Performing Sovereign Aspirations: Tamil Insurgency and Postwar Transition in Sri Lanka. Bart Klem. Cambridge University Press, 2024

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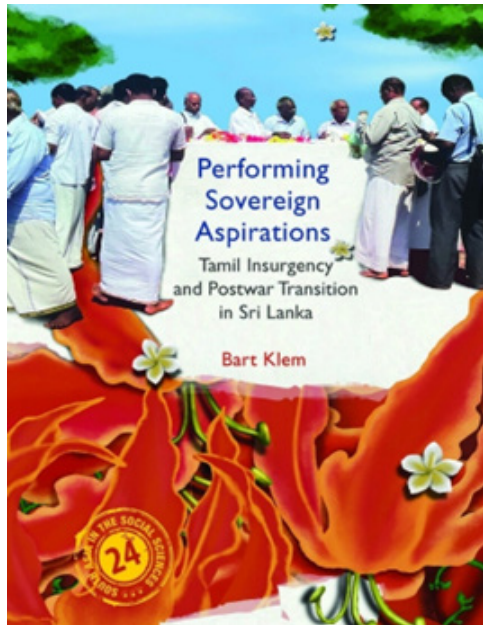

War and peace have remained unsettled business in Sri Lanka. *Performing Sovereign Aspirations: Tamil Insurgency and Postwar Transition* by Bart Klem (2024) is an interesting study of the anthropology of the Sri Lankan civil war. While it explores how the Tamil nationalist movement in Sri Lanka has "enacted, imposed, contested, reworked, flipped and erased the institutions of legitimate government", it goes beyond that. It studies the contested political landscapes of the civil war while placing it within a broader theoretical framework, offering a "performative perspective" on the Tamil separatist insurgency and militancy.

Klem sees the Tamil insurgency (and others) as "arenas of contingent political performance". Rather than dismissing them as political theatre and illegitimate, he unravels the symbolic value that they hold for the actors. Perhaps, if peace builders and political negotiators had an understanding of these "arenas of contingent political performance", their expectations of and abilities to manage such processes may have been different. Thus, I found that this book goes beyond studying the anthropology of the conflict and also extends to the anthropology of peace processes, the institutions they spawn, and the post-war legacies they leave behind.

In the first two sections of the book, Klem revisits the theoretical problems of sovereignty and then reviews the merits of a performative perspective of sovereignty in addressing these problems. In the third section he reviews the broader implications of his analysis for scholarship on insurgent governance, on violent democratic politics, and on the lived realities of war. He concludes with the relevant question: whether devolution, as a constitutional antidote to conflict, has a future in Sri Lanka.

In the course of the civil war, the LTTE was seen to establish a plethora of "legal institutions" and mechanisms and procedures of governance (courts, land development offices, etc.) which were regarded as an affront and challenge to the authority of the Sri Lankan state. Successive governments dismissed these institutions and processes as illegitimate. However, Klem suggests that, rather than assuming that these institutions are constructed on legal foundations, we must consider them as "… aspirational enactments capable of establishing legitimacy, which may grow legal roots afterwards".

Unpacking the many avatars of sovereignty

Klem astutely views the competing claims of "sovereignty" by the state and the Tamil nationalists through the prism of "performative politics" and sees sovereignty manifesting in many forms – avatars as it were. The claims of sovereignty appear to be integral to the performative politics of Tamil nationalists and it connoted a collective desire and an entitlement to be recognised as an independent state. This claim is typically legitimised with reference to the right to self-determination—this being an expression of their "sovereign aspirations". He recognises that the pursuit of such aspirations may encompass a 'fake-it-till-you-make-it' approach, whereby sovereign aspirants engage in such "sovereign performance", adopting elaborate practices that emulate those of recognised states to assert an implied form of their supreme and inalienable right to govern and establish their ability to govern.

Klem chronicles in detail the sovereign performances of Tamil nationalists of varying hues (the Liberation Tigers of Tamil Eelam–LTTE, the Eelam People's Revolutionary Liberation Front–EPRLF, the Tamil diaspora) as well state actors engaged in the peace negotiations. The "sovereign performances" reminded me of the dance of peacocks who communicate their message—they are ready to deal—through their dance.

In documenting the "sovereign experiments" of the LTTE, Klem highlights the provisional and probationary character of insurgent performativity. Improvised institutional conduct serves to test boundaries and explore possibilities, to find out what works and what one might get away with, which then offers a basis to gradually solidify a governing apparatus in pursuit of sovereign aspirations.

Through this experiment, they not only staged "institutional autonomy and territorial dissociation" but also "sovereign encroachment", i.e., the practice of gradually penetrating and co-opting previously existing institutions, such as the state bureaucracy. Rather than opposing and supplanting them, these institutions are penetrated for their use. This engenders deliberate blurring and tactical restraint, but ultimately sovereign experiments must be backed up by the ability to deploy violence and coercion to impose authority and stand one's ground.

Klem draws on the work of political anthropologists such as Geertz, Gilmartin, and Hansen, to propose a performative perspective on political institutions that dislodges the official frameworks purporting to direct state operations. Routinised institutional practice and institutional performance create their own platforms, scripts and audiences.

He also posits the relevance of the term "de facto sovereignty" to describe the ability and self-claimed right to enforce discipline among a subject population without yielding to a higher or external force. He references the defeat of the LTTE's sovereign experiment and the wrecking of its symbols, institutions, and territorial markers as "sovereign erasure" relentlessly carried out by the state after the war.

Klem reviews the contested relationships in Sri Lanka—not only between the Tamils and the Sinhalese, but the LTTE and Tamil nationalists and the Sinhala-dominated government, and the contested relationship between the Muslims and the LTTE. As conflict resolution measures, peace settlements, and power-sharing arrangements are proposed, Klem looks at these dynamics through the prism of sharing and contesting sovereign power. He recognises that doing so places the inherent contradictions of "shared sovereignty" at the heart of the analysis.

Focussing on the "performative perspective" prioritised by Klem stretches us to *go beyond the formal attempts* of sharing state power to *the way such power is distributed in practice*. In the Sri Lankan context, he sees it as being done through a series of self-validating actions, political guile, convoluted idioms, and violent contestation. Klem points out that it is important to record this and place wartime institutional transgressions and experiments in a historical perspective. They are, after all, rooted in pre-war transgressions.

Klem recognises that the life cycle of Tamil nationalism must be understood in the context of the evolution of the Sri Lankan state. The fierce majoritarianism embedded in Sri Lanka's democratic framework and social psyche and the continuous erosion of prospects for a constitutional settlement spurred the Tamil nationalist movement to transform from a non-violent body with an interest in power-sharing and minority rights protection within a constitutional and democratic framework, into a violent separatist movement demanding a separate state.

Klem chronicles the LTTE's transition from an ad hoc band of guerrillas in the early 1980s to an army by the late 1980s, and its careful construction of itself as a de facto sovereign formation. He attributes this transformation to India's attempt to impose a peace settlement and trying to outmanoeuvre the LTTE by offering other groups diplomatic and military support. The LTTE crushed the other groups and declared itself the "sole representative" of the Tamils. The LTTE's dramatic use of suicide bombers and its readiness to take on the Indian army further consolidated its aura of invincibility. For a short period, the LTTE ruled

people and territory unchallenged. The LTTE rule was demonstrated through the complex practices and the institutions established by the LTTE's "sovereign experiment".

Klem also reflects on the Tamil polity, and its adoption of various performative tactics such as shows of political abstinence through electoral boycotts as a method of flexing their political muscle. Klem sees these boycotts as "anti-political performance": a call on the electorate (sometimes backed up by coercive force) to demonstratively sacrifice their voting rights and thus participate in a principled display of protest.

These tactics resonated well from the anti-colonial and pro-democratic struggles. But as Klem notes, while boycotts can be powerful, they are also perilous. While the intention of the boycott may be to delegitimise and show rejection of the institution, it risks making the protestor irrelevant and unrepresented. It creates the risk of demoting one's own relevance rather than that of the institution to be spurned. "Political abstinence may degenerate into political absence" and this was in fact the experience of the Tamils at various junctures when they boycotted key elections.

The Norwegian-led peace process served as the climax of the LTTE sovereign experiment. By expanding its performances of statehood on a global stage, the LTTE gained international recognition. The LTTE astutely grabbed opportunities and spaces and tacit forms of implied acknowledgement of their transformation from a non-state actor to a partner in peace and multiplied it for effect.

To consolidate its separatist outlook, the LTTE focussed on converting its de facto military parity with the Sri Lankan government into de facto political parity, seeing it as the pathway to de jure recognition. In that sense, the ceasefire marked a moment of triumph and anticipation. It was a truce that gave the movement a respite from which it could emerge with positive gains.

For both domestic and international audiences, the evolution of the LTTE's sovereign experiment was exciting and full of promise. LTTE institutions were headed by people who had been jungle child soldiers just a few years ago and were now advancing on the world stage.

Klem points out that:

> … all forms of protocol and diplomatic exchange have theatrical qualities, but this was an unusually exciting kind of theatre, an unbounded, experimental kind of theatre – there was no telling when the curtains would fall, what the stage would look like when they did and which protagonists would still be standing.

The Norwegians had designed a process that appeared to tilt in the LTTE's favour: the ceasefire enabled the movement to consolidate its control, and they gained enormous political capital from their international performance as a state-like actor. For these reasons ceasefires and peace negotiations with insurgent groups were and continued to be viewed with suspicion.

The LTTE, like other insurgent groups, got carried away with the momentum of the process but failed to recognise that the process was embedded in a regional and global context that was dominated by a deep-seated bias in favour of the state.

The Norwegian team had engaged with the LTTE as a state-like actor without challenging its sovereign aspirations, but simultaneously it had assured the government that a separate Tamil state was "out of the question". The LTTE in turn was effective in using the ceasefire to roll out an elaborate institutional architecture reminiscent of a state. It skilfully developed a level of international goodwill and drafted a radical but credible proposal for political transition. These were necessary accomplishments for the LTTE in anticipation of a more recognised form of self-rule.

But these were no defence when the process collapsed: instead, the government and the LTTE prepared for war, which ended brutally in Mullivaikal. Klem refers to the historical significance of Mullivaikal as a moment of "sovereign erasure". Among the Tamil community, Mullivaikal has become a central reference point for all that has happened, a codified term for the unspeakable, the zero point of post-defeat Tamil life.

The government's decisive victory profoundly changed Sri Lanka's political landscape, and it endowed President Mahinda Rajapaksa with unprecedented political capital. Upon seizing his victory, he held a triumphant address to parliament, where he famously declared:

> We have removed the word minorities from our vocabulary … No longer are the[re] Tamils, Muslims, Burghers, Malays and any other minorities. There are only two peoples in this country. One is the peoples who love this country. The other comprises the small groups that have no love for the land of their birth.

This perspective of what was called a "peace without ethnicities" denied the history of Tamil grievances and shut off all expressions of dissent and articulation of minority concerns. It ruled out the need for a "just peace" and what followed was a process of consolidating the government's military victory in terms of electoral results and constitutional amendments and through highly militarised forms of development in the north

and east. It also led to an expansion of the military's role in government, and filling government posts with retired military personnel, while seeking international re-alignments with China to offset pressures from Western countries and India.

Consequences of sovereign erasure on Tamil nationalism and politics

What had been a key site of LTTE sovereign experimentation thus became a site of sovereign erasure by the government. With the end of the war, people drifted back to their homes but were adrift without the driving force of the leadership and ideology that had determined their lives. Klem notes that the Tamil "way of life" appeared to be slipping through their fingers, not because an outside assailant was taking it from them but because it was eroding from within. This would, in his eyes, be the ultimate erasure.

Klem notes that Mullivaikal signified a watershed moment, ending the war, but to him it was also clear that "many things did not end at the End".

> On the one hand, the space for Tamil nationalism at large became more confined now that it was condemned to the bounds stipulated by the Sri Lankan government. On the other hand, the political space for contestation within the Tamil nationalist arena radically opened up.

At the end of the war, the Tamil diaspora came to the fore as a political voice. This diaspora sought to connect war crime allegations to the broader discourse of Tamil human rights and the right to self-determination. Although this required adjusting their established script, they worked to make individual victim reports the "central performative tactic". They appeared to sever their relationship from the LTTE, and focused less on adulating the proscribed organisation, its leaders, and the cult around martyrs, and more on advancing Tamil aspirations by highlighting the many human rights violations. The role of the diaspora highlighted the transnational dimension of Tamil allegiance politics.

Post-war politics did not permit the articulation of Tamil aspirations for secession, the remembrance and celebration of the LTTE leadership, and the cult around the martyr. There had to be a tactical severance from the LTTE, creating new tensions. The strength of the diaspora in keeping burning issues in the forefront boosted the transnational dimension of Tamil allegiance politics. While the state sought sovereign erasure to end the LTTE's claims, the looming and unsettled matters of human rights violations at the end of the war undermine the state's claims that it has responsibly exercised its sovereign powers.

Charting the legacy of the contested provincial councils

In the context of these expressions and manifestations of sovereign aspirations, Klem also discusses the war-time evolution of the North East Provincial Council (NEPC) and its post-war struggles. When the government, the international community, and the people had to confront the shape of political engagements that was to follow after the war, they found the provincial councils that were pushed through the highly contested Indo Lanka Accord in 1987 continuing to be the surviving legacy. Contested, watered down, and strangled before and after the war, the provincial councils endure, albeit in skeletal form.

The NEPC, dominated by the EPRLF during its brief existence, was the arena for postulation and theatrics. The chief minister was bent on referring to the whole of his institution as "The Provincial Government", which then consisted of the elected legislature (the council) and the executive branch (the board of ministers) which commanded the provincial bureaucracy. This prompted the president of the day, Ranasinghe Premadasa, to issue directives to newspapers to ban the term "provincial government" in all advertisements! In their final administrative move, the chief minister and nationalists pushed the NEPC experiment to maximalist positions, by converting the council into a constituent assembly tasked to draft the constitution of the Eelam Democratic Republic.

This resolution was seen as breaking the bounds of devolution and, as it discursively outmanoeuvred the LTTE, the EPRLF earned the wrath of both the LTTE and the government. The EPRLF's symbolic move came at a high price, both for the EPRLF and for the provincial council. Days after its resolution, the EPRLF abandoned the offices of the NEPC and fled to India and, a few months later, several EPRLF members including the party leader were killed by the LTTE in Tamil Nadu. This was undoubtedly a measure to sanction them for daring to replace the LTTE in framing the Tamil nationalist discourse. The audacity of the resolution prompted President Premadasa to amend the Provincial Council Act with a clause enabling the central government to dissolve a council that repudiated the Constitution, thus further undermining the autonomy of provincial governance.

Klem regards the continued existence of the provincial councils—despite being loathed by the government and Tamil nationalist for different reasons—as an amazement. They have endured two decades of civil war and a powerful post-war Rajapaksa government that

was opposed to devolution. The councils survived partly because the Indian government, which helped the Sri Lankan government end the war, was still invested in the system. But Klem also sees the endurance of the councils as a testament to the tenacity of bureaucratic institutions, with civil servants generating their own logics and precedents to keep the institutions alive and themselves relevant. Unmaking bureaucratic institutions leaves the kinds of loose ends to which state entities are averse. If the provincial councils were abolished, something would have to come in its place, which would open up a whole new range of political and constitutional challenges. So, instead of abolishing the councils, they were simply by-passed, even castrated, but they provided a form of institutional continuity that can be picked up during future transitions.

Charting the turbulent history of the NEPC, Klem illustrates how a single institution can be enacted in dramatically different ways to serve diametrically opposed political interests. The constitutional foundation of the provincial councils was the 13th Amendment. Although it was not changed, the political meaning, significance, and utility of the council shifted significantly throughout the years of war, peace efforts, and post-war transition.

When a supposed political normalcy returned after the war, the councils continued to face competing pressures. The Sri Lankan government effectively starved the provincial councils of funds, their ability to raise taxes, and exercise administrative authority and legislative power. Both in law and in practice, the provincial council system has fallen well short of any notion of shared sovereignty. Even a simple law to enable tourism in the provinces fell afoul of the central government and the governor.

The tenacity of the council stems partly from the bureaucratic inclination to use technical procedures and institutional performances to mitigate political hazards. During the war, civil servants used bureaucratic rationales to legitimise and de-politicise their manoeuvring between government and LTTE. After the war, they tried to ward off attempts at political interference, from both central government institutions and their "own" provincial politicians. The administrators enacted their own performance practicing "devolution without politics". This made the provincial council an apparatus that is not only institutionally resilient but also politically impotent.

However, the survival trajectory of the provincial councils demonstrates its resilience, and there may be some remaining potential for the institution to be resurrected when the political winds change – which could be this political moment.

Understanding the political order as a product of contestation

Klem has taken a performative perspective on political contestation to show that the lived reality of political order is produced in friction with the legal and political architecture of the state. He advises that the analysis of separatist conflict should not be held hostage to formal categories, or to militant claims. Klem demonstrates that the Tamil nationalist movement encompassed several competing political inventories. These inventories included the LTTE's sovereign experiment as well as other performative experimentations emerging from within the Tamil-dominated bureaucracy and the democratic arena of Tamil nationalist parties. Each of these groups tentatively engaged in parallel trajectories of political performativity.

One might question whether Klem's focus on the performative aspect of sovereignty and whether the LTTE's investment in performative sovereignty was of value, given the speed at which the performative erasure took place. However, with the faltering of one experiment, (the LTTE's sovereign aspirations) others (political parties, the diaspora) regained potency, causing the political centre of gravity of the Tamil nationalist movement to shift, thus yielding new constellations and performative adaptation.

It is in the context of these tectonic shifts that it is important to ask if devolution, as a constitutional antidote to conflict, has a future in Sri Lanka.

Revisiting sovereignty

The heart of the Tamil struggle was the right to self-determination. Tamil nationalists and the LTTE and its supporters invested a great deal in demonstrating that they met the criteria. But Klem reiterates that it is not a matter of ground realities meeting the criteria; the assertion of sovereignty is drenched in violent political struggles over making and interpreting ground realities. This was what the Tamil struggle was all about and Klem captures it through detailing its performance aspirations. He captures its spirit as he records the minutiae surrounding the performances.

Klem demonstrates that sovereign power is complex, variable, and contradictory. It harbours disciplinary force as well as the capacity for excessive violence. It is encoded in the law, produced through violence, and it ultimately centres on the sovereign exception of suspending the law.

The central quality of sovereignty is that its contradictions are inherently irresolvable. Sovereignty is intractable because it simultaneously constitutes

the moral framework that legitimises the power, legal authority, and violent capacities of the state and the ability to supersede this framework – to change the rules, to invent exceptions, to unleash violence. Asserting and claiming sovereignty is akin to establishing the right to wield a double-edged sword or the right to drink from the poisoned chalice.

Rather than seeking to resolve or circumvent these tensions, this book has placed the unsettled and intractable nature of sovereignty at centre stage, which then forces us to critically reflect on the way we understand and diagnose conflict.

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