

## **Drawing in Treacle: Mediation Efforts in Sri Lanka, 1983 to 2007\***

DAGMAR HELLMANN-RAJANAYAGAM

### **Prologue**

Observers of the situation in Sri Lanka increasingly have a sense of *déjà vu*. Each renewed cycle of violence ends with a more or less fragile ceasefire of longer or shorter duration before hostilities resume with renewed vigour. The army proudly proclaims – for weeks and months on end – that it has only “to retake 2% of territory” or that it “will take only two hours to wipe out the last remains of the LTTE from the tiny area on the east coast”. All this is then accompanied by angry statements and demonstrations in Tamilnadu demanding that the Indian central government finally intervene decisively in the conflict. When research for this article was begun in 2006, the situation had begun to deteriorate. By the end of it, a long drawn-out and bloody ‘end-game’ had begun, that saw the LTTE being pushed back into a tiny sliver of land on the east coast and civilians in a so-called ‘no-fire-zone’ bearing the brunt of aerial and artillery attacks by government forces. Anything between 250000 to 500000 people got caught in between the fighting groups and fled from place to place in search of ever elusive security, until they were squeezed on the coast near Mullaithivu. Those that escape are corralled in internment camps by the Sri Lankan government.

On 16th January 2008, the Sri Lankan government withdrew from the Ceasefire Agreement (CFA) of February 2002 and continuously rolled back the area under LTTE control. But even if it manages in the next weeks to wipe out the LTTE, this does not necessarily spell the end of the conflict.

On the night of 1st to 2nd November 2007, the Chief Negotiator of the Liberation Tigers of Tamil Eelam, S.P. Tamilselvam, Leader of the Political Wing of the organisation, was killed together with five of his assistants, in

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an air attack by the Sri Lankan Air Force on his office, the Peace Secretariat in Kilinochchi. The attack shocked the international community and was nearly unanimously condemned as a targeted assassination and a violation of the CFA of 2002. This attack was only one in a series of attacks on both sides against prominent leaders of the opposite side that have taken place since 2005 and made the CFA a farce: one of the victims was Jeyaraj Fernandopulle, Minister for Transport.<sup>1</sup> Sri Lankan government spokesmen, among them Gotabaya Rajapakse, announced further attacks on the Liberation Tigers of Tamil Eelam (LTTE) leadership, in order to achieve peace. In his speech on Heroes' Day on 27th November 2007, Prabhakaran assigned some responsibility for Tamilchelvan's death to the 'international community' who had been silent in the face of attacks on the Tamils and breaches of the CFA by the Sinhalese.<sup>2</sup>

## **The background**

The CFA was the last in a long list of mediation efforts to end the conflict that all came to naught. The weary question, what is new should be replaced by a more fruitful one: what went wrong? If we want to understand the conundrum that is the conflict in Sri Lanka and the problems of all efforts at mediation, we have to look into the roots and causes of this conflict. There are two ways of doing so. The first is to look at the factual background of the conflict, which will follow. The other way of looking into roots, however, lies in analysing interests and mindsets that fuel certain attitudes and actions, or non-actions. This analysis will follow in the second part of the paper. The link between the two, so to speak, will be excerpts of some speeches by the LTTE leader Prabhakaran that illustrate his mindset and the Tamil demands.

Sri Lanka is a small island off the south-eastern coast of India, a 'tear in the ocean'. The population comprises 20 million, 65–70% of whom are Sinhalese, between 15 and 20% Tamils, 7% Muslims and about 1–3% Burgher. The majority of Sinhalese are Buddhists of the Theravada school, while the Tamils are Hindus of the Saivite denomination. There are strong

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<sup>1</sup> Tamilchelvan killed in SLAF attack, <http://www.tamilnet.com/art.html?catid=13&artid=23655>; Jaffna TNA MP Sivanesan killed in DPU Claymore attack, <http://www.tamilnet.com/art.html?catid=13&artid=24875>; LTTE's Head of Military Intelligence killed in Claymore ambush, <http://www.tamilnet.com/art.html?catid=13&artid=24197>; Jeyaraj Fernandopulle killed in bomb blast, <http://www.tamilnet.com/art.html?catid=13&artid=25214>, all accessed on 12th April 2008.

<sup>2</sup> Heroes' Day speech 2007, [www.tamilnation.org](http://www.tamilnation.org)

Christian minorities: 7% among the Sinhalese, 15% among the Tamils. The Muslims are mostly Tamil speaking.

Until the 19th century, even under diverse colonial powers, Sinhalese and Tamils lived in fairly clearly defined areas, the Tamils in the North and East, the Sinhalese in the central highlands, the South and Southwest. However, fairly extensive contacts of a religious and commercial kind existed between both groups, and substantial minorities of one or the other group lived all over the island. Culturally, however, the Tamils were strongly oriented towards South India.

Ethnic differences that were accepted as existing, but had never become relevant on the political level, became important towards the end of the 19th and the beginning of the 20th centuries, in the wake of British political and administrative reforms that gave 'natives' a bigger say in the affairs of the island.<sup>3</sup> Political rivalry, however, emerged first with the reforms of the 1920s and 1930s, when, with an enlarged franchise, numbers became significant for the access to power. Alongside universal franchise, the Tamils demanded a weighted electoral system, a demand put forward especially by the All Ceylon Tamil Congress, founded in 1944 by G.G. Ponnambalam. In the 1930s and 1940s, moreover, unpleasant racial demands and slurs became fashionable among Sinhalese politicians.<sup>4</sup>

The Soulbury Constitution with which Ceylon entered independence in 1948, framed a territorial electoral law without weightage for minorities, but pronounced in § 29(2) that religious and other discrimination was forbidden under the constitution.

## **Confrontations**

First confrontations between Sinhalese and Tamils occurred strictly on the political level, and this continued until long after independence. In fact, Sri Lanka counted as a model of a Third World democracy until the 1950s and 1960s. It had gained its independence without a bloody fight, and elections were conducted regularly, with ruling parties changing periodically. Yet, as early as in 1949, the Indian Tamils were disenfranchised, a move which led to the founding of a second Tamil party, the Federal Party (FP).

In 1956, the Sri Lanka Freedom Party (SLFP) under S.W.R.D. Bandaranaike won the elections with the slogan 'Sinhala only', which led for the first time to violent unrest between Sinhalese and Tamils. A pre-indepen-

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<sup>3</sup> Dagmar Hellmann-Rajanayagam, *Von Jaffna nach Kilinocchi*, Würzburg 2007, p. 306/07.

<sup>4</sup> *ibid.*, p. 344.

dence resolution to give parity to both languages was completely reversed (see below), and the demand of a large section of Sinhalese to make Sinhala the only national language was granted. This led to fierce protests by the Tamils who for the first time voted almost unanimously for the FP.

After some political unrest in 1961, when the army briefly administered Jaffna, a violent uprising of Sinhala youth in 1971 led to the Standardisation laws that limited the access of Tamil students to tertiary education. In 1974 nine people died when, without provocation, the police fired on participants at the closing ceremony of the International Tamil Conference in Jaffna.

In 1977, after the election victory of the United National Party (UNP) under Jayawardene, riots broke out in which mainly Indian Tamils in the hill country were attacked. In 1981 the army wantonly burnt the famous Tamil Library in Jaffna which held invaluable palm leaf manuscripts and ancient texts.

From the mid-1970s unrest took on a new quality with increasing repression from the Sinhala side and violent reactions, especially by the Tamil youth, on the other. Young people denounced the cautious and non-violent procedure of their fathers which to them did not seem to be leading to any results at all. The student organisations of the various Tamil parties turned increasingly militant and came on the scene under new names. In 1976 the organisation that in the end turned out strongest and most successful was baptised: the LTTE, formerly the Tamil New Tigers, who managed to obtain the monopoly of violence in the Tamil areas by the early 1980s.

The climax of animosity or conversely, the nadir of ethnic relations was reached with the riots of 1983, four years after the Prevention of Terrorism Act of 1979 had, to put it a bit pointedly, created the very terrorists it aimed to prevent. 1983 is usually taken as the beginning of the civil war, the first stage of which lasted until 1987 when the Indian Peace-Keeping Force (IPKF) entered Sri Lanka to keep the peace. The peace unravelled quickly, and from 1987 until 1990 the LTTE and the IPKF fought each other with indeterminate success. After the IPKF withdrew in 1990, war started again in June after a few months of cordial relations between the government and the LTTE. In 1994 Chandrika Kumaratunga attempted to negotiate another truce. Yet a new round of fighting started in 1995/6 that lasted until 2001/02. The army could boast of some successes, notably the reconquest of Jaffna in 1995, but in 1996 the LTTE already regained the coastal township of Mullaitivu with considerable losses for the Sinhalese, and in 2000 it advanced from Kilinochi and took Elephant Pass which was thought to be impenetrable. The march to Jaffna was only held

up by Indian arms deliveries. A daring attack on Katunayake airport in 2001 demonstrated to the Sinhalese their military and economic vulnerability, and the UNP Prime Minister Ranil Wickremesinghe negotiated a ceasefire in 2002 that actually lasted for nearly four years. The ceasefire survived until 2006, despite several upheavals: in 2004 the eastern wing of the LTTE under Karuna (Muralitharan) had split away from the main organisation. We know now that Wickremesinghe was mainly responsible for this: he had persuaded Karuna with financial and other promises to turn against Prabhakaran. This move weakened the LTTE in the East, yet not as significantly as had been hoped. Karuna had been called to Kilinochchi shortly before the split to account for accusations of recruitment of child soldiers, something which happened first and foremost in the areas under his control, and mismanagement of funds. He pre-empted this with the split. In 2007 another splinter group emerged from the eastern wing, the Pillaiyan group, and Karuna fled to London on a fake Sinhalese passport provided by the government. He was remanded in custody and then extradited. Like Karuna, Pillaiyan is a quisling of the government who pushes through government interests with the help of the gun in the East and even in parliament by threatening MPs to vote in the 'right' way.<sup>5</sup> He won the municipal elections in Batticaloa in March and the provincial elections in May 2008.

Since 2006, civil war has resumed with full ferocity, and both sides try to hit each other in the weakest spots. Up to now, some 70,000 to 100,000 civilians have fallen victim to the fighting, the overwhelming proportion of them Tamils.

### **Attempts at mediation – external**

There were attempts to mediate in the conflict right from the start. Whereas initially, they came from inside the country, from the 1980s, calls for external mediation became more articulate. We shall look at these first, before examining the internal efforts to search a solution together with the demands of the Tamils and the Sinhala offers.

The first and so-to-speak natural mediator was India. It had expressed deep shock about the riots of 1983, especially since they created a refugee stream of Tamils from Sri Lanka to India. They had to be housed in refugee camps, clothed and fed, which put a severe strain on the federal and state

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<sup>5</sup> 50% turnout, paramilitary manipulates voting in Batticaloa, <http://www.tamilnet.com/art.html?catid=13&artid=24925>; "Elect me or face conscription," paramilitary operative threatens voters, <http://www.tamilnet.com/art.html?catid=13&artid=24917>, accessed 12th April 2008.

budgets. Members of militant groups also retreated to Tamilnadu in cases of danger. For these reasons and in order not to fuel a secessionist movement among Tamils in Tamilnadu, India was very interested in a peaceful solution that satisfied the demands of the Tamils. It informally urged Jayawardene to initiate the All Party Conferences (APCs), but when these did not show any results, India became more active: It arranged the peace conference in Thimpu in August 1985 where the Tamil militant groups united under one umbrella, the Eelam People's National Liberation Front (EPNLF) and negotiated with representatives of the government, notably the brother of the President, Hector Jayawardene. G. Parthasarathy, a high Indian Administrative Service (IAS) officer, was the formal mediator, and behind the scenes, the editor of the reputed newspaper *The Hindu*, N. Ram, played a not inconsiderable role.<sup>6</sup> The discussions could not narrow the chasm between attitudes and assumptions on both sides, and the Tamils withdrew from the conference. But informal channels were kept open, and in Bangalore in 1986 a tripartite scheme was hatched whereby the areas with Tamil majority settlements were to be separated from those with Sinhala and Muslim populations in the East. The problem with Indian mediation was that the Sinhalese constantly suspected too strong an influence of Tamilnadu in these activities. Several times, therefore, an Indian mediator had to be exchanged at the request of the Sinhalese: first G. Parthasarathy, then Romesh Bhandari, then Natwar Singh and P. Chidambaram.<sup>7</sup>

A decisive break through apparently occurred, with the Indo-Lanka Accord of 31st July 1987. It was intended to secure autonomy for the Tamils. India had pressurised Sri Lanka, since a food and fuel embargo put the Tamils in the North in danger of starvation. After India dropped food parcels on the starving North, Jayawardene agreed to peace talks, since if planes dropped food, they could drop other things as well. More important than the clauses dealing with the conflict were the additional secret clauses in the Accord that gave India access to the harbour and oil storage facilities of Trincomalee and obliged Sri Lanka to synchronise its foreign policy with that of India. J.N. Dixit, the then High Commissioner, and P. Chidambaram, now the Indian Finance Minister, were the prime architects of the Accord.<sup>8</sup>

Neither the militants nor the Sinhala opposition were happy with the Accord, and severe protests erupted in the South immediately. In the begin-

<sup>6</sup> J. N. Dixit, *Assignment Colombo*, Delhi 1998, p. 118, 46.

<sup>7</sup> Dagmar Hellmann-Rajanayagam, *The Tamil Tigers – Armed Struggle for Identity*, Heidelberg 1994; Dixit, *op. cit.*, p. 21/22; 25/28; 48/49. The changes were made because the Sinhalese did not trust Parthasarathy, whereas the Tamil side had a difficult relationship with Bhandari.

<sup>8</sup> Dixit, *op. cit.*, pp. 255–261 gives the text of the Accord complete with annexes.

ning the Tamils were prepared to respect the accord and even welcomed the troops of the IPKF. The good will vanished very fast, however, due to misunderstandings and political blunders on all sides, and one year later, the Indo-Lanka Accord was dead. The return to armed struggle was hastened after the IPKF arrested 17 LTTE leaders in waters off Jaffna who were to be extradited to the Sri Lankan authorities, upon which they took cyanide and twelve died. The hunger strike of LTTE leader Tilipan provided the proverbial last straw.<sup>9</sup>

Thereafter and after the assassination of Rajiv Gandhi in 1991 India effectively washed its hands off Sri Lanka. The next stab at external mediation did not occur until 2000. The warring sides officially welcomed outside facilitation,<sup>10</sup> but it was near to impossible to agree on a country and a person that would be acceptable to all. Anton Balasingham has described this dilemma in detail from the Tamil side.<sup>11</sup> In 2000, after the sensational successes of the LTTE, both sides finally agreed to call in the Norwegians who had a reputation as successful negotiators in other conflicts. Erik Solheim was the first facilitator who shuttled between the Sri Lankan government and the LTTE during 2000 and 2001, while the LTTE adhered to a unilateral ceasefire since the end of 2000. While he had access to both sides, protests against Norway by the Buddhist clergy and the hardline parties made the work difficult. Attacks on him personally and on his private life made the game extremely dirty, so much so that he had to be recalled and the Norwegian Foreign Minister Jagland himself was appointed as negotiator.<sup>12</sup> On 22nd February 2002, Prime Minister Ranil Wickremesinghe, whose UNP had won the parliamentary elections in 2001, concluded the CFA which froze the situation as at the end of 2001 and confined the army to barracks. The ceasefire was monitored by the Sri Lanka Monitoring Mission (SLMM), a mission composed of Norwegians and members of the other

<sup>9</sup> *ibid.*, pp. 198/99 and 209–211, *passim*, gives the view from the Indian side. But cf. also Maj. Gen. Harkirat Singh, *Intervention in Sri Lanka. The IPKF experience retold*, Delhi 2007, p. 61: ‘Theelipan’s death could have been averted if some action had been taken at political and diplomatic level between Sri Lanka and India. After Theelipan’s death the IPKF lost its credibility in the eyes of the LTTE.’ See also pp. 64–66 and 69ff.

<sup>10</sup> Dagmar Hellmann-Rajanayagam, Introduction, in: *idem* (ed.), *Peace Initiatives Towards Reconciliation and Nation Building in Sri Lanka. An International Perspective. Proceedings of the Workshop, 13th–15th July 2001, Bangi, Malaysia, Kuala Lumpur 2002*; cf. Anton Balasingham, *The Politics of Duplicity: Re-visiting the Jaffna Talks*, Surrey, 2000, pp. 97–100; 104–106.

<sup>11</sup> Balasingham, *op. cit.*

<sup>12</sup> Buddhist monks burn effigy of Solheim, <http://www.tamilnet.com/art.html?catid=13&artid=5585>; Damage control as peace process hits the rocks. <http://www.tamilnet.com/art.html?catid=13&artid=6074>

Scandinavian states. Six rounds of talks between LTTE and the government followed until 2003; in Thailand, Oslo, Berlin, Tokyo and Sri Lanka itself. At the start, these talks seemed extremely successful: the LTTE reportedly gave up on its demand for independence and settled for autonomy, and the Sri Lankans seemed ready to accept a federal set-up. Hitches quickly developed, however, regarding negotiations about, and distribution of, international aid. The LTTE, which had been declared a terrorist organisation by several countries (India, USA, Australia, UK; since 2006 also by the EU), was not invited to preparatory talks about international aid in Washington in 2003 and therefore did not attend the follow-up meeting in Tokyo later in the same year. In April 2003, it suspended the talks. The Tsunami gave the CFA a certain breathing space and a new effort to distribute international aid justly under the Post-Tsunami Operational Management Structure (PTOMS). When this was proclaimed invalid by the Supreme Court, the situation stagnated more or less until 2006, when a meeting in Geneva from 15th to 16th February was organised by the Norwegians at which adherence of both sides to the CFA was to be confirmed. The agreement reached with considerable difficulty at this meeting was not worth the paper it was written on, because it was broken as soon as both parties reached Sri Lanka. In October of the same year a last-ditch effort was undertaken by the Norwegian facilitators to at least assure adherence to the CFA. A second two-day meeting was held in Geneva in October, but both sides walked out of the meeting without results, when the LTTE refused to talk because of simultaneous air attacks by the Sri Lankans on the hospital in Kilinocchi.

These were the last official and formal attempts at mediation in the conflict by the Norwegians. India, the US and the EU have refrained from openly intervening in a rapidly escalating conflict that now seems to have returned to square one: full-scale civil war and maximum demands by both sides.

### **Tamil demands and internal attempts at resolution**

Even before independence, there were efforts on both sides to come to a *modus vivendi* between the two ethnic groups. To understand the difficulties of this process we must analyse what was and is demanded by the Tamils and what is offered by the Sinhalese. Only then can we also understand the grievances that lie behind the violent escalation of the conflict.

The diverse schemes and pacts were compromises which we have to disentangle in order to see what is fundamentally asked for. Autonomy and independence have been the buzzwords, but the original demands of the Tamils were far more modest.

These demands found their first pithy expression in G.G. Ponnambalam's nine-hour speech in the Executive Council in 1939: the 50–50 formula. It was reiterated yearly until 1944: He demanded power sharing of parliamentary seats on the basis of 50% for the Sinhalese and 50% for all minorities.<sup>13</sup> The demand was rejected, however, by the Sinhalese as well as by the British colonial administration who deliberately misunderstood it as a demand for 50% of seats for the Tamils who constituted at most 20% of the population. Ponnambalam subsequently scaled it down to 60–40, thereby closely adhering to an offer Gandhi had once made to the Muslim League in India. The only concession to the Tamils was § 29(2) in the Soulbury Constitution that stipulated that no group could be privileged or disadvantaged because of its religion, language or ethnic affiliation.<sup>14</sup>

After independence, the first attempt to come to a solution was the Banda-Chelva-Pact of 1957 that aimed at solving what was then still seen as a linguistic conflict in the wake of the Sinhala-only provision. It was named after the two chief negotiators: Prime Minister Bandaranaike from the SLFP and S.J.V. Chelvanayagam from the FP. Bandaranaike abrogated the pact after protests by the opposition and the clergy and riots in 1958, yet he was assassinated in 1959 regardless.

The quality of Tamil demands had changed in 1956, though they remained firmly within a political, parliamentary set-up and within the polity of the Ceylon state. We should look more closely at the provisions of the Banda-Chelva-Pact, because they spelt out these demands and furnished the basis and blueprint for all following attempts at a solution.

### **Provisions of the Banda-Chelva-Pact**

The four main points of this pact were the following:

- a) The Tamils are a nation (recognition of the Tamils as one of the nationalities of Ceylon);
- b) Language rights (the acceptance of the Tamil language as national language alongside Sinhala);
- c) Settlement and colonisation rights in contiguous areas (settlement of newly irrigated areas according to local demographic proportions and local control (Gal Oya);

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<sup>13</sup> K. Indra Kumar (ed.), G.G. Ponnambalam. *The Marathon Crusade for 'Fifty, Fifty' (Balanced Representation) in the State Council 1939*, Chennai 2001, pp. 1.

<sup>14</sup> Hellmann-Rajanayagam, *Von Jaffna nach Kilinocchi*, p. 314.

- d) Normalisation of the status of the Indian Tamils (granting of citizenship to the Indian Tamils).<sup>15</sup>
- a) The demand to be recognised as a nation or at least as a nationality was actually an old one. Whether it was a demand to get a weighted electoral law for a particulate ethnic group or, as in the 1920s, the demand to be acknowledged as one of the two major communities in the island, or to be granted special protection as an ethnic minority, the terms were less important than the substance: the Tamils wanted to be recognised as an indigenous community in and of Ceylon with certain defined collective and autonomy rights. From this followed
- b) Language rights. In a Ceylon National Congress (CNC)<sup>16</sup>-resolution of 1944 it was stipulated that after independence, both Sinhala and Tamil should become the national languages instead of English which had been the *lingua franca* until then (and has now become so again). Interestingly, then member of the CNC and later UNP-president Jayawardene endorsed this resolution. It recognised that there indeed existed two major communities in Ceylon which should have language parity. Resistance against this resolution emerged, however, fairly early from the deep South of Ceylon, where Sinhala nationalists demanded exclusive rights for the Sinhala language. These interests were served by Bandaranaike's SLFP and his Sinhala-only plans framed against a background of alleged plans of the UNP for complete language parity. What is important to note here is that the demands turned on linguistic rights; religious questions did not play a role in this controversy, though in the same year the 2500th birthday of the Buddha was celebrated, and a commission had been appointed to look into the state of Buddhism in the country and possible instances of discrimination against it.<sup>17</sup> Another issue was equally important besides the language one, however, viz.:
- c) The colonisation issue, which was the second issue, on which the FP had won in 1956, whereby land newly made arable was given to Sinhalese farmers in areas inhabited in the majority by Tamils. Colonisation, i.e. irrigation and fertilisation of the Central Dry Zone, that was considered the ancient Rajarata, the 'Kings' country' of the Sinhalese, had been a project of the British and CNC chairman D.S. Senanayake ever since the 1930s. Only after independence, however, did it get under way seriously. While the Tamils in these areas were at first quite sympathetic to the

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<sup>15</sup> *ibid.*, p. 230.

<sup>16</sup> The CNC was the forerunner organisation of the UNP.

<sup>17</sup> Religion was, rather, an intra-Sinhalese sore point: between the allegedly too Western-oriented UNP and the nationalist (and by extension, Buddhist) SLFP.

scheme, they objected when it turned out that it was not only a project to make these areas arable, but to settle it with Sinhalese farmers from the South and thus change the demographic profile of an area that had been inhabited by Tamils from time immemorial. The Tamils feared the loss of their political weight even in their areas of settlement under a territorial electoral law and felt underprivileged and discriminated against by the 'colonisation' plans. They therefore demanded that the first right of refusal of newly irrigated land plots should go to the contiguous population in these areas. Moreover, the administration of these schemes should remain in the hands of the officials of the districts and provinces, not of the centre.<sup>18</sup> Moreover, the distribution of lands under this scheme should be according to local demographic proportions, not countrywide ones. Some of these irrigation schemes that drove Tamils out of their settlements in large numbers were supported and funded by international development aid and international organisations, e.g. Sweden.<sup>19</sup>

- d) A fourth demand was the granting of citizenship rights to the Indian Tamils who had been brought from Tamilnadu as labourers in the tea estates since the beginning of the 19th century. They had been disenfranchised shortly after independence in 1949 because their – leftist – political leanings were suspect for the UNP. They could only (re)gain their citizenship on documentary proof that was practically impossible to provide for a poor and illiterate group. While the Tamil Congress had – dubiously – endorsed the disenfranchisement, the FP had been founded explicitly with the aim of giving this group their rights.

A second attempt at conciliation was made in 1965 when the FP had again won a considerable number of seats in the general elections and the results of the polls were indeterminate. This time it was the UNP under Dudley Senanayake that negotiated the agreement.

The Dudley-Chelva-Pact (or: Sena-Chelva-Pact) repeated the same four stipulations in slightly different wording. This could not guarantee its success: this time it was the SLFP which had earlier drafted it that fiercely objected to its implementation.

### **The Constitution of 1972: six Tamil demands**

After the Janatha Vimukti Peramuna (JVP) revolt in 1971, a new constitution was promulgated in 1972. The Tamil parties allied in a new coali-

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<sup>18</sup> Hellmann-Rajanayagam, Von Jaffna nach Kilinocchi, p. 230; 357.

<sup>19</sup> Mark P. Whittaker, Learning Politics from Sivaram. The Life and Death of a Revolutionary Tamil Journalist in Sri Lanka, London et al. 2007, p. 54.

tion, the Tamil United Front (TUF), changed to Tamil United Liberation Front (TULF) after the trauma of 1974, and put forward six points to be considered in the constituent assembly as a substitution for § 29(2) that was to be abolished. To the four clauses of the former pacts only two had been added:

- a) Tamil as a national language
- b) Sri Lanka as a secular state
- c) Protection of minorities
- d) Citizenship for Indian Tamils
- e) Decentralisation
- f) Abolition of caste

The four earlier points were supplemented by the demand for a secular state (because Buddhism was made the foremost religion) and abolition of caste. The content of the four points had shifted slightly: The demographic and ethnic concerns found their expression in the demand for protection of the minorities and decentralisation. In fact, it was quite a softening of earlier provisions: the demand for rights of nationality had become one for protection of minorities, and that for autonomy in contiguous areas and local control of colonisation one for decentralisation. None of these points found its way into the new constitution nor were they considered in the deliberations.

This disappointment led the TU(L)F to walk out of the proceedings (they never endorsed the constitution and did not feel bound by it) and to promulgate the Vattukkottai Manifesto of 1976, the election programme that for the first time spelt out a demand for an independent Tamil state. Under the leadership of Chelvanayagam, Ponnambalam (both of whom died in early 1977) and Amirthalingam it brought the TULF the overwhelming majority of votes in the Tamil areas. The manifesto was as much the reaction to the constitution of 1972 as the election campaign of 1976/77:

- a) the Tamils are a nation
- b) they live in historical, contiguous 'homelands',
- c) they have a language of their own and, a point that was new
- d) they had historically possessed an independent state in the shape of the Kingdom of Jaffna.

Again we see the similarities to earlier agreements: the first three points correspond closely to earlier ones, whereas the fourth is not so much a demand as

a historical statement intended to buttress the claims of the Tamils with historical and political evidence.<sup>20</sup>

This demand was to be pursued with strictly political and parliamentary means, which shows in fact that the demands were put forward as an election manifesto. The manifesto was also a reaction to the demands of radical young voices that denigrated the methods of their fathers as failures. Amirthalingam became leader of the opposition, because the SLFP had been reduced to a cipher. The District Development Councils (DDCs) (see below) that were proposed as a reaction to the manifesto could not satisfy Tamil demands, but instead fuelled the militancy of the young. At this time, violence was still sporadic, uncoordinated, spontaneous and amateurish. Organised groups and organised violence only came into being after 1979.

Once the demand for independence had been put on the table, it could not very well be discarded. But it was always a conditional demand: if the government were to make a satisfactory offer for far-reaching autonomy or a federal set-up, the Tamils were prepared to settle for that. The demand for independence was both a maximum demand and one of last resort.

### **Thimpu 1985 and the Indo-Lanka Accord 1987: Autonomy and a federal state**

The points put forward by the Tamil side in Thimpu corresponded closely to those of the former pacts. The resolutions of the Vattukkottai Manifesto were put on the table, supplemented by the demand for an administrative merger of the North and East to underwrite the claim that the Tamils lived in traditional homelands and, something which became of extreme significance later on, thereby to facilitate the return of the displaced persons to their areas of residence and the compilation of a voters' register according to the lists of the 1960s, before widespread colonisation and before the militant struggle.

The Indo-Lanka Accord of 1987 – prepared by the meetings in Thimpu and Bangalore – formalised and for the first time acknowledged the long-standing demands of the Tamils: under the 13th Amendment, it divided Sri Lanka into nine provinces with extensive self-governing functions<sup>21</sup> and foresaw provincial councils with extensive autonomy for the Tamils in their areas. It conceded the merger of the North and East into one province under Tamil majority control, subject to a referendum after five years. An Interim

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<sup>20</sup> The Kingdom of Jaffna had existed from around 1250 until the Portuguese conquest in 1620 as a more or less independent entity. Some Sinhalese historians try to deny its existence on flimsy evidence.

<sup>21</sup> Dixit, *op. cit.*, p. 178–180.

Administrative Council (IAC) was planned in which the LTTE would have considerable say and provide the Chief Administrative Officer. If properly implemented, the pact could have taken care of Tamil concerns and been a first step on the way to a solution of the problem.

### **CFA, ISGA and P-TOMS**

One of the regulations of the CFA had been negotiations over a federal set-up for the Sri Lankan state. The LTTE was ready to discuss this in several rounds of talks. After the eventual suspension of the CFA and complaints by the government that the LTTE would not commit itself in writing, it published the ISGA proposals of 31st October 2003. ISGA stood for Interim Self-Governing Authority composed of the LTTE, the government of Sri Lanka and the Muslims in the merged North and Northeast with a preponderance of Tamils in this authority, a chief administrator who was Tamil and had to be endorsed by the LTTE, and special provisions for Muslims. ISGA was envisaged to consist of members of the LTTE, the government and the Muslims, with an overall majority for the LTTE (Art. 2.1–2.3). The chairperson of ISGA would appoint the administrator for the north and north-east provinces (Art. 2.4), a regulation that should be valid until elections were conducted within five years (Art. 3). Other important clauses were those about the political and financial competencies of the ISGA which should replace those of the government (Art. 9–11), and the secular character of the institution. (Art. 5).<sup>22</sup> Again, we see shadows of the abrogated pacts, since these proposals were in essence a reiteration of demands for autonomy which the FP had put forward in the 1950s, and the chief administrator was a resurrection of the IAC of the Indo-Lanka Accord. A majority of observers agreed with this evaluation. The only new feature in the document was that in addition to the 13th amendment, the Tamils demanded asymmetrical autonomy, i.e. weightage for the combined Tamil majority province, which again resembled the old 50–50 formula. The reason given was that the very different and catastrophic economic conditions in the Northeast would not allow a capitalistic development and distribution of funds as in the South, but required quite different structures.<sup>23</sup> The Sub-Committee for Immediate Humanitarian Rehabilitation Needs (SIHRN), established in the wake of the CFA, was intended to secure this, but its incomplete and inconclusive negotiations had been one reason for the suspension of peace talks in 2003.

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<sup>22</sup> Peace Secretariat of the Liberation Tigers of Tamil Eelam, *The Proposal by the Liberation Tigers of Tamil Eelam on behalf of the Tamil People for an Agreement*; [www.ltteps.org](http://www.ltteps.org), accessed 1st November 2003.

<sup>23</sup> *Utayan (Sunrise)*, 22nd April 2003, p. 10.

Lakshman Kadirgamar termed ISGA a quasi-declaration of independence and a first step on the way to secession. Yet in the P-TOMS, the post-tsunami operational management structure of 27th June 2006, that was to regulate the distribution and control of international aid in the areas under LTTE control, a number of ISGA clauses were taken up again:<sup>24</sup>

Three committees, composed proportionately of members of the government, the LTTE and the Muslim parties, were to be appointed on the government, provincial and district levels to coordinate aid for Tsunami victims. In the highest committee government and LTTE would be represented equally, in the regional committee the LTTE would constitute half of all members, whereas in the district committees local government servants would be active. Aid should be allocated without regard to ethnicity, language, religion or gender. The relevant districts were those affected by the Tsunami, viz. Ampara, Batticaloa, Jaffna, Kilinocchi, Mullaitivu and Trincomalee, and their range of jurisdiction would be two kilometres inland from the coast.

The committees would be responsible for the rescue of victims, clean-up and reconstruction. What was important was that the agreement stated explicitly that the CFA would be applicable and valid in all its clauses. The agreement would be valid for a year with an option of extension on either side. The financial funds of P-TOMS should be secured from international donors.

The government committee would supervise the implementation of P-TOMS, conduct the evaluation of needs and see to the even distribution and allocation of funds. The regional committee would determine the major areas of aid, implement, approve and supervise proposed projects. Its headquarters would be in Kilinocchi. The district committees would determine needs in their respective districts and provide project proposals to the regional committee according to their evaluation of needs and report about progress.

Decision-making should be unanimous in all committees, but at the regional level minorities would obtain a blocking vote. Moreover, the work of the committees should be supervised by international observers drafted from multilateral and bilateral donor organisations.

Again, these are basically implementative and administrative regulations. Nevertheless a storm of protest arose against P-TOMS mainly from the clergy and the JVP. These protests led to a complaint at the Supreme Court which duly declared the P-TOMS unconstitutional and suspended most of its clauses. It is now a dead letter and only of historical interest. The

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<sup>24</sup> Peace in Sri Lanka. The Official Website of the Sri Lankan Government's Secretariat for Coordinating the Peace Process (SCOPP); accessed 3rd July 2005.

argument of the JVP was a familiar one: they considered P-TOMS the first step on the way to an independent Tamil state, mainly because the LTTE had long demanded – within the framework of devolution and more autonomy at the local level – autonomous access to aid and other financial funds.

In the face of these frustrations the LTTE has now reverted to a demand for unconditional independence for its state of Tamil Eelam, because as it says, it will not be able to secure Tamil rights in the Sri Lankan state when even the courts discriminate against the Tamils.

### **Heroes' Day speeches**

In the annual Heroes' Day speeches on 27th November LTTE chief Prabhakaran normally outlines the plans for the coming year and analyses the events of the previous one. The speech is always considered an indication of how the LTTE will act and whether it will pursue a confrontational or a conciliatory strategy. However, observers tend to read mostly the English translations of these speeches and to hit only on certain points or striking statements in order to detect a U-turn or change in approach, as e.g. in 2001 when Prabhakaran was said to have given up on the demand for independence. If one compares the speeches over several years, one can see that with variations they always demand mainly one thing: normalisation and autonomy for the Tamil areas, failing which one will continue the fight for independence. This statement is repeated with varying emphasis every year.

Our liberation movement is prepared to come to a political solution of the national problem of the Tamils in a peaceful manner. We are not against peaceful methods, and we do not hesitate to participate in peace negotiations. A solution peacefully arrived at must be just, fair, equitable and must fulfil the political aspirations of the Tamils ...

And a bit later he says:

Our population has only one desire: to live undisturbed in its own territory. It wants to live without predominant rule and coercion under political conditions where it can govern itself; those are its deepest aspirations. The Sinhalese must understand that.

And finally:

If the Sinhalese country does not liberate itself from the stranglehold of racism and continues the suppression of the Tamils, then there is no other way for us than to establish self-government ...

In the speech given on 27th November 2001, exactly one year later, the thrust of the argument has not really changed:<sup>25</sup>

The original history of Tamil Eelam fits this pattern ... The tiger movement has raised its head two decades ago for liberation ... The *ahimsa* fight against the violence of the Sinhalese was violently suppressed ... Then the Tamils decided to counter state violence with violence ... For its survival, for its protection, the Tamil ethnicity took up arms. Our armed fight has now continued for twenty years and now we are ready to enter into the political fight.

With a view to the events of 9/11 he vehemently argues that the LTTE is not a terrorist, but a liberation movement:

We are a national liberation movement ... Our fight occurs on the basis of internationally recognised principles of self-determination ... We are not terrorists. We are freedom fighters. ... The western countries have begun a war against worldwide terrorist violence. We welcome measures against terrorism taken by the world with a view to identify the true nature of terrorism. But at the same time the western countries have to distinguish clearly between blind terrorism and struggles for freedom on the basis of human rights ... The Tiger movement is a people's movement. The tigers and the people are one ... We are not terrorists, we represent the aspirations of our people ... The Tamil problem has gone to the extent of war, but we know that in reality it is a political problem.

With a view to the upcoming elections he says:

These elections are a fight between the faction for peace and the faction for war. The population has to choose whether in future peace will come or the war will continue. Without justice for the Tamils in this country no economic and social progress is possible. We are not against the Sinhalese, our fight is not against them. The fight between Tamils and Sinhalese arose because of racist interests. The war damages not only Tamils, but Sinhalese, too. Thousands of innocent young Sinhalese have died because of it. The common people had to bear the economic costs of the war.

He spells out the aspirations of the Tamils as:

The Tamils want to live on the basis of their ethnicity, on their own soil, on the motherland where historically they lived, they want to live quiet, peaceful, with dignity. They want to determine their political and economic life. They ask to be just left alone *to live by themselves* [my emphasis, dhr]. Those are indeed the Tamils' political aspirations. This is not secession or terrorism. This demand does not at all constitute a threat to the Sinhalese. These principles do not damage the independence of the Sinhalese or their social, economic, or cultural life. The Tamils desire a political solution to live in their own land, and with their own government.

<sup>25</sup> Heroes' Day speech, 27th November 2001. Extended excerpts of the speeches 2000 und 2001 are given in the appendix.

They confirm that a solution must be found on the basis of self-determination.

He concludes with an assessment that a peaceful ending to the conflict depends on Sinhalese attitudes:

If a peaceful solution to the Tamil problem is found, Tamils and Sinhalese and their societies can live on this beautiful island peacefully, together and as one. But if the Sinhalese refuse to tread this path, then we Tamils have to split off and create our own government of Tamil Eelam, there is no other way. The racist power of the Sinhalese political establishment will have brought this Tamil Eelam government about.

Similar arguments are still voiced in the speech of November 2007.<sup>26</sup> But here we observe a growing frustration with the attitude of the international community and the co-chairs. Or one should rather say, bitter astonishment at a community that obviously supports the government of Sri Lanka in its human rights violations, but does not acknowledge the rights and grievances of the Tamil community, while at the same time arguing for the independence of Montenegro and Kosovo and propping up a seemingly unviable state like East Timor. Not only has trust in the Sinhalese government been lost, but confidence in the good-will and impartiality of the international community seems to be fading. Three points are significant in the speech of 2007: the vow to continue fighting for self-determination with non-violent and violent means, the call to the international community to stop support for the atavistic policy of the Sri Lankan government, that goes against the flow of history, and the appeal to the international Tamil diaspora to continue supporting the struggle with material and moral support. The last point is relatively new. The speech further hinted at the failure of grand Sinhala military plans and hidden strategies of the LTTE should it be attacked in its core area. For several years now, we find an increasing mysticism that may be based on Hindu ideas, but reflects general world philosophy, particularly when talking about the martyrs, but also when talking about the course of world history:<sup>27</sup>

In the subtle whirl of birth, change, death, time passes. As in the incessantly forward-striving flow of time water bubbles on and off emerge and vanish, thus unstable human life closes and ends with death.

Yet our great heroes' life and history does not correspond to that. After death their life continues. Their life does not conclude with death. They live an eternal life in the lap of the Tamil Mother. As witnesses to truth, as lighters of the fire of mental strength, as signposts on our path to freedom they move forward upright.

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<sup>26</sup> Heroes' Day speech 2007.

<sup>27</sup> Heroes' Day speech 2006.

Formerly, the demand for normalisation was a regular feature of the speeches and other statements. It was also an important component of the CFA: normalisation means a return by the Tamil people to normal life and their former places of residence. This demand sounds innocuous, but means in effect a return of the Internally Displaced Persons (IDPs) to their former villages and a resumption of farming and fishing unhindered by the army. The opening of the A9 was a crucial part of this normalisation to ensure free mobility of people. It has now been limited again by the closure of the A9, but was contentious even before: often people could not return to their normal life, because villages, houses, schools, temples were occupied by the army or declared high-security zones. Normalisation found less mention in last year's speech: obviously, the hope for it has now decreased considerably, though the Tamil National Alliance (TNA) referred to this topic just recently: if the A9 were opened and vital supplies let through to the Vanni, the LTTE might negotiate again, it said.<sup>28</sup>

### **Sinhalese offers**

Over time, the government has made several offers in response to the demands of the Tamils. While rejecting the 50–50-demand, they consented to the insertion of § 29(2) into the Soulbury Constitution, and the Tamils were guaranteed minister posts against consenting to it in 1947. After the abrogation of the Banda-Chelva-Pact Tamil remained the administrative language of the North and East though legally only as a discretionary, not a mandatory, rule.

The constitution of 1972 was retrogressive for the Tamils in so far as § 29(2) was abolished without substitute. Besides, the second chamber, the Senate was abolished in favour of a single chamber. The senate had given the different provinces equal participation and a certain say in executive issues, and its abolition led to protests not only from the Tamils, but all minorities.

The constitution of 1978 went further: it introduced the presidential system with nearly all powers concentrated in the hands of the – Sinhala-Buddhist – president and the parliament reduced to a rubber stamp. A conciliatory gesture was the introduction of proportional representation. Under majority representation the minorities had felt disadvantaged because they found it very difficult to get their candidates into parliament. Contrary to

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<sup>28</sup> TNA condemns Sivanesan killing, <http://www.tamilnet.com/art.html?catid=13&artid=24883>, accessed 13th April 2008. Regarding the demand for normalisation, cf. also Balasingham, *op. cit.*, pp. 3; 24/25.

expectations, proportional representation did not change this picture decisively. Proportional representation could not make up for the loss of the Senate, which was not revived.

In the constitution of 1978, however, both Tamil and Sinhala were declared national languages, and currently, English is officially recognised again as a link language. Sinhala remained, however, the official language, and the implementation of the law – even very basically – dragged on for decades: Tamil school books, translators, teachers, even typewriters were not provided in sufficient numbers.<sup>29</sup>

A more far-reaching measure were the DDCs of 1981 which were a faint shadow of the provisions of the two abrogated pacts of 1957 and 1965. With this measure, the UNP government tried to defuse the situation after the riots in the wake of its election victory in 1977.<sup>30</sup> Elections to these councils were held in 1981, but the civil war soon afterwards prevented them from ever being implemented. They envisioned a certain amount of decentralisation of administrative functions to the district level. They did not, however, contain any political or financial autonomy, and decisions were always subject to review by the central government. Though in later rounds of talks the DDCs were grandly called devolution, they in fact endeavoured to prevent self-determination of a larger ethnic group at a higher level and to disregard the question of extended ethnically contiguous settlements. They were rejected as insufficient both by the Tamil parties and by the militants.

The aftermath of the riots 1983 led to the establishment of an All-Party-Conference by President Jayawardene which, however, did not achieve results during the sittings from 1984 onwards.

Generally, every new government initiated fresh attempts at negotiations, e.g. in 1989 when Premadasa became President. He could make use of the fact that both the LTTE and the Sinhalese, especially the JVP, wanted to get the IPKF out of the country above all else. For this purpose, both sides cooperated and Premadasa even provided weapons for the LTTE and for a few months after the deinduction of the IPKF in 1990, gave them a free run in the Tamil areas in the North and East. Similarly, Chandrika Kumaratunge won the parliamentary and presidential elections in 1994 and the

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<sup>29</sup> A. Theva Rajan, *Tamil as Official Language. Retrospect and Prospect*, Colombo, ICES 1998.

<sup>30</sup> For further details see: Frank-Florian Seifert, *Das Selbstbestimmungsrecht der Sri-Lanka-Tamilen zwischen Sezession und Integration*, Stuttgart 2000, pp. 67 and 260ff.

beginning of 1995 on the promise to end the war. Again, her negotiations with the LTTE broke down after a few rounds of talks.<sup>31</sup>

Nevertheless, in the mid- and late 1990s, at least the idea of federalism seemed to have been accepted in political circles, even though it dared not speak its name. After 1995 a number of federal models from various countries were examined in order to evaluate their suitability for Sri Lanka. These led to the UPFA draft constitution in 2001 envisaging a 'Union of Regions' that would have conceded a federal structure without naming it as such. The proposals, which owed much to the late Neelan Thiruchelvam, were modified during lengthy discussions with the opposition UNP. In their most far-reaching form they envisaged administrative autonomy not only for the Tamil areas, but for all provinces in Sri Lanka. As in India they had a list of central competencies, regional or provincial competencies and a concurrent list.<sup>32</sup> In contrast to India, however, the ultimate control over any measure, especially of a financial kind and over the appointment of the chief minister, remained in the purview of the centre, and the demand for asymmetrical autonomy was not entertained. The Sinhalese critics considered this far too much autonomy and would only concede a very narrow administrative decentralisation. Opposition, clergy, and to some extent the population, however, rejected any ideas of decentralisation as being a first step on the way to secession (though after 1987 Sri Lanka already consisted of nine provinces with a certain amount of autonomy under a chief minister). The draft had, therefore, no chance of getting the necessary two-thirds majority in parliament.

The Tamils, on the other hand, both radicals and moderates, were not happy with the watered-down wording of the draft nor with its contents that for them had the same flaws as all previous drafts: while superficially granting more autonomy, final and financial control of local affairs would remain at the centre.<sup>33</sup>

The CFA of 2002 brought a decisive change in that now the UNP at least (against the fierce opposition of Chandrika Kumaratunga and the SLFP) acknowledged the demand for a federal set-up as valid and gave it its proper name. Negotiations between them and the LTTE revolved around its structure.<sup>34</sup> Again, several international models were bandied about, from Åland to Belgium and Canada to Germany. Discussion concentrated on

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<sup>31</sup> For the official LTTE view of the talks and the reasons for their foundering see Anton Balasingham, *op. cit.*

<sup>32</sup> Seifert, *op. cit.*, pp. 282.

<sup>33</sup> *ibid.*

<sup>34</sup> *Daily News*, 3rd October 2005.

three models: Canada, Switzerland and Belgium. The TNA MP Gajendrakumar, the son of Kumar Ponnambalam, assassinated in 2006, preferred the Belgian model, because it combines territorial and weighted representation.<sup>35</sup> But he also expressed approval of the language rules in Switzerland and – notably! – the organisation of the police in Germany, which is under the jurisdiction of the individual *Länder*, and the proportional election law, that combines personal and party election law.

The government would have granted not only administrative, but also far-reaching financial autonomy (internal self-determination) and probably even a measure of security autonomy. LTTE regiments would, under this scheme, have been integrated into the security forces. These were plans, however, that could never gain majority consent either in parliament or among the population, and the UNP was hampered in its freedom to act by the unhappy cohabitation with President Kumaratunga.

### 2007: Back to square one?

The government of President Rajapakse which was voted in in 2005, has made clear that it does not endorse the introduction of a federal system put forward by the UNP, but is at most prepared to grant a narrow measure of devolution. Even against this, the JVP has protested. In the wake of the latest clashes, the UNP has now also withdrawn its endorsement of a federal set-up and has reverted to viewing Sri Lanka as an indissoluble unitary, i.e. centralised state. At the moment another All-Party Representative Committee (APRC) is sitting, but its latest proposals that, among others, advocate – on the President’s order – a return to the 13th amendment, have been rejected by the JVP as well as by the LTTE and moderate Tamils.<sup>36</sup> It is difficult to see how this amendment could be revived, since in 2006, the Supreme Court invalidated the merger of the North and East, ruling that it was not in conformity with the constitution.<sup>37</sup> The APRC recommendations

<sup>35</sup> Interview Gajendrakumar Ponnambalam, MP, 24th February 2004.

<sup>36</sup> APRC: key to peace or an albatross?, <http://www.tamilnet.com/art.html?catid=79&artid=24351>; Kumar David, The 13th: Even belated implementation is good. The APRC report is a sham, *Sunday Island*, online edition, 3rd February 2008; Heroes’ Day Speech 2007, [www.tamilnation.org](http://www.tamilnation.org); Shakuntala Perera, India could back Tamil people against the 13th Amendment, *Daily Mirror*, January 26, 2008, <http://www.tamilcanadian.com/page.php?cat=74&id=5382>; Don Asoka Wijewardena, The Patriotic National Movement (PNM) opposes 13th Amendment, *The Island*, January 29, 2008, <http://www.tamilcanadian.com/page.php?cat=130&id=5384>; all accessed 12th April 2008.

<sup>37</sup> NorthEast merger “illegal,” rules SL Supreme Court, <http://www.tamilnet.com/art.html?catid=13&artid=19927>; NorthEast demerger, breach of International Treaty – Sampanthan, <http://www.tamilnet.com/art.html?catid=13&artid=20895>; India opposes NE de-

have attracted criticism even from Sinhalese circles because of this.<sup>38</sup> In other words, the situation has now returned to square one, to the situation that obtained before the outbreak of the civil war with nothing gained and nearly everything lost.

### **The widening gap**

The fundamental problem with any solution offered by the Sri Lankan government was that it always fell victim to ethnic outbidding. There existed no cooperative approach towards the problem among the Sinhalese parties. Any solution reached by one party would be shot down by the opposition of the day that thought it could gain by such a step. This happened with the very first attempt at solving an incipient conflict in 1957 when protest from the opposition and the clergy led to the abrogation of the Banda-Chelva-Pact and the severe anti-Tamil riots in 1958. The pact of 1965 was denounced and rejected by the SLFP in turn, though containing the same stipulations. This ethnic outbidding among the Sinhalese as permanent majority to gain or retain power by deflecting conflicts onto the permanent minority could hardly ever be broken, because it worked only too well for Sinhalese politicians' power ambitions. The population was easily swayed by the arguments against concessions to the Tamils. Only exceptional situations like that of 2002 provided a temporary respite.

Consequently, Sri Lankan governments of whatever hue did not honour the principle of *pacta sunt servanda*: the first thing a new government would often do was to abrogate or simply refuse to honour a pact or agreement contracted by a former, rival government. In other words, a solution to the problem founders not only on the alleged intransigence of the LTTE, but on that of the Sinhalese opposition as well, or even, as presently, on that of the SLFP coalition partner, the JVP.

Even without this complication, there always remained a yawning chasm between what the Tamils demanded and what the government was prepared to concede, between demands and perceptions. The attempts to bridge this gap by devolution or autonomy never even met halfway. While

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merger, wants truce, talks – report, <http://www.tamilnet.com/art.html?catid=13&artid=19640>

<sup>38</sup> K. Ratnayake, Sri Lankan government proposes phony solution to communal conflict, World Socialist Web Site, [www.wsws.org](http://www.wsws.org), 15th February 2008, accessed 12th April 2008; E T B Sivapriyan, Government package a joke: Sri Lankan Tamils, [www.rediff.com](http://www.rediff.com) 12th February 2008, accessed 12th April 2008; Jehan Perera, Ensuring that APRC is part of the solution. National Peace Council, 21st January 2008; idem, APRC outcome supports government's strategy of survival, National Peace Council, 28th January 2008.

the Ilankai Tamil Aracu Katci (ITAK) moved from 50–50<sup>39</sup> to autonomy and federalism (advocated by Bandaranaike even in 1926), the LTTE shifted to a demand for full-fledged independence.

The government, on the other hand, refused to even consider any of these demands. It created a self-fulfilling prophecy by conjuring up the spectre of secession even in the early demands for autonomy in the 1950s. Finally, it declared the mere advocacy of separation unconstitutional after the riots of 1983. Moreover, it very early endeavoured to fight the demands of the Tamils by military and not by political means.

The gulf is of a fundamental kind: not only are demands controversial, so are the very principles of negotiation: it is a conflict about norms rather than issues,<sup>40</sup> and a question of trust before even starting to negotiate: while the LTTE declares no trust in the Sinhalese government, the very same government demands from the LTTE proof of its own trustworthiness.

To illustrate: in virtually every round of talks until and beyond the suspension of the CFA in 2003, the government demanded ‘realistic’ proposals from the LTTE. Realistic in this context, however, could only mean proposals that conformed to Sinhalese ideas. But the matter went further: as said in one newspaper op-ed: submit your grievances, then we might consider them. In other words, concessions to the Tamils were seen as such: concessions by a merciful majority to a fractious minority, not as a matter of rights. Tamil demands were not considered and acknowledged as rights, but as unreasonable and unjustified impositions on a long-suffering majority. Besides, the ‘unconditional’ talks always were supposed to begin by fixing a tight time frame for negotiating core issues, already prefiguring the desired final outcome, and the surrender of weapons before even starting to talk. A telling example of these problems is the futile talks between Chandrika and the LTTE in 1995: her agenda demanded an early discussion of core issues regarding self-determination. This condemned the talks to early failure since the LTTE wanted ‘... that the peace process should advance in stages’.<sup>41</sup>

Another Sinhalese demand was that the LTTE should send high-ranking members for the negotiations. This could be described as a tit-for-tat demand: In Thimpu the Tamils had complained that the Sinhala negotiators had no decision competence, and negotiations in 1995 broke down also be-

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<sup>39</sup> See fn. 13 for an explanation of the term.

<sup>40</sup> Julia Eckert, *Einleitung: Gewalt, Meidung und Verfahren: zur Konflikttheorie Georg Elwerts*, in: Julia M. Eckert (ed.), *Anthropologie der Konflikte. Georg Elwerts konflikttheoretische Thesen in der Diskussion*, Bielefeld 2004, pp. 7–25; here: p. 21.

<sup>41</sup> Balasingham, *op. cit.*, p. 56.

cause according to the LTTE, Chandrika indicated that she was not genuinely interested in an agreement by not sending plenipotentiaries, but minor civil servants to conduct the talks.<sup>42</sup>

On their side, the Tamils demanded talks without preconditions while keeping their arms. Their agenda focussed on normalisation and an interim administrative set-up. Before considering the thorny core issues, they wanted to ensure physical security and political and economic amelioration of life conditions for the population, which meant acknowledgment of their *de facto* control of the Tamil areas.

For the government, normalisation takes on another, darker meaning: it is the normalisation of conflict according to Sivaram, a situation where conflict, danger, brutalisation are accepted and acknowledged in as a fact of life, as something that cannot be changed, what he calls the ‘normalization of injustice’.<sup>43</sup> Once conflict and brutality are perceived as normal, people no longer ask for their rights, they only hope for a lessening of the pain: beat them a little less, offer them a mention in the constitution instead of autonomy,<sup>44</sup> and they will be grateful for that.

### Attempts at analysis

What is the deeper reason for the bleak outlook for mediation in Sri Lanka? Every new effort leads to a new cycle of violence. Mediation efforts – both internal and external – have been going on virtually from the start of the confrontation in 1956, yet all dramatically unsuccessful. Alongside other organisations, the churches as well as Buddhist organisations both from Sri Lanka and Thailand have been particularly active. The Banda-Chelva-Pact already prefigured most of the stipulations that then became components of future accords. In other words: the ingredients for a solution lay on the table all the time, yet negotiations went round in circles to (re)produce basically the same four points after each round of increasing violence.<sup>45</sup> For the last two years, these efforts have not even aimed at solving the conflict, but merely at getting the conflict parties to at least adhere to the regulations of the CFA. It is mediation without procedure to rephrase Uyangoda’s ‘Peace without Process’.

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<sup>42</sup> *ibid.*, pp. 19/20.

<sup>43</sup> Whittaker, *op. cit.*, pp. 150/153; p.154.

<sup>44</sup> *ibid.*, p. 101.

<sup>45</sup> The demand to stop state colonisation of the East, i.e. changing the demographic profile, was a part of the demands of the LTTE delegation during the negotiations 1994/95 as well. Balasingham, *op. cit.*, p. 72.

According to the typology of conflict established by Elwert we can define the conflict in Sri Lanka as high structure and high violence which in this case equals confrontation and annihilation. Yet at the same time we have denial and avoidance in the shape of geographical separation which fits less easily into Elwert's model.<sup>46</sup> Comparisons of different cases can be useful, but one-to-one transference is highly dangerous. An explanation (and a solution) that ends one conflict does not necessarily solve another. In other words: secession and separation may solve East Timor, whether they solve Kosovo is another question. The problem in Aceh may have been brought nearer an end after the Tsunami, in Sri Lanka the opposite is the case. Must we therefore concur with Luttwak's appeal to 'give war a chance'?<sup>47</sup> If every war carries the seeds of peace, and every peace the seeds of the next conflict,<sup>48</sup> the question is really whether the next conflict has to be violent.<sup>49</sup>

The *raison d'être* of the mediator is to build or rebuild trust. The trust that cannot be put in the adversary, is put in the mediator; conversely, he is so to speak the lightning conductor for aggression.<sup>50</sup> This general statement is, however, not adequate to deal with individual cases: here we have to ask when and where and why trust broke down, or whether it was there in the first place. Who created distrust, and why did it lead to violence? Does conflict start with a lack of trust or a clash of interests or both? Even heeding Liz Philipson's admonition to regard every conflict as unique,<sup>51</sup> does not seem to have helped in the Sri Lankan case.

### Surface factors

In Sri Lanka we have to ask more specific questions. One of these is: why did the CFA *last* for four years, rather than why did it break down. Can one recreate these conditions? Did the state of the economy have anything to do with it? It is certainly significant that the CFA had the support of the indigenous business and international community, but equally important was

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<sup>46</sup> Eckert, op. cit., pp. 7–25.

<sup>47</sup> Edward N. Luttwak, "Give War a Chance." *Foreign Affairs*, July/August 1999, pp. 36–44. Georg Elwert, argues similarly against misunderstood 'humanitarian aid' that only serves to prolong the conflict: Georg Elwert, *Markets of Violence*, in: idem, Stephan Feuchtwand and Dieter Neubert (eds.), *Dynamics of Violence. Processes of Escalation and De-Escalation in Violent Group Conflicts*, Berlin 1999, pp. 85–102, here: p. 100.

<sup>48</sup> B.H. Liddell Hart, *The other Side of the Hill*, London 1950.

<sup>49</sup> Liz Philipson, *Negotiating Processes in Sri Lanka; A History of Ethnic Conflict in Sri Lanka*, Marga monograph series on ethnic reconciliation, no. 2, Colombo 2001, p. 2.

<sup>50</sup> That is how one SLMM member described the function of a mediator.

<sup>51</sup> Philipson, op. cit., p. 2.

the exhaustion on both sides. It started to unravel when one side got the impression that the international community supported its military endeavour and the other felt that it had been abandoned.

On the Sinhalese side, the expectation has again gained ground that a military victory is imminent. Whether the LTTE perceives the situation in the same way, may be doubted: they have repeatedly vowed never to surrender.

A number of obstacles seems to prevent general support for a solution of the problem, e.g.:

For the Sinhalese population, it seems unimaginable that it is not the Tamils who are responsible for their constantly worsening economic situation, and that concessions to the Tamils might mean a win-win solution for all sides. The majority of the Sinhalese have long been convinced that not the war or the overblown defence budget are responsible for their woes, but the Tamils. On the other hand, there are some quite diverse groups who are actually profiting from the war. We may here fruitfully employ Elwert's concept of markets of violence: routinised and 'ordered' violence leads to the acquisition of goods and to profits, but violence can also be seen as a sort of economic self-help for disadvantaged groups.<sup>52</sup> This starts with the military and entrepreneurs who profit from the armaments industry and purchase of arms, and does not end with people from the villages for whom enlisting means a secure income for themselves and their families. The members of the JVP come precisely from this class; it is therefore not astonishing that they are the foremost advocates of a military solution. To get them on the side of peace would require providing them with other means of income or disempowering and transforming the elites.

The Tamils, for their part, while not necessarily supporting the LTTE whole-heartedly, constantly get the message that the LTTE are the thin red line between them and annihilation by the Sinhalese. They feel attacked as Tamils, not as Tigers.<sup>53</sup> They want to be sure that any agreement will be adhered to and guaranteed by outside monitors. Since the SLMM has packed up, and LTTE has lost trust in international community, this role will necessarily devolve on India. Attempts to restore what the LTTE calls normalcy, could go a long way in rebuilding a basis from which to start talking again. It would be one, probably the only, way to get the Tamil population to trust the government. Certainly, the high-ranking members of the politburo can get what they need even in conditions of scarcity and might be said to profit

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<sup>52</sup> Elwert, *op. cit.*, p. 92. Elwert refers to situations where warlords and clans are fighting each other after the collapse of a central authority, but we can easily apply his model to Sri Lanka as well.

<sup>53</sup> An assumption catastrophically confirmed by recent developments.

from a market of violence, though to a more limited extent than the Sinhalese. On the whole they do not live markedly better than the rest of the population. And they sent their sons into the field and into suicide attacks. They can, with more justification, put the blame for all their difficulties on the Sri Lankan government.

One problem regarding mediation in the Sri Lankan conflict appears to be that the conflict parties (contrary to their official statements) seem to expect more than facilitation and even mediation. They expect the mediator to act as judge and jury who pronounce and impose a verdict (preferably in their favour) with which they have to live.<sup>54</sup> Responsibility for success or failure is thus delegated, and there is little willingness (or ability?) to engage in the nitty-gritty of negotiating, apart from putting forward demands that cannot possibly be fulfilled. Elwert's markets of violence here play a particularly perfidious role: negotiations are often just another field on which goods are traded for reduction of violence or where players in these markets rest and position themselves anew.<sup>55</sup> The legalistic attitude is carried further: if the outcome of the negotiations does not suit, unloved pieces of negotiation – like the P-TOMS – are challenged in the courts where they do not really belong, as 'unconstitutional'. There is neither understanding nor political will to transcend formal legalistic arguments, an attitude that prevents new political departures. If one considers that Sri Lanka has had two new constitutions since independence and numerous amendments, the legal argument sounds unconvincing. As in India, colonialism seems to have established a culture of litigation whereby every quarrel, instead of being solved at a local level by local mediators (who were pronounced unconstitutional by the British) was brought before the courts.

### Underlying factors

There are yet deeper reasons that make the conflict in Sri Lanka so intractable. Or, rather, there are bundles of factors in the sense of fundamental conditions. One of these is the role religion plays in public life in the broadest sense. The Sinhalese emphasise the importance of the unity and even uniformity of the country, an attitude that is fed by religious ideas: the unity of the *sangha*, a religious concept, is, according to Sinhalese understanding, only guaranteed under political unity. Political unity, moreover, is

<sup>54</sup> cf. Ananda Wickremeratne, *Historiography in Conflict and Violence*, in: Mahinda Deegalle (ed.), *Buddhism, Conflict and Violence in Modern Sri Lanka*, London and New York 2006, pp. 114–133, here: 133. But cf. also Holt, op. cit., p. 117 where he states that many monks see a conspiracy rather than diplomacy in the Norwegian efforts.

<sup>55</sup> Elwert, op. cit., p. 92/93.

understood narrowly and formally: as that of a geographical territory. Whether internal unity or commonness of the different components of the polity, a will to stay together, exists, is not asked and is obviously not deemed important: if the others are not willing, they have to be coerced. Unity is seen as politically only possible in a centrally administered state. In fact, in spite of all talk about devolution, centralisation in Sri Lanka has increased since independence. The problem was, as it seems to be in many Theravada countries, that a religious idea of unity of the *sangha* was transposed onto the political level, where unity can only mean centralisation and a unitary set-up, because otherwise the religious unity of the *sangha* will be endangered.

Derived from religion, the urge to unity thus seeped, as if by osmosis, into all aspects of life. The idea that the unity of the *sangha* must be maintained by political means turned out to be remarkably plausible for the population. This is actually a very old idea: the king guarantees the unity of the *sangha* and thus of the polity. The reverse came to be true as well: the unity of the polity guarantees that of the *sangha*.<sup>56</sup> If political unity (in a very narrow and formal sense) is not maintained, it means, in this perception, the destruction of spiritual unity. That explains the paranoia about unity to some extent: The clergy protest against anything that looks to them like a loosening of the unitary system, i.e. decentralisation, and allege that this would endanger religion: concessions to the Tamils endanger the safety of the Buddhist religion, therefore political concessions must not be made. Unity means *uniformity*. Yet behind these – sometimes genuine – demands for unity by religious experts lies a secular national project or rather: secular nationalists make use of the religious argument for their political purposes (or, as a colleague put it: they try to further a secular religion of a peculiar kind). It is the application and use of a religious doctrine interpreted and instrumentalized in a certain way. In this connection it is futile to show – as Tessa Bartholomeusz has expertly done<sup>57</sup> – that the doctrine indeed does or does not legitimise a certain social or political course of action. If a belief predominates that the doctrine does indeed legitimise a course of violence, suitable interpretations will follow. The interests of the clergy in Sri Lanka as of quite secular politicians are justified with reference to a doctrine often little known but copiously quoted. What is significant here is that the sources referred to are perceived as religious ones, but in reality in no way constitute sources of religious teaching or doctrine as such: they are purely political

<sup>56</sup> Tambiah, Stanley J., *World Conqueror and World Renouncer. A Study of Buddhism and Polity in Thailand against a Historical Background*, Cambridge 1976, p. 9.

<sup>57</sup> Tessa J. Bartholomeusz, *In Defense of Dharma: Just-War Ideology in Buddhist Sri Lanka*, New York 2002, pp. 41–43 and *passim*.

chronicles of a particular country with religious embellishments. These chronicles allegedly legitimise, indeed make mandatory, the maintenance and securing of religion and religious unity by violent political means.

This explains why even an ostensibly Marxist party like the JVP feels compelled to undergird its demand for a hard line against the Tamils with the cry “religion in danger”. Because of the mixing up of religion and politics, monks feel entitled to interfere in politics not only on ethical or moral issues, but in day-to-day political affairs. Similarly, they interfere in international mediation by denouncing mediators on religious grounds.<sup>58</sup> Secular political decisions are interpreted in religious terms and this perception again informs secular political policies. Thus, religion is used to prop up or further a thoroughly secular nationalism

It would be a mistake, however, to see this desire for unity as merely a conscious political instrument. It strikes a powerful chord among many sectors of the population. People are being made to fear that political decentralisation will mean the end of their personal religious life: if we make political concessions to the Tamils, our *culture* will be destroyed.<sup>59</sup> Simultaneously, and in the face of escalating conflict, we have on both sides of the divide a retreat into sometimes extreme forms of private religion, as Shanmugalingam and Patricia Lawrence have demonstrated.<sup>60</sup> While this is understandable on the Tamil side where the Tigers follow an offensively secular political course,<sup>61</sup> it is less so with the Sinhalese middle classes who even begin to follow extreme or animist sects in their private religious lives,<sup>62</sup>

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<sup>58</sup> e.g. Norway was denounced as a sort of theocracy where only the Lutheran faith is permitted by the clergy; and Erik Solheim was attacked because of his personal life.

<sup>59</sup> H. L. Seneviratne, H. L., *The Work of Kings. The New Buddhism in Sri Lanka*, Chicago 1999.

<sup>60</sup> Nagalingam Shanmugalingam, *A New Face of Durga. Religious and Social Change in Sri Lanka*, Delhi 2002; Patricia Lawrence, *The Changing Amman. Notes on the Injury of War in Eastern Sri Lanka*, in: Siri Gamage and I B Watson (eds.), *Conflict and Community in Contemporary Sri Lanka. ‘Pearl of the East’ or the ‘Island of Tears’?* New Delhi 1999, pp. 197–216, and idem, *Grief on the Body: the Work of Oracles in Eastern Sri Lanka*, in: Michael Roberts (ed.), *Sri Lanka. Collective Identities Revisited*, Colombo 1998, pp. 271–294.

<sup>61</sup> Dagmar Hellmann-Rajanayagam, *Wer und was ist die LTTE?* In: Thomas Kolnberger, Clemens Six (eds.), *Fundamentalismus und Terrorismus. Zu Geschichte und Gegenwart radikalisierten Religion*, Essen, Wien 2007, pp. 118–141, here: 130/31.

<sup>62</sup> Gananath Obeyesekere, *Medusa’s Hair. An Essay on Personal Symbols and Religious Experience*, Chicago, London 1981.

or turn to Hindu gods to ask for success in the war against the ‘infidel’ Tamils.<sup>63</sup>

Even Sinhalese liberal intellectuals, who admit that the grievances of the Tamils are justified, can only view the problem in terms of unity or destruction: authors like Obeyesekere, Perera, Roberts and Uyangoda understandably do not endorse Tamil secession, but are equally reluctant and wary of even granting autonomy. Jehan Perera e.g. questions Rajapakse’s adherence to a unitary state:

... the government has been able to project its war against the LTTE and the collateral and sometimes deliberate damage to the Tamil people as a justifiable one to the Sinhalese people. [ ... ] The terrible feature of present day Sri Lankan democracy is that fighting the war has become a matter of self-advancement to those in power.<sup>64</sup>

Yet he objects not only to Tamil separatist aspirations, but also to autonomy for their areas and advocates at most a generous measure of devolution according to stringent legalistic rules,<sup>65</sup> while Obeyesekere argues for equitable integration of the Tamils into an – admittedly generously defined – Buddhist culture and world view.<sup>66</sup> For him the problem started when Buddhist identity retreated in favour of Sinhala identity.<sup>67</sup> But the problem of discrimination against the Tamils cannot be solved by making them all into Buddhists. Uyangoda, while emphasising that economic growth would do more for deescalation than debating constitutional niceties, nevertheless denies the possibility of a solution that does not conform to the present – strongly unitary – constitution,<sup>68</sup> while Michael Roberts voices understanding, though not condoning, the obsession of the Sinhala middle class

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<sup>63</sup> John Clifford Holt, Minister of Defense? The Viṣṇu Controversy in Contemporary Sri Lanka, in: idem, Jacob N. Kinnard and Jonathan S. Walters (eds.), *Constituting Communities. Theravada Buddhism and the Religious Cultures of South and Southeast Asia*, New York 2003, pp. 107–130, here: 113 and 120; 123; 125/26.

<sup>64</sup> Jehan Perera, *Defeating Racist Politics. The Way of Religion*, National Peace Council (NPC), 24th December 2007.

<sup>65</sup> idem, *Kosovo Shows Danger of over Reliance on Military Solution*, NPC, 25th February 2008; idem, *Engaging with the Enemy for the Common Good*, NPC, 19th February 2008; idem, *Will a Military Solution Yield a Political Solution?* NPC, 24th September 2007.

<sup>66</sup> Gananath Obeyesekere, *Buddhism, Ethnicity, and Identity: A Problem in Buddhist History*, in: Deegalle, op. cit., pp. 134–162, here: 138/39, 147/48, 154–57.

<sup>67</sup> *ibid.*

<sup>68</sup> Jayadeva Uyangoda, *Beyond the Talks: Towards Transformative Peace in Sri Lanka. A History of Ethnic Conflict in Sri Lanka: Recollection, Reinterpretation and Reconciliation*, Colombo 2001, p. 20 and 23.

with political uni(formi)ty and the Sinhala chronicles.<sup>69</sup> The idea of the absolute necessity of unity as a value in itself (*Wert an sich*) runs deep.

## Conclusion

Outside observers have perceived the conflict in Sri Lanka under various categories and labels: first as a linguistic conflict, then as an ethnic and ethno-religious one, finally, as terrorism pure and simple. All labels are distorting and do not grasp the character of the conflict. Under the terrorist label, moreover, the reasons for revolt are lost. The background to the Tamil demand for secession has receded completely and is rarely considered. The fluidity of the conflict and the fact that it defies easy labelling has proved disadvantageous for the outside perception of Tamil demands. Since they do not portray themselves as religious warriors, they have a difficult stand in a climate that confers an ambivalent justification of and grudging acquiescence to violence only in respect of groups with professed religious causes. Ethnic and social conflicts are ‘religionised’, so to speak, but even here, some religions are more worth supporting than others. Buddhism has an image of non-violence: it is the religion of peace *per definitionem*, and therefore, Buddhists can, also *per definitionem*, not do anything bad or violent, whereas a movement that does not profess either a religious basis for revolt or fight for a religious cause seems to be delegitimised from the start.

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## Appendix

### Excerpts from the speeches of V. Prabhakaran, translated by DHR

27th November 2000:

“... Chandrika’s diplomatic offensive [in 2000, dhr] helped to continue the war. Because of the one-sided intervention of foreign countries in the war for Jaffna, i.e. help for the Sinhalese, a situation arose where we had to postpone our war plans.

When in 1995 500000 people were expelled because of the military oppression and a severe humanitarian crisis arose, the world closed its eyes and

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<sup>69</sup> Michael Roberts, *Burden of History: Obstacles to Power Sharing in Sri Lanka*, and idem: *Primordialist Strands in Contemporary Sinhala Nationalism in Sri Lanka: Urumaya as Ur. A History of Ethnic Conflict in Sri Lanka: Recollection, Reinterpretation and Reconciliation*, Colombo 2001.

kept silent. But now, when it is the other way round and the possibility occurs that the Sinhalese troops come under the control of the tiger, the foreign countries help the Sinhalese government; this disappoints and worries us.

Jaffna is not the property of *Sinhaladesa*. Jaffna belongs to the people of Jaffna. Jaffna's sovereignty is not the god-given property of some government. Sovereignty proceeds from the people alone. It belongs to the people. By military suppression the historical area of the Tamils cannot be transferred to the sovereignty of the Sinhalese. According to the slogan of the Tamil liberation army we shall not admit foreign rule on our soil ...

Our population supported the battles described directly as reserve army; that encouraged our liberation troops and strengthened them ... If the population takes actively part in the liberation struggle, the struggle has reached ... the stage of people's struggle. The participation of the people in armed struggle is increasingly necessary. This constitutes a turning point in our struggle. With this we shall reach more quickly our goal to liberate the country from hostile suppression ...

The new government has come to power with the help of Sri Lankan racists. The election campaign was conducted with the war drum against the tigers. The election victory was achieved through cheating and election fraud. The hard-line racists were the most crucial supporters of the government. Many of them have obtained positions as ministers. ... the Tamil traitors who ridicule democracy are in the frontline of this government. Chandrika's government is dependent on the mercy of the racists and the traitors of the Tamil nationality; we doubt whether help and a solution of the national problems of the Tamils will be possible with this constellation.

The government has no overall view and no clear path; military solution, peaceful solution, solution of the ethnic problem ... ? Incompatible opinions are pronounced ... Since a number of hardliners is represented in the government, the government talks with a forked tongue ... One voice is prepared to talk to the tigers, another wants to obliterate them with the roots, a third wants to continue the war, until the tigers are under control ... Different statements are intended to satisfy different audiences. Chandrika and Kadirgamar deceive foreign countries with their statements, while the Prime Minister and the commander of the armed forces address the racist sections domestically.

The Western countries desire peace and a political solution in a peaceful manner. They have emphasized that a military solution of the Tamil ethnic problem is not possible. Therefore Chandrika disseminates subtle propaganda statements that are intended to satisfy the Western world: peace, negotiations, devolution, constitution etc ... smoke in the eyes of the West.

For the Tamils and the liberation tigers Chandrika is no goddess of peace. We consider her a hardliner who bets on a military solution. For six long years her line was military suppression of the Tamils; recently she has intensified measures for war preparation ... the military budget was increased, the latest weapons systems were acquired, ... deserted soldiers were persecuted with greatest harshness ... in our eyes Chandrika is a warmonger.

We have examined Chandrika's speech at the opening of parliament on the 9th of the month very closely regarding her statements on the ethnic prob-

lem. There her undetermined position becomes clear. Chandrika declares concerning the origin of the Tamil problem that in the last 50 years the Tamils had suffered injustice. But she does not talk about 'Tamils', but about 'minority communities' who had suffered injustice. 'The minorities were not accorded equal possibilities for participation in the political, social, economic and professional spheres. That caused the ethnic problem', she explained. Why, one asks observing this show, such injustice was done to the Tamils? By whom? In what form? These questions remained unanswered. On the contrary: the injustice done to the Tamils was blamed on colonialism ... This explanation disguises the history of cruelty of Sinhala-Buddhist racists against Tamils in a real Machiavellian way. Chandrika's parents have cooperated in this history. To consider the cruelties against the Tamils as faults of the constitution and to relate this constitution with colonialism means to try to hide a whole pumpkin under a plate of rice. It is ridiculous.

Because of colonialism the population of Tamil Eelam has lost its historical sovereignty in its motherland, that is a historical fact. But the suppressive measures directed at the Tamils only began after the English colonial masters had granted independence to the island. Sinhala-Buddhist racism appears clearly as the perpetrator of this suppression. Rooted in the Buddhist religion this philosophy of Sinhalese racism has gained a firm foothold in the political world of the Sinhalese. The constitution created by the Sinhalese is a manifestation of this racism. There English colonialism is not, as Chandrika claims, guilty of this injustice against the Tamils, but Sinhala-Buddhist racism.

*The Tamils arrived at armed struggle against injustice via non-violent political struggle ...* [my emphasis, dhr] The struggle between the Tamil army of the liberation tigers and the Sinhalese government now continues since twenty years. It is our right to take up arms against these suppressive measures which are taken with a genocidal intention in order to defend our self-determination and our freedom. The fight of the Tamils takes place on the basis of the internationally acknowledged declaration of Human Rights. The government leaves the world in the dark about the legitimacy and the historical background of the struggle ... and derides as 'terrorists' ...

The Sinhalese ruling class refuses to recognize the true political character of the fight fought by the Tamils for Tamil Eelam. This is an obstacle on the way to a peaceful solution.

*Our liberation movement is prepared to come to a political solution of the national problem of the Tamil in a peaceful manner. We are not against peaceful methods, and we do not hesitate to participate in peace negotiations. A solution peacefully arrived at must be just, fair, equitable and must fulfil the political aspirations of the Tamils ...* [my emphasis, dhr] ... When I recently met a Norwegian mediator group in the Vanni, I emphatically underlined this basis of our movement ... We do not pose any preconditions for peace talks. But for peace negotiations fitting and suitable conditions must be imperatively created; we insist on that.

Both sides have been at war for more than twenty years, in a situation filled with hostility and suspicion; it is not easy to change suddenly from a situation of war to peace negotiations. We desire therefore that the war situation

is scaled down step by step, that peace negotiations begin after the conclusion of a ceasefire in peaceful surroundings and under advantageous conditions. Within a framework of normality the economic burdens and obstacles put upon the Tamils must be abolished, life of our population must return to normal ... If talks are conducted on a firm foundation, in a suitable environment, under suitable conditions, they can be profitable. Therefore we emphasise again, that talks must take place under positive circumstances; beyond that we do not pose any conditions. ...

Peace talks are nothing new for the Tamils. The liberation movement and our former leaders have often negotiated with the Sinhalese. Since the Banda-Chelva-Pact talks have been held over decades at all sorts of occasions and circumstances. Never a solution was reached for the Tamil problem, on the contrary, it always exacerbated ... The deeper reason for this is the refusal of the Sinhalese side to acknowledge the basis of the problem and the political aspirations of the Tamils.

If an enduring political solution is to be arrived at, the Sinhalese side has to recognize some basic truths about the Tamils: however much the Tamils desire a solution, their basic aspirations must be accepted.

The Ilam Tamils are a nationality of their own ... Historically, they have their own motherland and territory. Our population has only one desire: *to live undisturbed in its own territory* [my emphasis, dhr]. It wants to live without predominant rule and coercion under political conditions where it can govern itself; those are its deepest aspirations. The Sinhalese must understand that.

I doubt that Chandrika's government recognizes the basis of the Tamil problem and will arrive at a peaceful solution.

The majority of the governing elite is racist and filled with hatred of the Tamils. The Sinhalese society is increasingly militarised, the Mahasangha tends in the direction of hatred against the Tamils, they have internalised all the principles of the government that aspires to a military solution, where is the space for a peaceful solution, we ask ourselves ...

The world observes our national problem with concern and worry. The international community desires a peaceful solution ...

We assure the world, that we shall not put any obstacles in the way of peace negotiations or a peaceful political solution. Talks must be held in a suitable peaceful environment ... ; the world has to understand the basic demands of the Tamils and realize, on which background and by whom the suppression of the Tamils occurs.

The Sinhalese conduct the war with international military and financial aid ... The majority of the victims of the conflict are innocent Tamils ... To defeat the tigers in this war or to solve the problem in this way is impossible. We do not believe in the pity and the mercy of the Sinhalese racists towards the Tamils. *If the Sinhalese country does not liberate itself from the stranglehold of racism and continues the suppression of the Tamils, then there is no other way for us than to establish self-government* [my emphasis, dhr] ... ”

27th November 2001:

“Since the dawn of human civilisation, people have fought for liberty. Against oppression and injustice, war after war for liberty was conducted. As long as oppression and injustice continue in the world, wars against them will go on ... The character of international politics has changed. It has changed to a focus on war for human rights ... The basis of political principles has become principles of righteousness ... Some movements that employ violence are termed terrorist ... For real justice the roots that give rise to terrorism must be destroyed. That is the challenge for the basis of justice for liberation movements that fight and shed blood for independence and self-determination. That is worrying. For that reason our movement has been tarred with that name. But before the international community fights a group as terrorist, it has to investigate the roots of violence. And one has to differentiate between terrorist groups and true liberation groups. One has to look into two specifics: who are the oppressors, and who are the oppressed ... They are ethnic minorities, social oppressed, the poor, the slaves. The first violence is state violence. The second stage is the violence of the oppressed against state violence ... The original history of Tamil Eelam fits this pattern ... The tiger movement has raised its head two decades ago for liberation ... The *ahimsa* fight against the violence of the Sinhalese was violently suppressed ... Then the Tamils decided to counter state violence with violence ... For its survival, for its protection, the Tamil ethnicity took up arms. Our armed fight has now continued for twenty years and now we are ready to enter into the political fight. We are a national liberation movement ... Our fight occurs on the basis of internationally recognised principles of self-determination ... We are not terrorists. We are freedom fighters. For twenty years the Sinhala terrorists have tried to eradicate us and have been defeated ... The Sinhalese government provides consistently wrong information about the situation ... The demands by the western countries to come to a peaceful solution, in this situation complicate the ethnic problem of the Tamils ... The western countries have begun a war against worldwide terrorist violence. We welcome measures against terrorism taken by the world with a view to identify the true nature of terrorism. But at the same time the western countries have to distinguish clearly between blind terrorism and struggles for freedom on the basis of human rights ... The Tiger movement is a people’s movement. The tigers and the people are one ... Chandrika and her foreign minister Kadirgamar have gone on a worldwide diplomatic offensive to have our freedom struggle labelled as terrorist. As a result America and Britain and recently Canada have put our liberation movement on the list of international terrorist movements. We are not terrorists, we represent the aspirations of our people ... these countries know that ... These countries demand that Sri Lanka and our freedom movement negotiate and solve the ethnic problem of the Tamils in a peaceful manner. That is legitimate. Therefore the people have declared our movement as their representative. Why then label our movement terrorist? How is then a peaceful solution possible? The Sri Lankan government has to lift the ban on our movement first and recognise us as the true legitimate representative of the Tamil people, otherwise we cannot take part in talks. We are very firm on this

and have told the Norwegian mediators so. Only with a lifting of the ban peace talks will be possible, locally and internationally. *The Tamil problem has gone to the extent of war, but we know that in reality it is a political problem.* [my emphasis, dhr] We have not lost all hope yet that it is possible to solve it peacefully. For that the Sinhalese government has to take part in an open, sincere manner. But the Sinhalese government gave the world the impression that the Tamil problem could be solved militarily. The West does not know that no Sinhalese party is prepared to give the Tamils their due ... and helps the government in its endeavours. Therefore the problem does not end. We have knocked at the door of peace, but Chandrika refuses to open the door to peace. In November last year we met and talked to the Norwegian envoy and with a view to peace negotiations declared a four-month long unilateral ceasefire. Chandrika did not honour this and continued military actions. ... We took part in the efforts for a peaceful solution by Norway. ... War and peaceful solution are incompatible. These elections are a fight between the faction for peace and the faction for war. The population has to choose whether in future peace will come or the war will continue. Without justice for the Tamils in this country no economic and social progress is possible. *We are not against the Sinhalese, our fight is not against them* [my emphasis, dhr]. The fight between Tamils and Sinhalese arose because of racist interests. The war damages not only Tamils, but Sinhalese, too. Thousands of innocent young Sinhalese have died because of it. The common people had to bear the economic costs of the war. Therefore the racists must be identified, and the Tamils must be given justice by the Sinhalese. *The Tamils want to live on the basis of their ethnicity, on their own soil, on the motherland where historically they lived, they want to live quiet, peaceful, with dignity. They want to determine their political and economic life. They ask to be just left alone to live by themselves* [my emphasis, dhr]. Those are indeed the Tamils' political aspirations. This is not secession or terrorism. This demand does not at all constitute a threat to the Sinhalese. These principles do not damage the independence of the Sinhalese or their social, economic, or cultural life. *The Tamils desire a political solution to live in their own land, and with their own government* [my emphasis, dhr]. They confirm that a solution must be found on the basis of self-determination. To fulfil the basic Tamil political aspirations our movement is prepared to enter into negotiations with the Sinhalese to publish a plan for a political solution. Since we are the representative leadership of the united, independent Tamil people and with the recognition of their true fighting force, the ban on our movement has to be lifted. Those are the unified aspirations of the Tamil people. The Sinhalese leadership and the international community have to realise this. Talks must occur in a habitually confidence-creating atmosphere. The war situation and the economic embargo must give way to a situation of normalcy and peacefulness. This is the situation for talks, as we have reconfirmed again and again. If a peaceful solution to the Tamil problem is found, Tamils and Sinhalese and their societies can live on this beautiful island peacefully, together and as one. *But if the Sinhalese refuse to tread this path, then we Tamils have to split off and create our own government of Tamil Eelam, there is no other way. The racist power of the Sinhalese political establishment will have brought this Tamil*

*Eelam government about* [my emphasis]. The birth of an independent Tamil Eelam is inevitable and a historical necessity and no force can prevent it then. We honour the dream of our heroes that one day our Tamil Eelam will be a country of its own.”

### **List of Abbreviations**

APC = All Party Conference  
 APRC = All-Party Representative Committee  
 CFA = Ceasefire Agreement  
 CNC = Ceylon National Congress  
 DDC = District Development Council  
 EPRLF = Eelam People’s National Liberation Front  
 FP = Federal Party  
 IAC = Interim Administrative Council  
 IAS = Indian Administrative Service  
 IDP = Internally Displaced Person  
 IPKF = Indian Peace-Keeping Force  
 ISGA = Interim Self-Governing Authority  
 ITAK = Ilankai Tamil Aracu Katci (Ceylon Tamil-Government Party)  
 JVP = Janatha Vimukti Peramuna (People’s Liberation Front)  
 LTTE = Liberation Tigers of Tamil Eelam  
 MP = Member of Parliament  
 NPC = National Peace Council  
 P-TOMS = Post-Tsunami Operational Management Structure  
 SIHRN = Sub-Committee for Immediate Humanitarian Rehabilitation Needs  
 SLFP = Sri Lanka Freedom Party  
 SLMM = Sri Lanka Monitoring Mission  
 TNA = Tamil National Alliance  
 TUF = Tamil United Front  
 TULF = Tamil United Liberation Front  
 UNP = United National Party