Gotabaya Rajapaksa, the controversial former defense secretary, from giving up his US citizenship and successfully contesting the presidential election in November. The Easter Sunday bombings that killed nearly 260 people allowed him to play up his security credentials when campaigning. Gotabaya Rajapaksa's victory led to Mahinda Rajapaksa becoming prime minister and returned the Rajapaksa clan to power.