

THE PEACE PROCESS IN SRI LANKA:

1994-2001

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MASTER OF PHILOSOPHY

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CERTIFICATE

It is certified that this dissertation entitled *The Peace Process in Sri Lanka: 1994-2001* submitted by Mallempati Samatha in partial fulfillment of the requirement for the award of the degree of MASTER OF PHILOSOPHY of this university, has not been submitted for any degree of this or any other University and this is her own work.

We recommend that this dissertation be placed before the examiners for evaluation.

DR. P. SAHADEVAN

Supervisor

PROF. WARIKOO

Chairperson

Dedicated
to
My
Parents

CONTENTS

	<i>PAGE</i>
ACKNOWLEDGEMENT	<i>ii</i>
PREFACE	<i>iii</i>
Chapter 1	
PEACE PROCESS IN ETHNIC CONFLICT: AN ANALYTICAL FRAMEWORK	<i>1</i>
Chapter 2	
THE HISTORY OF CONFLICT AND PEACE PROCESS IN SRI LANKA	<i>24</i>
Chapter 3	
KUMARATUNGA - LTTE NEGOTIATIONS (1994-95)	<i>53</i>
Chapter 4	
THE PEACE PACKAGE OF KUMARATUNGA	<i>77</i>
Chapter 5	
NORWAY'S ROLE IN PEACE MAKING	<i>104</i>
CONCLUSION	<i>128</i>
BIBLIOGRAPHY	<i>135</i>

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PREFACE

Internal conflicts appear when the government refuses to redress the grievances of the aggrieved party. There are ways in which the process of conflict management can be conducted. One is unilateral strategy which involves the adoption of legislative measures or public policy making by the political incumbent. The other strategy involves negotiations between the parties. Negotiations take place when both parties lose faith in their chances of winning the conflict. One method of addressing the obstacles to a negotiated settlement of the conflict is the involvement of a third party.

The present study analyses the peace process in Sri Lanka during 1994-2002. It focuses on the efforts by both parties to the conflict, i.e. the Sri Lankan government and the LTTE, to solve the ethnic conflict, through negotiations, unilateral initiatives and with the help of a third party. In the process it also discusses the response of the various political parties representing Tamil, Muslim and Sinhala Buddhist communities to the peace process. While analysing in a systematic manner the intricacies of the Sri Lankan Tamil problem and the peace process it arrives at an identification of the real obstacles to a lasting solution for the island's ethnic conflict.

Objectives: The objectives of this study are :

1. To examine the outcome of various peace proposals in Sri Lanka
2. To assess the factors that led to the failure of peace negotiations.
3. To assess the role of Norway in Peace process.

4. To examine the key obstacles to peace in Sri Lanka.
5. To investigate the response of political parties to war and peace.

The study is divided into six chapters:

Chapter 1 - "Peace Process in Ethnic Conflict: An Analytical Framework" will discuss the dynamics and constraints in peace process in ethnic conflict. this chapter will be theoretical in nature.

Chapter 2 - "The History of conflict and peace process in Sri Lanka"- will discuss the causes for the emergence of ethnic conflict in Sri Lanka. And it will also deal with the peace initiatives of different governments for the past two decades. With a particular emphasis on Peace initiatives since the early 1980's.

Chapter 3 - "The Kumaratunga government - LTTE negotiations (1994-95)" deals with the negotiations between the government and the LTTE during 1994-1995. It examines the key issues that dominated the talks and also discusses the reasons for the failure of the negotiations.

Chapter 4 - "The peace package of Kumaratunga" analyses the main features of the devolution package and assess how far it has made improvements over the earlier proposals. It also deals with the response of the Tamil and Sinhalese to this peace package. The LTTE position on the devolution proposals will also be examined.

Chapter 5 - "Norway's role in peace making" attempts to explore the reasons behind the Norway's involvement in Peace process, and response of various political groups and LTTE to its involvement. Various activities of Norway in the peace process during 1999-2002 will also be examined.

Chapter 6 - "Conclusion" -while summing up the study will bring out the challenges to the peace process in Sri Lanka.

1

PEACE PROCESS IN ETHNIC CONFLICT: AN ANALYTICAL FRAMEWORK

INTRODUCTION

Internal conflicts begin with the inability or unwillingness of the government to handle grievances to the satisfaction of the aggrieved, i.e. they begin with the breakdown of normal politics. Conflict is an inevitable part of all human relations. It occurs at all levels of society, from inter-personal to inter-group, and intra-national to international.¹ Conflicts are generated by existing goals, which are incompatible, scarce resources, differentiation, communication barriers or inappropriate institutional arrangements.² Most conflicts are not static, that remain always at a degree of intensity and antagonism. Every conflict typically involves some measure of interaction between parties. There are numerous opportunities for the transformation of conflict, which undergo a process of

¹ John Burton and Frank Dues (ed.), *Conflict Readings in Management and Resolution*, London, MacMillan, 1990, p.256

² Jacob Bercovitch, *Social Conflict and Third Parties: Strategies of Conflict Resolution*, Westview Press, 1984, p.143

escalation and de-escalation. This involves a dynamic process that is evolved during the conflict.³

The primary purpose of conflict management is to arrest the expansion and escalation of conflicts and create a structure or conditions, which would be conducive to realising beneficial consequences.⁴ The management efforts often lead to resolving the conflict. Conflict management practices are so highly varied in contemporary world politics. Some simplification of these activities is necessary here. There are three ways in which the conflict management process can be conducted. One is unilateral strategy, which involves the adoption of legislative measures or public policy making by the political incumbent.⁵ The second strategy is through negotiations between the parties to the conflict. The third strategy involves the help of a third party.

ETHNIC CONFLICT: MEANING AND CAUSES.

Ethnic groups mobilise and enter into violent conflicts with other ethnic groups. The ethnic identity of groups is always a mobilising factor. It is mainly based on language, religion, culture and territory.⁶ Language is a powerful indicator of ethnic identity. The demand for linguistic rights is often a major ingredient in ethnic conflicts.⁷ Similarly religion can divide groups to fuel ethnic conflict. Identification of groups with some territory becomes essential to justify

³ William J. Dixon, "Third Party Techniques for Preventing Conflict escalation and Promoting Peaceful Settlement", *International Organisation*, vol. 50(4), Autumn 1996, p.655

⁴ Bercovitch, n.2, p.9

⁵ P. Sahdevan, "Internalised Peace Process in Sri Lanka", *BISS Journal*, vol.16, no.3, 1995, p.310

⁶ Rodolfo Stavenhagen, *Ethnic Conflict and The Nation State*, MacMillan, 1996, pp.27-31

⁷ *ibid.*, p.27

ethnic identity. Culture defines the way of life, which distinguishes one ethnic group from another.⁸ The prime concern of every ethnic group is to consolidate and protect its identity from invalidating behaviour of other groups. Ethnic conflict is rooted in a situation where one group identity is threatened by the demands, behaviour or identity of another group.

There are many approaches that explain ethnic identity or ethnicity. **Primordial approach** explains that ethnic phenomenon is as old as humanity itself. From primordial times the various nomadic or agriculturalist people around the world are said to be identified with name, language, customs, beliefs and origins. Ethnic identity or ethnicity, it is argued, expresses primordial, effective, deeply rooted sentiments of the human being.⁹ They refer ethnicity as a kind of kinship and the ethnic group as an extended kin group. But kinship is usually fictitious, deriving more from shared beliefs about supposed common ancestry. Founding myths and stories are passed from generation to generation and strengthen the identification of those who holds them dear.

Some explanations of ethnic conflict focus on the false histories that many ethnic groups have developed. These histories present once own group as heroic and in the process other groups are demonised.¹⁰ These kinds of beliefs create tremendous escalatory pressures and politicians use these myths for their political interests. These myths can lead groups to form distorted images of others and see others as more hostile and aggressive than they really are. They interpret the

⁸ *ibid.*, p.28

⁹ *ibid.*, pp.18-19

¹⁰ Mitchel E. Brown, *Ethnic Conflict and International Security*, New Jersey, Princeton UP, 1993, p.11

demands of others as outrageous while seeking their own as moderate and reasonable.

On the other hand **Culturalist approach** explains that ethnic identity and continuity are maintained as a result of the transmission within the group, of the basic norms and customs that constitute the core of the ethnic culture.¹¹ The core culture is reproduced and transmitted from generation to generation through shared norms and values. Ethnic group is distinguished from others by its own culture. The conditions for conflict exist when one group sees the other group as dangerous and threatening to its own culture.

Structuralist Approach: From another point of view ethnic groups are placed in asymmetrical relations with other groups within the framework of historically given social and economic formations.¹² They occupy different positions in the scale of wealth or power. According to this approach, ethnic characteristics of social groups are the cultural response to the challenges raised by certain kinds of social and economic relations between different populations. This structuralist approach has been found useful in the study of inter-ethnic relations in the situation of colonization, in which colonizers and the colonized face each other as dominant and subordinate groups. The colonial policies and rules led to the stratification of the people along ethnic lines. The sense of separate identity that results from the colonial rule persists for many generations.¹³ This approach underlines the fact that ethnic identities as well as

¹¹ Stavenhagen, n.6, p.20

¹² *ibid.*, p.21

¹³ Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics*, Westview, Sanfransisco, 1994, p.16

inter-ethnic relations depend to a great extent on the structural context in which they occur.

Rational Choice Theory: This approach does not explain the crucial question of why ethnic conflicts arise and why some groups assume that ethnicity is more intense than others. Rational choice theory states that individual will act rationally to obtain their valued ends and maximise their benefits. Thus, some individuals opt for ethnicity to achieve their individual ends. Ethnic groups are said to possess collective interests and they compete among themselves in a rational and calculated manner for these interests, i.e. resources, power, prestige, wealth etc.¹⁴

The Modernisation Theory: The modernisation theory predicts that in the process of economic development, nation and state building the ethnic identities will disappear. But some argue that the emergence or persistence of ethnic conflicts may be the result of failed modernization. Some ethnic groups feel threatened by modernization and resist it, thus, entering into conflicts with the forces and groups that are promoting the modernization agenda.¹⁵ The efforts constitute that modern states have often been highly destructive of the nations and ethnies are incorporated often forcefully and against their will into the process of political and economic development. Under such circumstances ethnic conflicts may express collective forms of resistance to the process of assimilation. Mass politics associated with modernization generates ethnic mobilization and

¹⁴ Stavenhagen, n.6, p.22

¹⁵ *ibid.*, p.23

makes ethnic identities more useful in the competition and struggle over resource, wealth and power.

Defining Ethnic Conflict: Thus ethnic conflict is a dispute over important political, economic, social and cultural or territorial issues between two or more ethnic communities.¹⁶ A group can be called an ethnic community when that group has a name for itself. That group must believe in a common ancestry. The members of the group must share historical memories. Often myths are legends passed from generation to generation by word of mouth; the group must share a common culture, generally based on a combination of, language, religion, customs, dress etc; the group must feel an attachment to the specific territory which it may or may not actually inhabit. Finally, the people in a group must have a sense of common ethnicity.

CAUSES:

These are some of the causes for the ethnic conflict:

Ethnic nationalism: David A. Lake and Donald Rothchild argue that intense ethnic conflict is most often caused by collective fears of the future.¹⁷ Collective fears of the future arise when states lose their ability to provide credible guarantees of protection for groups. The people look to states to provide security and promote economic prosperity. Nationalism reflects the need to establish states capable of achieving these goals. When state structures are weak, nationalism is likely to be based on ethnic distinctions. Thus the emergence of

¹⁶ Brown, n.10, p.5

¹⁷ Donald A. Lake and Donald Rothchild, "Containing Fear: The Origins and Management of Ethnic Conflict", *International Security*, vol.21, no.2, 1996, p.41

ethnic nationalism, which is based on culture, makes some form of ethnic conflict almost inevitable.¹⁸ The rise of ethnic nationalism in one group will be seen as threatening by others and it will lead to development of similar sentiments elsewhere. This will sharpen ethnic distinctions between groups and more likely that, ethnic minorities will be persecuted. This leads to a demand for a separate state by ethnic minority.

Competition for resources: Competition for resources typically lies at the heart of ethnic conflict. Resources include property rights, jobs, scholarships, educational admissions, language rights, government contracts and development allocations, etc. If these resources are scarce and in societies where ethnicity is an important basis for identity, group competition often forms along ethnic lines.¹⁹ Politics matters because the state controls access to scarce resources. The groups that possess political power can often gain privileged access to these goods. Therefore, in multi ethnic societies the struggle to control states policies and resources often lead to conflict.

Domestic factors: A number of domestic factors also affect the prospects for ethnic conflict. There is a tendency in multi ethnic societies for political parties to be organized along ethnic lines.²⁰ When this happens party affiliations are a reflection of ethnic identity rather than political conviction. On the other hand politicians appeal to communal, ethnic and nationalist impulses to gain power. This is an effective way of winning elections and gaining power. Political leaders

¹⁸ Brown, n.10, p.9

¹⁹ Lake and Rothchild, n.17, p.44

²⁰ Brown, n.10, p.10

frame issues for the public by distorting public debate and images of other groups. Ethnic minorities are often blamed for many societal ills. This will help majority groups driving co-ethnies towards power and support.

Security Dilemma: If two or more ethnic groups reside in a close proximity they worry about neighbouring groups that pose security threats. In taking steps to defend themselves one ethnic group mobilizes arms and deploy military forces. This often threatens the security of others. Posen argues that military hardware available to newly independent ethnic groups is often unsophisticated and defences are based on infantry. But these forces are effective because of the cohesiveness and motivation.²¹In this way the military mobilization will continue by both groups. This explains security dilemma facing ethnic groups.

Discrimination:Discrimination also results in ethnic conflict. At the basic level people resent and react against discriminatory treatment. When people with a shared ethnic identity are discriminated or treated unequally, they attempt to improve their condition, defend or promote their collective interest against government and dominant group.²²

Thus, there are basically two conditions for the ethnic conflict. The conflict requires the presence of a mixed ethnic community within a single state and requires a situation in which at least one group should feel aggrieved. In almost all cases they begin with a demand for equality of citizenship, ranging from formal equality before law to a demand for social measures to ensure economic and social equality. They also demand for cultural rights ranging from symbolic

²¹ *ibid.*, p.7

²² Gurr and Harff, n.13, p.83

use of the minority language in public and in the educational system. They seek institutional political recognition ranging from autonomy to local government level or representation in state institutions. Finally, if the above demands are not met they demand for secession, ranging from frontier adjustment to allow the minority to be incorporated in neighbouring state to independence as a separate state.²³

Internationalization of ethnic conflict: Many ethnic conflicts begin as domestic disputes, but become internationalised when outside powers are involved.²⁴In some cases trouble spills over into neighbouring countries. In others, neighbouring powers intervene in domestic disputes to protect the interests of ethnic brethren. Ethnic conflicts have peculiar characteristics that place them in the area where domestic and international politics interact. Because of the following reasons ethnic conflicts often become internationalised.

As long as the nation state is recognized as a norm and principle actor of the international system, a domestic conflict that even implicitly questions that norm ceases to be purely domestic and automatically requires international dimension. If the ethnic conflict explicitly raises the question of national self-determination, it naturally evokes a broader international response.²⁵

Secondly, ethnic conflicts have a peculiarly festering quality.²⁶This quality has international implications. The duration and repetition of the conflict means

²³ John Coakley (ed.) *The Territorial Management of Ethnic Conflict*, Frankcass, 1993, p.6

²⁴ Brown, n.10, p.5

²⁵ Astri Suhrke and Garner Nobel (ed.), *Ethnic Conflict in International Relations*, New York, Praeger, 1997, p.5

²⁶ *ibid.*, p.5

that domestic protagonists have ample opportunity to identify outside friends and enemies and establishes contacts accordingly. This facilitates rapid external involvement.

There is ample evidence of dualism in ethnically plural societies, some factors working towards conflict, another set of forces working towards accommodation.²⁷ However, when the forces of conflict take precedence it results in violence. This is likely to lead the combatants to look for additional sources of support. If one group controls domestic resources, the other is likely to need outside resources to balance the advantage. Hence, it may try desperately to gain international attention as by terrorist act or by charges of genocide. If genocide seems a possibility there are additional moral and legal pressures for outside parties to intervene. On the one hand, when ethnic discontent takes a violent form it rarely reaches the level of full-scale warfare. Rioting and protracted insurgency seems to be more typical expressions.

Finally, ethnic identities rarely coincide fully with state boundaries. In many cases ethnic kin inhabit different sovereign states. Hence ethnic conflict in one state has implications in other states where ethnic kin are located.²⁸ Thus, the presence of ethnic links cutting across state boundaries may serve to resolve, contain or spread the conflict.

These international ethnic links constitute the most obvious structures connecting domestic ethnic conflicts with the external environment.

²⁷ *ibid.*, p.6

²⁸ *ibid.*, p.7

ETHNIC CONFLICT MANAGEMENT

Ethnic conflict management can be conducted in three ways.

UNILATERAL INITIATIVES:

This involves the adoption of legislative measures or public policy making by political incumbent. This conflict management effort by local elites and government must reassure minority groups of their physical and cultural security. To foster stability and constructive ethnic relations, the right and position of the minority must be secured. Confidence building measures undertaken by local elites are the most effective instrument to this end. These are:

Power Sharing:

Conflict management requires an effort by the state to build representative ruling coalitions.²⁹ To give proportionate share in the cabinet, civil service, military and high party positions, the state voluntarily reaches out to include minority representatives in public affairs, thereby offering the group as a whole an important incentive for cooperation. This is also called Consociationalism. The power sharing systems are quite diverse, yet they have in common a form of coordination in which a somewhat autonomous and a number of less autonomous ethnic based and other interest groups engage in a process of mutual accommodation in accordance with commonly accepted procedural norms, rules or understandings.³⁰ These power-sharing arrangements are inevitably fragile and temporary because the communal pillars upon which they rest remain firmly in

²⁹ John McGary and Brendan O'Leary, *The Macro-Political Management of Ethnic Conflict*, 1993, p.35

³⁰ Lake and Rothchild, n.17, p.59

place. Even so, while these arrangements continue they provide some security for political and ethnic minorities.

Regional Autonomy and Federalism:

Political and administrative decentralisation can play a role in managing the conflict. Elites at the political centre can promote confidence among local leaders by enabling local and regional authorities to yield a degree of autonomous powers. Through these arrangements, the place of minorities in larger society is safeguarded. The principle argument advanced in favour of federal structure is that it would be more effective means of accommodating ethnic diversities.³¹ It would increase opportunities for individuals and groups to participate in government by creating more layers of administration and a larger variety of government institutions.

Federalism provides wider arena for conflict resolution than a purely unitary system. If regional governments represent minority opinions, conflicts can be resolved through negotiations between the regional and central government. In addition where minority groups are territorially identified, the regional governments can act to protect the interest and identity of the minority. Also federal political structures are considered inherently more democratic because they allow public to access to the government, and thus bringing the government closer to the people. Finally, it is argued that in well balanced federal system various groups feel that they have an equal opportunity and fair share of power

³¹ K.M. DeSilva, "The Federal Option and its Alternatives", in K.M. DeSilva and G.H. Peiris (ed.), *Pursuit of Peace in Sri Lanka: Past Failures and Future Prospects*, Colombo, ICES, 2000, p.211

and privilege even though they are not able to control the central government.³² Federal systems are better able to articulate the concerns, demands and needs of minority groups than the administrative units of unitary state.

The federal model may be regarded as unnecessary if the need is to accommodate only one or two minority group. In these situations, special powers may be devolved only to that part of the country where the minority constitutes a majority. These powers are exercised by regional institutions. Normally, very significant powers are devolved and the region, unlike in a federation plays relatively little role in national government and institutions. This kind of autonomy is referred as regional autonomy.³³ Autonomy can play an important, constructive role in mediating relations between different communities in multi-ethnic states. It can diffuse conflicts, by creating particularly appropriate mechanism for the protection and promotion of the culture and values of a community.³⁴

Elections:

Although elections represent only brief episode in a larger political process, they can have enormous influence on inter-group collaborations and conflicts. Elections can promote stability. All groups have a reason to organize, and through coalitions with other parties, they are given an opportunity to gain power in the future. This prospect of competing in accordance with the procedural norms of

³² *ibid.*, p.212

³³ Yash Ghai (ed.), *Autonomy and Ethnicity; Negotiating Competing Claims in Multi-Ethnic States*, New Delhi, Cambridge UP, 2000, p.9

³⁴ *ibid.*, p.24

the system can be reassuring to minority interest.³⁵ Not only do they have a chance to advance their individual and collective interests, but also they are encouraged by the majority's commitment to the electoral outcome. The effect is to pre-empt conflicts.

The implications of elections can also be troubling in multi-ethnic settings. Even where minority groups are represented in the legislature, there is a possibility that they will remain out of decision-making process. Hence, the electoral rules can be set out by the governments, so that candidates are forced to appeal to more than one ethnic group- in securing a majority of votes. This leads to moderated appeals by the leaders who win elections.

These unilateral initiatives represent conflict management, not conflict resolution strategies. They can reduce some of the factors given rise to ethnic conflicts, but they do not remove the basic cause for conflicts. This can be solved by negotiations between the parties to conflict.

NEGOTIATIONS:

The other strategy of conflict management is negotiation. This is undertaken by the parties to a conflict.³⁶ Negotiations taken place when both the parties lose faith in their chances of winning the conflicts. Internal conflicts are most difficult conflicts to negotiate, for several reasons.

Firstly, the issue of valid spokespersons usually a pre-condition for negotiations, becomes the major conflict. The spokespersons from the government side and insurgents should be acceptable to both sides. Sometimes,

³⁵ Lake and Rothchild, n.17, p.60

³⁶ Bercovitch, n.2, p.11

the insurgents should be acceptable to, both sides. Sometimes the insurgents contest the government's right to speak for the country, and the government will not recognize the leader's position easily because doing so will mean acceding to the rebel's principle demand. Negotiations require recognized leaders on each side who are capable of taking both forward and backward their followers.³⁷ The spokespersons should be in tune with the changing situations. And also, the lack of mutually agreed conceptual framework within which the peace talks may take place is one of the most serious impediments to negotiations.

Secondly, gross asymmetry of power between contending groups hampers negotiations, in the sense that more powerful partner is more likely to benefit. Parties actually involved in internal conflict have difficulty with the conception that conflicts are asymmetric, and parties will use very different strategies to end the conflict. This asymmetry is likely to make the achievement of a solution through negotiations more difficult.³⁸ There are mainly two categories of asymmetry likely to affect the course and outcome of any conflict — one is legal asymmetry, and secondly structural asymmetry.

Legal Assymetry: The major effect of legal asymmetry is that it has an impact on the manner in which the adversaries can perpetuate the conflict. The legality of government presents incumbents with a wide range of advantages denied to insurgents.³⁹

³⁷ Jehan Perera, "An Analysis of the Breakdown of Negotiations in the Sri Lankan Ethnic Conflict" in Kumara Rupasinghe (ed.), *Negotiating Peace in Sri Lanka*, London, International Alert, 1998, p.239

³⁸ C.R. Mitchell, "Classifying Conflict: Asymmetry and Resolution", *The Annals of American Academy*, 518, November 1991, p.29

³⁹ *ibid.*, p.30

Incumbents are legally entitled to impose embargoes, take actions against insurgents patrons and supporters in other countries, import arms and counter insurgency equipment, seek support for their position and policies in the international forum and introduce and enforce emergency legislation of all types. But and insurgents are not entitled to such things.

Any peacemaking effort that seeks to treat the parties as legally the same are likely to be unsuccessful. Such initiatives may be supported by the insurgents, seeking to establish legal asymmetry, but are likely to be rejected by incumbents seeking to preserve advantages of legal asymmetry. Insurgents usually engage in negotiations if issues are substantive, those that call the question of the legitimacy of existing structures and processes and the legitimacy of incumbents themselves. This leads to failure of negotiations.

Structural asymmetry: Structural asymmetry is likely to affect the outcome of negotiations. Structural symmetry involves asymmetries in salience of goals, internal cohesion and access.

For political incumbents it is often the case that, dealing with concerns of a dominant minority is only one of a multiplicity of problems they face. Frequently it is no where near the top of their agenda of concerns and this is likely to continue to be the case until the conflict has reached a critical stage at which the survival of the incumbents in the office or of national unity is genuinely threatened.⁴⁰ If political incumbents make timely concessions on the issues raised by the insurgence, then the conflict may be settled.

⁴⁰ *ibid.*, p.32

Even the internal structure of the adversaries also affects negotiations. If the political incumbents are facing a loosely united opposition and they themselves internally divided on issues and rules and appropriate means for dealing with protest or insurgence, then negotiations fail. The political incumbent in general better organised than dissidents and insurgents, because they control the state apparatus.

Access involves the ability of different parties to have their concerns and goals put on to political agenda, particularly the ability to have goals and concerns noticed, considered and acted upon by political incumbent. Unless the political incumbent are particularly sensitive to the need for considering minority views, adversaries are likely to have very different abilities to voice their concerns. If the political incumbent is not considering the views of the minority this may lead to the violent reaction from the minority as a way of obtaining attention.

Thus the essential pre-condition for successful negotiations is balance of power between the parties i.e. each party is able to exert pressures and inflict cost on the other, and both parties are autonomous. When both parties are located in a situation form which they cannot escalate the conflict with their available means and at an acceptable costs, a stalemate can provide an opportunity for negotiations.⁴¹

During negotiations there is a tendency to play politics which can lead to failure of these negotiations. The government seeks to turn asymmetry into escalation to destroy the rebels or seek peace. On the other hand, the insurgents

⁴¹ William Zartman , *Dynamics and Constraints in Negotiations in Internal Conflict*, p.15

also participate in the escalation of conflict by linking up with an external host state and neighbour.

THIRD PARTY INVOLVEMENT

One method of addressing obstacles to a negotiated settlement of a conflict is the involvement of a third party. It is often called mediation. A third party is someone who is external to a conflict and who interposes between the conflict parties in order to help them with their conflict management efforts.⁴² This usually occurs when (A) a conflict is long drawn out and complex, (B) the parties have reached a deadlock with their own conflict management efforts, (C) continuation of a conflict is seen as an exacerbating factor by all concerned and, (D) there exist no communication or co-operation between the parties. Third party involvement is designed to affect, influence or otherwise regulate the course of conflict. It is also a relationship between an outsider offering help and a conflict system requiring help. This relationship is perceived by all concerned as temporary only.⁴³

For the settlement of the dispute a third party may play a number of roles. Sometimes in actual disputes the third party may adopt different roles simultaneously.⁴⁴ This third party involvement can be divided into binding and non-binding.⁴⁵ Arbitration and adjudications are third party activities which are binding. This involves the parties making consensual delegation of power to a

⁴² C.R. Mitchell, *The Structure of International Conflict*, London, MacMillan, 1981, p.254

⁴³ Bercovitch, n.2, p.14

⁴⁴ Haken Wiberg and Christian P. Scherrer (ed.), *Ethnicity and Intra-State Conflicts: Types, Causes and Peace Strategies*, Ashgar Publications, 1999, p.210

⁴⁵ Bercovitch, n.2, p.1

third party. In this case the decision making power is removed from the party and transferred to an external authority. In adjudication the parties authorise a third party to decide on the solution of a conflict and even to enforce the chosen solution.

Facilitation:

Facilitation is another third party conflict management process in which an external party creates conditions for negotiations, between the disputants. It allows for a settlement to be emerged out of interaction between the parties themselves. A facilitator neither imposes nor proposes solutions on a conflict but provides the forum for dialogue by intervening minimally to sustain negotiations. The facilitator's role is made necessary by a breakdown in physical or psychic aspect of communication that prevents the parties from working together to find a solution to their common problem.⁴⁶ Facilitators' primary concern is to deal with technical rather than moral issues i.e. improve communication rather than promotion of solution.

Mediation:

Mediation is a form of third party intervention in conflict for the purpose of abating or resolving conflict. This is an intervention that must be acceptable to the adversaries in the conflict, who co-operate diplomatically with the intervener.⁴⁷ The mediator, in addition, helps adversaries communicate (providing good offices) and attempts to change their images of each other (conciliation).

⁴⁶ Saadia Touval and I. William Zartman (ed.), *International Mediation in Theory and Practice*, Boulder, CO, 1985, p.12

⁴⁷ *ibid.*, p.7

Mediators often suggest compromises and may negotiate and bargain with adversaries in an attempt to induce them to change their stance. Thus mediation is a process in which a third party makes proposals for the settlement of the conflict, and at the same time mediator can claim neutrality regarding the outcome of the exercise.⁴⁸

Therefore, a facilitator may be, situations of extreme polarisation and intense suspicion, more acceptable to conflicting parties than a mediator. The neutral and almost technical services of the facilitator would appear to be more functional under these circumstances than the services of a mediator who is normally committed to peacemaking.⁴⁹

Motives of Mediators and Disputants:

There are many reasons why third parties involve in conflicts. Firstly, they may be approached by one or both adversaries. Secondly, they may have a constitutional mandate to intervene in certain disputes. Thirdly, third parties may fear that protracted dispute could create possibilities for widespread violence. Fourthly, third parties may enter on their own to pursue their own interest.⁵⁰

The act of mediation is not a neutral act; it is a moral and political act undertaken by the mediator to achieve desired ends. The mediator may claim to be neutral, but it has an interest in peace.⁵¹ It would be rare for governments to

⁴⁸ Hedrick W. Vendor Merweetal, *Principles of Communication Between Adversaries in South Africa*, n.1, p.225

⁴⁹ *ibid.*, p.225

⁵⁰ Jacob Bercovitch, "Third Parties in Conflict Management: The Structure and Conditions of Mediation in International Relations", *International Journal*, Autumn, 1985, pp.139-40

⁵¹ C.R. Mitchell and K.Webb, *New Approaches to International Mediation*, London, Greenwood Press, 1988, p.16

engage in mediation for humanitarian reasons only. In view of the considerable investments of political, moral, and material resources that mediator requires and the risks to which mediators expose themselves, it is reasonable to assume that mediators are no less motivated by self-interest.⁵² From the mediator's point of view there appear to be two kinds of interests that can be promoted through mediation. One is essentially defensive that occurs when a conflict between two actors threatens mediator's interest. Resolving a conflict in such a situation is important to the mediator because the conflict effects its relations with the parties. In such situations, third parties often seek to limit damage to themselves by promoting a settlement.⁵³

The mediator is motivated largely by the desire to enhance its influence and prestige. Solutions to the conflict may have no direct importance to the mediator, but it can help as a vehicle to enhance its influence and also develop closer relations with the parties.

The disputants are also motivated by their own interest in seeking third party involvement. The most obvious motive is a disputant's desire for a face saving way out of a conflict. In such situations negotiations through an intermediary may help to protect a party's prestige. The desire for settlement implies the need to make concessions and a party may feel making concessions through a mediator which is less harmful to its reputations and future bargaining position than conceding to the adversary in direct negotiations.⁵⁴

⁵² Touval and Zartman, n.46, p.8

⁵³ *ibid.*, p.8

⁵⁴ *ibid.*, p.229

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Functions of the Third Parties

Third parties can establish contacts between adversaries and de-escalate conflict. The way this is achieved is through specific functions. Third party explains one party's position to another, and constraints operating on it. It will ensure the secrecy of proceeding. To segment complex issues into more manageable terms. To put forward their own ideas whenever impasse occurs and to persuade each side to make concessions.

Factors and Conditions that can Influence the Outcome of Mediation or Third Party Involvement

Conflict management by third parties can occur only between adversaries with well defined identities. Mediation has a better chance of success when the adversaries are recognised as the legitimised spokesperson for their parties.

Identity and characteristics of a mediator can help the accommodation of parties. Mediators have expertise in this field, and should possess certain organisational and personal characteristics. And they should have credibility with the major contending groups.⁵⁵

The success and failure of mediation is largely determined by the nature, duration, intensity of the dispute. Also (a) The importance parties attach to the issues involved will naturally affect the issues and also their choices of successful outcome. (b) The duration of dispute and timing of initiating mediation may determine to some extent, the likelihood of success. The mediation which takes

⁵⁵ Vendor, n.48, p.233

place at the right moment is effective. But there is little agreements on what constitute the right moment. Some mediations can succeed if it is attempted at an early stage. But for others, mediation can be successful or effective only when a dispute has gone through few phases. (c) Regarding the intensity of dispute, if intensity is greater or high, then there is a chance for successful mediation. But for others, the mediation is more likely to be accepted in low intensity disputes.

CONCLUSION

As pointed out earlier, internal conflicts begins with the breakdown of normal politics. The effective conflict management can re-transfer these conflicts to normal politics. Conflicts cannot be resolved by some wise judgement on an outstanding issue, rather the outcome must provide for the integration of the insurgents into a body politics and for mechanisms that allow the conflict to shift from violence back to politics. These are the constraints and dynamics of peace process in ethnic conflict.

2

THE HISTORY OF CONFLICT AND PEACE PROCESS IN SRI LANKA

INTRODUCTION

Sri Lanka today faces a major challenge to resolve its ethnic conflict. Sri Lanka is a multi-cultural, multi-racial, multi-religious society. Multi-ethnic societies are characterized by greater ethnic diversity. Sri Lanka's multi ethnic configuration has been determined by its proximity to India.¹ The intermittent migrational waves from India spanning several centuries, have not only accounted for the bulk of Sri Lanka's population, but also provided the majority-minority components of its social structure. The Sinhalese comprising 74% of the population, claim Aryan descent. Most of the Sinhalese are Buddhists and speak Sinhala. The most important ethnic minority is the Sri Lankan Tamil community, which accounts for 18% of the total population and claim Dravidian descent. They speak Tamil and most of them are Hindus. The other important minority community is the Muslims (Moors), who speak Tamil, accounting for 7% of the

¹ C.R. Desilva, *Sri Lanka, A History*, New Delhi, Vikas Publications, 1987, pp. 2-3

population. The Indian Tamils constitute 5.5% of the population. This group was brought over by the British from South India in the late 19th century, in order to work on the tea and rubber plantations. The Malayas and Burghers are descendants of mixed native and European colonial ancestry. The two major communities, the Sinhalese and Sri Lankan Tamils, had a long history of co-existence. Nevertheless they failed in developing any cultural fusion. For the past 20 years the Sinhalese and Sri Lankan Tamil-conflict had entered into an intense and violent phase. This protracted conflict seriously eroded the security and stability of Sri Lanka. Apart from severe damage caused to the socio-economic fabric of the country, several thousands of people have lost their lives in about two decades long ethnic war, which is being fought in the island's Northeastern province. There has not been any success either for the Sinhalese dominated Sri Lankan army or to the Liberation Tigers of Tamil Eelam (LTTE), a formidable Tamil militant group that seeks to establish a separate Tamil state called 'Eelam'. For the past four decades several attempts have been made to resolve the conflict or to contain the conflict. But the failure of these efforts led to the greater intensity of the conflict. Ethnic turbulence seems to be an enduring part of the political landscape of Sri Lanka.²

THE CAUSES FOR THE CONFLICT

The factors responsible for the escalation of the conflict are mutually conflicting historical perceptions of the Sinhalese and Sri Lankan Tamils, and the

² P. Sahdevan "Resistance to resolution: Explaining the intractability of ethnic conflict in Sri Lanka", *International Journal of Group Tensions*, 1997, vol. 27, no.1, p.19

discriminatory policies that were followed by successive Sri Lankan governments in the post-Independence period.

The root cause for the emergence of ethnic crisis in Sri Lanka lies in the conflicting historical perception of the Sinhalese and Tamils.³ Legends, religious teachings, and some historical accounts contained in the Pali chronicles, the Dipavamsa, and the Mahavamsa composed by a Buddhist clergy in 4th and the 6th century A.D suggest that the Sinhalese were the first civilized people to settle down on the island.⁴ Historically they regarded the Tamils as invaders who caused the destruction of Sinhalese kingdoms in the northeast, which the Tamil claim to be their “traditional homeland”.⁵ The religious and cultural revivalism that took place in the late 19th century and early 20th century reinforced these tendencies. It underscored the necessity to safeguard Buddhist religion, from the influence of Dravidian people.⁶

On the other hand, Sri Lankan Tamils insist that they are a nation and pointed out that their historical tradition in Sri Lanka is as old as Sinhalese. The Tamil resurgent movement of the North by Arumuga Navalkar mainly targeted against the efforts of Buddhism to acquire the status of the only religion in the Island.⁷ Other than religion, language and culture played a significant role to separate the Tamils from other ethnic groups. These myths of Sinhalese and

³ P. Sahadevan “Aspects of Sinhalese-Tamils Ethnic perceptions”, *Asian Studies*, vol.7, no.1, 1989, p.31

⁴ Rajat Ganguly *Kinstate Intervention in Ethnic Conflicts: Lessons from South Asia*, New Delhi, Sage, 1998, p.194

⁵ Sahadevan, n.3, p.31

⁶ Urmila Phadnis, S.D. Muni, Kalim Bahadur, *Domestic Conflicts in South Asia*, Vol. 2 New Delhi, South Asian Pub., 1986, p.124

⁷ Sahdevan, n.3, p.42

Tamils are not always in accordance with the historical facts, yet these myths are important because they explain how the Sinhalese and Tamil perceive their role. In times of national crisis these myths became the rallying points of Sinhalese and Tamil nationalism.

The Discriminatory Policies

The present ethnic crisis in Sri Lanka can be traced back to the policy of local administration adopted by the British Raj. The Christian missionaries mainly opened schools in the Tamil dominated areas, subsequently the Tamils got into government jobs and also found opportunity to acquire higher education in the professional fields. Initially, the Sinhalese were not attracted towards state employment. The British established a centralised form of government, which brought the Sinhalese and the Tamil into direct contact with each other after centuries.⁸ But friction gradually arose as it became apparent to the Sinhalese community that the Tamil by virtue of their proficiency in the English language had come to acquire a proportionately high percentage of employment in the government services and in the professional fields. Sinhalese were resentful of the fact that that Tamils, in spite of being a minority community had a higher income and greater share of the employment than they did.⁹ Political confrontation between the Sinhalese and the Tamils appeared within the first decade of independence from British colonial rule in 1949.¹⁰ The outcome was the worsening of the ethnic problem as successive Sinhalese governments followed

⁸ Chelvaduri Manogram, *Ethnic Conflict and Reconciliation in Sri Lanka*, Honolulu, Huwali UP, 1987, p.85

⁹ Ganguly, n.4, p.199

¹⁰ *ibid.*, p.199

the policy of deliberate discrimination of the minorities, especially the Tamils, in order to promote Pan Sinhala sentiments.¹¹ The discriminatory policies that were followed by successive Sri Lankan governments in the post-independence periods were the Citizenship Act of 1946, land colonisation policies, Sinhala Only Act of 1956, and politicisation of education. Because of these policies there were series of Tamil-Sinhala riots in 1956, 1958, 1977 and in 1983. The impact of Buddhist clergy was so profound on the people and the rulers that it resulted in these discriminatory policies.

The Citizenship Issue: The use of ethnicity for political purposes began soon after independence. The hill country Tamils, most of whom migrated to Sri Lanka during the British rule to work in the plantations voted overwhelmingly against the United National Party (UNP), in the 1947 election, just before independence. The party reacted swiftly by disenfranchising the entire community and rendering its members stateless by the Citizenship Acts of 1948 and 1949.¹²

The Language Issue: Until the 1930s language was not a controversial issue; it was decided that after independence both Sinhalese and Tamil would gradually replace English as the official language. But after independence the formation of the SLFP in 1951 and S.W.R.D. Bandaranaike's victory in 1956, led to the passing of the Official Language Act of 1956, which declared that Sinhalese language should be the only official language of Sri Lanka. This caused anger and feeling of discrimination among Tamils as their language and culture was at

¹¹ *ibid.*, p.200

¹² Rohini Hensman "Ethnic Identities and Conflict in Sri Lanka", *Indian Journal of Secularism*, \$\$\$\$\$, p.34

stake.¹³ To show their disapproval of the passage of the discriminatory 'Sinhala Only Act' the Tamil Federal party (TFP), staged demonstrations, which caused anti-Tamil riots, known as the race riots of 1958. Sirimao Bandaranaike succeeded Bandaranaike as Prime Minister. She implemented the Sinhala only language policy and failed to recognize Tamil as national language. But she agreed for reasonable use of Tamil for administrative purpose.¹⁴ Mrs. Bandaranaike promoted Buddhism and Buddhists in Sri Lanka's public life. She made their primacy in politics a hard reality¹⁵

Colonisation of Tamil Areas: The government policy of colonisation of Tamil-dominated areas also gave rise to ethnic conflict. The demand for greater autonomy and devolution of power failed to evoke favourable response from the Sinhalese ruling elite. On the contrary, measures were taken to alter the demographic composition of the Northern and Eastern parts of the island by making arrangements for the settlement of non-Tamils in those regions, which have been regarded as the traditional habitat of Tamils.¹⁶ From geographical standpoint, the North and Eastern parts of the Island constitute bulk of the Sri Lankan Tamil population and have been considered as the traditional homeland by Tamils. In recent years of the ethnic conflict, this territorial element has made a strong impact on the separatist movement in Sri Lanka. because they developed a long historical association with this region. The Tamils tended to view such

¹³ Sudhir Hindwan "The Sri Lankan Crisis", *Mainstream*, February 15, 1997, p.28

¹⁴ Manogaram, n.8, p.47

¹⁵ Robert I. Rotberg ed. *Creating Peace in Sri Lanka: Civil War and Reconciliation*, Brookings Institute Press, 1999, p.6

¹⁶ Hindwan, n.13, p.28

schemes as devices to convert Tamil-majority areas into Sinhala-majority areas in complete violation of their basic social and cultural rights.¹⁷

University Admission Policy: The university admission policy was another important factor, which gave rise to Tamil grievance. Till 1960 all the university examinations were conducted in English. In subsequent years these examinations began to be conducted in Sinhalese and Tamil languages. In mid 1960s Mrs. Bandaranaike government introduced the policy of standardisation and district quotas. This was done because higher percentage of Tamil students was qualifying for a limited number of places in the university, mainly professional course like medicine and sciences. But the ultimate result of all these policies was the increase in number of Sinhalese students and drastic reduction in the number of Tamil students.¹⁸ The 1972 and 1978 Constitutions of Sri Lanka also gave Buddhism the 'foremost place' and stated that it is the state's duty to "protect the Buddhist faith". This further alienated the Tamil minority.¹⁹

In Sinhalese view the 'official language' Act as well as the standardisation policy were affirmative action, provisions designed to compensate for the disadvantages they have suffered earlier.²⁰ These discriminatory policies on the part of the Sri Lankan government were aimed to resolve the long-standing Sinhalese grievances concerning language rights, employment, education opportunities, political participation in favour of the Sinhalese community and to reduce the minority to an insignificant and inferior status. Even at the societal

¹⁷ S.S Misra *Ethnic Conflict and Security Crisis in Sri Lanka* New Delhi, Kaliga Pub., 1995, p.29

¹⁸ Sunil Bastain *Ethnicity and Class in Education*, Colombo, ICES, 1985, p.29

¹⁹ Hensman, n.12, p.36

²⁰ Urmila Phadnis and Rajat Ganguly *Ethnicity and Nation Building in South-Asia*, Sage, New Delhi, 2001, p.295

level persecution of the Tamil minority continued unchecked often with tacit support of the government. In the process, constitutional safeguards of minority rights were flagrantly violated.

RISE OF TAMIL MILITANCY

For the Tamils these discriminatory policies represented a process of their marginalisation in a democratic set-up. To achieve their just demands they launched movements through constitutional means. Tamil opposition to discriminatory laws and regulations under the direction of the Federal Party (FP) took the form of Non-violent, disobedience campaigns designed to persuade the government to grant concessions. In many instances, however, thugs or the police broke up these peaceful demonstrations. Some of the demonstrations led to anti-Tamil riots, such as those in 1956 and 1958. The leader of the FP S.J.V. Chelvanayakam attempted to work with various Sinhala governments to resolve the ethnic problem.

But the FP was unsuccessful in securing Tamil right from successive governments. It was also unable to dissuade the government from discriminating against the Tamils with regard to recruitment for government jobs and admissions to universities and from settling Sinhalese peasants in Tamil areas.²¹ Despite appeals from the FP, laws were passed and regulations issued to facilitate the gradual exclusion of Tamils from public service, limit the number of Tamil students gaining admissions in universities, and to accelerate the planned colonisation of Tamil areas.

²¹ Manogaram, n.8, p.12

From the mid 1970s the nature of Tamil agitation and demands underwent a major qualitative change, and change also occurred in the strategy employed by Tamils to fight for their rights. All the major Tamil parties were dissolved and Tamil United Liberation Front (TULF) was formed under the leadership of Chelvanayakam in 1972. Its aim was to protect the freedom, dignity and rights of the Tamil people.²² The Federal party, the Tamil Congress, the Ceylon Worker's Congress of Thondaman (CWC) and Elathamilar Ottumai Munai of C. Suntharalingam and All Ceylon Tamil Conference were the five parties, which jointly formed TULF.

Initially, the major objective of the TULF was to secure regional autonomy for Tamil areas, but over in course of time its members were compelled by circumstances to demand the creation of an independent Tamil state to be called Eelam.²³ Besides TULF there were other militant groups, dedicated to the cause of establishing a separate Tamil homeland. One primary reason for the rise of Tamil militancy and the demand for secession was the failure of moderate Tamil leaders to secure concessions from the Sinhala-dominated governments through negotiations.²⁴ They felt that tactics were not yielding any result. Deeply concerned about their future and that of their community, they decided to pursue the path of militancy in order to establish an independent state in which they could hope to live life with dignity. Secondly, the Sri Lankan government's decision to adopt the 1972 constitution, which did not contain any provisions for

²² H.P. Chattopadhyaya *Ethnic Unrest in Modern Sri Lanka: An Account of Tamil Sinhalese Race Relations*, 1994, p.37

²³ Manogaram, n.8, p.57

²⁴ Ganguly, n.4, p.201

a federal set up of political power and which reiterated the pre-eminent status of Sinhala as the sole official language and also bestowed a special status on Buddhism. There was no provision granting devolution of powers to Tamil regions.²⁵ As a result the Tamil youth drifted towards militancy and secessionism.

The Tamil militant groups began to appear in the early and mid 1970s. Among such groups the first to appear was the Tamil Eelam Liberation Organisation (TELO) formed in 1974, the Eelam Revolutionary Organisation Of Student (EROS) in 1975, People's Liberation Organisation of Tamil Eelam (PLOTE), on 1979, and then Eelam Peoples' Revolutionary Liberation Front (EPRLF) in 1980. The prominent among them was the Tamil New Tigers (TNT) which was established in 1972 by V. Prabhakaran and changed its name to the Liberation Tigers of Tamil Eelam (LTTE) in 1976.²⁶

In the initial years of Tamil militancy the acts of violence and terrorism were mainly in the nature of assassination of government personnel as well as robberies. But the eruption of brutal anti-Tamil riots in July 1983 marked a turning point in Sri Lanka's ethnic conflict.²⁷ The LTTE and other guerrilla organisations, intensified the attacks on the government forces. For the first time the state machinery and resources were used by government personnel against the life, and properties of the minority Tamil group. The government reprisal, however, only pushed more Tamils into the arms of the extremists. Thereafter, most Sri Lankan Tamils came to regard the creation of a separate Tamil state as

²⁵ *ibid.*, p.202

²⁶ Chattopadhyaya, n.22, pp. 37-42

²⁷ Ganguly, n.4, p.203

the only option for their community. These riots also caused the marginalisation of Tamil groups such as TULF.

Negotiation Between the Government and Tamil Parties upto Early 1980s:

Alarmed by the increase in violence, several serious attempts were made to resolve the problem up to early 1980s. In this period ethnic conflict management was restricted to negotiations between the principle adversaries, i.e, Tamil parties and the government. In the early stages of the conflict two Pacts, the Badaranaike-Chelvanayagam (BC) Pact of 1957 and the Senanayake-Chelvanayagam (SC) Pact of 1965 were signed between the Sinhalese and Tamil leaders. The BC Pact tried to accomplish four things. It gave Tamil official status for administration in the Northern and Eastern provinces. It implicitly recognised the principle that some portions of Sri Lanka constituted a traditional homeland or habitat of the Tamils, by its proposal to set limits on the settling of Sinhalese peasants in newly irrigated areas of the North and the East. The demographic position of the Tamils was not to be disturbed; it imposed to re-examine the question of the estate Tamils that had occurred in 1949-49. It undertook to establish Regional Councils.²⁸ The S-C Pact first offered a Provincial Council system and later anticipating a widespread Sinhalese opposition, declared a reduction in the territorial limit of the unit of devolution at the district level.

²⁸ M.S. Kulanandaswami *Sri Lanka's Crisis: Anatomy of Ethnicity, Peace and Security*, Delhi, Authors Press, 2000, p.25

Both the Pacts were ultimately abrogated under mounting pressure from Buddhist groups that acted in conjunction with the UNP in the case of B-C Pact and SLFP with regards to the S-C Pact.²⁹ This period saw Tamil separatists developing into a powerful force not merely with local bases in the North and East of the island but also on close links with the government and opposition in the South Indian state of Tamil Nadu. LTTE's formation in mid 1970's under the leadership of Velupillai Prabhakaran signalled the birth of organized Tamil militancy as an alternative to the non-violent agitational tactics adopted till then by the moderate TULF.³⁰ They became a powerful political force to compel the TULF to reconsider its long cherished objective to establish a federal system of government. Instead they called for a separate state.

The 1978 Constitution of President Jayawardane recognized Tamil as a "national language with provisions in order to offer better employment opportunities to Tamil in public sector. Standardisation of education was abolished and an attempt to decentralise power was made but without the satisfaction of the Tamil parties.

INDIA'S ROLE IN THE 1980s

In the 1980s there was a dramatic escalation of the conflict. In July 1983, violence broke out causing large-scale killing and at least one lakh fifty thousands Tamils sheltered in refuge camps while almost 10,000 migrated to other areas. The police and armed forces massacred several Tamils and there was neither an

²⁹ Sahdevan, n.2, p.19

³⁰ P. Sahdevan "On Not Becoming a Democrat: The LTTE's Commitment to Armed Struggle", *International Studies*, vol.32, no.3, 1995, p.250

inquiry into these killings nor was any legal action taken against those who committed atrocities.³¹ The Tamil militancy entered a new phase of violent separatist struggle, which advocated for the complete division of the country along ethnic lines.

In this situation India offered to play a mediatory role to bring about political solution to the ethnic problem.. After 1983 riots the Sri Lankan government sought military assistance from the UK, the USA, Pakistan and Bangladesh, to cope up with the ethnic problem. It also concluded a fresh agreement with the USA for the expansion of the Voice of America facility in the island which could serve military and intelligence purpose particularly with regard to the US ship and submarines in the Indian Ocean region.³² The involvement of external powers in Sri Lankan ethnic crisis was viewed by India seriously. Because, in its security perspective Sri Lanka is a 'part of its sphere of influence'. The anti -Tamil riots followed by the influx of refugees into Tamil Nadu created serious administrative problems. Tamil Nadu has a long history of support for various causes espoused by the Tamils of Sri Lanka. Both the opposition and ruling parties urged New Delhi to take firm measures, such as raising the issue in the United Nations the scrapping of diplomatic relations and even armed intervention. These factors compelled India to intervene in Sri Lanka's ethnic conflict. India had three roles to play in Sri Lanka's ethnic conflict. ³³

³¹ Sujit M. Canagaratne "Nation building in Multi-ethnic Setting: Sri Lankan Case", *Asian Affairs*, vol.14, no.1, 1987, p.2

³² S.D. Muni "Indo-Sri Lanka Agreement: Regional Implications", *Mainstream*, August 15, 1987, p.20

³³ K.M. Desilva and G.H. Peiris *Pursuit of Peace in Sri Lanka: Past Failures and Future Prospects*, ICES, Colombo, 2000, p.6

- 1) A covert support to several groups of Sri Lankan Tamil separatist activists operating in Tamil Nadu, and overt mediation between the Sri Lankan government and Tamil leaders.
- 2) India's role as mediator began by Mrs Gandhi as a calculated political response to the anti-Tamil riots of July 1983, and continued under her son and successor Rajiv Gandhi till July 1987.
- 3) Active participation in the conflict began in late 1987 and continued to the middle of 1990

Annexure C: Proposals

The first diplomatic initiative took place in November 1983. India had sent G.Parthasarathy to Colombo, to devise a set of proposals that would be acceptable to the Tamil of Sri Lanka and Sri Lankan government. This resulted in Annexure 'C' proposals. Some of the salient features of this Annexure 'C' were:

- a) the pre-existing District Development Council be permitted to combine into one or more Regional Councils. A special case was made out for the Northern and Eastern provinces, respectively, whereby, the DDCs within each region would be amalgamated into Regional Councils, without having to go through the process of a referendum in those districts.
- b) The Regional Council so constituted, would have legislative powers in respect of subjects devolved to it. The devolved subjects were left to be worked out through negotiation.

- c) The Chief Minister and his council of ministers would constitute the executive arm backed by a Regional Public service.

All Party Conference:

The Sri Lankan government convened an All Party Conference (APC) to evolve a consensus on these proposals on January 1984. The discussions at the APC continued over most of 1984, and all recognised political parties, the TULF and Buddhist parties participated. The APC did achieve a consensus on the issue of devolution. But the profile and authority of the APC underwent another setback when the SLEP pulled out, on the ground that it was an attempt to impose a solution without consulting the people.³⁴ The TULF also later rejected these proposals partly because the devolution remained at the district level and not the province. Thus ended Annexure 'C' which was the first formal attempt by India to find a solution to the ethnic conflict.

Rajiv Gandhi's policy:

The next more intensive phase of Indian involvement in Sri Lanka was born after the failure of the APC. When Rajiv Gandhi assumed power in December 1984, Rajiv Gandhi maintained continuity in Indian policies, but with certain significant changes. The most significant point was a softening in the attitude towards the Sri Lankan government and a consequent hardening of approach towards Tamil militant groups,³⁵ thereby, reducing the pro-Tamil slant in India's approach. This change was reflected in greater air and naval surveillance

³⁴ Ketheshwaran Longanathan "Indo-Lanka Accord and the Ethnic Question Lessons and Experiences", in Kumar Rupasinghe *Negotiating Peace in Sri Lanka: Efforts Failures and Lessons*, London, International Alert, 1998, p.71

³⁵ S. D. Muni, *Pangs Of Proximity*, Sage, New Delhi, 1993, p.76

of the Palk Strait in cooperation with the Sri Lankan Navy, to curb the militant traffic in arms and men. Indian customs officials became more strict in confiscating arms-cargoes of Sri Lankan militants, and militant groups were evacuated from places like Thanjavur.³⁶

The negotiations and discussions on Sri Lanka's ethnic issue which took place between March 1985 and December 1986 were a persistent and painstaking effort by India to persuade the Sri Lankan Tamils to move back from their extremist demand for a separate Tamil state and to give up violence and terrorism, as a factor in their demands.³⁷ At the same time it wanted the Sri Lankan government to restructure the political system in a manner which would meet the aspirations of the minorities in their own country.

Thimpu Talks - 1985:

During Rajiv Gandhi's tenure, the diplomatic efforts of Romesh Bhandari led to two rounds of talks in Thimpu in 1985. But this experiment collapsed, leading to a hardening of positions between the government of Sri Lanka, and Tamil militants. The Sri Lankan delegation rejected the four 'cardinal principles' — the creation a of Tamil homeland by joining together the Northern and Eastern provinces; the recognition of right of self determination of Tamils; recognition of Tamils of Sri Lanka as a distinct nationality, These demands were rejected by the government on the ground that they negate the sovereignty and territorial integrity of Sri Lanka, and are inimical to the interests of the several

³⁶ *ibid*, p.76-77

³⁷ J.N. Dixit, "Indian Involvement In Sri Lanka And The Indo-Sri Lankan Agreement of 1987; A Retrospective Evaluation", n.34, pp. 35-36

ethnic and religion communities in the country.³⁸ On the other hand Tamil organizations rejected the proposals for provincial and District councils tabled on behalf of the Sri Lankan government.

The two sides joined the talks for their own narrow reasons. There was no serious effort to reduce hostilities, before talks. The lack of seriousness on the part of the Sri Lankan government was evident in the composition of the delegation.³⁹ They were lawyers and not politicians. The Tamil militant groups were pleased with the overall outcome of the Thimpu negotiations as they secured recognition from the Sri Lankan and the Indian Governments as legitimate parties with whom political settlement of the ethnic issue was to be worked out.⁴⁰ The Thimpu experiment, also underlined the decline of the moderate TULF role, in representing the Tamil cause.

December 19, 1986 Proposals:

Following the collapse of Thimpu talks in 1985, the Indian mediation efforts were continued by the two Indian cabinet ministers – Natwar Singh and P. Chidambaram on 19th December 1986. They held discussions with President Jayawardane. A consensus that emerged came to be known as the “December 19, 1986” Proposals. The major objective of these talks was to seek a middle ground between Tamils’ insistence on the merger of the Northern and Eastern provinces and the Sinhalese opposition to it.⁴¹ These proposals meant a definite advance on

³⁸ K. M. Desilva, “ Sri Lanka’s Ethnic Conflict and the Long Search For Its Resolution: 1979-99” n.33, p.40

³⁹ Dixit, n.33, p.40

⁴⁰ Muni, n.35, p.78

⁴¹ Kulandaswamy, n.28, p.60

the Annexure "C" and the Thimpu talks as they tried to create a "homeland" for the Tamils by slicing off the Sinhala dominated Ampara district; they also sought a link up between the North and the remaining part of the East i.e., Trincomalee and Batticaloa districts. However, the LTTE rejected these proposals and TULF response was lukewarm. President, Jaywardane, yielded to pressures within the government and also to Sinhala extremists. He agreed to gain the control of the Jaffna peninsula by military means. The spurt in Sri Lanka's military operations added significantly to the legitimacy of the Tamil militants' reactive military operations.

In this situation Rajiv Gandhi suspended India's mediatory efforts in early February 1987 and warned Colombo repeatedly to desist from attempting military victory over Jaffna. India started thinking on different lines of the direct intervention. Because India felt alienated from both contending parties, neither of whom was taking India's mediatory role with seriousness.⁴² India got a chance to intervene directly in Sri Lanka's ethnic conflict, when the government of Sri Lanka imposed an economic blockade on the Jaffna peninsula in January 1984 in retaliation against the LTTE's announcement that, they were going to seize the control of all the civil administration of Jaffna peninsula. India intervened in the name of dropping relief supplies to Jaffna, first through relief boats; and then through air force planes. Through this act India sought to re-enter the Sri Lankan situation from which it had withdrawn its good offices in February 1987.

⁴² Muni, n.35, p.90

IMPLICATIONS OF THE INTERVENTION

After India's air dropping of supplies in Jaffna, President Jayawardane came under tremendous pressure from the Sinhala nationalists. It aroused Sinhala nationalists by bringing their worst fears of an Indian – Tamil coalition nearer to reality. The anti-Tamil feeling was gradually replaced by anti-Indian feelings. These feelings were exploited by Jayawardane's opponents, both within and outside the government. The SLFP launched an anti-government stir and the JVP organized student strikes, and attacked government property. It was under such circumstances the divisions within the army became clear. Secondly, it decisively put the military as, a non-option for both the Tamil militants and the Sri Lankan government.⁴³ The LTTE wanted a political solution only on its terms and without any compromise. The Thimpu principles reflected the extreme demands of LTTE. The Indian intervention clearly conveyed to the Tamil militants, that they have to compromise on their stand for Tamil Eelam. It also wanted to put a halt to Sri Lanka's military approach in resolving ethnic question. Thirdly, the Sri Lankan government realized the limits of external support to Sri Lanka. The much expected USA's support was not forthcoming, even though the government wanted USA to take some action in this regard against India. To come out of this situation, President Jayawardane decided to sign the Agreement with India, which he did on 29th July 1987, called '1987 Indo-Sri Lanka Accord'.

⁴³ ibid, p.95

1987 – Indo-Sri Lanka Accord:

After signing the Accord India had become a direct party to the conflict. It enabled Jayawardane to confront the JVP in the South by transferring Sri Lankan troops from the north to the south. From India's side, the agreement was occasioned by the necessity to terminate the long-standing ethnic war in Sri Lanka, which was having serious implications for India's own domestic politics especially in Tamil Nadu.⁴⁴

This Accord provided a conceptual framework for the resolution of the ethnic conflict and outlined institutional arrangements for the sharing of power between the Sinhalese and Tamil communities. The Accord declared that Sri Lanka was a multi-ethnic and multi-lingual plural society consisting primarily of four ethnic groups: the Sinhalese, Tamils, Muslims and Burghers. It further recognized that the Northern province and Eastern province had been areas of historical habitation of the Tamil speaking population. This clause was included to satisfy all the groups who argued for the existence of a traditional Tamil homeland in the Northern and Eastern provinces. However, by not using the word 'homeland', it attempted to satisfy Sinhalese and Muslims who argue against it.⁴⁵

The accord granted a substantial and powerful role for India in the process of resolving the ethnic conflict. Some of the important proposals were:

⁴⁴ Shelton. U. Kodikara, "Agenesis Of Indo-Sri Lankan Agreement Of 29 July 1984", *Contemporary South Asia*, vol. 4, no.2, 1995, p.183

⁴⁵ Shantha. K. Hennayake, "the peace Accord and tamils in sri lanka", *asian survey*, vol.29, no.4, 1989, p.409.

- (i) A complete cessation of hostilities, and the surrender of weapons held by the Tamil separatist groups within seventy-two hours of the implementation of the Accord;
- (ii) The provision of Indian military assistance to help with its implementation;
- (iii) The establishment of a system of Provincial Council in the island;
- (iv) The joining together of the Northern and Eastern provinces into one administrative unit with an elected Provincial Council there to be elected within three months;
- (v) The holding of a referendum in the eastern province to determine whether the people of east would support its merger with the Northern province into a single Tamil dominated province.
- (vi) A general amnesty for all Tamil separatist activist in custody, imprisoned or facing charges, after the general surrender of arms;
- (vii) The repatriation of about 100,000 Tamil refuge in India to Sri Lanka;
- (viii) The resumption of the repatriation of Indian citizens from Sri Lanka, under the terms of agreement reached between the government of Sri Lanka and India in 1964 and 1974;
- (ix) The prevention of the use of Indian territory by Tamil militants for military or propaganda purposes; the prevention of the military use

of Sri Lankan ports, Trincomalee in particular, by any country in a manner prejudicial to Indian interests;

- (x) Tamil and English would enjoy equal status with Sinhala as official language.

Response to the agreement:

The announcement of the Accord met with protest marches organized by militant Buddhist sections and JVP. It mobilized Sinhalese youth against the Indian 'expansionism' in Sri Lanka.⁴⁶

It targeted mainly the ruling UNP government and state property. Tamils greeted the Agreement with mixed feelings. The people in the North felt that, the Sinhalese army would be withdrawn from the area, thereby providing a much needed respite from state terrorism. Prabhakaran was certainly not happy about laying down arms or yielding on the secessionist demand for Tamil Eelam despite the offer of the dominant role in the proposed interim administration and financial support and permission to carry personal arms. The position of some other Tamil organizations like EPRLF, EROS, PLOT, TELO etc. was one of critical support for the Accord as the basis for a long-lasting solution to the nationality problem.⁴⁷ On 4th August, the LTTE leader Prabhakaran rejected the Indo-Sri Lankan Accord, since it did not redress the grievances of the Sri Lankan Tamils, but tried to disarm them without first guaranteeing a safety and protection mechanism for them, and refused to surrender the arms to Indian Peace Keeping

⁴⁶ Chattopadhyaya, n.22, p.97

⁴⁷ Kumara Rupensinghe, "Sri Lanka; Peace Keeping And Peace Building, Bulletin Of Peace Proposals, vol 20, no.3, 1989, p.344

Force (IPKF). The Sri Lankan negotiators had opted for an Indian army presence because the Indian contingent was more acceptable to the Tamils, who would more readily surrender their arms to them rather than to the Sri Lankan army but this has proved wrong. The LTTE was strong enough to engage in a struggle on two fronts against the security forces and it also eliminated all rival Tamil groups.⁴⁸ Under the provocations from LTTE, IPKF was engaged in military operation from 1987 to 1990.

Provincial Council System:

The most noteworthy aspect of India's peace initiative was that the Agreement provided for the Provincial Council to be basic unit of devolution of power.⁴⁹ To implement this the Sri Lankan government passed two legislative initiatives. The Provincial Council (PC) Act of 1987, and 13th Amendment to the constitution.

The PC Act devised the administrative structure of the PC consisting of Chief Minister and a Governor appointed by the President, and the 13th Amendment specified powers and functions of the Centre and Provinces under three lists. Sri Lanka was forced to convert itself from a unitary state into a semifederal one through the expedience of the 13th Amendment, and agreed, at least, temporarily to a merger of the Northern and Eastern provinces into one single North-Eastern province as demanded by the Sri Lankan Tamils.⁵⁰

⁴⁸ Desilva, n.33, p.6

⁴⁹ Sahadevan, n.29, p.21

⁵⁰ Partha G. Ghosh, "Singhla-Tamil Ethnic Conflict and India", *EPW*, June24, 1995, p.1486

Some of the provisions which were a major concern for the Tamil parties were: the clear control of the President and Centre over state land; land development projects and irrigation. Before PC-can utilize any land for a purpose, they have to gain its release from central jurisdiction.⁵¹ But the constitutional framework, which is unitary, proved problematic leading to hurdles in utilizing the land by the PCs. The dominance of the Centre is clearly evident in certain other provisions also. The Sri Lankan parliament retains supreme authority in all matters; and it may make laws on any matter in Provincial List, to fulfil international treaties or obligations.⁵² During emergency the central government, headed by its powerful executive President, can pass regulations to override, amend or suspend the operation of a PC. Given the history of the island with its long periods of emergency rule and extensive use of violence by the state, these provisions constituted a major source of concern for the Tamils.⁵³

The constitutional changes relating to Provincial Councils (PCs) were widely seen by the section of the Sinhalese, JVP, SLFP and Buddhist clergy as having been imposed upon by India. They perceived PCs as a threat to the unity and integrity of Sri Lanka. They opposed the devolution of power the PC system sought to institutionalize. The PC system was introduced in most unfavorable circumstances, which affected it's functioning. The elections to the North-East

⁵¹ Amitha Shastri, "Sri Lanka's Provincial Council System: A Solution of The Ethnic Problem"? Asian survey, vol.32, no. 8, august 1992, p.729

⁵² *ibid*, pp.732-731

⁵³ *ibid*, p.732

PC were held in November 1988, which lacked legitimacy because of LTTE's opposition to it.⁵⁴

Reasons for the Failure of Agreement:

The Indo-Sri Lankan Agreement neither established peace nor brought normalcy in the country. The failure on the part of the signatories to the Agreement as well as certain parties of the ethnic conflict, especially the LTTE, to discharge their respective obligations under the peace accord, led to virtual collapse of the Agreement.⁵⁵ The Agreement set an unreasonable time-frame for the implementation of certain provisions like, surrendering of arms by the Tamil militants, withdrawal of security forces to barracks within 72 hours of the cessation of hostilities coming into effect, and finalisation of residual devolution of powers to the PCs within a 8-week period.⁵⁶ The Agreement also failed to spell out a definite and durable solution to certain core issues such as the Tamil demand for single linguistic unit comprising both the Northern and Eastern Provinces. The problems within the UNP itself mainly from Premadasa and also Sinhala opposition to it, contributed to its failure. With the IPKF withdrawal from Sri Lanka in 1990, the Indian role as a third party ended.

PREMADASA- LTTE NEGOTIATIONS

After the failure of Indo-Sri Lanka agreement, President Premadasa called for a ceasefire with the Tigers and began talks with them during May 1989 to June 1990. The

⁵⁴ Neelam Tiruchelvam, *Devolution And The Elusion Quest For Peace*, In Robert.I. Rotherg's *Creating Peace In Sri Lanka Civil War And Reconciliation*, Brooking Institution Press, Washington Dc, 1999, p.195

⁵⁵ P. Sahadevan and J. S. Tissainayagam, "Current Obstacles to Enduring Peace in Sri Lanka" *Strategic Analysis*, September, 1992, pp.561-562

⁵⁶ *ibid.*, pp.561-62

thirteen month long peace talks generated much expectation among people that LTTE would enter into a democratic political system. The UNP and LTTE's decision to enter into negotiations was based on different sets of reasons.

- (i) Both were opposed to the IPKF presence in Sri Lanka. Because of a long struggle against IPKF, LTTE was reduced to a guerrilla force and its capability to control territory was destroyed.
- (ii) Secondly, their strong antipathy to J. R. Jayawardane.
- (iii) The LTTE, entered into negotiations with the UNP government mainly because IPKF was present in the North and the East. It remained under severe pressure. The two-year IPKF presence had seen the elimination of many top leadership of the LTTE. As long as the IPKF was present, a weakened LTTE with its leadership constantly on the run, had to look to political methods to improve its overall position. In this situation it initiated negotiations.

All Party Conference

Premadasa structured a forum called All Party Conference (APC) with the purpose of having the LTTE interact with the rest of the political parties in the country. The APC was significant as a first step to legitimize the LTTE as a political organization and not merely a militant group.⁵⁷ Despite engaging in negotiations they are mutually suspicious of each other and pursued a two-track policy of engaging in negotiations and also preparing for a military showdown.⁵⁸ While much emphasis was placed on many confidence building measures there is

⁵⁷ Bradman, Weerakoon, " Government Of Sri Lanka LTTE Peace Negotiations 1989/1990, n.34, p.145-146

⁵⁸ Aabha Dixit, " Sri Lanka In The 1990s: A Study Of Its Ethnic Crisis", *Strategic Analysis*, December 1990, p.1056

no record of any serious political talks between the parties during the negotiations. However, after the IPKF's departure, when the time came to discuss political issues the LTTE issued two demands: the dissolution of the North-East Provincial Council and the repeal of the 6th Amendment of the Sri Lankan constitution. The rejection of both these demands by the government led to the unilateral resumption of war by the LTTE on 10th June 1990.

Parliamentary Select Committee:

While engaging in these hostilities the government began another set of discussions. These discussions took the form of a 45 member Parliamentary Select Committee (PSC) under the leadership of Mangala Moonesinghe, then SLFP MP. This was the first attempt since independence to put forward some kind of agreed solution particularly, between the two main Sinhala-dominated parties, the UNP and SLFP. It replaced a previous non-parliamentary body the APC.

Many proposals were put forth in the PSC. The PSC chairman Mangala Moonesinghe's Concept Paper proposed the establishment of two units of devolution. One for the north and one for the east together with Regional Council that in effect linked these units together. Secondly, an option paper was presented that again proposed two elected Provincial Councils and a single Regional Council in the North and East. A 'Regional list' and 'Provincial list' of devolved powers were carefully worked out. The PCs were to have power over questions relating to land, finance, and law and order, while Regional Councils would control overall planning and economic development.

The CWC leader Thondaman's proposals for a permanent merger of the North-Eastern province and greater devolution of power were not acceptable to the Sinhalese leaders. And Mangala Moonesinghe's proposals were rejected by the Tamil parties, as they refused to compromise on a single merged political unit in the northern and eastern provinces. Actually, Moonesinghe's proposals had made an attempt to change the 'unitary' nature of the Sri Lankan constitution into a 'federal' one. The Tamil parties rejected even these proposals.⁵⁹ This rigid position of the Tamil and Sinhalese parties on the question of devolution led to the breakdown of the PSC in December 1992. Thus ended the unilateral peace initiative of the President Premadasa.

CONCLUSION

Sri Lanka's ethnic conflict started and intensified due to the discriminatory policies followed by the successive Sri Lankan governments since independence. Not only did these policies alienate the Sri Lankan Tamils but they also gave rise to Tamil militancy in the 1970s, which has become a threat to Sri Lanka's integrity. The governments tried to manage the ethnic conflict which caused several killings, destruction, casualties etc. In the early years of the conflict the 'conflict management process' was conducted by the parties to the conflict themselves - the Sri Lankan government and the Tamil parties. But the agreements reached between them and the concessions granted to the Tamils were withdrawn due to opposition from Buddhist clergy and Sinhala chauvinists. The Tamil youth, who were disillusioned by the Sri Lankan government decided to choose the path of militancy to achieve an independent Eelam, so that they could

⁵⁹ Bruce Mathews, "Devolution of Power In Sri Lanka", *Round Table*, Vol-330, April 1994, p.237-238

enjoy the same privileges as the Sinhalese. The LTTE emerged as a powerful group, claiming to be the representatives of Tamils. Because of the hostilities between the security forces and the militant groups, there was widespread violence. This resulted in the 1983 riots. These riots resulted in the mediation, and later intervention by India. Even though India asserted that the solution to the ethnic problem be found within the framework of united Sri Lanka, it had its own interest in intervening in this conflict. India firstly used the militants to put pressure on the Sri Lankan government to negotiate seriously with Delhi. This strategy had yielded mixed results. Quite often the militants destroyed the prospects of negotiations instead of creating suitable conditions. The LTTE used these negotiations and discussion to get legitimacy as a representative of the Tamil people. From the 1980s to the 1990s the ethnic conflict management in Sri Lanka was through the active mediation of India. This led to the Indo-Sri Lanka Accord of 1987. The Accord proposed a Provincial Council system to devolve power to the provinces. But this experiment failed because of the non-cooperation of the LTTE and also opposition from SLFP which refused to participate in the PC elections. The Sinhalese saw this accord as an integral threat to the sovereignty of the country. India's experiment in Sri Lanka's peace process failed mainly because of the intractable nature of the LTTE and also the lack of commitment of both parties to the agreement. Even the negotiations between the Premadasa government and the LTTE failed mainly because the parties which participated in the negotiations stuck to their own self-interests. The LTTE and the government used these negotiations to consolidate its military strength, rather than working towards a political solution to the ethnic conflict. The peace process in Sri Lanka, in the 1980s, failed because of these factors.

3

KUMARATUNGA - LTTE NEGOTIATIONS (1994-95)

INTRODUCTION

The victory of Chandrika Kumaratunga, leader of the Peoples Alliance (PA), first as Prime Minister and subsequently as a President in November 1994 elections raised the hopes for peace in the island. Chandrika Kumaratunga called for the restoration of peace and resolution of the ethnic conflict through negotiations even with the Liberation Tigers of Tamil Eelam (LTTE). The result of this promise was the total rejection of narrow Sinhala chauvinism by the Sinhala electorate.¹ During the elections the United National Party (UNP) and other opposition parties tried to undermine the PA's stand on a negotiated political settlement of the ethnic conflict by accusing the PA of conspiring with the LTTE to establish "Eelam". But the popular verdict received by Chandrika Kumaratunga reflected the real desire among the Sri Lankan ethnic masses for a peaceful resolution of the ethnic crisis. In her victory speech, Kumaratunga

¹ *Frontline*, September 9, 1994, p.13

declared, "The verdict of our people in the recent elections leaves me in no doubt of the depth and intensity of their desire and commitment to peace. This must be a peace with honour for both parties to the conflict, if it is to be strong and durable".² By winning the election she brought a decisive end to the rule of UNP, which had been in power for seventeen years. The efforts during the 1980s by President J.R. Jayewardane with the assistance of the Indian government and later by President Ranasinghe Premadasa, who held negotiations with the LTTE for nearly 14 months, had proved unsuccessful in bringing about an end to the armed conflict. The seventeen years of UNP rule resulted in the escalation of conflict to the extent that ethnic reconciliation has become a difficult task.³

The Reasons for the Initiation of Negotiations by the Government and the LTTE

After the failure of the Premadasa government-LTTE negotiations in 1992, there was widespread devastation and killing in the North-east, resulting in displacement of people. Over the years extreme Sinhala Buddhist chauvinists have rejected the idea that Sri Lanka is a multi-ethnic, multi-religious, plural society. They rejected the just demands of the minorities. The PA government was the first one to openly acknowledge the fact that peace would not be established without the co-operation of the LTTE. The previous governments did not talk

² Kalpana Issac's "Sri Lanka's Ethnic Divide", *Current History*, April 1996, p.180

³ P. Sahadevan "The Internalised Peace Process in Sri Lanka", *Bis Journal*, vol. 16, no. 3, 1995, p.326

about this and used the terrorist menace theory to give legitimacy to its military operations in the North.⁴

Chandrika Kumaratunga has come to power with the promise to devolve powers to the north-east to end the war through negotiations with the LTTE and dissolve Presidential form of government. Sri Lanka's parliamentary elections are held under a proportional representation system. PA won the election but it failed to capture an absolute majority in the 225-member parliament. It had to rely on the minority parties like the TULF and the SLMC to get majority in parliament. It needed two-third majority in parliament to implement its proposals. If it has to win the presidential election, the minority Parties support is needed. The PA needed some 600,000 voters in the north. Some argue that these are the reasons why Kumartunga initiated negotiations .The LTTE which has effective control over Jaffna district in the north refused to cooperate with Colombo administration in conducting elections.⁵ The government felt that the cost of continued low intensity warfare was exorbitant .The conflict has claimed more than 50,000 lives and had ravaged the economy of the country. The diversion of resources to fighting the war was a great setback to the Sri Lankan economy. The country is spending an average of Sri Lankan Rs15 to 20 billion on the war effort. According to an estimate military expenditure is running at \$2 million a day.⁶

This war indirectly affected the other fields. This includes blow to tourism and damage to the economy through loss of production in agriculture, fisheries

⁴ Sahadevan's, n.3, p.327

⁵ S.W.R.D Samarasinghe "The 1994 Parliamentary Elections in Sri Lanka:A vote for Good governance" *Asian Survey*, vol.34, No12 Dec. 1994

⁶ Alkhtar Shaheen, "Peace Process in Sri Lanka Problems and Prospects", *Regional Studies*, vol. 15, 1996, p.94

and industries. These hostilities scared away foreign investors as well as tourists. On the other hand, the material loss of Sri Lankan Army in the offensive were certainly much bigger compared to that of the LTTE.⁷ After Premadasa -LTTE negotiations and the resumption of hostilities between the LTTE and government forces, the casualties increased. The Army was not in a position to start war with the LTTE at that time. In this situation, the promised in an ideal model of a peaceful democratic polity that enjoys sustained economic growth, with social justice and equity,⁸ at the same time, while improving the welfare of the people especially poor who were under difficult conditions because of the UNP's open economy policies. If it had to improve the situation, the PA government felt the need to settle the ethnic conflict, which would be a tremendous achievement. This could be possible only through negotiations with the LTTE.

The LTTE initiated talks mainly because the government promised a devolution package. If the government implement the package with the support of other Tamil groups, it would be a defeat for the LTTE⁹. Faced with such a situation it initiated talks with the government. The other issue which made the LTTE to initiate talks was mainly due to the loss of cadre and also territories after it had withdrawn from the peace process in 1990. The LTTE used the truce and built up its forces and pulled out of talks in June 1990. It overran a number of army camps. The Pooneryan camp was established in 1991 to effectively block the rebel movement from Jaffna peninsula into the mainland. In 1993 the LTTE

⁷ ibid., p 50

⁸ Samarasinghe , n.5, p.1034

⁹ Shaheen, n.6 , p.51

attempted to demolish the camp and in fierce battle the two sides lost over 1000 of their personnel. It also mounted an attack on the other strategic point, the elephant pass. The LTTE tried to dislodge the army, but the army had driven the LTTE to the jungles.¹⁰ In these circumstances the government and the LTTE started negotiations.

Preliminary Steps

The Tamil people in the North-East were undergoing extreme hardship as the direct consequence of the war and the hard-line militaristic approach advanced by the previous regimes. The constraints have not been relaxed to create the conditions of normalcy in the war-affected areas.

As a first step towards mitigating the sufferings of the people of the North-East, the government within two weeks of assuming power, announced the relaxation of the economic embargo which had been in force since 1990, and offered a package to rehabilitate and reconstruct the North. The Tiger leadership welcomed the new peace initiative as a serious attempt by the PA government. It announced its desire to pursue the path of negotiations to work out a “substantive alternative to Eelam”, while at the same time reiterating its commitment to the principle of self-determination¹¹. The LTTE stressed that, they were not laying down any “pre-conditions” for negotiations, but wanted the economic embargo on the Jaffna stronghold lifted completely, together with the commencement of reconstruction and rehabilitation of the North-Eastern region of the island to

¹⁰ *ibid.*, p.9

¹¹ *Frontline*, October 21, 1994, p.40

begin substantive political talks.¹² The LTTE responded by releasing ten police men who had been in their custody since June, 1990

FIRST ROUND OF TALKS

Following the exchange of two sets of letters between the government and the LTTE through the International Committee of Red Cross (ICRC), both decided to conduct negotiations. The first round of negotiations were held between the government and the LTTE in Jaffna on 13-14 October 1994. The people of Jaffna gave a warm welcome to the government delegation consisting of Lionel Fernando, the then Secretary to the Ministry of Information, Kusumsiri Balapatabindi, Secretary to the President, Rajan Asirwatham, Chairman of the Bank of Ceylon and Narin Gunaratne, an architect.¹³ The government delegation only consisted of officials but no political leaders. This delegation had not participated in previous negotiations between the government and the LTTE.

The talks centred on the immediate problems faced by the people. The preliminary issues such as lifting of the economic embargo, rehabilitation of the Jaffna peninsula and re-opening of a free passage for civilian travel between Jaffna and the mainland were discussed. The LTTE insisted on the opening up of the Pooneryn-Sangupiddy causeway by removing or relocating the army camp in that area. It also insisted on the formal ceasefire, if the talks were to succeed. Restoration of electricity, construction of a Jaffna library were also discussed. The talks ended on an optimistic note.

¹² POT, Sri Lanka Series, February 16, 1995, p.15

¹³ P. Rajanayakam "Govt.LTTE Negotiation(1994-95): Another lost opportunity" in Karmara Rupesinghe (ed) *Negotiating peace in Sri Lanka Efforts, Failures and Lessons* London: International Alert, February 1998, p.193

Assassination of Gamini Dissanayake

A day before the government delegation was to leave Jaffna to have their second round of talks, a suicide bomb attack at a Colombo election rally on the night of October 23rd, killed the UNP Presidential candidate Gamini Dissanayake. The assassination caused a severe set back to the peace process initiated by the government. The UNP and even some non-LTTE Tamil groups, like the Democratic People's Liberation Front (DPLF), directly blamed the LTTE, for scuttling the peace process. According to them the killings were part of a long term LTTE strategy of systematically eliminating the Sinhala leadership, so that the LTTE is ultimately granted the separate state of Eelam.¹⁴ In this situation the government called off the second round of talks. Even though there was a reason to believe that the LTTE was involved in this attack the government did not make any statement against the LTTE despite criticism from several parties. This was a tactical move to deny the LTTE a chance to point a finger at the government for breaking the peace process,¹⁵ especially when the LTTE declared a weeklong ceasefire welcoming the victory of Chandrika Kumaratunga as President on 19th November 1994.

Government Views on the Cessation of Hostilities

In response to the LTTE's insistence on the cessation of hostilities, the government sought Prabhakaran's views on this issue, before formally signing the agreement. Firstly, in order to end the armed conflict, and to arrive at a political solution to the problems, the government saw cessation of hostilities as a direct

¹⁴ *India Today*, 15 November 1994

¹⁵ Sahadevan, n.3, p.334

prelude to commencing negotiations with the LTTE.¹⁶ Secondly, during the entire process the LTTE must refrain from all political assassinations any where in the island. Thirdly, during this period, both parties remained intransigent in their positions, while remaining fully alert.

The LTTE agreed in principle to the government proposal for a cessation of hostilities, but did not respond positively to the government call for political negotiations on substantive issues soon after the commencement of cessation of hostilities. It pointed out that at the initial stage the negotiations should give primacy to immediate problems of the people, which were crucial for the creation of a peaceful environment, and asserted that negotiations should progress in stages. This showed the divergence on respective approaches of both parties to the peace process.¹⁷

SECOND ROUND OF TALKS

Following the exchange of a few letters between both parties, the second round of talks were held on 3rd January 1995. Thousands of people who had gathered to welcome the government delegation for the first round of talks were absent this time. Initially the Sri Lankan government side had a four member delegation. Now it added one more member to allow representation to the armed forces for talks on the cessation of hostilities. Initially, the government maintained that a declaration for cessation of hostilities should come in the process of achieving a progress in peace talks. This was also intended to enlist the support of the army for the peace process, as the government sought to convince them that

¹⁶ Rajanayakam, n.13, p.198-199

¹⁷ *ibid.*, p.201

it would not repeat the mistake of the Premadasa government in 1989-90. But after the LTTE agreed in principle to government's views on the cessation of hostilities, the government changed its stand. This resulted in a formal declaration of cessation of hostilities, which was signed by President Kumaratunga and Vellupillai Prabhakaran on 5 January 1995 and exchanged through the ICRC. This came into effect from 8 January 1995. This was the first formal cessation of hostilities between the government and the LTTE, since June 1990.

The Salient Features of the Agreement

The salient features of the agreement were, both parties agreed not to undertake offensive operations. Acts such as sabotage, bomb explosions, assassinations and intimidations directed at any political group, party or any individual would amount to violation of the agreement.

Secondly, the establishment of direct communication links in the field level between the commanders of the security forces and the LTTE and the creation of a buffer zone of 600 metres between the bunker lines of the two combatants with their right of movement being restricted to 100 meters of their respective bunkers. The navy and the air force were to continue performing their legitimate tasks without, in any way, engaging in offensive operations against the LTTE.

For this provision, the initial reaction of the military was distrustful of the LTTE, because of the past experience that, it used cessation of hostilities only to regroup and rearm its cadres. The army preferred to have the East left out from this agreement. Because for the past two years the army systematically drove the LTTE into the jungles of Batticaloa, Ampara and Trincomalee districts. Under the

cessation of hostilities the armed Tigers can move around freely and build up its base. The army had observed the LTTE movement within the restricted areas in the Elephant pass on January 8th itself, the day the government and the LTTE agreed for cessation of hostilities.¹⁸ But the government minister kept up the refrain that “the LTTE has taken great pains to ensure that there are no violations and some incidents have been reported mainly because of the communication gap.”¹⁹

Thirdly, as per the agreement, the two sides invited four observers from Canada, Norway and the Netherlands to chair four regional peace committees to monitor the cessation of hostilities. These committees consisted of five members: two from the government, two from the LTTE and one from a foreign country who will be the Chairman. These committees were set up, in the areas of Jaffna-Mannar, Vavuniya-Killinochi, Trincomalee, and Batticaloa and Ampara. Both parties agreed to ensure the free movement of these committees to perform their task.

President Chandrika Kumaratunga firmly believed that the cessation of hostilities would work.²⁰ Meanwhile, a debate began on why it is a cessation of hostilities and not a ceasefire. Deputy Defence Minister Anuraddha Ratwattee explained that, “the cessation is the first step, it is less formal than ceasefire” and can be worked out in mutual agreement.²¹

¹⁸ *POT*, 11 February 1995, p.8

¹⁹ *Frontline*, 10 February 1995, p.143

²⁰ *POT*, 16 February 1995, p.2

²¹ *Frontline*, 13 November 1995, p.142

Though the agreement was a victory for the LTTE, because the government accepted it without putting any pre-conditions, it did not convince the Tiger leadership to start a serious discussion on the political agenda for a negotiated settlement of the conflict.²² The LTTE raised some other issues — such as it wanted a Rs. 4,000 crore rehabilitation and re-construction package for the North to get under way before peace talks begin. Colombo agreed to form an appropriate authority to implement this programme. However, on the issue of lifting the embargo on certain items (mainly military items); restriction on fishing in Northern waters; and the opening up of the Pooneryn-Sangupiddy causeway which linked the Northern peninsula to the mainland for civilian traffic, no agreement was reached to the satisfaction of both sides.

THIRD ROUND OF TALKS

The third round of talks between the LTTE and the government took place on 14 January in Jaffna. The cessation of hostilities was extended indefinitely. The LTTE wanted the economic embargo on the Jaffna peninsula lifted completely together with the commencement of reconstruction and rehabilitation of Northern and Eastern provinces, as the LTTE wanted the living conditions of Tamil people to return to normal to begin substantive talks.²³ The LTTE accepted the government's Rs. 39 billion economic package, and suggested the establishment of a North-east Development Authority by the government in which the LTTE's representatives would be accommodated as well.²⁴ The

²² Sahadevan, n.3, p.335

²³ *Frontline*, 10 January 1995, p.144

²⁴ *POT*, n.12, p.14

government agreed to lift the ban on 20 more items, only some military items were banned. However, the third round of talks failed to finalise the dates for political negotiations. Dissatisfied with the response of the LTTE, President Chandrika Kumaratunga had accused Tamil separatist rebels of unfairly adding new demands during talks to end a 12 year long civil war. Kumaratunga felt that it was not fair play towards the PA government, which despite political risks, was trying to solve the conflict for the first time in Sri Lanka's history.²⁵

Stalemate in the Peace Process

After the 3rd round of talks the peace process slowed down, and it was almost stalled. The government's interest in continuing the preliminary talks any more was greatly reduced. This was because of the differences on certain issues.

Firstly, there was a controversy over the government's blueprint for the reconstruction and development of the North. Phase one of the Rs. 3900 crore programme included a crash plan for the Jaffna Municipal Area at the cost of Rs. 55 crore which the government would provide. The rest of the programme was to wait for foreign funding. The donor agencies expressed their willingness to help the government once the path to peace was clear.²⁶ But the LTTE was of the opinion that the urgent problems of the Tamil people cannot be reduced to some reconstruction and repair works²⁷ and no action had been taken by the government to reduce the grievances of the Tamil people. The LTTE laid down four conditions for the programme to be launched. They were:

²⁵ *POT*, 20 February 1995, p.22

²⁶ *Frontline*, 7 April 1995, p.45

²⁷ *POT*, 27 June 1996, p.408

- total lifting of the economic embargo,
- opening up of all routes to Jaffna,
- transformation of the cessation of hostilities into a stable ceasefire, and
- the establishment of an authority to implement the projects.

Secondly, there were differences over the ceasefire and functioning of the monitoring committees. To transform the current cessation of hostilities into a stable, full-fledged ceasefire, the LTTE wanted certain issues such as the mobility of armed cadres in the Eastern province, movement on the coastal waters, fishing etc. to be discussed and agreed by both parties and a separate document with clarification be worked out as annexure to the basic document.²⁸ The LTTE felt the government was unduly delaying discussion on these issues. But the government wanted the monitoring committees to be headed by foreign representatives and to start functioning, before it could consider a permanent ceasefire. The LTTE complained that the government had not made arrangements for the foreign representatives to meet with the LTTE leadership in Jaffna before these committees could operate. It felt that the government had despatched them to Trincomalee and Batticaloa without the consent of the LTTE.²⁹ To make these committees functional the Tigers put forth two conditions:

- total removal of the restrictions on fishing and movement of boats off the North-eastern shore,
- and permission for the LTTE cadres to move freely with arms.

²⁸ *ibid*, p.143

²⁹ Sahadevan, n.3, p.208

The LTTE unconditionally agreed for the setting up these committees but later introduced conditions that could affect the functioning of these monitoring committees. The government did not accept the LTTE's demands for relaxation of restrictions on fishing, for security reasons.

Thirdly, the issue of opening a safe passage to Jaffna also led to a controversy. The two routes – the Elephant Pass and the Pooneryn route – connects the Jaffna peninsula to the mainland. During the Eelam War-II the government blocked the Elephant Pass and Pooneryn routes. The LTTE insisted that if the government is seriously and sincerely committed to peace they should show certain gestures, by completely removing or replacing the military contingent stationed in Pooneryn. Once this route is opened the LTTE will consider opening the Elephant Pass.³⁰

Despite the government's assurance that the army would not use these routes for any military advantage,³¹ the LTTE suspected that the government's reluctance to open the Pooneryn route was linked with its military objective, i.e., the encirclement and seizure of Jaffna.

Finally, another issue of controversy between the parties was a suggestion by President Chandrika Kumaratunga for mediation/ facilitation by an independent foreign person. Chandrika Kumaratunga recommended the name of a French diplomat, Francois Michel. The LTTE described the chosen intermediary as a friend of President, and declared that individuals in their private capacity could not be trusted as mediators. However, the government denied the

³⁰ *POT*, 28 February 1995, p.33

³¹ *Frontline*, n.11, p.47

charge and maintained that, the name was suggested by the French government on Colombo's request.³² The LTTE declared that they wished to talk with the government directly and, if the talks between them failed, they would welcome mediation by foreign countries.

The LTTE Supremo Prabhakaran argued that the government was giving primacy to the strategic interest,³³ and the government's refusal to accede to their demands indicated that government was determined to perpetuate the military and economic coercion on the Tamils as a bargaining card to seek political gains at the negotiating table. The government, on its part, charged the LTTE with slowing down the peace process by laying down new conditions and avoiding fixing a date for starting political dialogue. Meanwhile, the LTTE issued an ultimatum to the government that, it will withdraw from the peace process, if a favorable response was not received by 28th March 1995. These developments created uncertainties about the continuation of peace process.

Government's Unilateral Moves:

Without treating 28 March as the deadline, the government tried to sustain the peace process and agreed to lift the partial embargo on fuel and restrictions on fishing. It also re-opened the Elephant pass and Pooneryn-Sangupiddy routes. This move of the government was aimed at opening safe passage for Tamil civilians and hoped the LTTE would co-operate. The government's action in unilaterally announcing the opening of the road routes was a move to pressure the

³² *The Hindu*, 9 March 1995

³³ Sahadevan, n.3, p.334

LTTE to resume talks.³⁴ The LTTE leader Prabhakarn welcomed the decision of the government and wanted the government to implement them without delay³⁵ and agreed to resume negotiations. The government had done enough already with the hope that, the political package as well as technical matters about rehabilitation could be discussed simultaneously. Nevertheless, it was the LTTE which changed its stance from time to time.

FOURTH ROUND OF TALKS:

The fourth round of talks between the government and the LTTE delegation concluded on April 12th 1995, WHICH were centered primarily on the LTTE's key demands — removal of the economic embargo, freedom of movement in North-Eastern waters and removal of restriction on fishing, removal of the Pooneryn Army Camp and free movement of armed LTTE cadres in the Eastern province.

Regarding the first issue, except the items like, arms/ammunition, explosives/pyrotechnics, remote control devices, binoculars, telescopes, compasses, cloth material resembling army uniforms, penlight batteries, all other goods could be freely transported to the North. The government ensured that it would take firm action to transport these goods to the North. Secondly, regarding the restrictions on fishing, it considered the views of the LTTE. It agreed that, fishing can be carried out at any time with only the following exceptions;

- i. From Devils Point to Thalaimannar fishing will be permitted only upto 5 nautical miles from the shore.

³⁴ Rajanayakam, n.7, p.214

³⁵ *The Island*, 31 March 1995

- ii. Fishing will not be permitted within an area of one mile either side along the coast and 2 nautical miles seawards from the security forces camps on the coast.
- iii. Fishing would not be permitted on all days, harbours and estuaries along the coast. Any problem arising with regard to the effect of this exception in the coast should be discussed at a local level.³⁶

Thirdly, regarding the Pooneryn Army Camps, the LTTE had asked for the removal of the camp, the government had withdrawn the camp perimeter by 600 meters and has given an undertaking to place no checks on the road to allow civilian traffic. The government was not willing to remove the camp completely because of its military significance. Nevertheless, conscious of the fact that peace and normalcy must ultimately mean the reduction of military presence, the government agreed to keep this issue under constant review.³⁷

Fourthly, the government pointed out that the issue of the movement of LTTE cadres in the East should be discussed within the context of the cessation of hostilities agreement. The LTTE charged that the government had given primacy to the strategic interest of the occupational army over and above the urgent needs of the Tamil civilian masses.

LTTE withdraws from the talks:

Following the government failure to comply with the LTTE's deadline of 19th April 1995 to accept its demand, the LTTE attacked two Navy gunboats berthed inside the Trincomalee harbour, leading to the killing of 12 sailors. This attack was carried out without any provocation. Nor LTTE gave a notification of

³⁶ *POT*, April 27, 1995, p.135

³⁷ Rajanayakam, n.13, p.227

72 hours for the termination of the agreement on the cessation of hostilities. In retaliation the government re-imposed the embargo on the transport of 19 items to the North and reintroduced the restrictions on fishing. The armed forces were asked to respond to the ground situation, and decided to hit back, by resorting to shelling and bombing of LTTE targets and camps.³⁸ Once again the conflicts between the armed forces and LTTE escalated, which led to the Eelam War III.

RESPONSE OF THE VARIOUS POLITICAL PARTIES:

After the failure of negotiations different political parties felt that the decision of the LTTE to terminate the cessation of hostilities was in total disregard of the stated aspirations of all sections of the Sri Lankan people Parties like the TULF and the SLMC called upon the government and the LTTE to restore the cessation of hostilities and resume talks, because the escalation of conflicts would inevitably lead to incalculable human suffering and misery.³⁹ The leader of the opposition and the UNP leader Ranil Wickramasinghe said that, “ the breakdown of cessation of hostilities is a matter of grave national concern.⁴⁰ This response shows the utmost desire of all communities that the peace process should move forward.

Even the countries like Canada, the US, the EU, and Australia condemned the LTTE attack on Trincomalee and the decision of the LTTE to withdraw from the peace process. They called on the LTTE to return to negotiations.⁴¹

³⁸ *POT*, 8 May 1995, p.151-153

³⁹ *ibid*, p.152

⁴⁰ *ibid*, p.152

⁴¹ *POT*, 15 May 1995, P.163

THE CAUSES FOR THE FAILURE OF NEGOTIATIONS:

When the negotiations started in 1994, there was a great expectation among the people of Sri Lanka, especially the people of North-East that these talks will lead to political settlement of the dispute, but the expectations were short lived. The causes for the failure of negotiations, were :

Lack of Direct Communication Between the Parties

The period between Chandrika's election and resumption of hostilities lasted seven months. During that time, there were only four rounds of direct talks, each of which did not last more than two days. This lack of direct communication was one of the first stumbling blocks. The major point of contact between the two sides was written communication through the ICRC. While this had certainly facilitated their interaction, the measures adopted to generate much needed mutual trust and confidence did not yield any significant result.⁴² It was evident from the content of these exchanges that they served to repeatedly assert and re-assert the differing positions of the parties rather than seeking to narrow the gap between them.

Lack of Professionalism:

The composition of the government's negotiating team demonstrates this fact.⁴³ The key negotiators were: Lionel Fernande, Secretary to the Minister of Information; Balapaaatendi Secretary to the President; R Asirwathan, a lawyer and chairman of Bank of Ceylon; and N. Gungratne, an architect. None of them had

⁴² Sahadevan, n.3, p.341

⁴³ J.Perera "An Analysis of the Break Down of Negotiations in Sri Lanka's Ethnic Conflict", n.7, p.245

the authority to make decisions without referring back to the government in Colombo. On the other hand, the LTTE had sent both the leaders of their political wing, S P Tamilselvam, and his deputy., Karikalan to attend the talks. The lack of professionalism of these representatives of government, who had neither political authority nor government status, had itself made the peace process spurious. The LTTE charged that, the government was not committed for political settlement of the dispute, by choosing representatives, not on the basis of political skill but simply because they were friends of the President.⁴⁴

Enhancing military strength:

Though the parties insisted that the talks were taking place without preconditions there was always a military dimension that seemed to determine the approach of both parties.⁴⁵ The five demands of the LTTE — the complete lifting of the economic embargo; removal of all fishing restrictions on North-East waters; removal of the Pooneryn military base to allow free movement along that road; armed LTTE cadres in the Eastern province be allowed freedom of movement; that the cessation of hostilities agreement of January 6 be turned into a full cease-fire - were tough and controversial. The demands gradually emerged throughout negotiations, and the LTTE insisted that they should be met before any discussion on a political solution. But demands were oriented to the strategic interest, rather than the interests of the general population. It was evident that the LTTE's commitment to the talks were based on a desire to improve their strategic

⁴⁴ Edward Coats and Richard Salater, "Negotiating Ethnic Conflict in Sri Lanka: An Analysis of Failure of Political solution", *Indian Journal of Public Administration*, vol.4, Oct-Dec 1994, p.790

⁴⁵ Rajanayakam, n.13, p.231

position as much as they could before their inevitable resumption of conflict.⁴⁶ On the other hand, the government wanted to commence and continue with the talks without easing up on the constraints that, the military had succeeded in vis-à-vis the LTTE. The reason for this is perhaps the degree of integration that has been witnessed between the government and the army, over the years. Powers enjoyed by them under Prevention of Terrorism Act and the Emergency Act are almost akin to those under martial law, giving them almost unrestricting rights of interrogation and confinement of suspects. This authority of the military would allow them to exert pressure on the government.⁴⁷ This was evident in these negotiations. The army opposed the easing up restrictions of fishing and the opening of Pooneryan Camp by the government.

Divergence in approaches to the peace negotiations

Until the eventual breakdown of negotiations the parties remained deadlocked on the issue of whether the negotiations should continue on the “multi-track” approach favoured by the government or the “the stage-by-stage” approach proposed by the LTTE.⁴⁸ The attitude of the two sides was influenced by the way each wanted to go about the peace negotiations. The government position was that, while steps were being taken to alleviate the daily problems faced by the people of the North-east the LTTE should simultaneously engage in talks with the government for reaching a political solution to the ethnic crisis.

⁴⁶ Haward B.Schaffer, “Sri Lanka in 1995:A Difficult and Disappointing year, “Asian Survey.vol.-36,No. 2, February1996, p.214

⁴⁷ Watts and Slater, n.44, p.786

⁴⁸ *ibid*, p.792

The LTTE, however, wanted the talks to proceed in stages. The LTTE argued that, the ethnic issue could be tackled in two dimensions. The first being the need to address the immediate problems by the people in restoring normalization of civilian life. The second being the issue of an acceptable devolution package. This was the argument the LTTE used throughout the talks and it suited their purpose effectively while subverting government's wishes, since it suggested that their main interest was to secure the rights of the Tamil people.⁴⁹

Mistrust between the two parties

The landslide victory of the PA government undoubtedly affected the character of the government and led to a high degree of confidence in its ability and legitimacy to bring about a solution without major compromise.⁵⁰ The embargo was the government's commitment to compromise. But actually the military forces on the ground continued to enforce the embargo even on supposedly 'free' goods. Kumaratunga claimed that. " the people of the North are already on their side, whatever the Tigers say or do. They have won their hearts and minds".⁵¹ The personnel at military check points allowed only limited passage for goods which made the lifting of the embargo rather meaningless. The LTTE's deadlines on March 28 and again on April 19 were a serious attempt to allow implementation. Some argue that the failure of the government to recognize the deadline imposed on the talks by the LTTE demonstrates effectively that, the

⁴⁹ *ibid*, p.792

⁵⁰ *ibid*, p.790

⁵¹ *The Hindu* , 5 March 1995

government did not believe that the Tigers were essential to the peace process.⁵² On the other hand, the government tried to exert pressure on the discussions through propaganda campaign. It started leafleting the Tamil population to argue its case. Such a confrontational approach was clearly designed to turn public opinion in the North away from the Tigers. This made the LTTE strongly doubt the sincerity of the government. The LTTE argued that, the government must not be allowed to drive a wedge between the LTTE and its people.

Simultaneously, each adversary attempted to mobilize international opinion to exert pressure on the other. The Sri Lankan government launched a diplomatic campaign to win the support of world powers and agencies to its peace efforts. Kumaratunga's address to the Social Summit in Copenhagen (1995) sought the international community's support for the success of her peace initiative. As a counter measure, with the aim of holding the government responsible for the impasse, the LTTE's Paris based spokesman, Lawrence, Thilagar, circulated a signed document among the summit leaders urging them to pressurize Colombo to redress the Tamils grievances.⁵³ The government seemed to have succeeded in mobilizing greater support to its peace efforts. The European Union, Canada, Japan, China, the U.S. and even the United Nations Commission on Human Rights have come out in support of the peace process and urged the LTTE to go to the negotiating table.⁵⁴

⁵² *ibid.*, p.791

⁵³ Sahadevan, n.3, p.339

⁵⁴ *Frontline*, n.20, p.46

CONCLUSION

The negative perceptions, attitudes, and also military considerations contributed to the failure of the negotiations. But the main cause for the breakdown of negotiations was the government's failure to concede equality of status to the LTTE. The Sri Lankan government or for that matter almost all major parties in the South viewed the LTTE as a militant group, and tried to exert pressure on the LTTE to accept peace. But, on the other hand, the LTTE which had established its own government in the areas under its control, is running and administrative system, a police force, an army. It does not consider itself as a militant group but as a sole representative of the Tamil people. It represents Eelam nation as against the Sri Lankan state. The LTTE would use any means to achieve its Eelam. Even through these negotiations it tried to establish conditions that can help them to achieve its separate state. The LTTE's preconditions to start negotiations reflect these. In the absence of an arrangement that gave the LTTE a Tamil Eelam, it has gone back to the battlefield. The warm reception which the war-exhausted citizens of Jaffna gave the government delegation and also the growing popularity of Chandrika Kumaratunga in the North-east, because of her efforts to establish peace were perceived by the LTTE as threatening to its continued control. This probably led them to break the negotiations. By overlooking this fact President Kumaratunga denied the LTTE the parity of status with her government, which is essential for the negotiations to continue.

4

THE PEACE PACKAGE OF KUMARATUNGA

INTRODUCTION

Sri Lanka has been burdened with nearly two decades of civil war. This conflict has aggravated largely because the political leaders of both the majority Sinhalese and minority Tamils have not been able to work out an appropriate framework for power sharing. The People's Alliance government (PA) had come to power by promising to bring a 'honourable peace' to the country. The government held negotiations with the Liberation Tigers of Tamil Eelam (LTTE), a Tamil militant group, which has been fighting to establish a separate "Tamil Eelam". But these talks failed because of the LTTE's refusal to discuss substantive political issues. Since the Tigers resumed hostilities on April 19, 1994, the PA government headed by President Chandrika Kumaratunga stepped up its efforts to resolve the issue by a combination of military and political means. This two-pronged strategy was aimed at defeating the LTTE militarily, while offering a fair share of autonomy to the Tamil people in governing the North-east.

The LTTE retains considerable support among the Tamils in the Northern and Eastern parts of the country both through coercion and due to the Sinhalese dominated central government at the Central is strongly distrusted in the North-east.¹ So the best way for any government to put long-term pressure on the LTTE is to appeal directly to the Tamil people and offer viable political solution. The government believed that this would alienate the LTTE slowly from the Tamil society. President Kumaratunga, while defending her strategy of “war for peace” said that, “success in the war does not mean that we succeed in overcoming the overall problem. Success in the war means the military defeat of the LTTE. But it will not bring peace, until there is a political solution to the problems of the Tamil people. There must be a definite political solution if we are to definitely have peace”.²

THE DEVOLUTION PACKAGE:

The PA's efforts at constitutional reforms were the first serious attempts since independence to introduce a new constitution by a government that did not command a two-thirds majority. Moreover the PA was dependent for its majority in parliament on minority parties like Tamil United Liberation Front, (TULF), Sri Lanka Muslim Congress, (SLMC) and other Tamil parties. The significant feature of the recent exercise in constitution making is that a set of proposals on devolution of power would be an integral part of it.³

¹ Kalpna Issac's "Sri Lanka's Ethnic Divide", *Current History*, April 1996, p.180

² *Public Opinion Trends (POT)*, -Sri Lankan Series, 1995, December 8.p.64

³ K.M. desilva, "Sri Lanka: Ethnic Conflict And The Search for a Durable Peace-1978-1999", *Ethnic Studies Report*, vol. XVII, No.2, July 1999, P.303

The basic principles and objectives of the devolution proposals were spelt out for the first time on August 3, 1995. After this the government released three sets of proposals since 1995. They were:

1. The legal draft on devolution in 1996
2. The provision on devolution in the government proposals for constitutional reforms in 1997; and
3. The provision on devolution in the government proposal for constitutional reforms in 2000.

These proposals made an attempt to devolve power to the regions with the hope that devolution is the only way to bring an end to the ethnic conflict.⁴ To implement these proposals the government set three stages.

- a. The consensus in Parliamentary Select Committee on Constitutional Reforms (PSCCR)
- b. The achievement of a two-thirds majority in parliament;
- c. The endorsement by the people at a nation wide referendum.

After the release of the August 1995 proposals, the government encouraged all sections of the society (Buddhist clergy, and other religious leaders, political leaders; academicians, local authorities) to participate in discussion. The government took all these discussions into account in formulating the constitutional text that was released subsequently. There was no fundamental difference or departure from the proposal it published from time to time (1995,

⁴ *Frontline*, August 23, 1996, p.115

1996, 1997, 2000) for public discussion and approval. But certain provisions were changed.

The proposals represented the most radical changes in the constitutional structure and in the realm of devolution of power envisaged in the island republic. Along with devolution proposals, it also promised to dissolve Executive Presidency.⁵ In order to make devolution of power a reality the government felt that it was essential to go beyond the concept of a 'unitary state'. The proposal would convert Sri Lanka from a 'unitary state' to a "union of regions". The draft stated, "Sri Lanka is an united and Sovereign Republic and shall be known as the Republic of Sri Lanka. The Republic of Sri Lanka shall be an indissoluble union of regions". Though the term federal has not been mentioned the legal texts reveal a proposed form of federalism with strong safeguards against any separatist tendencies.⁶

THE SALIENT FEATURES OF THE PROPOSALS:

Governor: The Central government could exercise power over the proposed Regional Council through the Governor of the regions. The President will appoint the Governor with the concurrence of the Chief Minister and the board of ministers. If there is no agreement on the appointment of the Governor, between the Centre and the Region the matter will be referred to the constitutional council, which shall after ascertaining the wishes of the Prime Minister and Chief Minister recommend a suitable person for this post. This procedure removes the hurdles in the way of smooth relations between the

⁵ *ibid*, p-115

⁶ *POT*, February 1, 1996, p.84

Central and the Regions. The Governor will call upon the party, which commands a majority in the Regional Council to form the administration. The Chief Minister cannot be removed from office as long as he enjoys confidence of the Regional Council.⁷

Functions of the Centre and the Regions:

The significance of the draft constitution is its focus on the ethnic conflict. Apart from doing away with the concurrent list of functions between the Central and the regions, the draft constitution seeks extensively to enhance the scope of powers devolved. Substantial autonomy has been given to the Regional Councils, which would replace the existing Provincial Councils. The functions of the Central and regions were specified in second schedule. The Central government will retain the control of defence, national security, police, foreign affairs, national planning, currency, international economic relations, national universities, National Public Service, Buddhism, inter regional irrigation scheme; banking and insurance. The regional list includes education, agriculture, Regional Public Service, industries, rural development, regional libraries, social security, regional police and law and order, state land and its alienation; domestic and international borrowing, land revenue, specified excise duties and planning at the regional level.⁸

⁷ ibid, p.75

⁸ ibid, p.82

On the question of state land:

The government's monopolistic control over state land, which has been a feature of Sri Lanka's contemporary history, is changed by these proposals. The powers relating to land being devolved to Regional Councils do not connote the loss of state authority over land; rather it involves a sharing of such powers.⁹ On the crucial question of control over the land, the proposal said, "state land within a region required for the purpose of the Centre in respect of a reserved subject, may be utilised by the Centre in consultation with the relevant Regional Council and in accordance with such procedures as may be established by law". The draft provided that, priority in future land settlement schemes would be accorded first to persons of the district and then to persons of the region.¹⁰

Law and order:

The maintenance of law and order will require the appointment of a Regional Police Commissioner by the Chief Minister in consultation with Governor. The Regional Police will investigate all offences against persons and property, maintenance of public order within the region. There shall be a National Police Commission, which will be responsible for transfer of officers at national level as well as regional level.¹¹

⁹ *POT*, February 6, 1996, P.94

¹⁰ *ibid*, p.94

¹¹ *ibid*, p.95

Finance:

Throughout the history of attempts at devolving powers in Sri Lanka, one element that was repeatedly stressed was that the Regional Councils should be vested with considerable powers on its finance to promote regional development. With this objective, the proposal provided that the councils could borrow funds and set up their own financial institutions. International borrowings above a prescribed limit will require the concurrence of the Centre. While council can also regulate and promote foreign direct investment, international grants and development assistance should be in accordance with the national policies on international aid. The proposal also provided that there shall be a financial commission consisting of three members representing three major communities which would be entrusted with allotting grants to the regions.¹²

Public service:

An important feature of the scheme of devolution is the extent of the powers to be exercised by the decentralised administration. This is to a larger extent facilitated by the independence guaranteed to the Regional Public Service. The government proposed to set up a Regional Public Service Commission to oversee the functioning of Regional PublicService.¹³

¹² ibid, p.96

¹³ ibid, p.94

Judiciary:

There will be a High court, which will exercise criminal, appellate and writ jurisdiction. The constitutional council in consultation with the Chief Minister of relevant region appoints the Regional Judicial Commission.¹⁴

State of emergency within a region:

The government injected various checks and balances into the scheme to curtail the powers of the Regional Councils. If a regional government attempts to cut in a manner, which will endanger the unity and sovereignty of the nation, the Central government is empowered to dissolve the council. This provision was not there in the August, 1995 document. The draft provided that, "if the President is satisfied that a situation has arisen in which the Regional administration is promoting armed rebellion or insurrection or engaging in an internal violation of the constitution, which constitute to alter the unity and sovereignty of the Republic, the President has the power to dissolve such Regional Council. However, safeguards against arbitrary use of this power have also been provided by making it essential that the proclamation be approved by Parliament within fourteen days."¹⁵

Chief Ministers Conference:

To inquire and to settle any disputes which may have arisen between the regions, the proposals provided that "there shall be a Chief Ministers' conference which will consist of all regions. The Chairman of the Chief Ministers' conference

¹⁴ POT, n.6, p.77

¹⁵ *ibid*, 79

shall be elected by the Chief Ministers in rotation so that each Chief Minister shall hold office as a Chairman for a period of three months. It also investigates and discusses subjects in which some or all of the regions have common interest and to make recommendations for the better co-operation.”¹⁶ It also has the power to settle by mediation disputes between the Central and a Regional administration.

Unit of devolution:

The proposals provided a honourable solution to the ticklish issue of the unit of devolution in the Northeast. The 1995 and 1996 proposals did not specify the unit of devolution and commit the government to the important question of the merger or de-merger of the Northern and Eastern provinces, whether they will form one Regional unit or two separate units, or the boundaries of the two provinces be altered in such a manner so that consensus could be reached between the Sinhalese and Tamil communities.

The 1997 proposals envisaged the establishment of new Tamil majority and Muslim majority regions, subject to a referendum in the Eastern province. A referendum would be held in Trincomalee, Batticaloa and Ampara districts to decide the question of merging them with Northern Province districts to form a North Eastern Province. If the verdict is in the affirmative, then the Muslim majority electoral division of Ampara district will automatically become a separate region, known as the South Eastern region. In that event, the Sinhala majority areas of Ampara district will have another referendum to decide whether they would join adjoining Uva province or form a separate province. If Batticaloa and

¹⁶ *ibid*, p-81

Trincomalee do not opt for a merger with North, both provinces will function separately. This complex formula is clearly designed to prevent the emergence of a region where minority Muslims besides a significant number of citizens belonging to the majority Sinhalese population may find themselves living permanently under local rule of Tamils, the country's major ethnic minority group.¹⁷ The draft proposals of 2000 also envisage a setting up of an interim council to govern a merged North East for a period not exceeding five years. At the end of this period, a referendum is to be held in the Eastern province to decide the issue of merger.

Provisions relating to the Vice-President:

The institution of the Vice-President is a welcome change in the proposals of 2000. Chapter VII contains provisions relating to the President and two Vice-Presidents. The Vice-Presidents shall be from different communities, each such community being different to the community of which the President is a member. It means that if the President is Sinhalese, there will be one Vice-President from the Tamil community and another from the Muslim community.¹⁸

The transitional provisions:

These provisions contained in Chapter XXVII (2000 proposals) have become a subject matter of controversy. It enables Chandrika Kumaratunga, who was elected President on December 22, 1999, to be the first President under the new constitution for a period of six years from the date of her election. It also

¹⁷ *Frontline*, November 28, 1997, p.47

¹⁸ *Frontline*, September 15, 2000, p.64

provides that Kumaratunga will not only be the first President, but would also exercise the powers, duties and functions of the Prime Minister. The Prime Minister shall exercise only the powers conferred on the Prime Minister by the 1978 Constitution.¹⁹

The Devolution Proposals of 2000 represents a paradigm shift in the political evolution of Sri Lanka. Article (1) states that Sri Lanka “ is one free, sovereign and independent state consisting of the institution of the Centre and the regions, which shall exercise power as laid down in the constitution”. The draft tried to respond to Sinhalese apprehensions and sensitivities regarding the unity of the country and supremacy of Buddhism.²⁰ To assuage the fears of the Sinhala-Buddhist hardliners the legal text reiterated, “ Buddhism shall be given the foremost place and the state shall protect and foster the Buddha Sasana”. At the same time Article (2) mentions that the state “shall preserve and advance a Sri Lankan identity, recognising multi-ethnic, multi-lingual and multi-religious character of Sri Lankan society”.²¹

MIXED RESPONSE:

These devolution proposals if implemented will go far to satisfy the Tamils' autonomy demands and thus mitigate the conflict to a considerable extent but the success of these present proposals hinges upon mainly two factors –

¹⁹ ibid, p.64

²⁰ Akhter Shaheen, “Peace Process in Sri Lanka Problems and Prospects”, *Regional Studies*, vol. 15, No.3, 1996-97, p.25

²¹ *Frontline*, n.18, p.64

cooperation of all Tamil groups; and a Sinhalese consensus.²² Past attempts to resolve the ethnic conflict and bring peace to the Island failed mainly because of these two factors. The reaction to these proposals were mixed.

UNP's response:

Given the thin majority of the PA government in Parliament and the complex process involved in the passage of the relevant devolution legislation the PA was in dire need of the UNP's political support in and out-side Parliament.²³ The main opposition party UNP continued to send signals, which could not explain their actual stand on the devolution package. The UNP supported the concept of devolution and its commitment to an indivisible Sri Lanka. On the other hand outside the PSC it has made statements that indicate a strong anti-devolution package stance, which comes into conflict with its general willingness to participate in the PSC proceedings and even make positive suggestions on specific issues.²⁴

Firstly, controversy has arisen over provisions that go beyond the concept of a unitary state. Some members felt that the existing unitary state (Article-2) and legislative supremacy of the Parliament (Article-76) should not be tampered with. On the other hand the Tamil political parties strongly objected to any form of retention of the unitary state. They believed that such retention would defeat the

²² P. Sahadevan, "Resistance to Resolution : Explaining The Intractability Of Ethnic Conflict In Sri Lanka," *International Journal of Group Tensions*, 1997, vol.27(1), p.35

²³ *ibid*, p.35

²⁴ *POT*, February 11, 1997, p.77

very objective of the devolution package.²⁵ K.N. Choskey a well-known legal expert of the UNP who is also a member of the Select Committee, suggested the devolution is possible even within the present unitary set-up if Article 76 was appropriately amended. The purpose of Mr. Choskey's suggestion is to see whether a modified concept of the unitary set-up can be the basis of a practical solution to this impasse. The government welcomed this suggestion.

Another important suggestion of the UNP was the introduction of Executive Committee system at the regional level, which was accepted by the government and PSC. The relevant provisions provided that the portfolios of the regional-board of ministers be assigned to political parties in proportion to the votes received by them at the Regional Council elections. They also provide that an executive committee consisting of the members of the Regional Councils, shall be charged with the administration of subjects and functions assigned to the ministry and the minister shall exercise power in relation to such subjects and functions in the name of the executive committee.

It has been felt that the Executive Committee system could help overcome political divisions at the decision making level in the institutions of the government to promote non-partisan approach to problem solving.²⁶ A more critical assessment about this committee is that national parties with little principle commitment to devolution of power were willing to experiment with the exercise of executive power at the regional level, perhaps aware that the ultimate beneficiary of a weak, fragmented regional executive will be the Central

²⁵ *Frontline*, n.4, p.115

²⁶ *POT*, n.24, p.77

government.²⁷ This is an ample proof that the government is not taking full authorship of devolution proposals. After the release of the 1996 draft, G.L. Peiris, the Constitutional Affairs Minister, stated that the approach of the government was not to pursue party interests or narrow political gains. The government was looking at it as a national issue and calling upon all political parties, particularly the UNP to extend their support and co-operation to find a solution to the problem.²⁸

The LTTE was not a part of the constitution making process and rejected the proposals. But the UNP has taken the position that no proposal can be implemented without the LTTE's concurrence. The UNP accused the government of having failed in its attempts to marginalize the Tigers militarily and it wanted the LTTE to be co-opted in the peace process. Opposing attempts to provide greater devolution and insisting on talks with the LTTE at the same time is a contradiction in terms. If there is no scope of enhancing devolution, there is no possibility of LTTE accepting the exercise.²⁹ The UNP has not taken the position, and has been giving various excuses to prolong and delay the process. It led to the suspicion that the issue has been dragged intentionally.

Under these circumstances the government announced that if the UNP failed to submit alternative proposals worthy of consideration by the end of

²⁷ Rohan Edrisinha, "Constitutionalism Pluralism, And Ethnic Conflict: The Need For New Initiative", in Robert. I. Rotbergs, *Creating Peace In Sri Lanka: Civil War And Reconciliation*, Brookings Institutions Press, 1999, p.179

²⁸ *POT*, February 16, 1996, p.116

²⁹ *Frontline*, n.17, p.49

January 1998, the government would go for an alternative course of action. One of the alternatives will be holding of a non-binding referendum.³⁰

UNP'S COUNTER PROPOSAL ON CONSTITUTIONAL REFORMS:

UNP released its power sharing proposals under the pressure, highlighting the extent to which the party could accept devolution. It has stressed that it cannot go beyond the limits of Provincial Councils.

The Salient Points of UNP Proposals:

- (i) The UNP proposals, which were sent to the government, sought to infuse a new political culture in the country identifying the disease of politicisation as the principle problem now affecting the country. The proposal said that it had resulted in inefficiency, incompetence and corruption in the administration.
- (ii) Second Chamber: The UNP believes in the sharing of power among all communities at the Centre. All communities must be adequately represented in the legislature, the executive and in the administration of the country. In accordance with this principle, the UNP has proposed a Second Chamber where the minorities are adequately represented. This Second Chamber comprises a 60-member body with the provincial Chief Ministers serving as ex-officio members; representation of the provinces will be in proportion to their population with specified representation for minorities. This is essential since some minorities are under-represented in the parliament. The consent of the Second Chamber will be needed for passage of legislation relating to the liberty

³⁰ Nilan Fernando, "Sri Lanka in 1997: Inching Towards a Durable Peace", *Asian Survey*. Vol.28, no.1, February 1998, p.142

and security of the citizen, religion, language and certain other subjects. There will be one President and two Vice-Presidents representing three major communities.³¹

(iii) Nature Of State: The striking difference between the proposals of the two parties is that while the PA has proposed shifting from present status of the unitary constitution to a union of regions, the UNP proposals specifically state: "Sri Lanka is not a conglomerate of provinces or regions. It is a single sovereign entity. Its territory is divided into provinces with provincial administration having a right to determine matters relating the province" within the constitutional framework.

(iv) The UNP proposals clearly make out that the proposed Provincial Councils will be subject to the authority of parliament.

(v) A notable feature of the UNP proposal is that it provides the provincial administration the right to challenge any Bill presented to the parliament in respect of Provincial Councils and the courts shall uphold such a challenge if the Bill does not fulfil the requirement of presenting such a Bill or is inconsistent with the constitution. If the challenge on the Bill is upheld, Parliament shall proceed with the same. Thus the UNP proposals guarantee the independence of Provincial Council through the courts of law.³²

³¹ POT, February 16, 1998, p.90

³² POT, March 25, 1998, p.174

(vi) The UNP has also insisted on the Independent Election Commission, Public Service Commission Police Commission, Judiciary and Constitutional Council.

Thus the Muslim and Tamil political parties have not received the UNP's alternative proposals with enthusiasm. They felt that the UNP proposals failed to put an alternative to regional autonomy for which Tamil parties are fighting.³³ The proposals made by the PA and the UNP had come a long way to meet the demands of the Tamil people. Since the ultimate objective of all these exercises in constitution making is to resolve the North-East issue, the views of Tamils are of utmost importance. Recognizing this the government had taken the stand that, any viable alternatives to the government's constitutional proposals, proposed by the UNP and acceptable to all Tamil parties would not only be considered by the government but also be incorporated in the constitution.

PA-UNP Consensus:

UNP's devolution proposals appear to be a significant departure from the constitutional proposals of the government. While the PA government's proposal for devolution are based on ethnicity and more on the lines of a federal constitution, the UNP's proposals are directed towards creating a Sri-Lankan identity, ensuring the indivisibility and unity of the nation while assuring the minorities of equal rights. There appears to be a significant difference on the issue of union of regions and unitary state.³⁴

³³ *POT*, February 18, 1998, p-90

³⁴ *POT*, n.32, p.174

To resolve the conflict, there is a need for a PA-UNP consensus on important issues. This can only be possible through talks between PA and UNP leadership, failing which all the efforts made on constitutional reforms will be futile. After the Presidential elections in December 1999, the government called for cooperation of the UNP and extended the hand of friendship. The intense political, military, diplomatic events that followed brought a sense of urgency between the two main political parties that a consensus on devolution package is of utmost importance.³⁵ After five months of talks the parties agreed on some major issues though areas of disagreement continue to prevail. Agreement has been reached on important issues such as state land, unit of devolution and the structure of the Sri-Lankan State. These agreements are incorporated into the country's new constitution, which was presented to the parliament in August 2000.

The UNP did not back the Bill presented in the parliament as the government had not incorporated provisions agreed upon between its leaders and the ruling coalition. Thus the bipartisan consensus of PA and UNP which many Sri-Lankan watchers heartily welcomed came to an unfortunate end. Secondly, the government went back on its words to discuss the proposed constitution with the LTTE; thirdly differences between the two are also there on the transition provisions that would prevail till the new constitution is fully implemented. The UNP disagreed with the provisions which allow for the continuation of the all-

³⁵ Padmaja Murthy, "Sri Lanka's War Within and Peace Moves", *Strategic Analysis*, vol .24, no.6, p.1196

powerful executive Presidency, alongside the Prime Ministerial system contained in the new constitution.

Opposition from the Non-Tamil Parties:

Opposition has come not just from the UNP but also from the Buddhist monks and right wing Sinhalese groups. The chauvinist Buddhist elements advocated that, the proposal should be considered once the LTTE lays down arms. They rejected these proposals totally on the ground that these will have serious consequences for the sovereignty, unity and territorial integrity of the country, and also to the rights of Sinhalese majority and for the future of Buddhism.³⁶ According one of them the only problem country facing was terrorism of the LTTE, and demanded a military solution to the ethnic crisis. History shows that the Buddhist clergy have always been shaping and formulating the way of life of the Island Nation and people believe that the monks have the legitimate right to speak on behalf of the nation, not just on the matters spiritual but also on their political, economic and social life.³⁷ To most Sinhalese, any attempt to devolve power from the Central government to the region has been construed as an attempt to divide the country. Federalism has been considered by most Sinhalese as a first step to the establishment of a separate state. They also questioned the power vested in the Regional Councils on matters relating to executive, judiciary, finance, administration of finance and land. They feel that this will only create economic imbalances, and enable Regional Councils to function as independent states.

³⁶ *POT*, August 28, 1995, p.345

³⁷ Murthy, n.35, p.1197

LTTE's Rejection of the Package:

The LTTE characterized the package as a “mask to conceal the government’s military intentions”, and totally rejected these proposals. Anton Balasingham, the leader of the LTTE, said that the proposals were a plan of betrayal, which will not give lasting solution and peace.³⁸ The LTTE would not accept the package because it had nothing substantial to form the foundation for a permanent solution to the Tamil National question and it failed to address the key demands or national aspirations of the Tamil people as articulated in the cardinal principles of the Thimpu declarations. The LTTE was not willing to study or comment on any package or proposals that tends to ignore the key issues of self-determination and nationhood of the people.³⁹

Response of the Tamil Parties:

Moderate Tamils, on the other hand, welcomed the initiatives and maintained that, it was a good starting point and a foundation for a lasting solution. But the Tamil parties like the TULF, TELO, EPRLF, EPDP and PLOTE have expressed reservations regarding some provisions, while extending support to these proposals. They opposed the government’s proposed revision of the devolution package so as to empower the President to dissolve the Regional Council. They cited examples of the arbitrary dissolution of two Provincial Councils, which was subsequently declared unconstitutional by the courts of appeal; the continued postponement of elections to the local bodies and the establishment of a Southern Development Authority under the President

³⁸ *Frontline*, August 28, 1995, p.343

³⁹ Murthy, n.35, p.1197

bypassing the legitimate functions of the Provincial Council, where the government has violated in letter and spirit the principles of participatory democracy. They said that these were instances of the government succumbing to chauvinist pressure.⁴⁰ Secondly, they strongly felt against the idea of referendum and any de-merger of North-East which is considered as “Tamil homeland”. The Tamil parties were of the opinion that, “Unless and until this vital issue is resolved to the satisfaction of Tamil people, nothing constructive could emerge out of the ongoing politico-constitution process to find a peaceful solution to the ethnic issue”. Thirdly, the Tamil parties want the control over land clearly with the region, because the previous governments had attempted to change the demographic pattern in the North-East through colonisation schemes. Finally, they expressed their disappointment regarding the structure of the state.⁴¹ In the Tamil psyche, the dispute has been between a unitary state and a federal state. So, whatever changes the government might make, any mention of the word unitary, made them feel that, they have not got what they have been asking for after compromising on their own stand on the separate state.

SLMC support:

Even though the Sri Lanka Muslim Congress (SLMC) supported the devolution package, the units of devolution was an issue that concerns Muslims in the East. The Tamil parties’ support to the North-East merger was rejected by the SLMC. Because of the temporary merger of the North-East, the Muslims who were 33% of the population, but have now been reduced to 17%. The grievances

⁴⁰ *Frontline*, n.4, p.115

⁴¹ *Frontline*, August 4, 2000, p.54

of the Muslims of the Eastern Province will be redressed by the creation of a new council, which will liberate them from Tamil dominance.

Response of the Government:

President Kumaratunga strongly criticised the Sinhala chauvinists for not supporting the devolution package. The President's position is that the Tamil community has genuine grievances and the monks should give consideration not only to Buddhism and the Sinhalese but to the welfare of all Sri Lankans. They must also take into consideration the rights of all the communities and religions if the continuing massacre is to end. Kumaratunga also expressed disappointment over the response of the moderate Tamil parties and felt that they were not coming out publicly in support of the package, because of the LTTE's opposition to this package and called upon the moderate Tamil parties to give leadership to the Tamil people, at least to those who are living in areas outside the North-East. The government felt that Tamil parties were not taking into consideration the Muslim point of view on the devolution package.

Chandrika Kumaratunga released the devolution proposals with the confidence that it would draw the Tamil people away from the LTTE and cause its support base to shrink.⁴² The government was prepared to send its devolution package to the LTTE, if Prabhakaran was willing to substantially lay down arms and at the same time come out with an alternative proposal of devolution. However, if they choose not to, then Sri Lanka was also prepared to wage a war against them. As far as the UNP is concerned the government tried to

⁴² Shaheen, n.20, p.28

accommodate the suggestions of the UNP with a hope that, it will get support for its Bill in Parliament. But at the same time it charged the UNP of slowing down the peace process by creating hurdles, by proposing amendments frequently.

To contain the ethnic problem the PA government deliberated for nearly five years and presented a package with good intentions before Parliament twice on October 24, 1997 and on August 3, 2000. It is indeed unfortunate that even after the PSC met and discussed the political package more than eighty times, there has been no agreement among the members. The President was confident of securing the people's mandate on the issue of change in the constitution as the people have elected her in the first place and placed faith in her party in consecutive elections since 1993. But the government failed to mobilize two-thirds majority in parliament. Due to the government's failure to repeal the existing constitution and replace it with a new constitution, it postponed the voting on the Bill. By not putting it to vote, Kumaratunga has possibly saved the new constitution from being dumped forever.⁴³

FEDERAL OPTION:

The devolution proposals, if implemented will go a long way to satisfy the Tamil autonomy demands. Recognition of the need for a political solution based on the devolution of power is not unknown in Sri Lanka's political history. The Bandarnaike-Chelvanayagam Pact of 1965; the Indo-Sri Lanka Accord and subsequent 13th Amendment to the constitution in 1987, which introduced the present Provincial Council system; the interim report of Mangala Moonesinghe

⁴³ *Frontline*, September 1, 2000, p.112

Parliamentary Select Committee in 1992, in which there was some consensus on the devolution issues between the main political parties; and the PA government's proposals of devolution all of them tried to solve the country's burning ethnic problem. The proposals released by Chandrika Kumaratunga government, are far reaching proposals to restructure the political system. The government's public commitment to a federal structure of government or a system with many federal features was designed to satisfy the political aspiration of the Sri Lankan Tamil community and win its acceptance of an ethnic settlement that stops well short of Eelam.⁴⁴ The principle argument advanced in favour of a federal structure for Sri Lanka is that it would be a more effective means of accommodating ethnic diversity than the current unitary system.⁴⁵ The key feature of the federal system of government is the division of sovereignty between the central administration and the provinces/ regions in a state. Several arguments are advanced in favour of federalism in Sri Lanka. They are:

- (vii) It would increase opportunities for individuals and groups to participate in government by creating more layers of administration and a large variety of government institutions.
- (viii) Federal arrangement provides variety of opportunities for articulation of group sentiments, generally not available in unitary system.
- (ix) Regional governments under a federal system are better able to articulate the concerns, demands and needs of minority groups.

⁴⁴ Howard B. Schaffer, "Sri Lanka in 1996: Promise and Disappointment", *Asian Survey*, vol.38, no.22, February 1997, p.145,

⁴⁵ K. M. Desilva, "The Federal Option and its Alternatives", in K. M. Desilva, G.H. Peiris (ed.), *Pursuit Of Peace In Sri Lanka Past Failures And Future Prospects*, ICES, Colombo, p.211

(x) It provides a wider arena for conflict resolution than purely unitary system. If regional governments represent minority opinions conflicts can be resolved through negotiations between the various regional governments.⁴⁶ The Chief Ministers' Conference is an important innovation in this regard.

(xi) Where minority groups are territorially identified, the regional government can act to protect the minorities' interest and identity.

However, in Sri Lanka, the crucially important fact is that the demand for federalism is restricted to some sections of Tamil minority who regard it as a means of reinforcing a distinct regional identity based on the north and eastern part of the Island. But those who argue against the federal structure for Sri Lanka pointed out that it will lead to the creation of a distinctively Tamil region in the northern and eastern part of the country.

THE REASONS FOR THE FAILURE OF DEVOLUTION PROPOSALS:

The idea of a political solution based on devolution of power has been a recurrent part of the political discourse aimed at the resolution of the national issue. However, all the previous attempts have proved unsuccessful like the present devolution proposals of PA government mainly because of three reasons.

(I) Firstly, the inherent weakness of the proposals themselves. The Tamil parties feel that (i) the government should incorporate the four Thimpu principles suitably modified to make them compatible with a united Sri Lanka; (ii) regional representation at the Centre must be a feature of the

⁴⁶ *ibid*, p.212

new constitution in order to protect devolution of power and to articulate regional concerns at the centre and to promote national unity and help ensure that regions feel as part in it;⁴⁷ (iii) the separation of Muslims on the regional basis can generate communal feelings in the future. So there is a need for compromise and mechanisms to preserve the east characteristics.⁴⁸ One of the consequences of concentrating attention on district or provincial units has been a neglect of the less controversial and more viable forms of decentralization of local government institutions. The strengthening of these institutions can contribute to a genuine devolution of power through participatory democracy.⁴⁹

(II) The resolve of the political leadership is being undermined in the face of opposition from various forces holding extreme points of view. Since the Buddhist Sangha has a great role in the conflict, its high time to evolve its own approach to devolution, reconciliation based on fair play and justice, but the reality of Sri Lankan society is such that the Buddhist hardliners are unlikely to agree to a meaningful settlement of this conflict.⁵⁰

⁴⁷ Edrisinha, n.27, p.182

⁴⁸ *ibid*, p.183

⁴⁹ Desilva, n.45, p.227

⁵⁰ Sahadevan, n.22, p.39

(III) Lack of consensus of the two major Sinhala political parties. The opportunity that existed to bring the conflict in Sri Lanka to the state of settlement was missed in the past because the UNP and SLFP sought to represent electoral advantages in the island's highly competitive political process. What is lacking in present peace process is Sinhalese consensus. In this situation there should be a genuine attempts to arrive at a bi-partition census to resolve the conflicts. The lack of consensus between the PA and UNP may or not affect the LTTE. But it will sustain the conflict. So if the conflict is to be resolved with or without LTTE, a bi-partisan consensus on devolution is absolutely necessary.

CONCLUSION :

The government's devolution package to ensure peace has not yielded any results. Though the government's war is against the LTTE and not the Tamil people, the Tamil people have suffered because of the war. Death and destruction of property has been a casual feature in the northeast. If there was Sinhalese consensus on devolution package, the LTTE, due to the international pressure, could have been marginalized to some extent. But the marginalisation of LTTE is a long process. The ongoing war will continue to alienate Tamils who are it's main victims. The government has failed to convince even the moderate Tamil parties to support the devolution package. In such situation the government tried for a useful facilitator to hold talks between government and the LTTE with the hope that war will end. This third party role will be discussed in next chapter.

5

NORWAY'S ROLE IN PEACE MAKING

INTRODUCTION

Right from the beginning, the People's Alliance government (PA) of Chandrika Kumaratunga firmly rejected any third party involvement in the ethnic conflict.¹ With this in mind she held negotiations with the Liberation Tigers of Tamil Eelam (LTTE) in 1994. But these negotiations failed due to the LTTE's refusal to discuss substantive political issues. After the breakdown of negotiations, the PA government proposed a devolution package. Through this the government had attempted to isolate the Tigers, by winning the goodwill of other Tamil groups which are represented in Parliament. There is a degree of hostility and a history of disagreement between the parties. And the situation was complicated by the LTTE's refusal to accept the package totally, and United National Party's (UNP) opposition to these efforts. But even if agreement is reached between the government and opposition on the nature of changes to the

¹ *POT* (Sri Lankan Series) Jan 11, 1997, p.12

Sri Lankan constitution, there is no guarantee that the LTTE will give up the demand for a separate state and accept such a scheme. The PA's two-pronged strategy of weakening the LTTE militarily and isolating it politically has not resulted in tangible success. In this situation the government agreed to a third party facilitation, which is neutral and could initially act as a communication channel between the government and the Tigers to come to the negotiating table. This is an about-turn from its former position rejecting third party involvement. At the same time, Prabhakaran was quite explicit in wanting third party mediation, which is quite different from facilitation.

The government realised that, any future negotiated solution to the ethnic problem could not be implemented without the support of the major opposition party. At the same time, there is no getting away from the fact that, any kind of durable peace cannot be attained without the LTTE being part of the deal. The gap between the two parties widened irreversibly, which resulted in a breakdown of communication between them. In a situation of deadlock or impasse where one party to the conflict assumes an intransigent position, a third party can be useful to break the deadlock². The Kumaratunga government chose Norway to facilitate negotiations with the LTTE. This initiative came at a time when people in the island were tired of the war. They felt that the war would not bring military victory to either the Sri Lankan army or to the LTTE.³ Too much blood has been shed as a result of this protracted war. The efforts of Norway, to bring the Sri Lankan government and the LTTE to the negotiating table have elicited a

² POT (Sri Lankan Series) Nov-30, 1996, p.731

³ POT, March 17, 2000, p.110

favourable response from the international community. The Sri Lankan government is conscious of the track record of the LTTE, and its insistence on “talks about talks” without showing any inclination to discuss the framework of a constitutional political settlement. Even then the government believes that, this is the best window of opportunity that has been offered since the war began⁴.

REASONS FOR THE CHOICE OF NORWAY

There were some countries and organizations such as Norway, Britain and the Commonwealth Secretariat that had offered help to bring about negotiations, if the parties wanted their help. The reasons for the choice of Norway for this task were considerably discussed in Sri Lanka. The biggest obstacle in taking advantage of their effort was the absence of consent from both parties to the conflict. In the present situation Norway has been accepted. Norway has certain advantages as compared to other countries. It is a distant country without any colonial linkage in south Asia or an identity as an influence seeking power.⁵ And also, it does not have any significant economic and political interest in South Asia. Because of this the parties agreed for Norwegian facilitated peace process. Norway has been involved in issues dealing with peace and reconciliation in other countries. Norway's claim to play the role of mediator or facilitator was based on the success that it achieved while brokering the Oslo peace accord between the Palestinian Liberation Organisation (PLO) and Israel government and its similar success in Latin America.

⁴ *Frontline*, May-11, 2001, p.52

⁵ *Hindustan Times*, March 1, 2000

Secondly, another important reason for the choice of Norway has been that it invested its time and money in promoting the peace process in Sri Lanka⁶, especially during the past five years. In the aftermath of the LTTE's withdrawal from the peace process in April 1995, most of the foreign countries did not wish to be seen as critical of the government's "war for peace" strategy. Norway with other Scandinavian countries adopted a consistent policy of supporting peace organizations in the country. During negotiations between the LTTE and the government (1994-1995) Norwegian observers for ceasefire were active in the field and established a useful network of contacts for their role in the peace process. However, the committees were never allowed to function properly and the observers were withdrawn when the LTTE decided to break the peace process. The Norwegian involvement has raised hopes among peace activists. There is realisation that Norway is not acting unilaterally but has the tacit support of most western nations connected with Sri Lanka as aid giving and/or refugee accepting nations. Indeed, the important reasons for the Norwegian intervention are the increasing flow of Sri Lankan Tamil refugees to that country.⁷

Thirdly, emphasis has been laid on the "pro-LTTE" leanings of the Norwegian government. Norway has a considerable number of Tamil population, and an active LTTE office⁸. Some argue that this is the basic reason why the LTTE does not have any problem with Norway playing a role of a third party. Those who argue against Norway, and are suspicious of its role argue that there

⁶ *POT*, n-3, p.108

⁷ *D.B. S. Jeyraj*, "Sri Lanka Way Out With Norway" March 13, 2000, p.7

⁸ *ibid*, p.108

could be a hidden agenda behind the keen interest shown by the Norwegian government in its involvement in solving the northeast conflict. Norway is a country with considerable naval power and a thriving fishing industry. They feel these interests could be behind its involvement⁹. Despite these oppositions and suspicions, on the side of the government, there is recognition that there can be no military solution to Sri Lanka's ethnic conflicts, and the conflict can be resolved only through negotiations.

NORWEGIAN STRATEGY

The Norwegian involvement was formally announced on February 16, 2000 when former Norwegian, Foreign Minister Knut Volleback visited Colombo. There after the peace process continued and accelerated after Erick Solheim became special Envoy to Sri Lanka. Encouraged by the initial response from both the government and Tigers, Erick Solhiem along with the Norwegian Ambassador in Colombo Jon Wetborg held discussions with the LTTE Chief Negotiator Anton Balasingham in London, with the LTTE Supremo Prabhakaran in Wannu jungles and also with the Sri Lankan government in Colombo. The Norwegian emissary's meeting with Prabhakaran was with the 'concurrence' of the government and is part of confidence-building measures. These initiatives resulted in unilateral declaration of ceasefire by the LTTE on 24 December 2000, which has been extended thrice till 24 April 2001. Even though Prabhakaran declared a unilateral ceasefire, it also wanted the talks to be held in peaceful and cordial atmosphere, and insisted that normalcy should be established in the Tamil

⁹ *POT*, April 12, 2000, p.149

areas if talks were to take place.¹⁰ That means a de-escalation of war, lifting of economic embargo on Tamil areas and calling the army to the barracks. The LTTE declared that it was prepared for “unconditional” talks¹¹ with the government. Prabhakaran has apparently tried to convince the Norwegian peace envoy that he has no pre-conditions. However, he simultaneously spelled out with clarity a set of pre-conditions.

The government rejected the month-long ceasefire declared by the LTTE. Because it considered ceasefire as a consequence, when negotiations proceed to the mutual satisfaction,¹² and declared that military operations will continue. It was apparent that the PA government was not taking any chances with the LTTE. The government did not agree to the LTTE’s demands mainly because the history of the conflict clearly shows that the Tigers could be expected to renege on their promises and use such breathing spaces to regroup and resume hostilities. The LTTE called upon the international community to use its good offices to persuade the Sri Lankan government to abandon its hard-line militaristic approach¹³. The government position is clear. The de-escalation of military activity, the easing of restrictions on civilian life in the war zone and related matters are open for discussion in any future talks between the government and the LTTE. At the same time, President Chandrika Kumaratunga wanted the LTTE to lay down its arms and specify a time frame for negotiations.

This clearly shows that both sides tried to enhance their bargaining positions by stating preconditions. The LTTE and the government do not trust each other and due to this fact the gap between them has widened. The Tamil Tigers suspected that the

¹⁰ *POT*, December-6 2000, p.572

¹¹ *ibid*, p.572

¹² *POT*, January 25,2001, p.26

¹³ *Frontline*, march-16, 2001, p.14

government in its eagerness to get economic aid from donor countries exhibited its readiness for peace talks. On the other hand, the government felt that the Tamil Tigers were losing their strength and combined with the international pressure they were forced to agree for peace talks.

The Reasons for the Extension of LTTE's Unilateral Ceasefire

A ceasefire has a meaning, if the parties to a conflict mutually observe it. But the LTTE claimed to be "implementing" a ceasefire without any negotiation and mutual trust between the conflicting parties over its observance. The Tigers extended their unilateral ceasefire despite Colombo's rejection for three reasons. Firstly, there was military stalemate on the ground. The Sri Lankan army is better equipped today than ever before. At the same time the Tigers were neither in a position to accomplish an independent state of Eelam through military means nor the army in a position to secure a decisive victory over the Tigers.¹⁴ Since the early 1990s the pattern of military conflict has been such, that no side was able to control the Jaffna territory for a long time. So it has been changing hands between both parties. Prabhakaran's military offensive was viewed in this backdrop of continuing military stalemate. Equally relevant is the fact that LTTE is keen to come out of growing international isolation.¹⁵ The LTTE's unilateral ceasefire announcement has come at a time when Britain, under the laws against terrorism, was about to outlaw the LTTE in Britain. If the LTTE is named it would no longer freely operate under the pretext of being a charity organisation collecting fund for destitute Tamils. If Britain outlaws the LTTE then all European nations

¹⁴ *Frontline*, May 11, 2001, p.54

¹⁵ *ibid*, p.54

will follow the suit. Its main source of funding in the west will dry up, which can be a death knell to the organization. So all moves of LTTE were directed towards avoiding the ban in Britain.

In announcing unilateral ceasefire the LTTE's strategy can be construed as a political offensive that seeks to neutralise the goodwill that the Chandrika Kumaratunga government has gained. It would like to turn international good will in its own favour by projecting the current impasse as a desire for peace while government still pursued a military approach.¹⁶

STALEMATE IN THE PEACE PROCESS

The refusal of the PA government not to reciprocate the ceasefire declared unilaterally by the LTTE, worsened the relationship between the two parties and finally led to a virtual halt of the facilitation process undertaken by Norway. There were other issues also which caused controversy and led to the halt in the process. They were:

- (a) The LTTE while calling off its four-month long ceasefire, which was reportedly violated on numerous occasions, had issued a warning that it would step up its hostilities against the Sri Lankan government.¹⁷ A military offensive launched by the security forces in the early hours of April 25th in Jaffna peninsula, met with a fierce resistance from the LTTE. This war proved disastrous for both sides. The government accused the LTTE that it used the four-month ceasefire to rearm and re-group for another military

¹⁶ Ajay Darshan Behra. "Sri Lanka: Renewed Hopes for Peace?", *Strategic Analysis*, Vol. XXV, No.2, p.326

¹⁷ *Frontline*, May 25, 2001, p.58

onslaught. A controversy arose over the facilitatory role played by Norway in general and Erick Solheim, the Norwegian Special Envoy for the peace process, in particular.¹⁸ The LTTE demanded that Norway's facilitator role should be expanded to that of a mediator. The government rejected it on the ground that it would prefer only facilitation not mediation. The government expressed dissatisfaction about the performance of Erick Solheim. The government must have felt uncomfortable with Solheim's persuasion to reciprocate to the LTTE'S ceasefire, and also the draft of the MOU, was not acceptable to it. Colombo felt that his functional style has not produced the desired result. His efforts contributed to a general impression among sections of the majority community that Solheim in particular was partial towards the LTTE. This perception was detrimental to the peace process, and may possibly result in undermining the good offices of Norway itself. Keeping this in mind, President Kumaratunga urged the Norwegian Foreign Minister Mr. Jagland, to upgrade the level of facilitation¹⁹i.e the facilitator should at least hold the post of a deputy minister. Having made this point, the government conveyed to Norway that it did not want Oslo to quit. Solheim was a former Member of Parliament, who was appointed as a special envoy to Sri Lanka. Norway agreed to "upgrade" the peace process. The foreign minister himself assured the president that he would be facilitating the peace process.

- (b) After calling off the ceasefire, the LTTE demanded that the ban on it should be lifted, so that it can participate in the peace talks as a legitimate

¹⁸ *Frontline*, July-6, 2001, p.45

¹⁹ *ibid*, p.45

representative of the Tamil people and as a co-partner in constructive engagement.²⁰ But the government wanted to consider this issue only after a negotiated settlement was reached about the substantive political issues.

Norway was chosen as a third party by the government and the LTTE. But the contending views of both sides about Norway's role and the de-proscription issue complicated the situation. The LTTE felt that the Sri Lankan government and Norway had taken a bilateral decision without obtaining or consulting the Tigers about the sidelining of Erick Solheim. All these developments stalled the fragile peace process, which has not in any case progressed much in the past.

CEASEFIRE AGREEMENT

The peace process gathered momentum, when the new United National Front (UNF) government of Prime Minister Ranil Wikremasinghe came to power with the promise of economic development and peace talks. As a preliminary step Ranil Wikremasinghe tried to revive the peace process and remove the stalemate that had set in between the previous government of Chandrika Kumaratunga (PA) and the LTTE. The Prime Minister requested the Norwegian PM Mr. Bondevik to continue to facilitate the peace process. Mr. Wikremasinghe's invitation to Norway came, on the heels of a month-long truce declaration by the government in response to a ceasefire by the LTTE, on 19 December 2002. This was followed by a similar letter by the LTTE leader Prabhakaran to Bondevik,

²⁰ *POT*, July 4, 2002, p.283

also inviting him to resume its peace efforts. This fulfilled Norway's condition that both sides must invite it before it restarts the peace process²¹.

The United National Front (UNF) government has trusted generous unilateral gestures of the LTTE for the furtherance of the peace process. It lifted most of the economic embargo on the LTTE controlled areas and removed most of the security barriers in Colombo and elsewhere. While retaining curbs on six items deemed to be of military significance. With these measures the government met at least two-preconditions that the Tigers had placed as "essential pre-requisite" for talks, the cessation of hostilities and normalisation of civilian life in Northern Sri Lanka.²²

The ceasefire declared independently was bound to run into problems, because there was no binding agreement witnessed by a third party. A final agreement has set out the terms and conditions, under which both sides would have to observe ceasefire. With this perspective the Norwegian Ambassador Jøn Wetborg, special envoy Erick Solheim and the deputy foreign ministry official Kjirste Tromsdal held discussions with the LTTE representatives, Anton Balasingham and with Prabhakaran, and also with the government leaders in Colombo. After consultation Norway finalised the Draft MOU. Ranil Wickremasinghe and the LTTE leader Prabhakaran signed a MOU outlining the conditions and rules for ceasefire between the Sri Lankan government and the LTTE.

²¹ *Frontline*, Feb 1, 2002, p.52

²² *ibid*, p-52

This draft was formulated after serious consultations with both parties and its 'form' was designed by Norway.²³ The Norwegians incorporated all suggestions, proposals and amendments put forward by the two sides. After intense discussion and debate they have drawn extensively on inputs provided by officials and diplomats from countries that are committed to a lasting peace in Sri Lanka. India, in particular, had been regularly consulted and informed of the progress of the peace process. At the same time the Norwegian facilitators laid down two parameters within which peace talks can commence. One being that a solution must be found within a united Sri Lanka. Two, the Tamil aspirations have to be met with the widest possible devolution of power and autonomy for the north and the east.

MAIN FEATURES OF THE AGREEMENT

The ceasefire agreement is seen as a means to establish a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken. The main features are:

- 1) Firstly, it outlines the modalities of the ceasefire, including the total cessation of all offensive military operations, the separation of forces, and an increased freedom of movement for unarmed troops on both sides. The Norwegian delegation focused on harmonising the situation and evolved a stable, structured and comprehensive ceasefire²⁴ covering all types of land, sea and air based activities. The parties are allowed to engage in military activity.

²³ *Frontline*, March 15, 2002, p.15

²⁴ *Frontline* March 15, 2002, p.57

- 2) Secondly, it provided measures for the restoration of normalcy for all the inhabitants of Sri Lanka – Sinhala, Tamil, Muslims, and other groups by putting an end to the hostile acts against civilians, allowing the unimpeded flow of non-military goods, opening roads and railway lines and a gradual easing of fishing restrictions, which will take place at the end of three months. Fishing is banned for the stated reason of protecting naval installations, vessels and aircrafts from sea-based Tiger attacks. Effective observance of ceasefire can invalidate this reason. There is some opposition from the naval circles to any move to lift the ban entirely. Even in 1994 agreement the fishing activity was obstructed by the navy.
- 3) A vital aspect of the draft MOU is the provision for a mechanism to monitor the ceasefire and, more important, prevent its collapse. It is known as the Sri Lanka Monitoring Mission (SLMM). A crucial feature of the SLMM is that it would also function as a dispute solving, reconciliatory mechanism. In fact, its emphasis would be more on resolving conflicts than on detecting violations, accepting complaints regarding violations and reprimand offenders. It is vested with the authority to take prompt and immediate action on complaints made by either party, to inquire into and assist in the settlement of the dispute. The idea is to resolve sensitive issues at the lowest possible level without allowing them to escalate. It would not be possible for either side to break off from the ceasefire easily and quickly. Any side intending to do so would have to give to the mission a minimum of 14 days notice and the reasons for its decision. The monitors will inquire into the

stated causes and attempts as far as possible to address grievances, thereby preventing a collapse of the ceasefire.

The SLMM is an international body headed by Norway, with representatives from Sri Lanka, Norway, Sweden, Finland and Denmark. The local monitoring committee consists of one foreign monitor and two representatives each nominated by the government and the LTTE. The foreign representatives will be selected from among the retired judges, public servants, religious leaders and other leading citizens. As regards the interpretation of any provisions of the ceasefire agreement, the final authority would be the head of the mission. The draft has taken into account the concerns of all parties over the politically sensitive aspect of having international representatives on monitoring committees. The decision to choose representatives from the “neutral” Scandinavian countries seems acceptable to all, including India.

- 4) Fourthly, the agreement envisages clearly demarcated zones of control by both parties. There is a buffer zone between the respective forward defence lines with a gap of at least 600 meters. Troops and LTTE cadres are allowed to move up to maximum of 100 meters in to the “buffer zone”. It is mandatory that a minimum distance of 400 meters is strictly maintained between both sides at all times. Incidentally, the LTTE has not demanded that the security forces move back to pre-war positions or withdraw from the Tamil areas. This provision is similar to that of 1994 agreement. The troops, however, will be required so relocate themselves gradually from places of

worship, schools, community centres, government offices and buildings and facilitate the return of normalcy. With this the controls exercised by the armed forces and the LTTE over the civilians are expected to be reduced. The agreement also entitles permission to LTTE cadres to arrive in government-controlled areas in North-east for political work, but on the strict condition that they should be unarmed. The difference between the present and 1994 agreement was that, the previous agreement had allowed the LTTE cadres to move armed in the east while the present agreement did not permit use of arms.

By signing the agreement both parties, the government and the LTTE, have committed themselves to seek a negotiated solution. This agreement is to be implemented progressively and will be fully operative at the end of 90 days. The success of the agreement would pave the way for a transformation of the conflict itself into a non-violent form.²⁵

This agreement has given sign of relief to the people, especially those who are in the war zone. This has given the government time to extend humanitarian assistance to the people in the war zone. The government explained that the ensuing period will also be used to improve or enhance people to people contact between the residents of the south and those of the northeast. This will be possible because of the opening of roads such as Kandy-Jaffna and Trincomalee Harbour Road, which will be open on a 24-hour basis for passenger traffic. This agreement is to stop the war and restore normalcy. Besides, it removed the

²⁵ *POT*, April 3, 2002, p.131

climate of fear in the country too as it envisages an end to abduction, extortions, bomb-blasts and suicide missions.

FUNCTIONING

Complying with one of the key provisions in the ceasefire agreement between the government and the LTTE, the Sri Lankan armed forces have withdrawn from almost all places of worship they were occupying in the North-east and troops also have to vacate from schools under the public buildings. The LTTE complained that the government is violating the agreement by not withdrawing the armed forces from school buildings,²⁶ though the agreement gave the military 160 days from the day the ceasefire took effect. The defence ministry was concerned about the redeployment of troops, which can affect their control over Jaffna peninsula.

An important A-9 highway which connects the Jaffna peninsula to the main land was opened on April 8th 2002. On the part of LTTE this move was a major politico-military concession.²⁷ Because this step might make the LTTE in Vanni totally vulnerable to a future military campaign. It is to recapture this route the PA government launched since 1997 several unsuccessful military campaigns. The LTTE also defended at a great cost, because the fall of this route to the Sinhala army would make them totally exposed and unprotected in military terms. Even though the highway was reopened the stand off between the government and the LTTE continues over running bus service on the road. The LTTE wanted to operate its own bus service in the stretch of the highway that falls

²⁶ *The Hindu*, May 23, 2002

²⁷ *The Hindu*, June 29, 2002

under its territory collecting taxes from the people. The government rejected this proposal on the grounds that it violated the spirit of the truce under which both sides agreed to allow free movement of people and goods.²⁸ The LTTE and the government have discussed this issue with Norwegian facilitators. But nothing concrete has emerged from the discussions.

The Jaffna peninsula has been under the control of the government since June 1996 when the LTTE, which had run a defacto state since 1990, vacated it following Sri Lankan military operation. The LTTE's attempts to capture this territory have failed. Under the agreement the LTTE's unarmed cadres are allowed back in to Jaffna and government controlled areas of Batticaloa and Ampara for political activities. The activities would include collecting funds for the organization and recruiting volunteers. But it has been reported that there are instances of extortion, forced conscription of children, especially of the Muslim population by the LTTE. The SLMM says that such activities can't be treated as violations of ceasefire agreement, rather as criminal acts which are supposed to be looked after by the police. This view of the SLMM contradicts article 2 of the truce agreement under which the parties shall in accordance with international law abstain from hostile acts against civilian population.²⁹

As per the agreement the monetary mission will maintain its presence in the districts of Jaffna, Mannar, Vavuniya, Trincomali, Batticaloa and Ampara. At present the office exists in Vavuniya only. The functioning of SLMM depends on both

²⁸ *The Hindu*, April 8, 2002

²⁹ *The Hindu*, May 1, 2002

parties. There had been failure of such mission, which was set up under the 1994 ceasefire agreement due to the lack of cooperation of the parties. So the existence of differences can undermine the proper functioning of the agreement. Hence, it depends on Norwegian facilitators to sort out the differences.

THE POLITICAL RESPONSE:

Sri Lanka's new negotiation process appears to run the risk of being undermined by the un-cooperative parliamentary opposition coalition of the PA and radical nationalist Jana Vimukthi Peramuna (JVP). The PA-JVP leaders wasted no time in denouncing the agreement between the United National Front (UNF) government and the LTTE. Ironically the President, Chandrika Kumaratunga, who for many years worked towards a negotiated political settlement of the problem, leads the opposition to the peace initiative. The Norwegian government has been working on this agreement since the year 2000 in consultation with both the UNP and PA. The JVP called this agreement as "agreement of surrender".³⁰

The PA-JVP's opposition to the truce agreement was initially couched in procedural terms. Their point was that although Kumaratunga is the Head of State, Head of the Cabinet and the Commander-in-Chief of the Armed forces, she has not been adequately consulted or briefed about the agreement or the timetable of its signing. They maintained that by signing the agreement the government has violated the constitution. But at the same time Chandrika Kumaratunga indicated her willingness to cooperate with the UNF.

The President also expressed dissatisfaction that the MOU agreement could carry a threat to the country's sovereignty. The PA is not satisfied with

³⁰ POT, May-15, 2002, p.200

allowing the Head of the Monitoring Committee to decide on demarcating the country between LTTE controlled and Sri Lanka Army controlled areas. She pointed out that the MOU between the UNP and the LTTE completely differs from the agreement signed between the PA and the LTTE in 1995. According to the 1995 agreement the power to demarcate boundaries rested with the Monitoring Mission and not with its Head.

The Sinhalese nationalist opposition to the government's political engagement with the LTTE is also centred on the question of de-proscription. The JVP and Sinhala Urumaya have lodged a strong opposition to this arguing that it would grant the LTTE the status of parity with the government, while expressing the belief that political negotiations could get underway only after the LTTE drops its demand for a separate state in North-East and suspend all military related activities and come to an understanding with the government.³¹ The Buddhist monks even accused Norway of favouring the rebels and pointed out that, Norway should leave the country instead of interfering in Sri Lanka's internal affairs.³² Various organisations, political parties and sections of the Buddhist clergy protested against the draft provisions. According to them much has been conceded to the LTTE and long-term security of the country has been compromised. They also frowned upon the fact that the Draft MOU treated the government and the Tigers as equal partners in the agreement.

As far as the Tamil parties are concerned they welcomed the ceasefire and called upon the government and opposition to extend their support to it so that

³¹ *POT*, April 10, 2002, p.141

³² *POT*, March 13, 2002, p.94

early constructive negotiations can take place. They pointed out that, the state is primarily responsible for the current violent conflict and it is the responsibility of the government and opposition to take every possible step to facilitate the commencement of the dialogue. The government accorded primacy to the LTTE in future negotiations, because the immediate priority of the government is to end the war.³³ But when it comes to working out a durable political solution it may well be that other parties will be involved. But, except the EPDP and EPRLF, the other Tamil parties including TULF, have more or less signed away to the LTTE. They seemed to have accepted the moral and political authority of the group as the chief negotiator on behalf of the Tamil people. The LTTE's recent strategy of forcing most of the Tamil parties and groups to form one political unit called the Tamil National Alliance (TNA) and then act as a mouthpiece needs to be understood in this context.

THE ISSUES:

Ending armed hostilities is not the sole objective of the agreement. As specifically stated in the preamble its overall objective is to find a negotiated solution to the ongoing ethnic conflict. For negotiations to take the place, both sides have to come to the negotiating table. But Prabhakaran had made it clear that talks cannot be held unless the ban on the LTTE is lifted. The LTTE on several occasions raised the question of de-proscription with Norway, and Mr. Balasingham has also made statements on the public forums as well as in the media to the effect that the lifting of the ban is urgent and crucial for the peace

³³ *The Hindu*, March 5, 2002

negotiations. They pointed out that they can't participate in the peace talks as an illegal and criminal entity, with a terrorist label. The talks as well as the product of talks will have no credibility and validity if they are held between incompatible, unequal actors, that is, between the government and the LTTE.³⁴

He is conscious of the fact that the best way to come out of international isolation is to pressure on Colombo to lift the ban on the LTTE, which was imposed soon after it attacked Dalada Maligawa in 1998. Once Colombo lifts the ban the Tigers can mount a campaign internationally to get the ban lifted in India, UK, USA, and Australia, Canada. The gradual expansion of these international bans and the tightening of their implementation could have a serious implication on the LTTE's fund raising activities in different parts of the world. This position of the LTTE was conveyed to the Norwegian Chief Negotiator Wider Helgesen. It also reiterated that the direct talks could be possible only after a climate of normalcy thorough implementation of ceasefire according to prescribed time limits. The LTTE emphasised that de-proscription and normalcy through implementation of the agreement are prerequisite for talks.³⁵

Differences of the Present Peace Process from Previous Ones:

The renewal of the peace process with Norwegian facilitation is the most welcome development since the advent of the new government. Several factors distinguish the present peace making effort from the previous ones.

Firstly, it is conducted in the context of the global war against terrorism.

³⁴ *POT*, April 5, 2002, p.139

³⁵ *POT*, Feb 27, 2002, p.72

Secondly, the prospects of a bi-partisan approach in pursuing peace are brighter, for the first time with the President and PM compelled to engage in co-habitational politics. The current peace process is in fact a continuation of the peace process initiated by the PA government in 2000. It failed to gather momentum and was interrupted midway because of the absence of a bi-partisan approach. The post-independent history shows that failure to find a solution or even to implement what was agreed upon has been due to the absence of bi-partisan approach.

Thirdly, the LTTE is under pressure from international community to seek a negotiated settlement.

Fourthly, gaining by previous experience the new UNF government has adopted a more cautious and professional approach in its initiatives. The UNP's strategy of avoiding contentious constitutional issues at the beginning and prioritising ceasefire are not necessarily a bad strategy.

Fifth, both sides have undertaken a series of confidence building measures: such as safeguarding the sovereignty and territorial integrity of Sri Lanka, cessation of military action by both sides, allowing unarmed LTTE cadres to begin political work in the north-east, disarming of Tamil paramilitary troops, opening of the Jaffna-Kandy A-9 highway, lifting of the ban on certain-goods and gradual easing of fishing restriction, subject to certain exceptions etc. The LTTE on the other hand has released several prisoners that were held by them. These measures have given a great relief to the people of the North-east.

CONCLUSION

Norway as a disinterested party stands to neither lose nor gain by the extension of its good offices. The Norwegian initiative in the Sri Lanka ethnic conflict would count as the most significant event, because this initiative has the acceptance of both parties – the government and LTTE. But in the absence of a direct political dialogue between the government and the LTTE Sri Lanka's peace process has entered a phase of slow progress. The mutual trust with which the two sides inaugurated the peace process seems to have suffered, mainly because of the differences between the parties.

There is a difference in the perception of the parties about Norway's role not as a mediator, but a facilitator. This implies the limited role of a facilitating communication between the government and the LTTE. From all available accounts the Tigers wanted Norway to play the role of a neutral advisor and an observer as a direct third party throughout negotiations. The Tigers preferred a big role for Norway. This is what is happening now. Norway drafted the MOU, and both parties agreed to it. Now it is in the process of implementation. Norway also had sent out a questionnaire to the LTTE and the government about the agenda for the talks and its format, scheduled to be held in Thailand's capital, Bangkok. It pointed out that the government and the LTTE should not rush into talks without first finalising the agenda which could be detrimental to the peace process.³⁶ By drafting the MOU and preparing the agenda for the talks, Norway actually exceeded its facilitatory role and transgressed into a mediatory capacity.

³⁶ POT, March 22, 2002, p.113

Ranil Wikremasinghe's government is caught on the dilemma, because the LTTE wants the Norwegian mediators to sort out issues, such as the total withdrawal of the economic embargo on guerrilla dominated areas, lifting of all restrictions on fishing in the north, de-proscription of the LTTE and the setting up of an interim-administration. The government has turned down the LTTE's pre-condition, by linking the lifting of the ban to firm dates for the talks.³⁷ Today there are no certain dates yet for the talks, which are to be held in Thailand. If both parties are intransigent in their position and stalemate is inevitable. In case of ceasefire Norway has to ensure that, the ceasefire will stay in place, even if talks break down. Given the complexity of problem, at least ceasefire will not lead to war. However, the imperfect terms of truce may appear. It is hardly possible for any government to workout the perfect terms of a truce under perfect procedural rules. What should matter now is a meaningful political engagement between the government and the rebels though the outcome is not yet clear. The ceasefire provides the LTTE a platform to announce to the world its sincere interest in a peaceful settlement, while affording the government valuable time to re-arrange the building blocks for the economy. And it is the absence of war that is more important to both sides at the moment than a political resolution that Oslo is likely to try and ensure in the months ahead.

³⁷ *The Hindu*, May 27, 2002.

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CONCLUSION

Sri Lanka today faces a major challenge to resolve the ethnic conflict. The factors responsible for the escalation of the conflict are mainly due the discriminatory policies that were followed by successive Sri Lankan governments in the post-Independence period. Various anti-Tamil policies like – Citizenship Act of 1948, Land Colonisation policies, Sinhala-only Act of 1956 and politicisation of education were implemented. Because of these policies there were a series of Tamil-Sinhala riots in 1956, 1958, 1977 and in 1983.

The inter-ethnic relations in the 1980s deteriorated rapidly into on-off civil war between the Sinhala dominated Centre and various Tamil militant groups. The conflict acquired an increasingly international dimension after the ethnic violence in 1983. In this period the desire for peace is much higher among the rural Sinhala masses and the Tamil because both of them are direct victims of ethnic war. In this background of escalating violence repeated attempts were made by the UNP government, Tamil political groups and the Indian government to negotiate a political solution to the ethnic problem. India's active role in peace.

making during 1983-87 led to bilateral Agreement in July 1987. The first meaningful framework of institution building was introduced in 1987 with the establishment of Provincial Councils. The irony was that even that measure was forced on the government by the Indian state amidst much resistance by the majority of political forces. The Accord and subsequent initiatives failed because of intransigent position of both the government and the LTTE.

In 1988 the Premadasa government held negotiations for nearly 14 months with the LTTE. He initiated talks with the LTTE on the belief that the conflict in Sri Lanka would be solved by themselves. And in the early 1990s a political forum called the Parliamentary Select Committee (PSC) was established. Where the peace proposals were not adopted on the basis of majority vote but a consensus among the committee members. The non-LTTE Tamil parties took part in the talks and insisted on the merger of the Northern and Eastern provinces and greater devolution of power to the Provincial Councils. The rejection of both these demands by the government led to the unilateral resumption of by the LTTE.

While the Tigers may have the strength and stamina to continue the struggle, the ordinary people reached a breaking point. The displacement of the Tamil people from the North-East and their migration from Sri Lanka continue to diminish the Tamil presence in the island. Tamils have been refugees in their own nation. Their economy social fabric and culture are in shambles. The only way to arrest this deterioration is to seek a negotiated peace. And also the issues in the conflict have originated from the varying demands of the Sri Lankan Tamils which have been incompatible with the goals of the Sinhalese. This in the past

helped the ruling Sinhala elites to justify their non-serious approach towards the peace process. Keeping this in mind in 1994 the People's Alliance (PA) came to power with a mandate for peace. For the first time the government openly acknowledged the fact peace can't be restored without the cooperation of the LTTE. The government called for negotiations with the LTTE with the hope that if the LTTE genuinely opts for negotiations there is a chance that a worthwhile agreement short of separation could evolve. The Tiger leadership also welcome the new peace initiative as a serious effort by the PA government. They held direct negotiations where four rounds of talks took place from 1994 to April 1995. The two sides were evidently speaking on different wavelengths. The peace process according to the LTTE should proceed in two stages. The early stages of the negotiations should address the restoration of normalcy and the creation of a peaceful environment. After normalcy was restored talks could comment to find a political solution that would not meet the aspirations of the Tamil people. Colombo on the other hand maintained that the talks that addressed the day-to-day problems of the people and the search for a political solution to the problem should proceed simultaneously. The LTTE's pre-conditions for talks indicated that it is not sincere about a political settlement and throughout t the negotiation it claimed that it was representing the interest of Tamil people. According to the LTTE the Tamils are not a minority but a nation with inalienable right to self-determination and secession. The Sri Lankan conflict is, therefore, a conflict between two nations. The LTTE is not a political but a National Liberation Movement and also the sole representative of the Tamil and should be recognized

as such by Colombo. These different positions of LTTE and the government, in ultimate analysis failed to resolve the conflict.

After the break down of the negotiations the Kumaratunga government followed a unilateral peace strategy. It was a tragedy that the Eelam war III commenced at a time when Chandrika Kumaratunga was preparing significant and far reaching proposals to restructure the political system. The devolution proposal was acclaimed by many Sri Lankan watchers as a bold and imaginative attempts to find a peaceful solution to the ethnic conflict. She had repeatedly asserted that, if the aspirations of the minority Tamils are to be fulfilled, Sri Lanka must go beyond the unitary state. Equally important the government had declared that the proposals must be viewed in the wider context of constitutional reforms which include the abrogation of the executive presidency and its replacement by a parliamentary form of government.

But Chandrika's project has run into fierce trouble with the LTTE in the north, with the LTTE engaged in a deadly war. At the same time the LTTE rejected the proposals and the package has not been totally supported by the UNP. The solution to the Tamil problem in Sri Lanka has to be found by developing more powers to the Tamils so that they can maintain and promote their separate identity in a united Sri Lanka. But divisions among the Sinhala people will suit the long term objective of the LTTE. Without a Sinhala consensus no settlement is possible and Prabhakaran drove home the point that the Tamil people can never get affair deal from Sinhala dominated governments. The LTTE wants the Tamil problem to be addressed independently and not to be mixed with the issue of Executive Presidency or devolution to the regions.

Moreover, the LTTE does not consider Sri Lankan Tamils as a minority but as a nation. It would consider a federal model; which preserves the distinct character of the Tamil society and the territorial integrity of the Tamil traditional Home Land.

Given the political impasse where there is no consensus even on the nature of the Sri Lankan state and also because of the war which caused more deaths and destruction the government opted for Norway as a Third Party which can bridge the gap between the government and the LTTE to find a solution to the ethnic problem. The Norwegian facilitated peace process had progressed for sometime reached an impasse in the absence of a direct political dialogue between the representatives of the UNF government and the LTTE. The mutual trust with which the two sides inaugurated the ceasefire early this year seems to have suffered. The reports of setbacks to the implementation of the MoU will not be an option that will help either the LTTE or the Sri Lankan government. In this situation where there has been no noteworthy breakthrough on the peace front the hard-line elements have begun to take over the whole process. The parties to the conflict and Norway need to take some urgent political steps restore the trust between them as well the public confidence in the peace process.

There are other substantive political issues which Norway has to grapple with. Twenty years of military operations have made the Sri Lankan armed forces, constituting mostly of Sinhalese a more assertive factor in deliberations about possible compromises. The Buddhist clergy remains intensely assertive about Sinhalese claims. No Sinhala party can ignore the views of the armed forces and the Buddhist clergy. On the other hand both the LTTE and the Sri Lankan

government consider Indian support the Norwegian relevant. But given India's experience over the last two decades India should not get directly involved in this latest mediatory exercise. It should, however, do everything possible to strengthen the Norwegian effort and encourage Tamils and the Sri Lankan government to move away from rigid stances and towards practical compromises. Given the political balance of forces in Sinhala society at present and perhaps for some years to come there is absolutely there is no way for any government in Colombo to find a quick solution to the ethnic question. There is an immediate need to strengthen Sri Lanka's faltering peace process. The elements of trust, political communication so central to conflict resolution is missing in the peace process. This is where the Norwegian facilitation process has to help.

The greatest obstacle to peace today is absence of consensus between the PA and UNF government. The history shows that B-C pact and the S-C pact of late 50's and early 60's failed because the UNP and SLFP engaged in opportunistic politics. The opportunity the ethnic conflict was lost through the non- co-operation of UNP and SLFP. The current peace process is in fact a continuation of the peace process initiated by the PA government in 2000. It failed to gather momentum and was interrupted mid-way because of the obstacles that prevented the development of a proper bi-partisan approach. If the present efforts at a negotiated settlement are to succeed it is imperative that the government and the opposition should work together.

If the government wants to negotiate a political settlement with the LTTE that will not be opposed by the Sinhalese majority it is important that SLFP and UNP should have a common strategy to end the ethnic conflict. This is the only

way the hardliners in the majority community represented by the Buddhist monks, the Sinhala Urumaya and the JVP can be silenced. The LTTE too needs to understand in a politically constructive manner the limitations faced by the Wickeremesinghe administration. The Prime Minister has no control over the Sinhalese society unlike Prabhakaran. There are many forces in the Sinhala society actively opposed to any accommodation with the LTTE. \

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