

An International Review of Peace Initiatives

Accord

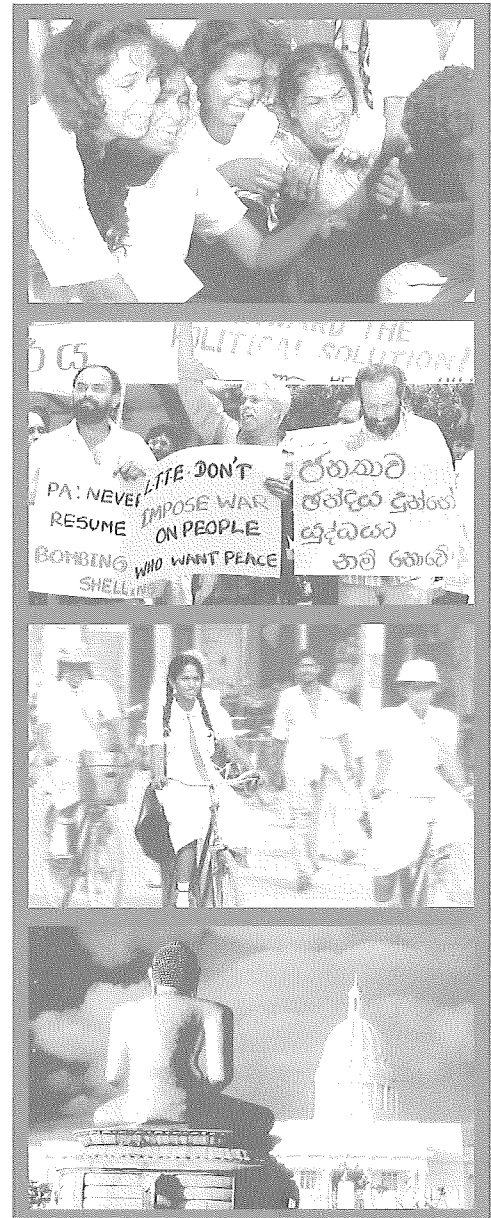
Demanding Sacrifice: War and Negotiation in Sri Lanka

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Acronyms

BJP	Bharatiya Janata Party
CEPRA	Centre for Policy Research and Analysis
CWC	Ceylon Workers Congress
DDCs	District Development Councils
DPLF	Democratic People's Liberation Front
EPDP	Eelam People's Democratic Party
EPRLF	Eelam People's Revolutionary Liberation Front
EROS	Eelam Revolutionary Organisation of Students
FP	Federal Party
IATR	International Association of Tamil Research
ICES	International Centre for Ethnic Studies
IPKF	Indian Peace Keeping Force
LTTE	Liberation Tigers of Tamil Eelam
MEP	Mahajana Eksath Peramuna (People's United Front)
NEPC	North East Provincial Council
NPC	National Peace Council
PA	People's Alliance
PFLT	People's Front of Liberation Tigers
PLOTE	People's Liberation Organisation of Tamil Eelam
PTA	Prevention of Terrorism Act
RAW	Research and Analysis Wing (Indian Government)
SAARC	South Asian Association for Regional Cooperation
SLA	Sri Lanka Army
SLMC	Sri Lanka Muslim Congress
SSA	Social Scientists Association
TECH	The Economic Consultancy House
TEEDOR	Tamil Eelam Economic Development Organisation
TELO	Tamil Eelam Liberation Organisation
TNA	Tamil National Army
TSL	Tamil Students League
TUF	Tamil United Front
TULF	Tamil United Liberation Front
TYL	Tamil Youth League
UCPF	Up-Country People's Front
UNP	United National Party

Introduction

In the fifty years since independence, Sri Lanka has been riven by an ethnic/national conflict which degenerated into war in 1983. Fought between the government and the forces of militant Tamil nationalism, spearheaded by the Liberation Tigers of Tamil Eelam (LTTE), this war has undermined the livelihoods of millions of Sri Lankans, especially in the Tamil-dominated north and east. It has also claimed in the region of 50,000 lives.

In August 1994, the current People's Alliance government was narrowly elected on an unprecedented platform of reconciliation, human rights and anti-corruption. As the new government pursued negotiations with the LTTE, the whole island was caught up in the euphoria of impending peace. Despite the many auspicious circumstances, however, hopes for a solution to the armed conflict were bitterly dashed by an abrupt annulment of negotiations in April 1995 and the unilateral resumption of hostilities by the LTTE. With these developments, the government was damaged and disoriented and saw little choice but to retaliate militarily. The hand of military hawks in government decision making was strengthened and a controversial 'peace through war' strategy emerged.

From mid-1995, attempts to cripple the LTTE became a key dimension of government policy to force the return of a negotiated peace process. While the army began ferocious attacks on LTTE-held areas, however,

key government figures and much of the Sri Lankan electorate were not ready for a return to all-out war. Mindful of their electoral promises of peace and ethnic accommodation, the government released courageous devolution proposals in August 1995 to help meet Tamil aspirations for self-government in the north and east. By this stage, however, LTTE violence and government war propaganda had fanned antipathy to Tamil aspirations among significant sections of the majority Sinhala community.

Much to the dismay of Tamil parties in Parliament, the proposals were twice moderated to mollify this opposition, but were still blocked by the opposition United National Party (UNP) in February 1998. The constitutional reform process now seems all but spent, and even government MPs supporting a return to negotiations find themselves endorsing military achievements in the absence of other successes.

Cycles of conflict and dialogue

The rise and fall of the PA government's peace initiative is the most recent of several cycles through which Sri Lankans' hopes of a just and honourable peace have collapsed in disillusion, bitterness and despair. The 1987 Indo-Lanka Accord, and earlier initiatives driven by the Indian government failed to resolve the ethnic/national problem. An attempt by the UNP government of President Ranasinghe Premadasa to pursue a negotiated settlement

with the LTTE in 1989-90 also floundered. Even prior to the outbreak of war, there were numerous opportunities to defuse the gathering strife, but all were passed over.

The first aim of *Accord: Sri Lanka* is to provide a balanced account of the cycles of conflict and dialogue in post-colonial Sri Lanka. Liz Nissan's *Historical Context* piece describes the consolidation of majoritarian democracy in Sri Lanka, the militarisation of Tamil resistance and India's ill-fated pacification intervention. These and later processes are also outlined in the *Chronology* towards the back of the issue, while the *Key Actors* section provides the less familiar reader with a sketch of the institutions that remain central to the prospects for future war and peace.

Insights for peace-making

Peace-making in Sri Lanka has been conspicuous largely for its failures. Nevertheless, these failures provide a range of useful insights for those seeking just and durable peace, both inside the country and elsewhere. The five theme articles in this issue, and the primary texts section at its centre, aim to stimulate reflection on some of the key lessons which might be drawn from the experience to date of war and peace in Sri Lanka.

Peace through war?

The government justifies its current military offensive in LTTE-held areas as necessary to eliminate a clear and present threat to pluralist, democratic politics in Sri Lanka. Whether or not this claim is taken at face value, the very real costs associated with such a strategy are self-evident. Excessive militarism breeds, rather than attenuates, civil strife and authoritarianism and can alienate and radicalise opposition. Where democracy prevails, and the costs of war are borne by disillusioned combatants and civilian populations, protracted armed conflict is politically self-defeating.

In *Straining Consensus*, Kumudini Samuel closely considers the development of the 'war for peace' strategy in the broader context of PA

government attempts to address the ethnic/national problem. She is broadly sympathetic to the original good intentions of the People's Alliance, and mindful of the political risks of renewed negotiations. Nevertheless, the argument that the human costs of the war mitigate against meaningful military 'victory' comes through strongly in her analysis. Without a credible strategy to resume dialogue, government policy is fundamentally flawed.

Constitutional text, political process

Many commentators on the Sri Lankan conflict feel that the broad parameters of a constitutional settlement have been clear for some time. The second half of the *Primary Texts* section at the centre of this issue reproduces the government's last devolution proposals, alongside a framework for a formal confederation of southern (predominantly Sinhalese) and north-eastern (predominantly Tamil) states. It is likely that a successful political settlement lies somewhere between these two markers. A clear lesson from Sri Lanka, however, is that forging peace cannot be reduced to a technical-legal task. It primarily entails an explicitly political process of dialogue and negotiation.

In *Trying Times*, Rohan Edrisinha critically explores the many attempts since 1987 to elaborate a constitutional settlement to the Sri Lankan armed conflict. He argues that a compromise which can address Tamil nationalist concerns within a framework of a united Sri Lanka is at least imaginable, but stresses the need for maximum inclusiveness in any constitutional reform process. Through his analysis, it also becomes clear that the LTTE needs to find ways to convincingly validate its proclaimed status as sole representative of Ceylon Tamil aspirations. Unless there is confidence on all sides that the principle of consent lies at the heart of a future peace process, negotiations are likely to remain brittle. To complement Edrisinha's arguments, the first section of the *Primary Texts* section reproduces texts and agreements from the government-LTTE peace talks of 1994-95. These shed light on both the promise and the deep flaws of the last attempt at negotiation.

Confronting the issues

Genuine political engagement between the two sides in the Sri Lankan conflict has been extremely rare. Successive governments have detailed the *concessions* they are willing to grant 'minorities' within a unitary Sri Lanka, while the 'Tamil national movement' has demanded the *right* of Ceylon Tamils to self-government in the north and east. While federal modes of government, and the recent peace settlements in South Africa, Northern Ireland and elsewhere, demonstrate it is possible to accommodate such divergent positions, both sides have typically refused to explore the middle ground. Such stances might be politically expedient, especially in ethnically-based or majoritarian party politics. In the long term, however, stability and justice demand that fundamental rifts are recognised and addressed.

The juxtaposition of Sachithanandam Sathananthan *Self-determination: a Ceylon Tamil perspective* and Priyath Liyanage's *Popular Buddhism, Politics & the Ethnic Problem* is a modest attempt to stimulate a currently distant but ultimately necessary debate. Sathananthan places Tamil claims for national self-determination within a global context, arguing they will need explicit recognition and appreciation by future government negotiators. Liyanage outlines the historic paramountcy of Buddhist interests in Sri Lankan politics but stresses the recent shift towards conciliation and accommodation at the heart of the Buddhist establishment. If sustained, this movement provides both a challenge and an opportunity to Tamil nationalists. It could still provide the necessary popular base for a successful negotiated end to the war.

Knowing 'the enemy'

Among the biggest obstacles to a negotiated settlement in Sri Lanka has been the lack, on both sides, of sophisticated political analyses of rival positions. This shortcoming reflects and reinforces a mutual crisis of confidence at the heart of the confrontation between successive governments and Tamil nationalists, a crisis

intensified by the assassination of so many of Sri Lanka's ablest politicians. If future negotiations are to be successful, negotiators require a nuanced understanding of the history of the conflict from all perspectives, and of the motivations and aspirations of their opponents.

This issue as a whole seeks to promote such an understanding by chronicling Sri Lanka's recent history from a number of different points of view. In *Tamil Identities and Aspirations*, by Alfred J. Wilson and A. Joseph Chandrakanthan, the various perspectives are supplemented by a measured and articulate account of the development of Tamil nationalism in the north and east and its interactions in wartime with the LTTE. In common with most of our authors, Wilson and Chandrakanthan are doubtful that the mutual trust and recognition necessary for a sustainable settlement can be forged in Sri Lanka without skilled external facilitation.

The current impasse

While the military aspects of government policy have risen to the fore gradually, the LTTE had already cast doubt on the government's commitment to peace during the 1994-95 negotiations. After the resumption of hostilities, the LTTE intensified its critique of perceived government duplicity and the ferocity of the army's northeastern campaign has resulted in the ebbing away of popular Tamil support for the government. Through the Jaffna local elections of January 1998, the government claimed to be re-opening democratic space in the war-ravaged north. Its sincerity has been questioned by Tamil politicians, however, who assert that the government is failing to make sufficient resources available for the Jaffna administration. When the newly elected mayor was assassinated in May 1998, seemingly by the LTTE, any optimism arising from the Jaffna elections was shattered.

The current medium-term agenda of both the government and the LTTE is, therefore, war. For the LTTE, this is highlighted in its leader's

India, Sri Lanka and the Bharatiya Janatha Party (BJP)

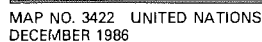
The strongest external influence on Sri Lankan politics comes from the Indian government, which has given strong support to its Sri Lankan counterpart since 1995, particularly in promoting 'terrorist' interpretations of LTTE operations. The new coalition government of India, however, led by the Hindu nationalist Bharatiya Janatha Party (BJP), needs votes and support from Tamils in India, and its defence minister is an outspoken LTTE supporter. A reported remark from a high ranking official stating that Indian policy on Sri Lanka had shifted from disinterest to 'friendly concern' was met with demands for clarification and explanation from Colombo. Both sides in the Sri Lankan conflict concede there can be no stable settlement without at least tacit approval from the Indian government. All parties continue to watch anxiously for any signs of concrete policy change under the BJP.

speeches which increasingly demand unremitting sacrifice from the Tamil people. For both the LTTE and the government, it is reflected in international initiatives through which the LTTE highlight official human rights abuses against Tamil civilians, while the government pursues an unrelenting anti-terrorist campaign alleging LTTE involvement in extortion, money laundering, drugs and arms smuggling, political assassination and illegal immigration.

In July 1998, government forces are in their fifteenth month of an operation to open a road to Jaffna which was expected to take three months. The offensive has caused the deaths of many LTTE cadres, but army casualties are also very heavy. While the government says it is taking ground from the LTTE, the Tigers claim to have increased the number of their cadres every year since the war started. They are now fighting a largely conventional war against the Sri Lankan armed forces in the north, while also pursuing a rural guerrilla war in the east and an intermittent bombing campaign in the south. Though the LTTE may not be able to sustain the current conventional war over a long period, it remains extremely well equipped to continue protracted guerrilla warfare throughout Sri Lanka for some time to come.

It is unclear if and when the social and economic costs of the war might become untenable for the government, nor is it obvious what forces might fill the political space once the 'war for peace' strategy runs its course. What is clear, however, is that peace requires inclusive negotiations between the government and all representatives of Tamil nationalism, and that a sustainable settlement will demand sacrifice and compromise on all sides.

Jeremy Armon, Andy Carl & Liz Philipson
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By Elizabeth Nissan

Historical Context

Although conflict on the present scale may not have been anticipated at independence, there were already signs that Ceylon's constitutional structure would be the source of considerable inter-group friction. Of most relevance were the fears expressed by the Ceylon Tamil political leadership that the unitary constitution would not give minorities adequate protection against the potentially discriminatory consequences of majoritarian Sinhalese rule.

Prior to independence, Tamil leaders had called for constitutional protections to allay these fears: specifically, that 50 per cent of parliamentary seats and cabinet posts should be reserved for minorities. Once this option was rejected, however, the Tamil leadership called for a federal constitutional structure, and for self-determination for the Tamil people within this framework. The Federal Party (FP), formed in 1949 after the government had disenfranchised the Up-country Tamil population, became a key voice in Tamil politics for well over two decades.

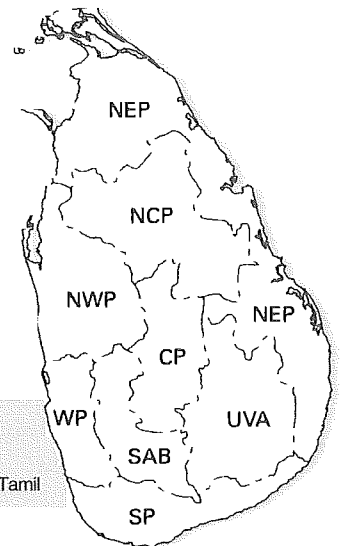
The Federal Party was unable to pursue its aims successfully, however, in the context of a parliamentary system dominated by parties which primarily represented Sinhalese interests. Worse, as Sinhala Buddhist cultural revivalism attained a new dominance in national politics in the mid-1950s, it brought with it policies which significantly disadvantaged Tamil speakers. As a consequence, Tamil leaders came to propose increasingly radical solutions to the Ceylonese, later Sri Lankan, ethnic problem.

The rise of Sinhala nationalism

The rise of Tamil militancy has to be understood in the context of the nationalist politics of the newly independent Ceylonese state. The British colonial period had seen the creation of an island-wide, unified administration for the first time, and English had become the language of government. The small English-speaking, local elite which developed in this period (spanning

Population and ethnicity in Sri Lanka

(sources: Sri Lanka Census of Population and Housing General Report (1981) and Statistical Abstract (1995), both publications of the Sri Lanka government)



	Population (000's, 1994)	Main ethnic groups (1981)
SRI LANKA	17,865	74% Sinhalese 13% Ceylon Tamil 7% Muslim, 6% Up-country Tamil
Western Province (WP) (Colombo, Gampaha, Kalutara)	4,599	85% Sinhalese 6% Muslim, 6% Ceylon Tamil
Northeastern Province (NEP) (Jaffna, Ampara, Batticaloa, Trincomalee, Mannar, Vavuniya, Kilinochchi)	2,645	65% Ceylon Tamil 18% Muslim 13% Sinhalese
Southern Province (SP) (Galle, Matara, Hambantota)	2,330	95% Sinhalese
Central Province (CP) (Kandy, Matale, Nuwara Eliya)	2,261	64% Sinhalese 20% Up-country Tamil 8% Ceylon Tamil, 7% Muslim
Northwestern Province (NWP) (Kurunegala, Puttalam)	2,107	90% Sinhalese 7% Muslim
Sabaragamuwa (SAB) (Ratnapura, Kegalle)	1,735	87% Sinhalese 9% Up-country Tamil
Uva Province (UVA) (Badulla, Monaragala)	1,102	76% Sinhalese 16% Up-country Tamil 5% Ceylon Tamil
Northcentral Province (NCP) (Anuradhapura, Polonnaruwa)	1,086	91% Sinhalese 7% Muslim

The Up-country Tamils

The Up-country Tamils were brought to Ceylon from southern India in the 19th century to work as indentured labourers on the tea plantations of the central highlands, newly established under the British colonial government. Despite having delivered the key primary product on which the Sri Lankan economy was built, Up-country Tamils have suffered civil and economic repression throughout their history in Sri Lanka. To date they have not been associated with the struggle for Tamil self-determination, their primary political organisation being through trade unions which have focused primarily on economic and franchise issues.

both Sinhala and Tamil communities) continued to hold power after independence and ruled in much the same vein as their colonial predecessors. English remained the language of government, while the vernacular-speaking majority saw little change, despite the hopes of cultural and political transformation that independence had appeared to offer.

In the southern provinces, tension increased between the Colombo-based, English-speaking ruling class and the Sinhala-speaking rural elites. The English language

represented a major barrier to advancement within the state for these latter groups. In addition, they felt that the Ceylon Tamil community (and in particular, the Jaffna Tamil community) had gained a disproportionate share of power. Tamils indeed held considerable business interests in the south as well as a large number of posts in the administration, having benefited from superior educational opportunities during the colonial era.

The Sinhala-educated rural elites were key players in mobilising nationalist sentiment and defeating the United National Party (UNP) government in the 1956 general election. They asserted a close identification between the Sinhala people, the island of Ceylon ('Sri Lanka') and the Buddhist religion, and sought redress on two key fronts: to remove the barriers to opportunity created by the formal status of English, and to correct what they saw as an unfair advantage enjoyed by Ceylon Tamils.

After the 1956 election, a government was formed by the Mahajana Eksath Peramuna coalition (People's United Front – MEP), led by S.W.R.D. Bandaranaike of the Sri Lanka Freedom Party (SLFP). The MEP promised that Buddhism would be restored to its rightful place in the polity (in keeping with Sinhala Buddhist ideology) and that Sinhala would become the official state language. From this date, the identification of the state and the interests of the Sinhala people became increasingly close.

The passing of the Official Language Act of July 1956 – which is often referred to as 'Sinhala Only' – was a major step towards defining Ceylon as a primarily Sinhala state. Under this legislation, Sinhala became the sole official language with clearly damaging implications for the employment prospects of many Tamil speakers. The denial of Tamil language rights was met with an intense non-violent protest campaign and the first of several outbreaks of anti-Tamil violence, particularly in the south and east.

Negotiations and non-violent protest

In August 1956, one month after the Official Language Act had been passed, the Federal Party made four main demands to the government. These were for a federal constitution; equality of status for the Tamil and Sinhala languages; granting of citizenship to the Up-country Tamils; and an immediate halt to government-sponsored Sinhalese resettlement in what were seen as traditional Tamil speaking areas. The Federal Party threatened a campaign of non-violent civil disobedience if their demands were not met.

Eleven months later, after significant non-violent agitation, Prime Minister Bandaranaike and Federal Party leader S.J.V. Chelvanayakam agreed a pact which offered devolution of powers to Tamil speaking regional councils and recognition of Tamil as a national minority language. The pact also contained a government promise to reconsider the citizenship status of the Up-country Tamils, and pledges against future resettlement programmes in the north and east. Sinhala nationalist opposition to the Bandaranaike-Chelvanayakam Pact was so strong, however, that it was publicly abrogated by Bandaranaike in April 1958. This was to be the first of several betrayals of agreements on Tamil grievances.

Before the general election in 1960, the Federal Party again set out its four demands. As the SLFP promised to implement reforms within three months on the basis of the Bandaranaike-Chelvanayakam Pact, the two parties entered into an electoral pact. On winning an outright majority, however, the SLFP ignored their agreement. Indeed, from the beginning of 1961, it instituted Sinhala as the language of administration throughout the island without any substantive concessions to Tamil speakers.

Repeatedly frustrated by the government's failure to act on its agreements, Tamil politicians stepped up their campaign of civil disobedience and non-violent protest (*satyagraha*). In the

south, such actions often provoked 'counter civil disobedience' by Buddhist monks and other Sinhala activists which heightened ethnic tension and polarisation.

In the north, the civil disobedience campaigns were met with a growing security presence and increased threats to personal liberty. In February 1961, the Federal Party launched its biggest campaign throughout the northeast to protest the implementation of Sinhala-only legislation. It had already called on Tamil government employees not to study Sinhala. It now requested that they not transact any business in Sinhala and that Tamil people correspond with the government in Tamil only. For several days in February 1961, protesters blocked access to the main administrative buildings in Jaffna. In response, Prime Minister Mrs Srimavo Bandaranaike declared a state of emergency and, for the first time, troops were moved into the area to regain control. In July, the government quickly closed the Federal Party's 'Tamil *Arasu* (state) postal service', which issued its own stamps through Jaffna district post offices. All Federal Party MPs were detained for the next six months.

The Federal Party tried again to reach a negotiated agreement in 1965, this time with the UNP. The Senanayake-Chelvanayakam Pact was similar to the Bandaranaike-Chelvanayakam Pact in content, and was agreed to ensure Federal Party support in the creation of a coalition 'national government' under Senanayake. Again, however, the government failed to make good its promises; nor did it implement the Tamil Language Regulations that it published in 1966. In 1969, soon after a draft bill providing for new district councils was dropped under opposition pressure, the Federal Party withdrew from government altogether.

In 1970, Srimavo Bandaranaike returned to power as prime minister of the new United Front coalition government. A new constitution was adopted in May 1972, marking the birth of the Republic of Sri Lanka.

"The passing of the Official Language Act of July 1956 – which is often referred to as 'Sinhala Only' – was a major step towards defining Ceylon as a primarily Sinhala state"

Language policy since 'Sinhala Only'

Through the years, the language issue has remained a major grievance for Tamil speakers. Although legislation providing for 'reasonable use of Tamil' was passed in August 1958, the regulations for its implementation were not created until 1966, and even then were not implemented. The new republican constitution of 1972 reiterated the inferior status of Tamil, declaring Sinhala the only official language.

The status of Tamil changed under the 1978 constitution, which incorporated the provisions of the 1958 Tamil language legislation and the 1966 Tamil Language Regulations. Following the Indo-Lanka Accord, the 13th constitutional amendment of 1987 further enhanced the status of Tamil, making it an official language alongside Sinhala and English. Even today, however, monolingual Tamil speakers remain at a considerable disadvantage in their dealings with the state and in commercial and business life outside the northeast. Despite the efforts of the Official Languages Commission, government language policies have often not been implemented: many state institutions still issue forms in Sinhala only or in Sinhala and English.

'Colonisation' in the north and east

Beginning in the British colonial era, new irrigation works had opened up large tracts of land in the dry zone areas of the north and east, which were very thinly populated. These projects continued well into the 1980s and were complemented by state-sponsored schemes bringing poor Sinhala farmers from the crowded south to settle these lands. Successive governments represented these policies as developmental and environmental good sense. Many Tamils feared, however, that the primary intention was to alter the demographic balance and undermine their claim to a northeast Tamil homeland. Resettlement is still a highly politicised issue.

"In the early 1970s, increasing numbers of Tamils felt the state considered them secondary citizens, as language and education policies in particular threatened the futures of many Tamil youths"

Entrenching Sinhala Buddhist ideology, the constitution afforded Buddhism the 'foremost place' in the state and confirmed Sinhala as the only official language. It also marked a new era in Tamil politics. From 1956 to 1972, Tamil leaders had responded to the Sinhala Buddhist domination of politics by asserting federalist demands and through civil disobedience campaigns. The 1970s, however, saw the emergence of considerably stronger tactics and demands.

The rise of Tamil separatism

In the early 1970s, increasing numbers of Tamils felt the state considered them secondary citizens, as language and education policies in particular threatened the futures of many Tamil youths. The two main political parties in the south — the UNP and the SLFP — had both reneged on pacts with the Tamil leadership while in government and kindled communal flames when in opposition. In short, a deepening distrust had developed of Sinhalese politicians and national politics in general.

As a consequence of these developments, a new militancy grew up within Tamil politics. In May 1972, the Tamil United Front (TUF) was formed, including the main representatives of both Sri Lankan and Up-country Tamils. The TUF's demands expanded on those made earlier by the FP, reflecting Tamil concern at the growing 'Sinhalaisation' of the state, but they still fell short of calling for secession. Then, in May 1976, the Tamil United Liberation Front (TULF) was established. No longer was there a call for decentralised government or a federal state. In the Vaddukoddai Resolution, adopted on 14 May 1976, the TULF declared that all attempts to co-operate with governments had failed and that only through a separate Tamil state could Tamil historical grievances be met.

The TULF won dramatic victories in the 1977 general election in northern and eastern constituencies. While the strength of popular support for Tamil secessionism was confirmed,

however, the means for attaining independence remained contested. The TULF continued to seek an accommodation with the government through parliamentary politics, but it constantly risked failure and popular disillusionment. Another option appeared to be offered by small groups of more militant Tamil youth who believed that only through armed force could they achieve independence.

At first, the new generation of Tamil militants harassed Tamils associated with the ruling party. In July 1975, they claimed their first successful assassination, gunning down Alfred Duraiyappa, Tamil mayor of Jaffna and president of the Jaffna SLFP branch. Soon, however, their confidence and expertise grew and they began to attack state targets, including police stations and army installations. The 1980s was to witness a dramatic intensification of armed conflict in Sri Lanka.

Rising tensions and the escalation of armed conflict

The 1977 election brought a new UNP government to power, led by J.R. Jayewardene, with a massive parliamentary majority. Indeed, so great was the UNP's electoral success in the south that the TULF formed the official parliamentary opposition, the first and only time a Tamil party has done so.

On taking office, Jayewardene had promised to provide redress for certain Tamil grievances. He soon fulfilled his pledge to abolish the district quota system for university entrance, although access to higher education remained a sensitive issue. In 1978, he sped through a second republican constitution, under which he became the country's first executive president. Under this constitution, Tamil language rights were incorporated for the first time, while a new system of proportional representation ensured minority parties a greater voice in national politics. In addition, protection of fundamental rights was enhanced, with the Supreme Court given jurisdiction over alleged violations. These initiatives did not quell the

Education policy and Tamil militancy

By 1976, the impact was being felt of new government policies on access to higher education. Under the earlier entrance system, students had been granted university places on the basis of competitive exams marked on a uniform basis throughout the island. As Jaffna Tamil students, in particular, scored well in the exams, the proportion of Tamils admitted to university was significantly higher than their proportion in the population.

After 1970, the government sought to increase access for Sinhala students by introducing an entrance system under which the number admitted in each language group was proportionate to the number who had sat the exam. The effect of this policy was that Tamil speaking students had to get higher marks for university entrance than their Sinhala-speaking counterparts, and many who would have gained entrance under the previous system were denied university education altogether.

This 'standardisation' system did not last long, however. In 1972, it was changed to a 'district quota system' to compensate for the fact that within each language constituency, certain groups had access to considerably better educational facilities. The district quota system was to benefit disadvantaged students in rural areas, particularly, whatever their ethnic group. Up-country Sinhala, Muslim and east-coast Tamil students would all benefit, but Jaffna Tamils would still have to perform better than others because of their higher overall educational attainment. This system provoked intense protest in the north, which was in turn strongly resisted by the state. The leaders of militant Tamil separatism initially emerged from the generation of Jaffna Tamil youth disadvantaged by 1970s education policies.

*Jaffna public library, burnt out by
Sri Lankan police in July 1981*



Communal violence 1977-81

Within a month of the 1977 elections, there was a significant decline in the security of Tamil people living in the south including, for the first time, the Up-country population. In the last two weeks of August 1977, Sinhalese gangs killed over 100 Tamils. At the same time, tens of thousands were displaced, leaving their homes and property looted and burned.

In the north, the 1981 District Development Council elections were also marred by violence. The LTTE killed the leading UNP candidate in Jaffna as well as two police officers and several other people. Then, during a campaigning visit to Jaffna by two government ministers, the police went on a retaliatory rampage through the town. They killed several people, destroyed the market area, numerous homes, a Tamil newspaper office, the TULF headquarters and the public library. The library contained some 95,000 books and manuscripts and was considered a key repository of Tamil history and culture. Its destruction remains one of the landmarks in any chronology of the Sri Lankan conflict.

rising Tamil militancy, however, and it was not long before the president was extending new powers to security forces in the north, and suspending certain constitutional safeguards against human rights abuses.

In April 1978, after a Jaffna police inspector had been killed by the Liberation Tigers of Tamil Eelam (LTTE), the government hurriedly passed a new law to proscribe the militant group and 'other similar organisations'. In July 1979, the Prevention of Terrorism Act (PTA) was also passed. This enactment, together with a declaration of a state of emergency in the north, marked a new, more intensive phase in security operations. Reports of human rights violations committed by the security forces increased, exacerbating resentment among Tamil civilians and fuelling growing support for the militants.

While seeking to suppress militancy through force, President Jayewardene looked to satisfy Tamil demands for greater political autonomy through an island-wide system of decentralisation under the District Development Councils

Act, passed in August 1980. While declaring the District Development Councils (DDCs) would not satisfy their demand for Eelam, the TULF participated in the presidential commission which prepared this legislation, and also in the DDC elections of July 1981. Once the DDCs were elected, however, they found themselves insufficiently funded, inadequately empowered, and subject to central government interference.

Amid heightening tension and increasing militarism on all sides, the key turning point in the conflict came in July 1983, when anti-Tamil violence in the south erupted on a scale never seen before. The violence broke out after the LTTE ambushed and killed 13 soldiers near Jaffna, the first time an attack of this scale had taken place. After the soldiers' bodies were flown to Colombo for a mass funeral, retaliatory attacks commenced against Tamils in the city, and soon spread elsewhere. Hundreds of people were killed and thousands of homes and businesses destroyed. In Welikade prison, 52 Tamil prisoners were killed on successive days by Sinhala inmates with the apparent complicity of prison staff. In the north, the security forces went on a killing spree. Despite the considerable evidence of official involvement in the violence, however, no government investigations were held.

Far from offering redress to the victims of the violence, in fact, the government sought instead to 'appease' the perpetrators, presenting the riots as a 'natural' response to armed militancy and introducing a constitutional amendment banning advocacy of secessionism, even by peaceful, political means. TULF Parliamentarians, who had been elected on a separatist platform, had to forfeit their seats. The constitutional path for Tamil nationalist aspirations was effectively blocked.

Eelam War I

After July 1983, Tamil militant recruitment increased dramatically. The various armed groups consolidated bases in the south Indian state of Tamil Nadu, where they received the

"Amid heightening tension and increasing militarism on all sides, the key turning point in the conflict came in July 1983, when anti-Tamil violence in the south erupted on a scale never seen before"

The 1976 Vaddukoddai Resolution (excerpt)

... 'This convention resolves that restoration and reconstitution of the Free, Sovereign, Secular, Socialist State of Tamil Eelam, based on the right of self-determination inherent to every nation, has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country.

... 'This convention calls upon the Tamil Nation in general and the Tamil youth in particular to come forward to throw themselves fully into the sacred fight for freedom and to flinch not till the goal of a sovereign state of Tamil Eelam is reached.'

Sri Lankan Muslims and the war

In earlier years, the ideologues of Tamil militancy claimed their quest for Eelam was on behalf of all Tamil speakers, including Muslims. While generally Muslims had tried to remain neutral in the gathering strife, they inevitably became caught between the increasingly polarised Sinhala and Tamil communities, especially in the east. In recognition of this, the 1980s saw a new political party established — the Sri Lanka Muslim Congress (SLMC) — to articulate specific Muslim interests in Sri Lankan national affairs.

In 1985, Tamil militants killed a number of Sri Lankan Muslims in Mannar in the northwest of the island. As their security was now directly threatened, militancy increased within the Muslim community, triggering a wave of Tamil-Muslim clashes. In 1990, Muslims suffered further sustained attacks from the LTTE, including the killing of about 140 worshippers in a mosque at Kattankudy and the expulsion of all Muslims from the north. Unable to provide adequate protection in the wake of these renewed attacks, the government created a Muslim Home Guard, an armed civil defence force. This fed into the rising spiral of violence, with numerous reports of reprisal killings carried out against Muslim and Tamil civilians by the LTTE and the Home Guard respectively.

While Muslim-Tamil violence has subsided significantly in recent years, it is now clear that any settlement of the conflict will have to take into account the fears and interests of Muslims, particularly in the east. This has been recognised by the current government which relies on the support of the SLMC to maintain its parliamentary majority. Its draft constitution, published in October 1997, contains controversial provisions which might create a devolved Muslim territorial unit in the southeastern Ampara district.

support of the state government. The central Indian government also sought increasingly to influence Sri Lankan policy on the Tamil issue and its intelligence agency, the Research and Analysis Wing (RAW), provided arms and training to the militants.

The rise in Tamil militancy responded to state violence and, in turn, provoked increasingly ferocious crackdowns. Despite enhanced powers under the PTA and emergency rule, the security forces often acted outside the law altogether. Arbitrary and retaliatory killings of Tamil civilians became commonplace, and from 1984, the disappearance of young Tamil men in custody became a regular occurrence. As Tamil youths became increasingly vulnerable to gross violations by the security forces due to their ethnicity, more and more took to arms. Meanwhile, the militants, and particularly the LTTE, also launched attacks on civilian targets, sometimes killing large numbers of Sinhalese villagers.

By mid-1985, the armed militants had gained the upper hand in the Jaffna peninsula. They would brook no dissent within the Tamil community, appearing to maintain their hold through intimidation and killing. At the same time, considerable violent rivalry developed between the groups themselves. In mid-1986, the LTTE attacked members of the Tamil Eelam Liberation Organisation (TELO) and after a week's fighting, the LTTE emerged as the dominant force in Tamil militant politics. Soon after, the Eelam People's Revolutionary Liberation Front (EPRLF) suffered a similar fate when scores of its cadres were killed. From that time, while continuing armed warfare against the Sri Lankan state, the LTTE did not allow other Tamil groups or political parties to operate in areas under its control.

Indian intervention

Despite its direct support to the militants, the Indian government did not share Tamil separatist objectives, not wanting to fuel separatist tendencies in Tamil Nadu and other Indian states. It wanted Tamil grievances to be

addressed through devolution within a single Sri Lankan state, but believed that strong pressure had to be applied to the Sri Lankan government to achieve this goal.

In a preliminary attempt to broker a favourable settlement, the Indian government convened the first peace talks between the warring parties in Thimpu, Bhutan. Five Tamil militant groups and the TULF were represented in a joint delegation, while both Sri Lankan and Indian government representatives also attended. The Tamil delegation articulated the principles which any agreement would have to fulfil to meet their aspirations, but there was no constructive discussion and no agreement was reached.

After a further degeneration in the war and much diplomatic manoeuvring, the Indo-Lanka Accord of July 1987 marked the culmination of India's peace efforts. Signed by the two governments, the accord appeared to address Tamil grievances to a considerable extent. Among other things, it offered a new system of devolution and gave Tamil the status of an official language. It also provided for the deployment in Sri Lanka of an Indian Peace Keeping Force (IPKF) to enforce the cessation of hostilities and the surrender of arms. While none of the militant groups were signatories to the accord, the Indian government clearly believed they would comply with its implementation. The LTTE had other ideas. They soon made it clear that they considered the accord a betrayal.

The IPKF arrived in northeast Sri Lanka on 30 July 1987 but their presence proved disastrous. The force soon found itself fighting the LTTE and, while other Tamil militant groups joined their military campaign in support of the Indo-Lanka Accord, the IPKF and its allies were soon accused of the same human rights violations that once characterised the northeast operations of the Sri Lankan army.

Nevertheless, efforts continued to implement the Indo-Lanka Accord. A united Northeastern Province was created under its terms, and elections to a provincial council, held in November 1988, were won by the Indian-favoured Eelam People's Revolutionary Liberation Front (EPRLF). The North East Provincial Council (NEPC), however, was never granted the extent of powers it had hoped for. Meanwhile, the Indo-Lanka Accord had stirred extensive protest in the south from those who feared Indian expansionism, and fuelled a vicious insurrection within the Sinhala community.

The presidential elections of December 1988 brought a change in Sri Lankan policy towards Indian involvement. The new UNP president, Ranasinghe Premadasa, began negotiations with the LTTE in April 1989. Premadasa held common cause with the LTTE in seeking to remove the IPKF from Sri Lanka, which he believed would address a major cause of the southern insurgency. Increasingly besieged, Indian troops began to be withdrawn in September 1989, the last leaving in March 1990. As they moved out, the LTTE moved in to take control of the northeast. The North East Provincial Council was dissolved by central government and fierce fighting ensued between the LTTE and the 'Tamil National Army', recruited by the Indians and their NEPC allies. In the ensuing mêlée, thousands of members and supporters of non-LTTE Tamil groups fled to India or were killed.

With the IPKF gone, negotiations between the government and the LTTE soon broke down. In June 1990, the LTTE attacked police posts in the east, killing and capturing large numbers of officers. The Indo-Lanka Accord and the Indian government's efforts to resolve the conflict had both failed dismally. The Jaffna peninsula was under the control of the LTTE and 'Eelam War II' had begun. ■

By Kumudini Samuel

Straining Consensus:

Government strategies for war and peace in Sri Lanka 1994-98

The current People's Alliance (PA) coalition government came to power in Sri Lanka in August 1994 with a sweeping mandate for peace. In January 1995, the new government concluded a cessation of hostilities agreement with the Liberation Tigers of Tamil Eelam (LTTE). With the cessation, militaristic jingoism gave way to peace, democracy and reconciliation campaigns and to discussions on constitutional reform and political devolution. An end to Sri Lanka's armed conflict seemed achievable.

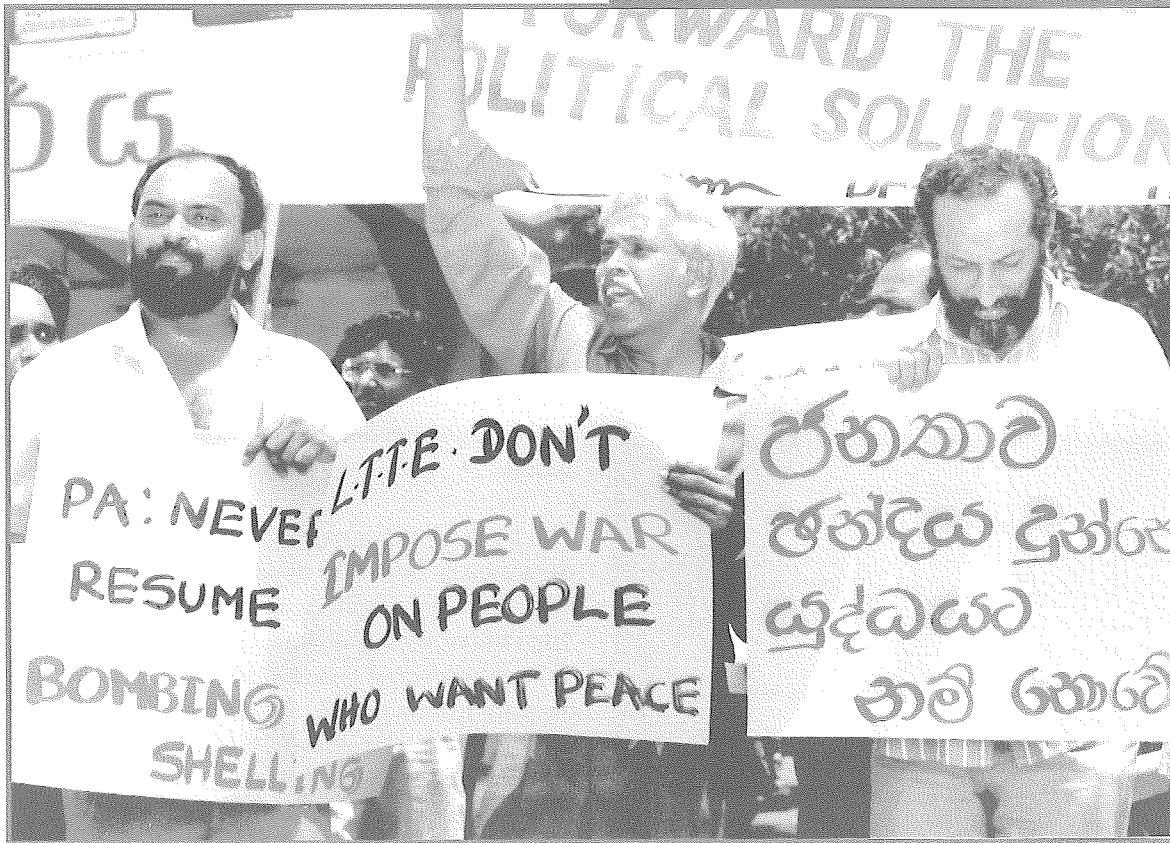
In November 1994, popular expectations of the incipient peace process were further enhanced when the PA's Chandrika Bandaranaike Kumaratunge was victorious in presidential elections. Sinhala chauvinism had been roundly marginalised while large numbers of all ethnic groups, including Tamils in some of the conflict areas, had voted overwhelmingly for the president. Civil society peace groups

were euphoric and their renewed activism culminated in December 1994 with a momentous march through the streets of Colombo and a rally at which thousands of activists appealed to both the president and the LTTE to take the peace process forward. The appeal was subsequently taken to Jaffna by a group of Sinhalese activists, and was warmly received. It was the first civic delegation to visit the peninsula since transport links were broken and the LTTE took control of the region in 1990.

The government-LTTE negotiations

In response to the conciliatory overtures of the new government, the LTTE indicated its willingness to re-enter peace negotiations for the first time since 1990.

Starting in October 1994, four rounds of talks were held in Jaffna between government teams of varying composition led by the Secretary to



the President, Mr. K. Balapatabandi and a four-member LTTE delegation led by Mr. S. P. Tamilselvan. All the talks were supplemented, and effectively driven, by an exchange of over 40 letters between the president and her representatives and the LTTE.

The first three rounds of talks yielded some results, notably the cessation of hostilities and an easing of the government's economic embargo on Jaffna. During this period, however, it soon became apparent that the government and the LTTE had fundamentally different agendas. The government wanted to negotiate simultaneously guidelines for a formal ceasefire, a programme of reconstruction and rehabilitation for the war-ravaged north and east and a political package to solve the ethnic conflict. The LTTE, meanwhile, required a step-by-step process which included a formal ceasefire and the 'normalisation' of civilian life in the north and east before political negotiations could commence. This

"Thousands of activists appealed to both the president and the LTTE to take the peace process forward"

The PA coalition

An alliance of several centre-left and leftist political parties, the PA entered Parliament as the largest single grouping after the 1994 general election. It is dominated by the Sri Lanka Freedom Party (SLFP) which holds 87 per cent of its parliamentary seats. To achieve a parliamentary majority and form an effective government, the PA was required to enter into coalition with the seven MPs of the Sri Lanka Muslim Congress (SLMC) and P. Chandrasekaran, the single MP of the Up-Country People's Front (UCPF), elected to Parliament as an independent. Under Chandrika Bandaranaike Kumaratunge, the PA was able to persuade the Ceylon Tamil parties in Parliament and the Ceylon Workers Congress (CWC) representing Up-country Tamils to support its initiatives for peace and constitutional reform.

Ceasefire and cessation of hostilities

The cessation of hostilities agreement signed in January 1995 by the government and the LTTE included many of the clauses of a formal ceasefire agreement covering monitoring committees, communications between forces commanders and restrictions on the position and movement of combatants. The contentious feature was the final clause under which the only condition for either side to terminate the agreement was the delivery of at least 72 hours' notice.

position called for the redressing of the consequences of war before addressing its causes.

The LTTE made the fourth round of talks dependent on the acceptance of four demands: a complete lifting of the economic embargo on Jaffna save for goods such as explosives and firearms; the lifting of the ban on sea fishing; the dismantling of the army camp at Pooneryn, on the main road link between Jaffna and the mainland; and the right for armed LTTE cadres to move unimpeded throughout eastern Sri Lanka.

The government accepted the first two LTTE demands as linked to the people's well being and indicated a willingness to compromise. The embargo on fuel was to be lifted and fishing permitted except within one kilometre of army camps on the coast. The government also promised to review the status of the Pooneryn camp within three months or with the resumption of political negotiations, whichever came first. At the same time, however, it suggested that Pooneryn, as well as the movement of LTTE cadres in the east, should be discussed in the light of the cessation of hostilities agreement which had provided for the freezing of all military positions.

While these promised concessions salvaged the fourth round of talks, the LTTE declared them evasive and non-committal and by 18 April had announced their withdrawal from the negotiation process. On 19 April, they attacked and destroyed two gunboats of the Sri Lanka navy anchored at Trincomalee, unilaterally ending the cessation of hostilities.

Many explanations have been proffered for the break-down of the negotiations: that the Sri Lankan government was not serious about restoring 'normalcy' to the civilians living in the north; that both the LTTE and the military used the period of 'peace' to re-arm and regroup; that the LTTE leadership was unwilling to countenance an openly democratic process leading to the solution of the ethnic conflict; and that the government sought merely to establish a favourable impression

among the international community to secure economic assistance. What is clear is that, in unilaterally collapsing the peace process, the LTTE damaged its own credibility and enhanced that of the government, both nationally and internationally.

A war for peace

Neither the civic peace constituency nor the president appeared prepared for the talks to fail so abruptly and there was no fall-back strategy to protect the peace process. For a time, anger in the south helped strengthen militaristic attitudes and the argument that the LTTE was an exclusivist organisation bent simply on secession. While the president continued to hold that a political solution was necessary to redress the grievances of Sri Lanka's minorities, she also decided that the LTTE had to be weakened militarily and dislodged from its stronghold in Jaffna. A new government strategy, termed 'war for peace', was born.

In December 1995, after two major offensives, the armed forces re-took Jaffna from the LTTE. Further military operations in April and May 1996 consolidated government control and a 30,000 strong army contingent was dispatched to secure and help administer the peninsula. Widespread fears that the final assault on Jaffna would cause massive death and destruction were not realised, however, largely because the LTTE retreated as the army approached, forcing almost the entire civilian population to relocate with it.

The evacuation and retreat from Jaffna was to prove a gamble that was both won and lost by the LTTE. Their actions clearly minimised civilian casualties. At the same time, however, the loss of the city undermined popular trust that the LTTE could hold firm against an 'invading' Sinhala army and severely dented the group's image of invincibility. Before they could recover, moreover, there was a further setback for the Tigers. Within months of the evacuation, a large majority of displaced civil-

"While the president continued to hold that a political solution was necessary, she also decided that the LTTE had to be weakened militarily and dislodged from its stronghold in Jaffna"

Human costs of the 'war for peace'

The war since 1995, however it is justified by the government, has so far not made way for peace, but has served to create a range of other problems. While its economic and political costs are undoubtedly massive, the war has also had a devastating impact on the day-to-day lives and livelihoods of civilians. There have been serious human rights infringements and a significant toll of death and injury among civilian communities trapped in war zones, while neither the state nor the LTTE pay much respect to humanitarian laws governing the conduct of armed conflict.

Together with renewed government restrictions on the movement of food and other items into the Vanni and LTTE-controlled areas in the east, the waves of displacement around conflict zones have further compounded civilian hardships and complicated access to external humanitarian assistance. The displaced have, at times, totalled around ten per cent of the entire Sri Lankan population.

***Sudu nellum* and the caravan for peace**

While its devolution proposals were under review and its campaign to eliminate LTTE 'terrorism' intensified, the government launched the *Sudu Nellum* (White Lotus) Movement to wage the 'battle for peace'. *Sudu Nellum* operates on two fronts. On the one hand, it offers support to the families of troops, particularly those killed or disabled through the war. On the other, it seeks to promote government proposals for a political solution to the ethnic problem through district-level seminars, discussions, meetings and workshops. *Sudu Nellum's* work has generally been limited to districts outside the north and east. By the middle of 1997, however, a series of meetings and discussions had been held in the Jaffna peninsula, boosting aspirations to island-wide coverage.

To complement the efforts of *Sudu Nellum*, the government initiated the '*Sama Thavalama*' (the Caravan for Peace). The *Sama Thavalama* uses street theatre, floats, posters and photographic exhibitions to reach workers and peasants, even in the remotest areas. It raises awareness and encourages debate and discussion among its audience as a first step towards promoting cross-cultural understanding, ethnic harmony and peace. The message of *Sama Thavalama* is that Sri Lanka is a multi-ethnic, multi-religious society whose diversity is its strength. It attempts to convince the Sinhala community that the Tamil people have legitimate historical grievances that need to be resolved politically.

While the *Sama Thavalama* and the *Sudu Nellum* initiatives raised some hopes that the peace constituency in the south could be consolidated and strengthened, they were perceived by many observers as lacklustre and amateurish. By 1998, in the context of the stalemated political package and the continued war effort, both campaigns appeared spent and ineffectual.

ians returned to Jaffna to brave life under the military, removing themselves from LTTE authority for the first time since 1990. This was clearly a statement of the community's unwillingness to live under the hardships required by the LTTE military strategy. It was also an expression of popular will to negotiate life in the peninsula with the military and the government in Colombo.

Since May 1996, the military has sought to consolidate its position in Jaffna while trying to dislodge the LTTE from its new stronghold in the Vanni jungles, immediately south of Jaffna. This operation, code-named *Jaya Sikurui* (Victory Assured) was expected to clear the main supply route to Jaffna in three months. Instead the battle continues with casualties on both sides higher than at any time in 15 years of war. In short, while re-establishing its presence in the Jaffna peninsula, the government has become deeply enmeshed in the very conflict it had previously sought to end.

The political package

While pursuing its military offensive to capture the main supply route to Jaffna and dislodge the LTTE from the Vanni, the PA government has continued to develop a constitutional framework, without LTTE participation, which might accommodate Tamil nationalist aspirations within a united Sri Lanka. This second track in its strategy to end the ethnic conflict was unveiled in August 1995, with the publication of extensive proposals for regional autonomy.

These proposals conceived a radical restructuring of the existing system of devolution introduced under the terms of the 1987 Indo-Lanka Accord. The powers of the centre and the regions were to be reconstituted, with greater autonomy ceded to new 'regional councils'. Crucially, the existing list of 'concurrent powers', which had obstructed and diluted late-80s devolution attempts, was to be abolished. Most powers on this list were to be transferred to the proposed regional councils.

The system of devolution envisaged also required fundamental amendments to the existing constitution. The most controversial amendment would be the re-formulation of the Sri Lankan state from a unitary entity to a 'united and sovereign republic with a Union of Regions'. It was stipulated that constitutional change would require the people's approval, as expressed through a referendum, as well as the usual two-thirds parliamentary majority.

By January 1996, the government had prepared a legal draft of its ideas for devolution which was submitted for discussion to the parliamentary select committee for constitutional reform. Unfortunately, this committee was unable to come to any meaningful consensus, despite nearly two years of deliberations. In an attempt to free the log-jam, the government presented a draft constitution to Parliament in October 1997, incorporating its ideas on constitutional reform, amended in the light of the select committee discussions.

Jaffna local government elections

To help wean the Jaffna population from LTTE influence, to promote the legitimacy of constitutional Tamil political parties and to relieve the military of onerous administrative responsibilities, the government announced in 1997 that it would be holding local elections in Jaffna for the first time since the early 1980s. These elections duly took place on 29 January 1998. All mainstream Tamil parties participated, including the Tamil United Liberation Front (TULF) which entered the fray just a week before polling.

Despite uncertainties about the LTTE stand on the elections, apparent voter disinterest, the LTTE slaying of nine Eelam People's Democratic Party (EPDP) cadres (including two candidates), the contesting of parties still under arms, the fielding of unknown candidates and inadequate campaigning, approximately 50 per cent of registered voters present in the peninsula voted. Of the 571,486-strong electorate, however, it was estimated that only 200,000

LTTE operations since '96

Needing military success in the wake of its retreat from Jaffna, the LTTE launched three significant attacks in July 1996. The first, in Jaffna town, was against the entourage of the minister of housing. The second was the co-ordinated assault on the Mullaitivu army camp in the northeast in which over 1,200 government troops were killed. The third was a bomb explosion on a commuter train in the suburbs of Colombo which killed about 70 civilians.

Since this first wave of reprisal attacks, the LTTE has continued to make strikes at military, economic and cultural targets throughout Sri Lanka. The bombing of the sacred Temple of the Tooth in Kandy in January 1998, during the politically sensitive run up to the country's 50th anniversary celebrations, undoubtedly did most to outrage Sinhala opinion, leading to a formal ban on the LTTE and a hardening of the government's militaristic stance. Apart from this, there have been four major strikes in Colombo in which the LTTE have bombed the Central Bank, the commercial centre, the oil refinery at Kolonnawa and a busy intersection by the Maradana railway station. Since May 1997, however, most LTTE resources have been channelled into frustrating army attempts to establish control of the main Vavuniya-Jaffna highway in the north and to destabilisation campaigns in the east.

The unit of devolution

While the 1995 devolution proposals and the 1996 legal draft dealt substantially with the extent of devolution, it was only with the publication of the draft constitution that the government issued proposals for the much-contested unit of devolution in the north and east. The proposal was that the mixed-ethnicity Trincomalee and Tamil-majority Batticaloa districts of eastern Sri Lanka would decide by public referendum whether they wished to remain merged with the districts of the north. If they decided yes, the mixed-ethnicity 'muslim homeland' of southeastern Ampara district would separate from the eastern province and decide by a further referendum whether it would become an autonomous region or else merge with the Sinhala-majority Uva Province.

The package, the *Sangha* and the Sinhala Commission

The government's 'peace package', in its various stages of development, has suffered concerted attacks from hostile parties on all sides. Among Sinhala nationalists, the most serious attempt at derailing the package was made by the Sinhala Commission, established in December 1996 to 'inquire into and report on the injustices caused to the Sinhala people and to make recommendations with a view to rectifying such injustices'.

In September 1997, pre-empting the publication of the draft constitution and after a series of public hearings in various towns in the south, the commission published an interim report focusing solely on the peace package. As expected, the report repudiated the package as 'the biggest threat faced by Sri Lanka in ... more than 2,500 years'. At the same time, however, it surprised many by accepting the principle of devolution as established in the 13th amendment of the Sri Lankan constitution.

The government, particularly Mangala Samara-weera, minister of telecommunications, condemned the Sinhala Commission report forcefully and was roundly denounced by members of the *Sangha* (the Buddhist clergy) as a consequence. In the resultant debate, however, many moderate Buddhist monks came out publicly in support of the government and the *Sangha* were seen to be divided. While subsequent developments have continued to undermine the peace package, these events illustrated the continued capacity of the government to embarrass and marginalise its Sinhala nationalist critics.

The assassination of Sarojini Yogeswaran

On 17 May 1998, Mrs Sarojini Yogeswaran, newly elected mayor of Jaffna, was shot dead at her home by an unknown gunman. She had refused military security in her belief that the political culture of Jaffna should, and could, be changed by a civil administration practising non-violent democratic politics. The LTTE are widely suspected to be responsible for the slaying of Mrs. Yogeswaran, which shocked all those who hoped for the re-establishment of democratic process in the north.

were registered and resident in the peninsula; the rest were either displaced, in exile or otherwise unable to vote.

In all, 17 councils were established through the elections. Of these, ten were secured by the EPDP, four by the Democratic People's Liberation Front (DPLF), two by the TULF, and one by the Tamil Eelam Liberation Organisation (TELO). The TULF's Mrs Sarojini Yogeswaran, widow of a TULF parliamentarian killed by the LTTE, was elected the first woman mayor of Jaffna, holding out the possibility of dialogue with the LTTE as a first step to achieving real peace.

The local elections in Jaffna were a necessary measure to re-introduce civil administration in the peninsula. While the timing and the manner in which they were imposed can be criticised, the people of Jaffna did elect civilians to local councils without coercion, indicating a will to be administered democratically by their own community. This aspiration could have been transformed into a strong base for a negotiated settlement to the ethnic conflict. The government, however, has failed to release adequate resources to help the work of the Jaffna mayoralty or the councils. This has led to widespread frustration and despair.

The demise of the PA package?

While the PA government had uncommon success in moderating southern politics between 1994 and 1997, there remained a body of majoritarian Sinhala Buddhist nationalists, both in and outside Parliament, stubbornly committed to minimising the transformation of Sri Lankan state power. This group, which views any proposals for regional autonomy as a prelude to separation, has retained considerable influence, largely due to the precarious one-vote parliamentary majority of the ruling coalition. The government's need to appease these hardliners impacted on the evolution of the draft constitution of October 1997. As a consequence, many positive and progressive features of the 1995 devolution proposals have been lost or diluted.

One of the main ways in which the draft constitution re-asserts majoritarian interests at the expense of national minorities is that it continues to give Buddhism the 'foremost' place, recognising the rights of religious minorities but according their traditions clear secondary status in Sri Lankan life. A second shortcoming which could problematise future devolution efforts is that no provisions have been made to ensure the participation of regional representatives in central government institutions. An independent proposal for the creation of a second national chamber to give regionally concentrated minorities an assured role in national decision-making was overlooked. If the constitution is ever to win cross-community support throughout Sri Lanka, these and other shortcomings will need to be rectified.

In the last months of 1997, the draft constitution stirred heated debate in southern political circles. In January 1998, however, all discussion was rendered largely academic when the United National Party (UNP), the largest opposition grouping, rejected the draft constitution and published the first installment of its own constitutional proposals. This move assured that the government would not secure the two-thirds parliamentary backing it required to pass its constitution into law, wrecking the slim chance it may have had of advancing a political settlement. With the constitutional package presently deadlocked in the parliamentary select committee and the

confrontation between the government and the LTTE as fierce and intractable as ever, the prospects for an end to the war and a politically negotiated solution to the Sri Lankan conflict look bleak.

Epilogue

While the PA government strategy of a 'war for peace' has always appeared problematic, its contradictions have recently come to the fore. In the present context of protracted political deadlock, the government appears unduly disposed to pursuing the war while abdicating its responsibility to revitalise the peace process in the face of setbacks and LTTE intransigence. The lack of government resolve in pursuit of peace is made particularly apparent by its reluctance to build a Sinhala consensus on the need for *negotiations* as well as a constitutional reform package.

If a way is to be found out of the present impasse, there needs to be an increase in political will on the part of the government, the opposition and the LTTE alike. Putting aside narrow nationalist and opportunist political interests, all parties must leave behind the mistakes of the past and take courageous choices to live and let live with dignity. To facilitate this process, it is clear that Sri Lanka now needs an honest broker to begin a process of mediation between its warring factions. ■

By Rohan Edrisinha

Trying Times:

Constitutional attempts to resolve armed conflict in Sri Lanka

Since 1987, there have been several attempts to initiate a constitutional accommodation between successive Sri Lankan governments and the advocates of Tamil nationalism. These initiatives have often failed to cohere with prevailing political and military realities and a definitive solution to the ethnic problem remains elusive. Nevertheless, when the fury of the present war abates, fundamental constitutional reform including devolution of power should remain a key component of a resurrected negotiations process. If the successes and failures of past initiatives are widely appreciated, the chances of a satisfactory settlement can only be enhanced.

The 13th amendment to the constitution

The 13th amendment to the Sri Lankan constitution gave effect to the devolution provisions of the controversial Indo-Lanka Accord, signed in July 1987 by President J.R.

Jayewardene and the Indian Prime Minister, Rajiv Gandhi.

For the Indian government, the accord was the culmination of four years' diplomatic manoeuvring in which a range of strategies were deployed to help secure a satisfactory solution to Sri Lanka's armed conflict. It is clear that the Sri Lankan government was pressured by India into signing the accord. Once it had signed, however, the government rammed the 13th amendment through Parliament despite strong opposition from inside and outside the ruling United National Party (UNP).

The 13th amendment sought to devolve power to newly instituted provincial councils throughout Sri Lanka. It contained three lists detailing respectively the areas of government devolved to the provinces (List I), the powers retained at the centre (the Reserved List — List II) and a Concurrent List (List III) of shared functions which were ultimately controlled by Parliament. The

Credit: The Hindu



President J.R. Jayewardene of Sri Lanka (right) and Indian prime minister Rajiv Gandhi sign the Indo-Lanka Accord, July 1987.

provincial councils were elected in November 1988, but a number of clauses in the amended constitution allowed for the blocking of substantive devolution.

Continued centralisation was strikingly symbolised by the conspicuous strength of the executive presidency, although in some areas, such as health and education, devolved powers could be reclaimed by simple ministerial directive. Perhaps the greatest obstacle to practical devolution was the first phrase of the Reserved List which provided for 'National Policy on all Subjects and Functions' to be determined by Parliament. This phrase completely undermined powers apparently devolved to the provinces. Since the inauguration of the 13th amendment, Parliament has used this rubric often to encroach into the provincial sphere.

In identifying the reasons why the 13th amendment did not bring about a sustainable solution to the ethnic conflict, many commentators have faulted the lack of political will at the centre.

However, it also seems clear that the constitutional provisions themselves were fundamentally flawed. Because of its significant shortcomings, it is not surprising that Tamil political parties rejected the 13th amendment and demanded more substantive devolution of power.

The Premadasa/LTTE talks

Ranasinghe Premadasa became president after a controversial election on 19 December 1988. In the north and east, the election was disrupted by the war between the Liberation Tigers of Tamil Eelam (LTTE) and the Indian Peace Keeping Force (IPKF) deployed in the region to guarantee the implementation of the Indo-Lanka Accord. In the south, fears of Indian expansionism had helped spark a bloody insurrection, led by the Janatha Vimukti Peramuna (People's Liberation Front – JVP), which resulted in extremely low voter turnout in a number of areas traditionally loyal to the opposition Sri Lanka Freedom Party (SLFP).

The 13th amendment and Provincial Councils Act

Key Provisions

- ◆ In addition to Sinhala, Tamil 'shall also be an official language' of Sri Lanka, with English as a 'link language'
- ◆ The north and east to be merged into one province, subject to a referendum
- ◆ Provincial councils to be elected every five years
- ◆ A governor with executive powers to be appointed by the president in each province
- ◆ Provincial high courts to be established
- ◆ 'Reserved' and 'Provincial' lists detail powers of the centre and the provinces respectively. A 'Concurrent' list outlines shared powers, though ultimate authority for these issues remains with Parliament
- ◆ Financial provision for the provinces to be directed by Parliament
- ◆ Provincial councils can be over-ruled by regulations promulgated by the president under the Public Security Ordinance

The Problems

- ◆ The exact division of power between the centre and the provinces is not made clear
- ◆ The powers of provincial councils can be controlled, reduced or abolished by the central government acting unilaterally
- ◆ There is no subject over which a provincial council can claim to exercise exclusive competence or jurisdiction

Premadasa, who himself had vigorously opposed the accord, was intent on ending the JVP insurrection. To this end, he launched a number of initiatives to force the withdrawal of the IPKF. Key among these was a series of talks held in the Colombo Hilton Hotel between the Sri Lankan government and the LTTE. These talks resulted in a covert supply of government arms and money to the LTTE and the welcoming of the Tigers' political wing, the People's Front of Liberation Tigers (PFLT), as observers at an all party conference on the ethnic/national question.

The talks between the government and the LTTE commenced in May 1989 but lasted only so long as President Premadasa and the LTTE shared the immediate political objective of forcing the IPKF withdrawal. In March 1990, the IPKF left the island. In June, the talks broke down and the vicious Eelam War II immediately commenced throughout the north and east.

One unfortunate consequence of the Premadasa/LTTE talks was that they frustrated attempts to implement the 13th amendment in the Northeast Province, for which its provisions had primarily been designed. Premadasa was essentially a centralist anyway, but his efforts to continue dialogue with the LTTE made him unwilling to support the North East Provincial Council (NEPC) which was dominated by the elected representatives of the LTTE's Indian-backed rival, the Eelam People's Revolutionary Liberation Front (EPRLF). From its inauguration, the NEPC had been unable to exercise any meaningful power. As the Indian Forces departed and the LTTE established military control in the north, the provincial council's chief minister Varadarajah Perumal and other EPRLF leaders fled to India, where many were later assassinated by the LTTE.

The Mangala Moonesinghe parliamentary select committee

In August 1991, over a year on from the collapse of the Premadasa-LTTE talks, a parliamentary select committee was established to explore ways of achieving peace and political stability in Sri Lanka. SLFP MP Mangala Moonesinghe, who had proposed the motion establishing the committee, was duly appointed its chair.

The 45-member committee was the largest in the history of the Sri Lankan Parliament. It met 49 times and was well supported by minority parties, individual MPs and civic groups, who between them submitted 253 memoranda for consideration. The two main political parties did not submit proposals, however, and neither did the LTTE. After some time, the committee struggled to remain quorate.

Although the select committee ultimately failed to forge a credible political consensus, there were some positive developments arising from its deliberations. The Tamil parties, other than the LTTE, presented a joint memorandum to the committee. They also negotiated with the Sri Lanka Muslim Congress (SLMC) on methods to safeguard the identity and security of Muslims in the north and east, who had recently fallen prey to LTTE attacks. Due to cross-party co-operation and chairman Moonesinghe's perseverance, various ideas were also developed to deal with the complex and sensitive issue of the (de)merger of the north and eastern provinces.

The so-called 'Option Paper' presented to the committee by Mr. Moonesinghe proposed the creation of a Northeast Regional Council with specified powers and a single governor. The regional council was to consist of all members of separate Northern and Eastern Provincial Councils which would sit independently to consider other areas of government. The chief ministers of the respective provinces would alternate as chief minister of the region. While the Option Paper was rejected by the Tamil parties, it was, at least by Sri Lankan standards, a creative attempt to bridge the gap between the various parliamentary parties.

The northeast or the north and the east?

In the northern districts of Sri Lanka, Ceylon Tamils constitute a clear majority of the population. The east is much more ethnically mixed, with large numbers of both Muslims and Sinhalese. Both the north and east are claimed by Tamil nationalists as Eelam, their 'historic homeland'. This claim is hotly contested, however, and continues to excite furious debate, not least due to the strategic importance of Trincomalee, the largest natural harbour in the Indian Ocean. Recent claims for a self-governing Muslim territory in southeastern Ampara district have further complicated the debate on the governance of the east.

The 13th amendment and Provincial Councils Act of 1987 established the north and east as one province, subject to ratification by referendum when circumstances permitted. As this referendum has not yet taken place, the constitutional status of the east remains obscure. While successive parliamentary committees since 1987 have sought to clear up the confusion, the only clarity thus far achieved is that all Tamil parties, not just the LTTE, are totally opposed to any northeast 'demerger'.

The interim report of the Moonesinghe select committee

The interim report of the parliamentary select committee was released in January 1993. While the report was not endorsed by the Tamil parties, it contained the 'matters agreed upon by a majority of members'. These included:

- a) the establishment of two separate units of administration for the Northern and Eastern provinces;
- b) the adoption of a scheme of devolution of lines similar to those existing in the Indian constitution (in which a Union Government retains powers to dissolve state assemblies, dissolve state governments and impose presidential rule);
- c) the devolution of more powers to (a) the (Concurrent List) of the 13th amendment, or the wholesale elimination of the List

The initiatives of the People's Alliance government

Negotiations

The parliamentary election of 16 August 1994 was narrowly won by the People's Alliance (PA), a coalition of centre-left, left and minority-based parties dominated by the SLFP. Having campaigned on a peace platform, the new government took immediate steps to initiate dialogue with the LTTE. The first of four rounds of talks took place at Chundikuli in Jaffna on 13-14 October 1994, amidst considerable public euphoria, particularly in the north. Such was the PA's commitment to its peace initiative, that it did not allow the assassination of the UNP presidential candidate to unduly disrupt its progress. On 9th November, Prime Minister Chandrika Bandaranaike Kumaratunge won an impressive victory in the presidential election with record turnouts in Tamil districts and unprecedented support throughout the south. Her mandate for peace seemed unshakeable.

After an exchange of correspondence with the LTTE leadership, second and third rounds of talks were held on 2 and 14 January 1995. The differences between the government and the LTTE began to emerge at this time.

The crucial difference was that the government, in contrast to the LTTE, took a multi-track approach to negotiations. While it was willing to discuss confidence-building measures such as the lifting of embargoes, the rehabilitation of the north and the restoration of electricity supplies, the government was also keen to move forward on the framework of a political solution. The LTTE, on the other hand, wanted evidence that confidence-building measures would be implemented before they proceeded with further negotiations. The LTTE was also jealous of its perceived status as the sole legitimate voice of Ceylon Tamil nationalism. As such, it warned the government not to release political proposals without its input and approval.

Relations between the government and the LTTE began to sour in the next few months. Elements within the government began to doubt the good faith of the LTTE while the LTTE accused the government of failing to fulfil its promises to relieve socio-economic hardship in the north. By 19 April 1995, all goodwill had lapsed and Eelam War III, as it came to be called, had begun.

Devolution proposals

Having failed in its attempts at negotiation, the government embarked on a new strategy for resolving the armed conflict which was at once highly ambitious and deeply controversial. On the one hand, a full-scale military assault was launched with the purpose of eliminating LTTE control of the north and east. On the other, the government sought to devise a devolution package behind which all constitutional political parties could unite. Seeking to engineer peace while continuing hostilities with a powerful and determined adversary was a novel and high-risk strategy. The PA government pressed ahead, however, and published the first of three versions of its devolution proposals on 3 August 1995.

Seeking to redefine 'the constitutional foundation of a plural society within a united and sovereign ... Sri Lanka', the proposals set out a basic framework for the structure of devolution, for government finance, for law and order, land, education, the administration of justice and the civil service. They also suggested a specific government commission on devolution and a division of powers based on just two lists of functions; one Regional, one 'Reserved'.

Unprecedented in their recognition of Tamil grievances and aspirations, the 1995 proposals were welcomed by many persons and groups committed to substantial devolution. They were fiercely opposed, however, by sections of the Sinhalese majority community. Considering their parliamentary majority of one, the government was nervous of this opposition. It was not surprising, therefore, that when the proposals were spelled out in greater

detail, various changes were included to appease majority opinion. Along with the ongoing war against the LTTE, these changes did much to undermine the promise of the August 1995 proposals.

The legal draft

The legal draft of January 1996 contained not only detailed provisions on devolution, but also a revised preamble to the constitution and provisions dealing with the status of Buddhism.

There were several constructive dimensions to the legal draft. While various clauses were included to allay fears of secession, the deletion of Articles 2 and 76 of the constitution, which entrenched the unitary character of Sri Lanka, removed an unnecessary obstacle to substantial devolution. The abolition of the Concurrent List was another positive feature, as were other attempts to remove ambiguity in the division of powers. These included the clarification of the role of provincial governors and the awarding of greater revenue raising powers to the regional councils.

There were also glaring omissions however. The failure of the provincial council system established through the 13th amendment had clearly demonstrated the need for a second chamber, a senate or a council of regions which could represent regional interests at the centre. The absence of such mechanisms in the legal draft was a crucial flaw. It was particularly inexplicable, moreover, considering the original devolution proposals had suggested a devolution commission to mediate disputes between the centre and the regions.

Another weakness was the removal of safeguards to prevent provincial councils from arbitrary dissolution in emergency situations. While provincial powers could be reclaimed by the centre under the 13th amendment, the president had no power to dissolve a provincial council, under any circumstances. With the legal draft, this constraint on presidential power was effectively removed.

The PA approach

In her address to the nation on 3 August 1995, President Kumaratunge declared:

'The aspiration of the entire Sri Lankan populace is that the current national crisis centred around the north and east be brought to a peaceful, just and honourable settlement ... The first task is ... a new approach predicated on unqualified acceptance of the fact that the Tamil people have genuine grievances for which solutions must be found.

'With this objective in view, the government is seeking to rebuild the constitutional foundation of a plural society within a united and sovereign Republic of Sri Lanka. This republic will be a Union of Regions. This exercise is based on the following principles:

- ◆ An effective constitutional framework for devolution of power to regions based on credibility, clarity, and an internally consistent and coherent value system, which is capable of effective implementation and includes structures for the just resolution of centre-region disputes;
- ◆ To encourage the regions and communities which inhabit them to become constructive partners of a stable and pluralistic democracy;
- ◆ To ensure that all persons may fully and effectively exercise all their human rights and fundamental freedoms without any discrimination and in full equality before the law;
- ◆ To give recognition to Sinhala and Tamil as official languages, to accord equality of status to these languages, and to recognise English as a link language;
- ◆ To protect the identity of distinct communities and create conditions for the promotion of that identity, including the right to enjoy their own culture, profess and practice their own religion, and nurture and promote their own language, and to transact business with the state in the national language of their choice.'

Perhaps the most regressive feature of the legal draft, however, was that it fortified Sinhala Buddhist majoritarianism. Apart from retaining the constitutional provision giving Buddhism the 'foremost place' in the spiritual life of Sri Lanka, it proposed a specific institution, the Supreme Council, which would represent the interests of the Buddhist clergy at the highest level and could not be abolished without a two-thirds parliamentary majority and public referendum. All governments would be obliged to consult this council on an ill-defined and potentially broad range of issues.

The draft constitution

The legal draft was discussed in parliamentary committee for nearly two years, with little prospect of consensus. In October 1997, the government took a unilateral decision to republish its provisions, amended and incorporated in a completely revised draft constitution. Within this new format, the 'foremost place' accorded Buddhism was retained, while the privileged status of the unelected Supreme Council was reduced but not eliminated. Several changes were also made to the legal draft, however. Some of these changes were clearly negative, such as the deletion of several paragraphs on the plural character of the Sri Lankan polity, which left the preamble vacuous and inane. Others were potentially positive, or at least well-intentioned.

One constructive feature of the draft constitution is its proposal that the powers of an inter-regional chief ministers' conference be expanded to mediate disputes not only within regional administrations, but also between the regions and central government. In an attempt to address concerns about the possible abuse of the president's powers to dissolve regional councils, the draft constitution also proposed a specially convened tribunal to adjudicate on the legitimacy of any dissolutions. Such a tribunal would comprise a presidential nominee, a nominee of the regional chief minister concerned and a third member, jointly selected by the two nominees.

In a dramatic swing away from majoritarian centralism, the draft constitution granted the regions veto power over constitutional amendments affecting either the chapter on devolution or the two schedules spelling out regional parameters and the division of powers between different tiers of government. While the veto and the tribunal are possible steps towards more accountable relations between the centre and the regions, however, both have proved controversial. Many commentators feel that more orthodox checking mechanisms would be more effective, such as judicial review or a requirement that all constitutional amendments be approved by special majorities of both central and regional authorities.

Its unusual and *ad hoc* collection of provisions suggests the absence of an overarching vision or philosophy behind the draft constitution. Regardless of its internal coherence, however, it seems unlikely that the government package will form the basis of a lasting and durable peace. Its framers have failed to respond to the larger issues fuelling the ongoing war with the LTTE; issues of self-determination and nationhood; of redefining the Sri Lankan nation state and identity. Furthermore, the UNP, whose support is vital for the adoption of the new constitution, has not committed itself to the draft, despite participating in the deliberations preceding its release. Instead, it has published its own widely derided counter-proposals.

The PA government proposals and the LTTE

Although the PA government has come some way towards an accommodation of Tamil nationalist aspirations, there remains a large gap between its proposals and those of persons connected to the LTTE. In January 1997, a constitutional model developed by a firm of British solicitors under instruction from a group of interested Tamils proposed a confederation of the Union of Ceylon consisting of the Sinhala and Tamil nations represented through two autonomous states. The Sri Lankan government is clearly a long way from accepting

such radical formulations and refused even to consider the model. While the LTTE remains an unbowed and formidable armed force, it has also rejected the government devolution package out of hand. This mutual refusal to engage with the others' proposals and aspirations does not bode well for a medium-term constitutional settlement.

A possible basis for compromise, however, which might address Tamil nationalist concerns within the framework of a united Sri Lanka, would be a modified version of the so-called Thimpu Principles. These principals were placed before the Sri Lankan government by the six Tamil organisations, including the LTTE, who attended the 1985 Indian-sponsored peace talks in Bhutan. A compromise based on the Thimpu principles would:

- (i) recognise Sri Lankan Tamils as a distinct nation;
- (ii) recognise an identified Tamil homeland and guarantee its territorial integrity;
- (iii) recognise the inalienable right of self-determination of the Tamil nation within its homeland;
- (iv) recognise the right to full citizenship and other fundamental democratic rights of all Tamils who look upon the island as their country.

The first three principles were rejected at Thimpu on the grounds that they necessarily implied the destruction of a united Sri Lanka. This is not so. Many of the terms have no fixed legal meaning and may be defined in such a way that the essence of the concept is retained within the framework of a united country. It is also vital, however, that other basic principles which affirm the plural, democratic character of a united Sri Lanka are incorporated, partly to allay doubts as to the LTTE's commitment to these principles. The South African constitution of 1996 has proposed a formula by which the right to self-determination of peoples within South Africa can be accommodated within the framework of the right to self-determination of the South African people as a whole. It also contains a chapter on 'Founding

The UNP counter-proposals

At the end of 1997, the government challenged the opposition United National Party (UNP) to support the draft constitution or else put forward its own devolution proposals. If the UNP did not deliver, the government proposed a referendum on the draft constitution in the hope of mobilising the electorate and isolating the UNP. In late January 1998, the UNP officially announced that it was opposing the government position and would unveil its counter-proposals within the next few months. Their proposals released to date, however, contain only marginal improvements on the existing constitutional arrangements. The main positive features are the in-principle acceptance of the idea of a second chamber (with 'adequate' representation for minorities) and the principle of the supremacy of the constitution.

"The draft constitution has failed to respond to the larger issues fuelling the ongoing war with the LTTE; issues of self-determination and nationhood; of redefining the Sri Lankan nation state and identity"

Provisions' which includes basic constitutional values and principles. This demonstrates that a principled accommodation of disparate ethnic/national claims within a single state is possible, at least in principle. The challenge for Sri Lankans is how, politically, to achieve it.

Epilogue

A major obstacle to negotiated peace in Sri Lanka is the inability of government and opposition parties to work together on conflict resolution. Over the years of Sri Lankan independence, opposition parties have almost always mobilised populist sentiment against government peace initiatives, scuttling any chance of substantial political reform.

A further problem is that the government, the average Sinhalese, and indeed many Tamils and Muslims, have a very different view of the conflict than the LTTE, and that the gulf between these views is not sufficiently appreciated. To the former parties, the problem is one of addressing minority grievances with, at most, substantial devolution of power and actual parity of status between the Sinhala and Tamil languages. The LTTE, however, views the war as a confrontation between two

nations; the struggle of an oppressed people to assert its right to self-determination. It views itself, therefore, as a national liberation movement, not a political party or militant group, and desires to be acknowledged as such.

A final difficulty is the nature of the LTTE itself. Most Sinhalese, and several Tamils and Muslims, entertain serious doubts as to whether the LTTE will ever compromise on its stated goal; a sovereign, independent nation-state of Eelam. Many sceptics see the LTTE as a ruthless, fascistic organisation which is maximalist in outlook. To back up this view, they point to the LTTE's assassination of Sri Lankan and Indian political leaders, its acts of violence against Muslims in the north and east, and its disregard for pluralism within the Tamil community itself.

Given the failures of the past decade or so, the gulf between the main parties and the distrust and bitterness on all sides, it seems clear that any future attempt at reconciliation will require a skilled, professional approach to conflict resolution. Third party mediation or facilitation must be a component of such a new initiative. Sri Lanka cannot afford to repeat the mistakes of the past ten years. ■

Selected Texts

from the Sri Lankan conflict

Primary Texts

- ◆ 1947 Independence constitution
- ◆ 1951 Resolution of the All-Ceylon Buddhist Congress
- ◆ 1956 Official Language ('Sinhala Only') Act
- ◆ 1956 Position statement of the Federal Party
- ◆ 1957 Bandaranaike - Chelvanayakam Pact
- ◆ 1965 Senanayake - Chelvanayakam Pact
- ◆ 1966 Tamil Language (Special Provisions) Regulation
- ◆ 1972 Republican constitution
- ◆ 1976 Vaddukoddai Resolution
- ◆ 1978 Second republican constitution
- ◆ 1979 Prevention of Terrorism Act
- ◆ 1980 District Development Councils Act
- ◆ 1983 Sixth amendment to the constitution
- ◆ 1985 Thimpu principles
- ◆ 1987 Indo-Sri Lanka Accord
- ◆ 1987 13th amendment to the constitution
- ◆ 1993 Parliamentary select committee 'Option Paper'
- ◆ 1994-95 Correspondence between the government and the Liberation Tigers of Tamil Eelam
- ◆ 1995 Cessation of Hostilities Agreement
- ◆ 1995 Devolution proposals
- ◆ 1995 Statement on devolution of the Catholic clergy and Buddhist *Sangha*
- ◆ 1996 Legal draft of devolution proposals
- ◆ 1997 Sinhala Commission interim report
- ◆ 1997 The draft constitution
- ◆ 1998 United National Party response to the draft constitution

Copies of many of these texts are available on the following websites:
www.tamilnation.org, www.lacnet.org/devolution and www.eelam.com

Other suggested sources include: Sri Lankan Ministry of Information,
34 Malay St., Colombo, tel. +94-1-545-7777;
All Ceylon Buddhist Congress, 380 Bauddhaloka Mawatha, Colombo, tel. +94-1-691-695

Key statements of the Liberation Tigers of Tamil Eelam

- ◆ 1988 'An Autopsy on Autonomy: A provisional assessment of the 13th amendment to the constitution of Sri Lanka', LTTE Political Committee
- ◆ 1993 'Indictment Against Sri Lanka', LTTE Legal and Human Rights Division
- ◆ 1997 Heroes Day Speech, Vellupillai Pirabhakaran

these statements are available from: The LTTE International Secretariat,
211 Katherine Road, London E6 1BU, tel: +44-(0)171-403-4554

Part I

Selected Texts from the 1994-5 Negotiations Process

This page reproduces excerpts from letters, exchanged in August/September 1994, between the Prime Minister of Sri Lanka, Chandrika Bandaranaike Kumaratunge and the Leader of the Liberation Tigers of Tamil Eelam (LTTE), Mr. Velupillai Pirabhakaran. The following pages reproduce later correspondence, together with the Cessation of Hostilities Agreement signed by the government and the LTTE on 7/8 January 1995.

Dear Mr. Pirabhakaran,

You have welcomed the relaxation of the economic embargo by our government. You have also mentioned that this relaxation has showed the goodwill towards the people in the north by the new government. We appreciate the way you have responded to our goodwill gesture by releasing ten policemen who were in your custody for the past several years.

We do not only consider this response as a goodwill gesture, but also appreciate it as an initiative in exploring a constructive settlement to the northeast crisis. We are keenly studying the message that you sent us expressing your willingness to participate in the negotiations. I urge you to nominate your representatives to commence talks with our representatives.

We wish that the people in the north should get all the items currently permitted to be taken to Jaffna. Our representatives whom we are going to nominate for the initial round of talks could work out the modalities on the relaxation of the economic embargo.'

Dear Prime Minister,

I received your letter with pleasure. We are happy to note your comment that the release of ten policemen who were in our custody, had showed our goodwill towards you.

We welcome the keen interest you have shown towards the people in the north by relaxing the economic embargo and making the initiatives to see the people in the north are getting all items which come under the relaxation of the economic embargo. We too prefer that we sort out this problem and express our co-operation in this regard.

Your government has decided to provide electricity to the north, and also to reconstruct the irrigation network and the factories. We appreciate these moves.

Our organisation will extend its fullest co-operation to your officials and experts by assisting them in the reconstruction activities.

We welcome the positive response you have given to our willingness to participate in the negotiations.

You wanted us to nominate representatives from our side to commence the initial round of talks. The representatives nominated for the preliminary round of talks by our organisation are as follows:

- ◆ Karikalan, deputy leader of the Tamil Eelam political wing,
 - ◆ Illamparithy, Jaffna district political leader,
 - ◆ R. Ravi, organiser of the Tamil Eelam development project, and
 - ◆ Dominic, organiser of the Tamil Eelam administrative network.
- We also regret that you have not mentioned anything on your part about a ceasefire.

We are confident that you will understand that a ceasefire is very essential to create a conducive climate to have successful negotiations. Therefore, we feel that you will concentrate more on this particular issue.

Text as published on the internet site: www.tamilnation.org

Colombo
Sri Lanka

7 December 1994

Mr. V. Pirabhakaran
LTTE Headquarters
Jaffna

Dear Mr. Pirabhakaran

I write with reference to your letter dated 25 November 1994.

First, I wish to recall the sequence of events which have underlined the efforts of our government to open up and carry forward the peace process.

Within two weeks of our party taking over the reigns of government, in August 1994, the Hon. Prime Minister, Mrs. Chandrika Bandaranaike Kumaratunge, decided to lift the embargo on 28 items. She addressed a letter to you immediately afterwards commencing a dialogue which continued through several letters written by her and replies sent by you, eventually leading to the visit of our government's peace delegation to Jaffna on 13 and 14 of October. The warm and cordial reception of the delegation by the people and the LTTE was appreciated by us.

As you know, the first round of talks dealt only with the reconstruction and repair of the war torn areas in the northeast, the opening up of a route to and from Jaffna, etc.

The LTTE gave us specific requests regarding priorities for reconstruction. At the second round of talks, our delegation was to present to the LTTE, details of projects the government would undertake. This included most of your requests.

The assassination of the leader of the opposition and the opposition's main candidate for the then ongoing presidential campaign, just six hours before the departure of our delegation to Jaffna for the second round of talks, obliged us to postpone the event.

I suppose you are also aware that soon after this, we were fully involved in the presidential election and urgent attendant matters of state.

It is during this time that we learnt that the LTTE had, on your instructions, declared a cessation of hostilities for one week starting from 12 November, the day Mrs. Kumaratunge took oaths as the President of Sri Lanka.

In the absence of any official intimation by the LTTE of a rumoured cessation of hostilities, the government sought clarification through the ICRC, and was informed that there actually was a cessation of hostilities only on the evening of the 16th of October, just one day before you called it off. I wish to inform you once again that the government cannot respond to hearsay or informal information - it can only respond to official knowledge.

In response to your declaration of the cessation of hostilities, we wrote to you on the 19 November, proposing a cessation of hostilities for an initial period of two weeks, provided the LTTE would agree to cease hostilities on their part.

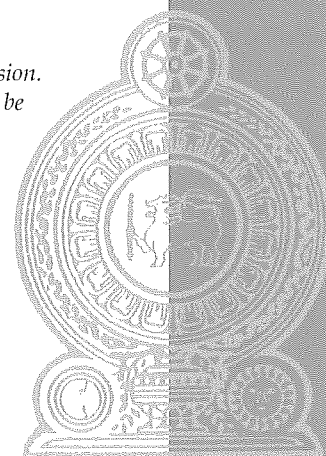
You replied that you would inform us of your decision regarding our proposal for a cessation of hostilities after the government investigation into the unfortunate incident at Nedunkerni, where LTTE commander Arundan was killed by the army.

We received your letter dated 20 November on 22 November and replied on the same day indicating that we had appointed a military court of inquiry to investigate the incident at Nedunkerni.

You replied on 25 November, which we received on 26 November, expressing your pleasure at our decision. You also stated therein that 'the matter of cessation of armed hostilities and the modalities for it should be given detailed discussion at the negotiating table, before making an official announcement'.

We are in agreement to discuss the modalities of a cessation of hostilities, but we would like to obtain your views about certain fundamental matters, without which discussing details about a cessation of hostilities would be meaningless.

I set these out briefly:



1. *Whether the LTTE agrees in principle to a cessation of hostilities.*
2. *We see a cessation of hostilities as a direct prelude to commencing negotiations between the government and the LTTE in order to end the armed conflict and to arrive at political solutions to the problems that caused the war.*
3. *A cessation of hostilities should not be confused with a ceasefire. The former could be a prelude to the latter.*

A cessation of hostilities is less formal and binding than a ceasefire. During a cessation of hostilities both parties remain frozen in their positions as at present, while remaining fully armed and alert.

Neutral observers may be invited to monitor the process if both sides so desire.

Details regarding the effective implementation of a cessation could be agreed upon across a negotiating table, once agreement is reached re. the above points.

4. *During the entire peace process, the LTTE must refrain from all political assassinations anywhere in the island.*
5. *We hope we will be able to arrive at an agreement about the cessation of hostilities within the next two weeks and then commence the actual peace negotiations soon after.*
6. *We are ready to commence some of the reconstruction work and the opening of a roadway to Jaffna as discussed with you. We shall send a detailed report of same to you by the end of this week and shall be glad to receive your response soon.*

In concluding my letter, it is opportune to mention that a massive effort to stir up racial hatred was set in motion by some elements within the UNP and our other opponents, stating the fact that it was our government's commencement of the peace process which gave the LTTE the possibility of assassinating Sinhala leaders, etc., etc.

The personal credibility of our leader, Mrs Kumaratunge, was put directly into question before the entire nation. The major and almost exclusive election platform of the UNP and several other candidates was the issue that Mrs Chandrika Bandaranaike Kumaratunge was being too lenient with the LTTE which was shown up as the organisation responsible for systematically massacring all the leaders of the Sinhala people, in addition to all the Tamil leaders who opposed the LTTE. The PA government was said to betray the Sinhala people by talking to the LTTE. It is to the credit of our government that we withstood all pressures to halt the peace process. We possess a clear and unshaking vision of peace for our country - yours and mine and a lasting desire to build a nation where all our peoples could live in freedom, dignity, equality, coupled with the sincerity and courage to implement it, in the face of all obstacles.

We took the grave risk, politically and personally, of continuously stating that we had only temporarily suspended the talks, but that the peace process would continue. It is to the eternal credit of the Sinhala people that they did not succumb to the many racist pressures. They have given our government and our president a massive mandate against racial hatred and discrimination and for peace.

The Sinhala people, together with the Tamils and Muslims of Sri Lanka, have in one voice called upon our government and have placed their faith in us to solve the problems of the north and east.

Within three weeks after the suspension of the talks, due to the tensions that ensued after the assassination of 55 persons on the night of 23 October, our government had the courage to reopen a dialogue with yourself and the LTTE, fully aware of the immense political risk that may await us. This is because we are committed to the cause of peace. We sincerely hope that your commitment is of the same order and that together we could end this tragic war and establish peace and prosperity for our peoples.

Thanking you,

With kind regards,

Yours sincerely,

*Col. Anuruddha Ratwatte
Deputy Defence Minister*

Text as published in the Sunday Leader, Colombo, 5 May 1996

LTTE Headquarters
Jaffna

21 December 1994

Col. Anuruddha Ratwatte
Deputy Minister of Defence
Colombo
Sri Lanka

Dear Col. Ratwatte

Thank you for your letter dated 19 December 1994, which reached us on the following day through the good offices of the ICRC.

In our letters dated 8 December 1994 and 15 December 1994 we have responded to your queries and clarified several issues. We have responded positively to your proposals for a cessation of hostilities and agreed to discuss the modalities of implementation before the declaration of ceasefire. You have agreed to our contention that the creation of a peaceful environment is conducive to peace negotiations. Complying to our view, you have stated in your letter dated 13 December 1994 that, 'I cannot agree more with you that the government cannot enter into peace talks with the LTTE while hostilities continue'.

We have stated emphatically that we are committed to peace and 'we fervently hope that the process of negotiations will lead to a permanent peace and to the resolution of the ethnic conflict' (see our letter dated 8 December 1994).

We expected that peace negotiations should commence soon after the declaration of cessation of hostilities. We have insisted from the very beginning and reiterated over and over again that the initial stages of the peace negotiations should address the immediate and urgent issues faced by the Tamil people.

To clarify this point and to refresh your memory, may I quote a few paragraphs from our letter dated 8 December 1994.

'You will appreciate that from the outset the LTTE has been insisting that the initial stages of the negotiations should give primacy to the immediate and urgent problems faced by our people. In the first round of talks, our delegation has specified these issues, which are mostly creations resulting from the military approach advanced by the previous regime. Though the government delegation pledged to alleviate the hardships of daily life presently experienced by the people no action has been taken so far to redress the grievances of our people.'

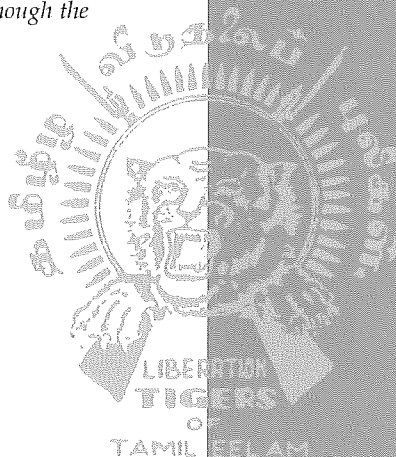
'There are far more pressing problems which have to be resolved to create genuine conditions of peace and normalisation of civilian life in the war torn areas.'

'... I should emphasise that the day to day problems of our people are of paramount importance and need urgent solutions and should be a prelude to discussions on basic issues underlying the Tamil national conflict.'

You will appreciate that what we have been insisting is that the most urgent issues that arose as consequential effects of the military offensive operations of the state against our people should be addressed before we engage ourselves in analysing the root causes of the armed conflict.

The first round of talks, I wish to point out, was primarily concerned with those issues. The leader of the government team, Mr. K. Balapatabendi has said that they were mandated by the prime minister to discuss 'how best the government can alleviate the hardships of daily life presently experienced by the people.' Though the government delegation pledged to take immediate measures to provide 'all utilities and services essential to the community's well-being,' no action has been taken to redress these grievances. We hoped that these matters would be taken up for discussion at the second round of talks.

You have also agreed to our view and appreciated our concerns when you stated in your letter dated 13 December, 1994, that 'we wish to assure you of our lasting concern for the day to day problems of the Tamil people and our commitment to solve them to the best of our ability, with your fullest co-operation.'



Having obtained detailed clarifications of our views, and having given assurances that the immediate and urgent issues of our people will be given primacy in the peace negotiations, you have written to us again on the 19 December, commenting to our dismay that peace negotiations should be confined to the 'causes of war' aimed at 'ending the armed conflict'. From what you are insisting on now, we can deduce a deliberate shift in your position aimed at circumventing the most crucial and immediate issues that beset our people today which require immediate attention and resolution.

We are very clear in our view that the overall objective of the peace process should be aimed at resolving the national problem by exploring the causes of the armed conflict. We assure you that there is no differing perception on this fundamental issue. What we wish to emphasise is that the peace process should be advanced in stages. The early stages of the peace negotiations, we wish to reiterate, should address the pressing problems and hardships encountered by our people which are crucial for the restoration of normalcy and for the creation of a peaceful environment. This is the consensus view of the Tamil people, who have been entertaining the hope that the new government will bring them relief by alleviating their day to day issues. Since the first round of talks was predicated on this premise, and since your government pledged to give primacy to the urgent issues, there is a widespread expectation among our people that your government will fulfil its commitments. Therefore, any attempts on the part of the government to side-track or circumvent these issues would be considered by us and by our people as an act of political bad faith. I think we have clarified our stand adequately. We hope that you will find our position fair, reasonable and pragmatic.

I wish to reiterate that we are committed to peace and that our doors for peace are open.

We are ready to receive the government delegation in Jaffna at any date convenient to you.

Thanking you,

Yours sincerely,

*V. Pirabhakaran
Leader, Liberation Tigers of Tamil Eelam.*

Text as published in the Sunday Leader, Colombo, 12 May 1996.

Colombo
Sri Lanka

29 December 1994

Mr V. Pirabhakaran
LTTE Headquarters
Jaffna

Dear Mr Pirabhakaran,

I acknowledge with thanks your letter of 21 December 1994, transmitted to us through the good offices of the ICRC.

I wish to emphatically state that in my letter of 19 December, we requested a clarification of some specific points re. the commencement of peace talks, for the following reasons:

- (a) In my letter sent to you in the first week of December, I set out several points, requesting your views. You had responded to several of these but remained silent re. points two and five which specified our government's view on the peace negotiations. We stated therein that we clearly saw a cessation of hostilities as a prelude to peace talks which should commence immediately after a declaration of a cessation.

Your non-response re. this crucial matter caused concern to our government. As you are aware our government always believed that the peace process should lead on to political negotiations, the final objective of which should be the meaningful political solution of the ethnic conflict. This would obviously have to identify and alleviate the causes of the prevailing war, in order to 'end the armed conflict or the civil war'.

- (b) This does not in any way change our government's commitment to 'alleviate the hardships of daily life presently experienced by the people of the northeast' as also stated by Mr Balapatabendi, the leader of the government delegation to Jaffna last October.

It is to this end that our government lifted the embargo on 28 items considered essential for the daily life of the inhabitants of the north within two weeks of assuming power.

It is also because of this policy that our delegation on their first visit to Jaffna, discussed matters re. the amelioration of the civil life of the people. Matters such as the reconstruction of the north, the repair of roads, irrigation works, schools, hospitals, the supply of electricity, the opening of a roadway to and from Jaffna, etc. were discussed.

Your delegation specified certain priorities. At the second round of talks, our delegation was prepared to present the items which the government could immediately undertake to implement. The delay in doing this was due to reasons beyond our control, as we stated in a previous letter to you. The mass assassinations of the leader of the opposition and over 50 others in Colombo, compelled us to suspend discussions with the LTTE.

We are surprised and disappointed that while being fully aware of these facts, you attempt to represent the situation when you state in your letter that we are deliberately shifting our position with the intention of 'circumventing the most crucial and immediate issues that beset our people today...' You also say that our government took no action to redress the grievances of the people of the north.

I reiterate once more that our government's commitment to provide the basic utilities for civil life, to restore normalcy to the northeast and to develop it in the same manner as the rest of Sri Lanka, has not changed or lessened in any way.

To try to imply this is unjustified and could prove harmful to the mutual understanding that we are attempting to build up at such cost and with so much difficulty.

- (c) The primary objective of our government is to find political solutions to the ethnic problem, to end the armed conflict/the war, and establish lasting peace in our country, and build a new Sri Lanka where all its people - Sinhala, Tamil, Muslim, Burgher, could live as equal citizens with dignity and in peace and harmony.

To find political solutions, we have to talk, to dialogue, to commence talks or negotiations.



- (d) *The alleviation of the hardships faced by the people of the northeast, the cessation of armed hostilities between the government and the LTTE, are all preliminaries - essential no doubt, which should simultaneously lead on to the primary objective - which is the formulation of a political package of solutions to end the war and to resolve the problem of the Tamil people of the northeast of Sri Lanka.*

We insisted on receiving your response to this view of our government as your views on this particular and crucial issue were not clearly stated in your correspondence with us. In your reply to these issues, in your letter dated 22 December, you express your views more specifically when you state that 'the peace process should be advanced in stages... should address the pressing problems and hardships encountered by our people', etc.

As there seems to be agreement by us both on this issue, I propose the following for our future negotiations:-

- 1. Our delegation could visit Jaffna on 2 January 1995 for a one-day discussion.*
- 2. The discussion would take up the following major issues*
 - (i) A cessation of hostilities to be declared from 7 or 8 January 1995 for an initial period of two weeks. The modalities of the cessations hostilities to be agreed upon.*
 - (ii) The work of reconstruction, opening up of a roadway, etc., aimed at ameliorating the conditions of daily life of the people of the northeast.*
 - (iii) Decide upon dates for the commencement of the second part of the peace negotiations - i.e. the discussion of the possible political solutions to the problems of the people of the northeast - i.e. issues re. political power, the units of administration and related matters.*

I take this opportunity to wish you a happy 1995 that would usher in peace and prosperity to our country.

Thanking you,

Sincerely,

*Col. Anuruddha Ratwatte
Deputy Minister of Defence*

Text as published in the Sunday Leader, Colombo, 12 May, 1996.

Declaration of Cessation of Hostilities

The modalities for the implementation of the agreed Cessation of Hostilities by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam for a specified period will be as follows:-

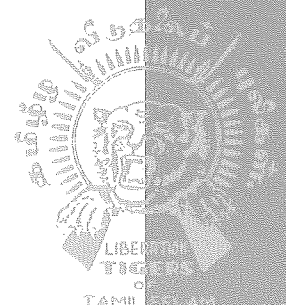
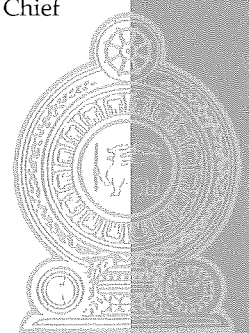
1. There will be no offensive operations by either party during this period. An offensive operation will be considered a violation of the agreement.
2. The security forces and the LTTE will maintain their present positions on the ground, keeping a minimum of 600 metres between each other. However, each party would reserve the right of movement within 100 metres from their own bunker lines, keeping a minimum of 400 metres in between. Any party moving in the restricted areas would be considered an offensive operation.
3. The navy and airforce will continue to perform their legitimate tasks for safeguarding the sovereignty and territorial integrity of the country, from external aggression, without in any way engaging in offensive operations against the LTTE, or causing any obstructions to legitimate and bona fide fishing activity in specified areas.
4. Acts such as sabotage, bomb explosions, abductions, assassinations and intimidation directed at any political group, party or any individual will amount to an offensive operation.
5.
 - a. It is suggested that committees to deal with violations of this agreement be set up to inquire into any instances of violation of the above terms of agreement. These committees could be set up in the areas of Jaffna, Mannar, Vavuniya, Mullaitivu, Batticaloa-Ampara and any other areas as deemed necessary
 - b. It will be the responsibility of these committees to take immediate action on complaints made by either party to this agreement to inquire into and resolve such disputes.
 - c. These committees could comprise representatives drawn from Canada, Netherlands, Norway, ICRC and from retired judges or public officers, religious heads and other leading citizens: all appointed by mutual agreement.
 - d. Each committee could consist of five members; two from government, two from the LTTE and one from a foreign country, who will be Chair.
 - e. Freedom of movement for the committees to perform their tasks will have to be ensured by both parties to the agreement.
 - f. Facilities required for the committees to act swiftly and impartially will have to be provided by mutual agreement.
6. Recommend establishment of communication between Sri Lanka and LTTE military area leaders which will enable them to sort out problems expeditiously, locally.
7. Cessation of Hostilities will continue till notice of termination is given by either party. Such notice should be given at least 72 hours before termination.

Signed on 7/8 January 1995

Mr. Veluppillai Pirabhakaran, Leader of the Liberation Tigers of Tamil Eelam

President Chandrika Bandaranaike Kumaratunge,
President of Sri Lanka and Commander in Chief
of the Sri Lankan Armed Forces

*Text as published by the Presidential
Secretariat of Sri Lanka, 8 January 1995.*



LTTE Headquarters
Jaffna

25 February 1995

President Chandrika Kumaratunge
Office of the President
Colombo
Sri Lanka

Dear Madam President,

This is to thank you for your letter dated 16 February. On the 13 February we addressed an important communication to Presidential Secretary Balapatabendi, and were awaiting a response from him; and hence the delay in replying you.

It is regrettable that in his very brief letter, Mr. Balapatabendi failed to respond to any of the vital matters that we raised. His letter was also silent on issues such as the modalities in implementing the agreement on the cessation of hostilities - the functioning of the monitoring committees, and the continuation of the talks.

He appears to have marginalised the many issues we raised by merely saying that the government had taken various steps to solve the living problems of the Tamil people.

You are quite aware of our stand on the question of opening a route between the peninsula and the northern mainland, and your government has negated our proposal on this question which we hold important. But to go ahead and make a unilateral declaration that the government has decided to open both the Pooneryn and Elephant Pass routes to the public can only help to gain propaganda yardage for the government. It cannot be of any use in taking the peace process forward. We are surely disappointed over this.

This unilateral declaration makes me think very clear, the government is intent in giving priority not to the needs of the people but to military subterfuges!

The talk about lifting the embargo on all essentials is another piece of deception. You well know that the embargo is yet in force on various items. Items such as fuel, diesel, vehicles, motor spares, batteries which are essentials in any civilised society have been identified as military ware! Besides, the armed forces at Vavuniya check point prevent even those items on which the embargo has been lifted from reaching the people in any appreciable quantity. This then is the reality on the ground, and the people are surely aware of this. The wrong impression being sought to be created in Mr. Balapatabendi's statement that the embargo has been lifted on all essentials required by the people is merely a piece of sophistry. It can neither reduce the sufferings of our people, nor can it help in the peace process.

Now, on the question of a ceasefire, there appears to be a paralysis of will. It really astonishes us that you are not showing any keenness to extend the present temporary cessation of hostilities into a permanent, durable ceasefire. We have time and again referred to this, in the many letters that we have sent to your government. I have also explained the various confusions that have resulted in not working out the modalities in the implementation of the existing cessation of hostilities agreement. We have yet to receive any concrete responses from you. This has in turn resulted in delays in getting the foreign heads of monitoring committees to begin assuming their functions. Further delays on this question can jeopardise the entire peace process.

There is a further need to hold consultations regarding the reconstruction and rehabilitation of the war ravaged areas. Towards this purpose, a decision making body has to be set up, composed of representatives of the government as well as the LTTE. This was in fact agreed to, by your representatives at the last round of talks. We therefore wish to stress that whatever steps that are taken in this regard should be done on the basis of the understanding reached between both sides at the previous rounds of talks.

Yours sincerely,

V. Pirabhakaran
Leader, Liberation Tigers of Tamil Eelam

Text as published on the internet site: www.eelam.com.



The Office of the President
Colombo
Sri Lanka

12 April 1995.

Mr. V. Pirabhakaran
LTTE Headquarters
Jaffna

Dear Mr. Pirabhakaran,

We have considered the issues that were referred to in your letter of 6 April 1995; these also formed the subject matter of the talks that were held between our delegations on the 10th and 11th of April in Jaffna.

I was glad to be informed that Mr. Thamir Selvan had in the course of his opening remarks, stated that the date referred to in your letter was not to be construed as an ultimatum but as an indication of a time frame within which decisions already arrived at were to be implemented.

I will now set out the four issues referred to and the actions we propose to take and/or our reactions. We are of the view that these issues vary fundamentally in character. Considerable progress has been made with regard to some of these issues and we now propose to take further positive decisions designed to ameliorate the living conditions of the people in the north. However, it is evident that other issues have military repercussions; these issues will therefore have to be addressed in the context of progress to be made with regard to political discussions leading to a negotiated end to the war.

1. The embargo

Only the following items will now remain on the list of goods prohibited for transport to the north:

Arms/Ammunition
Explosives/Pyrotechnics
Remote Control Devices
Binoculars
Telescopes
Compasses
Cloth material resembling army uniforms
Penlight batteries

All other goods can be freely transported to the north. The announcement of this decision will be made on 13 April and thereafter a gazette will be immediately issued containing the list of eight items still on the embargo list.

We have looked into your statements that earlier decisions on the embargo have not been fully implemented; we note that the free flow of items removed from the embargo list has been hampered by some obstacles. We have already taken and will continue to take firm action to ensure that all such obstacles are speedily removed and that goods can be transported to the north without impediment. As part of these efforts, we will also set up at all check-points in and around Vavuniya civilian committees to whom any complaints can be made and immediate redress obtained.

2. Restrictions on fishing

The restrictions on fishing which were relaxed considerably by me on an earlier occasion, will be removed, taking into consideration your suggestions made to our delegation, so that fishing can be carried on at any time with only the following exceptions:

- (a) From Devil's Point to Thaliannanar, fishing will be permitted only up to 5 nautical miles from the shore.
- (b) Fishing will not be permitted within an area one mile either side along the coast and two nautical miles seawards from all security forces camps on the coast.



- (c) Fishing will not be permitted in all bays, harbours and estuaries along the coast. Any problems arising with regard to the effect of this exception in the east should be discussed, as agreed with you, at a local level.

In the seas from Thondamannar to Devil's Point and in the Jaffna lagoon, fishing will be continued as at present.

The restrictions that remain are the minimum consonant with current conditions. The restriction on fishing in the seas from Devil's Point to Thalaimannar will be reviewed in three month's time within which period, the government will make all efforts to conclude arrangements to permit fishing within Sri Lanka's territorial waters.

In removing the embargo on goods for civilian use including diesel and petrol and in removing restrictions on fishing to the minimum we have taken those steps that are necessary to alleviate the difficulties facing people in the north and to bring back to a state of normality civilian life. We are both agreed that this should be our joint first objective. I hope that with these measures and their implementation, we are well on our way to its achievement.

I shall now go on to the two remaining matters.

3. Pooneryn camp

You have asked for the removal of the Pooneryn camp on the purported ground that the Sengupiddy road cannot be opened up for civilian use without this. We have withdrawn the camp perimeter by 600 meters and have given an undertaking to place no checks on the road and to allow unobstructed use of the road by civilians. We shall implement this.

However, it is not possible for us to take a decision on the removal of the camp at this time. The camp has military significance and it is also our understanding that under the Cessation of Hostilities Agreement, the status quo should be maintained and that neither side should attempt to affect the other's military capability. Nevertheless, conscious that the peace and normality we are striving to achieve must ultimately mean the reduction of military presence, we will keep this question under constant review and revert to it in three months time or when political talks are under way, whichever is earlier.

4. The movement of armed LTTE cadres in the east

We believe that this is a matter that should be negotiated within the context of the Cessation of Hostilities (COH) Agreement. We are ready to discuss this immediately with you, negotiate an annex to the COH agreement to include this as well as any other matters that are mutually deemed necessary, and to implement fully the conditions of this agreement including the activation of the peace committees envisaged therein.

We believe that the action we have taken or propose to take on the four issues raised will be satisfactory to you and provide a firm basis for the continuation of peace talks until they reach a conclusion in the resolution of the ethnic conflict.

In this context we suggest that the next round of talks centre on

- (a) The negotiation of an annex to the COH agreement
- (b) The finalisation of residual matters such as the joint Authority on Rehabilitation and Reconstruction so that work may be expedited and
- (c) The shape of future negotiations.

We propose that these talks resume on any days between 5 and 10 May 1995.

Yours Sincerely,

President Chandrika Kumaratunge

Text as published in the Sunday Leader, The Island, Daily News, and the Tamil Times, Colombo, 15 April 1995

LTTE Headquarters
Jaffna

18 April 1995

President Chandrika Kumaratunge
Office of the President
Colombo
Sri Lanka

Dear President,

Thank you for your letter dated 12 April 1995.

Having given careful and serious consideration to the contents of your communication, we regret to state that your responses and reactions to the urgent issues we raised fall short of our expectations and therefore, are unsatisfactory.

After a great deal of persuasion and dialogue, which lasted for more than six months, we were able to elicit from you a positive decision with regard to the relaxation of the embargo on fuel and other items. Though a decision to this effect has been made earlier and intimated to us in your letter of 24 March 1995, we are disappointed to note that deliberate delays have been caused in the process of implementation with the aim to off-set our deadline.

In so far as the other issues are concerned, your responses are partial, elusive, non-committal and subjected to determinations of further dialogue.

Apart from partial relaxation, the prohibition on large areas of fishing zones continues to operate, though you have pledged to remove all restrictions on fishing in your letter of 24 March.

On the most critical issues of opening a passage to Jaffna by removing the Pooneryn army camp and the mobility of our armed cadres in Eastern Province, your decisions are unacceptable to us since they have been subjected to review in future discussions.

The manner in which these critical issues have been side-tracked demonstrates the fact that your Government is not acting in good faith to create genuine conditions of peace and normalcy but rather seeks to promote the interests of the military. Furthermore, we are convinced beyond doubt, that your Government is making every effort to strengthen and consolidate the military capability of the armed forces under the guise of the current cessation of hostilities, violating the very terms of the agreement that insists on the maintenance of the status quo.

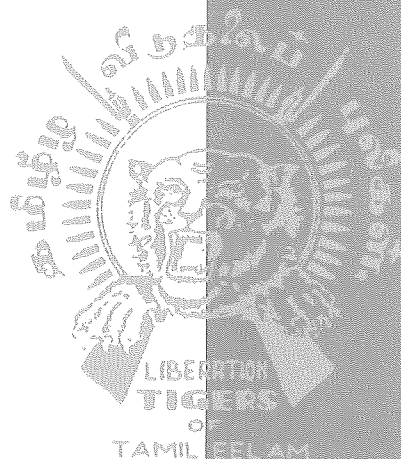
Since the above mentioned issues are not resolved to our satisfaction within the time frame set out in our deadline of 19 April 1995, we are left with no choice other than to take a painful decision to discontinue our participation in the negotiating process and from the cessation of hostilities from the stipulated date as we have indicated to you earlier.

We regret this unfortunate situation.

Yours Sincerely

V. Pirabhakaran
Leader, Liberation Tigers of Tamil Eelam

Text as published on the internet site: www.eelam.com.



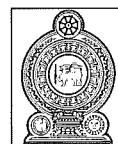
Part II

Benchmarks for a Future Constitutional Settlement

This section reproduces two texts which might be considered frameworks for a future constitutional settlement of the Sri Lankan armed conflict. The first is the chapter on the devolution of power from the government's 1997 draft constitution. The second is a text of no official standing which envisages a Sri Lankan confederation comprising separate southern (predominantly Sinhalese) and northeastern (predominantly Tamil) states. If and when a constitutional settlement is achieved in Sri Lanka, the agreed structure of government is likely to fall between these two markers.

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The Government's Proposals for Constitutional Reform

October 1997

A Publication of the
Ministry of Justice, Constitutional Affairs,
Ethnic Affairs and National Integration

Chapter XV: The Devolution of Power to Regions

Establishment of Regional Councils

Article 127

1. A Regional Council shall be established for every Region specified in Part B of the First Schedule with effect from such date as the President shall appoint by Order published in the Gazette.
2. (a) The President shall, by Order published in the Gazette, require a Referendum to be held in the Administrative Districts of Trincomalee and Batticaloa, and fix a date therefore, to enable the electors of such Districts to decide on the question whether or not such Districts and the Administrative Districts of Jaffna, Kilinochchi, Vavuniya, Mannar and Mullaitivu should form one Region to be designated the North Eastern Region.
 - (b) Where at such Referendum the question -
 - (i) is answered in the affirmative by a majority of the valid votes cast, a Regional Council shall be established for the North-Eastern Region specified in part C of the First Schedule with effect from such date as the President shall appoint by Order published in the Gazette;
 - (ii) is not answered in the affirmative, two separate Regional Councils shall be established for the Northern Region and the Eastern Region as specified respectively in part D of the First Schedule with effect from such dates as the President shall appoint by Order published in the Gazette.
3. Where a Regional Council is to be established for the North-Eastern Region in terms of sub paragraph (b) (i) of paragraph 2, a Regional Council shall be established for the South Eastern Region specified in part C of the First Schedule from such date as the President shall appoint by Order published in the Gazette.
4. (a) Where a Regional Council for the North Eastern Region is to be established in terms of sub-paragraph (b) (i) of paragraph 2, the President shall, by Order published in the Gazette, require a Referendum to be held in the polling division of Ampara and fix a date therefore to enable the electors of such division to decide on the question whether or not such division should form a separate Region to be designated the Region of Ampara.

- (b) Where at such Referendum the question -
 - (i) is answered in the affirmative by a majority of the valid votes cast, such polling division shall form the Region of Ampara as specified in part E of the First Schedule and for which a Regional Council shall be established with effect from such date as the President shall appoint by Order published in the Gazette.
 - (ii) is not answered in the affirmative, the polling division of Ampara shall form part of the Uva Region specified in part B of the First Schedule and for which a Regional Council shall be established with effect from such date as the President shall appoint by Order published in the Gazette and, until such Order is made, the polling division of Ampara shall be administered by the Central Government and the provisions of the Constitution relating to the Capital Territory shall, mutatis mutandis, apply.
5. The legislative and executive power of the Central Government shall extend to all subjects and functions set out in List II of the Second Schedule in respect of the Capital Territory specified in part A of the First Schedule which shall not form part of any Region for which a Regional Council is established under this Article.
6. For the purposes of Article 2 and this Article, the boundaries and areas of the Administrative Districts, polling Division and Municipalities referred to in this Article and in the First Schedule shall be those established by or under any written law and in force at the Commencement of the Constitution.
7. (a) The holding of the referenda provided for in this Article shall be deemed to be valid notwithstanding any inconsistency with the provisions of Chapter XII.
 - (b) Parliament shall by law provide for all matters relating to such referenda and, until Parliament so provides, the provisions of the Referendum Act No. 7 of 1981 shall, mutatis mutandis, apply.

Election of Members

Article 128

Every Regional Council established under Article 127 shall be constituted upon the members of such Council being elected in accordance with the law relating to Regional Council elections.

Governor

Article 129

1. There shall be a Governor for each Region for which a Regional Council has been established in accordance with Article 127.
2. The Governor shall be appointed by the President on the advice of the Chief Minister of the Region.
3. The Governor may, by writing addressed to the President, resign from the office of Governor.
4. (a) A Regional Council may, subject to sub-paragraph (b) of this paragraph, present an address to the President advising the removal of the Governor on the ground that the Governor -
 - (i) has intentionally violated the provisions of the Constitution;
 - (ii) is guilty of misconduct or corruption involving the abuse of power of the office of Governor; or
 - (iii) is guilty of bribery or an offence involving moral turpitude,if a resolution for the presentation of such address is passed by an absolute majority of the whole number of members of the Council (including those not present) voting in its favour.
 - (b) A resolution for the presentation of an address for the President advising the removal of the Governor on the grounds referred to in sub-paragraph (a) of this paragraph shall not be entertained by the Speaker of the Regional Council or discussed at the Council, unless notice of such resolution is signed by not less than one third of the whole number of members.
5. Whenever the Governor is prevented by illness or any other cause from performing the duties of the office of Governor, or is absent from Sri Lanka, the Chief Judge of the High Court of that Region shall act in the office of the Governor.
6. Subject to the provisions of this Article, the Governor shall hold office for a period of five years from the date the Governor assumes office.
7. Every person appointed as Governor shall assume office upon making and subscribing the affirmation or taking and subscribing the oath, set out in the Fifth Schedule, before the President.

8. Upon the assumption of office, a Governor shall cease to hold any other office created or recognised by the Constitution and if the Governor is a member of Parliament or a Member of a Regional Council, shall vacate the seat in Parliament or in the Regional Council, as the case may be, and shall not hold any other office or place of profit.
9. (a) The Governor may from time to time summon a Regional Council to meet for the first sitting of any session at such time and place as the Governor thinks fit, but two months shall not intervene between the last sitting in one session and the date appointed for the first sitting of the next session.
 - (b) The Governor may, from time to time, prorogue the Regional Council.
 - (c) The Governor may dissolve the Regional Council.
 - (d) Subject to the provisions of the Constitution, the Governor shall exercise the power under sub-paragraph (c) of this paragraph in accordance with the advice of the Chief Minister, as long as the Board of Ministers commands the support of the majority of the Regional Council.
10. (a) The Government of a Region shall have the power to grant pardon to any person convicted of an offence against a Statute made by the Regional Council of that Region to a law made by Parliament on a matter in respect of which the Regional Council has power to make statutes, or to grant a respite or remission of punishment imposed by court on any such person.
 - (b) The Governor shall exercise the power under this paragraph in consultation with a Committee consisting of the Speaker of the Regional Council, the Chief Judge of the Regional High Court or any other Judge of the Regional High Court nominated by such Chief Judge and the Regional Attorney-General.
 - (c) The Governor shall not exercise the powers under this paragraph where power has been exercised by the President under Article 59 in respect of the same person and in respect of the same offence.
11. The Governor may address the Regional Council and may for that purpose require the attendance of members.
12. Parliament shall by law or resolution make provision for the salary and allowances payable to holders of the office of Governor.

Executive Powers of the Region

Article 130

1. The executive power of the Region shall relate to the matters with respect to which a Regional Council has power to make statutes, shall be vested in the Governor, acting on the advice of the Chief Minister and the Board of Ministers, and shall be exercised in relation to specific subjects and functions through the Ministers and the respective Executive Committees either directly or through subordinate officers, in accordance with this Chapter.
2. (a) All contracts made in the exercise of the executive powers of a Regional Council shall be expressly made in the name of the Governor of the Region, and all such contracts and all assurances of property made in the exercise of that power shall be executed on behalf of the Governor by such persons and in such manner as the Governor may direct or authorise.

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

Interpretation of written law on matters enumerated in the Regional List

Article 131

1. Where any power or function including the power to make any Order, Proclamation, Notification, regulation or rule, is conferred on, or assigned to a Minister of the Cabinet of Ministers or to a national public officer, as the case may be, by any written law made prior to the commencement of the Constitution on any matter enumerated in List II of the Second Schedule (hereinafter referred to as the Regional List), such power or function may -

(a) if such power or function is conferred on, or assigned to, any such Minister, be exercised or discharged, in relation to a Region and unless the context otherwise requires, by the Minister of the Board of Ministers of that Region to whom the subject has been assigned; and accordingly, references in every such written law to a Minister of the Cabinet of Ministers shall be deemed to include references to the Minister of the Board of Ministers of such Region to whom the function has been assigned and

- (b) if such power or function is conferred on, or assigned to, a national public officer, be exercised or discharged, in relation to a Region and unless the context otherwise requires, by the officer of the Regional Public Service holding an office corresponding to the office held by such national public officer; and accordingly, references in every such written law to a national public officer shall be deemed to include a reference to the officer of the Regional Public Service who holds an office corresponding to the office held by such national public officer.
2. Where any such written law referred to in paragraph (1) of this Article makes provision -

(a) for any Order, Proclamation, Notification, regulation or rule made under that law to be laid before Parliament; or

(b) for the annulment or approval of any such Order, Proclamation, Notification, regulation or rule, by Parliament.

Such provision shall have effect in relation to a Region as if references in it to Parliament were a reference to the Regional Council established for that Region.

3. The provisions of paragraphs 1 and 2 of this Article shall apply, mutatis mutandis, to statutes of the corresponding Provincial Councils established by the 1978 Constitution and in force at the commencement of the Constitution.

Membership of a Regional Council

Article 132

A Regional Council shall consist of such number of members as may be determined by or under law, one half of whom shall be elected on a territorial basis and the other half on the basis of proportional representation.

Term of Office

Article 133

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

Board of Ministers

Article 134

1. There shall be a Board of Ministers with the Chief Minister as the Head of the Board and such number of Ministers in respect of each Region as is specified in Column III of the First Schedule, to aid and advise the Governor of the Region in the discharge of the functions of the Governor and the Governor shall, in the discharge of those functions, act in accordance with such advice except in so far as the Governor is by or under the Constitution required to discharge the functions or any of them in the Governor's discretion.

2. (a) The Governor, and in the case of the first Regional Council elected after the commencement of the Constitution, the President shall, subject to sub-paragraph (b) of this paragraph, appoint as Chief Minister, the member of the Regional Council established for that Region who is best able to command the support of a majority of the members of that Council.

(b) Where more than one half of the members elected to a Regional Council are members of one political party or independent group, the Governor or the President, as the case may be, shall appoint the leader of that party or group in the Council as Chief Minister.

3. After the conclusion of an election of members of a Regional Council, the Commissioner of Elections shall forthwith apportion the number of Ministers among the recognised political parties and independent groups contesting the election and which have informed the Commissioner of Elections that they wish to participate in the Board of Ministers, in the same proportion as the proportion which the number of valid votes polled by each such party or group at the election held on the basis of proportional representation bears to the total number of valid votes polled by all such parties and groups at such election and for the purposes of such apportionment, the provisions of paragraphs 4, 5 and 6 and of Article 116 shall mutatis mutandis apply.

4. (a) The Commissioner of Elections shall forthwith after such apportionment inform the Secretaries of the relevant parties and leaders of the respective groups the number of Ministers apportioned to each such party or group and the Secretary or leader, as the case may be, shall within forty-eight hours of receiving such information, inform the Commissioner of Elections the name or names of members to be appointed as Ministers.

(b) The Commissioner of Elections shall forthwith inform the Governor of such names.

(c) Any vacancy arising as result of a Minister ceasing to hold office shall be filled in accordance with the provisions of this paragraph.

5. Where any political party or independent group as aforesaid fails to make a nomination of a member as a Minister within the period specified in paragraph 4 of this Article or does not fill a vacancy in the Board of Ministers to which such party or group is entitled within a period of seven days of such vacancy occurring it shall be deemed that such party or independent group does not wish to participate in the Board of Ministers and the Commissioner shall reapportion the number of Ministers and the provisions of paragraphs 3 and 4 of this Article shall, mutatis mutandis, apply.

6. (a) The Chief Minister shall, in consultation with the members so nominated assign subjects and functions to such members who shall thereupon be appointed Ministers by the Governor.

(b) The Ministers appointed by the Governor shall constitute the Board of Ministers together with the Chief Minister and shall be responsible and answerable to the Regional Council.

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

8. (a) Upon the death or resignation of the Chief Minister or where the Chief Minister is deemed to have resigned, the Board of Ministers shall stand dissolved, and the Governor shall, subject to sub-paragraph (b) of this paragraph, appoint a Chief Minister and a Board of Ministers in accordance with the provisions of this Article.

(b) Where it is not possible to make an appointment in accordance with the provisions of paragraph 3 of this Article, the Governor shall dissolve the Council.

(c) If the Regional Council rejects the statement of policy of the Regional Administration or the draft Appropriation Statute or passes a vote of no-confidence in the Regional Administration, the Chief Minister shall be deemed to have resigned.

Executive Committees

Article 135

1. There shall be an Executive Committee for each Ministry of which the Minister in charge of such Ministry shall be the Chairman.
2. The Executive Committee shall be charged with the administration of the subjects and functions assigned to the Ministry and the Minister shall exercise power in relation to such subjects and functions in the name of the Executive Committee.
3. The Executive Committee may make proposals in relation to policy to the Board of Ministers through the Minister and the Board of Ministers shall consider such proposals.
4. (a) Every Regional Council shall proceed to the election of the aforesaid Committees as soon as may be after the election of a Speaker and before proceeding to the despatch of any other business.

(b) Each Committee shall contain as nearly as possible an equal number of members and every member of the Council except the Speaker shall be elected to one such Committee.

(c) Any member of the Council shall not be elected to more than one Committee.

(d) Where a member of a Committee is elected to fill any vacancy in the office of the Speaker, that member shall, upon such election, cease to be a member of such Committee.
5. Subject to the provisions of this Article, the procedure for the election of Executive Committees and for the assignment to an Executive Committee of any member elected to the Council after the first meeting thereof following a general election and for the transfer of members from one Committee to another shall be as prescribed by the Standing Orders of the Council and in the absence of such Standing Orders, the procedure shall be as determined by the Speaker.
6. Whenever a Minister of the Board of Ministers is unable to discharge the functions of the Minister's office the Governor acting on the advice of the Chief Minister tendered in consultation with the Secretary of the recognised political party or the leader of the independent group as the case may be, of which such Minister is a member, may appoint any member of the Executive Committee, of which such Minister is Chairman, to act in place of such Minister.

The Regional Attorney-General

Article 136

1. The Governor of each Region shall appoint an Attorney-at-Law from the Region who has achieved eminence in the profession and has maintained high standards of conduct and professional rectitude to be the Regional Attorney-General.
2. It shall be the duty of the Regional Attorney-General to give advice to the Governor, the Chief Minister and the Board of Ministers upon such legal matters and perform such other duties in relation thereto, as may be from time to time be referred or assigned to the Regional Attorney-General by the Governor, and to discharge the functions conferred on the Regional Attorney-General by or under this Chapter or other law.
3. The Regional Attorney-General shall hold office during the pleasure of the Governor and shall receive such remuneration as the Governor may determine.

Legislative Power, Delegation and Procedure

Article 137

1. Subject to paragraph 2 of this Article, the Regional Council of a Region has exclusive power to make statutes for such Region or any part thereof with respect to any of the matters enumerated in List II of the Second Schedule referred to as the 'Regional List'.
2. A Statute of a Regional Council shall not contravene or be inconsistent with the Constitution and any Statute, insofar as it is in contravention or inconsistent with the Constitution, shall, to the extent of such contravention or inconsistency be void.
3. (a) A Regional Council shall not abdicate or in any manner alienate its legislative power.

(b) The provisions of paragraphs 2, 3 and 4 of Article 92 shall, mutatis mutandis, apply to the exercise of legislative power by Regional Councils.
4. Sittings of a Regional Council and the procedure for the transaction of business by a Regional Council shall be regulated by Standing Orders made by such Council.

Duties of the Regional Attorney-General in regard to Draft Statutes

Article 138

1. It shall be the duty of the Regional Attorney-General to examine every Draft Statute proposed to be passed by the Regional Council for any contravention of or inconsistency with the Constitution, and the Regional Attorney-General or any officer assisting the Regional Attorney-General in the performance of the duties under this Article shall be afforded all facilities necessary for the performance of such duties.
2. If the Regional Attorney-General is of the opinion that a Draft Statute contravenes or is inconsistent with the Constitution, the Regional Attorney-General shall, subject to the provisions of paragraph 3 of this Article, communicate such opinion to the Governor, the Chief Minister and the Board of Ministers.
3. Where an amendment is proposed to a Draft Statute in the Regional Council, the Regional Attorney-General shall communicate the opinion on matters specified in paragraph 1 of this Article to the Speaker at the stage when the Draft Statute is ready to be put to the Regional Council for its acceptance.
4. Where a Draft Statute is passed, despite the opinion of the Regional Attorney-General that it contravenes or is inconsistent with the Constitution, it shall be the duty of the Regional Attorney-General to invoke the jurisdiction of the Supreme Court to determine the constitutionality of such Statute or any part thereof.

Statutes inconsistent with laws and Statutes of Provincial Councils

Article 139

1. Where there is a law with respect to any matter in the Regional List in force in any Region on the date on which a Regional Council is established for that Region and the Regional Council established for that Region subsequently makes a Statute on the same matter and which is described in its long title as being inconsistent with that law, then, the provisions of that law shall, with effect from the date on which that Regional Council Statute is certified by the Speaker of the Regional Council, remain suspended and be inoperative within that Region, to the extent of such inconsistency.

2. Where there is a Statute of a Provincial Council established by the 1978 Constitution in force in any area of a Region on the date on which a Regional Council is established for that Region, such Statute shall continue to be in force in relation to the area to which it was applicable unless the Regional Council provides otherwise.

When a Draft Statute becomes Law

Article 140

1. Every Draft Statute passed by a Regional Council shall come into force upon the certificate of the Speaker of that council being endorsed thereon.
2. The Speaker shall endorse on every Draft Statute passed by the Regional Council a certificate in the following form:

‘This Draft Statute (state the short title of the Draft Statute) has been duly passed by the Regional Council.’

Chief Ministers' Conference

Article 141

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

 (b) Where there is no Chief Minister in office in any Region, the Governor of that Region or any person authorised by the Governor may represent the Region at the Conference.
2. (a) The Chairman of the Chief Ministers' Conference shall be elected by the Chief Ministers in rotation, so however, that such Chief Minister shall hold office as Chairman for a period of up to three months.

 (b) The Chairman of the Chief Ministers' Conference shall represent the Conference on the Constitutional Council.
3. The Conference shall have the power

 (a) to take all such actions and measures as are necessary to ensure full compliance with the provisions of this Constitution relating to Regional Councils and Regional Administrations, in accordance with the spirit and intention of the Constitution;

 (b) to inquire into and to settle by mediation or conciliation any dispute which may arise between or among two or more Regional



Administrations as well as between a Regional Administration and the Central Government;

(c) to inquire into and discuss subjects in which all or more than one of the Regions have a common interest, and to make recommendations for the better co-ordination of policy and action in respect of such subject, and

(d) to discuss matters relating to finance, the financial administration and accountability of the Regional Administration and to make representations thereon to the Finance Commission and the Central Government.

4. Where efforts at mediation and conciliation as provided for in sub-paragraph (b) of paragraph 3 of this Article fail, such dispute may be referred for adjudication to a tribunal established, in accordance with this Article.

5. (a) The tribunal referred to in paragraph (4) of this Article shall consist of -

(i) in the case of a dispute between or among two or more Regional Administrations, by a member appointed by each such Regional Administration being a party to the dispute, or

(ii) in the case of a dispute between a Regional Administration and the Central Government, a member appointed respectively by the Regional Administration which is party to the dispute and the Central Government;

and a Chairman nominated by the members so appointed.

(b) Where there is no agreement on the nomination of the Chairman, the Chairman shall be nominated by the Constitutional Council.

(c) The practices and procedures of the tribunal shall be regulated by rules framed by the Conference.

(d) Any award or determination made by such tribunal shall be binding on the parties to the dispute.

6. The Conference shall regulate its own procedures and shall meet every month, unless otherwise determined by the Conference.

7. The Prime Minister shall meet with the Conference from time to time, so however that, a period of three months shall not elapse between two such meetings.

*Text as published on the internet site
www.lacnet.org/devolution.*

A Framework for the Constitution of the Union of Ceylon

1. Preamble

1.1 This framework document provides the basis for a new constitution for the Union of Ceylon, which shall consist of two internally autonomous States, one for the primarily Tamil area and the other for the area which is mainly Sinhalese. This reflects the fact there have been identifiable homelands (historical and existing) on the island for the Tamils (in the North and East provinces) and the Sinhalese (in the rest of the provinces) for over two millennia. Relations between the States will be governed in accordance with generally applicable principles of international law and justice.

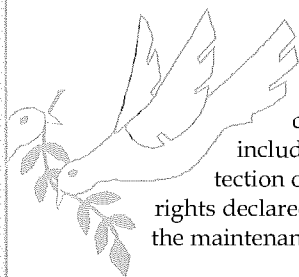
1.2 This framework document is based on the following principles:

- (a) promoting a vision of the Union of Ceylon where all communities can live in safety and security and their human dignity is valued and equality of treatment is an accepted norm of public life;
- (b) ensuring that all communities be given the space to express their distinct identity and promote that identity including the right to enjoy their own culture, profess and practice their own religion, and conserve and nurture their own language;
- (c) ensuring that all persons may fully and effectively exercise all their human rights and fundamental freedoms without any distinction and in full equality before the law.

1.3 This document further provides for recognition of Sinhala and Tamil as official languages of the Union of Ceylon and English as a link language.

2. Basic structure of the Union of Ceylon

2.1 The Union will have a confederal structure, consisting of two States, each being internally autonomous and committed to the furtherance and maintenance of the principles and values declared in the Preamble, including in particular the protection of the fundamental human rights declared in the Constitution and the maintenance of democratic principles.



2.2 Subject to these principles, the internal autonomy of each State will extend to the adoption by each State of its own internal constitution (e.g. size and structure of the legislature, frequency of elections).

3. The Central Council of the Union

(a) Composition

3.1 The Central Council will provide the channel of communication and co-ordination between the two States and it will consist of an equal number of representatives from each State.

3.2 If the number of representatives from each State is not to be equal, there will need to be a weighted voting system.

3.3 Each State will determine the manner in which its representatives on the Central Council are selected and appointed.

3.4 Each State will be entitled to appoint substitute representatives to act when the appointed representatives are unable to do so.

3.5 The Council will appoint a President and Deputy President of the Union from amongst its own members for a period of (say) four years at a time in an agreed alternation between representatives of each State.

(b) Powers and Functions

3.6 Powers will be reserved to the Council of the Union to deal with:-

- (a) foreign affairs;
- (b) the external defence and security of the Union;
- (c) monetary policies, the maintenance of a common currency and a Central Bank;
- (d) the maintenance of relations between the States and the broad co-ordination of their policies;
- (e) the maintenance and execution of such other matters as may from time-to-time be vested in the Council by agreement of the States.

3.7 Consideration should be given to including additional matters amongst the powers reserved to the Council (for example, international fisheries and telecommunications).

3.8 All matters not expressly reserved to the Council will be within the separate and exclusive jurisdiction of each State (for example, the Council will have no overriding powers in relation to the maintenance of law and order within a State).

3.9 The Council will be entitled to undertake expenditure on the matters reserved to it within an agreed budget, the revenue to pay for such expenditure being provided by each State in such proportion as may be agreed. A Central Finance Commission comprising representatives from each state will oversee the Union budget. The number of representatives will be equal or there will be a weighted voting system.

4. Constitutional Court

4.1 A Constitutional Court will be created to interpret the Constitution of the Union and to ensure compliance by a State with the principles of the Preamble and the entrenched human rights provisions of the Union Constitution.

4.2 Any person seeking recourse to the Constitutional Court would have to exhaust local judicial procedures in his or her State before applying for leave to appeal to the Constitutional Court.

4.3 The Prime Minister of each State will have the right to seek an advisory opinion from the Constitutional Court.

4.4 Each State will have the right to appoint an equal number of Judges to the Constitutional Court. If the number is not equal, the possibility of weighted voting would have to be considered.

4.5 It would be for consideration whether appointment of Judges should be until a stated retiring age (or for life) unless removed for inability or misconduct by resolution of the Council.

4.6 The Judges of the Constitutional Court will elect a head but he/she would not have a casting vote. The Head of the Constitutional Court could (like the President of the Union) be elected by the Judges for a fixed period and on a basis of alternation between the States.

4.7 It would be for consideration whether in addition to the Judges appointed by each State there should be one or more Judges of international reputation appointed by the Council from outside the Union.

5. Constitutions of the States

5.1 Each State will adopt its own constitution, but each constitution would be required to endorse the principles stated in the Preamble to the Union Constitution and the common entrenched clauses protecting human rights. These clauses would exclude the possibility of discriminatory treatment of minorities and individuals wherever in the Union they were present or resident. Amendments of the Constitution of each State shall be by a two-thirds majority of the membership of the national assembly of each State including those not present.

5.2 The citizens of the Union (regardless of the State in which they resided or from which they originated) would share a common nationality for the purposes of international law. The freedom of movement between the States, the freedom to reside and take up employment in either State, and related freedoms would be guaranteed to all citizens of the Union.

6. Referendum and Guarantees

6.1 At the end of four years from the commencement of the Union, each State would be entitled to modify the powers of the Union affecting that State, provided that the residents of that State, in a referendum, had by a majority voted in favour of that course of action.

6.2 The implementation and operation of the Constitution and the maintenance of peace between the States would be guaranteed by the United Nations which would have appropriate powers of enforcement.

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By Sachithanandam Sathananthan

Self-Determination:

a Ceylon Tamil Perspective

'..the Tamils of Ceylon by virtue of their great language, their religions, their separate culture and heritage, their history of independent existence as a separate state over a distinct territory for several centuries ... and above all by their will to exist as a separate entity ruling themselves in their own territory, are a nation distinct and apart from the Sinhalese.'

from the 'Vaddukoddai Resolution' of the first National Convention of the Tamil United Liberation Front, 14 May 1976

The longest struggle for self-determination in post-independence Sri Lanka is that of the Ceylon Tamils. It began in earnest in the mid-1950s as a response to discriminatory language policy and was fuelled by further discrimination in access to state employment and higher education. Between the mid-1950s and the mid-1970s, the Ceylon Tamil national

movement sought self-determination within the framework of the existing state. The principal objective was to establish a federal government structure through which the Ceylon Tamil nation could defend its rights in a power-sharing arrangement with the Sinhalese.

At this stage, the Ceylon Tamil national movement focused on non-violent resistance and launched a series of *satyagrahas* (peaceful protests) in the Gandhian tradition. The coalition government (1960-1965), led by the Sri Lanka Freedom Party (SLFP), struck the first violent blow against the Tamil national movement when the predominantly Sinhalese armed forces were deployed in the Jaffna peninsula in 1961 to repress these peaceful protests. Thereafter, state violence against Tamil activists escalated. To add insult to injury, the SLFP-dominated United Front government introduced a new constitution in 1972 which categorically rejected the Tamil

Mother collects water in Jaffna

demand for internal self-determination. This constitution confirmed Sri Lanka as a unitary state and forbade Parliament to 'abdicate, delegate or in any manner alienate its legislative power nor ... set up an authority with any legislative power other than the power to make subordinate laws'.

The reaction of the Ceylon Tamil national movement to these developments was two-pronged. On the one hand, it increasingly articulated a demand for self-determination within an independent state of Tamil Eelam. On the other, an armed liberation movement emerged, adding a revolutionary dimension to the national struggle.

In 1976, a new parliamentary party of Tamils was formed, the Tamil United Liberation Front (TULF), which sought to make political capital out of the changing aspirations of the Tamil movement, committing itself to the goal of Eelam through its founding 'Vaddukoddai Resolution'.

National rights in Sri Lanka

National rights can be seen as distinct from individual or aggregate rights in that they cannot be subordinated through the exercise of state power. In Sri Lanka, the 1956 'Sinhala Only' Act denied the individual and aggregate rights of Tamil citizens to use their language in certain circumstances. It also undermined Tamils' national rights, however, relegating the Tamil language to a subordinate position within the state. Under the 1972 constitution, Buddhism, the religion of most Sinhalese, was granted 'the foremost place' in the life of the state. While the individual and aggregate right to practice other religions was not put in question, the national rights of Tamils were further undermined by this provision, as their religions were categorised within the state as hierarchically subordinate.

The Ceylon Tamil people endorsed the resolution at the 1977 parliamentary elections and voted *en masse* for the TULF. In subsequent years, however, the TULF abandoned its radical mandate, collaborated in a half-hearted and ill-resourced government decentralisation scheme and lost significant popular support.

Meanwhile, a new generation of young Ceylon Tamils, economically marginalised by discrimination in employment and higher education and brutalised by state repression, saw no way forward without armed resistance. The militants formed five major guerrilla organisations in the middle to late 1970s, including the Liberation Tigers of Tamil Eelam (LTTE), and launched their campaign to establish Eelam throughout the Tamil-speaking majority districts of north and east Sri Lanka.

In response to the militants' agitation, the United National Party (UNP) government (1977-1988) escalated state repression of the Ceylon Tamil national movement. It also tolerated, and even encouraged, sustained mob violence against Tamils in 1977, 1979, 1981 and, most notoriously, in 1983. Simultaneously, the regime locked the door to self-determination for Tamils within Sri Lanka. Its 1978 constitution retained key provisions on the unitary state and the unique legislative powers of the Colombo Parliament, vindicating the strategic decision of the Ceylon Tamil national movement to pursue secession.

Self-determination and decolonisation

The Ceylon Tamil nation is one of many hundreds existing today within multi-national states. A majority of these states were carved out through European military conquest, their constituent nations politically dis-empowered and lashed together within colonial boundaries. As the European empires crumbled, the first phase of de-colonisation was *external* de-colonisation, a process which formed the majority of states currently represented in the United Nations. Spearheaded by anti-colonial

movements, this phase typically saw the dissolution of direct colonial rule and the transfer of power to the largest or otherwise dominant nation within each newly independent state.

While external de-colonisation is well-advanced, some new states have entered a second phase, that of internal de-colonisation. Internal de-colonisation is sought within 'post-colonial' states where certain nations continue to experience repression and now demand their own right to self-determination within or outside existing state parameters. The global preponderance of such movements is often obscured by a semantic sleight of hand which subsumes them within the all-inclusive term 'ethnic conflict'. A first step in appreciating the principle of self-determination is to distinguish national movements from ethnic conflicts.

Ethnic conflicts, like national movements, are confrontations between cultural groups within the borders of an individual state. They arise out of competitive interactions over such things as employment, land and entrepreneurial opportunities. They are rationalised, at least in part, with reference to cultural difference, and can involve the manipulation of cultural symbols such as historical myths, flags and anthems. Crucially, however, ethnic conflicts do not involve formal demands for state power, and can therefore be addressed through institutional arrangements and legislative provisions to protect individual and aggregate rights. In response to ethnic conflict, human rights organisations are formed and legislative safeguards introduced.

In contrast, national movements do involve a struggle for state power. They are political movements launched by nations against repressive states. National movements demand political solutions, such as a federal system, to gain access to state power and thereby to defend national rights.

While national struggles and ethnic conflicts are clearly distinct entities, the two are too often confused. This is partly because ethnic and national conflicts genuinely share many characteristics. A second reason for confusion,

though, is that, while nationalist struggles are pitted emphatically against states, the identification of states with dominant nations muddies the waters somewhat and enables naive or hostile groups to mis-represent or de-legitimise national struggle as communal agitation.

Self-determination and geopolitics

While many contemporary analysts have slurred over the right of self-determination to focus on 'ethnic conflict and integration', powerful political actors have generally recognised demands for national self-determination and stoked or suppressed them according to geopolitical interest.

At the end of the First World War, for instance, Britain and the United States invoked the principle of 'each nationality its state, each state its nationality', promoting their own perceived interests among the Eastern European nations formerly dominated by the Ottoman Empire. In south Asia in the late 1960s, Punjabi-controlled Pakistan repressed the Bengali demand for external self-determination. The Indian government, meanwhile, promoted the liberation movement in the then East Pakistan, hastening Bangladeshi independence in 1971 and strengthening its regional dominance. More recently, during the Gulf War, the United States encouraged elements of the Kurdish liberation movement within Iraq in order to undermine President Saddam Hussein's rule, only to reduce its support at the war's end.

Perhaps the most blatant instance where a national movement for self-determination was exploited for geopolitical ends was the case of Eritrea. At first the United States backed Emperor Haile Selassie of Ethiopia and rejected Eritrean independence claims, while the Soviet Union supported the Eritrean liberation movement as an important component of the African anti-imperialist struggle. When a pro-Soviet regime was installed in Ethiopia by Colonel Mengistu, however, Moscow switched allegiance, aligned with Addis Ababa and rejected Eritrean national claims. The United

States, meanwhile, also switched sides, aligning with Eritrea in its struggle against 'communism'.

Self-determination and conflict reproduction in Sri Lanka

The foregoing arguments demonstrate that the Ceylon Tamil national movement in Sri Lanka is part of an established global phenomenon, that the right to national self-determination is generally appreciated by international powers and that its promotion or suppression is typically determined by political considerations. It follows that the question is not whether the Ceylon Tamil nation possesses the right of self-determination; that it does is beyond doubt. What is at issue, and needs to be confronted, is the continuing denial of that right by the Sri Lankan government.

When Ceylon Tamils demanded self-determination within the Sri Lankan state, this was emphatically rejected by the government. After the Tamil demand escalated to external self-determination, successive regimes have created the illusion that internal self-determination is available and dismissed the national liberation movement as unnecessary and illegitimate. The deception was attempted twice by the 1977-88 UNP regime: first when the District Development Councils (DDCs) were set up in 1981; and next when the Provincial Councils (PCs) were formed in 1988 under the 1987 Indo-Lanka Accord. Both proposals set the framework for new institutions of local government, but excluded the repeal or amendment of crucial constitutional provisions which denied Tamils' national rights.

The Peoples Alliance (PA) coalition government (1994 to the present), led by the SLFP, has also promised internal self-determination through three versions of its so-called 'peace package'. With the 1995 devolution proposals, it showed unusual vision, declaring Sri Lanka a 'Union of Regions' and proposing the repeal of Article 76 (which forbade the central Parliament to devolve its legislative powers). With the 1997 draft constitution, however, Article 76 has been

Language policy in the 1997 draft constitution

While the 1997 draft constitution seems to satisfy the language demands of the Ceylon Tamil national movement, it is by no means clear that it does so. Article 32 of the draft constitution states that 'The official languages of the Republic shall be Sinhala and Tamil', the first formulation since 1956 in which both languages have been treated equally. Nevertheless, later articles modify the sense of this provision and significantly qualify its implementation.

Through Article 35, Sinhala is retained as the sole language for the maintenance of public records in any district where Tamil speakers comprise less than one-eighth of the population. Article 38(2) specifies that prospective employees must speak Sinhala for any government job which cannot be discharged 'otherwise than with a sufficient knowledge of such language'. Article 39(2) specifies that any authority enacting written laws will determine which translation of such laws is to be considered authoritative, while Article 42(1) determines that Sinhala shall remain the language of court records and proceedings in all of Sri Lanka outside the north and east.

re-incorporated as Article 92, so precluding internal self-determination for the Ceylon Tamil nation. Moreover, the draft constitution confirmed the inferior status of Tamils by reiterating the primacy of Buddhism in the spiritual life of Sri Lanka while proposing the formation of a Supreme Council of Buddhist clergy which would enjoy privileged access to government.

It is evident, therefore, that for more than four decades, Sinhalese-controlled governments have refused to concede the national rights of Ceylon Tamils. Moreover, their obstinacy has contributed to the emergence and reproduction of the armed conflict which rages today with unprecedented ferocity.

In the immediate future, the Sri Lankan government has no intention of seeking a political settlement with the LTTE-led Tamil national liberation movement. Sooner or later, however, it will have to face the undeniable facts that (a) the costs of war are unsustainable; and (b) peace is a product of justice. Once it is serious in recognising the right of Ceylon Tamils to self-determination, the government will need to prove as much by engaging in a political negotiations process which involves and satisfies the LTTE-led national movement. The exact parameters and outcome of this process cannot presently be determined. Should the government desire a political settlement while maintaining the integrity of the Sri Lankan state, however, the constitutional pre-conditions will be:

- ◆ Articles 2 and 76 of the constitution must be repealed, to permit the introduction of a confederal system of government.
- ◆ Article 18 must be amended to read 'the official languages of Sri Lanka shall be Sinhala and Tamil', enforceable throughout the country without qualification.
- ◆ Article 9 must be amended by deleting 'the foremost place' granted to Buddhism and declaring Sri Lanka a secular state. ■

By Priyath Liyanage

Popular Buddhism, Politics & the Ethnic Problem

The vast majority of Sinhalese Sri Lankans are practising Buddhists who attend temple regularly and celebrate traditional festivals. All major festivals are national holidays, including the monthly full moon (*poya* day). Some estimates date the introduction of Buddhism to Sri Lanka as early as 250 BC. In the late 19th and early 20th centuries, however, there was a popular revival in response to the proselytising of evangelical Christian missionaries. One of the key features of this revival was the popularisation of many of the historic chronicles of Sinhalese Sri Lanka, notably the *Mahavamsa*, written in the sixth century AD.

The *Mahavamsa* details three separate occasions on which Lord Buddha is said to have visited Sri Lanka. It also identifies Prince Vijaya, the hero of *Mahavamsa*, as the father of the Sinhala people. Vijaya is said to have landed on the island of Lanka from Sinhapura in Bengal on the day of Buddha's death. On his deathbed, Lord Buddha is said to have asked the god Sakra to protect Vijaya in his historic mission to Sri Lanka, where he prophesied Buddhism would flourish for 5,000 years. The *Mahavamsa* also lauds the piety

of the ancient Sinhala Buddhist king Duttugamunu who drove his Tamil rivals out of Sri Lanka and united the whole of the island under his leadership. Through the Buddhist revival, the *Mahavamsa*'s potent fusing of national identity, territorial integrity and religious duty reverberated into modern Sinhalese politics.

Buddhism and politics in post-colonial Sri Lanka

While Buddhist orthodoxy tends to promote the renunciation of all worldly concerns, there remains significant theological latitude for individual monks (*bhikkus*) to justify political activity which aims to reform society 'for the good'. Since independence, Sri Lankan Buddhist leaders have been active in the political arena whenever they felt it appropriate, particularly on issues relating to the primacy of the Buddhist faith and the territorial integrity of Sri Lanka.

On these issues, and others such as language, the Buddhist clergy as a whole (the *Sangha*) have exerted a particularly powerful influence in Sri Lankan political life. In 1951, resolutions

The Sri Lankan parliament building in Colombo

Credit: Leonard Freed/Magnum Photos



Buddhism and non-violence

While most of the *Sangha* have been content to influence party politics from the sidelines, a number of monks have become more engaged politically, associating themselves openly with Marxist and Sinhala nationalist activism. In the 1980s, and particularly after the signing of the 1987 Indo-Lanka Accord, many became increasingly militant in rejecting proposals for federalism or devolution. The Janatha Vimukti Peramuna (People's Liberation Front — JVP) was very successful at this time in recruiting *bhikkus* in support of its armed anti-accord insurrection.

The JVP monks and the *bhikkus* who joined the army after the 1995 breakdown of peace talks caused deep confusion among those who perceive Buddhism as a philosophy of peace and non-violence. To committed Sinhala Buddhist ideologues, however, violence can be justified to counter the threat posed by the Indo-Lanka Accord to the unity of land, race and religion in Sri Lanka. Of course, many Sri Lankan Buddhists follow Lord Buddha's teaching of *Vassetta Suthra*, which rejects all divisions between human beings. These individuals cannot sanction support of or participation in violence. Even they, however, often harbour deep anxieties about perceived threats to their religion which can be and have been manipulated politically.

of the All Ceylon Buddhist Congress to the prime minister included a statement that 'the ... government is legally and morally bound to protect and maintain Buddhism and Buddhist institutions'. It also demanded the restoration of Buddhism to 'the paramount position of prestige which rightfully belongs to it'. In the same year, the Sri Lanka Freedom Party (SLFP) was established with a vow to promote Sinhala Buddhist interests, signalling a new era in Sri Lankan politics. Since its formation, the SLFP has alternated in government with the United National Party (UNP), with both parties jockeying for the favour of the Sinhala Buddhist establishment and its huge popular constituency.

Sinhalese politicians have often been calculating in their exploitation of 'the Buddhist card', and the *Sangha* have been manipulated as much as they have been deferred to. It must be remembered, however, that Sri Lankan Buddhists do strongly believe that they have a duty to protect and uphold their faith in Sri Lanka and that tens of thousands of Buddhist monks have taken sacred vows to do so. When Buddhist leaders voice concerns that the faith is under threat, this is an extremely powerful and emotive message.

Shifting perceptions of devolution

The argument that a unitary state with one religion and one language is required to honour the sacred trust of Lord Buddha, has clear ramifications for the self-determination aspirations of Tamils and other minorities living in Sri Lanka. A corollary of this argument — that federalism constitutes a threat to Buddhism — is voiced by some *bhikkus* and by ordinary Sri Lankan Buddhists too. According to some Sinhala factions, all minority ethnicities should respect the dominance of Sinhala Buddhist culture in Sri Lanka and assimilate into it.

As a counterpoint to this radical nationalism, secular democrats, one or two small left-wing parties and a handful of trade union groups have consistently campaigned within the Sinhalese polity for a more moderate approach to the ethnic problem. From 1987, the United Bikshu Congress, an organisation of social activist monks, also started campaigning for devolution. Due partly to the efforts of these groups, strident Sinhala nationalism has become increasingly marginalised in recent years. Today, though 'federalism' remains outside the bounds of acceptable political vocabulary, the need for 'devolution' is widely accepted.

This sea change within Sinhalese society has been gradual as the open market, modern education and globalisation have lessened the political influence of the *Sangha*. It was strengthened after the 1990 renewal of hostilities in the north and east between the government and the Liberation Tigers of Tamil Eelam (LTTE) which demanded increased army recruitment and the sustained sacrifice of young Sinhalese lives. The popular thirst for an end to the war was then nurtured and consolidated by the People's Alliance and its leader Chandrika Bandaranaike Kumaratunge, who in 1994 achieved unprecedented electoral success on a platform of peace and negotiations with the LTTE.

As euphoria at the prospect of peace spread, the precepts of non-violence and accommodation regained primacy within the Buddhist

establishment, even among those who had vigorously opposed the Indo-Lanka Accord. This was illustrated in 1995 in a joint statement issued by prominent members of the *Sangha* and the Catholic clergy which broadly supported government devolution proposals. The statement clearly acknowledged the ethnic conflict in Sri Lanka and accepted that war was not a legitimate solution. It suggested instead that a negotiated settlement based on devolution of power was the only way forward, specifying that, 'whatever the solution may be, it should not be a Sinhala solution imposed by force on Tamil people'.

Perhaps the most important indication of the erosion of hardline Sinhalese opinion, however, was the publication of the interim report of the Sinhala Commission in September 1997. The commission consisted of a large number of Sinhala nationalist organisations from all parts of the country, convened in December 1996 'to inquire into and report on the injustices caused to the Sinhala people'.

The interim report was primarily a riposte to the PA government's draft constitution. Couched in pro-Sinhala language, it roundly condemned 'Eelamists' (an ill-defined group possibly including liberal federalists as well as LTTE supporters). 'With the emasculation of the powers of [central] government', it stated, 'the future of Buddhism in this country will indeed be bleak'. Despite its hardline rhetoric, however, the surprise of the Interim Report was its tacit acceptance of the principles of the 13th amendment to the constitution which enacted the devolution provisions of the Indo-Lanka Accord. Ten years earlier, these provisions had been bitterly opposed by Sinhala Buddhist nationalists.

Popular Sinhala Buddhist opinion, therefore, has largely conceded the need to respect and protect the civil liberties of Tamils and other minorities. While many continue to equate a threat to the territorial integrity of Sri Lanka with a threat to the Sinhala identity, it is also widely accepted that devolution *per se* will not mean the bifurcation of the island.

The *Dalada Maligawa*

The Dalada Maligawa is at the heart of Sinhala Buddhist identity. Worship of the Tooth Relic of the Buddha housed in the temple is considered equal to the worship of Lord Buddha himself. While of enormous religious significance, the relic is also associated with the sovereignty of Sri Lanka. When it was captured by the British in 1818, this was considered by many a defeat more decisive than the loss of lands; it signified the beginning of total subjugation. As its loss has symbolised ultimate defeat for the Sinhalese, the exploding of a high powered bomb only a few feet from the relic was hugely provocative.

The Dalada Maligawa, bombed by the LTTE in January 1998



Nevertheless, many Sinhalese remain suspicious that Tamil nationalist claims for 'self determination' still entail the division of the country, and the hardline demands of the LTTE continue to inspire heartfelt resistance. Reflecting this popular dichotomy, Sinhala politicians in the south now argue about the appropriate degree of devolution while, in the north and east, the military execute war on the LTTE with ever-increasing vigour.

The present danger — devolution and the LTTE

The increased intensity of the government-LTTE war since 1995 has resulted in more bombings in the south and renewed anxieties among southern Sinhala Buddhists. On 25 January 1998, these anxieties were intensified when an LTTE suicide bomber targeted the sacred Temple of the Tooth (*Dalada Maligawa*) in Kandy, causing considerable damage to the building, killing 13 people and injuring 20 more. Sinhalese Buddhists were appalled by this desecration. Secular peace activists in the south were also deeply disconcerted by the attack which seemed to target not the Sri Lankan state, but the Sinhala people as a whole.

While the bombing of the *Dalada Maligawa* caused deep outrage and sorrow, there was almost no violent reaction. The only significant retaliation was reported from Kandy, where a small Sinhala mob attacked a Hindu temple but was soon dispersed on the orders of government ministers. Considering the long history of ethnic violence in Sri Lanka, this restraint on the part of the Sinhala people and their rulers reflects a remarkable transformation in Sinhala communal attitudes.

At the same time, however, the bombing galvanised popular Sinhala opinion behind the government's 'anti-terrorist' agenda. Through this agenda, the government has represented Tamil citizens as innocent victims of the war, seeking to separate them, both physically and in the minds of the population, from the nar-

rowly nationalist and anti-Sinhala LTTE. Since the bombing, people continue to voice concern for Tamil aspirations in general, while asserting that the LTTE must be defeated totally. In June 1998, even *bhikkus* who support the devolution proposals of the draft constitution demonstrated outside the UK High Commission to demand that Britain outlaw the 'terrorist' LTTE and close down their London offices.

Current dilemmas

The ascendancy of moderation within the Sinhalese community has meant that, to rally public opinion, the PA government has had to portray itself as peace-maker, even when justifying its continued war efforts. In almost all public gatherings, the president and her closest allies present the 'war for peace' as a short-term but necessary evil on the road to devolution and peace. Nevertheless, the army is having difficulty in recruiting, despite a reduction in minimum qualifications and increases in other benefits, while a recent amnesty to call back more than 15,000 deserters did not meet with much success. In 1994, the non-violent and accommodating dimensions of popular Buddhism blossomed in Sri Lanka and the Sinhala people gave an overwhelming democratic mandate for a just and honourable settlement to the ethnic problem. Since then, their support for the war has been partial, reluctant and motivated primarily by exasperation at LTTE intransigence. ■

'Anti-terrorism' and foreign policy

Having banned the LTTE within Sri Lanka in the wake of the *Dalada Maligawa* bombing, the government has redoubled its efforts to persuade western governments to do the same. In late 1997, the Tigers were included on the list of 'terrorist' organisations banned in the USA, while India and Malaysia instituted a similar ban some time ago. The UK is now a major target for Sri Lankan government lobbying as the LTTE's International Secretariat remains open in London.

The fight against 'International Tamil Tiger Terrorism' has been spearheaded by Sri Lanka's foreign minister, Lakshman Kadirgamar, himself Tamil. Key dimensions of the campaign include promotion of the United Nations International Convention Against Terrorism, which Sri Lanka was the first to sign in January 1998. The convention proposes sweeping measures to out away the financial and organisational underpinnings of broadly-defined international terrorism.

By Alfred Jeyaratnam Wilson with
A. Joseph Chandrakanthan

Tamil Identity & Aspirations

Two nations, one island — the immanent dichotomy

Constructed for the administrative convenience of British colonial rulers, a unified Ceylon first came into being in 1833. Given that Tamils would always be the minority in such a state, there was a risk that their long-standing political and cultural autonomy could become threatened and undermined. Nevertheless, as the 19th century progressed, Tamils proved especially responsive to the educational opportunities provided by Christian missionaries from Britain and elsewhere. Combining as they did educational advantage with entrepreneurial flair, Tamils moved *en masse* not only into the colonial administration, but also into property and commercial enterprise in Colombo and the Western Province.

With education and property the qualifications for franchise and political representation, Tamils entered the Ceylonese political main-

stream in relatively large numbers and came to acquire an avowed interest in the unitary colonial system, deriving from it power, prestige and prosperity. As long as these benefits continued to accrue to them, the new Tamil elite were content not only to exist within a unified Ceylon, but also to play a key role in its leadership and management.

The Buddhist revival

Throughout the 19th century, many Sinhalese came to feel that their ancient culture had been and was continuing to be threatened by a series of hostile, external forces — of Dravidian Indian expansionism, international trade, Christian proselytisation, colonialism and modernity. Fearful that their unique Sinhala language and Buddhist religion were in jeopardy, some developed a marked 'minority complex', perceiving themselves besieged on their remote island home. As the Tamil presence in the colonial administration, the

Schoolgirl cycles through Jaffna



professions and business increased, it was often conflated and identified with these 'invading' influences. Moreover, as it prospered under the British, the Tamil community's educated sector increasingly looked down on its Sinhalese counterparts, provoking further anxieties and resentments.

Sinhalese fears of being culturally 'swamped' both spurred and were reinforced by a Sinhala Buddhist revival in the second half of the 19th century. This revival reasserted a world view through which many Sinhalese perceived themselves a people of manifest destiny, invested by Lord Buddha with the responsibility of protecting the *Dhammadeepa*, the 'island of the just', the ancient home of pristine Buddhist society. Tamils had long regarded both themselves and the Sinhalese as founding peoples of Ceylonese culture and history. The Buddhist revival forcefully repudiated this view; Ceylon was the *Dhammadeepa* and no more. It also sanctified the gradual emergence of an exclusivist consciousness among some Sinhalese politicians.

The path to independence

In the build-up to independence, managed by the British, majority interests were given an indirect boost, at the expense of the minority Tamil elite, when universal suffrage was recognised in 1931. At the same time, the emerging Sinhalese national movement sought to strengthen its hand by demanding proportionate representation for ethnic groups within the new indigenous legislature.

With hindsight, it is clear that the Tamil minority could not expect their disproportionate parliamentary representation to continue, and that alternative strategies should have been explored to safeguard their bureaucratic, professional and commercial interests. Nevertheless, Tamil leaders did not give adequate thought to the promise of federalism, or even to the possibilities of a bill of rights or a second parliamentary chamber. Unprepared to perceive itself as a provincial elite or a minority interest group, the Tamil leadership

The state-sector employment of minorities in Sri Lanka (1990)

(source: Census of Government and Public Sector employees, Sri Lanka Department of Census and Statistics, 1992; table reproduced from *Sri Lanka: A Bitter Harvest*, Minority Rights Group, 1996)

Ethnic group	population %	state services %	provincial services %	semi-government services %
Ceylon Tamil	12.7	5.9	7.1	8.2
Muslim	7.4	2.0	4.6	1.0
Up-country Tamil	5.5	0.1	0.2	0.5

It is clear that all Tamil-speaking communities are currently under-represented in the state bureaucracy. In 1949, however, Tamil recruitment to the general clerical service stood at 41 per cent.

spent the years leading to independence lobbying for 50-50 communal representation within a centralised legislature.

Unsurprisingly, their struggle was fruitless. Having secured naval and air bases in Ceylon and the safeguarding of commercial interests, the British had little interest in accommodating the 'communalist' demands of Tamil leaders. By February 1948, a markedly majoritarian constitution had been promulgated and the conservative Sinhalese, D. S. Senanayake, was the first prime minister of independent Ceylon. The stage was set for increasing Sinhalese domination.

A balance restructuck?

In the 30 years from the mid-1940s, successive governments took measures to reduce the disproportionate number of Tamils in the professions and the public sector. These measures interacted in diverse and complex ways with a potent Sinhala Buddhist exclusivism which gradually became an animating ideology of the Ceylonese, later Sri Lankan, state.

The first measure which undermined Tamil power within the state bureaucracy was the 1944 introduction of universally free education from kindergarten to university. The general educational improvement this engendered reduced the advantages of missionary-edu-

cated Jaffna Tamils and enabled even poor Sinhalese to compete for government jobs. The growing pool of powerful Sinhalese politicians and qualified candidates greatly increased Sinhalese ethnic patronage within the government bureaucracy. With the competition for limited openings ever growing, however, supply could never match demand. Particularly among the *arriviste*, lower caste Sinhalese, the spread of anti-Tamil chauvinism was soon perceived as a promising means of increasing economic opportunity. As time passed, the electoral promise of pandering to this chauvinism tempted even the most cosmopolitan of Sinhalese politicians.

The second remedial measure which ensured a reduction of Tamils in the employment sector was the 1960 nationalisation programme which removed all secondary schools from the control of private bodies and the churches. This move subjected the provision of educational opportunity to the political machinations of the centralised, and Sinhalese-dominated, public sector. In time, Tamil schools in the north and east would be deprived of funding and equipment to the obvious detriment of future Tamil job-seekers.

The third adverse effect on Tamil employment prospects came from the government's evolving language policy. The introduction of the 1956 'Sinhala Only' Act, which replaced English with Sinhala as the language of offi-

cial government business, clearly disadvantaged large numbers of Tamils. Its effect was compounded by widespread protests in Tamil areas in which school principals would not allow the teaching of Sinhala while school children refused to study the language.

The final straw, however, was the introduction in the early 1970s of communal quotas for university entrance. This led to the exclusion of merit-worthy Tamil students and it was this that set the ethnic powder keg alight. With 'standardisation', it became clear that the Tamils had lost the education and employment opportunities which had conditioned their commitment to a unitary Ceylon in the first place. Large numbers of young Tamils came to the conclusion that their socio-economic aspirations could only be fulfilled within a separate Tamil state.

Defensive Tamil nationalism

As Tamil 'privilege' spurred the development of a potent Sinhalese nationalism, so Sinhalese domination of the post-independence state fostered a defensive Tamil nationalism. By the mid 1970s, mainstream Tamil politicians were publicly advocating the establishment of a separate state in which Tamils could once more enjoy the educational and employment opportunities denied them in the new Sinhalese Sri Lanka. Moreover, while their espousal of federalism throughout the 50s and 60s had won them deferential support among the Tamil people, the clarity of this new position caught the imagination of the public and was welcomed enthusiastically throughout Tamil areas.

In the 1977 parliamentary elections, the recently formed Tamil United Liberation Front (TULF), running on a secessionist platform, received a convincing mandate throughout the north and east. This confirmed that Sri Lanka was now inhabited by two nations, each perceiving itself as endangered, and each demanding its own concept of self-determination to guarantee economic opportunities and preserve cultural identity.

Emerging identities, frustrated aspirations

The wars that have raged in Sri Lanka since 1983 are fuelled by the refusal of many Tamils to operate within a state system which denies them the political power, employment and educational opportunities which their dignity and diligence demand. Through these difficult years, and especially after it became clear that the Indian government would not permit a separate sovereign state in its backyard, Ceylon Tamils have continued to develop a keenly independent and radically assertive identity with both political and cultural dimensions.

In politics, this identity was reflected in a new generation of leaders such as Veluppillai Pirabhakaran, head of the Liberation Tigers of Tamil Eelam (LTTE) and present-day leader of militant Tamil nationalism. Pirabhakaran, unlike previous Tamil political leaders, comes from a non-elite social group of warrior sailors from the northern coastal belt. He is a self-taught man whose political and military sophistication have been forged not through an elite liberal education, but through the pains of revolutionary struggle and sacrifice. Embodying the transformation of Ceylon Tamil society, Pirabhakaran has won support and respect from Ceylon Tamils of all social groups despite breaking the moulds of traditional Tamil leadership.

In the cultural realm, a new generation of Ceylon Tamil artists have also steered an independent path, rooting their work explicitly in immediate social conditions. Inspired by the pioneers of socially aware Tamil literature (the late K. Kailasapathy (1933-82), the late S. Vithiyananthan (1924-88) and the contemporary savant, K. Sivathamby), recent plays, poetry, fiction and songs have openly explored the horror, repression and heroism of the Eelam wars. In recording the social price of the war and the changes it has wrought within the Tamil nation, contemporary artists have occasionally drawn the wrath of both the Sri

Tamil cultural revivalism in the 1960s and 70s

Between 1967 and 1976, a series of conferences was organised by a group of cultural revivalists which came to be known as the International Association of Tamil Research (IATR). Held in Kuala Lumpur, Chennai (Madras), Paris and Jaffna, these conferences instigated a world-wide awakening to Tamil culture, religion, language and literature. In Sri Lanka, there could not have been a greater fillip to the burgeoning Tamil nationalism. The IATR events blended into the ferment of Sinhalese repression and, later, Indian political duplicity to breed a new and muscular Ceylon Tamil identity increasingly independent from Chennai and southern India.

“Although lacking a formal electoral mandate, the LTTE administration enjoyed the active co-operation of a substantial proportion of the civilian population”

Lankan government and the LTTE. At the same time, however, they have successfully consolidated modes of art and literature which are distinctly Ceylon Tamil.

The *de facto* state of Tamil Eelam

Reinforcing the emergence of an independent, self-confident and socially inclusive Ceylon Tamil identity, the LTTE have effectively governed significant portions of north and east Sri Lanka for extended periods since 1989. The most significant example of LTTE 'governance' was the quasi-state established in Sri Lanka's northern province between 1990 and 1995. This administration comprised a number of distinct structures dealing with central functions of government from the administration of justice to economic development and social provision.

The judiciary of Sri Lanka's northern province all but collapsed during the latter years of the 1983-89 war, but was resurrected under LTTE auspices in 1992. To underscore and guide its emergent judiciary, the LTTE published a 'code of law' which was periodically and publicly amended and strictly applied. Police stations were re-opened in almost all townships. LTTE police were unarmed yet presided over a sharp drop in major crimes. Many northern Tamils expected and relied on them to adjudicate such common problems as community feuds, illegal distilling of liquor, drunkenness and petty robbery.

In the area of economic development, the LTTE established the Tamil Eelam Economic Development Organisation (TEEDOR) which co-ordinated and promoted a range of research and development activities in the fields of agriculture, industry and infrastructure. Most notably, TEEDOR funded and manned small industries from salt production to prawn farming, initiated long-term reforestation and road-building projects and collaborated with the Economic Consultancy House (TECH) of the University of Jaffna to study town planning and other development prospects. In 1993, to augment TEEDOR's activities, the Tamil Eelam

Bank was established, which stimulated small business and the deprived rural sector through the provision of revolving loans.

The *de facto* LTTE state also set about the rehabilitation and transformation of the north's social fabric. While co-ordinating the emergency distribution of food and other provisions, the LTTE also pursued a more ambitious social programme. In the field of education, systems were re-established for the conducting of examinations, the preparing of textbooks and curricula and the provision of facilities for displaced school children. Simultaneously, steps were taken to undermine entrenched inequities within northern Tamil society based on caste and gender. Among other initiatives, specific legislation was introduced to outlaw the giving and receiving of dowry and to open Hindu temples to previously proscribed lower caste groups.

Underwriting its varied activities, the *de facto* state worked through a general civil administration which raised revenue through a range of conventional methods from road vehicle taxes to the provision of passes (visas) for those leaving or entering its jurisdiction. Although lacking a formal electoral mandate, the LTTE administration enjoyed the active co-operation of a substantial proportion of the civilian population. Its institutions enhanced the credibility of the idea of Eelam and further consolidated a distinct Ceylon Tamil political identity.

The *de facto* state and the Sri Lankan government

The relationship between the LTTE-controlled quasi-state and the Sri Lankan government was complex and in many ways contradictory. Though for the duration of its existence, the quasi-state was subjected to a comprehensive economic embargo which caused great hardship to the civilian population, the north was little disturbed by direct military activity until mid-1995. Moreover, to maintain the fiction that it controlled its entire territory, the Sri Lankan government continued to underwrite the state

apparatus in all areas, even those under effective LTTE control. Hence, throughout the period of the LTTE quasi-state, the government paid its employees and maintained state equipment in the north through its own appointed agents, who worked under the effective control of the Tigers.

While clearly unsustainable in the long term, this arrangement contained the seeds of a viable solution to the war, ceding significant control of government resources to parties which could understand and to some extent articulate popular Tamil aspirations. Moreover, the devolution proposals unveiled in August 1995 by the current People's Alliance government were accepted by the constitutional (non-LTTE) Tamil parties as a starting point towards the realisation of Tamil national aspirations. The proposals fell short of offering a rigid federal framework, nor did they envisage an internally sovereign Tamil government within a confederation. The LTTE would have more readily accepted these latter options which would surely have paved a path to peace. Nevertheless, it is possible that the Tamil people, hankering for an end to their horrific tribulations, may have reconciled themselves to the government's compromise.

Simultaneous to the release of their proposals, however, the government sanctioned the military conquest and re-occupation of Jaffna, bringing down the *de facto* state and assaulting the Ceylon Tamils' gathering sense of self-reliant nationhood. This, and the subsequent bombing of densely-populated Tamil areas, have unleashed renewed waves of virulent resistance. Leading this resistance, the LTTE is disciplined, well-equipped, financed and organised for a lengthy military struggle and the army cannot predict, much less contain, its attacks. With political tensions also rising in the south, the government now faces financial ruin with war spending running well beyond its means.

Future prospects

Throughout the current, costly assault on LTTE-controlled areas, mainstream political opinion in Colombo has remained set fast

Constitutional voices in the Tamil national struggle

For various reasons relating to Indian government intervention in the Sri Lankan war, the Tamil national movement fractured in the mid-1980s. Before then, a number of militant organisations had advocated violence in their quest for Tamil self-determination. Between 1987 and 1989, however, all these groups bar the LTTE sought to join the avowedly constitutional Tamil United Liberation Front (TULF) in Sri Lanka's political mainstream.

Since that time, the formerly militant Tamil parties have precariously straddled the space between electoral politics and armed struggle. All except the Eelam People's Revolutionary Liberation Front (EPRLF) have maintained a corps of armed and fighting cadres whose activities, particularly regarding the treatment of civilians, have undermined the constitutional credentials of their political leaders. Nevertheless, these leaders have largely assimilated into Sri Lanka's electoral and party politics.

All of the constitutional Tamil parties, including the TULF, began with a vision of an independent Eelam but are now committed to a federal system with substantive, and protected, devolution of power. They were all supportive of the first version of the present government's devolution proposals and TULF MPs advised in its drafting. All voiced doubts about later drafts, however, and all now oppose the government package.

The constitutional Tamil parties are severely critical of the LTTE on two main grounds. The first is the Tigers' lack of democratic practice in the areas they control. The second is the brutal methods employed by the LTTE against perceived government collaborators and other dissenters. In the past, most Tamil groups have lost leaders to LTTE assassination. While working with the Sri Lankan government to promote constitutionalism within Tamil politics, they continue to take huge personal risks.

against compromise. To curry favour with its ethnic Sinhalese constituency and protect its fragile parliamentary position, the government has twice watered down its devolution proposals. Even despite this, the opposition United National Party (UNP), whose support is required if the proposals are to pass into law, has steadfastly avoided co-operation and has instead published counter-proposals which have proved eminently unhelpful. Such behaviour in the context of Sri Lanka's darkest crisis is indicative of a stubborn mindset which renders many Sinhalese politicians incapable of accommodating cross-communal demands for self-determination.

Is there any hope of peace? It seems increasingly clear that the stabilisation of Sri Lanka will require significant action from the international community. While death and destruction have rained down on Sri Lanka, however, many, on both sides of the ethnic/national divide, have complained that the world has continued to look the other way. In recent months, this situation has changed somewhat with the banning of the LTTE by the United States and the increased vigilance over Tiger activities in other western nations. While these moves signal an increased engagement with the Sri Lankan crisis, they are more likely to drive the LTTE further underground, and make the conflict yet more intractable, than they are to dilute the guerrillas' capacities and determination. In the short term, therefore, there seems little cause for optimism.

As the situation deteriorates the likelihood increases that India will again intervene in the Sri Lankan conflict to safeguard regional security. Learning from the failures of the 1987 Indo-Lanka Accord, and in deference to powerful Hindu and regionalist lobbies, the next intervention is likely to be more favourable to LTTE aspirations. It appears increasingly possible, in other words, that the obduracy of the Sinhalese political parties, their failure to respect and accommodate Tamil aspirations for equal opportunities and self-determination, may finally lay Eelam at the doorstep of the Tigers. ■

Chronology

Independence and the rise of communalism

1931-47

Ceylon's independence constitution is considered under British colonial auspices. Tamil political leaders demand disproportionate parliamentary quotas and are accused of communalism.

1947

The constitution for an independent Ceylon maintains the unitary state established under colonialism. There will be no minority quotas.

1948

Ceylon is granted independence. State power is transferred to the elected United National Party (UNP) government led by members of the cross-communal, English-educated Colombo elite. The Ceylon Citizenship Act denies citizenship to around one million Up-country Tamils.

1949

S.J.V. Chelvanayakam and other prominent Tamil politicians form the Federal Party to press claims for Tamil self-determination within the Ceylonese state.

1951

Led by S.W.R.D. Bandaranaike, the Sri Lanka Freedom Party (SLFP) is formed. Centre-left in orientation, the SLFP aligns itself with marginalised Sinhala-educated rural elites.

1952-55

The debate on official language policy moves to the centre of the political agenda. The SLFP pledges to establish Sinhala as the sole language of state.

1956

Elections are won by an SLFP-led alliance and Bandaranaike becomes prime minister. The Official Language Act makes Sinhala the sole medium of state affairs. Communal violence kills an estimated 150 people, mostly Tamils. The Federal Party (FP) launches an intense campaign of non-violent civil resistance. In Colombo, the police look on as mobs attack peaceful protesters, including FP leaders.

1957

Bandaranaike signs a pact with Chelvanayakam, pledging to devolve state power through regional councils, to recognise Tamil as a national minority language and to slow Sinhalese resettlement in the north and east. An anti-pact protest march to the symbolic Sinhala Buddhist stronghold of Kandy spurs mob attacks on Tamils throughout the southern provinces.

1958

As communal violence intensifies, the government abrogates the 'Bandaranaike-Chelvanayakam Pact' but passes the Tamil Language (Special Provisions) Act. This act allows for the use of Tamil in education, public service entrance exams and administration in north and eastern provinces.

1960

Bandaranaike is assassinated by a Buddhist monk. The SLFP appoints his widow, Srimavo, to fight the general election. To win the electoral backing of the Federal Party, the SLFP agrees to revive the Bandaranaike-Chelvanayakam Pact but reneges on this after winning an outright majority.

1961

The 1956 'Sinhala Only' Act is implemented, but the 1958 Tamil Language (Special Provisions) Act is not. The Federal Party re-launches its civil disobedience campaign, paralysing government administration in the north and east. The government declares a state of emergency and deploys troops to regain control of Jaffna. As FP members of Parliament are detained for six months, disillusioned activists express secessionist aspirations.

1965

A general election returns the UNP to power, under Dudley Senanayake. The Senanayake-Chelvanayakam Pact is signed to secure the support of the Federal Party in a new 'national government'. It is agreed that a Tamil Language (Special Provisions) Regulation will be implemented, that district councils will be established and that preference will be given in north and east resettlement schemes to landless persons and Tamil speakers.

1968

Due to opposition pressure, the District Councils Bill emanating from the Senanayake-Chelvanayakam Pact is abandoned, and the 1966 Tamil Language (Special Provisions) Regulation is not implemented.

1969

The Federal Party quits the government.

1970-73

Small groups of militant Tamil youths launch unsuccessful assassination attempts against government representatives in the Jaffna peninsula.

1970

An SLFP-led alliance wins a general election landslide. Mrs. Bandaranaike returns as prime minister, establishing a Constituent Assembly to frame a new, republican constitution. The Tamil Students League (TSL) is formed to protest against government plans to introduce communal quotas for higher education.

1971

Educational 'standardisation' leads to higher university entrance requirements for Tamil speakers. Many Tamil students are instantly radicalised. Most Tamil members withdraw from the Constituent Assembly after parity of status for the Tamil and Sinhala languages is rejected. In protest largely at a lack of economic opportunities for educated Sinhala youth, an armed insurrection breaks out in the south of the island, led by the Janatha Vimukti Peramuna (People's Liberation Front – JVP). The government adopts emergency powers and crushes the rebellion, killing thousands.

1972

The 'district quota' system is introduced for university entrance, improving the prospects for rural and provincial populations at the expense of students in Colombo, Jaffna and other traditional education centres. The new constitution is adopted and the Republic of Sri Lanka is born. Under new provisions, the state will 'protect and foster' the Buddhist religion, giving it 'the foremost' place in the life of the nation. Sinhala is also affirmed as the single official language of the courts and the state administration. The Federal Party and other groups representing Sri Lankan and Up-country Tamils come together to form the Tamil United Front (TUF).

The rise of militant politics

1973

The Tamil Youth League (TYL) is formed, strongly influenced by militant ideas and individuals. The government immediately arrests several Tamil activists, including TYL leaders. Many are held without charge for the next two years; some for longer.

1974

In the context of sporadic militant activity, police attack the fourth conference of the International Association of Tamil Research in Jaffna, leading to nine deaths.

1975-76

Militant Tamil youths begin to organise in Sri Lanka and London within embryonic structures that will become the key armed groups of the 1980s. Some establish links with Palestinian liberation movements and receive military training from them.

1975

Alfred Duraiyappa, the Tamil mayor of Jaffna and SLFP organiser, is killed. Four youths, including Velupillai Pirabhakaran, claim responsibility for this, the first successful assassination by the militants.

1976

The militants commence a series of successful bank robberies in the north, provoking a further crackdown from security forces. The mainstream Tamil parties form the Tamil United Liberation Front (TULF). The TULF passes the Vaddukoddai Resolution, calling for the formation of a separate state of Tamil Eelam.

1977

The UNP, under J.R. Jayewardene, wins a landslide victory in general elections. The TULF, running on a secessionist platform, wins

an overwhelming majority in the north, a simple majority in the east and is installed as the official parliamentary opposition. After shooting incidents in Jaffna involving police and armed militants, anti-Tamil violence breaks out in the south. Hundreds are killed and tens of thousands displaced.

1978

After the killing of a Jaffna police inspector, the government proscribes the Liberation Tigers of Tamil Eelam (LTTE) and 'other similar organisations'. A second republican constitution is passed, creating a powerful executive presidency and granting partial concessions to some Tamil demands. Most Tamils are wary, indifferent or hostile to the changes.

1979

A presidential commission is appointed to report on decentralising the state administration through District Development Councils (DDCs). The TULF participates fully in the commission. As militant action continues around Jaffna, the Prevention of Terrorism Act (PTA) is passed, temporarily suspending important safeguards against human rights violations. Mass arrests of Tamil youth ensue, along with a spate of extra-judicial killings and 'disappearances'.

1980-82

In addition to the LTTE, other militant groups consolidating their structures include the Tamil Eelam Liberation Organisation (TELO), the People's Liberation Organisation of Tamil Eelam (PLOTE), the Eelam People's Revolutionary Liberation Front (EPRLF) and the Eelam Revolutionary Organisation of Students (EROS). The groups have rival sponsors in Tamil Nadu, south India and in Delhi and the resultant confusion heightens internecine feuds.

1980

The Sri Lanka Muslim Congress (SLMC) is established to represent the interests of pre-

dominantly rural, eastern Muslims traditionally marginalised from the political process. The TULF gives full support to the passage of the District Development Councils Act. The militants become increasingly restive at TULF paramouncy in Tamil politics.

1981

During campaigning for the DDC elections in Jaffna, Tamil militants kill a UNP candidate and two police officers. The police go on the rampage, killing several people and destroying many buildings including the Jaffna public library, a key depository of Tamil history and culture. The TULF does well in the DDC elections but the militants emphasise their confidence and independence, executing multi-million rupee bank robberies and launching attacks on police stations and the army.

1982

Jayewardene is victorious in presidential elections. With significant evidence of electoral fraud, the government also wins a referendum to extend the life of Parliament, without elections, for a further six years. Powers are delegated to the DDCs but complaints persist of inadequate financing and excessive central government interference. Student and leftist organisations lead strikes in the north to protest the TULF 'betrayal' of the separatist cause. As the security forces are pushed onto the defensive by the militants, the life of the Prevention of Terrorism Act is extended indefinitely.

1983

The LTTE call for a boycott of local elections, disrupt TULF meetings and kill three UNP candidates. Ninety per cent of northern residents stay away from the polls. Anti-Tamil violence, building nationwide for some months, plumbs unprecedented depths after 13 soldiers are killed in Jaffna in a LTTE ambush. Concentrated in Colombo, with the collusion and sometimes blatant involvement of the security forces (and some government minis-

ters), the violence destroys thousands of Tamil homes and businesses, hundreds of Tamils are massacred, and around 200,000 displaced. The government fails to condemn the riots and pushes through a constitutional amendment outlawing secessionism. All TULF MPs forfeit their seats and recruitment to armed groups proliferates wildly.

Indian intervention and the LTTE ascendancy

1983-89

To satisfy internal and regional security interests, the Indian government seeks the devolution of political power within a unitary Sri Lanka through diplomatic pressure. To attain leverage over the Sri Lankan government, it provides arms and training to hundreds of Tamil militants.

1984

Emergency regulations facilitate a dramatic increase in extra-judicial killings and 'disappearances' of Tamils. Non-violent protests organised in Jaffna by the TULF fail to attract popular participation. After discussions with Indian mediators, the Sri Lankan government convenes an all-party conference in Colombo to address Tamil grievances. The conference, which involves a wide range of political parties and religious organisations but not the militants, fails to reach consensus on appropriate units of devolution.

1985

The LTTE massacre 150 Sinhalese civilians at Anuradhapura. After talks between the Indian and Sri Lankan governments, militant leaders are summoned to Delhi and a ceasefire is announced. Under intense pressure from Indian mediators, the Sri Lankan government and a joint delegation of the TULF and the five main militant groups sit down together at Thimpu, Bhutan. The Tamil parties put forward 'five cardinal principles' which must provide the basis

for any meaningful solution. The government rejects these principles, the ceasefire breaks down and the talks collapse. Indian officials continue discussions with all parties and agree devolution proposals with the Sri Lankan government. Simmering tensions between Tamil militants and eastern Muslims ignite into violence after Muslim villagers are killed following accusations of collusion with the security forces. The PLOTE is severely weakened after sustained infighting and LTTE attacks.

1986

While the war rages in the north and east, the LTTE attack TELO and kill 150 -300 cadres, including its leader, Sri Sabaratnam. As the government imposes an economic blockade on Jaffna, a South Asian Association for Regional Cooperation (SAARC) meeting in Bangalore develops new devolution proposals. In an unsuccessful attempt to force LTTE compliance, communications equipment in Tamil Nadu is seized by the Indian government and Pirabhakaran is temporarily held under house arrest in Madras.

1987

The Sri Lanka Army (SLA) launches a massive campaign in the north and extends its blockade to include food, fuels and medicine. After a shipload of supplies sent to Jaffna is turned back, the Indian government parachutes food and medicines into the city. Intense diplomatic activity ensues and the two governments sign the Indo-Lanka Accord, agreeing detailed proposals for provincial councils and expediting the immediate deployment of an Indian Peace Keeping Force (IPKF) to enforce a ceasefire. Under pressure from the Indian government, all Tamil militant groups accede to the accord but the LTTE soon renounce the agreement and attack the peace-keepers. As all other militant groups align with the IPKF, the Tigers launch devastating attacks on the PLOTE and the EPRLF. Meanwhile, in protest at government 'capitulation' to Indian 'expansionism', a resurrected JVP ignites a second armed insurgency in the south.

1988

While the government furiously combats the JVP insurgency, thousands of youths are gruesomely killed or 'disappeared', causing widespread international protest. In the north and east, tens of thousands of IPKF troops fight the LTTE. As they are forced onto the defensive, some IPKF units begin to target Tamil civilians, stirring widespread popular resentment. A 13th constitutional amendment is passed, detailing the devolution of powers agreed under the Indo-Lanka Accord. The EPRLF emerge as the favoured militant group of the Indian government. Under their guns, and those of the IPKF, provincial elections provoke a spectacularly high turn-out. The EPRLF is returned as the largest party and its leader, Varadarajah Perumal, is sworn in as chief minister of the North East Provincial Council (NEPC). In the south, the UNP's Ranasinghe Premadasa is elected president. He is sharply critical of the Indo-Lanka Accord and promises to send the IPKF home.

1989

With IPKF support, the NEPC begins forcible recruitment to a new Tamil National Army (TNA). NEPC powers remain unclear and, starved of resources, Perumal accuses the central government of obstructing devolution. In parliamentary elections, the LTTE gain a symbolic victory as an EPRLF-TULF alliance is trounced in the north and east by anti-accord independents. As the JVP is ruthlessly crushed by government forces, the LTTE is held responsible for the killings of Jaffna University lecturer Rajini Thiranaganama, TULF leaders A. Amirthalingam and V. Yogeswaran and EPRLF MP Sam Thambimuttu. Having armed the Tigers to fight the IPKF, President Premadasa implements a range of confidence-building measures, begins peace talks with the LTTE in the Colombo Hilton Hotel, agrees a ceasefire and promises the Tigers *de facto* control of the north and east until provincial elections can be held. As the IPKF begins its departure, the LTTE attacks the TNA and other armed Tamil groups, seizing control of vacated areas.

The government-LTTE war and peace process

1990

The last of the IPKF leave Sri Lanka. Perumal and his colleagues unilaterally declare Eelam but, as the LTTE take control of Jaffna, the EPRLF leadership and many of its followers flee to India. Despite LTTE pressure, the government does not revoke the constitutional prohibition on secessionism, and continues dialogue with other Tamil groups. The LTTE break off negotiations and the ceasefire, killing hundreds of police officers throughout the east, including a large number of Muslims. One hundred and forty Muslims are also massacred in Kattankudy mosque. The government creates an armed civil defence force, the Muslim Home Guard, which is soon implicated in reprisal killings of Tamil villagers. In alliance with anti-LTTE Tamil groups, the government launches a ruthless counter-insurgency drive in the east and bombs Jaffna. Damage to property is extensive and population displacement massive, while thousands of civilians perish. In Madras, the LTTE kill 14 members of the EPRLF leadership. They also order all Muslims to leave northern districts or face death, causing 120,000 to flee.

1991

The army fails to dislodge the LTTE from Jaffna and an embargo is re-imposed, banning the passage of medicines, fuel and fertilisers to the province. As the war persists with characteristic brutality, at least 67 villagers are massacred by security forces in Kokkadicholai district. The LTTE assassinate Defence Minister Ranjan Wijeratna and ex-Indian prime minister Rajiv Gandhi. President Premadasa convenes an all-party parliamentary select committee, under the SLFP's Mangala Moonesinghe, to seek a constitutional model which might help end hostilities.

1992

As the select committee continues its deliberations, the war persists in the north and east. Atrocities include the killing by government forces of 23 Hindu worshippers in Mullaitivu district and the LTTE massacre of around 180, mostly Muslim, villagers near Pollonaruwa. As the LTTE assassinate the popular Brigadier Denzil Kobbekaduwa, 19 soldiers implicated in the 1991 Kokkadicholai massacre are acquitted, reportedly for lack of evidence.

1993

The parliamentary select committee approves proposals for separate provincial councils in the north and east, which would break up the traditional 'Tamil homeland' implicitly recognised under the Indo-Lanka Accord. All Tamil groups withdraw from the committee. Prominent LTTE leader Kittu dies after his ship blows up under attack from the Indian navy. Former interior minister Lalith Athulathmudali is assassinated in Colombo. President Premadasa is also killed by a suicide bomber.

1994

parliamentary elections are won narrowly by the People's Alliance (PA) under the SLFP leadership of Chandrika Bandaranaike Kumaratunge. Due to exceptionally low turnout in the north and east, many Tamil MPs are returned with just a handful of votes. The new government immediately relaxes the embargo on the north, releases several Tamil prisoners and opens preliminary discussions with the LTTE. In the run-up to presidential elections, UNP candidate Gamini Dissanayake and over 50 others are killed at an election rally by a suicide bomber. Kumaratunge subsequently wins the elections, taking a massive 62 per cent of the vote and garnering support from all ethnic communities. As another parliamentary select committee is established to consider constitutional reform, the LTTE declares a ceasefire and peace talks begin in Jaffna between Tigers and government.

1995

A cessation of hostilities is formally agreed. Talks soon stall, however, due to disagreements on the agenda and timetable. As the government will not meet their demands, the Tigers withdraw from negotiations and launch military attacks which include their first use of anti-aircraft missiles. The government announces proposals for a new system of substantive devolution. It also launches a sustained military offensive, involving a renewed economic embargo, a news blackout, intensive shelling and hundreds of civilian casualties. After five months, the army enters Jaffna but the population has been evacuated by the LTTE. While undoubtedly saving lives, the evacuation vastly increases displaced populations in the north, exacerbating an already acute humanitarian crisis.

1996

As tens of thousands of troops are stationed in Jaffna to protect military gains and re-establish government structures, hundreds of Tamil civilians 'disappear' in detention. Nevertheless, a large majority of displaced residents returns to the peninsula, removing itself from the direct authority of the LTTE for the first time since 1990. Maintaining its control of large areas of the north and east, the LTTE fights back, killing over 1,200 soldiers at the Mullaitivu army camp, and exploding bombs in Colombo that destroy the Central Bank, kill over 150 civilians and wound over 1,500. The government places its devolution proposals before the parliamentary select committee, suitably amended to satisfy southern opposition.

1997

The armed forces launch a major offensive to recapture the main supply route linking Jaffna to the rest of the island. Estimated military casualties on both sides reach an all-time high. Local elections in the south are marred by vio-

lence, including the killing by a UNP MP of Nalanda Ellawala, a rising star in the PA administration. Although government initiatives to promote its proposed settlement meet with some sympathy among southern populations, they have yet to make a significant impact in the north and east. As the parliamentary select committee on constitutional reform fails to reach consensus, the government presents a draft constitution that dilutes some of its earlier proposals. The impasse persists, however, while the LTTE hardens its position against negotiations. The United States bans the LTTE and pressure grows for the UK to close the Tigers' international headquarters in London.

1998

At a convention organised in Colombo by the National Peace Council (NPC), 1,700 participants from all districts and ethnicities renounce the war and call for a 'just and honourable peace'. The convention receives goodwill messages from President Kumaratunge, UNP leader Ranil Wickremesinghe and Pirabhakaran. The war continues in the north, however, while the LTTE steps up its bombing campaign in the south. A blast outside Maradana train station in Colombo kills over 30 people, but the biggest impact comes when Sri Lanka's holiest Buddhist shrine, the Temple of the Tooth in Kandy, is attacked. This outrages Sinhalese sensibilities and forces the relocation of festivities marking the 50th anniversary of independence. It also brings about a formal ban on the LTTE within Sri Lanka and ends public advocacy for negotiations. Local elections are held in Jaffna for the first time in 15 years. Turnout is surprisingly high, but police and home guards massacre villagers near Trincomalee the very same week. In subsequent months, in Jaffna, the LTTE assassinate the popular Brigadier Larry Wijeratne and the newly-elected TULF mayor, Sarojini Yogeswaran. ■

Key Actors

in the Ethnic/National Crisis

Political and military actors from the north and east

Eelam People's Democratic Party (EPDP)

Led by Douglas Devananda, the EPDP broke away from the Eelam People's Revolutionary Liberation Front (EPRLF) around 1988. Since 1990, it has fought alongside the Sri Lankan Army against the Liberation Tigers of Tamil Eelam (LTTE). Since 1994, the EPDP has been the most significant force in electoral politics in Jaffna, though voter turnout has been exceptionally low. The EPDP has generally been supportive of PA government policy on the war and peace process. EPDP armed cadres, however, numbering in the hundreds, retain a reputation for human rights abuses.

Eelam People's Revolutionary Liberation Front (EPRLF)

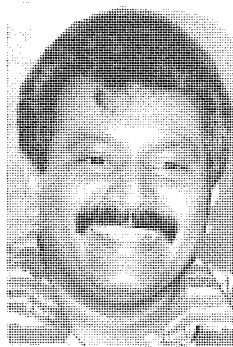
Within the Marxist wing of the Tamil national movement, the EPRLF split from the Eelam Revolutionary Organisation of Students (EROS) in 1980. In later years, the EPRLF emerged as a favoured ally of the Indian government and was

returned as the leading party in the North East Provincial Council created under the terms of the 1987 Indo-Lanka Accord. The EPRLF went on to consolidate its alliance with the Indian Peace-Keeping Force (IPKF) and co-conscripted a Tamil National Army to fight the LTTE. These moves stirred widespread popular resentment. As the IPKF departed in early 1990, EPRLF leaders unilaterally declared Eelam but then fled to India where most were assassinated by the LTTE. The EPRLF lost all parliamentary representation in the 1994 elections.

Eelam Revolutionary Organisation of Students (EROS)

EROS was formed in London in the mid-1970s as an academic research group of left-wing Tamil nationalists. In these early days, EROS built links with Palestinian militant organisations and spearheaded military training for the whole Tamil militant movement. EROS has split into several factions over the years and some cadres have joined the LTTE, particularly abroad. It remains the most radically nationalist of the constitutional Tamil groups, but is not militarily active.

Liberation Tigers of Tamil Eelam (LTTE)



Led by Velupillai Pirabhakaran (left), the LTTE were founded in the mid-1970s and have marginalised all rival Tamil militant groups through a combination of strict internal discipline, military ruthlessness and political sophistication. It was the only Tamil group

to denounce the 1987 Indo-Lanka Accord, subsequently fighting the Indian Peace-Keeping Force (IPKF) and forcing its withdrawal. Between 1990 and 1995, the LTTE ran a civil administration in the Jaffna peninsula and continues to control many functions of government in some areas of the north and east.

Independent of any foreign power, the Tigers are sustained by the political and financial activities of the international Tamil diaspora and by their own commercial and propagandist enterprise. They possess capabilities in conventional warfare on land and sea as well as a unit of suicide bombers who continue their attacks on political, economic and cultural targets. They participated in peace talks in 1985, 1989-90 and 1994-95 but withdrew on each occasion. The LTTE have committed a wide range of human rights abuses through the war, including massacres of Sinhalese and Muslim civilians, and the 1990 forced displacement of Muslims in the north. It is a banned organisation in Malaysia, India and the US as well as in Sri Lanka. In the current armed conflict, the LTTE have lost territory and taken heavy casualties, but remain a formidable military force. Sri Lankan and western intelligence agencies estimate it has between 14 and 18,000 armed cadres.

People's Liberation Organisation of Tamil Eelam (PLOTE)/Democratic People's Liberation Front (DPLF)

Originally an LTTE splinter group, the PLOTE was never well-armed and its military activities remained low key. In time, internal feuds and a souring of relations

with its Indian sponsors fuelled the PLOTE's slow demise and the group was largely wiped out by the LTTE in 1986. After the Indo-Lanka Accord, the PLOTE called off its armed struggle against the Sri Lankan government, but maintains armed cadres to this day. The Democratic People's Liberation Front (DPLF), PLOTE's 'political wing', holds three seats in the present Parliament, and came second to the EPDP in the 1998 local elections in Jaffna.

The Sri Lankan security forces



The army has always been the most powerful and largest of Sri Lanka's security forces, but its role before the 1980s was largely ceremonial. It reached the height of its public esteem in the south after the recapture of Jaffna in late 1995. Since

May 1997, however, its prolonged and costly campaign to seize the main Jaffna supply route and to flush out the LTTE from the northern Vanni jungles has resulted in significant numbers of desertions. There has rarely been a serious threat of excessive military interference in Sri Lankan government. Nevertheless, the role of the army and the profile of military leaders such as Anuruddha Ratwatte (above) has increased dramatically in recent years, in terms of reporting and defending military operations and with regard to defence procurements. In fighting Tamil nationalists in the north and east and in suppressing the southern insurgency of 1987-89, the Sri Lankan security forces have been responsible for large numbers of extrajudicial killings, 'disappearances', torture and other serious human rights abuses. Internal discipline and civil-military relations have improved significantly, however, under the present administration.

Sri Lanka Muslim Congress (SLMC)

The SLMC was established in 1980 to represent predominantly rural, eastern Muslims marginalised from the political process and increasingly caught up in violence between the security forces and Tamil militants. In 1988, the SLMC won almost half the eastern district seats in the ill-fated North East Provincial Council. Since that year, it has also maintained a parliamentary presence and currently holds seven seats from a range of northeastern constituencies. Having entered into the People's Alliance coalition which formed the present government in 1994, M.H.M. Ashraff and other SLMC leaders have backed government policy with regard to the war and peace process and occupied ministerial posts. They have also won concessions in the constitutional reform process, including the promise of a referendum on the formation of a Muslim 'homeland' in south-eastern Ampara district. This latter proposal has caused support for the SLMC to waver among Muslims in other parts of Sri Lanka.

Tamil Eelam Liberation Organisation (TELO)

The TELO emerged in the mid 1970s. Espousing a narrow nationalism stripped of leftist ideology, it benefited most from the mass recruitment and Indian training of the mid-1980s. Like the PLOTE, however, TELO fell victim to internal feuds and in 1986, large numbers of its cadres were killed by the LTTE. With the Indo-Lanka Accord, TELO was revived and fought with the IPKF and the Tamil National Army. Since India's retreat from Sri Lanka, TELO has maintained a residual armed cadre. Its Colombo leadership has supported the Sri Lankan government, but does not have parliamentary representation.

Tamil United Liberation Front (TULF)

The TULF emerged in 1976, bringing together a range of elite Tamil groups, the largest of which was the Federal Party, led by the 'father of Tamil nationalism', Mr. S.J.V. Chelvanayakam. Advocating a separate state

of Tamil Eelam, the TULF achieved huge success in the 1977 parliamentary elections and was installed as the official opposition. Through the following years, however, the TULF could not control the militant movement it had helped foster and its inability to hold the government to devolution commitments led to a significant decline in popular support. In 1983, the advocacy of separatism was outlawed and all TULF MPs forfeited their seats. Through the 1980s, the TULF was a prominent participant in the range of ill-fated peace initiatives driven by the Indian government. It returned to Parliament in 1988 and in 1994 presented a manifesto clearly articulating a federal, and not secessionist, Tamil nationalism. The TULF has been a staunch supporter of the current government and holds five parliamentary seats, concentrated in the eastern constituency of Batticaloa. Many analysts believe that the TULF will be a key political force if stable democracy returns to Sri Lanka's north and east.

Political and military participants from the south

Ceylon Workers' Congress (CWC)

The CWC is the primary trade union of Sri Lanka's tea estate workers and the main channel of political expression for the 'Up-country' Tamils of the island's central provinces. The CWC emerged from the Ceylon Indian Congress which was founded in 1939. It has been led for many years by S.A.R. Thondaman. Now in his 80s, Thondaman entered Parliament in 1947 and has remained there almost continuously, holding cabinet posts with several governments. The CWC currently has seven MPs. Though elected in alliance with the opposition United National Party (UNP), Thondaman is a minister in the government while his MPs support the ruling People's Alliance on an issue by issue basis. Its role of power broker between the dominant political forces of the

The 1994 parliamentary Election Results

Party	% of vote	No. of seats	Regional distribution
People's Alliance (PA) (includes Sri Lanka Freedom Party (SLFP), Lanka Sama Samaja Party (LSSP), Communist Party (CP), Desha Vimukthi Janatha Party (DVJP), and factions of the Sri Lanka Mahajana Party (SLMP) and Democratic United National Front (DUNF))	48.9	105	The PA won an absolute majority of seats in 11 out of 22 districts. In Hambantota district in the south, the PA was the largest single party. In Colombo, seats were split evenly with the UNP. The PA won seats in all districts except Jaffna in the north and Trincomalee and Batticaloa in the east.
United National Party (UNP) (includes United National Party (UNP), Ceylon Workers' Congress (CWC), and factions of the DUNF and SLMP)	44.0	94	The UNP won an absolute majority in 4 out of 22 districts. It was the largest single party in Trincomalee and Ampara districts in the east and shared Colombo seats evenly with the PA. The UNP won seats in every district except Jaffna.
Eelam Democratic People's Party (EPDP)	0.1	9	The EPDP won all but one of the seats for Jaffna district, and no seats elsewhere.
Sri Lanka Muslim Congress (SLMC) (includes SLMC and Liberal Party (LP) – joined the People's Alliance coalition after registration)	1.8	7	The SLMC won a minority of seats in every district of the Northeast province, but none elsewhere.
Tamil United Liberation Front (TULF)	1.6	5	The TULF was the largest party in eastern Batticaloa district. Its other seat was in Trincomalee, also in the east.
Democratic People's Liberation Front (DPLF)	0.1	3	The DPLF was the largest party in the Vanni district in the north, but won no seats elsewhere.
Sri Lanka Progressive Front (SLPF) (includes SLPF and Janatha Vimukti Peramuna (JVP))	1.1	1	The SLPF won a single seat in southern Hambantota district.
Independents (the single independent MP represents the Up-country People's Front (UCPF). The UCPF was formed after registration and has subsequently joined the PA)	2.1	1	The only independent MP was elected from the central Nuwara Eliya district.

south, together with its prominence in a major export industry, has helped the CWC win significant gains for its impoverished Up-country constituency, including a range of labour rights and, most notably, uncontested Sri Lankan citizenship. With Thondaman's approaching retirement, Up-country politics looks set for significant re-alignment with succession disputes, new trade unions and the encroachment of leftist and Tamil nationalist parties already discernible.

Janatha Vimukthi Peramuna (People's Liberation Front – JVP)

Fired by limited economic opportunities for educated Sinhalese youth, the JVP led powerful anti-state insurrections in 1971 and 1988. In 1988, they mobilised around Sinhalese fears of Indian imperialism emerging from the Indo-Lanka Accord and the arrival, in the north and east, of an Indian Peace-Keeping Force (IPKF). Within months, they destabilised the entire south of the island, assassinating scores of government representatives and more moderate political rivals. As in 1971, however, the 1988 insurgency was put down ruthlessly by the security forces and its leaders were systematically eliminated. Since then, the JVP has been weak and fragmented. It retains parliamentary representation within the fractious Sri Lanka Progressive Front (SLPF), however, and a strong potential support base among disaffected Sinhalese youth.

The People's Alliance (PA) and the Sri Lanka Freedom Party (SLFP)



The PA came to prominence in the southern provincial council elections of March 1994. It includes a range of leftist and minority parties but its primary constituent is the Sri Lanka Freedom Party (SLFP). The SLFP was in government between 1956-65 and

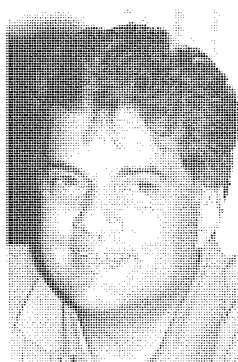
1970-77, and implemented various measures to entrench Sinhala Buddhist interests at the heart of the Sri Lankan state. The PA is led by Chandrika Bandaranaike Kumaratunge (below left), daughter of former SLFP presidents S.W.R.D. and Srimavo Bandaranaike, and widow of the charismatic socialist leader Vijaya Kumaratunge, assassinated in 1988 by the JVP. Running on a platform of peace and reconciliation, it won a fragile parliamentary majority in the 1994 elections and opened preliminary peace talks with the LTTE.

Kumaratunge subsequently won the presidential elections with an unprecedented majority, garnering strong support from all ethnic communities. A cessation of hostilities was then agreed with the LTTE but only lasted a few months. Since 1995, the PA government has directed a formidable military assault on LTTE-held areas and developed a constitutional reform 'package', including a range of devolution provisions. The military offensive has proved extremely costly in terms of money and lives. 'The package', meanwhile, has been rejected by the opposition United National Party, while some constituent members of the PA coalition have also voiced opposition.

Sinhala nationalist groups

After four decades wielding considerable political influence, hardline Sinhala nationalists have been relatively marginalised through the 1990s, particularly after the 1994 election victories of President Kumaratunge. Since then, they have developed their ideology within academic and civil society groups such as Jathika Chintinaya and the Sinhala Commission. The latter body, established in December 1996, has rejected the peace package of the current government, but split Sinhala nationalists by embracing the devolution proposals agreed under the 1987 Indo-Lanka Accord. The largest political party of hardline Sinhala nationalists is the Mahajana Eksath Peramuna (MEP). The MEP gained its first two MPs for 18 years in 1988, but is currently without parliamentary representation.

United National Party (UNP)



The centre-right UNP is currently the main parliamentary opposition party, but has formed the government in Sri Lanka for 30 out of 50 years since independence. Founded in colonial times, the UNP made significant concessions to Sinhala nationalism through the

1950s and 60s, alienating support among the island's other ethnicities. From 1977, it sought to transform Sri Lanka from a corporate socialist state to an export-oriented free market economy and introduced a strong executive presidency under J. R. Jayewardene. In the following decade, it presided over the outbreak of war in the north and east, an alarming increase in extra-judicial state violence, the forceful intervention of India in domestic affairs and a bloody insurrection in the south. From 1988, under President Ranasinghe Premadasa, an informal understanding was forged with the LTTE which hastened the departure of the Indian Peace-Keeping Force. Premadasa did not reach a longer-term accommodation with the Tigers, however, and in 1990, his government launched a brutal, though ineffectual, military assault throughout the north and east. Premadasa was assassinated by the LTTE in 1993, as was Gamini Dissanayake, the UNP presidential candidate, one year later. Presently led by Ranil Wickremesinghe (above), the UNP sits in Parliament in alliance with a handful of smaller parties. It has with-held its support from the peace package of the current government and has published two installments of its own constitutional proposals.

Up-country Peoples' Front (UCPF)

Since the early 1990s, the UCPF has made some inroads into the political hegemony enjoyed among Up-country Tamils by the Ceylon Workers' Congress. Its primary constituency comprises educated, unemployed youths keen to break away from work on the tea estates but

frustrated by discrimination and a lack of opportunity. Impatient of the often feudal nature of the Up-country political establishment, the UCPF hopes to become a significant player in Colombo politics. Since 1994, it has been represented in Parliament by P. Chandrasekaran, originally registered as an independent MP but since signed up to the PA coalition.

Civil society groups

The media

Sri Lanka is a highly literate society with wide access to radio and print media and a well-established televisual industry concentrated around Colombo and the Western Province. Relaying information in Sinhala, Tamil and English, the media have a varied ownership structure and regularly criticise government actions, if typically from narrow ethnically-based perspectives. Nevertheless, government representatives often censor and intimidate journalists, restrictions have severely curtailed the flow of information in and out of war-affected areas while self-censorship has been widespread. The LTTE, for its part, has well-developed structures for information and propaganda which produce and distribute a regular and detailed news service and a selection of videos covering military actions, cultural history and teledrama.

'Peacebuilding' NGOs

Although civil society in the north and east has been seriously depleted by war, migration and the enforced hegemony of the LTTE, there remain a large number of NGOs throughout Sri Lanka working for an honourable settlement to the ethnic/national conflict. In 1994, they were given a boost by the electoral successes of the People's Alliance. Notably muted in the foregoing years, civil society initiatives mushroomed throughout the south, with numerous rallies, peoples' peace delegations, grassroots awareness-raising campaigns, community-based

conflict resolution workshops, and elections and human rights monitoring initiatives. By mid-1995, however, the peace movement was depleted and divided by absorption into the PA administration and the collapse of the government-LTTE peace talks. Civic demoralisation has since spread as both sides to the conflict have resumed hardline, militarist attitudes.

The Sangha (Buddhist clergy)

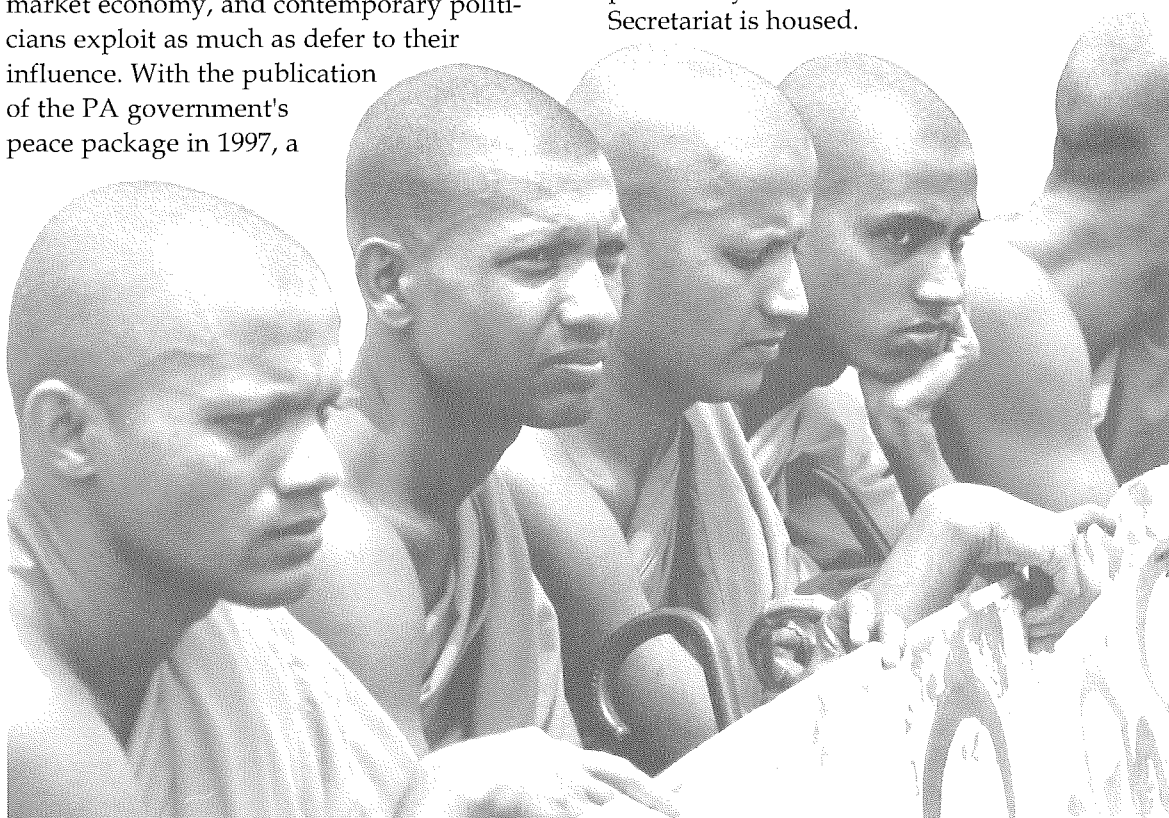
The *Sangha* are highly respected and closely integrated into the life of the Sinhalese community, especially at village level. Through a strict clerical training commencing in childhood, Buddhist monks receive what they consider the sacred trust of Lord Buddha to protect his 'pristine' teachings on the whole of Sri Lanka, the *Dhammadeepa*, the 'island of the just'. With the division of the country traditionally beyond their comprehension, the *Sangha* have played a major role in the politics of Sri Lanka and in shaping opposition to Tamil self-determination. In recent years, the *Sangha's* cultural power has been attenuated by universal modern education and the open market economy, and contemporary politicians exploit as much as defer to their influence. With the publication of the PA government's peace package in 1997, a

significant number of monks came out in favour of devolution. This break from tradition caused unprecedented debate and disagreement among the *Sangha*.

External interveners

European governments

The Scandinavian governments have been particularly persistent in monitoring the Sri Lankan armed conflict and promoting peacemaking initiatives and consultations. Their resultant contact with the LTTE and Tamil nationalist groups has, however, stirred accusations of pro-Tamil bias, particularly against Norway. Together with its Canadian and Dutch counterparts, the Norwegian government dispatched representatives to participate in monitoring committees under the provisions of the 1995 Cessation of Hostilities agreement between the government and the LTTE. Continued disputes between the parties, however, prevented the committees' deployment. In the last year, the Sri Lankan government has stepped up its campaign to have the LTTE banned in European countries, particularly the UK where its International Secretariat is housed.



Young Bhikkus (Buddhist monks) attend a political demonstration in Colombo

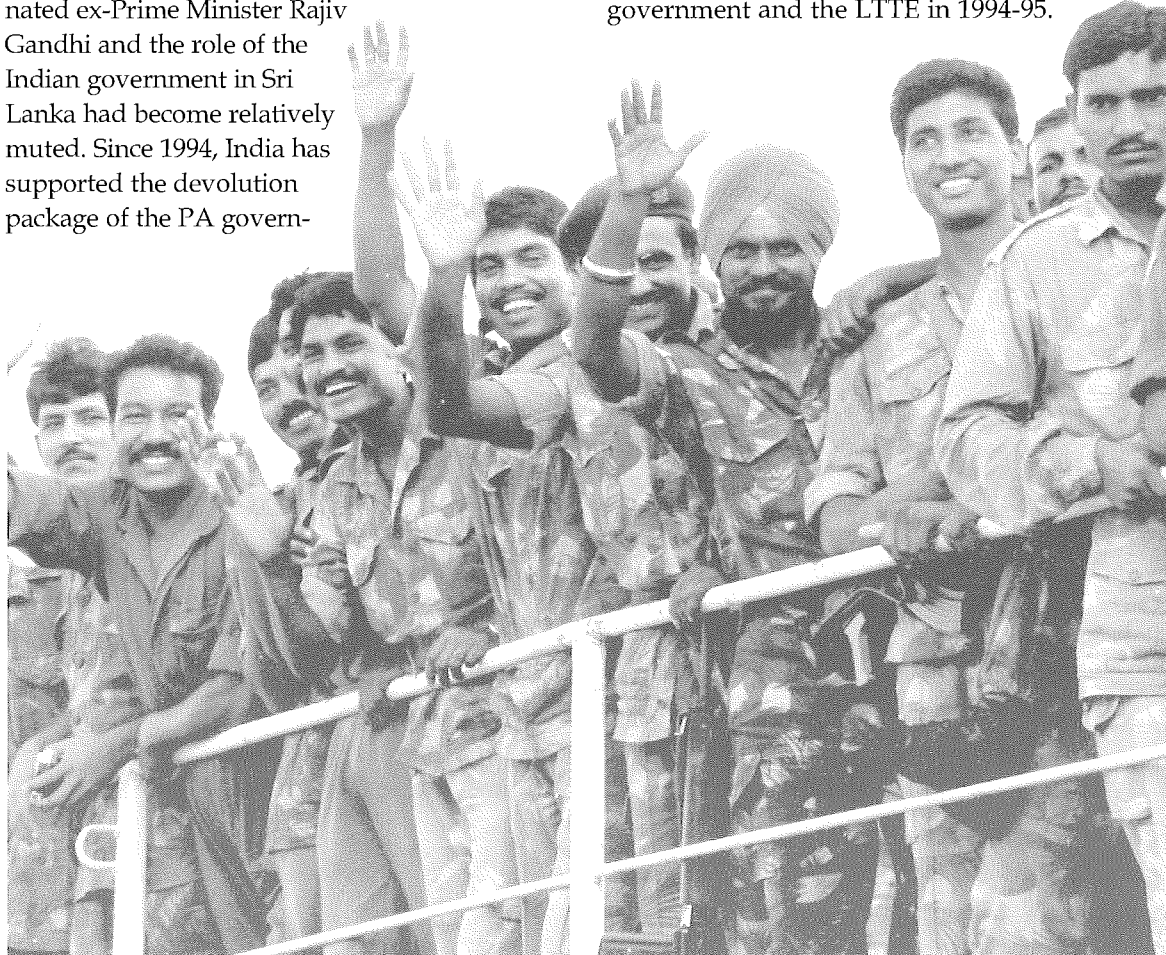
India

The Indian government has sought to defend the civil and political rights of Ceylon Tamils, to secure devolution without stirring separatist demands within its own provinces, and to ward off excessive intervention by rival international powers. While these objectives have remained consistent, India's methods of pursuing them have varied considerably. From 1983, the Indian government trained and armed a range of Tamil militant groups, coerced the militants and the Sri Lankan government into peace talks, sponsored the establishment of a new tier of regional government throughout Sri Lanka and dispatched an Indian Peace-Keeping Force (IPKF) to secure a ceasefire in the island's north and east. By 1989, however, the IPKF was embroiled in a vicious war against the LTTE and domestic and military opposition to the Sri Lankan intervention was growing. With a new Sri Lankan government refusing co-operation, the IPKF was withdrawn in 1990. Within the year, the LTTE had assassinated ex-Prime Minister Rajiv Gandhi and the role of the Indian government in Sri Lanka had become relatively muted. Since 1994, India has supported the devolution package of the PA govern-

ment and its international campaign to marginalise the LTTE. It is unclear, however, whether the new government, led by the Hindu nationalist Bharatiya Janatha Party (BJP) will continue this policy. Any settlement to the Sri Lankan conflict will need to have the approval, tacit at least, of the Indian government.

International Committee of the Red Cross (ICRC)

The ICRC was admitted to Sri Lanka in 1989 after prolonged campaigning from civil rights groups and considerable resistance from the government. Since that time, it has played its usual role in the country, treating war victims, visiting prisoners and promoting the Geneva Conventions. In the years of the LTTE administration in Jaffna, the ICRC maintained wireless contact with the LTTE, at times the only organisation to do so. It also acted as intermediary for the extensive correspondence between the government and the LTTE in 1994-95.



Soldiers of the Indian Peace-keeping Force (IPKF) leaving Sri Lanka in March 1990

International donors

With its open-door trade policy and general macroeconomic stability, Sri Lanka has proved a relatively co-operative member of both the World Bank and the International Monetary Fund. However, a broad and efficient tax base, impressive economic development and significant support from the Asian Development Bank, Japan and other bilateral donors mean that national finances are not disproportionately influenced by multilateral institutions. While they have generally remained detached from the course of the armed conflict, international donors have been put under intermittent pressure to impose peace and human rights conditions on their aid, and in the late 80s the Paris group of donors warned the government against its brutal repression of the

southern insurgency. In the early days of the present government, international financial institutions were prevailed upon to assemble a financial package for rehabilitation and reconstruction of the north and east. Negotiations failed before these plans could be implemented.

International NGOs (INGOs)

Many international NGOs operate in Sri Lanka, promoting development, humanitarian relief, human rights, democratic and environmental concerns. A range of international conflict resolution NGOs have also worked both at the political level and for grass roots conciliation. INGOs provide key channels for communication between the war zones and the outside world. Walking a political



Credit: Howard J Davies/Panos Pictures

Five hundred Tamil refugees await registration on Mannar Island after returning from India in March 1995

tightrope between the government and the LTTE, however, they have to stick publicly to the narrowest of humanitarian mandates. A northeast consortium brings together local and international NGOs to share information and co-ordinate work in war-affected areas. Other consortia fulfil similar functions with regard to Sri Lanka as a whole and for humanitarian lobbying.

Sri Lankan diaspora

Pre-war Tamil expatriates tended to be highly educated, financially secure and concentrated in the English speaking countries. After 1983, the Ceylon Tamil diaspora burgeoned and less educated, less westernised refugees spread world-wide, with large numbers settling throughout western Europe, north America and Australia. Generally speaking, these new emigrants are still not poor; the poorest rarely get further than India where there are currently more than 200,000, mostly in camps. Over 700,000 Ceylon Tamils — one-third of Sri Lanka's pre-war Tamil population — are currently refugees. Though the numbers of expatriate Sinhalese are much smaller, there is also a long-established group of expatriate professionals, educated and settled mostly in western, English-speaking countries. These communities were supplemented by new Sinhalese refugees in the wake of the 1971 and late 1980s JVP insurrections. As with many exiled groups, politics abroad are at least as polarised as those at home. Expatriate Tamils continue to provide a large proportion of the finance and propaganda which underpins the LTTE, while Sinhalese abroad are very active in the government's anti-terrorist campaigns.

United Nations

The most active UN agencies within Sri Lanka are the United Nations Development Programme (UNDP) and the United Nations High Commission for Refugees (UNHCR). The UNHCR has been particularly successful in establishing open relief centres, the largest being at Madhu, west of Vavuniya. Between 1992 and 1995, however, it also assisted with the controversial 'voluntary repatriation' of Tamil refugees from India. The UNDP manages a range of programmes in the northeast, is giving technical assistance to the Sri Lankan government in the rehabilitation of Jaffna and has begun landmine clearing operations in the peninsula. Suggestions of UN involvement in mediation of the Sri Lankan conflict generate an unfavourable public reaction in the south. This is due to a poor understanding of the 'good offices' function of the Secretary General and a belief that Tamil lobbying has undue influence at the UN.

United States

After 1977, US interest in Sri Lanka increased due to the opening up of the Sri Lankan economy and a cooling of relations between the Sri Lankan and Indian governments. Since the end of the cold war, and the gathering rapprochement between the US and India, the potential for US investment in Sri Lanka and the warmth of relations between the US and Sri Lankan governments have further increased. Sri Lanka currently provides a base for Voice of America transmissions while US special forces have trained the Sri Lankan army, even in combat situations. The US government has played an increasingly high-profile role in denouncing the 'terrorist' activities of the LTTE. ■

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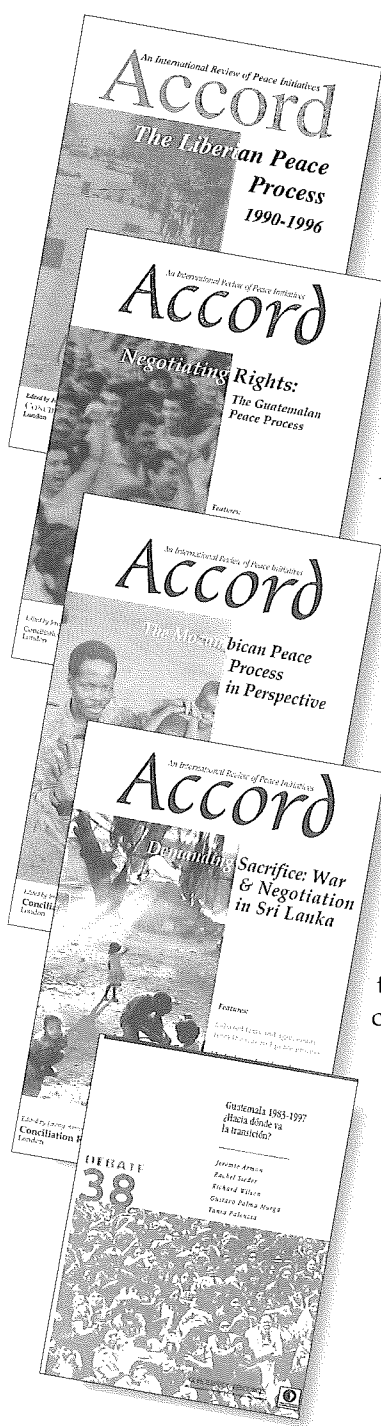
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Georgia/Abkhazia

Issue 7 April 1999

For four years an unstable ceasefire has held in the conflict between Abkhazia and the Georgian government, but a negotiated settlement has not been reached. This issue analyses the evolution of the negotiation process and the factors blocking it. It also examines options the parties could address to achieve progress. ■

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conciliation resources

An international service for conflict resolution and prevention

Conciliation Resources (CR) was established in 1994 to support the activities of those working to prevent or transform violent conflict into opportunities for social, political and economic change based on more just relationships. To achieve this objective CR draws on a pool of skilled staff and programme associates. CR:

- ◆ assists organisations in the development of indigenously-rooted, innovative solutions to short- and long-term social, economic and political problems related to armed conflict or communal strife;
- ◆ wherever possible, encourages the inclusion of previously marginalised groups in community and national peacebuilding processes;
- ◆ promotes organisational transparency and accountability, as well as inclusive decision-making;
- ◆ participates as fully as possible in the local and international development and dissemination of conflict resolution practice and theory.

Programme areas

West Africa



CR has been active in West Africa since 1995. Activities have included providing support for community-based and national organisations engaged in mediation, demobilisation, reconciliation, human rights, democratisation and conflict reporting activities. CR has supported the activities of the Liberian Women's Initiative, Gambia Press Union, the Press Union of Liberia, the Sierra Leone Association of Journalists, the National Catholic Development Office/Caritas Programme, the Sulima Fishing Community Development Project and the Bo Peace and Reconciliation Movement.

Fiji



CR's programme partner in Fiji, the Citizen's Constitutional Forum (CCF), has played a lead role in promoting dialogue

and discussion aimed at reforming Fiji's race-based constitution in ways broadly acceptable to all sectors of Fijian society. CCF/CR initiatives since 1994 have focused on community and national political education related to democratisation and conflict prevention.

Other areas

CR recently carried out an in-depth consultation with African media practitioners on conflict and professional issues. Programme development is also being undertaken with a number of local and international agencies working in the Caucasus region. Consultancies have been carried out for Amnesty International, the London School of Economics, Life and Peace Institute, 'Clingendael', UNICEF, Action Aid, the Foundation on Inter-Ethnic Relations, and the King Baudouin Foundation.

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