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As one can see, the power struggle between the UNP and SLFP has not only widened the gap between the ethnic groups, but also diverted the fundamental responsibility of the state from developing the country’s economy. It was the consolidation of political power that most worried the contesting parties, not the development of various branches of the economy in order to distribute the wealth and resources among the people. Until the late 1970s, Sri Lanka relied completely on its traditional export revenue while the increasingly growing population put enormous pressure on the society, generating massive tension due to soaring unemployment, deterioration of living standards and scraping the welfare. Without a consistent economic policy, the country began to slide drastically downhill. Moreover, the state regulated socialist economic policy adopted by the SLFP government during its term between 1970-1977 further worsened the situation. Instead of exploring new avenues to economic growth which could have balanced the distribution of wealth, the governments themselves took measures to correct the situation. As a result, the redistribution of wealth in the understanding of Sri Lankan politicians assumed a mere ethnocentric notion. This rectification has taken place largely at the expense of the Tamil minority. The obvious result was an increased antagonism of the Tamil minority. However, due to economic stagnation and short-sighted development planing, the governments could not even fulfil the aspirations of the growing Sinhala population.\textsuperscript{392} The dissent of the Sinhala youth in generating anti-government uprisings is a testimony to this.

There is a tangible cyclic pattern in the process of deviation of the state from liberal democracy.\textsuperscript{393} As shown, the vicious cycle of confrontational politics generated the gap between ethnic groups. The radicalisation of the Tamil minority and its abandonment of democratic means in pursuit of separatism as the optimal solution led the state authorities to further centralise power. The government’s desperate attempts to consolidate its authority are seen in the subsequent measures it was taking, including state terrorism, the introduction of the Executive Presidency, drastic militarisation of the state and so on.\textsuperscript{394} All these measures dragged the Sri Lankan

\footnotesize{\textsuperscript{392} For a discussion on the economic aspects pertained to the collapse of democracy in Sri Lanka, see Rohan Ekanayake, \textit{State Coercion and the Ascendancy of Civil Disorder in Sri Lanka}, Ph D. thesis, National University of Australia, 1999.}

\footnotesize{\textsuperscript{393} For an excellent discussion see Siri Gamage, ‘Democracy in Sri Lanka: Past Present and Future’, \textit{Asian Studies Review}, vol. 17, no. 1, July 1993, pp. 107-116.}

\footnotesize{\textsuperscript{394} For a discussion on the consolidation of centralised state power and the executive presidency, see A.J. Wilson, \textit{The Gaullist System in Asia: The Constitution of Sri Lanka (1978)}, London, Macmillan,}
state further away from liberal democracy.\textsuperscript{395} The ironic nature of illiberal democracy is such that for its survival each time it will need to take more and more illiberal measures. The Sri Lankan political developments in the post-independent era are a classic example in this regard.\textsuperscript{396}

Deviation from democracy has been explicit and overt from the mid 1980s when presidential authority was becoming mere authoritarianism. The outbreak of open warfare between the LTTE and the government forces has added new dimensions to the Sri Lankan politics. Both combatants have committed massive human rights violations. At the same time, the youth uprising in the south was mercilessly crushed with unprecedented inhumanity, with some 60,000 Sinhala youth perished. If these are measures by which to assess the degree of democracy, can Sri Lanka be counted as democracy?

James Jupp in his recent article bluntly put forward these questions.

‘Can we apply the term ‘democracy’ to a state which killed many thousands of its youth between 1987 and 1989 in putting down the second JVP rising; has killed many thousands more since the outbreak of Tamil secession in 1983; and has driven countless thousands, predominantly Tamil, into exile over the same period? Can we talk of democracy in a society where the assassination of politicians has become almost commonplace’?\textsuperscript{397}

Since the 1970s the Sri Lankan democratic parliamentary elections have been continuously plagued by corruption, violence and mismanagement. The term ‘free and fair elections’ has been completely alien to the Sri Lankan public where arbitrary forces totally override each election. This unfortunate feature has become an intrinsic part of the Sri Lankan politics and still continues. Intimidation, pre and post-election

\textsuperscript{395} Jayadeva Uyangoda, ‘Gangsterism, Patronage by the Mps Criminalisation of Politics’, \textit{Pravada} vol.2 no. 3 March/April 1993.


violence, and vote rigging have become norm in Sri Lanka today. Furthermore, it is apparent that the basic democratic traits of a democracy are highly questionable today. Although Sri Lanka could never boast about the freedom of the media, the worst fell in the late part of the 1980s. Many journalists were assaulted and assassinated and the state became the owner of information. Even today the situation has not improved much. In the view of some journalists the clamp down on the media in the war front itself is a serious obstacle for bringing a solution to it.

Indeed, the devolution of power is one of the most fundamental devices of liberal democracy. Delegating devolution to local authorities empowers the localities, thus diffusing tension between the centre and periphery. Therefore, the success of democratic survival in the state may often depend upon the success of the devolution process.

398 Interviews with Pakiasothy Saravanamuttu, Director of the Centre for Policy Alternatives, Colombo and member of the Committee for ‘free and fair elections’ in Sri Lanka.
399 Personal communication with Iqbal Atas, Sunday Times’ war correspondent, Colombo, June 1999.
FAILURE OF DEVOLUTION IN THE ETHNIC CONFLICT

Since the emergence of the ethnic crisis several attempts were made at various stages of the crisis, to bring about a solution. These attempts were primarily of a reactive nature. In the fifties the authorities tried to devise schemes of regional autonomy. This process was continued with various schemes of devolving power to the provinces with a view to bring about an acceptable solution to the ongoing ethnic conflict. Some of the proposals never reached beyond the blueprint stage, and the leaders responsible for such proposals and schemes for the devolution of power were forced to abandon them due to nationalist opposition. Various other proposals, amidst opposition, have been implemented half-heartedly, though they fell short of the demands of the Tamil speaking people in the island. All these formulas, whether implemented or not, led to the de-stabilisation of the Sri Lankan polity. A detailed examination of the nature and content of these proposals introduced during different stages of the ethnic crisis is necessary to comprehend the magnitude of the ethnic crisis.

The discussion will focus on aspects such as how far the idea of devolution can enhance the principle of liberal democracy and why the Sri Lankan state has not been able to employ this devise to bring about a solution to its protracted conflict. Undoubtedly, the rationale behind the devolution of power lies in the objective of decentralising the central state’s powers to involve grass root level people’s will. Therefore, the devolution always enhances the role of local authorities by expanding accountability and inviting popular participation. Before embarking on a discussion of the devolution schemes, it is worthwhile looking briefly at the evolution of decentralisation in Sri Lanka.

Retrospect of Local Government

From the historical perspective, one can not overlook the important role the local governing bodies played in the traditional administrative system in the Sri Lankan society. The major units of local government in the traditional society in Sri Lanka were the Gamsabha (village councils) and Ratasabha (provincial councils) which constituted a form of decentralised administration at the district and village levels. Jane Russell, analysing the transformation of the social and political landscape in Sri
Lanka, sees that those traditional segments of the local governing bodies were still seen as relics of the ancient society in the early 19th century.\textsuperscript{400} However, these institutions were unable to resist the radical changes brought about by modernisation in the face of colonialism. Initial reforms in the administrative structure of the island came into being after the Colebrooke Reforms were introduced in 1833, making the island a Crown Colony.\textsuperscript{401} However, the Donoughmore commission maintained that there was a requirement for comprehensive reforms in local governing units. This notion was firstly based on the drastic changes caused by the expansion of the franchize attracting rural masses into the political life on the island. Secondly, the Donoughmore Commission believed that the de-concentration of authority at the local level would make it possible to bring the periphery under control more effectively than under a centralised system. Therefore, it is important to note that it was the Donoughmore Commission which first projected the Provincial Councils in order to decentralise authority on the island. The Donoughmore Commission promoted its suggestions to establish local administrative bodies, arguing that

\begin{quote}
‘such a scheme results in a larger part of the administration coming into the hand of persons permanently resident in the country’s districts and thus more directly in contact with their needs.’\textsuperscript{402}
\end{quote}

Furthermore, the Donoughmore Commission’s approach towards decentralisation emphasised the ethnic diversity within administrative system as a vital element. The Donoughmore Commission suggested that special attention should be paid to the fact that ‘the different races predominant in the different parts of the island affect the administration of these parts.’\textsuperscript{403} Thus, the Donoughmore Commission focused on the need for empowerment of the local administrative structure as a significant element in the future political landscape of the country which could facilitate effective governance. As the Commission pointed out:

\begin{quote}
\textsuperscript{400} Russell Jane, \textit{Communal Politics under the Donoughmore Constitution, 1931-47}, Dehiwala, 1982, p. 95. In 1927 there were 371 village committees, and they came under the supervision of the Local Government Board, supervised at a national level by the Executive Committee of Local Administration and at a provincial level by the Government Agent. See V. Kanesalingam, \textit{A Hundred Years of Local Government in Ceylon}, Colombo 1971, pp. 9-10.
\textsuperscript{402} Donoughmore Commission Report, 1929, p. 118.
\textsuperscript{403} Donoughmore Report, p. 88.
\end{quote}
As an ultimate aim of policy, there is obviously much to be said in favour of a future decentralisation of government upon elected or partially elected local bodies created for the purpose. 404

In the view of the Commission, the establishment of the Regional Council was a vital component on defusing tension towards the centralised government by providing more room for the local decision-makers.

Thus, the Donoughmore Commission suggested the establishment of a network of provincial councils at the local level to integrate the localities with the central government. The scheme, in fact, considered the possibilities of harnessing local taxation as the financial basis of the provincial councils. Nevertheless, despite the Donoughmore initiatives, the profound changes in terms of decentralisation did not take place. In particular, it must be noted that the colonial desire of de-centralisation did not stem as a method to establish a foundation to enhance the powers of the local bodies, but to maximise the efficiency of the colonial administration. Furthermore, the obsession of the local elite in gaining power from the colonial masters overshadowed the vital discussion on local administration.

The most vigorous and insistent demand for decentralisation in the form of federalism emerged in 1949 when the Federal Party was formed by S.J.V. Chelvanayakam, as a result of the break up of the All Ceylon Tamil Congress (ACTC) over specific demands to enhance the powers of the Tamil speaking people in the island. In fact, this was the first time when the communal character emerged as a principle element in the idea of devolution in the island. While all previous devolution of powers proposals including the colonial reforms, were confined to territorial aspects, the Federal Party introduced the ethnic element as a prominent feature in their demands. S.J.V. Chelvanayakam stated that the Sinhala political elite were unwilling to share power with the Tamils and that the 'only recourse they had left' was to function according to the principle of self-development of their traditional territories. He suggested that 'a federal system in which the Tamil unit or units would

404 Donoughmore Report, p. 86.
have adequate autonomy' would be the only solution to the growing gap between the two communities.405

However, there has been a certain enthusiasm towards the empowerment of local bodies from the days of independence. S.W.R.D. Bandaranaike, in his capacity as the Minister of Local Administration, underscored the necessity to establish Provincial Councils in 1947. He emphasised the need to establish such a scheme with the sole purpose of 'coordinating, supervising and controlling the local bodies in the district or the province'406 On another occasion he pointed out,

‘the first thing I want is to hand over most of the functions, which are now considered to fall legitimately within the purview of central government, to local bodies, elected by the people, on as wide a franchise as possible, that will look after the interests of the people of those areas. I mean to give these bodies enough funds or power to raise funds in order to carry out these functions, and I want at the same time to create a body of experts in every branch whether it is sanitation, engineering, irrigation, agriculture or anything else....'407

In fact, the enthusiasm of Bandaranaike over the empowering of the local bodies evoked suspicion among the political elite who thought that Bandaranaike might use them to his own political advantage.408 Under these circumstances, the support from political rivals was curtailed and the opportunity to modernise the local institutions with the emphasis on de-centralisation was not adequately pursued.

At the dawn of independence, the Huxham Committee, investigating the status of local authorities recommended the need to establish District Agents, defining the responsibilities for the District Agent according to the District Development Plan, incorporating the traditional local authorities as well as the central government

406 Hansard, House of Representatives, December 12, 1947, Column 1367.
407 Hansard, 7 May 1937, Column 1062-1068, debate on the Amendment to the Village Communities Ordinance.
408 Bandaranaike formed his own political party breaking away from UNP in 1951.
ministries.\textsuperscript{409} As the Committee members pointed out, the neglect of the localities had been the result of poor coordination. However, those recommendations fell on deaf ears and no measures were taken to implement them.

The question of the need to modernise local government institutions with a general plan of the decentralisation of administrative functions remained part of the political discussion even after Sri Lanka gained independence. The debate surfaced again with the appointment of the Choksy Commission to investigate local government in the country. The Choksy Commission making an exhaustive investigation recommended a comprehensive scheme of reorganisation which included the establishment of Regional Councils to ‘take over the functions of the Kachcheris with a view to eliminating the colonial legacy in the district administration of the island’.\textsuperscript{410} However, the recommendations made by the commission were confined to blue print. No attempt was made by the government to implement and thereby restructure the administrative system in order to invite popular participation at the local level. It was one of the first missed opportunities, which could have laid the foundation from which to build a solid localised administrative system. Moreover, the implementation of recommendations and the due attention to regional development may have avoided the tension emerging from the ethnic minority at its early stage. Therefore, the lack of commitment by the political leadership and also the lack of understanding of the importance of grass-roots participation in the decision making process in a democracy, which prevented the implementation of decentralisation, remained a consistent obstacle in the decades to come.

Bandaranaike-Chelvanayakam Pact (1957)

Despite the fact that the debate on local governments continued in the political circles, it was not until the 1956 that the real need for decentralisation emerged and the tension between Sinhala and Tamil groups escalated. The passage of the Sinhala Only Act, coupled with the rise of Sinhala-Buddhist nationalism, revived the Federal Party’s demand for an autonomous solution of the Tamil minority issue. Thus, the emergence of the Bandaranaike-Chelvanayakam Pact (B/C Pact) in 1957, which had significant connotations regarding devolution, was merely a result of minority agitation and the threatening unrest in the country. As some analysts pointed out, the drastic worsening of the ethnic conflict in the 1950s gave a new meaning to the long debated local government issue.\textsuperscript{411} The most important aspect added to the whole process of de-centralisation after 1956 was the ethno-territoriality, which had been completely absent in the previous decades. From that point of view, the process of reforms put forward by the B/C Pact, as well as the following ones, were an attempt to contain the ethno-territorial dispute by an extension of central government to the local level, rather than a genuine devolution of power on the basis of a process of democratisation. Consequently, it can be speculated the minority did not see the Pact as a comprehensive solution to their problems. From the Federal Party’s point of view, the reforms brought about by the B/C Pact were merely an interim adjustment.\textsuperscript{412}

Nevertheless, the B/C Pact was an important landmark in Sri Lankan political developments, particularly in relation to ethnic relations on the island. It enshrined the basic ideal of the devolution of powers to the local authorities despite the fact Bandaranaike was not agreeable to abrogate the ‘Sinhala Only’ Act in favour of granting parity to the Tamil language in the country. Instead, the reforms elevated the Tamil language to the level of a regional language, recognising it as such in the Northern and Eastern Provinces. However, the Tamil leadership insisted on the need of recognising Tamil as a national language.

The most significant concessions came in the scheme of regional councils through which a blueprint was prepared for the granting of some kind of regional autonomy.

\textsuperscript{412} Ceylon Faces Crisis, Federal Party Publication, 1960, p. 27.
According to the Regional Councils Bill of 1957, the Northern Province of the island was regarded as one regional council, whereas the Eastern Province was supposed to divide up into two or more regional councils in accordance with the population distribution of the Tamil, Muslim and Sinhalese in the province. At the same time, the Bill stipulated the amalgamation of the Tamil regional councils in the Northern and Eastern provinces, subject to a parliamentary ratification. Thus the Regional Council Bill in its very essence attempted to forge a compromising deal between federalism and unitary government. The membership of the Councils was supposed to be elected directly on the basis of local elections and the regional councils would have endowed the powers over areas of agriculture, cooperatives, land and developments, colonisation, education, health, industries and fisheries, housing, social services and infrastructure. As one can see, the powers endowed to the councils surpassed those of traditional local governments. In terms of finance, the regional councils were authorised to collect taxes from regional sources and to receive funds individually and from the entitled central government treasury. Furthermore, the issue of colonisation which had been a serious issue at that stage had been given special consideration. The regional councils were endowed the powers to determine allottees to whom land was to be granted in the process of creating new settlements in the central plains. Thus the scheme of regional councils was a precise attempt to devolve powers to the local units and create an independent regional administrative system with effective consideration of the ethno-territorial divisions of the island.

The very nature of the pact invited stiff resistance from the opponents who perceived the new system as a threat to the existing unitary pattern of the state. The insistence of the pact on the ethno-geographic component represented a novel formula within the established state structure. In contrast to the hitherto existing decentralisation debate, the B/C Pact offered a formula which was to reconcile the disgruntled Tamil minority. Although the formula consciously avoided the Federal system much demanded by the Tamil political leaders, the Sinhala nationalists conceived it as a surrender to Tamil claims. In fact, the B/C Pact with its devolution package may have well avoided the federal constitution, establishing regional autonomy within a unitary state. However, under rigid resistance the BC Pact was abrogated. The opposition political parties, fuelling the nationalist sentiments,

413 See appendix.
destroyed a unique opportunity to establish a decentralised local governing system which would facilitate the cultivation of democratic political pattern on the island.\footnote{S. J. Tambiah, Sri Lanka: Ethnic Fratricide and Dismantling of Democracy, op. cit., p. 73.}

'If implemented in the spirit in which it was entered, it will certainly help to arrest the unfortunate tendency which gave the Tamil-speaking people cause for concern about their future. Unfortunately, the Prime Minister was pressured into annulling the Pact. In addition, he did not implement his promises on language in his Tamil Language (special Provision) Act of 1958. The Act contained no reference to Tamil being 'a language of a national minority' as pledged in the pact. No regulations were framed under the Act, as provided for, for the use of Tamil in the Tamil provinces.'\footnote{Ceylon Faces Crisis, pp. 27-28, cited in A. J. Wilson, Break up of Sri Lanka, op. cit., p. 118.}

In fact, the devolution package of 1957 contained a tremendous capacity to divert the dividing tendency of the nation and possibly avoid a further escalation of the crisis. It must be noted that the 1957 Pact could have been an ideal beginning for nation building. At the same time, the proposed regional councils could have served as a significant basis for the economic development of the island. With a relatively strong financial basis, the regional councils could have acted with substantial freedom in relation to development and administration.

However, the already divided partisan politics, especially within the Sinhalese elite did not allow to benefit from the devolution proposal of 1957. The devolution of power through the regional councils was treated not as a device applicable to empower all the local authorities across the island, but only to the ethnically divided north and east. Therefore, the Sinhala nationalist movements were suspicious that the Tamil areas might try to split from the unitary state. Indeed, the direct result of this was the further consolidation of ethno-nationalism and division of the nation. It is important to note that the 1957 devolution package evoked two vital issues. First of all, the opposition to the devolution package argued that the regional councils, with extended powers and financial capabilities, could put foundation to federalism in a condition of ethnic division which would eventually divide the state. On the other hand the amalgamation of the ethnically congruent territorial units was considered as a further dampening of the unitary state.
As we discussed earlier, the principle opponent to the B/C Pact was the UNP, the political opposition, which aptly utilised the opportunity to reaffirm its damaged image from the 1956 elections. By doing so, they used the century long suspicion and fear of being swamped by the Tamils to instigate Sinhala nationalism. This gruesome pattern was to prevail becoming a major obstacle to the solution of the ethnic conflict in the island until today.

**Senanayake-Chelvanayakam Pact (1967)**

The next attempt to extend the political powers of the regional bodies emerged with the proposal to establish District Councils under the UNP-FP coalition government in 1965-1970). Having failed to achieve concessions by negotiations from the previous government led by Sirimavo Bandaranaike, the Federal Party was compelled to forge a coalition with the UNP. Dudley Senanayake, the leader of the UNP, called upon the Federal Party to form a ‘national government’ and offered a cabinet portfolio to a Federal Party member M. Tiruchelvam, as a good will gesture, and entrusted him to prepare the District Council Bill of 1968. Indeed, the appointment of a Tamil politician as the head of the ministry dealing with matters related to local government had to be seen as a proof of the state leadership’s genuine intention to work out a lasting solution to the growing problems.

As a principle device of national reconciliation, the government proposed a pact which came to be known as the Senanayake-Chelvanayakam Pact (S/C Pact) of 1967. The District Councils were the principle element which stipulated the devolution of power to the local government. Unlike the previous Regional Councils, District Councils were supposed to be operating under the direct control of the government. Thus the executive committees of the District Councils were comprised of MPs for the area, mayors and chairmen of the local bodies, and councillors within the district. This was apparently designed to avert the opposition from the political rivals as was

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416 The SLFP led government of 1960-65 was seen as highly devoted to Sinhalised administration and the promotion of Sinhalisation in the areas of employment and education. Furthermore, the District Councils promised by the SLFP were not established, and all these reasons deeply disappointed the Tamil leadership in the island who broke a deal with the UNP in 1965.


the case with the 1957 regional council project. According to the Pact, the Executive Committee was to be responsible for the mapping out of development programs and conducting the administration of the councils. The District Councils were brought under the direct control of the Prime Minister. The Government Agents of the districts would function as Chief Executives. This was deliberately done in order to retain centralised control over the District Councils. However, powers were devolved to the Councils to raise loans and finance development programs with the approval of the Ministry of Finance. Major responsibilities were vested in the areas related to agriculture, food, animal husbandry, industries and fisheries, rural development, housing, regional planning, education, cultural affairs, health, and with significant financial flexibility, the district councils were expected to be a successful venture.\textsuperscript{419}

The significant difference between the District Councils and Regional Councils proposed in the 1957 was that the District Councils were carefully designed to fall under central government control and supervision. In substance, the District Councils were not local bodies but extended organisations of the centre. Understandably, the designers deliberately devised this character in order to avert the fears and suspicion of the Sinhala nationalists and avoid political opponents using it as a weapon against the proposal. Furthermore, unlike the previous 1957 Regional Councils, the District Councils were not vested powers of amalgamation of any ethnically divided areas of the island, particularly in the north and east. In addition to that, the District Councils were vested no powers over resettlement programs which the Regional Council scheme included. In relation to language concessions, the S/C Pact envisioned that the Tamil language was to be allowed to be used for legal purposes in the Northern and Eastern provinces.

The rationale behind the S/C Pact was in substance similar with the B/C Pact of 1957. Both proposals envisioned that the expansion of powers of the local administration could avert the rising discontent of the Tamil minority in the country. In order to achieve that, the proposals focused on the ethno-territorial component in the north and east. Thus although both the Regional Councils as well as District Councils assumed the devolution of power in its wider concept, the primary objective was to devise an acceptable formula to address issues related to the Tamil areas.

\textsuperscript{419} See appendix.
Importantly, the S/C Pact was a clear revision of the Regional Councils scheme in view of the nationalist comments and protest from the Sinhala opposition. Both in substance as well as content, the District Councils were watered down in order to avoid such resistance. As a result, the District Councils, in contrast to the previous organs were to become highly dependent on the central state and weaker in terms of political and decision making powers.

However, the Dudley Senanayake Government was vehemently confronted over the Pact by the opposition, namely the SLFP and Marxist parties, who earlier proposed the Regional Councils in 1957. Thus, the agreement and the proposed District Council Bill was aborted. Once again the government could not undertake its endeavour to reconcile the divided nation. The failure to enact the proposed legislation further antagonised the Tamil minority. Trust and amity between the Sinhala and Tamil peoples, especially, at the level of political elite, began to decline drastically. The competitive party politics, utilising nationalist sentiments for the sake of political expediency, once again undermined an opportunity to galvanise the national unity.

It must be noted that during the 1970s there were several attempts to reorganise local government patterns, although these schemes were not prompted directly by the desire of the government to satisfy the Tamil minority demands. In fact, it was during the 1970s that the ruling elite came to realise the need to modernise the administration according to the needs of development and modernisation. By establishing a republican constitution in the 1970s, the Sri Lankan government departed further from the colonial administrative structures.

It was in this light that the United Front Government introduced the District Political Authority (DPA) in the 1970s, through which the local administration was brought under direct political control.\textsuperscript{420} According to this scheme, the DPA was a senior parliamentarian who was to be given the authority to play a decision-making role on development in consultation with the Government Agent whose powers were effectively scrapped by this system. The new system effectively politicised the local governments taking a whole sphere of bureaucracy under its control. Therefore the DPA was regarded as a weak device in empowering local bodies or local communities. A lack of constitutional authority and, unclear objectives and functions

\textsuperscript{420} The Constitution of Sri Lanka, 1972, Colombo, Government Printer, Chapter XIII.
impaired the DPA as an effective organ of local administration. As one analyst commented:

'The obvious lack of enthusiasm for it at the top most level and the reluctance on the part of most Ministers to delegate to the DPAs a fair share of their administrative responsibility reduced its effectiveness and cramped its style. The lack of clear governmental instructions, defining the scope of the activities falling within the purview of the DPA and its relationship to line ministries, made the working milieu confusing.'

Under this system, members of parliament appeared as the decision making authority in district affairs whereas the Government Agent’s authority was effectively muted. As a part of this project, the Workers’ Councils and Advisory Committees were set up at a local level. However, it is widely believed that the DPA was not set up with the genuine intention of the power sharing with the local bodies, rather as 'instruments of the mass agitation'.

In contrast to the devolution in the late 1950s and 1960s, the DPA totally rejected the importance of the ethno-geographic component in its focus. As a result, the DPA devised no concessions with regard to language or to ethno-territorial units. On the contrary, as organs of politicisation of the locality, the DPA further antagonised ethnic minorities.

**District Development Councils (1978)**

In contrast to the DPA, the newly established UNP government’s initiative to form District Development Councils (DDC) stemmed from the rapid deterioration of the ethnic conflict in the country by the late 1970s. Thus, once again the amelioration of the Tamil minority became a priority in seeking solutions through a devolution of powers. The proclamation in the UNP election manifesto to establish District

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Development Councils (DDC) had undoubtedly stemmed from the expectation that the de-centralisation would enable to restore the decaying ethnic relations between the two groups.\textsuperscript{424} As one commentator pointed out, the DDC presupposed:

\begin{quote}
'the devolution of power from the central government to local bodies or design regional autonomy of some kind to provide a solution to the ethnic problem which had manifested itself in a demand for a separate state for the Northern and Eastern Provinces'.\textsuperscript{425}
\end{quote}

In order to understand the full magnitude of the devolution debate attached to the DDC, one must at least briefly look into the tension it caused at the stage of debate in the presidential commission. A commission was appointed by President Jayawardane to examine the requirements of the devolution. The members were selected to represent the diverse ethnic groups of the island. However, the differences emerged already at the stage of the commission's inquiry, in which ethnic minorities understandably attempted to use the commission to produce maximum advantage to them. In the view of a Tamil representative in the commission, there was no opportunity 'to inquire into the validity and to find a direct solution to the ethnic problems which manifested themselves in a demand for a separate state'.\textsuperscript{426} The basic clash in the Commission was based on the following point. The Sinhalese representation was attempting to devise the DDC in a wider scope of regional devolution, while the minorities attempted to use it to emphasise the ethno-territorial power enhancement. As one Tamil member of the Commission pointed out, the DDC 'must provide space for the expansion of collective creativity and cultural diversity of the peoples of different districts'.\textsuperscript{427}

As a result of this clash, the views of dissenting groups were presented in a minority report and they were considered in the preparation of the DDC. However, at the inception of the DDC legislation, the opposition political parties accused the Government of not basing the legislation on the majority report, but on the minority

\textsuperscript{424} UNP Manifesto: A Programme of Action to Create a Just and Free Society, 1977, p. 10.

\textsuperscript{425} B. S. Wijeweera, A Colonial Administrative Structure, op. cit., p.171.


\textsuperscript{427} Ibid., p. 11.
Because of that the SLFP opposed the DDC as it would harm the unitary nature of the state.

It was suggested to establish a DDC for each administrative district in the country. The DDC set up was comprised of a member of parliament as well as elected members of local authorities. In an administrative sense, it was a micro-ministry at the district level with the District Minister appointed by the President. The DDC were to handle a considerable list of local socio-economic issues including agriculture, land use and settlement, health and education. The DDC were to supervise and implement the economic plan within the district.

It was expected that the people’s participation in the decision making would be enhanced by the presence of the elected members in the councils. However, the fact was that the dominant position occupied by the parliamentary representatives contradicted to very concept of devolution. Also, the District Minister who was to be appointed by the President effectively undermined the independence and authority of the local units.

However, the major obstacle to the DDC was that it was not backed by the major Sinhalese political parties in the opposition. The government could not reach a consensus with the main Sinhala political parties such as the SLFP and the Marxist parties who did not participate in the DDC elections, maintaining that the concessions made by the DDC scheme to the Tamil minority were ‘far too many’. The traditional confrontation stemming from the bipartisan political struggle was once again the major constraint in implementing another scheme of reconciliation. On the other hand, the UNP was also accused of not being committed to the program that it had launched. Major criticism was aimed at the executive authority proposed by the President, seen as a devise to retain the central rule, which undermined the trust in DDC.

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429 Proposals for the Appointment of District Ministers tabled in the National State Assembly on 22 June 1978.
Furthermore, the severe limitation of finance to fulfil the objectives was also responsible for the failure of the project.\textsuperscript{431}

Serious criticism came from the Tamil parties who hoped that the DDC would provide adequate answers to the key problems of the Tamil minority. Although the ethnic conflict provided the basic thrust to pursue devolution through the DDC, in its implementation the government consciously attempted to water down the ethno-geographic component, once again due to the opposition’s objections and the rising Sinhala nationalism. As a result, the DDC appeared to be merely an attempt to devolve powers to the localities.

This implicit manoeuvring by the government to achieve devolution has exacerbated problems in the country during the past decades. As mentioned earlier, the primary and explicit reason for using devolution as a democratic devise was to meet the demands of the disgruntled Tamil minority who had already declared their desire to establish a separate state. However, fearing the opposition’s confrontation, and the increasing Sinhala nationalist group resistance, each government attempted to project a devolution solution which covered the whole country. On the one hand, this symmetric devolution approach further frustrated the Tamil minority who believed that the government was not committed or was unable to bring about a lasting political solution to the problems of the Tamil people.\textsuperscript{432} One commentator saw the outcome of the DDC as follows:

\begin{quote}
‘the District Development Councils idea did not contain a plan to grant any measure of autonomy to the areas where Tamils mainly lived. There lay no legislative authority with the councils for developing the North and East provinces so as to seek solutions to unemployment or to meet the food shortage. Hence the DDCs were not a real instrument of devolution’.\textsuperscript{433}
\end{quote}

On the other hand, after devising a new devolution proposal and implementing it throughout the country (in most cases they were implemented only in the south) the government faced an unbearably heavy financial and bureaucratic burden which inevitably multiplied its problems.

\textsuperscript{431} See C. Manogaran, \textit{op.cit.}, pp. 163-65.
\textsuperscript{432} Ibid., p. 161
Provincial Councils (1984)

A few words must be mentioned about the relevant political developments which led the government to consider the Provincial Councils as another measure to grapple with the deepening crisis on the country. The failure of the DDC and the rapid escalation of ethnic violence in the island starting from the 1980s dramatically deepened the political crisis. While the Tamil separatist agitation turned into a violent insurgency in the north, ethnic violence also erupted in the southern parts of the island plunging the state to near anarchy and tarnishing the country’s image in the international arena. The Tamil youth, rejecting the traditional Tamil political leadership as weak and uncommitted to Tamil aspirations, strongly insisted on establishing an independent state of Tamil Eelam.

In fact, it was the Indian initiative which led the Sri Lankan government to consider the Provincial Council scheme in its attempt to contain the ethnic crisis. As a result of the Indian involvement in the negotiations, Gopalaswami Parthasarathy, a foreign policy adviser to Prime Minister Indira Gandhi, came up with a devolution package acceptable to both the Sri Lankan government and Tamil political parties. The preconditions for the Indian imposed peace process were the acceptance of the island’s territorial integrity and unity, as well as the granting of certain concessions and commitments from the government to satisfy the Tamil demands.\(^{434}\) The major requirements from the Tamil point of view were the full implementation of the laws relating to regional councils, the Tamil language, moderation of military activities in the north, and finally the removal of certain provisions in the Prevention of Terrorism Act.\(^{435}\) At the same time, the conditions were favourable for convening the long promised All Party Conference in order to reach a consensus among all parties on the controversial issue of the merger of the Northern and Eastern provinces.\(^{436}\)

Thus, after long and difficult discussions between the government and Tamil political parties, a proposal for a political settlement initiated by India was placed before the All Party Conference which came to be known as the Annexure ‘C’. Among many issues, the most important were the following:

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\(^{434}\) Hansard, 20 th February, 1985, Column 30.
\(^{435}\) The Prevention of Terrorism Act was passed in 1979 and provided exclusive powers to the armed forces to arrest and detain suspects, which caused widespread breaches of the Act.
1) Regional councils in a province will be permitted to merge into one or more Regional Councils if approved at a referendum.
2) Each region will have a Regional Council. The majority leader of the Regional Council will be appointed as the Chief Minister who will constitute a committee of ministers.
3) The President and parliament will continue to have overall responsibility over all subjects not transferred to the regions.
4) Each region will have a regional service consisting of public servants. There will be a public service commission to be in charge of recruitment and other matters.
5) The armed services of Sri Lanka will adequately reflect the national ethnic composition. The police force in North and East will also reflect the ethnic composition of the region.
6) A port Authority will be set up to administer the Trinkomalee harbour.
7) A national policy on land settlement will be formulated. All settlement schemes will be based on ethnic proportions so not to affect the demographic character. 437

At the initial stage, the major political parties took part in the debate of the proposal at the All Party Conference (APC) which reflected and represented a proper balanced diversity of the opinion over the conflict. However, the SLFP soon withdrew from the APC arguing that the initiative of the government was not reflecting the people’s will since it was formulated by Indian side. This was a great blow to the success of the conference. Soon after that various interest groups began to emerge within the APC expressing their interests and dampening the initiative and enthusiasm. However, the proposal raised divergent opinions on the efficiency of devolution and the degree of autonomy. In the Tamil’s opinion, Regional Councils were not satisfactory solutions to their aspirations. From a Sinhala point of view, the proposal imposed by the Indian government had no long-lasting effect on the ethnic conflict. Instead, they pointed out that it was the first step towards a division of the island. As a result of these diverging viewpoints, the proposal was abandoned. As was the case in the past, another unique opportunity to find a solution to the ethnic problem was lost.

437 See appendix, Annexure C.
The President's approach at that stage was quite antagonistic. He stated that the government was fully prepared to eliminate the Tamil insurgency at any cost and in doing so 'we have to fight at the expense of the development and social and economic welfare plans.' However, the successive attempt of the Indian involvement resulted in a cease-fire which led to negotiations between the government and the Tamil parties held in Bhutan. The participating Tamil parties put forward four fundamental demands:

1) Recognition of Tamils as a distinct nationality
2) Recognition of the Tamil populated areas as the Homeland of Tamils
3) Recognition of the right of self-determination for the Tamil minority
4) Granting of citizenship rights to all Tamils in Sri Lanka

As was expected, the government was not prepared to accept those demands and the talks broke down in August 1985. With a new spirit, India arranged another attempt for negotiations in Bangalore, during the summit of the South Asian Association of Regional Cooperation (SAARC) and tried to get the LTTE to participate in the new proposal. As a result of intensive dialogue, the LTTE leader, Prabakaran flew to Bangalore with the Tamil Nadu leader M.G. Ramachandran to take part in the negotiations. This time the major focus was on the Provincial Councils for the Tamil regions. An innovative proposal was placed before the Tamil parties which envisioned to creation of three regional councils within the Eastern Province, in consideration of the ethnic composition of the population in the region. Regions to be demarcated according to the ethnic composition were: Batticoloa - a Tamil region, Trincomalee - a Sinhala region, and Amparai - a Muslim region. Furthermore, it was proposed to establish separate Provincial Councils for each of the demographically contiguous provinces across the island.

However, the plan of trifurcating the Eastern province was not acceptable to the Tamil militants or the moderate Tamil politicians, because in their view it gravely undermined the unity of Traditional Tamil Homeland. Instead, they urged that the only condition which could satisfy the Tamil people would be the merger of Northern

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438 Hansard, 20th December 1985, Column 211.
439 Presidential address to the parliament, Hansard, 19th February 1987, Column 6.
and Eastern provinces into one province. In fact, the government made a few adjustments to the proposal to satisfy the Tamil demands on the question of the merger of two provinces. It proposed to release the Amparai district from the Eastern province in order to increase the Northern province’s ethnic ratio. Understandably, this measure triggered a rigid opposition among the majority Sinhalese. However, as a result of these changes which softened the issue of the merger, several militant Tamil groups such as PLOTE, EROS, EPRLF were attracted in favour of Provincial Councils.

The establishment of the Provincial Councils based on the Indo-Lanka Accord was approved by the leaders of India and Sri Lanka in July 1987. The settlement was arranged according to the fundamental principle of granting considerable autonomy to the Tamil people within a united Sri Lanka by enacting the 13th Amendment to the Island’s Constitution.\footnote{S. U. Kodikara (ed.), \textit{Indo-Lanka Agreement of July 1987}, Colombo, University of Colombo, 1989; Thirteenth Amendment to the Constitution, Colombo, Department of Government Printing, November 1987.}

The basic issues stipulated by the Indo-Lanka Accord were as follows:

1) Preservation of the unity, sovereignty and territorial integrity of Sri Lanka
2) Recognition that Sri Lanka is a multi-ethnic and multi-lingual plural society
3) Recognition of cultural and linguistic diversity of the group comprised the society
4) Recognition of the Eastern and Northern Provinces as areas of historical habitation of Sri Lankan Tamil speaking people
5) Recognition of the merger of the Northern and Eastern Provinces into one unit on the basis of a referendum
6) Recognition of the need to establish Provincial Councils\footnote{Indo-Lanka Accord was signed on 29 July 1987.}

As a part of the agreement the Indian army had to be deployed in the island to disarm the LTTE and implement the Peace Accord. At the same time, it was agreed to minimise the Sri Lankan military presence in the north and the east in order to allay Tamil fears of domination by the majority Sinhalese.

The most important aspect relevant to the discussion of the Provincial Council
scheme under the Indian Peace Accord is that the proposed settlement was derived as a clear attempt to revive the concept of devolution of power to contain the growing ethnic tension. By framing the scheme, designers had to address two fundamental issues. Those basic and quite contradictory issues were the maintenance of the unity of the state and at the same time, recognition of self-determination in the face of the enhancement of the powers to the Tamil ethno-territorial units. The battle between these two contradictory principles and the attempt to achieve a compromising solution to them can be seen clearly in the terms of the Provincial Council Act. The Accord emphasised the pluralist nature of Sri Lankan society as the basis for the devolution of powers suggesting that ‘Sri Lanka is a multiethnic and multi-lingual, plural society consisting, inter-alia, of Sinhalese, Tamils, Muslims (Moors) and Burghers’. Thus within this context devolution, must

‘strengthen the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multiethnic, multilingual and multi-religious, plural society in which all citizens can live in equality, safety and harmony and prosper and fulfil their aspirations’.443

Moreover, continuing the traditional approach to devolution, the Provincial Council Act of 1987 recognised the need to establish Provincial Councils in all nine provinces as a vital part of restructuring the local government system in the country. The powers vested in the Provincial Councils derived from three lists which emulated the Indian Federal Constitution. As the Act envisioned, the power of ‘national importance’ remained under the central list, while certain powers were endowed to the provincial list. A concurrent list contained some powers in an undecided state which would have to be treated on an individual basis.444 According to the Act, the Provincial Council was to be headed by a Chief Minister who was to be appointed by the President. At

444 According to the Thirteenth Amendment to the Constitution, the President of Sri Lanka could assume all or any of the functions of the administration of the province. See Thirteenth Amendment to the Constitution, Colombo, Government Printing, 1987, p.18; and additional acts in 1989 and 1990, Provincial Council Act no 12 of 1989 and Provincial Council Amendment Act no. 28 of 1990.
the same time, the President had powers to dissolve the Council at the Chief Minister’s request with the approval of the two thirds of parliament.445

The Provincial Councils received much criticism from various sectors of society. Most importantly the scheme was not able to attract the Tamil political leaders which was crucial for implementing it in the Tamil areas. Some Tamil politicians criticised the project as weak and unbalanced for not granting substantial devolution to the provinces in the areas such as higher education, land, security, planning and implementation, which remained under the central government. 446 For example, in relation to the land and land settlements, ‘the President had power to execute grants and dispositions of lands and immovable properties vested in the Republic.’ 447 Furthermore, the Executive Presidency, which retained the power to appoint Chief Ministers and dissolve councils, was seen as an arbitrary devise undermining the whole spirit of devolution attached to the scheme. 448 As one commentator stated:

‘The 13th Amendment is not sincerely designed to share power between the minority and the majority community. The power and the authority of government are thus effectively and intentionally confined in a single central authority. The authority bequeathed to the Provincial Councils is held at the will of the central government which is supreme concerning the exercise of provincial legislative power or function’ 449

In the view of the Tamil political leaders, the strong powers attached to the centre did not allow the Provincial Councils to achieve their primary objectives.450 The enactment of further acts enhancing the powers of the President and the Parliament disillusioned Tamil political leaders in the Provincial Council project. The

443 In fact this was brought into practice in July 1990 when the Provincial Councils were dissolved in the North and East by the President under accusation that the EPRLF and the ENDLF declared a separate state in the provinces. However, the dissolution of the Provincial Councils in 1990 was done in order to bring the LTTE into the Provincial Council elections. But the LTTE, taking advantage of the trust of the government, established its authority in the north and east which became a de-facto Tamil state until 1995.
446 B. Bastianpillai, S. Wanasinghe, Devolution in a Multi Ethnic Society, p. 31.
447 The Provincial Councils Act no. 12 of 1989 and Provincial Councils Amendment Act no. 28 of 1990 gave the powers to the President to dissolve the Provincial Councils. For a critical analysis of the
government’s fear of granting authority to the Provincial Councils to vest powers over police, education, public service, and land caused further mistrust and dissent among the Tamil political leaders. In addition to all that, the lack of a precise financial basis to implement the proposed reforms undermined the expectations regarding the provincial councils.

However, the most crucial obstacle to the implementation of the Regional Council scheme was the rigid resistance from the militant Tamil groups, particularly the LTTE who had become a formidable force by this stage. Although India had achieved a formal agreement with the LTTE leader in the Peace Accord, it was not considered to be a significant component in implementing the Regional Councils Bill from the outset. However, the developments following the signing of the Agreement between Sri Lanka and India demonstrated that it was unrealistic to conceive of the implementation of any devolutionary acts without the LTTE’s support and cooperation.

Yet again the devolution project of Regional Councils failed to establish peace in the north and east. The ironic nature of the development is that the Regional Council bill, essentially prompted as a remedy to the growing ethnic conflict, was established in the other eight provinces of the island. The fundamental problem in implementing the Regional Councils in the Tamil areas has been the disagreement between the Government and the Tamil parties. While the Government has been attempting to frame the devolution in order to avoid resistance from the opposition and the Sinhala nationalists as giving too much concession, the Tamils who have been pursuing the ideal of a Tamil traditional homeland, were not prepared to make any compromises. Most importantly, the military activities carried out by the Government and Tamil youth groups turned into a full-fledged warfare, creating an environment whereby any peaceful solution became inconceivable.

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Devolution Package (1995)

Notwithstanding these circumstances, devolution is still the foremost hope of the government to forge a lasting solution to the conflict. With the advent of Chandrika Kamaratunga’s government in 1994, the President, acknowledging the longstanding grievances of the Tamil minority, pursued a package of devolution of power as a fundamental step towards establishing peace in the country. She stated that the Government was determined to put forward a comprehensive package of devolution, avoiding the shortcomings of previous proposals.

The proposal was framed in a cautious manner to ensure the territorial integrity and unity of the state, while the Regional Councils were used as a vehicle to devolve powers from the centre to the provinces. Thus once again, the establishment of Regional Councils for all nine regions across the country became the essence of the proposal, similar to the symmetrical devolution proposed by the previous schemes. Yet again, the permanent merger of the Northern and Eastern Provinces into one Region, excluding the Sinhala and Muslim majority areas in the Eastern province was placed as a substantial concession to appease the Tamil minority. The proposal provided constitutional powers, both in Executive and Legislative terms, to the regions. The governor of each region, appointed by the president with the concurrence of the chief minister of the region, would have the power to summon or dissolve a council with the approval of the Chief Minister and it was within the governor’s capacity to appoint and form the regional administration. There has been a clear division of powers defined for the central government and the regions which provided the assurance of an autonomy for decision making at the local level. It is important to note that the powers attached to the concurrent list which had been ambiguous and contentious in the previous package were transferred to the regional list. This can be considered a deliberate act to enhance the trust of the proposal from the Tamil side. Apart from that, some other disputed issues, such as powers on land

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453 G. L. Peiris, *Towards Effective Devolution*, Colombo, International Centre for Ethnic Studies, 1995, p.4. The government appointed a Tamil moderate politician, a Harvard educated constitutional lawyer, Neelan Tiruchelvam, to frame the new proposal. Reminiscent of the S/C Pact, this has been a conscious attempt to attract Tamil interest and to bring their concerns to the schemes. During his work on the devolution package, Tiruchelvam visited some foreign states including South Africa to gain their experience. Personal communication with Dr. Neelan Tiruchelvam, November 1997.
454 Devolution Package 1995 (10.1).
use and land settlement, police and finance generation provided visible expansion of powers towards the regions. For example, with regard to finance generation, the proposal suggested:

'regional Councils may regulate and promote foreign direct investment, international grants, and development assistance, subject to such conditions as may be specified by the centre.'

This was unprecedented for any previous devolution package in the post-independence history.

Another important element of the devolution package was that it constitutionalised human rights and minority rights. Affirming the above mentioned, the legal text of the devolution package’s paragraph (C) reads:

'these proposals seek to redefine the Constitutional foundation of a plural society within a United and Sovereign Republic of Sri Lanka based on the following principle: (c) ensuring that all persons may fully and effectively exercise all their human rights and fundamental freedoms without any distinctions and in full equality before the Law.'

Therefore, even a brief overview of the devolution package provides the idea that it has painstakingly attempted to avoid as much as possible the contentious issues which discourage Tamils away from making a political settlement. Thus, the primary objective of the proposal has been to appease the Tamil parties. This notion has been expressed by some Tamil academics too.

'regionalism, accompanied by proposed devolution, will tend to strengthen the feeling of group identity, that will help local ethnic community to preserve themselves against being assimilated while it will not deter healthier integration into a larger society when confidence and trust grow.'

455 Devolution Package (4.1).
456 Devolution Package (2.4).
As Radhika Kumaraswamy, a Tamil intellectual and political analyst, noted the package has attempted to minimise the suspicion and mistrust from the minority.\textsuperscript{458}

Notwithstanding this brave initiative of inviting the Tamil parties to take part in a political settlement by means of a devolution package, the PA government could not ignore the opposition to this from the Sinhala nationalist groups and the main opposition party. The preamble of the draft of the devolution package stated that the territorial integrity, independence and unity of the nation, including its sovereign rights over land, sea and air, would be safeguarded. The statement assures that 'no regional administration shall attempt to promote secession or separation'. To allay the fears of the hardcore Sinhala-Buddhist extremists, the legal text reiterates that 'Buddhism shall be given the foremost place and the state shall foster and protect the Buddha Sasana'.\textsuperscript{459} The Government is aware that the political opposition to sensitive issues such as unity, territorial integrity, Buddhism and Sinhala language would block the chances of implementing the project. For the last few decades many hardcore Sinhala-Buddhist groups have emerged opposing any proposal detrimental to their interests.\textsuperscript{460}

The proposal evoked a diverse reaction from various groups in the country. It was well received by the ruling PA coalition. Many moderate Tamil parties (EPDP, PLOTE, TELO, EROS, EPRLF, CWC and TULF) and the Muslim leadership, although positive in general towards the proposal, have not accepted it publicly. Some Tamil moderates based in Colombo have given support to the package. As Neelan Tiruchelvam, a former TULF parliamentarian has mentioned, the proposal represented the 'boldest attempt to redress the imbalance in the relationship between different ethnic groups through devolution of power to the regions'.\textsuperscript{461} The issue that Tamil parties have had difficulties with is the merger of the Tamil provinces. The Tamil political leaders are opposing the suggestion of excluding the non-Tamil areas from the Eastern province.\textsuperscript{462} At the same time, the Muslim politicians, especially the SLMC, are contending that the merger will disadvantage the Muslim population in the Eastern province making them a minority within the Tamil majority. Also, the

\textsuperscript{458} Personal communication with Radhika Kumaraswamy, Centre for Ethnic Studies, Colombo, December 1997.
\textsuperscript{459} Devolution Package 1995 (Legal Text).
\textsuperscript{460} Interview with Piyasena Disanayake, spokesman for National Joint Committee (NJC) comprising 46 Sinhala groups, June 1999.
\textsuperscript{461} Personal communication with N. Tiruchelvam, November 1997.
\textsuperscript{462} Interview with Moderate Tamil politicians, Colombo, June 1999.
ambiguous constitutional position in relation to the unitary character of the state and the retention of the foremost status for Buddhism are perceived as controversial issues, damaging the overall positive nature of the package. The TULF leader M. Sivasithamparam believes that as long as the unitariness is constitutionally protected, any devolution makes no sense.\textsuperscript{463} The LTTE, the most crucial actor in the peace making process today, has rejected the proposal outright, calling it a political suicide for the Tamil people.\textsuperscript{464} The main opposition, the UNP, whose support is crucial for the implementation of the package initially adopted a wait and watch policy. But later the UNP members became rigidly opposed to the merger of Tamil areas, the issue of land, law and order and judiciary in the Regional Councils. Finally, the UNP leader Ranil Wickramasinghe refused the package completely saying that the federal option hidden in the proposal is detrimental to the island’s unity.\textsuperscript{465}

It must also be noted that the hardcore Sinhala-Buddhist nationalists have launched a massive campaign against the devolution package. In their view, the proposal is tantamount to division of the island.\textsuperscript{466} Furthermore, the various issues attached to the devolution have been taken up by Sinhala nationalists to prove that the overwhelming powers vested to the Tamil region will harm the sovereignty and unity of the state. In particular, the powers over land, security, and finance generation, in their view, will be the first step towards a separate Tamil state in the north of the country.\textsuperscript{467} Battered by the LTTE terrorism, the Sinhala nationalist organisations suggest that the devolution has never been an issue for the Tamil people, but rather for the power hungry Tamil politicians. Therefore, the solution to the current crisis must be found only by military means- eliminating the LTTE, not by devolution, which would be the beginning of an endless war between two rival states.

It has become obvious today that reaching a national consensus over the devolution debate is a near impossibility. The UNP and Sinhalese extremists have already utilised devolution as a devise of competitive politics. Requiring a two-thirds parliamentary vote to implement the package, the PA government is already contemplating various other ways of going ahead with the package. The President’s invitation of the UNP to create a National Government was repeatedly rejected by the

\textsuperscript{463} Personal communication with M. Sivasithamparam, the Leader of the TULF, June 1997.
\textsuperscript{464} 'LTTE rejects devolution', \textit{Lakhima} (in Sinhalese), Colombo, 16 May 1999.
\textsuperscript{465} Zacki Jabbar, 'Most UNP Mps against N-E Merger', \textit{The Island}, Colombo 25 February 1996.
\textsuperscript{466} Interviews with members of the Sinhala Commission, November 1997, Colombo.
leader of the UNP Ranil Wickramasinghe, who clearly understands the political consequences of the resolution of the ethnic crisis by the ruling government.

Dramatic changes have taken place due to the military advancing of the LTTE towards Jaffna in the recent months. Increasingly losing hope to hold the former Tamil stronghold, the PA and UNP have ruled out devolution of key powers to the proposed Regional Councils. There is a visible consensus in two parties that the key powers such as law and order, police and foreign affairs, must remain with the central government. Political analysts believe that this is an apparent response to the rising Sinhala nationalism resulting from the military success of the LTTE.\textsuperscript{468} This undoubtedly delivers a message not only to the LTTE, but also to the moderate Tamil politicians, that both major political parties have no genuine will to devolve powers. Their consensus affirms that both the UNP and the PA are relying on the military option to solve the conflict, rather than attracting minorities towards political solutions.

\textsuperscript{467} The author attended a meeting organised by the National Joint Committee at BMICH, Colombo on 28 November 1997 where these issues were hotly discussed.

\textsuperscript{468} Jehan Perera from the National Peace Council believes that ‘as the Tigers are close to Jaffna, nobody has the courage to offer more political powers to the Tamil majority in north and east.’ See http://www.timesofindia.com.today/141ank7.htm
VIOLENCE AND THE ETHNIC CONFLICT

Another paradoxical feature of the Sri Lankan democracy has been the continuous and ever-growing violence throughout its existence in the post independence period. Although the state was functioning as a democratic entity, political violence has been a consistent phenomenon within it. The major sources of violence in Sri Lanka can be categorised into three groups. The first is - the violence displayed in racial riots. A series of anti-Tamil riots have taken place in the post independent period (1956, 1958, 1977, 1981 and 1983), in which hundreds of Tamils were killed and hundreds of thousands became displaced. The second category of political violence in Sri Lanka is election violence. Pre- and post-election violence became a significant element in the Sri Lankan politics as early as in 1930, from the very inception of mass mobilisation into politics. However, the scale and intensity of the election related violence drastically increased from 1970 onwards. The intimidation, looting and killing of political opponents became firmly established under the 1970-1977 SLFP led government and was further refined and exploited by the UNP successor after the 1977 elections. The continuation of election violence as a consistent tradition of the Sri Lankan politics could be seen in the post 1995 elections where various opposition party members were assaulted and looted.

However, the most important and relevant category of political violence in this discussion is the violence related to insurgencies. In this respect, the most tangible and prominent examples would be the JVP insurrections that emerged in 1971, and 1988-1989, and the on-going Tamil youth insurgency that began in the later part of the 1970s. Although the focus will be on the Tamil insurrection as an integral part of the ethnic conflict in Sri Lanka, it is the belief of the author that the analysis of political violence as a whole including the JVP-related violence, may provide essential insight into the overall examination of the obstacles to the establishment of peace in Sri Lanka. Therefore, in order to draw certain parallels between the two patterns of violence stemming from insurrections there will be some attention paid to

the JVP related violence as well. State violence is linked with all of those categories that were mentioned before. There is ample evidence that the state has directly or indirectly sponsored, contributed, organised or carried out violence in various anti-Tamil pogroms.\textsuperscript{472} It is also no secret that the state-sponsored mobs have been in action in the election violence. Furthermore, the Sri Lankan state has used violence to quell and crush both JVP insurrections. Finally, in the ongoing Tamil insurrection, the Government of Sri Lanka has been involved in an 'official war' where violence has been a main component.

Regardless of their differences in the ethnic-make up, both the Sinhalese and Tamil uprisings in the post-independence era have stark similarities. Firstly, it can be seen in the ideology: both movements were inspired by socialist idealism, which intended to create a just society for oppressed people. As the current JVP leadership points out:

'JVP was formed to give leadership to the poor people of this country who are the majority. It was to fight for their rights and entitlements, to eliminate the gap between classes and eliminate the exploitation which created that gap. It was the objective of the JVP to create a sensible economy which would be able to eradicate poverty and give a helping hand to the majority of poors. In order to do that the JVP considered the need of transforming the whole society, whole array of political structure with the consent of the majority of the people who are the proletarians of the country'.\textsuperscript{473}

Secondly, both the JVP and the LTTE have been youth movements which have rejected the conservative political leadership as unable and unwilling to find solutions to their burning problems. Next, an important similarity of these movements has been the method they have employed to achieve their goals. Both the Sinhalese as well as the Tamil youth see violence as the preferable way of overthrowing the 'oppressive government'. Thus, cruelty and brutality have been a main feature in both parties.

The response to these movements from the Government has also been similar. Both the SLFP as well as the UNP treated these movements as anti-establishment and


\textsuperscript{473} Interviews with Tilvin Silva, The General Secretary of the JVP, July 1999.
launched a similarly inhumane campaign by brutally crushing them. If the first JVP uprising was mercilessly crushed by the Centre Left Government, it was the Centre Right UNP led Government which crushed the second ascendance of the JVP in the late 1980s. The Tamil uprising received similar treatment from the Government. It is interesting to observe the international reaction to these uprisings too. On every occasion, the members of the international community have been supportive of the government in their action to quell the uprisings perceived as a threat to the democratic establishment. Thus the international community condoned state violence and repression, treating the youth uprisings as anti-government movements.

One commentator described this in the example of the 1971 JVP uprising,

‘as in most struggles across the world from the 1960s, the uprising of 1971 in Sri Lanka was unprecedented. The parliamentary political parties of Sri Lanka and elsewhere failed to grasp the meaning of this event through their own frameworks. Instead, the government constructed an anti-establishment position for the JVP, represented as terrorist. Hence the government received formidable support from all formal parties in Sri Lanka, as well as both superpowers, and regional powers, India and also China, a rival of India, in crushing the rebellion of 1971’.

Consistent political exclusion, deliberate economic deprivation and discrimination, as well as the ethno-cultural relegation of the Sri Lankan Tamil people can be assumed as the basic force which drove the Tamil youth to the forming of a counter movement. In this sense the Tamil youth movement is a result of the quest of the Tamil youth for an alternative political order. Rejecting the traditional Tamil political leadership which hitherto spearheaded the Tamil struggle, the Tamil youth took the path of violence rather than the non-violent, agitational tactics adopted until then by the moderate Tamil United Liberation Front (TULF). Thus, the failure of conventional politics to accommodate the aspirations of the Tamil people can be seen

as the cause of the Tamil youth movement. The Tamil youth believed that the central government was not able or willing to fulfil their aspirations. In the mean time, the democratic Tamil political leaders of the older generation were regarded as loyal to Sinhala political leaders.

Continuous anti-Tamil riots, repression and discrimination proved to be the main thrust in carving the ideology of the ethno-liberation movement. While the ideology of the JVP movement encompassed proletarian aspirations, the Tamil youth movements were confined to the aspirations of a suppressed Tamil minority. Thus the only way, in their view, to achieve justice for the Tamil people was to create a separate state in their traditional homelands. In contrast to the strategy that the Tamil political leaders of the older generation used, the Tamil youth employed violence and militancy resembling the means which were utilised by the Sinhala youth movement in their anti-state struggle.

Over the past two decades, the LTTE has grown strong enough to sustain a prolonged insurgency in the face of a tremendous military pressure brought upon it by the Sri Lankan state. By carrying out a systematic campaign of terror, the LTTE has created political disorder on the island. It has become a fact that the Sri Lankan state is barely able to cope with the situation which the LTTE has created today. The LTTE has also achieved an unchallenged dominant position in the Tamil Eelam movement by eliminating or weakening all militant groups that have sought to share power with it or to challenge its superiority or pre-eminence.477

Although the LTTE is widely pronounces that they do not adhere to the violence and militancy, their tactics demonstrate that violence is the only, or at least the most preferred means of seeking their goal of establishing separate state of Eelam. As an LTTE publication stated:

'We are not bloodthirsty fanatics who have fallen in love with the guns. We are not even terrorists with killer instinct. We are for peace. We are for the

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peaceful existence of our people in the traditional homelands with dignity, sovereignty and self-respect.\textsuperscript{478}

The abandonment of several peace initiatives during the past two decades is also testimony to the LTTE’s preference for a military campaign to achieve its goals. The LTTE has taken part in at least 3 major peace processes: during 1983-1987 under India’s auspices, during 1989-90 with the Premadasa Government and during 1994-95 with Chandrika Kumaratunga’s Government. Eventually, on each occasion it demonstrated its preference to achieve the goal of Tamil Eelam through an armed struggle.\textsuperscript{479} Its is widely accepted that the peace talks are used to replenish its military potential and to revive its strength to fight the state.\textsuperscript{480} In fact, the leader of the LTTE, Prabhakaran has openly revealed the strategy of using peace talks for achieving a separate state, Eelam. As he has mentioned, ‘the establishment of Eelam is a long and difficult journey. In this journey we have to stop at the resting places, now and then. Those resting places are the peace talks’.\textsuperscript{481} Therefore, what is apparent is that the difficult task of achieving a Tamil state has been conceptualised through means of violence and bloodshed.

However, there is no doubt that the LTTE has become today a decisive factor in any peace seeking process. It is widely believed that regardless of how meaningful the peace initiatives are, without the LTTE’s cooperation no peace deal can be realised.\textsuperscript{482} Therefore, it is important to examine what the constraints involved in bringing the LTTE to the peace process are. The following discussion will attempt to grapple with the principle obstacles related to the Tamil militancy in the peace process.

\textsuperscript{478} The LTTE Political Committee Publication, India and Eelam Tamil Crisis: A Factual Explanation, undated.
\textsuperscript{479} This has been recorded in few studies; S. D. Muni, Pangs of Proximity: India and Sri Lanka’s Ethnic Crisis, New Delhi, 1993. The talks between the Premadasa government and the LTTE are recorded in Dayan Jayatilake, Sri Lanka: The Travails of a Democracy, Unfinished War, Protracted Crisis, New Delhi, 1995; for a discussion on final peace talks in 1995, see P. Sahadevan, ‘Internationalised Peace Process in Sri Lanka’, BISS, Journal, Dhaka, vol. 16, no. 3, July 1995, pp. 325-345.
\textsuperscript{480} Interviews with officials in the Ministry of Internal Affairs, Sri Lanka, December 1997.
\textsuperscript{481} Comment made by Iqbal Atas, War Correspondent for Sun Day Times, Colombo, Personal Communication.
\textsuperscript{482} Several important issues related to this were raised at the special workshop on ‘Ethnic Conflict and Steps for Peace’, held during the Sri Lanka Studies Conference, Canberra, December 1999.
Factors Obstructing Peace with LTTE

As discussed already, at least in the past decade, the Tamil militants have been offered several peace proposals with the intention of attracting them to the democratic path. Notwithstanding the shortcomings of those proposals, it is obvious that it is not only the value of the solution that keeps them away from the peaceful solution. Therefore, any investigation must look into the other variables which may contribute to the adherence of the LTTE to violence. Such variables include leadership, ideology, the group’s military capability, its position in the future and so on.

The most powerful explanation for the commitment of the LTTE to the armed struggle lies in the unrelenting aggressiveness of its leadership. In other words, the Prabhakaran factor can be treated as one of the strongest elements in obstructing the peace process.\(^{483}\) Prabhakaran is a militarist who strongly believes in violence as the only effective instrument of the oppressed against the oppressor. His uncompromising stance has provided the basis for creating a dedicated, well-disciplined and sophisticated mechanism within the group to carry out this task. His disregard for the value of human life in the cause of achieving the goal may be another factor which can explain the employment of violence as the primary means in the struggle. Therefore, his determination to pursue a violent and coercive strategy is responsible for the behaviour of the group.

There is no doubt that the decade long bitter personal experiences at the hands of the Sinhalese army, mobs and the state may have been a powerful factor not only for the leader, but also for the cadres, who later joined the ranks, to motivate their violent strategy. Many joined the group after their kith and kins were killed. The periodic violence against the Tamils in 1956, 1977, 1981, and 1983, and the imposition of military rule in the northern part of the island from early 1980, which gave the impression of military occupation, and arbitrary actions by the army forces may have been a crucial factor in creating that aggressive psychological state. Furthermore, as the ethnic war escalated, indiscriminate bombing, deliberate attacks on civilians by the SLA as a revenge, random arrests and torture, have provided a firm foundation for the LTTE to persuade the Tamil youth often legitimacy of its violent struggle. Many

\(^{483}\) According to the view of the participants in the above-mentioned workshop this is also a fundamental element.
of the Tamil fighters have confessed that they joined the movement either on account of the loss of close relatives during the ethnic riots or as a result of military actions. Thus the connection of the Tamil youth with personal experiences of state brutality enhanced and strengthened the ideology of the movement. At the same time, the continuous warfare has also been a useful mean to manipulate the Tamil youth. This adherence to vengeance was well articulated in the LTTE's open letter to Lalith Atulatmudali, the former Minister of National Security, who was later assassinated by the LTTE.

'You can not expect us to be idle spectators when our people are butchered and burned on the roadside. We will never down our arms and surrender as you foolishly expect us to do. We will continue to fight you. We will strike hard more intensely than ever, with more determination. We will continue to fight until your armed forces are chased out from our homeland. We will turn Tamil Eelam to a graveyard for the Sinhala State terrorists and their foreign agents.'

Another significant aspect related to the subject is the established authoritarian nature of the leadership which rejects a democratic path. While Prabhakaran’s position in the movement is unchallenged, he has taken full control of the group. He is the designer and promoter of all aspects of the movement. Loyalty and discipline are fundamental principles of the movement where no dissent is tolerated. Over the years it has become a highly autocratic organisation. Absolute power centred on the leadership is the most prominent feature of the group. Prabhakaran is the Chairman of the Central Committee and the chief of the military wing. In addition to that, all other structures, such as Sea Tigers, Intelligence, Political Wing, Black Tigers, Women’s wing, and the International Wing are personally controlled by Prabhakaran. Having experienced power and authority, it is not likely that the LTTE will give away the opportunity to be the sole commander of the Tamil people. Furthermore, on various

484 Interviews with Tamil moderate parliamentarians, Colombo, December 1997.
485 Towards Liberation: Selected Political Documents of the Liberation Tigers of Tamil Eelam, no. 28, p. 18.
486 Interview with political analyst, Pakiasothy Saravanamuttu, December, 1997.
487 During the period until 1995, Jaffna was administered through a total control by the LTTE with structures of a de facto state. Finance, education, law and order and all components of state regulation were formulated by the LTTE regime. Front Line, 21, October 1994, p. 38.
occasions Prabhakaran has demonstrated that he has little intention of becoming a democrat. As that is the case, he is not used to the people's will or the people's judgement. Entering the democratic path where competition on an equal basis would decide the political fate of a leader is not acceptable to him. Prabhakaran described the nature of the future Tamil Eelam as follows:

'There will be only one party supported by the people. I do not want a multi-party democracy. Under a one party government Tamil Eelam can develop and change much faster. In a socialist constitution the needs of the people will have priority.'

In fact, there was an arrangement in the Indo-Lanka Accord that Prabhakaran would become the Chief Minister of the Northern Province. However, he openly rejected the offer as unacceptable, demonstrating his stance towards conventional democratic governance. Therefore, it is fair to state that the leadership factor is a significant variable in the LTTE's determination to stick to violence.

The factor of the followers of the path (cadres) can not be underestimated either. When assessing Prabhakaran's ruthless aggression, one must understand that it is the cadres who transform the ideal of violence into reality. Over the past two decades, Prabhakaran has been able to attract tens of thousands of Tamil youth who willingly embraced the path of violence. They undertake the revolutionary project of violence to cause death and devastation in accordance with a consciously evolved popular ideology of vengeance. In their view, the state itself has provided the basis for the formation of this ideology.

As one LTTE publication stated:

'The armed struggle is the product of intolerable national oppression. It is an extension, continuation and advancement of the political struggle of our oppressed people. The LTTE cadres have no choice other than to fight decisively to advance the cause of national freedom.'

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488 Veravenkai (Brave Tiger) August–September 1986, p. 11.
489 The Hindu, 8 August 1987.
This is how the LTTE was able to build up a massive reservoir of hatred over the years. The aggressiveness emerging from the ideology of vengeance was aptly focused on the so-called enemies of the Tamil cause turning the whole movement into a powerful killing machine. The cadres carry out brutal murders with the firm conviction stemmed from their ideology. There is a complete unanimity in this regard. This force of vengeance has been the mechanism which was used against both the Sinhalese as well as the Tamils who were (are) regarded as enemies of the Tamil cause. The merciless attacks against the perceived enemies have made the LTTE one of the most brutal movements of the present day. Continuous brutality carried out against innocent civilians, children, women and the elderly, regardless of whether they are Sinhalese or Tamil, illustrates that the indoctrinated ideology of hatred surpasses every quality and category of humanity.

This devotion to the ideal has been aptly employed by the leadership to carve one of the most important aspects of the movement - self sacrifice. As Prabhakaran once stated, 'we have with us young boys who are willing to die one after another till we are able to achieve our objective' This has been the most powerful force making the LTTE unconquerable. This spirit of sacrifice finds expression in suicide attacks by the cadres and is symbolised by the cyanide capsules strung around their necks. As Prabhakaran pointed out:

'It is cyanide which has helped us develop our movement very rapidly. Carrying cyanide on one's person is a symbolic expression of our commitment, our determination, our courage. In reality, this gives our fighters an extra measure of belief in the cause, especial edge; it has instilled in us a determination to sacrifice our lives and everything for the cause. While attacking, our fighters don't count their lives. They will advance nonchalantly through an artillery attack or hail of bullets.'

All of the cadres of the suicide commandos, known as Black Tigers, have taken the oath to carry out suicide missions. When analysing the LTTE ideology of self

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490 Towards Liberation: Selected Political Documents of the Liberation Tigers of Tamil Eelam, no. 28, p. 28.
491 Interview by Prabhakaran to The India Today, New Delhi, 30 June 1986.
492 The Hindu, 5 September 1986.
sacrifice, as laid out in the book 'The Broken Palmyra’, one can see a resemblance
with the official religion of the Third Reich which provides for the devotees the
‘emotional excitement of blood sacrifice’. As the authors of that work further
elaborated, the ideology created by the LTTE leadership gives the suiciders an
opportunity to ‘forget all norms of civilisation and morality, and weld them together
as a hysterical and destructive force’.

The ideology of violence postulated by the LTTE, is a further reflection on the cult
of martyrdom. Those who sacrifice themselves are counted as martyrs, as gods. The
leadership has consciously nurtured in many ways the cult of martyrdom so as to
achieve greater mobilisation of the cadres. The last week of every November is
observed as Martyrs Week which coincides with the Prabhakaran’s birthday (26th of
November). During this time ceremonies are held commemorating the Tamils
sacrificed for the sacred cause. These ways of commemorating have had a profound
impact on society, especially on the Tamil youth, whose emotional energy is aptly
used in replenishing the ranks of the LTTE.

Although all these aspects related to indoctrination have played a significant role in
the consolidation of the movement, it is not only mere dedication which still drives
the LTTE to carry on with its violent campaign. There is a speculation that the vicious
cycle of violence triggered by the movement itself does not allow the militants not to
be a part of it. For the past 18 years the LTTE terror campaign has claimed many
lives. Many Tamil youth have sacrificed their lives for the sake of the common cause.
In that sense renunciation of the path which they once pursued would be a betrayal of
those who have been slain. On the other hand, a rejection of the well-nurtured violent
campaign may instigate resentment from within the movement. It is quite possible
that the leadership as well as the cadres are both conscious of this aspect. In this sense
the continuous adherence to violence by the LTTE, particularly its leadership, can be
a result of this vicious circle. In fact, at the time of the 1987 peace talks Prabhakaran
expressed a similar view.

493 Rajan, Hoole, The Broken Palmyra: The Tamil Crisis in Sri Lanka - An Account, Claremount, CA,
1992, p. 100.
494 For a detailed discussion see Peter Schalk, 'The Revival of Martyr Cults among Liavar', Temenos,
vol. 33, 1997, pp. 151-190. Also Peter Schalk, 'Historisation of the Martial Ideology of the Liberation
Tigers of Tamil Eelam (LTTE), South Asia, vol. XX, no. 2, 1997, pp. 35-72; Peter Schalk, 'Women
Fighters of the Liberation Tigers in Tamil Eelam. The Martial Feminism of Atel Palacinkam' South
‘This Agreement directly affects our political goals and objectives. It also puts a stop to our armed struggle. If the mode of our struggle, brought to this stage through a 15 year period of shedding blood, making sacrifices, staking achievements and offering great many lives is to be dissolved or disbanded within a few days, it is naturally something we are unable to digest’  

However, the most compelling force that keeps the LTTE focused on its violent campaign is its military strength. Over the years, the LTTE has turned into a formidable military group which has already successfully confronted the SLA as well as India. In the past two decades, the LTTE has proven that its military capabilities are by no means secondary to those of the state forces. The military acumen of the leadership has been capable of establishing a world-wide supply network which has avoided international sanctions and restrictions. Today the LTTE military personnel are compatible with any army. On many occasions the LTTE pre-empted the SLA with its war capabilities and use of sophisticated military technology. It was the LTTE who compelled the Sri Lankan Government to modify its forces and build a modern army. The LTTE is no longer a guerrilla group. By its war tactics and technology, it is a conventional armed force that wages a direct warfare with the combatants. With a new wave of victories, the LTTE has become more convinced of the value of the military attacks and violence that they have adopted as the prime means of their struggle. The realisation of the incapability of the state to cope with its tactics will further expand the LTTE’s use of violence. In fact, it must be noted that the diversionary tactics of the LTTE with military attacks in the north combined with terrorism in the capital have proven to be a successful method of bringing down the government. Therefore, it becomes apparent that the military capability of the LTTE today is a significant factor that encourages it to stay away from a peaceful solution.

Concern about the future may also be a significant factor which keeps the LTTE away from the peace settlement. As we already mentioned, the LTTE has caused too much damage to the Sri Lankan society as a whole and to its own Tamil community in particular. It is fair to say that over these few decades the LTTE has earned a considerable number of enemies within the country as well as outside it. Prabhakaran  

496 Interviews with Jayadeva Uyangoda, political scientist, University of Colombo, June 1999.
is the most wanted man in the island. In the eyes of the Sihala community, there will be no excuse for the atrocities and brutalities he has committed. Among the Tamil groups, there are many who have tremendously suffered at the hands of the LTTE. There are many in the Tamil community itself who have lost their sons and daughters in the war and those who witnessed the cruelty of the LTTE. Apart from all that, Prabhakaran is an internationally wanted person. India is demanding his extradition for the assassination of Rajiv Gandhi. However the Government’s agreement with India not to extradite Prabhakaran if he cooperates towards the establishment of peace may give him some guarantee. The uncertainty, however, may be a compelling reason for him to retreat from peace too. Furthermore, the LTTE may be concerned about its activities overseas related to drug trafficking, human smuggling, money laundering, illegal arms trading which may pose a danger to the group’s members once peace is established. Finally, the threat to their lives may emerge from their inner circle or from within the Tamil community. Today the culture of violence is deeply rooted in the Tamil society. Murder, arson and rape have been commonplace in the Tamil society over the past few decades. The attitude towards the LTTE has also dramatically transformed over the years. Once it was viewed as the struggle of the Tamil youth, (called ‘boys’) being carried out for the sake of the common people. Over the years, however, people have realised that the LTTE has nothing else to offer to them other than war. As a result, the image of the LTTE as being a custodian of Tamil interests has been dramatically eroded over the past few years.\footnote{497} Many Tamil people have become convinced that the killing and counter killing, which has been continuing for decades will never bring prosperity to their nation.\footnote{498}

\footnote{497}{Jaffna, where nothing is certain', \textit{The Sunday Times}, Colombo, December 1997; ‘No relief for Tamil’, The Sunday Times, 11 January 1998.}

\footnote{498}{Interviews conducted with various Tamil families in Colombo, December 1997 and June 1999.}
The transformation of diaspora-supported insurgent groups into transnational networks in the last decade of the twentieth century has largely escaped the attention of the international community. The wider threat posed to regional and international security by Tamil insurgents – by the enhanced ideological, technological and financial interaction with overseas insurgent groups – has also escaped their close attention. Rohan Gunaratna.

CHAPTER III

EXTERNAL FACTORS CONSTRaining PEACE

Like any intrastate crisis, the Sri Lankan ethnic conflict can not be assessed on internal factors alone as its complexity and magnitude have been multiplied by the involvement of various external factors over the decades. External elements have not only been important catalysts in the deepening crisis on the island, but also some of those elements have acted as serious predicaments to the search for a lasting peace to the protracted conflict. In essence it can be said that Sri Lanka is a classic example for demonstrating the potential that ethno-political conflicts have for externalisation, which further complicates domestic conflicts.

Undoubtedly, the discussion of external factors in ethnic conflicts is wide and multi-faceted. This discussion however will be strictly restricted to three major components- those that have a specific relation to this case study. At the same time, these issues will shed a new light on our primary objective of developing a model for ethnic conflict resolution by means of promoting liberal democracy. The three major areas of exploration here are: geopolitical predicaments, the role of diasporic communities and the role of the international community in the conflict in Sri Lanka.

GEO-POLITICAL PREDICAMENTS

South Asia's geo-political environment has been one of the fundamental elements that has complicated the inter-state as well as the intrastate affairs of regional members. As far as the Sri Lankan ethnic conflict is concerned, it is fair to say that the island nation has been a direct victim of this factor. The island's domestic conflict has not only been severely complicated as a result of its geo-political location, but this factor has also been a continuous obstacle to the establishment of lasting peace. The examination of the geo-political environment must include a number of principle elements such as the importance of Sri Lanka's geo-strategic location, the presence of the single regional superpower emerging from the absence of a competing power presence within the region. The next significant facet of the geo-political environment which directly affects the island's domestic conflict has been the continuous acceptance of the role of the traditional superpower by the international community. Lastly, the complicated overlapping of ethno-cultural links and close proximity must be considered as another significant factor that shapes the existing geo-political realities that play a pivotal role in the island's conflict, enhancing its complexity and impeding the quest of lasting solution.

Sri Lanka's geographical location in the Indian Ocean is of tremendous strategic importance to India. Trincomalee is one of the world's finest natural harbours which has historically attracted invaders and colonial rulers to the island. This strategic location of the island in the centre of the Indian Ocean is believed to provide a unique opportunity for controlling the region. For example, while Sri Lanka was a part of the British Empire, the British Navy used the island's geographical position to enhance British global interests by establishing important sea lanes. Therefore it is not an exaggeration to state that this very factor has always been a serious concern of India. India's realisation of this factor has meant that it has kept a keen eye on the island, because the use of the island by any hostile foreign power would have potential implications for the security of India. Therefore, from the early years of independence India has been careful to prevent the possible threat which could emerge from its southern neighbour's strategic location. Thus, it may not be an

overstatement that the primary impulse of the Indian foreign policy towards Sri Lanka has been the ‘threat perception’ which was shaped over the years.

At this juncture, it must be noted that its evry geographic location has been a matter of concern for Sri Lankan policy makers from as early as its independence. The isolated nature and size of the island in close proximity to the massive Indian subcontinent has always evoked a fear of subjugation among Sri Lankan leaders.\(^{501}\) Prime Minister John Kotalawala echoed this security concern as follows:

‘Ceylon’s geographical position in Asia and in relation to the rest of the world is strategic, but it is also exposed and vulnerable...At the best of times she cannot undertake her own defence, even if she had all the resources she needed, and she is exposed to attack on all four sides. Consciousness of her vulnerability must, therefore, necessarily have much to do in shaping of Ceylon’s foreign policy. She cannot afford to defend herself, so she cannot afford to be attacked. She must take a line that will prevent her from being attacked.’\(^{502}\)

In fact, the security threat Sri Lankan political leaders saw was directly attached to India, who on various occasions had explicitly or implicitly expressed its concern over the small island-nation.\(^{503}\) Therefore, the compelling factor in the shaping of Sri Lanka’s foreign policy both in general and towards India in particular has been the ‘threat perception’ from the very outset of independence.\(^{504}\) Thus as a result of its geopolitical situation, Sri Lanka has been affected by the Little Brother Syndrome due

\(^{501}\) The best illustration of the effect of closeness and size as a geostrategic variable in Indian influence would be the comparison of Sri Lanka with the Maldive Islands. Sri Lanka, twenty miles distant from Indian subcontinent, has historically been subject to Indian influence, whereas the Maldive Islands, much smaller in size and population than Sri Lanka, and some four hundred miles further away from India, has not been a focus of Indian policy makers.


\(^{503}\) In the early post independent period Sri Lanka had been entertaining continuous fears of hostile intentions from India. The most explicit expression of this fear was made by Sir John Kotalawala in 1954, quoting K.M.Panikkar, Indian strategist. Kotalawala said that ‘what I am worried about is that Mr. Panikkar has made several statements in one of his books that India must have Trincomalee for her safety. I also have heard that India must be the father of the two children, Burma and Ceylon.’ See Kodikara, ibid, pp. 20-28, for an excellent discussion of the evolution of the foreign policy of the two states in the post independent period.

\(^{504}\) The clear intention of D. S. Senanayake to sign the Defence Agreement with Britain in 1948 stemmed from this Indian concern which seriously hurt Indian pride and evoked further resentment of Sri Lanka.
to the fact of the mammoth size of its neighbour. This fear perception, in fact, has always been the leading instinct for Sri Lanka to relate to India. On the other hand, due to its strategic importance and the underling mutual suspicion, the Indian attitude towards the island also often seemed unfriendly. Any ambiguous move by Sri Lanka was seen by India as an offence and acting against its interests.\textsuperscript{505}

Although the regional strategic scenario was undergoing drastic changes in the sixties with the Indo-Pakistan war and the Sino-Indian overtures inviting American military assistance and alliance into the region, the existing Cold War realities made little change to the emerging superpower status of India in the region.\textsuperscript{506} On the contrary, as a direct result of the wars that India engaged in, India’s military superiority and position as the pre- eminent power in the subcontinent steadily increased. Thus, with the systematic stabilisation of the geo-political environment in South Asia, over decades, India steadily elevated itself to be the regional great power where Indo-centrism became a reality.\textsuperscript{507} In this context small states such as Sri Lanka had no option but to adhere to the dominance and influence of the emerging regional power.

The lack of ‘balance of power’ in the region meant that International community gave India full-scale authority to dominate the relatively weak small states. The fate of Sri Lanka, particularly with its domestic ethnic turmoil, is a classic example for elaboration of the fact that weak states in this situation had no alternative but to undergo the influence of the mono-dominant power in the region. While there was no other state in the region to dilute or balance the overwhelming influence of India, Sri Lanka had no option but to adhere to the terms dictated by its regional power. Even in the context of Indo-Pakistan rivalry, although Sri Lanka always considered the preservation of Pakistan’s territorial integrity and independence to be essential to the maintenance of the balance of power in the region, Sri Lankan policy makers tended

\textsuperscript{505} The permission given by the Sri Lankan government to land and refuel Pakistani aircrafts during the war between East and West Pakistan was treated by India as a serious offence. Also Sri Lanka’s close economic and cultural relations with China were considered by India as a deviation of the island towards a hostile party. See ‘Thakur Kudip S. Ludra, Guns v/s Butter Syndrome’, \textit{op. cit.}


to take a neutral attitude, not wanting to antagonise India. Although Sri Lanka has always nurtured good working relations with China, it never opted for China over India. Due to the island's geographical location, such an overture would have not provided any realistic chances to avoid the serious consequences of confronting India. Therefore it must be reiterated that the destiny of Sri Lanka was unbreakably bound with India not because the island-nation desired it, but as a result of the geopolitical realities which offered no alternatives other than India.

It is important to mention that the establishment of Indian domination in South Asia was closely linked with another vital factor. That was the Cold War superpower rivalry. Again despite the fact that the Indo-Soviet alliance was balanced by Western assistance and sympathy towards Pakistan, the Cold War in South Asia had little effect on neutralising Indian ascendancy as a regional super power. On the contrary, India with its parliamentary political structure, federalism and secularism was treated by the West as a credible democratic state in the region. Understandably the West did not want to antagonise India by condemning it as an ally of the USSR. This situation further encouraged India to pursue its hegemonic ambitions, including making judgements and assessments of degree of democracy in the regional states. While the West had engaged in 'promoting democracy' in the 'evil' communist states, India began a similar mission within the region, which was often given credit for by Western democracies. Within that framework, India's engagement in the Sri Lankan domestic conflict was perceived by Western democracies as being legitimate and justifiable action by a credible regional authority.

What is important is that the perception of Sri Lanka and the attitude towards its geopolitical significance by the West has always depended on its interests in the region. Sri Lanka has been by virtue a Western oriented state from its very inception of the independence. The free market economic model adopted by the island has facilitated the maintenance of constant economic relations with the West including America. In fact, Sri Lanka preferred the West and America to India despite a basic economic partnership between the two states - Mutual Economic Advantage. It is important to note that although Sri Lanka was a founder member of the Non-Aligned

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508 However Thakur points out that the Indian perception of the Sri Lanka-Pakistani relations has been that the island 'has always ganged up with Pakistan to continue to embarrass India, by accusing the latter of acting like the Big Brother in her dealings'. Thakur Kuldip S. Ludra, 'Guns v/s Butter Syndrome', op. cit.
509 Ibid., p. 1.
Movement (NAM), it has always attempted to maintain good relationship with the Western states. However, the principle feature of the attitude towards the island by the West has been the fact of its marginality. Although America realised the geo-strategic importance of the island, as a ‘window, looking into India’, due to various factors American strategic interests in Sri Lanka remained low. With a base in Diego Garcia and a friendly Singapore, the US did not really need Sri Lanka. America and the West also knew that their interest in Sri Lanka would definitely antagonise India. The reality was such that the weight of India was always higher than that of the small marginal player in the region, Sri Lanka.

The political and strategic organisations undoubtedly play a significant role in the regional geopolitical environment. However, in stunning contrast to other parts of the world, the role of regional organisations in South Asia has been extremely limited. First of all, South Asia is surprisingly lacking such organisations. While almost all of the existing regional organisations have been formed with an economic focus, none of them have concentrated on the strategic and security issues of the region. The objective reasons for this situation are the absence of a common threat, ethno-cultural overlapping within regional states, and the dominating role of India. Again unlike some other parts of the world which have been capable of focusing their organisations on the emerging challenges, the South Asian regional organisations have demonstrated a rare quality of conservatism. In fact, the only visible actor in the region in this respect is the South Asian Association for Regional Cooperation (SAARC). Formed as a purely economic organisation in 1985, SAARC has been largely confined to that agenda until recently. The prevalence of the ethno-national disputes in almost all South Asian states has made the issue of internal conflicts a taboo for the SAARC to deal with. While some Western regional organisations emerged as a formidable force to face the challenges stemming from domestic ethno-national conflicts, due to the above mentioned factors the South Asian states have been incapable of forming a consensus to act as a forum. The SAARC has not put forward any realistic plan to address any of the region’s widespread ethno-national conflicts. Indeed Sri Lanka has been a direct victim of this situation, which is a tangible result of the geopolitical specificities of South Asia. This geo-political environment has had a significant influence on the overall internal and external affairs of the island-state. Equally, the Sri Lankan ethnic conflict has been influenced by
these geo-political realities where the principle element has been the overwhelming domination of the India factor, in various forms and to various degrees.

**India and the Sri Lankan Conflict**

For the past half a century the relationship between India and Sri Lanka can be labelled as that of a love-hate relationship, with periodic regime changes in both states. Underneath the seemingly cordial relations between the two states, there has always been clear tension and mutual suspicion. However, at times, due to personal sympathies between the head of states, relations acquired a more friendly character. Thus the Indo-centric nature of the South Asian geopolitical realities compelled the island to stick to its northern neighbours sphere of influence.

In fact, India’s attitude and approach towards Sri Lanka and its ethnic strife is an integral part of its overall policy objectives towards its neighbours.\(^{510}\) The Indian approach to its neighbours has been overtly arbitrary and hegemonic. The rationale behind Indian policy with regard to regional members has often been the affirmation of its leading position within South Asia and the dictating of its rules to its neighbours. Over the past five decades India has acted with this objective in mind on numerous occasions. Although her actions may have differed from place to place, the primary objective has always remained intact.\(^{511}\)

This arbitrary attitude towards the island was being shaped in the pre-independent period. When visiting the island in 1939, Jawaharlal Nehru clearly articulated the Indian attitude and the basic rationale of bilateral relations which have existed throughout the years until the present day.

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\(^{511}\) In 1948 New Delhi took the initiative, mobilised the support of a few Commonwealth countries and provided military assistance to the U Nu government of Burma to tackle the armed revolt by the Kachin, Karen and Communist rebels. From 1950 to 1962, New Delhi supported the monarchy in Nepal against Rana despotism. India provided safety for thousands of Tibetans including the Dalai Lama after the invasion of Tibet by the Chinese military forces in 1959. India was directly involved in the freedom struggle of Eastern Pakistan in 1971 which resulted in the birth of Bangladesh. Furthermore, India provided military assistance to the Sri Lankan government in 1971 to quell the Marxist youth revolution of the JVP. These events are evidence of India’s obsession to take a lead in the region. Among recent events, apart from the involvement in the Sri Lankan crisis, India directly intervened in the political turmoil in Maldives in 1987, where Indian military assistance was provided to President Gayoom.
‘Ceylon cannot forget that India and Ceylon are close and that India, by her size, is like a giant. It is easy enough to create psychological barriers and ill will, but not so easy to remove or control them. I can not conceive of any hostile action on the part of India towards a country like Ceylon if it does not threaten her freedom’. 

As that historic speech pointed out, the bilateral relationship between two countries must be formed on the conviction of the might and power of India. It was taken for granted that due to its size and historical bonds, Sri Lanka would fall under the influence of India. The basis of bilateral relations between India and Sri Lanka has been the acceptance of the dominant role of India by its southern neighbour.

The formula for the friendly and cordial bilateral relations within the existing geopolitical environment was acceptance of the Indian role. As long as Sri Lanka did not threaten Indian security and interests, India would maintain a friendly relationship. This was basically the case after the mid-fifties when Solomon Bandaranaike initiated his pro-Indian domestic and foreign policy that was later continued by Sirimavo Bandaranaike. Although the UNP governments’ line was always more Western oriented, until 1977 the UNP leadership too attempted to respond positively to Indo-centric geopolitical realities. Even if the ethnic tension was gradually escalating within the island at that time, the Indian policy makers did not regard it as a serious threat to bilateral relations, having had a good friendship between the two states, based on personal connections between Indira Gandhi and Sirimavo Bandaranaike.

It is important to examine what made India take such a drastic turn in its attitude to the island’s conflict in the later part of the 1970s. The understanding of this process should help to elucidate the impact of geopolitical realities on the inter-state as well as intra-state affairs. With regime changes both in India and Sri Lanka in 1977, the diplomatic rapport which hitherto existed at leadership level in the two countries

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quickly evaporated. The pro-American tilt of the Jayawardane Government with a number of other antagonising moves towards India swiftly invited India into the hitherto neglected Sri Lankan domestic conflict.\footnote{See S. U. Kodikara, ‘The Indo-Sri Lanka Agreement of July 1987: Retrospect’ in Kodikara (ed.), \textit{South Asian Strategic Issues. Sri Lankan Perspectives}, New Delhi, Sage Publications, 1990, p.160. Pervaiz Iqbal Cheema, ‘Security in South Asia: an Approach’ in S.U. Kodikara (ed.), \textit{External Compulsions of South Asian Politics}, New Delhi, Sage Publications, 1993, p.48.} By adopting the open market economy as the fundamental path of development, the newly elected government in Colombo began to review its economic partners as well as political allies. Unlike in the past when Sri Lanka was a strong member of the Non-aligned Movement with closer ties with the Third World and Socialist bloc (which indeed corresponded to the Indian line of foreign policy), the new government turned radically towards the West for partnership. With this new move, Sri Lanka not only attracted significant foreign investment and economic partners to assist in restructuring its socio-economic landscape, but also radically diverted from its traditional line of political partnership in the international arena. The heavy emphasis of the Sri Lankan government on the West strongly alienated India. In addition to that, the Jayawardane administration’s decision to take advantage of this new partnership to solve the ethnic crisis further antagonised New Delhi. The opening up of Trincomalieve harbour for Western naval vessels, particularly for the United States was seen as a threatening signal for the Indian security.\footnote{See Urmila Phadnis, \textit{Ethnicity and Nation Building in South Asia}, New Delhi, Sage Publication, 1989, p.223; S. U. Kodikara, International Change and Regional Compulsions: Sri Lanka’s Foreign Policy, \textit{South Asian Survey}, vol. 2, no. 1, 1995, pp.77-100.} Furthermore, the Sri Lankan government’s decision to lease out an oil storage facility to the US and to offer facilities for the Voice of America radio station in the north of the island were deemed by India as an alarming threat to its interests in the region.\footnote{Urmila Phadnis, \textit{Ethnicity and Nation Building}, p. 223.} Taking a radical stance towards solving the ethnic problem, the Jayawardane administration also began to acquire military assistance from Israel and Britain in order to contain the rapidly growing Tamil militancy. There were rumours that South African and British mercenaries were employed in combating Tamil militants and the government allegedly purchased military hardware from South Africa, Pakistan, China and South Korea to bolster its military potential.\footnote{Rohan Gunaratna, ‘Burning Bright’ \textit{Himal}, vol. 12, no. 4, p. 34.} Indeed all of these measures antagonised New Delhi who strongly felt that the
developments were undesirable for India as Sri Lanka was falling out of its sphere of influence.\textsuperscript{519}

Therefore it was not the concern over the Tamil minority grievances that prompted India to react to the growing ethnic strife in the island. In a sense, the ethnic problem was a valid reason for India to engage in the internal affairs of its southern neighbour whose policies and attitude contradicted Indian interests. Fear, an inherent element of South Asia's geopolitical environment, became the driving force for both sides to act and react in this situation.\textsuperscript{520} Taking the ethnic conflict as a means for intervention, India at this point became vehemently vocal about the human tragedy, taking place on the island. The need of intervention, and means of doing so were hotly discussed among Indian policy makers in the early 1980s.\textsuperscript{521} There was also speculation that Indira Gandhi was considering a military option against Sri Lanka at that point. Nevertheless, the primary intention of India was to avoid the seeming deviation of its southern neighbour from its sphere of influence and prevent any threats to its own security that stemmed from such deviation. The rationale of India's action was expressed by an Indian strategist:

'As long as Sri Lanka is friendly or neutral, India has nothing to worry about but if there were any danger of the island falling under the domination of a power hostile to India, India would not tolerate such a situation endangering her territorial integrity.'\textsuperscript{522}

The Indian obsession to contain the emerging threat from Sri Lanka led to a series of controversial actions. Professor Kodikara, in analysing the developments at that juncture, stated that:

\textsuperscript{520} Bhabani Sengupta, \textit{South Asia Perspectives: Seven nations in Conflict and Cooperation}, New Delhi, BR Publishing Corporation, 1988, pp. 2-3.
'the high point of Indian intervention in Sri Lanka was when, in early June 1987, India violated the Sri Lanka air space by sending four AN-12 transport places accompanied by five Mirage jet fighters to airdrop food and medicines to the beleaguered militant-controlled Tamil people of the Jaffna peninsula. The fact that India had tried unsuccessfully to deliver the same cargo by unarmed boats the previous day did not detract from the seriousness of the airdrop. ....Whatever the rights and wrongs of the Indian action, the Sri Lankan government took the message of airdrop seriously and hastened to sign the Indo-Sri Lanka Agreement of 29 July 1987 'to bring about peace and normalcy' in Sri Lanka'.

Thus 'India's dual policy towards Sri Lanka' was the clear result of existing geopolitical realities. The rationale behind India's decision to support the Tamil insurgency at that stage was prompted by the strategic interests of the regional superpower, India which undermined the stability of the island state.\(^{524}\) The Indian government used its intelligence agencies, particularly the Research and Analysis Wing (RAW) to achieve this goal. It was at that time that the Tamil militants began to expand their military capabilities and establish world-wide networks that received generous financial and logistical support from both Madras and New Delhi. Apart from Tamil Nadu, there were dozens of military training camps across India where Tamil militants received sophisticated military training by Indian government specialists. As Rohan Gunaratna, a leading Sri Lankan security analyst pointed out, over 2000 Sri Lankan Tamil insurgents were provided military training in these camps.\(^{525}\) Thus, it can be conceived that Indian assistance, both from New Delhi and Madras, at that stage provided a solid basis for the fast growing, heavily indoctrinated and motivated Tamil militants to become one of the most ferocious guerrilla groups in years to come.

The Indo-centric geopolitical gravitation has thus become one of the most decisive


\(^{524}\) The report of the Jain Commission appointed to investigate the assassination of Rajiv Gandhi is the first official revealing of India's covert involvement in arming and sheltering the Tamil militants with the central government's support. 'Rajiv wanted the LTTE to continue: India's volatile politics before and after his assassination' Special Assignment, *The Sunday Times*, Colombo, 14 December 1997.

\(^{525}\) Rohan Gunaratna, 'Internationalisation of the Tamil Conflict', *op. cit.*, p. 130.
factors in the escalation of the ethnic problem in Sri Lanka from its early stages. No other country within the region or outside appeared as a counter balance to the Indian dominance in the island’s conflict. For example Pakistan, despite its deep-rooted rivalry with India, did not act against the Indian imposition of rule and terms on the island, presumably due to the fact of an imbalance in the power equation between two rival states. China had only a marginal interest in resisting Indian involvement in the island’s conflict. In reality China did not treat South Asian affairs as a priority. This in turn confirmed the Indian pre-eminent role in the region. On the other hand, the past experiences of Sino-Indian border disputes might have served as a reminder to China in limiting its involvement in the Sri Lankan conflict.

The expectations of the Jayawardane administration that the West would come to the rescue of the island’s interests were short lived. When the reality urged it to make the choice between India and its small southern neighbour, the West had no hesitation to avoid antagonising Indian interests in the region. Furthermore, the existing Cold War realities dictated the terms, which were to avoid irritating India, a close ally of the Soviet Union. When the Indian initiative surfaced, the United States and other Western powers not only approved it, but also confirmed that India had full credibility to intervene in the conflict as a regional power.\(^{526}\) In analysing the US connection in relation to Indo-Sri Lankan relations dealing with the Sri Lankan conflict, one commentator stated:

‘The United States hailed the 1987 Agreement as a triumph of diplomacy for both Rajiv Gandhi and Jayawardena and tended to consider Sri Lanka’s ethnic conflict as falling within the purview of India as the security manager of the region. Indeed, Sri Lanka may have good reason to complain about America’s tendency to look at Sri Lanka through the prism of India. But America’s interest and stake in India are naturally far larger than those in Sri Lanka. Apart from a political stake in the future of the world’s largest democracy, America has an interest in the success of economic reforms in India, and will contribute in every way possible to make them viable. More importantly, America will endeavour to keep the Indo-Pakistani conflicts within bounds,

and will do all within its power to prevent the proliferation of nuclear weapons in South Asia.

All these factors strongly contributed to the confirmation of India’s role in the Sri Lankan ethnic conflict. As a result of the global geopolitical structure, as well as the South Asian realities, there was no party available to scrutinise the motives and means of the Indian involvement in the island’s conflict. India’s overt and covert involvement in the Sri Lankan conflict was no secret for the world community. But not a single member of the international community questioned the credibility of India, which illustrates how existing geopolitical realities dictated the terms which further deepened the country’s domestic conflict.

Another important parameter of the geopolitical realities which reflected on Sri Lanka’s ethnic conflict is the extra-regional ethno-cultural links and historical legacies. The paradox of these close links between the states in the region is such that often those historical links and cultural affinities have been a source of suspicion evoking confrontation and hostility among members of the region. The Indo-Lanka case is a classic example of this factor where inherent ethno-cultural links have been a serious barrier to co-existence and cooperation. The strongest element in this relation is the Tamil Nadu factor which has further entangled the Sri Lankan ethnic conflict and is continuing to serve as a formidable predicament in the search for a solution.

Throughout history, the narrow and shallow Palk Strait separating the two Tamil communities has not acted as a barrier but a bridge connecting the two entities. Across this bridge people, religion and deficit commodities have been freely flowing through the centuries. Most importantly, there has been a free flow of ideology across the Palk Strait which served to maintain the common Tamil culture between these two Tamil communities. One commentator noted that as a result of this close proximity and continuous interaction, Tamils across the Palk Strait had become ‘siamese twins’, despite the fact that they claimed to have developed their own

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528 Sinha Ratnatunga, *The Politics of Terrorism*, op. cit., p. 73.
separate identities over a long period of history. Most importantly, it was the free flow of political ideology from South India that continuously fed the Sri Lankan Tamil politics, exacerbating the perception of a threat in the Sinhala mind.

What gives further shape to the geopolitical atmosphere is the size of the Tamil Nadu constituency. The 50 million Tamil Nadu state has always been a significant member of the Indian federation. Within the competitive party politics, the Tamil Nadu factor has played an important role which often compelled the ruling government in New Delhi to be responsive to the state’s interests. Thus, the exacerbation of the ethnic crisis in Sri Lanka inevitably invited the Tamil Nadu involvement, creating a crucial triangular relationship between Colombo, Madras and New Delhi. Due to the ethnic link, the Tamil Nadu’s sympathy was towards its Sri Lankan Tamil brethren which created serious security concerns for Sri Lankan governments. It was apparent that the Sri Lankan government was hardly capable of controlling Tamil Nadu assistance to the secessionists without New Delhi’s cooperation. On the other hand, Tamil Nadu pressure on New Delhi to act appropriately to alleviate the Sri Lanka Tamil plight further extended the conflict, directly involving India. Therefore, it must be noted that Tamil Nadu has been one of the determining factors of India’s attitude and role in the Sri Lankan conflict. The former Indian High Commissioner in Sri Lanka, J. N. Dixit described the significance of the Tamil Nadu factor in the of Indian attitude as follows:

'We had to respect the sentiments of 50 million Tamil citizens of India. They felt that if we did not rise in support of the cause in Sri Lankan, we were not standing by our own Tamils; and if that is so, then in the Tamil psyche, in the Tamil subconscious, the question arose: is there any relevance or validity of our being part of a larger Indian political identity, if our very deeply felt sentiments are not respected? So, it was a compulsion. It was not a rationalised

531 The federal idea was adopted by the Federal Party in the 1940s, and since then the linguistic nationalism and the separatist ideology of the Sri Lankan Tamil politicians have been strongly inspired and influenced by the Tamil Nadu politics. Personal communication with Dr. Jayadeva Uyangoda, Department of Political Science, Colombo June 1999.
motivation, but it was a compulsion which could not be avoided any elected government in this country.\textsuperscript{532}

Thus, it was in this complicated geopolitical environment that the Sri Lankan ethnic conflict began to evolve in the early 1970s. In fact, Sri Lankan Tamil politicians, especially the youth militants at a later stage, masterly used the power equation between Madras and New Delhi for their goals.\textsuperscript{533} On the other hand, various Tamil Nadu politicians used the island’s conflict for their political gains in the South Indian state by claiming that the support of the Tamil brethren was a duty of any Tamil leader.\textsuperscript{534}

A wide range of studies has revealed the crucial role that Tamil Nadu has played in the Sri Lankan conflict.\textsuperscript{535} With popular sympathy and support, the Tamil militants found a safe haven in South Indian states where they enhanced their military capabilities. The Tamil Nadu state government provided financial support to the militants, and trained them in established camps. With generous support from the Tamil Nadu leaders, the Tamil militants, in particular the LTTE, built up an efficient network of smugglers, fishermen, politicians, corrupt officers and transport operators which were effectively used in their war machine. The Tamil Nadu nexus has been crucial for smuggling explosives, grenades, arms, food, medicine, and fuel into the northern part of the island.\textsuperscript{536}

While the Tamil Nadu factor has been of vital influence to India’s actions towards the Sri Lankan conflict, it is important to note that the very presence of Tamil Nadu has been the fundamental factor for India’s controversial role in the island. Indeed,


\textsuperscript{534} The leader of the South Indian Dravida Munnetra Kazagam party (DMK) Karunanidhi, who was in the opposition at that time, organised a petition signed by one million people to the UN Secretory General requesting that the UN become involved in protecting the Tamil people in Sri Lanka. Competing with Karunanidhi, M.G. Ramachandran, the leader of AIADMK, made requests to the central government for ‘a Bangladesh type action’ to solve the Tamil problem in Sri Lanka. A. Sivarajah, Indo-Sri Lanka Relations and Sri Lanka’s Ethnic Crisis: The Tamil Nadu Factor, in S. U. Kodikara (ed.), \textit{South Asian Strategic Issues: Sri Lankan Perspective}, New Delhi, Sage Publication, 1990, pp. 135-150.


\textsuperscript{536} Gunaratna Rohan, ‘Internationalisation of the Tamil Conflict’, p. 131.
due to its own security concerns, coupled with the Tamil Nadu pressure, India was compelled to demand the Sri Lankan government to solve its ethnic conflict. However, India was deeply concerned that the ethno-territorial character of the Sri Lankan domestic conflict could deliver a wrong message to its own constituencies, including Tamil Nadu, generating a further crisis in the already fragile Indian federation. In other words, while India used the ethnic conflict in order to bring Sri Lanka under its influence, it was conscious not to accept and promote Tamil separatism in the island. The Indian policy makers’ attempts to achieve these two diametrically opposite goals were the source of ‘India’s zig zag course’ in regard to Sri Lanka.

**Flaws in India’s Mediating Role**

Regardless of what has been the outcome, India is the only outside state which has been involved several times as a negotiator/mediator in Sri Lankan conflict. It is believed that in the late 1970s with the Indian diplomats in Colombo advised the United National Party (UNP) and Tamil United Liberation Front (TULF) to come to a negotiated settlement waning of dire consequences otherwise. At this stage, the Indian government suggested that President Jayawardane should begin constitutional reforms for the devolution of power to regional authorities thus empowering District Councils. One significant element in the Indian approach to the peace has been its strong insistence on the unity and territorial integrity of the island. For example, speaking in Jaffna in June 1979, the then Indian High Commissioner Thomas Abraham, pointed out India’s commitment to the sovereignty, unity and integrity of Sri Lanka. In his view, the security and the territorial integrity of India and Sri Lanka were ‘inter-related’. Therefore any threat of that nature must be treated ‘with full might of India’

Prime Minister Rajiv Gandhi conducted a mediating role in the conflict which led to the Thimpu talks in July/August 1985. Although the Indian initiative was able to bring the Tamil militants and the Sri Lanka government together for the peace talks,

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537 India is currently plagued by range of separatist movements across the country some of them being Naga, Punjab, Kashmir, Sikh.
538 V. Suriyanarayan, op.cit., p. 392.
539 Ibid. p.393.
due to wide differences in between the parties, the Thimpu talks became a futile exercise. Subsequent attempts made by New Delhi to narrow down the differences between Colombo and the Tamil groups did not take much headway because of the rising mistrust and contempt of both parties. Most importantly, India's dual role to achieve quite contradictory goals did not inspire trust and confidence between the confronting parties. As a result of this self-defeating dual role, both the Sri Lankan government and the Tamil militants began to use the Indian peace initiatives for their own benefit. With India's covert military assistance, Tamil rebels became a formidable force leading the government to realise that the only solution to the conflict could be a counter military force.

The culmination of the Indian mediating role in seeking a solution to the island's conflict comes with the Indo-Lanka Peace Accord signed in June 1987. In fact it was another Indian attempt to bring Sri Lanka back into its sphere of influence. By that time, New Delhi's covert and overt action had provided a clear indication to the Sri Lankan authorities that Indian domination was a fact of life in the region. Furthermore, the expectations of President Jayawardane that his new Western partners would help him in solving the country's problems soon became shattered. His request for an audience with the American President was rejected. Contrary to expectations, the West, including the US, strongly endorsed the credibility of India in taking initiative to solve the Sri Lankan crisis. They hailed the Indian peace initiative and accepted India as the most suitable regional member to intervene in the island's problem.541

Despite its seemingly positive intention to bring peace, finding a solution to the deepening crisis and alleviating the suffering of Sri Lankan Tamil people, one can see that in facilitating the agreement, India had its own self-benefiting objectives in mind too. First of all, the letters exchanged with regard to the Accord between New Delhi and Colombo demonstrate that the two parties did not work as equal partners. There was a clear-cut imposition of rules and terms by the Indian side. A primary condition to the Indian Peace Accord was Sri Lanka's obligation not to allow foreign armies or intelligence agencies to use its territory or establish naval bases.

In analysing the Exchanged Letters, Professor Shelton Kodikara states:

541 S. U. Kodikara, 'International Change and Regional Compulsions: Sri Lanka's Foreign Policy', South Asian Survey vol. 2, no. 1 (1995). In his article professor Kodikara maintains that the US
‘India’s main objective in signing the Agreement was strategic; that is, the Letters of Exchange contained the essential purpose of India’s policy towards Sri Lanka, and the proposals for the resolution of the ethnic crisis contained in the text of the Agreement and the Annexure were, in fact, subsidiary objectives from the Indian view’

He further noted:

‘...the letters represented a big victory for India and a significant enhancement of its prestige and power as the custodian of the security of South Asia. By the same token, it also represented a loss of both power and esteem to Sri Lanka, a small state which had since independence in 1948 pursued an active role in international affairs’

In this manner, the 1987 Indo-Lanka Peace Accord did not appear as a consensual agreement between conflicting parties to establish a settlement in which India played the role of a negotiator. On the contrary, it looked like an imposed settlement which was drafted and put forward to achieve some covert interests of India.

Furthermore, it is widely believed that the Indo-Sri Lanka Accord that emerged in this murky atmosphere contained substantial conceptual deficiencies. The Peace Accord omitted the role of a significant actor, without which any agreement would have been futile. It was the militant Tamil rebels who did not have any role to play in framing the rules of the Accord. The Tamil militants were consulted hastily and with absolutely no assurance of their will to comply with the terms of the agreement.

motivation behind providing primacy to India in the South Asian region was that it had its own interests in improving relations with India.

543 Bhabani Sengupta, South Asia Perspective: Seven Nations in Conflict and Cooperation, New Delhi, BR Publishing Corporation, 1988, p. 251.
545 Prabhakaran was approached through M. G. Ramachandran, the South Indian State Minister, and offered a large sum of money to comply with the Agreement.
Therefore it must be noted that the failure on the part of the signatories, namely India and Sri Lanka, and the LTTE to discharge their respective obligations under the Peace Accord, led to the virtual collapse of the Agreement.

Moreover, the time frame set for the implementation of certain provisions of the Agreement was highly unreasonable. For example, according to the Accord the cessation of hostilities was to be accomplished within 48 hours after the signing of the Agreement. The surrendering of arms by the Tamil militants and the withdrawal of the Sri Lankan security forces to their barracks was set to take place within 72 hours, whereas the finalisation of residual devolution of powers to the Provincial Councils was defined to be completed within a six-week period.\(^{546}\)

Most importantly, the Agreement did not address the core issues of Tamil demands. The merger of the Northern and Eastern provincial councils as one single linguistic unit which might have reconciled the militant’s fundamental demands of Tamil Traditional Homeland was overlooked and left for later consideration by the Accord. Although the reason for the omission of the merger be understandable due to the existing demographic composition and the rising Sinhala nationalism, the Accord did not envision any suitable alternative to reconcile the conflicting views.

Thus the Indian efforts to bring a lasting peace in Sri Lanka by playing a mediating role have been a complete failure. Although India was engaged in the process of negotiations from the beginning of the escalation of the ethnic conflict, it has not been able to establish a solid ground to defuse the tension. On the contrary, Indian involvement has added a new dimension to the island’s conflict which has complicated the crisis further.

**India’s Controversial Peace-Keeping Role**

The role of India’s peace seeking mission in the Sri Lankan conflict came to its highest point with the deployment of an Indian Peace Keeping Force (IPKF) in the island in accordance with the Indo-Lanka Peace Accord. The purpose of the deployment of the IPKF was to maintain peace in the Tamil areas of north and east while the Sinhala dominated Sri Lankan armed forces were withdrawn from the area.

\(^{546}\) Clause 2.9 and 1.15 of Indo-Lanka Peace Accord.
Thus, the basic rationale of the military intervention was to replace the SLA with neutral and more reliable forces for the period until peace was established.

The IPKF was originally envisaged to be comprised of a small number of soldiers, between two and four thousand as the goals set were limited to the maintaining of the cease-fire and the disarming of the militants. The Sri Lankan army was withdrawn and confined to the barracks with immediate effect after the IPKF deployment in August 1987. The LTTE made a token surrender of arms just after the return of Prabhakaran from New Delhi in August 1987. Following this, a few other smaller militant groups also surrendered some arms and ammunitions. However, the warm welcome to the IPKF given by the Tamil people on their first arrival was short lived. Regardless of the efforts of Indian diplomacy to compel Prabhakaran to adhere to the Accord, the LTTE soon resorted to a stiff resistance to the IPKF. Meanwhile, the war between various Tamil militant groups for domination further complicated the IPKF’s task dragging it to open warfare with the LTTE. Thus the IPKF arrived as peace promoter but soon turned into a combatant in the war against principle enemy, the LTTE, who claimed to be the freedom fighters of Sri Lankan Tamils.

As one analyst pointed out:

‘one prominent factor, which contributed to the failure of Indian peace keeping mission, has been the absence of a clear-cut objective and lack of coordination among various agencies involved in the formulation and implementation of policies and programmes.’

Moreover, India underestimated the capabilities of the LTTE as a potential combatant. This factor has been identified as an important element in the failure of the Indian military mission by some military experts who had direct involvement in the IPKF.

‘Prabhakaran was underestimated as a brigand with a mixture of bluff and bravado. His influence over the Tamil masses in the north-east was not

547 Indeed the fact that Sri Lankan army operations were terminated as the IPKF was deployed evoked a stiff resentment and disappointment in the army which believed that their operations against the Tamil militants towards 1987 were successful. There was a strong conviction by the army authorities that the LTTE was increasingly disabled by the attacks.


549 V. Suriyanarayan, op.cit., p. 388.
properly gauged. His capability to fight a protracted guerrilla war with India was not properly appreciated. This was a major cause of IPKF failures. Neither the Government of India nor the Army brass considered contingency plan, in case the LTTE does not co-operate and takes recourse to arms.550

In the initial stages of the IPKF-LTTE war, the militants were better equipped when compared to the Indian soldiers. With the generous military assistance of the Indian authorities and the continuous support by Tamil Nadu, the LTTE had elevated itself to a formidable and sophisticated military organisation. Having had exposure to the outside world through India, it maintained wide contacts with other militant groups. Furthermore, the IPKF had no experience in conducting a war in terrain like the one in the north of Sri Lanka. In this respect, the LTTE had an advantage over the foreign army on its soil.

Apparently due to a lack of coordination there were serious shortcomings in the composition of the peacekeeping force. Significant numbers of military personnel of Tamil origin were deployed in the predominantly Sinhalese and Muslim populated Eastern Province. The replacement of the Sinhala dominated SLA by the Indian army generated tension in those communities. At the same time, there were serious complaints about the Indian army being biased towards Sri Lankan Tamils and committing crimes against the Sinhalese and Muslim populations in those areas.551

Another important aspect of the IPKF and its failure in the peacekeeping mission is directly related to the continuing role Tamil Nadu. While the IPKF was engaged in the deadly war with LTTE, Tamil Nadu continued to offer clandestine military support to the Tamil militants. Arms and munitions smuggled in from Tamil Nadu were used to wage war with the IPKF. Even at the very height of the war, Tamil Nadu supplies continued to flow into the north through South Indian bases, and wounded LTTE cadres were treated in Tamil Nadu hospitals. Thus, the inability of the Indian government to block the Tamil Nadu connection effectively disabled the IPKF strength in Sri Lanka.

550 Cited in Suriyanarayan, op.cit., p. 400.
551 In fact, for Muslim and Sinhalese communities the SLA provided protection from LTTE attacks. Some also note that the Sinhalese and Muslims in the Eastern Province resisted the IPKF and did not support them because of the shortcomings in the selection of troops. The South Indian soldiers were accused of being loyal to the Tamils and overlooking the LTTE brutality. There are some records indicating that the Indian soldiers were involved in grave human rights abuses. See K. M. de Silva,
The attitude of the Sri Lankan political leaders and their consequent actions also contributed to the failure of the IPKF. Not only the ruling UNP, but all Sri Lankan political parties attempted to use the anti-Indian feeling to enhance their popularity. Widespread protests against the Indian army deployment were a clear result of a political agitation by Sinhala nationalist politicians which united various political opponents. For example R. Premadasa, the successor to President Jayawardane not only generated opposition to the Indian presence from within UNP, but also masterly used JVP as well as LTTE against India.

Thus the Indian intervention, the only international involvement in the Sri Lankan ethnic conflict, has been a failure caused by various factors. The Indian involvement was an arbitrary third party intervention. The terms and conditions for both mediation and military involvement were imposed by the intervener. Despite its explicit humanitarian nature, the rationale behind Indian intervention was a clear domination by the single regional power over a small and weak state. As the discussion illustrated, Sri Lanka has been a victim of the geopolitical realities that existed in the late 1980s. Trapped in the Indo-centric geopolitical environment, Sri Lanka had no other option but to accept the Indian intervention because the domination of India in the region was a matter of reality at that point. While there was no other balancing power within the region to challenge the Indo-centrism, the existing world order did not provide a conducive situation to scrutinise or assess the Indian involvement in the small island nation. In hindsight, it is clear that the role India played in the Sri Lankan conflict has been counter productive.

Since the Indian mission in Sri Lanka, there have been dramatic changes around the globe. While post Cold War realities are beginning to demonstrate hitherto inconceivable precedents, the effects of those changes are gradually influencing regional geopolitical realities. In fact, over the past decade the Indian attitude and its role in the Sri Lankan conflict has undergone a significant transformation. New global changes and their impact on the geopolitical realities in South Asia have also changed.

References:
554 Pnalal Dhar, India, Her Neighbours and Foreign Policy, New Delhi, Deep and Deep Publications, 1994, p. 100.
the attitude towards the Indian role within Sri Lanka, as well as in the international community.

**India and the Sri Lankan Conflict Today**

The far reaching implications of Indian involvement in the Sri Lankan conflict have led India to review its foreign policy towards the island’s conflict. Apart from the material cost, the significant loses of human lives in the war generated tremendous resentment within India. Furthermore, in the eyes of the Indian constituency the peace initiative was a disastrous failure of Indian foreign policy which ‘disgraced’ the nation. However, the final thrust to the revision of Indian foreign policy towards Sri Lanka fell with the assassination of Prime Minister Rajiv Gandhi by the LTTE suicide attack. Following this event, the Indian government banned the LTTE and demanded extradition of Prabhakaran who was responsible for the crime. Indeed, the recent regime change in both countries must also considered as a significant element of the transformation that has taken place in the bilateral relations in general, and with regard to the ethnic conflict in particular. The review of the foreign policy conducted by the Chandrika Kumaratunga administration emphasised the need for strengthening relations with India as a significant element in resolving the conflict in this new environment. President Kumaratunga and her Foreign Minister paid a visit to India shortly after the new government was elected. Another important event to note was the return visit made by Indian Foreign Minister I. K. Gujral to Colombo in January 1997.\(^{555}\) The so-called Gujral doctrine that was announced during this visit pinpointed the reviewed Indian position towards Sri Lanka which emphasised non-intervention. Reporting on Gujral’s visit ‘The Hindu’ wrote that ‘Gujral has left none in doubt that India will not intervene in the internal affairs of Sri Lanka again.’\(^{556}\)

The most important development in the Indian position was that India openly declared its distancing from the Tamil militants. Gujral pledged to take firm steps to curtail all illegal activities of Tamil militants on Indian territory.\(^{557}\) Furthermore, with New Delhi’s realisation of the significant role that Tamil Nadu plays in the conflict, it attempted to come to a consensus with South Indian political leaders. During his visit

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\(^{555}\) National Herald, New Delhi, 25 January 1997.

\(^{556}\) The Hindu, 24 January 1997.

\(^{557}\) The Hindu, 24 January 1997.
to Sri Lanka Gujral gave assurances that the Tamil Nadu state government led by DMK was ‘fully on the board and would not try to scuttle the government’s well-intended policy’. As he further stated, ‘I have discussed this with Mr. Karunananidhi and he has extended hundred percent support to our policy’. In that sense, India’s reviewed position towards the island’s conflict provided a new prospect for peace. In subsequent meetings with the Sri Lankan government delegation, the Tamil Nadu Chief Minister Karunanidhi further assured his commitment to follow the Indian government’s line towards the LTTE and discussed methods to curb their activities in Tamil Nadu. The foreign ministers of both countries have signed agreements to fight against the LTTE activities across the Palk Strait and establish strong surveillance using the naval facilities of both states. Apart from that, following Rajiv Gandhi’s assassination, the RAW launched massive intelligence operations within India and lobbied foreign states to counter the LTTE activities abroad.

Undoubtedly these developments can be regarded as crucial. The loss of India, particularly Tamil Nadu has dampened Tamil militant activities. A similar position was reiterated by the BJP led coalition during their last election campaign and even after they came to power. The BJP heavily criticised the Congress Party for getting involved in ‘someone else’s war’ and repeatedly noted their principle of non-interference. The Hindu nationalistic leader’s stance has been that the Sri Lankan conflict is ‘a pure internal affair’ of the island nation. However, the Vajpayee administration has made clear its position towards the Tamil cause in Sri Lanka that the conflict must be resolved through a political settlement, while condemning outright LTTE terrorist activities.

India’s new stance towards the Sri Lankan conflict is a result of numerous developments in the recent past. First of all, the failure of Indian intervention has prompted the Indian authorities to think afresh of their approach towards the island’s conflict afresh. Severe criticism at home and from outside has been an important guideline for New Delhi to carve a new policy towards its southern neighbour’s domestic conflict. The international community has also realised the responsibility that it must bear for

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confirming and recognising the Indian intervention in 1980s. When the new approach emerged from India, the international community was quick to appreciate it. Commenting on the Gujral doctrine, the Washington Post reported that the new stance of India ‘not to interfere in the internal affairs of the island and at the same time not to allow militant activities on her soil would radically change the existing situation of the conflict’. 562

Furthermore, the drastic changes of the roles of the parties involved in the conflict over the past decade must also be identified as a significant imperative for the changes in Indian attitude towards the conflict. In contrast to the past, the Sri Lankan government has been attempting to bring peace through dialogue and political devolution during the past decade. On several occasions, the government has initiated peace talks making significant concessions to meet Tamil demands. A recognition of the mistakes of the past and a genuine attempt to rectify those mistakes have made a noticeable change in the attitude towards the Sri Lankan government within the wider international community and in India.

Quite conversely to this situation, the attitude towards the Tamil cause in Sri Lanka has taken a significant turn in the past years. If Tamil struggle was seen as a fight of the victims against the aggressor in the past, continuous adherence to terrorism and militancy has made it a ‘menace for the stability and peace’ on the island today. With consecutive breaches of peace initiatives and the continued adherence to terrorism, the LTTE has today proven to be one of the most serious barriers to establishing peace in the country. Therefore, as a democratic state, India can not ignore the undemocratic means used by the Tamil militants in achieving their goal. A wider acceptance by the international community of the Sri Lankan government’s efforts to bring about peace has also made a significant impact on the Indian stance towards the Sri Lankan conflict.

Moreover, the change in the Indian approach to Sri Lanka must be examined through the significant global shifts following the end of Cold War which caused a substantial transformation in the South Asian geopolitical atmosphere. Despite the end of Cold War, India remains the single great power in the South Asian region. Nevertheless, the demise of the ideological confrontation in international relations has removed the Indo-Soviet connection, at least in its Cold War sense. Therefore, it is

fair to say that regardless of the continuing Indo-Russian relations, the threat those relations may have presented during the Cold War has today been significantly diminished. In the new global environment, India has become an important partner for the West as well as the East. The foundation of the partnership with those previously conflicting blocs is based not on ideological lines but on mutual benefit and cooperation. In this new atmosphere both India and the international community are arriving at a crucial stage characterised by a constructive environment for regional members. Indeed Sri Lanka will also be a beneficiary of such developments.

It is important to note that the dramatic changes that are taking place during the past decade in the conventional thinking on separatism have also had a significant impact on the Indian attitude towards the Sri Lankan conflict. Indian intervention in late 1980s was a result of the contradictory motivations of national security, human rights and separatism. When India became involved in the conflict because of these controversial motivations, there was no clear goal to achieve. Despite the fact that India received approval from the international community, there was no clear consensus within the global community as to what must be the end result of the Indian involvement. A little more than a decade later, both India and the international community are increasingly arriving at a consensus – a widely recognised and appreciated political settlement to the island’s conflict that encompasses the denial of separatism and the increased validity of regional autonomy. This general clarity of the global attitude has provided a vital directive for India to re-conceptualise its approach to the conflict. India stands against separatism and has reiterated the vitality of the preservation of unity, sovereignty and territorial integrity of the island.563

The vital transformation of the Indian approach towards the Sri Lankan conflict has played the Sri Lankan government’s reviewed line towards repairing relations with its northern neighbour. Realisation of the fact that peace in the island is unrealistic without Indian agreement is a critical turning point in this relationship.564

In the past, India regarded itself as the sole authority to become involved and intervene in the Sri Lankan conflict. Undoubtedly, Indian domination in the region

564 Each time the government put forward certain plans to resolve the conflict, it has consulted India. For example, when the present devolution plan was being formulated the Sri Lankan administration constantly sought assistance and consultation from India. Interviews with policy makers in Colombo, June 1998. More recently, the government officially informed India of its decision to constitute an interim council to administer the Northern and Eastern provinces as a prelude to the commencement of a new peace process with the rebels, The Lanka Academic, vol. 1, no. 74, 18 June 2000.
was one significant factor which kept any other countries away from involvement in the conflict. While the region lacked equally powerful states or organisations to intervene, the reality of the geo-strategic structure prevented other parties from outside to enter the scene. However, the evolving post-Cold War realities have recently provided hitherto unprecedented and inconceivable developments in this area. The Norwegian peace initiative is an important instance in this regard which has received the approval not only from wider international community, but most importantly from India itself.\(^{565}\) The approval of the Norwegian peace initiative by the Indian government provides a clear example that India has come to terms with the drastic changes that have taken place in the international perception of conflict resolution and the implications of those changes on the regional geopolitical environment.

Regardless of these encouraging developments, there are still substantial barriers within the Indian domain which obstruct peace in Sri Lanka. The most significant set of hurdles is attached to the Tamil Nadu factor. Despite the assurances of the Indian central administration, it is naive to expect that South Indian sympathy and support for the Tamil cause in the island can be totally cut-off in a short period of time. In reality there will always be groups who will sympathise with and support their Tamil brethren. Continuing intelligence reports state that despite India’s distancing from the militants and the establishment of thorough surveillance mechanisms across the Palk Strait, the clandestine links between the LTTE and Tamil Nadu have continued throughout the post IPKF period.\(^{566}\)

Another parameter of the Tamil Nadu factor constraining the peace process in the island has a more political outlook. Regardless of the dramatic transformation in the official position of the Indian government towards the conflict, Tamil Nadu still remains the most significant leverage in Indian decision making circles towards Sri Lanka.\(^{567}\) Depending heavily on the South Indian constituency, New Delhi often falls into a deep dilemma when making decisions over crucial issues related to the island’s

\(^{565}\) 'Indian Role in Lanka is Vital, Says Norway' Times of India, 11 May 2000.

\(^{566}\) News reports highlight the activities of arms smuggling gangs. The LTTE uses fishermen to cover up and smuggle arms. The poverty stricken South Indian villages will always be an important source for those activities. 'Stage set for an eventful '98', The Sunday Times, 21 December 1997, 'Capture of LTTE arms boats', Sunday Observer, 27 June 1999.

\(^{567}\) Tamil Nadu political representatives such as Gopal Sami, Ramdas, Jayalalitha and Karunanidhi have been explicit about their support of the LTTE. The Tamil Nadu political circles have become more important with their recent power sharing arrangement with BJP, as BJP is heavily dependent on its Tamil Nadu partner. 'India in Prabha’s friend’s hands', Lakkima, Colombo, 15 March 1998.
conflict. While New Delhi is expressing its support to the unity, sovereignty and territorial integrity of the island-nation, several Tamil Nadu politicians have directly expressed their views welcoming a separate state within Sri Lanka. Therefore, these conflicting stances towards the Tamil cause taken by New Delhi and Madras are continuing to be a major obstacle for the peace process. In fact, some political leaders in Tamil Nadu have taken an openly pro-LTTE approach, supporting and promoting separatism in the island.

The dependence of the Indian government on the Tamil Nadu constituency, therefore has been the most pivotal directive for New Delhi to make decisions with regard to the Sri Lankan conflict today. As one political analyst pointed out, 'Tamil Nadu is still the axiom of India's policy towards the Sri Lankan crisis'

Views conflicting with the official Indian line towards the Sri Lankan conflict come not only from Tamil Nadu. There have been several other influential politicians within the Indian administration who have demonstrated substantial resistance towards positive Indian contribution to peace in the island. One such ardent proponent of the LTTE is the Indian Defence Minister of the BJP government George Fernandes. On several occasions he has openly expressed his support for the LTTE movement. There are allegations that under his instruction the Indian navy was ordered to ease the surveillance across the Palk Strait which has enhanced the capability of the LTTE to continue their activities between Tamil Nadu and Northern

568 The most tangible example of this point could be the events following the Sri Lankan government’s request for military assistance in late 1999 to stop the LTTE advancing into Jaffna. While Indian intervention on that occasion would have been a legitimate and desired option for New Delhi, rigid Tamil Nadu resistance prevented such move. It is obvious that the most compelling force in shaping this decision was Tamil Nadu. Tamil Nadu Chief Minister Muthuvel Karunanidhi explicitly opposed India’s involvement in the Sri Lankan conflict. He stated, ‘India should not send troops or arms to Sri Lanka. This is the unanimous view of Tamil Nadu’. Furthermore, he opposed selling Indian arms to the Sri Lankan government to fight the LTTE. ‘Indian arms and ammunitions should not be used on any account for killing Tamils in island republic.’ SL Net News Report, 03 May 2000.

569 DMK President M. Karunanidhi said that ‘it would be a welcoming situation if Tamil Eelam was formed either through talks or war’, Times of India, 12 May 2000.

570 Recently Tamil Nadu Chief Minister Karunanidhi suggested that Sri Lanka must be divided like Czeuchoslovakia. Daily News, 6 June 2000.


572 Fernandes organised a public convention called ‘International Convention for Solidarity with Eelam in Sri Lanka’, in December 1997, which attracted over 150 delegates of pro-LTTE organisation, despite the fact that the LTTE is a banned organisation in India. The convention was attended by various delegations from different parts of India and around the world. (Sri Lanka, Australia, Canada, France). The convention called for revocation of the banned LTTE and reversal of allegations relating to Rajiv Gandhi’s assassination, ‘Prospect brightening for LTTE in India’ Island 24, December 1997. George Fernandes has made pro LTTE speeches at several public functions, where high profile Indian ministers were present, SL NET News Report, 15 August 1999.
Furthermore it is believed that Fernandes has been actively involved in fundraising for the LTTE through the organisation ‘Committee for Protection of Tamils’, formed by him.\(^5\)

Regardless of India’s overt appreciation of the Norwegian peace initiative, it is widely believed that the bottom line is that India still has difficulties with allowing outside actors to become involved in its traditional sphere of influence. As one Western observer pointed out, ‘India has adopted an ambivalent attitude’ towards the Norwegian initiative.\(^5\) An understandable explanation of this attitude is that India feels that outside involvement may dampen or at least dilute its authority in regional affairs. Therefore, India may consider the success of a peace initiative in the island by an outside party as a diplomatic failure on the part of India. Such an event may also substantially dampen the significant contribution that India has already made in the island’s domestic crisis. Therefore, while India has been unenthusiastic towards the Norwegian peace initiative, it has hastily begun to put forward suggestions for a peace process of its own.\(^5\) This situation further demonstrates that despite significant developments in the Indian attitude towards the conflict, generic geopolitical realities still have a formidable role to play. Despite the importance of the Indian role in peace making, one must realise the fact that if the peace making process becomes a matter of competition, it may again be doomed to failure. There is no argument that the Indian acceptance is necessary in any peace initiative in the Sri Lankan conflict. However, the present context gives the impression that India is attempting to compete, but not cooperate in bringing lasting peace, which may weaken the whole process altogether. Therefore, it must be noted that despite significant changes in the attitudes and approaches towards the island’s conflict, the India factor has not developed into a breakthrough in the process of the establishment of peace.


\(^{54}\) LTTE has expressed their appreciation by telling that George Fernandes is more reliable than some Tamil Politicians, *Lakhima*, Colombo, 15 March 1998.


\(^{57}\) With the emergence of the Norwegian peace initiative, India has been discussing the possibility of Indian involvement in the peace negotiations. Such utterances were particularly intense during the Norwegian delegation’s visit to India. ‘India could negotiate peace’ *The Indian Express*, 8 May 2000; Also during his recent visit to Sri Lanka Indian foreign minister Jaswant Singh further affirmed its commitment to act as a negotiator in the peace process.
RADICALISATION OF DIASPORA

Ethnic diasporas have become today one of the principle agents in the process of internationalisation of the island's domestic conflict. The expatriate communities belonging to both ethnic groups, regardless of whether they have been directly affected by the conflict or not, have contributed greatly to the exposing of the world to the conflict. The Sri Lankan diaspora has been a barometer of the conflict which has been sensitive to changes that have taken place in the conflict. It is not an exaggeration to state that Sri Lankan diaspora communities have become a battle field 'fighting a war of their own'.

This discussion will explore the tendencies and developments that have taken place in the diaspora communities and look at how the Sri Lankan ethnic diaspora has become a significant hurdle to the peace process in the country. We will include some material from the surveys and interviews related to the New Zealand and Australian Sri Lankan communities.577

Formation of the Sri Lankan Ethnic Diaspora

Although the Sri Lankan expatriate communities have always been relatively large in number, it is widely believed that the escalation of ethnic conflict has been the primary cause for the growing Sri Lankan diaspora in recent times.578 Undoubtedly, the ethnic turmoil has had a direct and immediate effect on the expansion of the Tamil diaspora around the world. However, the impact of the ethnic conflict in enhancing the Sri Lankan diaspora as a whole, (all ethnic groups), particularly the Sinhalese, cannot be underestimated. The 1983 anti-Tamil riots in Colombo and some other southern cities on the island generated a massive number of displaced Tamil people who initially moved to the Jaffna peninsula or South India from where they migrated to various parts of the world. Most of those Tamil people ended up in Europe and North America where the Tamil diaspora is now one of the largest in the world. It is

577 For a detailed discussion of New Zealand's Sri Lankan community, see Sisira Edirippulige, 'Inter-ethnic relations in transition. Sri Lankan community in New Zealand', paper presented at the 7th International Conference on Sri Lanka Studies, December 1999, Canberra, Australia.
estimated that the membership of the Tamil diaspora exceeds 650,000 and is scattered through 60 countries around the world. Thus, the primary reason for the rapid expansion of the Tamil diaspora after the escalation of ethnic conflict in the early 1980s has been insecurity and the violence.

Another significant reason for the expansion of Tamil diaspora has been the insecurity that stems from the Tamil militant movement. The threat posed by Tamil militants, particularly by the LTTE to their own Tamil community, has also been an important reason for Tamils to leave their homes. In addition to the burden caused by the war and the continuous fighting between the LTTE and Sri Lankan forces, the fear of forceful recruitment, intimidation and harassment, as well as heavy taxes imposed by the rebels have become compelling reasons for Tamil people on the island to seek refuge overseas.

The attitude towards the Tamils within the international community must also be considered as a relevant factor for the rapid expansion of the Tamil diaspora after 1983. During the early stages of the escalation of the ethnic conflict, the Tamils were perceived as the prime victims of the crisis. While the Sri Lankan government’s human rights record became dramatically notorious at that stage, its highly ambiguous approach to the crisis further affirmed the notion that the Tamils were direct victims of state repression. Under these circumstances, several Western states swiftly changed their immigration and refugee laws to accommodate the Tamil exodus from Sri Lanka which significantly increased the size of the Tamil diaspora at that period. One factor directly related to this development was the Sri Lankan government’s very short-sighted and passive foreign policy which was not directed to make an impact on the international community and particularly on the Tamil diaspora communities. At

579 Rohan Gunaratna, Sri Lankan’s Ethnic Crisis, p. 263. Also The Island, Colombo, reported that Amnesty International had revealed LTTE addresses around the world, including addresses in France, England, Denmark, Switzerland, Australia, Germany, and Netherlands, The Island, Colombo, Upali Publication, 27 August 1999.
580 According to the survey conducted among the Sri Lankan community in New Zealand, almost 93% of Tamil settlers pointed out that the main reason for them to seek refuge outside Sri Lanka was ethnic violence.
581 Many highlight the LTTE threat as the prime reason for seeking refugee status in New Zealand, interviews with New Zealand Refugee Authority officials and Department of Immigration officers, also interviews of New Zealand and Australian Tamil communities.
the same time, the significant Tamil diasporas of older generation put pressure on host states role to ease existing immigration laws to accommodate the Tamils.\textsuperscript{583}

As already mentioned, even if in general the Sinhalese have not been direct victims of the island’s ethnic conflict, it has undoubtedly had a profound impact on expanding the Sinhalese diasporic communities in various parts of the world. The rapid deterioration of the security situation on the island due to the ethnic violence has been the major reason for many Sinhalese to seek refuge in foreign lands. Political instability, social unrest and economic degradation resulting from the ethnic crisis have continuously driven the Sinhalese out of the country to join the already substantial Sinhalese expatriate communities overseas. In fact, one intrinsically related element of the Sinhalese exodus has been the security threat attached to widespread terrorism. Constant suicide bomb attacks in the Sinhala populated areas have generated panic and widespread fear forcing Sinhalese to find safe havens in Western states.\textsuperscript{584}

Although it is mainly the troubles that have compelled both the Tamil as well as the Sinhalese to flee the island, it must be emphasised that their attachments to the island, links and connections do not disappear with their departure. On the contrary, it seems that the attachments and links of the diasporic communities often become stronger when they settle in foreign states. First of all, it is the intimate and emotional ties between the diasporas and the homeland which provide that enigmatic energy for sustaining relations for both communities with the island, and with their respective community in particular. However, it is fair to say that in the context of ethnic conflict

\textsuperscript{583} For example, the inclusion of the Sri Lankan Tamils into New Zealand’s list of annual refugee quota effectively increased the number of Sri Lankan Tamil asylum seekers and the refugees from mid 1980s. As mentioned earlier, refugees from Sri Lanka constitute an important category in the Sri Lankan community. Although in comparison to other refugee generating countries the Sri Lankan contribution to the New Zealand refugee population is not really significant, in the overall picture, there are few hundred refugees from Sri Lanka who have been granted permanent residence. These Sri Lankan refugee seekers consist of different ethnic groups, namely Sinhalese, Tamils, Muslim and Burghers. Nevertheless, the major category comprises refugees of Tamil ethnic origin. They began coming to New Zealand mainly from the mid 1980s. Most of these Tamils lived in southern parts of Sri Lanka, including Colombo. Some of them had fled the country temporarily for employment in Africa or Middle East from where they have come to New Zealand for permanent residence. Another part of Tamil refugees represents former members of Tamil political parties who have relinquished the party policies. They are in danger from both the Sri Lankan government as well as the Tamil movements. Interviews with officials of the New Zealand Refugee Status Authority.

\textsuperscript{584} According to the survey, among the Sri Lankan community in New Zealand almost 77% of migrants from the Sinhalese community emphasised security and political instability as the prime compulsion for them to look for alternative settlement. Similarly, the interviews with many Sinhalese members of the diaspora community in Australia stressed the fact that the primary reason for migration has been the drastic degradation of the security situation in the country.
those emotional ties have gained additional strength transforming them into a more intensified and invigorated form. For most of them, leaving their country has not been a voluntary act, but a compulsion. Many members of the diasporic communities from both sides of the ethnic divide have left their established careers, business and ‘normal life’ due to the fact of ‘persecution to various degrees’. Both the Tamils as well as the Sinhalese have bitter and fresh memories attached to the island and the ongoing crisis which compel them to engage in it. In that sense, the Sri Lankan diaspora communities have today become an extended reservoir of hatred and vengeance which has accumulated over several decades. Thus, one rationale for the involvement of the Sri Lankan diasporic communities in various activities has been the taking of revenge for the past injustices that have happened to them. Furthermore, regardless of ethnic identity, both groups have constant concerns about their close ones and relatives who have been left back at home. Fear for their lives and security not only does not allow them to relegate the events and developments taking place in the island, but also compels them to contribute to the ongoing events.

Another factor which keeps the emotional tie of the Sinhalese and Tamil expatriates alive and compels them to engage in the conflict in various ways has probably been the feeling of guilt. Living in safer and more comfortable environment, both the Sinhalese and Tamils constantly contemplate the situation of their worse-off ethnic members and their just cause. This feeling of guilt drives them ‘to do something’ to contribute to the cause that their respective groups are engaged in, and by doing so to repay debts at least to a certain extent. Therefore, for most of the Sinhalese and Tamils the conflict continuing in the island is not a matter on which they can remain indifferent. On the contrary, for many diasporic members it has been the most vital matter regardless of their physical distance from the island.

Indeed, for some Sri Lankan community members, the prioritising of the ethnic conflict as a vital issue may be a result of their personal ambitions and goals. As will be discussed further, the ethnic conflict, particularly the war, has led to massive financial activities. Furthermore, the infiltration of various political and militant elements into the diasporic communities also invigorates the atmosphere compelling

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585 Interviews with members of the Sri Lankan community in New Zealand.
586 I thank for this comment professor George Cooray, University of Colombo, Sri Lanka.
587 Often the Sinhalese diaspora community activists remind the members that ‘Sri Lanka has given you free education and it is now time to contribute to the mother country’.
even ordinary Sinhalese and Tamil community members to take part in the conflict. However, the fact remains that as a result of those reasons and rationales, the Sri Lankan ethnic diaspora has become a vital element in the island's conflict. Its contribution is diverse and undeniably important. Those diasporic activities are linked intrinsically with both political as well as military aspects of the conflict. Therefore, any attempt to bring a lasting peace can by no means avoid a thorough consideration of the importance of the role of the Tamil and Sinhalese diasporic communities in the conflict.

Part of the reason for the drastic increase of the role of the diaspora lies with the government. Until recently the Sri Lankan policy makers were unable to realise the gravity of the international aspects of the conflict. Similarly, they were incapable of realising the adverse role that the ethnic diasporas could play in the conflict. With little concern shown by the government regarding the processes taking place in the expatriate communities, the diasporas, particularly the Tamil, are becoming highly politicised through the infiltration of radical elements. The passivity of the Sri Lankan government meant that it did not use its diplomatic missions and overseas agencies to obtain a true picture of the problems caused by the diaspora and prevent further deterioration. Instead, the policy of the Sri Lankan government in the 1970s and 1980s further widened the gap between the two diasporic communities and paved the path to increased radicalisation.

Propaganda

Being so emotionally charged, both the Tamil and Sinhalese communities have engaged in various activities among which propaganda can be considered a vital element. Indeed, the lead in propagating the conflict was taken by the Tamil diaspora. In the aftermath of the 1983 riots, the expanded Tamil communities in the West and other parts of the world spearheaded a massive propaganda campaign against the Sri Lankan government with the prime object being to expose the Tamil grievances to the outside world. Various Tamil organisations, established around the world, have made a concerted effort to make known the 'ongoing ethnic genocide' by the Sinhalese against the Tamil minority. The intensive propaganda campaign of the Tamil

588 Tamil propaganda leaflet, undated.
diaspora has targeted Western democracies and the world in general to deliver the
news about the Tamil plight in the island. Tamil organisations have used various
national newspapers, radio and television to achieve their goal.\textsuperscript{589} In addition to that,
the Tamil diasporic communities have established their own publications, news
bulletins and flyers. The continuing propaganda campaign by the Tamil diaspora has
been carried out with as many as 40 different official Tamil newspapers published in
various languages.\textsuperscript{590} Furthermore, the electronic media has today become one of the
prime devises of Tamil propaganda. Dozens of web-sites dedicated to the Tamil cause
painstakingly carry out anti-Sri Lankan and anti-Sinhala propaganda in order ‘to
educate and inform’ the international community.\textsuperscript{591}

Another significant means of carrying out the Tamil propaganda has been the
holding of public meetings, rallies and demonstrations on various occasions which
were often covered by the world media. The Tamil diaspora communities in the West
have often held demonstrations in front of the White House, UN headquarters, British
Parliament and so on. They display numerous pictures, photographs depicting
atrocities allegedly committed by the state and the Sinhalese. The Tamil diaspora has
been instrumental in building a formidable world opinion on the Sri Lankan conflict
which has been focused against the government. In their propaganda campaign, the
Tamil diaspora often used sympathetic nationals and organisations which provided a
significant support base for the cause. Through lobbying influential persons from the
political, business and academic circles, the Tamils carried out a massive propaganda
attack on the Sri Lankan government which seriously dented its reputation in the
international arena.\textsuperscript{592}

Thus, with the objective of propagating Tamil grievances by all those means, the
Tamil diaspora attempted to attract international attention and sympathy towards the
Tamil cause on the island in order to build the pressure over the Sri Lankan
government. However, this objective often distorted the realistic picture of the
conflict which had been growing into a civil war. With the rationale of highlighting

\textsuperscript{589} The Sri Lankan Tamil expatriate organisations based in almost every large city of the world have
launched a massive media campaign to propagate the Tamil grievances. For further discussion, see
Rohan Gunaratna, ‘Internationalisation of the Tamil Conflict’, \textit{op. cit.}, Worth noting also is the
contribution made by the Tamil diasporic communities in New Zealand. \textit{See New Zealand Herald}, 31,
August 1983.
\textsuperscript{590} Rohan Gunaratna, \textit{ibid.}, p. 125.
\textsuperscript{591} TamilWeb, Eelamweb, Tamilnet are some of them.
\textsuperscript{592} Tamil professors of political science, A. J. Wilson and S. Arasaratnam, professor Peter Schalk, a
Norwegian social scientist, provided an account of romanticised Tamil nationalism.
the Tamil grievances, the Tamil diaspora often selectively draw attention to certain aspects the whole crisis which effectively provided a one-sided illustration of the conflict. Understandably, this biased nature of Tamil propaganda stemmed from an emotional attachment and desire to contribute to the cause carried out by their own ethnic community in Sri Lanka. As a result of that, the Tamil propaganda depicted violence and human rights abuses committed by the state while similar actions committed by the Tamil militancy were deliberately concealed. In fact, it is widely believed that on some occasions the Tamils used pictures and films of the LTTE violence interpreting them as if they were committed by the Sinhalese dominated army.  

What is important to note, is that the nature of Tamil propaganda is not merely the result of the work of dedicated Tamil diasporic communities. Realising the vitality of the diaspora community’s role in the Tamil struggle, various Tamil political elements began infiltrating those communities as early as mid 1980s. However, it was the LTTE which managed to use sensitive Tamil diasporic communities in their fight for Eelam. Entering the vulnerable Tamil expatriate communities, the LTTE agents masterly diverted the activities of Tamil diaspora, among which propaganda was a vital sector. Increasingly politicised under the LTTE influence, the Tamil diaspora continued its attempt to capture international attention with highly biased and one-sided propaganda.  

The distorted illustration of the conflict in the outside world has had serious implications on conflict itself as well as on the Sri Lankan communities across the world. First of all, while the intensified Tamil propaganda campaign was mounting pressure on the host nations and world community in general, the Sinhalese diasporic communities were quick to react with a counter balance. Believing that the Tamil propaganda was doing serious damage to Sri Lanka and the Sinhalese in particular, the Sinhala expatriates living overseas began their counter-propaganda campaign. This brought a new dimension to the conflict. In essence, it created the situation of extended war between the two communities outside the island. The Sinhalese residing in all parts of the world considered that it was their responsibility to present a correct picture of ‘what was really going on’ in the country. The immediate result of this

593 Due to similarities in the physical features of Tamils and Sinhalese, it is easy to manipulate such material. Interviews with Jayadeva Uyangoda, July 1999.
594 Rohan Gunaratna, ‘Internationalisation of Tamil Conflict’, op. cit., p. 120.
development was the split of the Sri Lankan diaspora along ethnic lines. Many expatriate community organisations hitherto acting as ‘Sri Lankan’, began to divide into Sinhalese and Tamil organisations. Tragically, in many cases people broke personal relations with friends and colleagues on the basis of ethnic loyalty during this period. The priorities of the community organisations of Sri Lankan expatriates radically transformed towards focusing on the ethnic conflict at home. Using their own influence and lobbying various influential local personalities and authorities, Sinhalese expatriates around the world began to attack Tamil separatism, terrorism and brutalities. Like the Tamils, the Sinhalese used various national news media mechanisms, established their own news letters and often held demonstrations side by side with their ethnic counterparts to prevent each others pre-eminence and domination in the international arena.

While the Tamil propaganda highlighted the brutalities of the Sinhala dominated Sri Lankan army, the Sinhalese expatriates concentrated on the similar activities of the LTTE. Like the Tamil propaganda machine, the Sinhalese expatriates selected their stories carefully, in order to support their own cause and objectives, which led to a

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595 Henry Jayasena, a versatile Sri Lankan dramatist, described in his diary during his stay in Australia how events back in Sri Lanka affected the expatriates. ‘Wednesday, 15th 1998- we learned about a big bomb blast in Colombo-near the World Trade Centre. Whenever, such a thing happens back home, the Sri Lankans here are very perturbed and spend hours contacting each other. Of course, news comes much faster here and in much detail, unobstructed by censorships. SPUR (Society for Peace, Unity and Human Rights) members here will be extra busy for the next few days, watching what the LTTE propagandists here will be up to, ever ready to put the picture right’. Thirty days with SPUR, Retaining identity in a domiciled land’, The Sunday Observer, Colombo, July 26, 1998.

596 In place of the New Zealand-Sri Lankan Friendship Society, the United Sri Lanka Association came to being as a direct result of the 1983 ethnic riots. Unlike the New Zealand-Sri Lankan Friendship Society, the USLA is entirely a Sinhala organisation. Various Tamil organisations also began to develop at the same time. Interviews with community members in New Zealand.

597 Dr. Manukulasuriya, the spokesman of USLA, Daily News, Colombo, 24 June 1986: ‘when my old Tamil friends said that I had been like a brother to them but they believed in a separate state, the brotherhood stopped there and then’.

598 USLA Annual Report dated, 31 December 1986 pointed out the aims of the organisation: ‘While fighting at all levels the disinformation and terrorist propaganda detrimental to Sri Lanka’s image, the Committee has set up 3 ad-hoc sub-committees to make it’s activities more effective. The sub-committees deal with: 1) Affairs relating to the Church in New Zealand. 2) The media, 3) International organisations and politicians.

599 A letter to Chief Editor Daily News, Colombo by the Spokesman for USLA began with the phrase that ‘in order to counter-act the false propaganda by expatriate Tamils and few of their friends and to put before the New Zealand public a fair and just view about our country’. A letter from personal archive of a community member.

600 One of those occasions was when hundreds of Tamils and Sinhalese marched with separate agenda in Edinburgh, at a Commonwealth Conference where Sri Lankan president Kumaratunga took part in CHOGAM in October 1997. Also both Sri Lankan Sinhala and Tamil community members voiced their grievances and demands to the world at the time of the APEC Conference in Auckland, New Zealand.
distortion of the real picture of the conflict. Undoubtedly there was a substantial proportion of truth attached to both versions of the conflict. But the fact was, that due to the objectives, both the Sinhalese and Tamil diaspora communities had to conceal significant factors of the conflict which were not beneficial for them. As a result of this, conflicting views over the conflict began to widen the gap between the two expatriate communities. While any positive move by the opposite ethnic group was not recognised, even the openly counterproductive steps of their own group were hidden or ignored. For example, despite the continuous use of violence and terrorism by the LTTE, the Tamil diaspora was hesitant to acknowledge the role that the LTTE played in dampening the peace in the island. In a similar manner, the Sinhalese diaspora communities often put the blame on Tamil parties as the primary culprits in the conflict, while ignoring the shortcomings of the Sri Lankan government, the role of the Sinhalese dominated army, and the fundamental faults of the political structure in the country.

Thus, the obsession of the diaspora communities with ethnic affinities and ethnic loyalty has become a misleading guide not only for the outside world, but also for the major players involved in the conflict. Observations provide evidence that the stiff competition between the two diaspora communities has often scared off foreign states, especially host nations, from taking constructive measures to ease tension in the conflict. Host states where substantial numbers of Sinhalese and Tamils are present have often hesitated to take a decision to act, for the simple reason that it would antagonise one sector of the community.\textsuperscript{601} Therefore, in most cases host states have been careful to hold a neutral line avoiding clashes within their own states. The maintenance of peace and harmony in the host societies has also been challenged by the Sri Lankan diaspora communities.\textsuperscript{602} Indeed, one of the reasons for the reluctance of the foreign states to make a significant impact on the conflict has been the inability of the Sri Lankan diasporas to reach a consensus on the conflict.

\textsuperscript{601} The letter from acting Prime Minister of New Zealand David Lange stated that 'Sri Lankans in New Zealand of different ethnic backgrounds should not be divided and they should not bring into New Zealand the dispute that is to be found in Sri Lanka'. Furthermore, the Deputy Minister of Foreign Affairs O'Flynn emphasised that the government would not like to see the communal tensions that are a cause of violence in Sri Lanka reproduced in the New Zealand Society. Letters dated 22 November 1984, from a personal archive of a Sri Lankan community member.

\textsuperscript{602} The Sri Lankan conflict and possible threats for the New Zealand society has been a subject of discussion in the parliament on various occasions. See for example, \textit{New Zealand Parliamentary Debates}, vol.451-453, May/August 1983, pp.1263-1265.
Confronting assumptions and views presented by the hostile diaspora communities have also encouraged and invigorated the antagonism between the warring parties. But most importantly, it is not the only the wrong message from diaspora communities which has intensified the conflict and escalated the war. Their material contribution has also been a formidable element in the current Sri Lankan conflict.

**Material Contribution**

Yet again, the susceptibility of the Sri Lankan diaspora communities to the ethnic conflict has led them to become a vital financial contributor. In comparative terms with regard to material contributions, it is once again the Tamil diaspora which preempted the Sinhalese. It has been estimated that since 1995 over 60% of the LTTE war budget has been generated by Tamil groups dwelling in North America, Europe, South-East Asia, Africa, Middle East and elsewhere. According to Rohan Gunaratna, between US $2-3 million per month is transferred into the LTTE bank accounts through their offices around the world.\(^{603}\)

What is particularly noteworthy is the acumen of the LTTE in grasping the opportunity to mobilise the Tamil diaspora as a prime source of finance. As early as the late 1970s LTTE members were actively involved in Tamil expatriate communities collecting money.\(^{604}\) Over the decades, the LTTE has developed a sophisticated network with world-wide offices and coordinating centres through which they generate a substantial amount of financial support for the war. Indeed those contributions are not always voluntary. It is believed that the LTTE uses various arbitrary methods to commit people to make continuous contributions.\(^{605}\) Other ways of collecting money for the Tamil cause include the staging of cultural shows, festivals, and food fairs. Furthermore, money is generated from various business activities with the active participation of the diaspora members. It is widely believed that there are chains of Tamil restaurants and shops which also contribute significantly to the LTTE war budget.\(^{606}\)


\(^{605}\) The LTTE uses various methods of blackmailing to urge people to contribute to the movement. Personal communication with Sri Lankan Foreign Affairs Ministry officer, November-December 1997.

\(^{606}\) Rohan Gunaratna, 'Internationalisation of the Tamil Conflict', *op. cit.*, p. 135.
The financial support of the Tamil diaspora to the struggle at home has impacted on the Sinhala overseas communities in various ways. First of all, with the escalation of the war in Sri Lanka, the Sinhala diaspora communities have become more and more aware of the effects that Tamil financial contribution have on the conflict and Sri Lankan society at large. With the knowledge that the Tamil diaspora is providing funds to wage the war in Sri Lanka, various Sinhala expatriate communities have launched similar campaigns. Money has been collected through donations, cultural shows, foodfairs and sent to different organisations which have been involved in the conflict in various ways. In recent times, it has been common for the money sent by the Sinhala diaspora communities to go into the Government’s National Defence Fund. The Sinhala diaspora’s view is that it is a responsibility of every Sinhalese person to help the government in their war against separatism and terrorism.

In comparison to the Tamil diaspora’s financial contribution, the material support made by the Sinhalese diasporic communities to the government has been relatively insignificant. Furthermore, the issue of contributions to wage war has generated tensions within some Sinhalese communities. Certain sectors of the Sinhalese diaspora have explicitly refused to financially support the war, which has resulted in a further split within those communities.

Undoubtedly the issue of the financial contribution to the war effort has further deepened the cleavage between the two expatriate communities across the world. The overriding ethnic loyalty has been the driving force behind the actions in this respect, while the Sinhalese and Tamils accuse each other of collecting money to wage the

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607 One electronic message reads as follows: ‘Wake up Sinhalese Idiots’. If you are a Sri Lankan and if you are a Sinhalese, most of you are bloody stupid idiots. ...Sinhalese are about to lose their motherland completely to Tamils. What do they demand? A separate independent state like Pakistan that Muslims got in 1947,... When Tamil doctors send $10,000 or more to LTTE annually for the ‘Tamil Cause’, how many Sinhalese doctors contributed even $100 to save the motherland of Sinhalese?’ (Email message received by the author).

608 An email message sent by the National Movement Against Terrorism (NMAT), a Sinhala extremist organisation, asked for donations from the Sinhalese. ‘All Sinhala people around the world should try to realise the plan by NMAT to eradicate terrorism. This plan gives the proper agenda to our problem. NMAT needs money to do most of this work. All members of NMAT are spending money out of their pocket. ...We are asking anyone who receives this email a very big help. That is to send $10’. ‘Let Us Protect Mother Lanka’, email message received by the author.


610 A good example of this would be the split of the Sri Lankan Sinhalese community in New Zealand. Some Sinhalese who opposed the USLA’s stance towards the ethnic conflict and financial donation in particular, have split from that organisation forming a new one, the New Zealand Sri Lanka Foundation.
war in Sri Lanka. But at the same time, both communities have been involved in similar activities, with similar goals, and with varying degrees of success.

**The Diaspora as an Obstacle to Peace**

As the discussion has so far illustrated, the diaspora communities have become a virtual battle ground for the extended ethnic war in Sri Lanka. It is not an overstatement that the hostilities between the two communities are even more intense in the diasporic communities than on the island. That is because the Sri Lankan diasporic communities have become even more ethno-nationalistic than those who experienced conflict in their homeland. The distance from home, nostalgia for the past, hatred and fear have created an extremely complicated mindset within the diaspora members of both communities further complicating the conflict in the island.

It can be maintained that the ethno-nationalist approach taken by the diasporic communities to the island’s conflict has been a serious obstacle to the peace process. In fact, some diaspora communities have appeared to be extensions of ultra-nationalist organisations active in Sri Lanka. Moreover, the ultra-nationalist organisations themselves have managed to infiltrate and establish close links with the diaspora communities. Ideologies are constantly being fed by the ethno-nationalist organisations which further invigorates the ethno-nationalist stances of the diasporic communities on both sides. In fact, the diaspora communities saturated by ethno-nationalist ideologies, often become a fertile ground for the activities of radical political and militant leaders. For example, recent investigations by the Canadian police revealed that as many as 8000 LTTE cadres with extensive paramilitary training were based in Toronto.\(^{611}\) It must be noted that increasingly politicised and radicalised Sri Lankan diaspora communities have become perfect hide outs and safe havens for the extremist elements of the conflict.

Thus the confrontational ethno-nationalist approach to the conflict by the diaspora communities has been a serious obstacle to the peace process. Both the Sinhalese and the Tamil diaspora have focused on extreme ethno-nationalist demands, seriously weakening attempts aimed at constructive political solution.\(^ {612}\)

\(^{611}\) '8,000 Tamil Guerrillas in Toronto: Reports police', *National Post*, 17 June 2000.

\(^{612}\) One such Sinhala agitational claim sounds as follows,
Being focused on the ethno-nationalist elements of the conflict, the diaspora has been unable to use the unique opportunity of involving the international community. As pointed out earlier, the confrontational attitude towards the conflict within the diasporic communities has scared third parties away from becoming involved. Furthermore, the antagonistic hostile Sri Lankan diaspora communities often placed demands on the host nations to punish or disadvantage their counterpart, which put more pressure on the host nations. Thus, the so called ‘neutral line’ taken by the host nations towards the conflict has been a conscious devise to ease the tension between conflicting diasporas which has at the same time prevented those states from taking a proactive stance towards the peace process.

There is no doubt that at present one of the primary obstacles to the peace process has been the involvement of the diasporic communities in material contribution, pumping money into Sri Lanka to wage the war. The continuous flow of resources from the Tamil communities has enabled the LTTE to sustain the war and is seen by it as the only way to achieve their goal. Therefore, it can be assumed that as long as the LTTE is capable of continuing their military campaign, it is highly unlikely that they would consider any political solution to establish peace. In that sense, those who financially contribute to the LTTE terror campaign have not only helped to escalate the war and terrorism, but have also heavily reduced the opportunities for peace.

In contrast to the situation in the 1970s and 1980s, the Sri Lankan government has come today to a realisation of the significance of the role played by the diasporic communities in the conflict. The Sri Lankan government has come to the understanding that without curtailing the financial contribution of the Tamil diaspora, the fight against the LTTE is a futile exercise. With this conviction the Sri Lankan government has already re-conceptualised its policy with a more proactive and cooperative stance towards the Sri Lankan diaspora communities. The government

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1. I am writing this to every Sinhala person around the world in a way we all can understand. As you can see our minds are diverted to other problems which are not directly concerning to our present situation in our country. As we know LTTE is NOT going to come to an negotiation table ever. Terrorists are not negotiable people. They ate barbaric, uneducated, killers. Why are we all wasting time and energy talking about peace packages, about things which we would have done and our history at this time? No package will work with these terrorists.’ Email message received by the author.

613 For example, the Tamil diaspora has requested the New Zealand government to sever economic ties and sports relations with Sri Lanka on various occasions. In turn, the Sinhala community demanded the termination of a refugee status for Tamil immigrants in New Zealand, see ‘Sri Lankan Tension in New Zealand’, Dominion, Auckland, New Zealand, 1 September 1983; also ‘Long Story about Sri Lankan Conflict’, Waikato Times, 22 October 1986; ‘Inside Story of Sri Lankan Conflict’, Auckland Star, 4 February 1987.
has appointed special officers in overseas missions to monitor and act against LTTE propaganda and illegal activities. At the same time, the government has given directives to its overseas missions to cooperate with the Sri Lankan expatriate communities helping to mitigate the cleavage.\(^{614}\)

At the same time, the general attitude towards diasporic communities has also transformed drastically in recent years. Widespread terrorism and violence in the international arena have compelled the international community to scrutinise and monitor certain groups of the ethnic diaspora. These general tendencies have undoubtedly facilitated the Sri Lankan government’s efforts to prevent the negative impact of the diaspora on the island’s conflict.\(^{615}\)

It must also be noted that there are certain constructive tendencies emerging within the diaspora communities. In some states, where Sri Lankan communities live in substantial numbers, certain circles have become instrumental in creating more unconventional groups.\(^{616}\) Those groups include members from all sectors of the Sri Lankan society: Sinhalese, Tamils, Muslims and Burghers. This liberal minded attitude has become a powerful force in exposing the real causes of the Sri Lankan conflict and highlighting the existing obstacles to the peace.\(^{617}\)

In contrast to the traditional diasporic communities of both major ethnic groups, these small, but dedicated groups, attempt to refocus the attitudes of the expatriate communities and the host nations from conflicting views towards a more mitigating approach.\(^{618}\) These organisations try to make Sri Lankan expatriates aware of the

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\(^{614}\) Interviews with the officials of Ministry of Foreign Affairs of Sri Lanka, December 1997.

\(^{615}\) In recent years, many Western states have banned financial contributions and other activities supporting radical ethnic movements, including the LTTE. At the same time, many states have been trying to avert the activities of the diaspora communities which weaken peace and stability in conflict stricken states. The Canadian government has worked hard in this area in recent years. See, National Post, 17 June 2000.

\(^{616}\) A similar agenda has been put forward by Friends for Peace in Sri Lanka (FPSL) in Australia, New Zealand Sri Lanka Foundation (NZSLF) in Auckland.

\(^{617}\) Interviews with Auckland based Sri Lankan community groups.

\(^{618}\) One good example of this kind of effort is in the following extract from a recent email: ‘Urgent request to all expatriate Sri Lankans’

‘Current despairing situation in Sri Lanka shatters any hopes for peace in the near future. All Sri Lankans, be they Sinhalese, Tamil or Muslim have emotionally, physically and economically become victims of this war. We can look back and blame most of those past politicians, SWRD, JR, Premadasa. Current politicians, including the president and the opposition leader are not making any wise decisions either. Unfortunately politics come first. .....Lankapage definitely does not support the war and urge the responsible parties to consider a peaceful solution. .....Meanwhile, we at Lankapage are highly concerned about the plight of the innocent Sri Lankans including the families of dead soldiers victimised by this war. Time has come for us to help them in any way we can.....PLEASE, regardless of your race or religion send your contribution to these war victims. Get organised in your own neighbourhood or in
conflict and its political context, and put pressure on host states to get the Sri Lankan government and the LTTE into political negotiations.\textsuperscript{619}

\textsuperscript{619}‘Situation in Sri Lanka’, Press release, issued by Friends for Peace In Sri Lanka (FPSL), Australia, 3 February, 2000.
THE ROLE OF INTERNATIONAL COMMUNITY

The primary element of the relationship between the island's conflict and the international community is the latter's rudimentary attendance in the conflict. In stark contrast to some other domestic ethno-national conflicts in different parts of the world, the Sri Lankan ethnic conflict has not been able to attract attention from the wider world. Indeed, there has been a wide outcry with regard to the continuous marginalisation of the conflict. The criticism against the international community has emerged both from within Sri Lanka as well as from outside.620 For example, in 1999 at the Hague Appeal for Peace Conference, the Sri Lankan representative, executive director of the London based World Peace Organisation, Eliza Man, stated 'you may not be forgiven for thinking the war in the Balkans is the only one currently raging in the world. ..... The action taken in Kosovo shows that human rights are divisible and not universal.' She said the European media was discriminatory in highlighting some conflicts while 'nobody knows what is happening in Sri Lanka'.621

This continuous neglect of the island's conflict by the international community, raises a fundamental question. Why has the Sri Lankan conflict been so irrelevant to the wider world? Understandably, the relegation of the conflict during the Cold War period was merely a result of the geo-political realities of the time. While the great powers were engaged in the prevention of a global war based on the ideological divide of the world, domestic conflicts such as the one in Sri Lanka were naturally marginalised as an internal problem. Paradoxically however, even though the Cold War has ended, Sri Lanka has not been able to bring its conflict out of isolation. The post-Cold War developments have shown that the overall attitude of the international community towards the internal affairs of individual states has undergone a dramatic transformation in a relatively short period of time. The ascendency of the human rights has driven the international community to take unprecedented actions which at times have stunned the world. Despite this, the attitude towards the Sri Lankan conflict has remained relatively unchanged. Regardless of massive human rights

620 The interview by Rahul Sharma to SL News stated one Western diplomat's view as follows: 'There are far more people who have been killed in the fighting, disappeared or displaced in Sri Lanka than in the former Yugoslavia. But international attention is not on Colombo', 'Analysis- Sri Lanka, The War the World Forgot', SL Net News Report, 30 December 1998.
violations, and increased human suffering, the Sri Lankan ethnic conflict has been relegated to a secondary category by the wider world, which evokes the question as to why the international community is selective with regards to human rights?

**Evolution of the International Response**

The complex cluster of factors that resulted the rudimentary attention and involvement of the global community in the Sri Lankan conflict may include the Cold War geopolitical realities, a reflection of those factors in the South Asian regional environment in particular, the overall attitude of the international community towards democracy, as well as the Sri Lankan government’s attitude towards the internationalisation of the conflict.

The geopolitical environment in the Cold War era undoubtedly relegated the Sri Lankan conflict to an affair which had little relevance to the great power competition. The island’s geopolitical location, as discussed in the previous chapter, undermined international involvement in the domestic conflict marginalising it as a regional affair where India, as a regional power, had a greater role to play. The peripheral location of the island with little geo-strategic importance has been one of the most important factors in this rudimentary attention of the international community. From that perspective, during the Cold War era, the Sri Lankan ethnic conflict fell into the category of neglected internal strifes in Africa.

In addition to that, the foreign policy line that Sri Lanka followed as a leading member of the Non-Aligned Movement (NAM) did not allow the international community to become involved in the island’s conflict. Like many South Asian states, which took the middle path in international relations, Colombo successfully sustained reasonably good relations with both confrontational Cold War actors. However, this very factor served as a strong reason for the neglect of the grave domestic conflict. Furthermore, Sri Lanka maintained a reasonable reputation in the international community as a democratic state. Uninterrupted regular parliamentary elections, a multi-party political system and universal franchise, in contrast to the authoritarian socialist states, gave an impression that the democratic mechanism was fully functional in the island nation.
Until recent times, the Sri Lankan government treated the conflict as an entirely domestic problem and solutions to the problems, therefore, had to be found within the country. While the government deliberately defined the conflict as an internal matter, any response from the outside world was regarded as a breach of fundamental international laws. It is fair to say that this strong reluctance to expose the conflict to the outside world also served to constrain outside involvement in the conflict.

In the view of some analysts, the existing isolation of the Sri Lankan conflict can be explained by the geo-political realities of the post-Cold War era. Although the end of Cold War resulted in dramatic changes in international relations, the effect of the demise of the Cold War in South Asia has been limited. While South Asia remains a low priority for the world community, the Sri Lankan conflict will remain even more irrelevant.

Furthermore, the absence of influential democratic states in the neighbourhood can be also considered as another important reason for the international community's relatively low priority status for the Sri Lankan conflict. Unlike Yugoslavia, or the former Soviet states where neighbouring European democracies and America have had a significant role to play in conflict resolution, the Sri Lankan conflict due to its distant geographical location, has been isolated from international attention. In contrast to the fortunate presence of Australia and New Zealand in the region which to a considerable degree, led East Timor to freedom and stability, Sri Lanka is still lacking a regional power and authority which is not only capable of intervening militarily, but also of promoting democracy by its own example. The presence of a state with a reputable democracy in the neighbourhood may facilitate conflict resolution, as it would be attracted towards the conflict not only because of security and strategic reasons, but also for the reason to establish democracy and justice in the conflict stricken country. However, in contrast to those cases where the international community played a vital role in the post Cold War era, the absence of a realistic actor to play that vital role has undermined the opportunity for peace in Sri Lanka. The most unfortunate factor has been that this occurrence is taking place in a situation where the most important prerequisites for attracting outside players are present: presence of internal and external security, threats and a disputable state democracy on the island. As a result of this situation, Sri Lanka is still stuck with its traditional neighbour, India. As the discussion of the Indian role demonstrated, the fate of the Sri Lankan conflict is still largely dependant on its northern neighbour, while the general
perception of the international community towards that role has not changed substantially.

Notwithstanding all that, it must be noted that there has been a noticeable transformation in the international perception, attitude and approach towards the Sri Lankan conflict even compared to the situation several years ago. Over the past few years, the international community has demonstrated unprecedented interest in the ongoing human tragedy on the island. Various leaders of states, global and regional organisations and NGOs have expressed their concern about the conflict. Most importantly, on several occasions a number of state and non state actors have expressed their willingness to become involved in the peace process in various capacities. Among such actors are the United States, the United Kingdom, Australia, several Scandinavian states, the Palestinian Authority, South Africa, the Commonwealth, and the UN.\(^\text{622}\) The most prominent step of the international community to bring an end to the island’s conflict has been the Norwegian peace initiative.

It is important to explore the reasons for such noticeable transformation of the perception in the international community towards the Sri Lankan conflict given that a breakthrough in establishing peace in the island may depend on this new development. Undoubtedly, this new interest towards the conflict is a result of many factors. Among them terror and threat caused by the conflict have been the most prompting. Analysing this new tendency Charu Lata Joshi states:

\(^{622}\) In November 1998, during his visit to Sri Lanka the British Minister of State for Foreign and Commonwealth Affairs, Derek Fatchett, mentioned the possibility of Britain getting involved in the Sri Lankan ethnic crisis as a negotiator, reviving his predecessor Liam Cox’s similar suggestion of a few years previous. (‘British may Negotiate Peace’, \textit{SL Net}, 10 November 1998); Australian Federal Party MP John Bradford, who is a member of the Joint Parliamentary Committee on Foreign Affairs of Australia, when visiting Sri Lanka in late 1998 on fact finding mission mentioned the possibility of Australia getting involved in peace negotiating process. (‘Liberal Backbencher to Meet Tamil Tigers’, 29 July 1998, \textit{SL NET News Report}); A delegation from the US House of Representatives international relations committee visiting Sri Lanka in July 1998 expressed their interest in bringing about a dialogue between the PA and UNP on the conflict. An initiative emerged from US ambassador in Sri Lanka Shaun Donnelly who pointed out that the US was offering its good office to a healthy dialogue between two major parties which is a primary requirement for the beginning of any peace process. (‘US Playing Fox’, \textit{The Sunday Times}, Colombo, 11 January 1998); Again in early 1999 the Sri Lankan media highlighted the possibility of former President of South Africa, Nelson Mandela’s, involvement as a peace negotiator in the conflict. Another peace initiative emerged in August 1999 from the British and Norwegian governments to jointly act as mediators. \textit{Irida Peramuna}, Colombo, 15 September 1999, p. 1.
'Tenor has a way of attracting attention. Every year when the international focus on the 17 year old war in Sri Lanka starts to wane, a fresh onslaught by the Tamil Tigers puts it back in the news headlines. This time round, though, it's more than just the media that's interested. Three countries: the United States, Norway and India are engaged in a cooperative effort to resolve the crisis. European politicians, meanwhile have proposed bringing the matter before the United Nations.623

Surprisingly, it is not the poor human rights record or the scale of destruction which has attracted international attention, but the rising threat of terrorism, particularly its international dimensions. In the light of the widespread threat posed by international terrorism, the Sri Lankan ethnic conflict has managed to capture the attention of the global community.624 It is not an exaggeration that one of the most prominent features of the Sri Lankan ethnic conflict has been terrorism. Terrorism as a means of instilling fear to achieve political goals has caused tremendous damage to the political, economic and civil life on the island. Certainly if there is something that attracts international media attention to the island's turmoil, it is terrorism. In that sense, it has been the LTTE terrorist acts which have served as the most effective devise to attract outside attention to the conflict. LTTE terrorism has already passed beyond the boundaries of the island. Therefore, it is fair to say that direct and indirect implications of the Tamil minority struggle have become a compulsive force for the international community to pay attention to the conflict.

The LTTE's terrorist attacks on political leaders, elimination of the 'enemies of the Tamil cause' have not just been confined to the island's Sinhalese and Tamil communities. The assassination of Rajiv Gandhi illustrates that the LTTE terrorism is a threat to regional and global political leaders. Furthermore, Indian intelligence agencies revealed that there were plans to kill Sonia Gandhi, the leader of opposition Congress Party by the LTTE suicide attackers during her last election campaign.625 The direct implications of terrorism stemming from Sri Lanka for the international community have been multiple. On various occasions, terrorism has inflicted bodily

624 The Russian foreign minister has proposed to declare the year 2000 as the year of struggle against terrorism, SLNET News Report, 27 September 1999.
harm to many foreigners, and activities have involved various states and organisations both within and outside the island.\textsuperscript{626}

There have been several other factors that have had a profound impact on the international perception towards terrorist activities in the ongoing Sri Lankan conflict. One such factor is the involvement of Tamil militants in illegal arms smuggling. With the escalation of warfare, the LTTE has today become a significant member of the illegal weapons market. As Asia Week described, the LTTE activities in the illegal arms trade stretch ‘from the affluent Western countries to poverty stricken African states or corrupted former socialist states’. With their own fleet and a sophisticated international network, the LTTE functions like a ‘multinational corporation with resources all over the world’.\textsuperscript{627} The LTTE has been able to infiltrate the inner circles of some South East Asian states such as Cambodia and Myanmar from where their illegal arms procurements have been significantly large.\textsuperscript{628} Like any other international terrorist group, the LTTE has close links with similar terrorist organisations. Therefore the international community is becoming aware that the financial, technological and ideological cooperation of the LTTE with other terrorist organisations can further destabilise security in both regional and global terms.\textsuperscript{629}

Apart from that as outlined above, the LTTE involvement in international drug trafficking, money laundering and human smuggling has made it one of the most notorious terrorist groups in the world.\textsuperscript{630} Those activities have become some of the

\textsuperscript{626} The bomb at the Galadari hotel and World Trade Centre seriously wounded foreigners from various countries. Foreign governments, including Britain, France, Japan, Australia and Canada expressed their concerns about the increasing tendency of terrorism in Sri Lanka where citizens of those countries were hurt in the attack. ‘Foreigners hurt in the bomb blast’ (\textit{SL Net News Report}, 5 November 1997); On several occasions, the LTTE has attacked foreign ships in the open sea which has provoked strong reaction from international community. The LTTE attacked a Philippine registered ship named ‘Princess Wave’ in 8 of August 1996. On another occasion it attacked a Japanese naval vessel and a Chinese ship. ‘LTTE attack Chinese Ship’, (\textit{SL Net News Report, 27 September 1999}); Also there have been reports that both the Japanese and Malaysian missions in Colombo received death threats from the LTTE. Prior to this, the Japanese government had rejected visas to LTTE members. ‘Sri Lanka Rebels Threaten Foreign Missions’ (\textit{SL NET News Report}, 25 February 1996).

\textsuperscript{627} ‘How a secret network keeps Sri Lanka’s Tamil Tiger organisation up and killing’, \textit{Asia Week}, 26 July 1996.

\textsuperscript{628} The LTTE has bought ‘surface to air missiles’ (SAMs) from Cambodia. Interviews with the officials from the Ministry of Foreign Affairs, Colombo. At the same time the Sri Lankan Foreign Minister told at a news conference in New York that the LTTE get arms from Ukraine, Cambodia and Afghanistan, ‘Ukraine arms exporter denies sales to Tamils’, \textit{SL NET News Report}, 4 October 1997.


main sources of financing the Tamil war effort in Sri Lanka. Almost all the governments that had sympathised with Tamil grievances and accommodated Tamil victims in the early 1980s are today experiencing serious threats to peace and harmony within those societies due to various illegal activities of the LTTE. For example, the Swiss government, which had been one of the main sympathisers of the Tamils, detained Tamil activists in 1996 for money laundering and illegal arms procurement. Later, after a series of violent street fights between rival Tamil groups, the Swiss government banned the Sri Lankans living in the country to buy or carry guns on its territory. Similar incidents caused public unrest in Canada, Britain, Germany and France where laws have been toughened against illegal Tamil activities on their territories.

Today the international community is facing serious challenges from illegal human-trafficking which often has intrinsic links with various illegal activities including terrorism. On the one hand, human trafficking is one of the main fund-generating activities of the terrorist groups. On the other hand, persons smuggled into affluent societies in this manner often infiltrate groups which carry out various criminal activities. In fact, media coverage highlighting illegal human-trafficking rarely misses Sri Lanka. The rising threat of terrorism with its international dimensions has been

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631 The LTTE cadres have worked closely with local groups in Phnom Penh and Bangkok where they are active in the drug business and arms trade. Tamil drug traffickers have been caught in Belgium, Italy, Malaysia, France, the UK and India. *SL NET News Report*, 8 June 1999.
634 ‘Canada banned and deported the chief fund raiser’, 3 October 1997, *SL NET News Report*, also see ‘Suresh, the LTTE and the Canadians: Sri Lanka’s ambassador to the United Nations, H.L.de Silva on the advocacy of a hopeless cause’, *The Sunday Times*, Colombo, December 21, 1997. The LTTE militants have created tension in some major cities in Europe and America with fighting involving shooting and killing related to their internal rivalries and money laundering activities. Commenting on such a case, The Sri Lankan High Commission spokesman in London, Ravi Natha Aryasingha said ‘This may make awaken British public to this monster who Britain continues to nurture’, ‘Sri Lanka cautious over Tamil Tiger rebels’ *SL NET News Report*, 2 September 1999. Further 11 Tamils were charged for extorting funds to raise millions of German marks to support the LTTE in Duesseldorf, reported *SL NET* ‘ Tamils extorted millions, German court’, 20 January 1998.
635 ‘112 illegal migrants caught Transcarpathia’, *SL NET News Report*, 30 October 1999. It has been a popular route for illegal immigrants to sneak into Europe through countries such as Ukraine, Yugoslavia. Reports suggest many Sri Lankans with fake passports are caught in such operations. *SL NET News Report*, 19 October 1999, ‘French and British police were targeting the Sri Lankan illegal immigrants’, *SL NET News Report*, 19 August 1999. The New Zealand government has also became aware of this new tendency which prompted former Foreign Minister Don McKinnon to appeal to Sri Lankan authorities to take appropriate actions to prevent illegal immigrants. ‘NZ asks Sri Lanka to help curb illegal immigration’, *SL NET News Report*, 27 July 1999.
a compelling reason for the outside states and global organisations to pay more attention to the Sri Lankan conflict.\footnote{See ‘Human trafficking from Sri Lanka’, Ravi R. Prasad, \url{http://www.theglobe.com/news/}}

Credit must also be given to the PA government which has realised the importance of working together with the international community in this respect. In recent years the Sri Lankan government has been intensively lobbying many developed as well as underdeveloped states to gain assistance to fight against the LTTE’s international activities.\footnote{The Sri Lankan Foreign Minister visited South East Asian countries and attempted to persuade Myanmar not to supply weapons to the LTTE. As a result of these diplomatic missions in the Malaysian, Philippine and Thai governments have banned the LTTE. ‘Myanmar is a popular market for LTTE arms purchasing’, \textit{SL Net News Report}, 15 July 1999; See also \textit{Asia Week}, 26 July 1996. The Sri Lankan government has successfully lobbied some of the traditional arms suppliers for the LTTE, Thai, Cambodian, Ukraine and some African states, to curb illegal arms sales to the island. \textit{SL Net News Report}, 12 January 1999.} Many international forums including the UN General Assembly have been used by the Sri Lankan government in this process of internationalising the one time isolated domestic conflict.\footnote{‘President used UN to make international community aware on LTTE terrorism’, 22 September 1999, \textit{SL Net News}. At the 52 nd UN general assembly Sri Lankan Foreign Minister made a desperate plea to the international community. ‘I appeal to the affluent countries to, in which the LTTE has established offices and raises funds to prosecute its infamous war in Sri Lanka, not to tolerate their presence and give them shelter when they engage in the commission of dastardly crimes’, \textit{SL Net News}, 3 October 1997.}

It is important to mention that the significant change of the role of the parties involved in the conflict has also shifted the international community’s attention towards the island’s conflict. As discussed earlier, the Tamil militants’ approach to achieve their prime goal of a separate state has increasingly turned into a violent campaign over the years. Despite numerous calls from the outside world, terror and violence have remained the principle devise used by the LTTE to achieve their goal on the island. In contrast to this, the Sri Lankan government has demonstrated increasing maturity over the past few years to bring about peace in the conflict.\footnote{Jayanth ‘Colombo scores over LTTE in propaganda’ The Island, Colombo, 14 March 1995} On several occasions, the Government has initiated an unconditional truce in order to attract the Tamil militants towards political dialogue. The systematic breach of those peace initiatives by the LTTE has further disappointed the international community, which has openly expressed its support and sympathy towards the efforts of the Sri
Lankan government. For example, the UN Commission on Human Rights issued a statement when the LTTE breached the peace initiatives in 1995 stating,

'The Commission expresses its support for the peace process initiated by the President of Sri Lanka and strongly urges the LTTE to respond positively and speedily to steps taken by the government and to take all necessary steps towards the achievement of a durable political solution.'

Continuous reiteration and the adherence by the Government to the devolution of power as a fundamental solution to the Sri Lankan conflict has undoubtedly attracted the wider international community towards its efforts.

Therefore, the international community, having demonstrated its commitment to democracy and justice through various actions in different parts of the world, can no longer support the minority campaign which advocates terror and violence. In this context, with increasing willingness to seek a political settlement, the Sri Lankan Government has been able to gain the sympathy and support of the outside world, which encourages it to become involved in various ways to promote the peace process.

The increasing criticism of the international community’s double standard approach towards conflicts around the world may also have had an impact on the attitude towards the Sri Lankan ethnic conflict. As was already mentioned, there has been a severe criticism of selective approach to conflicts not only from within the island, but also from numerous outside parties. Therefore, it is fair to state that this pressure has encouraged Western democracies to act in conflicts, previously perceived as insignificant.

It must be noted that post Cold War realities have compelled the international community to seek new approaches, devises and methods to deal with the newly emerging issues within the international community. In this light it can be said that the role of traditional actors, as well as traditional methods in conflict resolution, have been under severe scrutiny. When applying this formula to the Sri Lankan context,

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one can say that it is the favourable changes that have taken place in the post Cold War era that have encouraged new actors to become peace makers, negotiators and mediators. The most tangible example in this respect would be the entry of the Norwegian government onto the scene, which could have never been conceived in the past. It is the new world order which has generated an atmosphere where the Norwegian initiative does not appear as an aggression or threat to regional security, or to India.

The international community has begun to engage in the conflict through various indirect means. These indirect methods include verbal condemnation of the violence committed by the parties involved in the conflict, appreciation of the positive steps taken by the parties to make peace and repeated requests to begin the process of political settlement.⁶⁴² On various occasions individual state leaders as well as global organisations have explicitly condemned the atrocities committed by the government forces and the LTTE, and particularly the LTTE’s continuing hostilities in recent years. The killing of various Sinhalese and Tamil moderate political leaders, and repeated terrorist acts have been strongly condemned by various sections of the international community.⁶⁴³ International organisations such as Amnesty International and the ICRC have repeatedly urged the parties to restrain from violence and enter into political dialogue to find a solution.⁶⁴⁴ Amnesty International has been particularly critical of the use of human shields by both warring parties, arbitrary killing, random air bombardments and terrorist activities.⁶⁴⁵ The United Nations Human Rights Commission has been playing an important role on the issue of 'children and war' which is a vital element in the ongoing Sri Lankan conflict. It is believed that the LTTE has been forcefully recruiting a large number of children into their forces. Olara Ottunu, the Secretary General’s Special Rapporteur on Children in Armed Conflicts visited the north of Sri Lanka in 1998 and urged the LTTE to comply with the UN convention on the rights of children.⁶⁴⁶ It is important to mention

⁶⁴² With the escalation of war in the north of the island, the UN Secretary General made a request to begin political dialogue. SL Net News Report, 11 May 2000.
⁶⁴³ For example, assassination of Neelan Tiruchelvam, a leading constitutional lawyer and a Tamil moderate political leader, was severely criticised by the American President and the UN Secretary General.
⁶⁴⁵ For detailed information on Amnesty’s concern in Sri Lanka, see http://www.amnesty.org or http://www.derechos.org/saran/lanka.html
⁶⁴⁶ The UN Special representative on Children and Armed Conflict, Olara Ottunu, met with the LTTE’s political advisor Anton Balasingham in May 1998 and urged the organisation to stop the recruiting of children under the age of 17. ‘UN official on talks with LTTE’, TamilNet, 8 May 1998,
that these activities have made an impact on the parties involved in the conflict, as well as on the perception of the outside world towards the conflict. In that sense, the international human rights watchdogs have been a prime source in exposing the conflict and its increasing scale and magnitude to the outside world. On the other hand, Amnesty International and the ICRC have been directly involved in various activities to improve the human rights record of the Sri Lankan army.\footnote{ICRC to conduct classes to improve discipline among troops, \textit{The Island}, Colombo, 8 December 1997.}\footnote{‘Sri Lanka finds more one skeleton at burial site’ \textit{SL Net News Report}, 21 Sept. 1999.}

The humanitarian assistance programmes conducted by various global organisations have made a significant difference in the war torn areas. Refugee settlement, food and medical supplies, humanitarian corridors, exchange of slain combatants and other similar activities have become an integral part of the international community’s indirect intervention. The UNDP program to map and ferret out the stray mines in the Northern and Eastern provinces is another such involvement.\footnote{A recent survey has revealed that Jaffna is the most densely mined area in the region. It is estimated that about 30 people are killed or wounded by the mines every month, most of them are children. Interview with Mallika Joseph, researcher of the Regional Centre for Strategic Studies, Colombo, June 1999. See ‘Dogs sniff for mines in UN project in Sri Lanka’, \textit{SL Net News Report}, 5 August 1999.}

Many NGOs have been engaged in various humanitarian activities. For example, the Australian Council for Overseas Aid (ACFOA) an association that consists of more than 85 NGOs, has launched a program called the ‘Sri Lanka Peace Project’ (SLPP). The project commenced in 1998 and has been focusing on various steps to bring peace by de-escalating the war. The ACFOA has repeatedly urged the parties in the conflict to become involved in a political dialogue.\footnote{John Ball, Project Officer, ACFOA, SLPP, Personal communication, December 1999.} Other organisations like the SLPP have been lobbying influential global bodies such as the Commonwealth Secretariat, the UNHRC and the World Bank to facilitate the peace process in Sri Lanka. They have also approached overseas governments, diasporic communities and influential business communities to engage in constructive peace seeking process in Sri Lanka.

It is fair to say that the international community’s increasing awareness of terrorism is beginning to make some impact on the Sri Lankan ethnic conflict. With the rising awareness of global terrorism, the Sri Lankan domestic conflict has captured the previously aloof eyes.

The naming of the LTTE by the United States along with another 30 rebel groups as an international terrorist group is significant. Proscription works to disable groups like the LTTE who have a wide support-base in overseas diasporas and various terrorist groups. Following the US, several other countries have proscribed the LTTE.

The UN Convention against International Terrorism must be treated as another important step in this direction. It was not accidental that Sri Lanka was selected as the venue for the 14-th Symposium on International Terrorism held in September 1999. This event signifies the world’s attention to this particular aspect of the Sri Lankan conflict. The participation in the symposium by the Federal Bureau of Investigations (FBI) and Interpol and their commitment to the fight against terrorism further signifies the calibre of the new forms of outside intervention.

The threat posed by ethno-terrorism has compelled states to fight against this phenomenon in a cooperative manner. For example, another victim of ethno-terrorism – Russia, has signed a series of agreements with the Sri Lankan government on mutual assistance.

SAARC has recently ratified a Convention on Terrorism which calls upon members states to

650 Proscription means that any activity by LTTE in the territory of those states becomes illegal and also any support and cooperation with the LTTE is treated as a crime. See ‘US move may curb Tigers’, SL Net News Report, 9 October 1997. See also ‘FBI going after LTTE fund raises in US’, http://www.sinhaya.com/fbi.htm.

651 Australia, Swisterland, Canada, Malaysia, and Germany have also adopted such restricting laws to curb the LTTE activities. The EU has established a surveillance system within member countries to monitor the activities of LTTE. Ravi Ladduwahetty, ‘EU action plan to counter Tigers’, The Island, Colombo, 7 February 1996. On one occasion, Alexander Downer, the Australian Foreign Minister said that he would not meet Australian Tamil groups unless they denounce the LTTE atrocities against innocent people. ‘Australia asked to help cut off Tamil Tiger funds’, SL Net, January 22 1999.

652 The UN Declaration on Terrorism of 1994 states ‘the unequivocal condemnation by the international community of all acts, methods and practices of terrorism as criminal and unjustifiable wherever and by whomever committed which inter alia, threaten the territorial integrity and security of states. Criminal acts intended to or calculated to create a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of political, philosophical, ideological, racial, ethnic, religious or any other nature’ UN Declaration on Terrorism, ‘United Nations: UN moves towards convention’, SL Net News Report, 9 October 1997.

653 Delegates from around the world gathered at the symposium and discussed the need to act collectively and swiftly to eliminate this deadly phenomenon. Particular attention was paid to such aspects as curbing the fund raising networks and illegal arms and drug smuggling, ‘Feature: 14 years on, world still divided on terrorism’, SL Net News Report, 30 September 1999.


‘cooperate among themselves to the extent permitted by their national laws through consultations between appropriate agencies, exchange of information, intelligence and expertise and such other cooperative measures as may be appropriate, with a view of preventing terrorist activities through precautionary measures’.656

There is a growing concern among the member states regarding illegal arms trafficking.657 Thus the SAARC member states have created a legal base to curb illegal arms trafficking, terrorism and related activities. Sri Lanka serves on the SAARC Terrorist Offences Monitoring Desk and the Narcotic Drug Monitoring Desk.658

The Evolution of Domestic Responses to Outside Intervention

The overall attitude of the Sri Lankan political leadership towards the conflict until recently has been that it is an internal matter. With the worsening of the ethnic conflict since late 1970s, the Sri Lankan government has demonstrated a strong reluctance to expose it to the outside world. First of all, the political leaders have been uncomfortable to acknowledge the internal problems, in order to maintain the positive image of the island. Thus, in the 1980s and early 1990s the government was strongly reluctant to expose the conflict to the outside world treating it as a purely internal matter. Although widespread human rights violations did strongly attract the attention of international human rights groups, the government subsequently barred their activities in Sri Lanka in order to prevent the exposure of the turmoil to the outside world. Also the fear that the internationalisation of the conflict might draw mere support to the Tamils and legitimise their separatist cause led government to adopt this stance.

The only direct involvement emerged from India and it was an imposition without much consent from the Sri Lankan government or the general public. In fact, the Indo-

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656 SAARC Convention on Terrorism, Para 2 Article VIII.
657 The 10th Summit of the SAARC held in Colombo in July 1998 emphasised the need to give priority to terrorism and related activities such as illegal drug and arms trading which has infested the region. ‘SAARC- focus on economy, terrorism, drug’, Sunday Observer, Colombo, 26 July 1998.
Lanka peace agreement as well as the military intervention were launched in a clandestine manner which illustrates the general attitude to outside intervention by the Sri Lankan elite and public at that time. Undoubtedly, besides the commonly existing anti-Indian feelings, the overall government attitude was to contain the growing domestic strife using its own resources.

However, the realisation by the PA government that isolation of the conflict has been a serious obstacle to peace has been a critical development in the past decade. The PA administration, as a part of its strategy to attract international community towards the hitherto isolated conflict, repeatedly highlighted its genuine intention to bring a lasting solution to the long-standing problems of the Tamil minority. The President and the Foreign Minister used various international forums to draw international attention to their attempts.659 The government deliberately publicised its peace initiatives and cease-fires with the rebels letting the outside world know of its intention to end the conflict. In fact, it must be noted that this strategy of the PA to internationalise its peace process has resulted a significant change in the traditional attitude of the outside world towards the island’s turmoil.

However, one important development that impacted unfavourably on the outside involvement in the Sri Lankan conflict in the recent years was the military intervention of NATO in Yugoslavia. The overall reaction to the NATO action among the Sri Lankan public as well as the government was decisively negative. The media highlighted the event as the end of sovereignty for weaker states and the beginning of American aggression against them.660 In the eyes of the Sri Lankan public the human rights violations against Kosovars were only a tool to impose emerging single great power authority. Furthermore, the total disregard of the UN Security Council by NATO members was confirmation for the Sri Lankan public that the UN authority had no credibility in international relations.661

660 ‘Today-Yugoslavia, Tomorrow-Sri Lanka?’ Divaina, Colombo, 2 May 1999. The article points out that in the absence of the Cold War balance of power, American aggression is becoming the greatest threat to the world. The article expresses caution that the Chandrika Government may fall into that trap offered by the international community.
661 ‘From Kosovo to our North-east’, Lankidipa, Colombo, 20 June 1999; ‘Sri Lanka in the face of Kosovo’, Lankadipa, Colombo, 11 April 1999. These articles argue that it is only the global policiemanship of America which drives the international community to intervene in domestic conflicts. The precise factor in all these actions is the manipulation of the human rights as a cover for American ambitions. Similar arguments are put forward in the article ‘Yugoslavia in flame, NATO’s brutal aggression’, Lankadipa, Colombo, 9 May 1999.
In fact, these events had a profound impact on the attitude and approaches of the Sri Lankan government towards international involvement in establishing peace in the country. With these events, the government’s attitude to any outside intervention began to change, as it saw grave threats to the territorial integrity and unity of the sovereign state of Sri Lanka. In its view, the approach of the West towards traditional international relations was becoming more arbitrary. The actions of the Sri Lankan policy makers during that period confirm that they had grave concerns not only regarding individual state involvement in the conflict, but also regarding organisations such as UN. Although Sri Lanka abstained from voting against the NATO action in the UN, at the subsequent UN General Assembly it joined the voice of dissent against the NATO action and condemned any outside intervention as aggression.\(^{662}\) Foreign Minister Lakshman Kadirgamar explicitly spelled out the Sri Lankan position reiterating that the ‘Sri Lankan conflict is an entirely internal matter’. He said: ‘I do not see any role for anybody, in terms of mediation in Sri Lanka, simply for the reason that I do not think it is necessary’.\(^{663}\) With regard to the UN responsibilities in international relations, he was more precise. In his view the UN responsibilities must be restricted to ‘malaria and mosquitos’, and they should not expand into the internal affairs of sovereign states.\(^{664}\) Therefore it must be noted that those events had made a profound impact on the attitude of both the government and the Sri Lankan public with regard to outside involvement or intervention in the country’s problem. Various Sinhala nationalist pressure groups explicitly demonstrated their rejection of any outside involvement.

Another similar issue which has provoked fear and suspicion within the Sri Lankan government towards the international community is the debate over arms supply to the Third World states by affluent countries. There is an increasing pressure to impose restrictions on arms trade to Third World, where, according to the West, massive human rights abuses are taking place. This has triggered protest within those states which have been battered by violent separatist movements. Countries like Sri Lanka

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\(^{662}\) ‘Sri Lanka’s decision to abstain did not come as a surprise. If it had voted with the US, it would have condoned a military attack on a sovereign state without the Security Council’s authorisation. Sri Lanka could not have voted with the Russians and Chinese because it would have infuriated the Americans and Europeans who have been cooperating with the government on anti-terrorism: one of Sri Lanka’s highest priorities. Moreover, Sri Lanka is also beholden to the US for having declared the LTTE a terrorist organisation’. ‘Toilet factor in the UN’, The Sunday Times, Colombo, 9 May 1999.

\(^{663}\) SL.NET News Report, 3 September 1999.

believe that such restrictions will gravely undermine the survival of Third World nations giving advantage to secessionists to wage wars against them.665

However, regardless of those thorny issues of the outside involvement in the Sri Lankan conflict, there has been an increasing inclination towards the acceptance of outside intervention by the various parties involved in the conflict in recent years. It is fair to state that there is a clear consensus building within the Sri Lankan society that the protracted conflict can not be solved without outside involvement and intervention. On various occasions, the Government has explicitly expressed its willingness to accept third party involvement in finding a solution to the conflict. Despite this, there is no firm agreement about the means of involvement of the outside actor. What is important is that the government’s stance has clearly altered on the issue. Tamil parties have also come to terms with the idea that the long drawn conflict must involve outside parties to seek a solid resolution. Various moderate Tamil political leaders have pointed out that the conflict must be resolved with the help of third party facilitation. Despite their unchanged attitude towards the prime goal of achieving separate state of Tamil Eelam, on various occasions, the LTTE has also expressed the need to involve a neutral outside party to achieve a political solution to the conflict. The spokesman for the LTTE in its London based office, Anton Raja stated that the ‘LTTE is determined to take up the dialogue to end the war’. Furthermore, he suggested that their preferable third party as negotiator could be Canada, Switzerland or Norway.666 Again in November 1998 in his speech on Martyr’s day Prabhakaran expressed his willingness for a third party to be involved in mediation.667

There is also a clear inclination towards the idea of outside involvement within the wider Sri Lankan community, which had been always sceptical about third party involvement in the conflict. Various peace groups within the Sinhala and Tamil communities have firmly pointed out that the conflict can only be resolved with the direct involvement of a third party.668 Although some radical Sinhala nationalist

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665 For example, British foreign minister’s suggestion to ban the arms sale to the Third World was hotly received by Sri Lanka, ‘Britain brings ethics into arms sales’, SL NET News Report, 3 November 1999.
666 ‘LTTE is ready to negotiate’, SL NET News Report, 28 April 1996.
668 Tamil moderate political leaders have continuously emphasised the need of a third party involvement. Also, Sinhala peace movements such as National Peace Council and business communities have expressed the need for a third party for resolving the ethnic conflict on the island.
groups are still holding their traditional line against outside intervention in making peace, recently there has been some noticeable change in their stance as well.

Reasons for such a drastic change in attitudes towards outside intervention are manifold. First and foremost, it is the increasing hardship that long drawn conflict has inflicted on the parties involved in the conflict, and Sri Lankan society as a whole. Intensified fighting between the Sri Lankan army and the LTTE has dramatically increased the casualties on both sides. The increasing war budget has also become a serious burden for the Government, which has been compelled to terminate various socio-economic schemes for the sake of waging the war. Regardless of their rhetoric, it is clear that both warring parties have been experiencing exhaustion. Thus, the spiralling warfare with no end at sight can be considered as a compelling reason for parties to reconsider their stance over third party involvement.

The increasing fighting ability of the LTTE has also resulted in the Government reviewing its war strategy to reconsider its stance over international intervention. The most tangible example of this would be the direct request of the Sri Lankan government for help from India and some other states to fight against the LTTE after their military advances in late 1999. Moreover, recent revelations illustrate that the LTTE’s military capabilities are largely dependent upon close relations with international agencies, groups and diasporic communities. Thus the government is now convinced that the war against Tamil militancy is no longer possible in isolation. Outside involvement, in the view of the government, may enhance its capacity to weaken the LTTE war capabilities by breaking their international links. Therefore, it is clear that the Sri Lankan government has realised the vitality of cooperation with and assistance from outside states and international organisations, encouraging it to attract their attention and help as a part of its overall strategy of making peace in the island.

The government’s realisation that its credibility has been rising in contrast to the Tamil separatists, in the eyes of the international community has encouraged it to be more positive in the process of internationalising the peace process. In recent years many states around the world have openly condemned the vicious violence caused by militant Tamil organisations, particularly the LTTE. The explicit acceptance of the Government’s policy towards the conflict by the international community has energised the Sri Lankan government, reducing its suspicion and hesitation to involve outsiders to help in solving the problem.
It is not only the conflicting parties who are suffering from war wariness. The war has generated a tremendous strain on the society as a whole, ruining the civil and administrative life of the country. While the war is taking massive numbers of lives, violence and terrorism have instilled fear and uncertainty that has penetrated into every layer of society. The direct and indirect effect of the war has been a burden on the everyday life of ordinary people with increasing unemployment, rising prices for commodities, deteriorating social welfare and standards of living. Thus the continuous ethnic conflict has been the prime source of hardship in the socio-economic life of the Sri Lankan society: people have become more and more aware that the only solution to the increasing crisis in the island can be the end the war. Having witnessed various failed attempts by the Government to solve the problem, the population is becoming convinced that a possible solution will only emerge with the involvement of outside assistance.

Moreover, nearly two decades of warfare and rigid violence inflicted on each other have deepened the hostility and mistrust between the two rivals. It has become obvious that there is little chance for themselves to settle the differences through bilateral political dialogue alone. The past experiences provide ample evidence for both parties that the widening differences do not allow them to settle the thorny issue by themselves. In this situation, the conflicting parties are becoming conscious that the most realistic way to achieve a consensus is to involve a neutral third party which can mediate in order to reduce the wide gap between the parties.

Recent years have witnessed several success stories in resolving long drawn conflicts through the involvement of third parties. Northern Ireland’s peace process and the Palestinian peace initiative have been decisive and impressive examples for the Sri Lankan government as well as other parties involved in the conflict to reconsider their attitude towards outside involvement in conflict resolution.

However, one discouraging factor for the international community when it comes to negotiating peace has been the political confrontation between the Sinhala parties. It has become obvious for outside actors that without solid bipartisan agreement between two major Sinhala parties, no peace plan can be realised. There have been repeated requests by various outside parties to the PA and UNP ‘to come to common platform’ before they enter the peace process.\textsuperscript{669} Repeated emphasis made by the

\textsuperscript{669} The British Minister of State for Foreign and Commonwealth Affairs, Derek Fatchett, asked the ruling PA and opposition UNP to agree on the peace process before Britain could negotiate. 'British
various possible third parties about the necessity of a bipartisan approach by the major Sinhala parties has made those actors change their traditional attitude towards the conflict itself, and the peace process in particular. One of the primary tasks in which Norwegian peace negotiators are currently engaged in has been the facilitation of a common ground between confronting Sinhala parties.

Finally, it must be noted that the certain changes in the attitude and approach of the international community towards the island’s conflict are beginning to play a role. Today some outside actors are becoming interested in the Sri Lankan conflict. This noticeable transformation of the perception and actions of the members of the global community has also been a factor prompting the conflicting parties to reconsider their previous stance towards outside assistance in bringing about peace.

The Norwegian Initiative

With its reputation as an efficient facilitator of the Israeli-Palestinian peace process, the Norwegian Government has brought a new hope to the Sri Lankan conflict. Norwegian Foreign Minister Knut Vollebaek has visited Sri Lanka several times and has held preliminary discussions with the president, foreign minister and the opposition leaders. Both the leaders of the PA and the UNP have expressed their readiness to accept the Norwegian initiative. Most importantly, the LTTE has also demonstrated interest after the Norwegian minister had discussions with the LTTE’s representative in London. After these preliminary arrangements it had been agreed that all parties would begin peace talks in Oslo by the end of 2000, with the Norwegians facilitating the process.

Norway offers certain advantages as a venue and mediator. Unlike India, it has no direct ethno-religious relation to any party involved in the conflict. Compared to Britain or America, Norway seems to be more neutral with no colonial past or

may negotiate peace’, SL Net News Report, 10 November 1998; US government representatives also pointed out that the primary prerequisite for the US to take up a negotiating role is the political agreement between the two Sinhala parties. ‘US Playing Fox’, The Sunday Times, Colombo, 11 January 1998.
670 Personal Communication with Rohan Edirisinghe, Centre for Policy Studies and Research, Colombo.
671 The Norwegian foreign minister has repeatedly pointed out the crucial importance of a solid bipartisan approach and he has already had several meetings with the leaders of both the PA and the UNP.
involvement in the NATO’s military action in the Balkans which antagonised the Sri Lankan public. Unfortunately, India has taken an ambivalent position towards the Norwegian peace initiative. Obviously Norway’s involvement in the region is a serious irritation to India. Regardless of how positive the Norwegian initiative is, India can not remain aloof to the involvement of outsiders in the island. On the other hand, the establishment of peace in the island without India’s participation could seriously undermine its credibility in the region.

More importantly, there has been a certain strong objection towards the Norwegian initiative from the Sinhala-Buddhist hard-liners. Outrightly rejecting any peace with LTTE regardless of who becomes the mediator, the Sinhala Buddhist nationalists urge the government to eliminate Tamil militants by force.\textsuperscript{672} The National Movement Against Terrorism (NMAT), Sinhala Weera Widhana, Sinhala Urumaya, Jathika Chinthanaya and other Sinhala nationalist organisations have explicitly rejected the possibility of reaching making peace through negotiation, particularly with the aid of an outside mediator.\textsuperscript{673} In addition to this, the recent escalation of war in the north must also be pointed out as a serious set back to the newly emerging peace initiative.

The LTTE’s military advance has overshadowed the peace talks. Both the government as well as the LTTE are currently engaged in heavy military operations. According to some analysts, it is the LTTE’s intention to consolidate its position in Jaffna before they engage in a dialogue which would enhance their bargaining strength.\textsuperscript{674} On the other hand, pursuing a similar policy, the government is trying to weaken the militants as much as possible in order to enhance its ability to dominate the peace process.

\textsuperscript{672} SLNET News Report, April 28, 2000.

\textsuperscript{673} In the interview with the Convenor of National Movement against Terrorism, (NMAT) Champaka Ranawaka, said the LTTE must be militarily defeated, June 1999, Colombo. The National Sangha Council, and Sinhala Weera Widhana held meetings and openly protested against any third party involvement in negotiations, Daily Mirror, Colombo, 10 August 1999.

\textsuperscript{674} SLNET News Report, 2 May 2000.
CONCLUSION

The broader goal of this study was to analyse the key factors causing the prolongation of ethnic conflict in Sri Lanka and the existing predicaments to the establishment of peace. By narrowing the scope of this broad objective somewhat, the study focused on two main blocs, namely the factors relating to domestic politics and factors of international politics. With regard to domestic factors, the analysis concentrated on three main areas such as: (a) fallacies of the Sri Lankan democratic political structure, (b) failure of devolution and the prevalence of violence in the Sri Lankan society. In analysing the external factors, three main themes were explored: the geopolitical predicaments, the role of diasporas and the role of international community in the ethnic conflict. Binding together these internal and external factors which impede the establishment of a lasting peace have been the problems associated with establishing a genuine liberal democratic political structure within the Sri Lankan society.

Despite its economic underdevelopment Sri Lanka has been able to grasp the fundamental elements of democratic political structure in the post-colonial era. In his outstanding work on political developments in Sri Lanka, James Jupp identified the principle elements which enabled the island state to be called a Third World democracy:

‘In most instrumental respects Ceylon was highly successful in adapting and developing democratic practices and attitudes. In forms of stabilising the parties, drawing the masses into electoral politics, avoiding military coups, bowing to popular pressures and defining the content of politics to accommodate those pressures, the political system provides a better model of a participatory democracy than many states of Europe or America’.

Jupp was quite confident of a gradual, but steady consolidation of liberal democracy in the island nation which encouraged him to state ‘(T)he creation of Sri Lanka raised the whole issue of the viability of liberal democracy in Asia’.

676 Ibid.
In exploring the domestic factors connected to the origins and development of the ethnic conflict, the analysis explored whether this conventional understanding of Sri Lanka as a liberal democracy could still be justified. Indeed as the study has emphasised, there are numerous factors which represent the island’s political system as a liberal democracy. For example, the multi-party political system and universal franchise, inherited from the British parliamentary system, have taken deep roots leading to political competition in Sri Lanka on the basis of popular vote. Unlike many post-colonial Third World states, Sri Lanka has been able to sustain the parliamentary democratic system as the preferred means of political competition, avoiding military regimes which have been a consistent occurrence, even within South Asia.

Nevertheless, as the discussion has demonstrated, these selective elements of liberal democracy have not provided an opportunity for Sri Lanka to mature into a stable democracy. On the contrary, one of the most fundamental factors in the origin and the persistence of ethno-secessionist movement in the post-colonial period has been the existing political order. In other words, the origin and the gradual deterioration of the ethnic conflict has been a direct outcome of the undemocratic nature of the Sri Lankan state which in turn has been a primary obstacle to the peace process.

If liberal democracy assumes that the consolidation of common peoplehood within a plural society is a fundamental element, the Sri Lankan political process in the post-colonial era is a clear example of a systematic development of the compartmentalisation of society along parochial lines. This process of fragmentation and division of the society along ethno-cultural lines, has been a direct result of the political mechanism despite its seemingly democratic nature. The numerical disproportion of the ethnic groups within the population has given the elite an opportunity to seek political advantage by using ethnicity which has gradually become the principle ideology of Sri Lankan politics. Thus the obsession of the political elite with ethnicity as one of the major tools of political struggle has steadily led the whole process of nation building towards ethnocentrism. As a result, the orientation of the state building process towards an explosive combination of majority/ethnicity, instead of peoplehood/political ideology, in Sri Lanka’s post-colonial nation building process has meant that it has steadily deviated from liberal democracy towards ethno-majoritarianism. This process has led to the fragmentation of the society, giving a massive thrust to the ethnocisation of politics. Therefore, quite
contrary to a liberal democratic state-building, the post-colonial Sri Lanka has witnessed as Sammy and Theodor Hanf pointed out, a steady growth of an ethno-majority state, in the way of both written and unwritten constitutionalisation of an ethnic state. Due to the natural propensity of ethnicity in a plural society with numerically disproportionate ethnic groups, political competition in the successive years completely dwelt on parochial elements. The gradual institutionalisation of language, religion, employment and education in terms of ethnicity providing a dominant position to the Sinhalese, steadily made Sri Lanka an ethnic state rather than a liberal democracy. Despite the fact that Sri Lanka is a plural society, successive governments acted in such a manner as if it were a homogeneous society. The measures taken by the post-colonial governments dramatically marginalised minority communities, especially the Tamils, giving a more advantaged position in society to the Sinhalese majority. As a result Sri Lanka has failed to meet a fundamental requirement of a liberal democratic society - common citizenship as the common membership of the people in a plural society. Since independence the leading process has been the marginalisation of certain sectors of the society while the majority has remained the focus of political competition.

Yet again this explosive nature of majority ethnicity has brought about one of the starkest features of Sri Lankan politics - the confrontational politics within the majority. Because the numerical ethnic majority is the primary source of votes within a parliamentary democracy, since independence the Sri Lankan political elite has become engaged in a severe competition for power. The division of Sinhalese politics into two conflicting political groups has added a new dimension, giving more energy to the process of ethnocisation. Being dependent on the Sinhalese vote, both the UNP and the SLFP have had to convince the majority of their commitment to fulfil the 'common good'. On the one hand, the emergence of the SLFP as a rival of the UNP consolidated multi-party competition, as essential element of liberal democracy. At the same time, due to the ethno-demographic nature of Sri Lankan politics, the split of majority politics drove the whole political process towards more rigid ethnocisation. As a result, the idea of 'common good' became the good of the majority who are the principle decision makers in the political process. Thus, the competing political

parties were compelled to be majority-oriented, which led them to become more and more Sinhalese and Buddhist in their outlook. The more they became majority-oriented, the more chances they had to gain political power. The obvious result of this process was the drastic rise of ethnocentrism within the Sri Lankan political mainstream, giving a massive boost to the rise of Sinhala/Buddhist nationalism.

In terms of multi-party political competition, this process has systematically eliminated the elements which could limit the majority domination and enhance the minority voice in governance. Due to rigid political competition between the two major political rivals, smaller parties that advocated liberal democratic tenets could not survive. The fate of the Marxist parties in the Sri Lankan political scenario was a classic example of that. Although those parties initially advocated the principle of inclusive socio-political membership, due to the dominant nature of ethnocentrism they gradually renounced their position, merging into the mainstream political process. With the renunciation of non-ethnic principles by the Marxists as well as other internationalist parties, Sri Lankan politics lost the last guardian of those principles.

The direct result of this drastic ascendancy of ethnocentrism in the political process has been the rise of Tamil nationalism. The emphasis on the language, religion and history espoused by the Sinhala political leadership in order to gain political advantage has unleashed the process of reflective nationalism within the Tamil minority, which gradually turned into conflict between the two communities. Although the initial rise of nationalism was a result of the colonial rule, in the post-colonial period, the process became even more focused on ethnic differences between the two major communities on the island. Therefore, the basic cause of the present conflict has been the failure of the Sri Lankan government in the post-colonial era to forge an overarching Sri Lankan nationalism (civic nationalism) against the divided Sinhalese and Tamil ethnonationalism.

The conflict is not only the result of an ideological cleavage between the two communities. As Sri Lankan politics became more ethno-centric, successive governments took systematic measures to expand the rights and privileges of the majority Sinhalese community, which effectively deprived the minority Tamil community. That relative material deprivation has also been a significant element in the rise of Tamil nationalism, gradually turning it into a militant movement. Discriminatory language, religious, education, and employment acts, implemented by
the government further broadened the gap between the two communities, leading to the total collapse of inter-ethnic relations. In that sense, the Sri Lankan state, despite its seemingly democratic nature, has continuously acted contrary to the fundamental liberal democratic principles of treating each individual and group as equal. With the actions, such as disenfranchisement of the minorities in their basic voting and citizenship rights and deprivation of their rights to equal economic advantages, Sri Lanka systematically became a tyranny of the majority, in contrast to a liberal democratic society where liberty and equality must be the fundamental elements of governance. As Mick Moore described this process:

'Sri Lankan Tamils have not been represented in government at any point since the first administration was elected under universal suffrage in 1931. Not only have Sri Lankan Tamils been largely excluded from the benefits of state patronage, they have been unable to resist the Sinhalisation of the state which directly undermined their economy.'

If the basic liberal democratic principles rest in the preservation of the liberty and equality of every member/group in society, and their ability to exercise those basic rights without impediments, the Sri Lankan political system illustrates stark contrast to that concept. Fareed Zakaria in his insightful article provides a compelling reason why, despite the seeming nature of democracy, some states function in an undemocratic way.

'One effect of the overemphasis on pure democracy is that little effort is given to creating imaginative constitutions for transitional countries. Constitutionalism ...is a complicated system of checks and balances designed to prevent accumulation of power and abuse of office. This is done not by simply writing up a list of rights but by constructing a system in which government will not violate those rights. ...Constitutions were also meant to

take the passions of the public, creating not simply democratic but also deliberative government. 679

From that perspective, the failure of the Sri Lankan democracy has been due to the absence of a mechanism within which the balance of powers between majority and the minorities is effectively preserved. In contrast, the Sri Lankan political system has developed into a bipartisan competitive political order where the force of ethno-nationalism has been the driving energy. Depending on the majority Sinhalese constituency, the Sri Lankan multi-party political system has been doomed to dwell on ethno-nationalism, limiting and eliminating all possible chances for balance of power.

In the examination of the domestic factors related to the conflict and its reconciliation, the next issue analysed in the thesis was devolution. Indeed devolution has been one of the most contentious subjects in Sri Lankan politics since the beginning of the ethnic crisis. As Sri Lankan post-colonial history testifies there have been numerous schemes of devolution proposed from late 1950s. Although the devolution of power has been identified as a valuable devise to bring lasting peace in divided societies, due to manifold reasons Sri Lanka has not been capable of implementing devolution to achieve that goal.

The fundamental cause of the failure of the reconciliation schemes can be found in the basic structure of the Sri Lankan political system. Yet again, the existing bipartisan majoritarian political structure has been the primary hindrance to implementing proposed devolution projects. Due to the domination of the majority in the context of political competition, the Sri Lankan governments failed to bring devolution schemes to realisation. Even if the government in power framed a project of devolution with good intent, offering concessions to the minorities, it drew pressure from the opposition and each of such attempts had to be abandoned. In whipping up Sinhala nationalism, the opposition obstructed attempts to establish peace. Often the governments themselves were not overly committed to devolution due to fears for their own political future. Therefore, the confrontational politics embedded in Sri Lankan democracy can be identified as the basic predicament to the realisation of devolution as a valuable devise in bringing peace to the conflict stricken island.

Furthermore, the fear of being battered by the opposition has always diluted and weakened the devolution proposals initiated by the government. The continuous collapse of devolution schemes and the consistent occurrence of broken promises have inevitably enhanced mistrust and suspicion, leading to a total rejection of such proposals by the Tamils.

Although the Sinhala politicians realise the realistic potential of devolution as a means of diffusing tension with the Tamil community, they have always been reluctant to openly acknowledge this. As a clear result of that, the devolution of power as a means to resolve conflict has been watered down to include only the empowerment of local authorities. Therefore, instead of using devolution as a means to offer concessions to the Tamil-dominated North and East of the country, Sri Lankan governments have often put forward devolution packages that only redistribute power throughout the country. This reluctance to accept the need of asymmetrical devolution has generated a massive financial burden for the government.

The relationship between violence and ethnic conflict as a destabilising factor in Sri Lankan politics and a continuous predicament in the establishment of peace is also an important area covered in the thesis. Indeed the violence is a direct cause of the ethnic conflict. As the ethnic conflict has grown into an all-out warfare, violence has today also become a direct obstacle to the peace process. As the analysis demonstrated, collective violence has been an inherent feature throughout the post-colonial history of Sri Lankan democracy. The sources of violence encompass all sections of the society, all ethnic groups as well as the state. At the same time, every section of the Sri Lankan society has been a direct victim of violence. As far as the ethnic conflict is concerned, it must be noted that the anti-Tamil violence that has occurred periodically since the late 1950s has steadily widened the gap between the two communities. With the rise of Sinhala nationalism sponsored by the Sinhala political leadership, Tamils became the victims of violence which gradually broke down the inter-ethnic relations between two communities. In return the Tamils, as victims of the Sinhalese, used the same weapon in order to retaliate. Post-colonial Sri Lanka has witnessed several violent upheavals emerging from Sinhalese targeting the state as well as its own ethnic group. The Sri Lankan state itself has also utilised violence as a prime devise in dealing with its citizens, which has taken a massive toll on various occasions. Thus, the practice of violence has not been confined to one section or group of the island
nation. Despite its reputation of being a democratic society, Sri Lanka has been prone to constant violence which yet again questions the quality of its democracy.

The discussion dealing with the comparison of Sinhala and Tamil youth violence provides evidence that regardless of their ethnic differences, both the Sinhalese and Tamil groups have used violence against the state as the primary method. From the Tamil’s perspective it has been the domination of the majority, the continuous relegation of their ethno-cultural existence, and the economic deprivation, which led them to take up arms. From the Sinhala youth’s point of view, the inability of the conventional political leadership to build a just society prompted anti-state insurgencies on various occasions, which have claimed thousands of lives. However, the fact remains that both the Tamil as well as the Sinhalese youth have acknowledged that the Sri Lankan state-builders have not been able to bring about progress and prosperity from their own perspectives which has been the primary cause for such violence. In that sense youth violence has been a sensitive indicator of the performance of post-colonial Sri Lankan governments, the effectiveness of their governance and the quality of democracy.

However, the response of the government to all of those dissents from society has been fairly equal. Both the Sinhalese as well as Tamil insurgencies have been met with rigid counter-violence from the government. Over the past five decades the Sri Lankan government has practised continuous attempts of coercion towards all groups in the society in order to consolidate its power while from the liberal democratic standpoint the state is assumed to be the deliverer of justice, the Sri Lankan case can be taken as a classic example where state violence and terrorism were used in order to affirm state authority, disregarding the will and wish of its population.

Another important aspect of the violence is its capability of obstructing peace. If anti-Tamil violence and the continuous undermining of the Tamil status has been a significant cause for the emergence of the secessionist movement, in turn, the ardent adherence of Tamil groups to violence has become a serious predicament to the establishment of peace. On numerous occasions, the LTTE’s militant stance and reluctance to accept a political solution has disrupted well-intended peace programs. As has been suggested in the theoretical discussion, there are diverse factors which contribute to the continuous adherence of the LTTE to military campaign such as leadership character, material ability to sustain war, support at the ground level, uncertainty about the future and so on. The clear reluctance to democratise its military
movement has been a serious obstacle to the peace process, in spite of the government's willingness to accommodate their demands.

The spiralling nature of violence is such that the LTTE’s uncompromising stance provides justification for the government to continue its military campaign with the endorsement not only within the state, but also from outside. As the LTTE atrocities against the Sinhalese as well as Tamils increase, many nationalist organisations become persuaded that the only solution to the ongoing conflict is to quell the insurrection on harsh military terms. Therefore in contrast to the past, the Tamil militancy has become today a strong source of Sinhala nationalism and militancy. A prominent feature of the ethnic war is its cyclic nature. As long as the secessionist movement is militant, peace will remain distant. As the government’s military campaign escalates and victimises Tamil civilians, the image of the LTTE as a saviour of the Tamil cause rises giving it energy to continue military activities. Therefore, the much-needed peace will only be possible by breaking this vicious cycle that encourages the parties to practise violence.

As a Consequence, Sri Lanka has not been able to establish a genuine liberal democracy over the past five decades in its post-colonial existence. Instead, due to the already discussed factors, Sri Lanka has become, in Zakaria’s terminology- an 'illiberal democracy'. In his recent article, James Jupp, who 21 years ago was confidently positive about the Sri Lankan democracy, stated:

‘When the Webbs published their massive study of the Soviet Union in 1936 they named it *Soviet Communism: a New Civilisation?* In later editions they removed the question mark. Today, if I were to revise *Sri Lanka: Third World Democracy*, I might well add a question mark. For the political development of Sri Lanka since 1978 has been unpromising and disappointing.’

The next set of factors that was examined in the discussion related to the external dimension of the protracted Sri Lankan conflict. Three main factors were explored:

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680 Interviews with the members of the National Movement Against Terrorism (NMAT), Colombo, June 1999.
681 James Jupp, *op. cit.*
(a) the geo-political environment, (b) the role of diasporas, (c) the role of international community, all of which have complicated and intensified the conflict in various ways making the peace process more difficult.

The analytical model acknowledged that the geo-political environment plays a significant role in domestic conflicts in two principle ways: (a) in escalating the intrastate conflicts or (b) complicating the peace process.

The subsequent analysis during the study demonstrated how the Sri Lankan domestic conflict has been affected by geo-political factors. As the theoretical analysis suggested, factors such as size and location of a country, its strategic and economic importance, the presence or absence of kin ethnic neighbours, the availability of powerful democratic states in the region, and regional organisations, shape the geo-political environment of a state, upon which the destiny of intrastate conflicts may largely depend. These geo-political factors may become a powerful magnet for attracting and involving some outside parties into the conflict in some cases, whereas in some other cases these factors may also push outsiders away from the conflict. The nature of the conflict and its further development depend on who is attracted and how the attracted outside actor is involved in the conflict.

A stark feature of Sri Lanka’s geo-political realities has been the lack of its strategic relevance to the outside world that has had a direct reflection on its domestic conflict. On the one hand, Sri Lanka’s close proximity, its historico-cultural ties and most importantly, the ethnic links have created a situation where India, its giant northern neighbour can not remain aloof to any developments within the island. On the other hand, the distant and peripheral location of the island, with no global strategic importance has made the rest of the world, particularly the West, near oblivious to the developments in this tiny, remote island in the Indian Ocean. A clear result of these geo-political disparities has been the overwhelming participation of India in the Sri Lankan conflict as a regular actor in various capacities whereas other influential states have almost forgotten it.

As the analysis revealed, the manifold dimensions of Indian involvement have served only to further complicate the island’s ethnic conflict, and still continue to be a significant obstacle in the search of a lasting solution to the ongoing conflict. The most compelling reason for India to become involved in the Sri Lankan conflict has been its strategic interests. India’s covert as well as overt involvement has been clearly defined in order to protect its own security and strategic interests. India’s
policy towards Sri Lanka and in particular its ethnic conflict, has been shaped by two diametrically opposite goals: a) to avert possible security threats emerging from the island and to hold it in India’s sphere of influence, b) to satisfy Tamil Nadu political circles, and at the same time contain secessionism within its southern state. Indian policy makers have used Sri Lanka’s ethnic conflict in order to achieve these two goals by various means.

Indeed the Tamil Nadu factor is still a significant element in Indo-Sri Lankan relations, in particular with regard to the ethnic conflict. The ethnic relationship between the two Tamil communities, in India and Sri Lanka, does not allow India to take any decision beyond the will of the Tamil Nadu constituency, a significant member of the Indian federation upon which any Indian government is heavily dependent. On the other hand, New Delhi will always have reservations about supporting secessionist aspirations of the Sri Lankan Tamils due to its own concerns of numerous secessionist movements across India, including Tamil Nadu. In this situation Indian involvement in Sri Lankan ethnic conflict has been and still is full of ambiguity and controversy. Therefore the identification of the indispensability of the strategic dimension in deciding the way in which the regional great powers get involved in the secessionist situation confirms that regional powers have no natural propensity to intervene in a secessionist conflict on behalf of their ethnic kin. Certainly, as the study has shown, the ethnic secessionist movements can expect diplomatic and political support from their ethnic kin to protect their rights as a threatened ethnic minority. But it was also shown that a secessionist movement cannot always expect an intervention from a regional great power that would be decisive for the success of its secessionist aspirations. It is not always the ethnic relationship between the regional great power and the secessionist community alone that decides what action will be taken by the neighbouring state. It is the immediate strategic threats perceived by its policy makers which would often determine the course of action taken by the larger state.

As the discussion pointed out, while Sri Lanka has been stuck with its regional neighbour, yet again it is the geo-political realities that have kept other significant members of the international community away from the conflict. As in the past, the international community continues to regard the Sri Lankan conflict as a matter of regional concern. Within this scenario, Indian credibility is once again accepted as an outside player to intervene in bringing a solution to the long-drawn conflict. With the
experiences of the past and the existing ambiguities within Indian decision-making circles towards the Sri Lankan conflict, it is highly unlikely that the Indian role can bring about a solution to the island's conflict. As long as Sri Lanka is going to be isolated from the wider world, and as long as the global community is neglectful of the full impact of the Indian role, Sri Lanka's fate will depend on the regional great power. This investigation suggested therefore, that Sri Lanka has become a victim of its geo-political realities, which largely undermine the opportunities to attract the outside world in solving its ethnic conflict.

As the analytical discussion suggested, ethno-nationalist conflicts make a substantial impact on ethnic diasporas, involving them directly and indirectly in the conflicts. The marginal attention paid to this phenomenon by the states involved and policy makers has led the diasporas to radicalise the conflicts within their new home countries making a significant impact on the outside world.

The partisan role that radicalised diasporic communities play in ethnic conflicts has been illustrated by analysing the role of diasporas in propagating their confronting views in the outside world and by their material contribution. In the case of Sri Lanka, the diasporas have today become the most important vehicle in internationalising the domestic conflict. Both the Tamil and Sinhalese expatriate communities have managed to generate massive mechanisms of propaganda and counter-propaganda, which virtually amount to an extended war between the two communities outside the island. Both communities have established formidable institutions with capable manpower and sophisticated technology in order to carry out this propaganda. Over the decades the Sri Lankan diasporas from both sides of the ethnic divide have been strongly politicised by the infiltration of the political and militant elements which has inevitably led to their radicalisation. In the present context, the resolution of the ethnic conflict has been strongly hampered by the fact that these radicalised diasporas have become a significant element in polarising not only the Sri Lankan communities outside the island, but also the global community as a whole. The views that these radicalised diasporas express are based on ethno-nationalist aspirations which always provide a one-sided picture of the conflict. This biased attitude is often reflected in their appeals to their host nations, and to the global community, which itself is in a difficult position in taking a stance towards the conflict. Therefore, the views of ethno-centrically focused diasporas have today become an inappropriate source of guidance for the global community to make decisions with regard to the conflict.
Even the most primary elements like human rights have often been wrongly interpreted by the radicalised diasporas, which gives a false guideline for any party to take a stance towards the island's conflict.

The material contribution of ethnic diasporas has also become a significant element in the escalation of domestic ethno-secessionist movements and their peace processes. Emotive attachments, feelings of guilt as well as the deliberative politico-military manipulation of diasporas by the conflicting parties has led the diasporic communities to make substantial material contributions without which in some cases, secessionist movements could not survive. The Sri Lankan case is a classic example of how secessionist movements have been capable to mobilise world-wide diasporas in order to attract material support for waging a devastating war. Thus the termination of war in many ways depends upon the capability of the government of host states and the wider international community to curtail the material support by the diasporas in the ethno-nationalist conflict.

It has been suggested that the more ethno-centric the diasporic communities become, the less opportunities there are to attract host nations and the wider international community to the conflict resolution process. Therefore, from the point of view of conflict resolution and the de-escalation, de-radicalisation of diasporas has today become an important issue in which the Sri Lankan government, international community and the diasporas themselves have a significant role to play.

The final set of factors that was examined in the thesis was attached to the role of international community in the ethnic conflict and its peace establishing process. As has been suggested, the outside actors' involvement in intrastate conflicts may comprise four different elements: (a) encouragement of secessionism, (b) suppression of secessionism, (c) reconciliation, (d) non-intervention or inaction.

Yet again the motivations and objectives of the involvement may be divided into two major categories: humanitarian and self-interest. In applying this analytical model to the case study, it was discovered that the Sri Lankan ethnic conflict, in contrast to many intrastate conflicts has been treated by the fourth devise, namely by non-intervention and inaction. While one regional actor (India) has played an overwhelming role in the other three ways of outside intervention, (encouraging secessionism, suppression of secessionism and reconciliation), the wider international community has remained virtually inactive. The irrelevance or marginal relevance of the geo-strategic position of the island has created a situation where the global actors
have paid little attention to this conflict, despite its magnitude and scale of devastation.

Nevertheless, the study identifies that due to certain developments, in recent years the Sri Lankan conflict has been able to a certain extent to attract attention from the global community. Ironically, it is not the human rights or the prolonged destruction, but the rising tendency of international terrorism which has drawn the attention of the global community towards the conflict. It is the self-interest or security (strategic) concerns, which have compelled the international community, in particular the Western democracies, to pay attention and take significant measures towards ending the conflict. From that perspective, the concern of the international community with the rising tide of international terrorism has indirectly had a strong impact on the Sri Lankan conflict. The designation of ethno-terrorist groups as criminal organisations, bans on their activities in the international arena, and restriction of support for such organisations within those states have inevitably made survival more difficult for the ethno-secessionist movements.

Aside from this indirect involvement by the international community, the Sri Lankan ethnic conflict has strongly lacked direct, pro-active intervention from the outside world. This has been a result of various factors among which the geo-political realities, as mentioned before, have been a significant element. Sri Lankan domestic politics must also be considered as an important factor that makes outside involvement difficult. Over the past few decades, the Sri Lankan government has shown a clear reluctance to involve any outside actors in its so-called internal affairs which itself constitutes a significant barrier for outsiders. It is also noteworthy that the post-Cold War developments relating to domestic conflict (Kosovo experience) and human rights have further deepened the suspicion and reluctance of the Sri Lankan government to invite outside parties in its ethnic conflict.

Indeed the study was an attempt to examine the transforming nature of intrastate conflicts within the emerging realities of our time. Therefore, it was maintained that one of the most important factors bringing about peace lies in the quality of democracy, which is a steadily emerging value of governance at the global level. Due to understandable reasons, the study could not cover all the factors related to the promotion of liberal democracy. Nevertheless, the spirit of the connotation is that without fundamental transformations in the existing illiberal political structures, finding solutions to deep-rooted ethno-secessionist conflicts is highly unlikely.
There is a fashionable trend, as never before, to identify genuine liberal democracies from non-democracies. Therefore, traditional yardsticks are no longer applicable when gauging the democracies, since selective features do not qualify a state to be a liberal democracy. There is an emerging tendency to appreciate that it is not the selective features that define democracy, but the quality. Often, the ethnic conflict serves as a clear indication of illiberal democracies. As it has been the case, minimalist democratic elements often create a protective cover for undemocratic governance. Multi-party politics in Zimbabwe, or parliamentary democracy in Fiji can no longer qualify these countries as credible liberal democracies since those token features of democratic governance are merely a disguise for the non-democratic mechanisms hidden within them.

Therefore, the process of ethnic conflict resolution from the point of view of promoting liberal democracy requires a comprehensive approach encompassing both internal and external changes. There is an essential need for the transformation of existing political structures that generate the process of ethnocentrism and compartmentalisation within plural societies. Indeed the democratisation of existing political structures is a complex and challenging process. However, the most fundamental and most significant element in this process, as Zakaria has pointed out, is the 'need to revive constitutionalism' 683 Thus in the context of ethnically divided societies, it is the effectively designed constitution, protecting minority rights and limiting opportunities to abuse powers for the majority which consolidates the process of liberal democracy. However, it is naive to believe that the constitution itself promotes democracy. Often it is the mature political leadership which paves the path to a solid constitutional basis. The comparison of the transition in South Africa and the recent developments in Zimbabwe may serve as a tangible example of the significance of leadership in the process of liberal democracy.

Nevertheless, it must be noted that with the dramatic perceptual changes regarding liberal democracy at the global level, the Sri Lankan ethnic conflict has also come to a critical cross-road. There has been a visible transformation in the approach towards the long-drawn conflict by policy makers and major political parties in the recent past. It is clear that the political leadership of the country is realising that the most serious obstacle to the establishment of a lasting peace has been the undemocratic nature of

683 Zakaria, op. cit., p. 41.
confrontational bipartisan political competition, which has impeded every attempt to forge a political settlement. Most importantly, there are signs that this understanding is emerging from the ruling party as well as the opposition, both responsible for generating a vicious cycle of majoritarian ethno-nationalism in the past five decades. The most tangible example of this development is the agreement reached by the ruling PA and opposition UNP on 30 June 2000, which has been hailed as a ‘historic event’ in the post-colonial Sri Lanka.\(^{684}\) This agreement has yielded a document that is under consideration to be adopted as the country’s new constitution.\(^{685}\) The proposals for the constitutional reform include a broad framework for the devolution of powers to the Tamil-dominated North-Eastern Sri Lanka.

In fact, the Sri Lankan leaders have never before been able to reach a consensus over issues of national concern, particularly with regard to the ethnic conflict, where sharing powers with the Tamil minority had been the most crucial element. The remarks made by both the ruling PA leader as well as the leader of the opposition further confirm the emerging understanding of the importance of achieving bipartisan cooperation in order to bring peace to the island.\(^{686}\)

This unprecedented move by the hitherto uncompromising political rivals could be a critical breakthrough not only towards a political settlement of the conflict, but also towards the restructuring of the entire political mechanism, and the revitalisation of liberal democracy in Sri Lanka. The positive signs for the revival of constitutionalism with power sharing among ethno-territorial units and the affirmation of individual and group rights of the masses within a pluralist society would be seen as a clear tendency towards qualitative changes within the island’s political structure.

Indeed this perceptual evolution of the Sri Lankan political leadership is not merely a result of the internal developments. As already discussed, the global changes that have occurred in the post-Cold War era have made a particular impact on the island’s

\(^{684}\) The Daily Mirror, 4 July 2000.
\(^{686}\) President Kumaratunga stated: ‘I believe that perhaps for the first time in independent Sri Lanka we have together succeeded in achieving a historic feat, which is that all parties representing the people in Parliament have been able to come together to discuss one of the country’s most important and most pressing problems. And we did not stop there. We have been able to bring to a close successfully the whole process in agreement.’

Also the opposition leader, Runil Wikramasinghe, pointed out: ‘Just as we argue with each other, just as we will make accusations against each other, it is possible for various political forces and groups to grapple with urgent issues. All of us in the UNP are dedicated to end the war, to bring in peace, to preserve the unity of Sri Lanka and to devolve power, we are prepared to walk that extra distance.’ The Hindu, vol. 17, Issue 15, July 22, http://www.indiaserver.com/frontline/.
conflict. Firstly, the attitude towards the Sri Lankan conflict in the international community has rapidly transformed in the recent past. Many foreign states and international organisations have explicitly expressed concern over the continuing human tragedy on the island. On the other hand, many outside parties are becoming convinced that the conflict is highly unlikely to be resolved without outside assistance, support and initiation. It must also be stated that a significant contributing factor to this change of perception has been the transformation of the Sri Lankan government’s attitude and the stance towards the conflict. Despite its reservations regarding outside intervention, the government has been attempting in recent years to internationalise its peace process as a part of the conflict resolution strategy. Reiteration of the commitment to find a peaceful solution to the ongoing conflict, courageous attempts to put forward a devolution package and the general tendency towards democratising the state have undoubtedly attracted international attention to the island. The continuous violent stance held by the LTTE is also a reason for a substantial change in the perception within the international community. The clear result of these emerging tendencies has been the noticeable increase in the awareness within the international community of the island’s conflict. Among the several recent initiatives, the most significant development to be noted is the Norwegian peace initiative, which has been approved by many important international actors.

There are reasons to argue that despite the long neglect of the Sri Lankan conflict by the wider world, the emerging international system in the post-Cold War period is beginning to give more hope for finding a solution to the conflict. First of all, a change of attitudes within the Sri Lankan polity proves that the more it is inclined to embrace the liberal democratic principles the more support and assistance from the outside world it receives. From that perspective it can be assumed that the noticeable exposure of Sri Lanka, its polity and the protracted conflict to the outside world in recent years, in contrast to the total isolation in the past, is a direct result of changing realities of the new era. On the other hand, a perceptual transformation within the Sri Lankan polity, recognising that the conflict can only be resolved with the help of outside actor/actors is also a direct outcome of developments taking place at the global level. Despite the remaining controversies, the role of India in the island’s conflict has also undergone a significant transformation in recent years. Similarly, the attitude towards the Indian role is also in transition among the Sri Lanka’s decision-makers as well as the general public. These developments, which were unimaginable
in the past, are clear results of transforming international relations, a gradual departure from conventional understanding of domestic affairs and human rights, and the emergence of a new values system within international relations.

It is clear that unscrutinised traditional democracies are breeding grounds for illiberal governments. Thus, the basic attitude and approach of the international community in relation to the individual states, particularly their ethno-territorial conflicts, must be carved from the liberal democratic perspective. The international community’s assessment of the actions and reactions of all parties involved in the ethno-secessionist conflicts, whether they are legitimate states, a disgruntled minority or an intervening outside actor, must be based on liberal democratic fundamentals. A quotation from Zakaria’s analysis draws attention to this fact:

‘today, in the face of a spreading virus of illiberalism, the most useful role that the international community, and most importantly the United States, can play is - instead of searching for new lands to democratise and new places to hold elections - to consolidate democracy where it has taken root and to encourage the gradual development of constitutional liberalism across the globe.’ 687

Neither terrorism nor any other strategic concerns should drive the international community to react or respond to domestic conflicts, but the ideals of preserving liberal democracy, human rights, harmony and the prosperity of human beings. Only such an approach will reduce suspicion and the hesitation of the states to invite the international community to become involved in conflict resolution in the new era. Such a pro-active approach is also necessary for the hitherto relegated or marginalised states to be convinced that the international community is not using double standards in its selection and action towards the promotion of liberal democracy.

This study has primarily attempted to offer an understanding of the Sri Lankan ethnic conflict and its long drawn peace process from the perspective of liberal democracy. It has been emphasised that, quite contrary to conventional acceptance, the Sri Lankan post-colonial state building process has been unable to establish a genuine liberal democratic polity, which has resulted in conflict. Flaws in democracy not only generated a devastating conflict, but also continue to be the principle

687 Zakaria, op.cit., p. 42.
predicament to the peace process. Apart from the internal politico-structural fallacies, the continuation of the island’s conflict has been further aggravated by external factors. While Cold War realities had facilitated the thriving illiberality in the Sri Lankan democratic façade, continuing controversies in the internal attitudes and approaches to the domestic conflicts in the Third World are still significant hindrances to a lasting solution for Sri Lanka’s conflict.

Understandably liberal democracy is not a panacea for ethnic and secessionist conflicts. Numerous conflicts in the Western world, such as the Quebec and Basque separatism, suggest that even liberal democratic systems do not have all the answers to this complicated question. However, liberal democracy provides the best possible environment for the parties to give up violence, become engaged in dialogue, and move away from the destructive zero-sum option. Again, the difficulties of post-colonial and post-authoritarian countries with their nationalist dilemmas should perhaps be seen as a short-term historical inevitability, rather than a permanent deadlock. This thesis is a modest attempt to explore the unexplored avenues in applying liberal democratic values for the cause of conflict resolution.

Besides contributing to the understanding of the Sri Lankan ethnic conflict and its politico-structural mechanism, this study has also identified several avenues where theoretical debate on ethnic conflict in the new era must be expanded and further developed. The theories of devolution have so far made principle emphasis on Western democracies where political mechanisms and political culture have been favourable for such devises. Academic discourse on the constraints of devolution of power as a vital element in establishing harmonious societies in the Third World pluralist societies has been largely neglected. It is vital to shed more light on the existing obstacles and to implement schemes of reconciliation based on devolution of power in the Third World states.

Although the international dimensions of intrastate conflicts have become an attractive area in the academic discourse, certain tendencies of rapidly evolving international relations have largely escaped much needed conceptual analysis. Undoubtedly, the dominating aspect of domestic conflicts in relation to the international community has been human rights. Violation of human rights attracts outside intervention by various means and on various occasions. However, this study illustrates that Western states often pay attention to conflicts not because of the gravity of human rights violations in those conflicts, but due to threats stemming from
them for their own security. In fact, international terrorism has today become such a magnet. Thus the degree of threat emanating from terrorism has become a qualified factor for outside intervention in current international relations.

The methods of outside intervention have also been rapidly evolving in the recent past. Today many states can make a substantial contribution to geographically remote conflicts by helping to curb terrorism, by banning terrorist organisations and monitoring diasporic communities. Thus indirect intervention is today becoming a vital element in international relations, particularly with regard to ethno-secessionist movements.

The conceptual debate on diasporas restricted to material contributions is far from sufficient to explain the full impact they make on domestic conflicts. Rapidly politicised diasporas have today become principle agents in domestic conflicts through which those internal conflicts are externalised. Academic debate has largely neglected the potential of diasporas to mislead the outside world through ethno-centric agitations and propaganda. Therefore, the role of diasporas in intrastate conflicts must be examined not only in relation to the material contribution, but also in relation to its role in misguiding the host states and politicising the outside world, which directly reflects on the conflict at home. It is important to take into account these currently evolving circumstances in order to understand the whole magnitude of the existing ethno-secessionist movement.

A quote from Arthur C. Clark is appropriate to conclude the discussion of the Sri Lankan ethnic conflict and its painful peace re-establishment process. Clark was asked to predict the future of the island for the coming half century:

'in the coming years, improved telecommunications will revolutionise the lifestyle of all Sri Lankans..... (But) of course, improved telecommunications will not necessarily create better communications, if it did, we would have solved the problem in Northern Ireland years ago. The biggest challenge for all Sri Lankans in the coming century would be achieving better communications and understanding among the different ethnic, religious and cultural groups and sub-groups all of who call this their motherland. For material progress and economic growth would come to nothing if we allow the primitive forces of territoriality and aggression to rule our minds. ...I am optimistic that the land that has shown tremendous resilience over the centuries and practised a rare
type of tolerance could still return to normalcy – although we should ensure that grounds for conflict are eliminated forever.\textsuperscript{688}

\textsuperscript{688} Arthur C. Clarke, interview given to Sunday Observer Magazine, 14 December 1997.
Appendix I

Tamil Populated Areas in Sri Lanka

[Map showing areas and towns mentioned]
Appendix II

GEOGRAPHIC LOCATION OF SRI LANKA IN RELATION TO INDIA
Appendix III

BANDARANAIKE - CHELVANAYAGAM PACT

The following are the two joint statements issued by the Prime Minister and representatives of the Federal Party on July 26th 1957.

Statement of the general principals of the agreement between the Prime Minister and the Federal Party.

"Representatives of the Federal Party have had a series of discussion with the Prime Minister in an effort to resolve the differences of opinion that had been growing and creating tension".

"At an early stage of these conversations it became evident that it was not possible for the Prime Minister to accede to some of the demands of the Federal Party".

The Prime Minister stated that from the point of view of the Government he was not in a position to discuss the setting, up of a federal constitution of regional autonomy or any step which would abrogate the Official Language Act. The question then arose whether it was possible to explore the possibility of an adjustment without the Federal Party abandoning or surrendering any of its fundamental principals and objectives.

"At this stage the Prime Minister suggested an examination of the Government's draft Regional Councils Bill to see whether provision could be made under it to meet reasonably some of the matters in this regard which the Federal Party had in view".

"The agreements so reached are embodied in a separate document".

"Regarding the language issue the Federal Party reiterated its stand for party, but in view of the position of the Prime Minister in this matter they came to an agreement by way of an adjustment. They pointed out that it was important for them that there should be a recognition of Tamil as a national language and that the administrative work in the Northern and Eastern Provinces should be done in Tamil".

"The Prime Minister stated that as mentioned by him earlier it was not possible for him to take any step which would abrogate the Official Language Act".

USE OF TAMIL

"After Discussion it was agreed that recognition of Tamils as the language of a national minority of Ceylon, and that four points mentioned by the Prime Minister should include provision that, without infringing on the position of the Official Language Act, the language of administration in the Northern and Eastern provinces should be Tamil and that any necessary provision be made for the non-Tamil speaking minorities in the Northern and Eastern provinces".

"Regarding the question of Ceylon citizenship for people of Indian descent and revision of the Citizenship Act, the representatives of the Federal Party put forward their views to the Prime Minister and pressed for an early settlement".

"The Prime Minister indicated that the problem would receive early consideration".
"In view of these conclusions the Federal party stated that they were withdrawing, their proposed satyagraha".

REGIONAL COUNCILS

"(A) Regional areas to be defined in the Bill itself by embodying them in a schedule thereto.

"(B) That the Northern Province is to form one Regional area whilst the Eastern Province is to be divided into two or more regional areas.

"(C) Provision is to be made in the Bill to enable two or more regions to amalgamate even beyond provincial limits; and for one region to divide itself subject to ratification by Parliament. Further provision is to be made in the Bill for two or more regions to collaborate for specific purposes of common interest.

DIRECT ELECTIONS

"(D) Provision is to be made for direct election of regional councillors. Provision is to be made for a delimitation Commission or Commissions for carving out electorates. The question of MP’s representing districts falling within regional areas to be eligible to function as chairmen is to be considered. The question of supervisory functions over larger towns, strategic towns and municipalities is to be looked into.

SPECIAL POWERS

"(E) Parliament is to delegate powers and to specify them in the Act. It was agreed that Regional Councils should have powers over specified subjects including agriculture, co-operatives, lands and land development, colonization, education, health, industries and fisheries, housing and social services, electricity, weather schemes and roads. Requisite definition of powers will be made in the Bill.

COLONISATION SCHEMES

"(F) It was agreed that in the matter of colonisation schemes the powers of the Regional Councils should include the power of select allottees to whom lands within their area of authority shall be alienated and also power to select personnel to be employed for work on such schemes. The position regarding the area at present administered by the Gal Oya Board in this matter requires consideration.

TAXATION BORROWING

"(G) The Powers in regard to the Regional Councils vested in the Minister of Local Government in the draft Bill to be revised with a view to vesting, control in Parliament wherever necessary.

"(H) The Central Government will provide block grants to the Regional Councils. The principals on which the grants will be computed will be gone into. The Regional Councils shall have powers of taxation and borrowing."
Appendix IV

DUDLEY SENANAYAKE-CHELVANAYAGAM PACT

Mr. Dudley Senanayake and Mr. S.J.V. Chelvanayagam met on the March 24th 1965 and discussed matters relating to some problems over which the Tamil speaking people were concerned, and Mr. Senanayake agreed that action on the following lines would be taken by him to ensure a stable Government.

1. Action will be taken early under the Tamil Language Special Provisions Act to make provision of the Tamil Language of administration and of record in the Northern and Eastern provinces.

Mr. Senanayake also explained that it was the policy of his party that a Tamil speaking, person should be entitled to transact business in Tamil throughout the Island.

2. Mr. Senanayake stated that it was the policy of his party to amend the Language of the Courts Act to provide for legal proceedings the Northern and Eastern Provinces to be conducted and recorded in Tamil.

3. Action will be taken to establish District Councils in Ceylon; vested with powers over subjects to be mutually agreed upon between the two leaders. It was agreed, however that the government should have power under the law to give directions to such Councils in the national interest.

4. The Land Development Ordinance will be amended to provide that all citizens of Ceylon be entitled to the allotment of land under the Ordinance. Mr. Senanayake further agreed that in the granting of land under colonisation schemes the following priorities be observed in the Northern and Eastern provinces.

   (A) Land in the Northern and Eastern Provinces should in the first instance be granted to landless persons in the District;

   (B) Secondly to Tamil speaking persons resident in the Northern and Eastern Provinces, and;

   (C) Thirdly to other citizens in Ceylon. preference being given to Tamil Citizens in the rest of the Island.

Dudley Senanayake
S.J.V. Chelvanayagam
March 24th 1965
Appendix V

INDO-LANKA ACCORD AND ANNEXURE

The President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J.R. Jayewardene, and the Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi, having met at Colombo on 29 July 1987.

Attaching utmost importance to nurturing, intensifying and strengthening the traditional friendship of Sri Lanka and India, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, wellbeing and prosperity of people belonging to all communities in Sri Lanka.

Have this day entered into the following agreement to fulfil this objective. In this context,

1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka.

1.2 acknowledging that Sri Lanka is a multi-ethnic and multi-lingual plural society consisting, inter alia, of Sinhalese, Tamils, Muslims (Moors), and Burghers;

1.3 recognising that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured;

1.4 also recognising that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups;

1.5 conscious of the necessity of strengthening the forces contributing to unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations;

2.0 Resolve that:

2.1 Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below:

2.2 During the period, which shall be considered an interim period, (i.e. from the date of the elections to the Provincial Council, as specified in para 2.8 to the date of the referendum as specified as specified in para 2.3) the Northern and Eastern provinces as now constituted, will form one administrative unit, having one elected Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers.

2.3 There will be a referendum on or before 3, 1 December 1988 to enable people of the Eastern Province to decide whether:

(a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together- with the Northern Province as specified in para 2.2, Of

(b) The Eastern Province should constitute a separated administrative unit having its own distinct Provincial Council and a Governor, Chief Minister and Board of Ministers.
The President may at his discretion, decide to postpone such a referendum.

2.4 All persons who have been displaced due to ethnic violence, or other reasons, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.

2.5 The referendum, when held, will be monitored by a committee headed by, the Chief Justice; a member appointed by the President, nominated by the Government of Sri Lanka; and a member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern Province.

2.6 A simple minority will be sufficient to determine the results of the referendum.

2.7 Meetings and other forms of propaganda, permissible within the laws of the country before the referendum.

2.8 Elections to the Provincial Council will be held within the next three months, in any event before 31 December 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.

2.9 The Emergency will be lifted in the Eastern and Northern provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of this agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on May 25 1987. The process of surrendering of arms and the confining of personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

2.10 The Government of Sri Lanka will utilise for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organisations and mechanisms of Government as are used in the rest of the country.

2.11 The President of Sri Lanka will grant a general amnesty to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency Laws., and to combatants, as well as to those persons accused, charged and or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with the view of bringing them back to the mainstream of national life. India will co-operate in that process.

2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.

2.13 If the framework for the resolution is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.

2.14 The Government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals.

2.15 These proposals are also conditional to an acceptance of the proposals negotiated from 4-5-1986 to 19-12-1986. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a
period of six weeks of signing this Agreement. These proposals are also conditional to the Government of India co-operating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following actions if any militant groups operating in Sri Lanka do not accept this framework of proposals for a settlement, namely,

(a) India will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.

(b) The Indian Navy/Coast Guard will cooperate with the Sri Lanka Navy in preventing Tamil militant activities from affecting Sri Lanka.

(c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will cooperate by giving to the Government of Sri Lankan such military assistance as and when requested.

(d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident there, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.

(e) The Governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

2.17 The Governments of India and Sri Lanka shall ensure free, full and fair participation of voters from all communities in the Northern and Eastern Provinces in electoral processes envisaged in the Agreement. The Government of India will extend full co-operation to the Government of Sri Lanka in this regard.

2.18 The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.

3. This Agreement and the Annexure thereto shall come into force upon signature.

IN WITNESS WHEREOF we have set our hands and seals hereunto.

DONE IN COLOMBO, SRI LANKA, on this the Twenty Ninth day of July of the year One Thousand Nine Hundred and Eighty Seven, in duplicate, both texts being equally authentic.

J.R. Jayewardane, President of the Democratic Socialist Republic of Sri Lanka.
Rajiv Gandhi, Prime Minister of the Republic of India.
Appendix VI

ANNEXURE TO THE AGREEMENT

1. His Excellency the Prime Minister of India and His Excellency the President of Sri Lanka agree that the referendum mentioned in paragraph 2 and its subparagraphs of the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency the President of Sri Lanka.

2. Similarly, both Heads of Government agree that the elections to the Provincial council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by the President of Sri Lanka.

3. His Excellency the President of Sri Lanka agrees that the Home Guards would be disbanded and all para-military personnel will be withdrawn from the Eastern and Northern Provinces with a view to creating conditions conducive to fair elections to the Council. The President, in his discretion, shall absorb such para-military forces, which came into being, due to ethnic violence, into the regular security forces of Sri Lanka.

4. The Prime Minister of India and the President of Sri Lanka agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.


6. The Prime Minister of India and the President of Sri Lanka agree that in terms of paragraph 2.14 and paragraph 2.16 (C) of the Agreement, an Indian Peace Keeping contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.

Excellency

1. Conscious of the friendship between our two countries stretching over two millennia and more, and recognizing the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows:

(i) Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presence will not prejudice Indo-Sri Lankan relations.
(ii) Trincomalee or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.

(iii) The work of restoring and operating the Trincomalee Oil tank farm will be undertaken as a joint venture between India and Sri Lanka.

(iv) Sri Lanka's agreements with foreign broadcasting organizations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely as public broadcasting facilities and not for any military or intelligence purposes.

3. In the same spirit, India will:

(i) deport all Sri Lankan citizens who are found to be 'engaging in terrorist activities found to engaging in terrorist activities or advocating separatism or secessionism.

(ii) provide training facilities and military supplies for Sri Lankan security forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.

5. Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Sd/-

(RAJIV GANDHI)

His Excellency Mr. J. R. JAYEWARDENE, President of the Democratic Socialist, Republic of Sri Lanka COLOMBO

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept, Excellency, the assurances of my highest consideration.

(J. R. JAYAWARDANE)
Appendix VII

KUMARATUNGE DEVOLUTION PROPOSAL
(AUGUST 3, 1995)

Whereas it is the will of the people of Sri Lanka to establish an order;

Wherein the sovereignty of the people is assured and the exercise of authority by their freely chosen representatives is in the nature of a sacred trust; Wherein the principles of democracy, freedom, humanity, tolerance and justice shall be fully observed; Wherein the dignity of the individual, shall be upheld through the guaranteeing of human rights and fundamental freedoms without distinction and in full equality beforeth law;

Wherein the territories constituting the nation shall form one indissoluble union, the units whereof will be characterized by such boundaries and limitations on their powers and authority as maybe prescribed;

Wherein the territorial integrity, independence and unity of the nation including its sovereign rights over land, sea and air shall be safeguarded;

Wherein peace and fraternity between all communities shall be secured and provision made enabling all communities to enjoy and nurture their distinct culture, practise and profess their own religion and promote their own language, thus preserving the rich cultural and ethnic diversity typifying a plural society:

Now, therefore, we the people of Sri Lanka having solemnly resolved to constitute Sri Lanka into a free, sovereign, united and independent Republic.

Cognizant of the sacrifices made by the people in the cause of sustaining the unity and sovereignty of the Republic;

Mindful of our obligation to succeeding generations of Sri Lankans and the World; Inspired by the vision of a nation where all communities can co-exist in safety, security and contentment; Conscious of the desire to achieve rapid, sustainable and equitable development so that the people of Sri Lanka may prosper and attain their rightful place among the community of nations: do, on this (DAY) acting through our freely chosen representatives constituting the 10th Parliament of Sri Lanka established by us hereby adopt., enact and give to ourselves.
CHAPTER 1

The People, the State and Sovereignty

1. Sri Lanka is a 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.

2. (1) The territory of the Republic shall consist of Regions, the names, boundaries and area of which are set out in the First Schedule, the Capital Territory and its territorial waters.

(2) No Regional Administration or Regional Administrations shall attempt, by direct or indirect means, to promote or otherwise advocate an initiative towards:

(a) the separation or secession of such Region or Regions from the Union of Regions constituting the Republic of Sri Lanka;

(b) alteration of the area of such Region or Regions;

(c) alteration of the boundaries of such Region or Regions;

(d) alteration of the name or names of such Region or Regions;

(e) formation of a new Region by separation of territory from any Region or by uniting two or more Regions or parts of Regions or by uniting any territory with a part of any Region. Provided that nothing in this paragraph shall be read and construed as prohibiting a Regional Administration from making representations to the Central Government regarding the matters referred to in sub-paragraph (c) of this paragraph.

3. In the Republic of Sri Lanka, sovereignty is in the people and is inalienable. Sovereignty includes the powers of Government, fundamental rights and the franchise and shall be exercised and enjoyed in the following manner.

(a) the legislative power of the People shall be exercised by Parliament, Regional Councils and the People at a Referendum;

(b) the executive power of the People shall be exercised by the President of the Republic acting on the advice of the Prime Minister and the Cabinet of Ministers, and the Governors acting on the advice of the respective Chief Ministers and Regional Boards of Ministers to the extent hereinafter provided:

(c) the judicial power of the People shall be exercised through courts, tribunals and institutions created and established, or recognized, by the Constitution, or created and established by law, except in regard to matters relating to the privileges, immunities and powers of Parliament and of its Members, wherein the judicial power of the People may be exercised directly by Parliament according to law:
(d) the fundamental rights which are by the Constitution declared and recognized shall be respected, secured and advanced by all the organs of Government, and shall not be abridged, restricted or denied, save in the manner and to the extent hereinafter provided; and

(e) the franchise shall be exercisable at the election of members of Parliament and of the Members of Regional Councils, and at every Referendum by every citizen who has attained the age of eighteen years, and who, being qualified to be an elector as hereinafter provided, has his name entered in the register of electors.

4. The National Flag of the Republic of Sri Lanka shall be the Lion Flag depicted in the Third Schedule.

5. The National Anthem of the Republic of Sri Lanka shall be Sri Lanka Matha, the words and music of which are set out in the Fourth Schedule.

6. The National Day of the Republic of Sri Lanka shall be the fourth day of February.

CHAPTER II BUDDHISM

7.(1) The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Articles 15(1) and 15(2)**

(2) The State shall consult the Supreme Council in all matters pertaining to the protection and fostering of the Buddha Sasana.

(3) For the purpose of this Article Supreme Council means a Council established by law in consultation with the Maha Sanaha.

Article 7 (formerly Article 6 in the Working Drafts of the New Constitution), shall be an entrenched provision requiring a 2/3 majority in Parliament and the approval of the People at a referendum for amendment.

Article 15 (1) and 15 (2) refer to the rights declared in the Chapter on Fundamental Rights in the revised working draft of the Constitution which was published in the in the media on 21/05/95 (these rights were contained in Articles 10 and 14 (1) (e) of the First Working Draft of the Constitution presented to in question will be renumbered.

CHAPTER III THE DEVOLUTION OF POWER TO REGIONS

Establishment of Regional Councils

8. (1) A Regional Council shall be established for every Region specified in the First Schedule with effect from such date or dates as the President may appoint by Order published in the Gazette. Different dates may be specified in respect of different Regions.

(2) The Capital Territory comprising the cities of Colombo and Sri Jayawardenepura-Kotte will be excluded from the jurisdiction of the Regional Council established for the Western Region under paragraph (1) and will be administered by the Centre.
Election of Members

9. Every Regional Council established under Article 8

(1) shall be constituted upon the members of such Council being elected in accordance with the law relating to Regional Council elections.

Governor

10. (1) There shall be a Governor for each Region for which a Regional Council has been established in accordance with article 8.
(2) The Governor shall be appointed by the President on the advice of the Chief Minister of the region.
(3) The Governor may, by writing addressed to the President, resign his office.
(4) (a) A Regional Council may, subject to paragraph
(b) present an address to the President advising the removal of the Governor on the ground that the Governor
(i) has intentionally violated the provisions of the Constitution;
(ii) is guilty of misconduct or corruption involving the abuse of power of his office; or
(iii) is guilty of bribery or an offence involving moral turpitude, if a resolution for the presentation of such address is passed by not less than two-thirds of the whole number of members of the Council (including those not present).
(b) No resolution for the presentation of an address to the President advising the removal of the Governor on the grounds referred to in sub-paragraph (a) shall be entertained by the Speaker of the Regional Council or discussed at the Council, unless notice of such resolution is signed by not less than one half of the whole number of members present.
(5) Subject to the provisions of this Article, the Governor shall hold office for a period of five years from the date he assumes office.
(6) Every person appointed as Governor shall assume office upon taking or subscribing the oath or making or subscribing the affirmation, set out in the Schedule, before the President.
(7) Upon such assumption of office, a Governor shall cease to hold any other office created or recognized by the Constitution and if he is a Member of Parliament or a Member of a Regional Council shall vacate his seat in Parliament or in the Regional Council. The Governor shall not hold any other office or place of profit.
(8) (a) The Governor may from time to time summon a Regional Council to meet at such time and place as it thinks fit, but two months shall not intervene between the
last sitting in one session and the date appointed for the first sitting of the next
session.

(b) The Governor may, from time to time, prorogue the Regional Council
(c) The Governor may, dissolve the Regional Council
(d) The Governor shall exercise his power under this paragraph in accordance with
the advice of the Chief Minister, as long as the Board of Ministers commands, in the
opinion of the Governor, the support of the majority of the Regional Council.

(9) The Governor of a region shall have the power to grant pardon to every person
convicted of an offence against a statute made by the Regional Council of that region
or a law made by Parliament on a matter in respect of which the Regional Council has
power to make statutes, and to grant a respite or remission of punishment imposed by
Court on any such person.

(10) The Governor may address the Regional Council and may for that purpose
require the attendance of members.

(11) Parliament shall by law or resolution make provision for the salary,
allowances, age of retirement and pension entitlement of holders of the office of
Governor.

Executive Powers of the Region

The executive power of the Region which shall extend to the matters with respect to
which a Regional Council has power to make statutes, shall be vested in the Governor
acting on the advice of the Chief Minister and the Board of Ministers and shall be
exercised by the Board of Ministers either directly or through the Chief Minister and
the Ministers of the Board of Ministers or through subordinate officers, in accordance
with this Chapter.

Membership of the Regional Council

12. A Regional Council shall consist of such number of members as may be
determined by or under law, having regard to the area and the population of the
Region for which that Regional Council is established.

Term of Office

13. A Regional Council shall, unless sooner dissolved, continue for a period of
five years from the date appointed for its first meeting, and the expiry of the said
period of five years shall operate as the dissolution of the Council.

Board of Ministers

14. (1) There shall be a Board of Ministers with the Chief Minister as, the Head and
not more than six other Ministers to aid and advise the Governor of a Region in the
exercise of his functions. The Governor shall in the exercise of his functions, act in
accordance with such advice except in so far as he is by or under the Constitution required to exercise his functions or any of them in his discretion.

(2) The question of whether any and, if so, what advice was tendered by a Minister to the Governor shall not be inquired into in any Court.

(3) The Governor shall appoint as Chief Minister the member of the Regional Council established for that Region who, in his own judgement and opinion, is best able to command the support of a majority of the members of that Council. Provided that where more than one half of the members elected to the Regional Council are members of one political party, the Governor shall appoint the leader of that political party in the Council as Chief Minister. (A Transitional Provision will provide for the appointment of the First Chief Minister by the President).

(4) The Governor shall, on the advice of the Chief Minister appoint, from among the members of the Regional Council constituted for that Region, the other Ministers.

(5) The Board of Ministers shall be collectively responsible, and answerable, to the Regional Council.

(6) A person appointed to the office of Chief Minister or member of the Board of Ministers shall not enter upon the duties of his office until he takes and subscribes the oath or makes and subscribes the affirmation set out in the Fifth Schedule.

(7)  (a) Upon the death or resignation of the Chief Minister or where the Chief Minister is deemed to have resigned, the Board of Ministers shall stand dissolved, and the Governor shall appoint a Chief Minister, and a Board of Ministers in accordance with this article.

(b) If the Regional Council rejects the statement of policy of the Region or the Appropriation Bill or passes a vote of no-confidence in the Regional administration, the Chief Minister shall be deemed to have resigned.

Legislative Power

15.  (1) Parliament has exclusive power to make laws with respect to any of the matters enumerated in list 1 of the Second Schedule (referred to as the Reserved List) and with respect to the matters in list 11 in the Second Schedule (referred to as the Regional List) in relation, to the Capital Territory referred to in Article 8 (2).

(2) The Regional Council of a Region has exclusive power to make statutes for such Region or any part thereof with respect to any of the matters enumerated in list 11 of the Second Schedule (referred to as the Regional List).

(3) When there is a law with respect to any matter in the Regional List in force on the date on which this Chapter comes into force, and a Regional Council established for a Region subsequently makes a statute on the same matter and which is described in its lone, title as being inconsistent with that law, then, the provisions of that law shall, with effect from the date on which that Regional Council statute receives assent, remain suspended and be inoperative within that Region, to the extent of such inconsistency.
When a Draft Statute becomes Law

16. (1) Every Draft Statute passed by a Regional Council shall come into force upon the certificate of the Speaker being endorsed thereon.

(2) The Speaker shall endorse on every Draft Statute passed by the Regional Council a certificate in the following, form: "This Draft Statute (state the short title of the Draft Statute) has been duly passed by the Regional Council".

Regional Judiciary

17. (1) There shall be a High Court for every Region with effect from the date on which this Chapter comes into force. Each such High Court shall be designated as the High Court of the relevant Region.

(2) Every such Regional High Court shall exercise, according to law:

a) the original criminal jurisdiction of the High Court of Sri Lanka on the day preceding the commencement of the Constitution, in respect of offences committed within the Region;

b) appellate and revisionary jurisdiction in respect of convictions, sentences and orders imposed by Magistrate's Courts and Primary Courts within the Region; and

c) such other jurisdiction and powers as Parliament may, by law, provide.

(3) Every such High Court shall have jurisdiction to issue according to law -

a) orders in the nature of habeas corpus, in respect of persons illegally detained within the Region; and

b) orders in the nature of writs of certiorari, prohibition, procedendo, mandamus and quo warranto against any person exercising, within the Region, any power under -

(i) any law, or

(ii) any statute made by the Regional Council established for that Region in respect of any matter set out in the Regional List.

(4) Subject to the provisions of this Constitution and any law, any person aggrieved by a final order, judgement or sentence of any such Court, in the exercise of its jurisdiction under paragraphs 17.(2) and 17.(3), may appeal there from to the Court of Appeal.

18. (1) There shall be a Regional Judicial Service Commission for every Region which shall consist of three retired judges or sitting judges of the Supreme Court, the Court of Appeal or the High Court, appointed by the Constitutional Council in consultation with the Chief Minister of the relevant region: Provided that where a sitting judge is appointed, he shall relinquish his judicial office.

(2) The appointment, transfer, dismissal and disciplinary control of judicial officers within the Region is vested in the Regional Judicial Service Commission of that Region: Provided that the National Judicial Service Commission shall provide for and determine all matters relating to judicial officers and the principles and procedure to be followed by Regional Judicial Service Commissions for the exercise of the powers of appointment, transfer, dismissal and disciplinary control of judicial officers.
including formulation of schemes of recruitment and principles to be followed in making promotions and transfers.

(3) The Chairman of the Regional Judicial Service Commission or any Judge of the Regional High Court authorized by the Chairman of the Commission shall have full power and authority to inspect any, court of first instances in the Region or the records, register or other documents maintained in such court and hold such inquiry as may be necessary.

**The Regional Attorney-General**

19. (1) The Governor of each region shall appoint a person who is qualified to be appointed as a judge of a Regional High Court to be the Regional Attorney-General.

(2) It shall be the duty of the Regional Attorney-General to give advice to the Governor, the Chief Minister and the Board of Ministers upon such legal matters and perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Chapter or such other law as may be enacted by Parliament.

(3) The Regional Attorney-General shall hold office during, the pleasure of the Governor and shall receive such remuneration as the Governor may determine.

(4) (a) It shall be the duty of the Regional Attorney-General to examine every Draft Statute proposed to be passed by the Regional Council for any contravention of the Constitution, and the Regional Attorney-General or any officer assisting the Regional Attorney-General in the performance of his duties under this Article shall be afforded all facilities necessary for the performance of such duties.

(b) If the Regional Attorney-General is of the opinion that a Draft Statute contravenes the Constitution, he shall communicate such opinion to the Governor, the Chief Minister and the Board of Ministers, in the case of an amendment proposed to a Draft Statute in the Regional Council, the Regional Attorney-General shall communicate his opinion to the Speaker at the stage when the Draft Statute is ready to be put to the Regional Council for its acceptance.

(c) Where a Draft Statute is passed, despite the opinion of the Regional Attorney-General that it contravenes the Constitution, it shall be the duty of the Regional Attorney-General to invoke the jurisdiction of the Supreme Court to determine the constitutionality of such statute or any part thereof.

**Finance Commission**

20. (1) There shall be a Finance Commission consisting of three members representing the three major communities each of whom shall be a person who has distinguished himself or held high office, in the field of finance, law, administration, business or learning who shall be appointed by the President on the recommendation of the Constitutional Council.
(2) Every member of the Commission, unless he earlier dies, resigns or is removed from office, shall hold office for a period of three years.

(3) The Government shall, on the recommendation of and in consultation with the Commission, allocate from the annual budget such funds as are adequate for the purpose of meeting the needs of the Regions.

(4) It shall be the duty of the Commission to make recommendations to the President as to a) the principles on which such funds as are granted annually by the government for the use of Regions, should be apportioned between the various Regions; b) the principles on which the sharing and/or assignment of revenue between the Centre and the Regions should take place with a view to ensuring the assured measure of finances necessary for effective devolution; and c) any other matter referred to the Commission by the President relating to Regional finance.

(5) The Commission shall formulate such principles with the objective of achieving balanced regional development in the country, and shall accordingly take into account a) the population of each Region; b) the per capita income of each Region; c) the need, progressively, to reduce social and economic disparities; and d) the need, progressively, to reduce the difference between the per capita income of each Region and the highest per capita income among the Regions.

(6) The Commission shall determine its own procedure and shall have such powers in the performance of its duties as Parliament may, by law, confer on it.

(7) The President shall cause every recommendation made by the Finance Commission under this Article to be laid before Parliament, and shall notify Parliament as to the action taken thereon.

(8) No court or tribunal shall inquire into, or pronounce on, or in any manner entertain, determine or rule upon, any question relating to the adequacy of such funds, or any recommendation made, or principle formulated by the Commission.

Regional Public Service Commission

21. (1) There shall be a Regional Public Service Commission which shall consist of not less than five persons appointed by the Constitutional Council in consultation with the Governor. The Constitutional Council shall nominate one of the members of the Commission to be the Chairman.

(2) No person shall be so appointed or continue as a member of the Regional Public Service Commission if he is a Member of Parliament, a Member of a Regional Council, a public officer, a judicial officer or an officer of a Regional Public Service.

(3) Every member of a Regional Public Service Commission shall hold office for a period of five years from the date of his appointment unless he earlier resigns his office by writing under his hand addressed to the Governor of the Region or is
removed from office by the Constitutional Council, in consultation with the Governor for cause assigned, but shall be eligible for reappointment.

(4) A member of a Regional Public Service Commission shall be paid such salary as may be determined by the Regional Council for that Region. The salary payable to any such member shall be charged on the regional consolidated fund and shall not be diminished during his term of office.

(5) A Regional Public Service Commission shall have the power to act notwithstanding any vacancy in its membership, and no act or proceedings of such Commission shall be deemed to be invalid by reason only if any such vacancy or any defect in the appointment of a member.

**Regional Public Service**

22.  (1) The appointment, transfer, dismissal and disciplinary control of officers of the Regional Public Service in each Region is hereby vested in the Regional Public Service Commission.

(2) The Regional Public Service Commission shall provide for and determine all matters relating to officers of the Regional Public Service, including the formulation of schemes of recruitment and codes of conduct for such officers, the principles to be followed in making promotions and transfers and the procedure for the exercise and the delegation of the powers of appointment, transfer, dismissal and disciplinary control of such officers.

(3) Every person who otherwise than in the course of duty directly or indirectly, by himself or by any other person, in any manner whatsoever, influences or attempts to influence any decisions of a Regional Public Service Commission or any member thereof shall be guilty of an offence and shall on conviction by a High Court after trial without a jury be liable to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment: Provided that nothing in this Article shall prohibit any person from giving a testimonial or certificate to any applicant for any office in the Regional Public Service Commission.

**Property, Contracts, Rights, Liabilities, Obligations and Suits**

23. 1) (a) All lands, mineral and other things of value underlying the ocean within the territorial waters, or the continental shelf or the exclusive economic zone of Sri Lanka, shall continue to vest in the Centre and be held for the purposes of the Republic.

(b) All other resources of the exclusive economic zone of Sri Lanka shall also continue to vest in the Centre and be held for the purposes of the Republic.

(c) The limits of territorial waters, the continental shelf, the exclusive economic zone and other maritime zones of Sri Lanka shall be such as specified, from time to time, by any laws made by Parliament.

(2) (a) All contracts made in the exercise of the executive powers of a Region shall be expressly made by the Governor of the Region, and all such contracts
and all assurances of property made in the exercise of that power shall be executed on behalf of the Governor by such persons in such manner as he may direct or authorize.

(b) The Governor shall not be personally liable in respect of any contract or assurance made or executed for the purposes of this Article. Nor shall any person making any such contract or assurance on behalf of the Governor be personally liable in respect thereof.

24. (1) State land within a region shall vest in the Region and shall, subject to this Article, be at the disposal of the Regional Council for the purposes set out in the Regional List.

(2) The Regional administration shall be entitled to exercise rights in or over such land, including land tenure, transfer or alienation of land, land use, land settlement and land improvement in accordance with applicable laws. Provided that priority in future land settlement schemes shall be accorded first to persons of the district and then to persons of the Region.

(3) If the Centre is satisfied that State Land in a Region is needed for the purpose of a reserved subject, the Centre may, after consultation with the relevant Regional administration, require the Regional administration to make available to the Centre, or to such public authority as the Centre may specify, such land as may be required for such purpose, and the Regional administration shall comply with such requirement.

(4) Inter-regional irrigation projects are schemes where the command area falls within two or more Regions. These shall be the responsibility of the Centre.

Law and Order.

25. (1) Law and order shall be a subject devolved on the regions and shall include public order in the region and the exercise of police powers.

(2) National defence and national security shall be reserved subjects.

(3) (a) There shall be a Regional Police Service headed by the Regional Police Commissioner who shall be appointed by the Chief Minister of the Region in consultation with the Governor of the Region.

(b) There shall be a Regional Police Commission consisting of the Regional Police Commissioner, and two others appointed by the Constitutional Council.

(c) The Regional Police Commission shall be responsible for the recruitment, transfer, promotion and disciplinary control of officers in the Regional Police Service. The Regional Police Commission in exercising its powers under this Article may, if it deems it appropriate, adopt any criteria specified by the National Police Commission in respect of these matters.
(4) The following offences shall not be investigated by the Regional Police Service;
Offences against the Republic,
Offences relating to the army, navy and air force,
Offences relating to elections except local authority elections, Any offence
committed against the President,
Any offence committed against the Prime Minister, the Speaker, a Minister a Deputy
Minister or a Member of Parliament,
Any offence committed against a Member of the National Judicial Service
Commission, a Member of the National Public Service Commission, the Secretary
General of Parliament, a member of the President Staff or a Member of the Staff of
Parliament,
Any offence prejudicial to national security or the maintenance of essential services,
Offences relating to coins, currency and Government stamps,
Any offence relating to property belonging to the Republic or a State Corporation,
Company or Establishment, the whole or part of the capital whereof has been
provided by the Republic,
Any offence under any law relating to any matter in the Reserved List,
Any offence in respect of which courts in more than one Region have jurisdiction, and
International crimes.

(5) The Regional Police Service shall consist of the Regional Police Commissioner,
Regional Deputy Police Commissioners, Regional Senior Superintendents of Police,
Superintendents of Police, Assistant Superintendents of Police, Chief Inspectors,
Inspectors of Police, Sergeants and Constables and other ranks recruited to the Region
and / or seconded to the Region.

(6) All police officers serving in the Region shall function under the Regional Police
Commissioner of that Region.

(7) The Regional Police Commissioner shall be responsible to, and be under the
control of, the Chief Minister in respect of the maintenance of public order in the
Region.

(8) The Regional Police Service shall be responsible for the prevention, detection and
investigation of all offences (except the offences specified in paragraph (4) and the
institution of prosecutions in the relevant courts in respect of such offences. In the
discharge of these functions, the Regional Police Service shall be under the direction,
control and the superintendence of the Regional Police Commission.

(9) There shall be a National Police Service headed by the National Police
Commissioner, and including, the National DPCs, SSPs, ASPs, and other ranks
recruited at the national level.

(10) There shall be a National Police Commission consisting of the National Police
Commissioner and two others appointed by the Constitutional Council.

(11) The National Police Commission shall be responsible for recruitment, transfer,
promotion and disciplinary control over officers in the National Police Service and the
transfer of officers of the Regional Police Service from one Region to another.
State of Emergency within a Region

26. (1) Where the President is of opinion that the security or public order in a Regions threatened by armed insurrection, or grave internal disturbances, or by any action or omission of the Regional administration which presents a clear and present danger to the unity and sovereignty of the Republic, he may make a proclamation bringing the provisions of the law relating to Public Security into force in the Region.

(2) Upon such proclamation, the President may by order deploy in aid of the civil power, the armed forces or any unit of the national police service for the purpose of restoring public order: Provided that every such proclamation shall be revoked, as soot, as the President is satisfied that public order has been restored.

(3) Where the Chief Minister seeks the assistance of the National Police Service to preserve public order within a region, the National Police Commissioner shall deploy such personnel as are necessary for the purpose.

(4) (a) 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 intentional violation of the Constitution which constitutes a clear and present danger to the unity and sovereignty of the Republic, the President may by Proclamation assume to himself all or any of the functions of the administration of the region and all or any of the powers vested in, or exercisable by, the Governor, the Chief Minister, the Board of Ministers or any body or authority in the region. The President shall also have the power to dissolve the Regional Council in these circumstances.

    (b) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

    (c) Every Proclamation under this Article shall be laid before Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of 14 days unless, before the expiration of that period, it has been approved by a resolution of Parliament: Provided that if any such Proclamation (not being a Proclamation revoking a previous Proclamation) is issued at a time when Parliament is dissolved or the dissolution of Parliament takes place during a period of fourteen days referred to in this subparagraph but no resolution with respect to such Proclamation has been passed by Parliament before the expiration of that period, the Proclamation shall cease to operate at the expiration of fourteen days from the date on which Parliament first sits after its reconstitution, unless before the expiration of such period of fourteen days a resolution approving the Proclamation has been passed by Parliament.

    (d) Notwithstanding anything in this Article, the President may within fourteen days of his making a Proclamation under sub-paragraph (a) and for the purposes of satisfying himself with regard to any other matter referred to in that paragraph, direct a tribunal constituted in the manner provided for in subparagraph (e) of this paragraph, to inquire into and report upon such matters within a period of sixty days. Upon receipt of the report of such tribunal, the President may revoke the Proclamation made under subparagraph (a)

    (e) The tribunal referred to in sub-paragraph (d) of this paragraph shall be constituted by the Centre and the relevant Regional Council acting in
consultation with the Chief Ministers' Conference. The tribunal shall consist of a member appointed by the Centre, a member appointed by the Chief Ministers' Conference on the recommendation of the relevant Regional Council and a Chairman nominated by the members so appointed. Where there is no agreement on the nomination of a Chairman, the Chairman shall be nominated by the Constitutional Council.

(f) A Proclamation under this Article shall be conclusive for all purposes and shall not be questioned in any Court, and no Court shall inquire into, or pronounce on, or in any manner call in question, such Proclamation or the grounds for making thereof.

Finance

27. (1) No tax shall be levied or collected except by or under law.

(2) (a) Subject to the provisions of this chapter with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to the Region, all funds of the Republic shall form one consolidated fund to be called the Consolidated Fund of Sri Lanka into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues of the Republic. All revenues received by a Regional Council and all loans raised by that Regional Council by the issue of Treasury bills, loans and ways and means advances, and all money received by that Council in repayment of loans shall form one consolidated fund to be called the "Consolidated Fund of the Region."

(b) All other public money received by or on behalf of the Government of Sri Lanka or a Regional Council shall be credited to the public account of Sri Lanka or the public account of the Region as the case may be.

(c) No money out of the Consolidated Fund of Sri Lanka or the Consolidated Fund of the Region shall be appropriated except in accordance with law statute and for the purposes and in the manner provided in this Constitution.

(3) (a) Notwithstanding any of the provisions of this chapter, Parliament may by law create a contingency fund for the purpose of providing for urgent and unforeseen expenditure.

(b) The Minister in charge of the subject of Finance, if satisfied, (i) that there is need for any such expenditure, and (ii) that no provision for such expenditure exists, may with the consent of the President authorize provision to be made therefore by an advance from the contingency fund.

(c) After each such advance, a supplementary estimate shall, within a period of three months, be presented to Parliament for the purpose of replacing the amounts so advanced.

(d) The Regional Council may by statute establish a contingency fund in the nature of an imprest to be entitled the Contingency Fund of the Region into which shall be paid from time to time such sums as may be determined by, such statute and the said
fund shall be placed at the disposal of the Regional Minister in charge of the subject of Finance to enable advances to be made by him out of such fund with the consent of the Chief Minister for the purpose of meeting unforeseen expenditure pending authorization of such expenditure by the Regional Council.

4) (a) Such excise duties as may be prescribed by the Finance Commission shall be levied by the Government of Sri Lanka but shall be collected (i) in the case where such duties are leviable within the Capital Territory, by the Government of Sri Lanka, and (ii) in other cases by the Regions within which such duties are respectively leviable.

(b) The proceeds of any financial year of any such duty leviable within any region shall not form part of the Consolidated Fund of Sri Lanka and shall be assigned to that region.

5) (a) Taxes on wholesale and retail sales (other than sales by manufacturers) shall be levied and collected by the Government of Sri Lanka but shall be assigned to the Regions in the manner provided in subparagraph (b).

(b) The net proceeds in any financial year of any such tax except in so far as those proceeds represent proceeds attributable to the Capital Territory shall not form part of the Consolidated Fund of Sri Lanka but shall be assigned to the Region within which such tax is leviable in that year in accordance with such principles of apportionment as may be formulated by the Finance Commission.

(c) The Finance Commission shall also formulate principles for determining when a sale or purchase or consignment of goods takes place in the course of inter-regional trade or commerce.

6) (a) Such other taxes on sales or income shall be levied and collected by the Government of Sri Lanka and be distributed between the Republic and the Region in the manner provided in subparagraph (b).

(b) Such percentage as may be prescribed by the Finance Commission of the net proceeds in any financial year of any such tax not attributable to the Capital Territory shall not form part of the consolidated fund off Sri Lanka but shall be assigned to the Region within which tax is leviable in that year and shall be distributed amongst those Regions in such manner, and from such time, as may be prescribed by the Finance Commission.

Such sums as Parliament may by law provide shall be charged to the Consolidated Fund of Sri Lanka in each year as grants in aid of the revenue of such Region as Parliament may determine to be in need of assistance, and different sums may be fixed for different Regions.

28. (1) The property of the Government of Sri Lanka shall, save as so far as Parliament may by law otherwise provide, be exempt from all taxes imposed by a Region.

(2) The property and income of a Region shall be exempt from taxation by the Centre.
(3) The executive power of the Region extends to domestic and international borrowing upon the security of the Consolidated Fund of the Region. International borrowing, shall be subject to such criteria and limitations specified by, and would require the concurrence of, the Centre.

(4) The limits as regards domestic borrowing, and the limitations and criteria as regards international borrowing by each Regional administration for each financial year will be laid down by the Minister in charge of the subject of Finance of the Republic of Sri Lanka before the thirtieth day of September of the preceding, financial year. In laying down these limits and criteria, the Minister in-charge of the subject of Finance shall take into consideration the requirements of prudent fiscal policy and the demands of monetary stability as well as the repayment capacity of each Regional administration.

(5) Any agreements negotiated and entered into by Regional administrations regarding international grants and foreign development assistance shall be in accordance with the national policies on international aid as laid down, from time to time, by the Cabinet of Ministers and approved by the Parliament of the Republic.

**Chief Ministers’ Conference**

29. (1) There shall be established a Chief Ministers' Conference which will consist of the Chief Ministers of all the regions.

(2) The Chairman of the Chief Ministers' Conference shall be elected by the Chief Ministers in rotation, so however, that each Chief Minister shall hold office as Chairman for a period of 3 months. The Chairman so elected represent the Chief Ministers' Conference on the Constitutional Council.

(3) The Conference shall have the power: (a) to take all such actions and measures as are necessary to ensure full compliance with the provisions of this Chapter in accordance with the spirit and intention of the Constitution; (b) to inquire into and to settle any dispute which may have arisen between regions; (c) to investigate and discuss subjects in which some or all of the Regions have a common interest and to make recommendations for the better co-ordination of policy and action in respect of that subject.

(4) The Conference shall endeavour to settle any dispute referred to it, in terms of sub-paragraph 3 (b) of this Article, by mediation and conciliation.

(5) Where such efforts at mediation and conciliation fail, such dispute shall be referred for adjudication to a tribunal established, in accordance with this Article, by the relevant Regional Councils.

(6) The tribunal shall consist of member each appointed by the disputant Regional Councils and a Chairman nominated by the members so appointed. Where there is no agreement on the nomination of a Chairman, the Chairman shall be nominated by the Constitutional Council.

(7) The practices and procedures of the tribunal shall be regulated by rules framed by the Conference. Any award or determination made by such tribunal shall be binding on the parties to the dispute.

(8) The Conference shall regulate its own procedures and shall meet once every month, unless otherwise determined by the Conference.
Lists Second Schedule

List 1 (Reserved List)

1. Defence, national security, national police, and the security forces
2. Immigration, Emigration and Citizenship
3. Foreign Affairs
4. National Census and Statistics
5. National Planning
6. Currency and Foreign Exchange, international economic relations, monetary policy
9. Regulation of banking and other financial institutions
10. Insurance
11. Stock Exchange and futures markets
13. Taxes on income, capital and wealth of individuals, companies and corporations
14. Custom duties, including import and export duties, and excise duties (excluding such excise duties as may be devolved on the regions)
15. Turnover taxes and stamp duties, goods and services taxes
16. Any other taxes, duties or levies not mentioned in the Regional List
17. Pensions payable by the Government of Sri Lanka or out of the consolidated fund
18. Atomic Energy
19. Maintenance and management of the National Grid
20. Minerals and mines (regulation and development of oil fields and mineral resources, petroleum and petroleum products)
21. National rivers
22. Airports, harbours, ports with international transportation
23. Inter-regional transport and railways
24. Civil Aviation
25. Inter-regional highways linking district capitals
26. Shipping and navigation; Maritime Zones including historical waters and territorial waters, Exclusive Economic Zone and Continental Shelf.
27. Elections (excluding elections to Local Authorities; elections to be administered by Local Authority Election Commissions in each region)
28. Posts and telecommunications
29. National Public Service, National Public Service Commission
30. National Health Administration (inclusive of existing special purpose hospitals and teaching hospitals affiliated to national Universities. Training, coordination of education and research relating to Health; Development of National Health Standards; Administration of all special programmes).
31. Drugs, poisons and narcotics
32. Administration of Justice
33. National universities
34. National standards with regard to professions, occupations and training
35. National standards relating to research, development and training in the area of agriculture
36. Inter-regional irrigation schemes
37. Fishing beyond the territorial waters and rights relating to traditional migratory fishing
38. Management of central policy and research institutions in the field of education e.g. National Institute of Education, Management and supervision of national schools, conduct of national public certification examinations, educational training, imposition of minimum standards for such examinations, curriculum and teacher qualifications
39. Adoption of children
40. National Scientific and Industrial Research and Training
41. Regulation of activities for the enhancement of quality standards
42. Foreign trade, inter-regional trade and commerce
43. Patents, inventions, designs, copyright, trademarks and merchandise marks
44. Monopolies and mergers
45. Inter-regional food distribution
46. National media including Central Government Broadcasting, and Television Institutions
47. National Archives and Museums, ancient and historical monuments, archaeological sites and records declared by law to be of national importance
48. National Environment and National Policy on Tourism
49. Specialized National Housing, Programmes
50. Coordination of Specialized National Poverty Alleviation Programmes
51. Youth and Women's Affairs
52. Buddhism
53. Development of National sports administration and infrastructure
54. Intervention in instances of National (natural and environmental) disasters and epidemics
55. Labour regulation and standards
56. Surveys for the purpose of any matters enumerated in the Reserved List
57. Offences against Laws with respect to any of the matters in the List
58. Fees in respect of any of the matters in the List, but not including fees taken in any Court.
59. Public utility infrastructure development
60. National Libraries and the National Library Services Board
61. Educational publications
62. Industrial Development
63. National Lotteries

List II The Regional List

1. Health and indigenous medicine
2. Higher Education, Education and Educational Services, excluding national schools and national universities and the setting of minimum standards for examination, curriculum and teacher qualifications and teacher training
3. Agriculture and agrarian services
4. Irrigation
5. Animal husbandry
6. Fisheries and Aquatic Resources excluding rights relating to traditional migratory fishing
7. Forestry and Protection of the Environment within a Region
8. Industries and Regional Industrial Development
9. Energy
10. Transport
11. Minor Ports and Harbours
12. Roads and Waterways
13. Housing and construction
14. Urban Planning and Public Utilities
15. Rural Development
16. Local Government
17. Co-operatives
18. Supply and distribution of food
19. Promotion of tourism
20. Regional libraries and museums, archaeological sites, ancient and historical monuments and records (excluding those sites declared by law to be of national importance) and the regulation of cultural activity, including public performances
21. Broadcasting, and media, including television
22. Relief, Rehabilitation and Reconstruction
23. Social Security
24. State land and its alienation or disposal (State land within a region required for the purposes of the Centre in respect of a reserved subject may be utilized by the Centre in consultation with the relevant Regional Council and in accordance with such procedures as may be established by law).
25. Regional Police and law and order.
26. Administration of Borstal and reformatory institutions.
27. Regional Public Service.
29. Regulation of unincorporated associations and societies within the region.
30. Public debt of a Region.
31. Domestic and international borrowing (international borrowings shall be subject to such criteria and limitations specified by, and would require the concurrence of, the Centre)
32. The regulation and promotion of foreign direct investment, international grants and development assistance to the region.
33. Regional financial and credit institutions.
34. Excise duties to be specified.
35. Betting, taxes, and taxes on prize competitions and such other lotteries to be specified
36. Motor vehicle license fees
37. Stamp duties on transfer of immovable properties and motor vehicles
38. Fines imposed by courts
39. Court fees, including stamp fees on documents produced in courts
40. Land revenue, including the assessment and collection of revenues, and maintenance of land records for revenue purposes
41. Taxes on mineral rights
42. Offences against laws with respect to any of the matters specified in the List
43. Fines in respect of the matters in the Regional List
44. Planning and Plan implementation at the regional level
45. Law and order to the extent provided in Chapter III.
46. Administration of Justice within a region
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