Chapter Two

Ethnic Conflict and Peace-Making: A Historical Background

Introduction

In the early 1950s Sri Lanka was widely seen as a model for the less developed countries, with its effective public administration, universal adult suffrage, active public participation in politics and healthy social and economic indicators. It boasted all the features of a stable democratic state, absent in many other newly independent states of Asia and Africa. However, by the 1980s the picture had changed, with the country plunging into an internal conflict due to failure of the state in resolving the grievances of minority ethnic groups through political means. In the internal conflict the violence against the minorities by the state was justified as an important way to integrate the multi-ethnic society. Because of this, the Liberation Tigers of Tamil Eelam (LTTE), which claims to represent the Tamil ethnic minority, grew as a formidable militant organisation. The failure of moderate Tamil leaders to secure the demand for equal representation in the political decision-making process led to the demand for a separate state of Eelam. Subsequently, the conflict between the Sri Lankan state dominated by the majority Sinhalese community and the LTTE led to social and political instability, underdevelopment, insecurity, and unprecedented civilian casualties. The conflict resolution efforts by the government using various approaches such as peace-making and through unilateral initiatives failed to bring about a political solution. Though the internationalisation of conflict has brought many external actors to play a third-party role in the conflict resolution process, extreme polarisation of the society and lack of commitment to resolve the conflict by the adversaries became the main obstacle for the conflict resolution process.

This chapter, divided into twelve sections, looks into the efforts to resolve Sri Lanka’s internal ethnic conflict through peace-making. Section I discusses the divisions caused during the colonial period; Section II the factors promoting the rise of the ethnic conflict; Section III the stages of the rise of Tamil militancy; Section IV India’s response to the ethnic conflict; Section V the details of the India-Sri Lanka
accord of 1987; Section VI the Premadasa-LTTE negotiations to undermine India’s involvement in the process; Section VII the Kumaratunga-LTTE negotiations during 1994–1995; Section VIII the ICRC-mediated peace talks commencing in 1994; Section IX President Kumaratunga’s devolution package, 1995–2000; Section X the peace process of 2002–3; and Section XI the ISGA proposal by the LTTE. Section XII concludes the discussion.

Sri Lanka’s inhabitants belong to various ethnic groups. The Sinhalese, who are mostly Buddhist, comprise 74 per cent of the population. The Tamils, the second major ethnic group, are predominantly Hindus and comprise 12 per cent of the population. The Tamils claim Dravidian descent. The Muslims (Moors), who speak Tamil, comprise 7 per cent of the population. The Tamils and Muslims are concentrated in the North and the East of the country, maintaining clear territorial distinction from the Sinhalese-dominated south. Other groups such as the Indian Tamils, who were brought to Sri Lanka from India to work in plantations, comprise 5 per cent of the Tamil population. The Burghers and Malays comprise another 2 per cent of the population.

I. The British Colonial Period

In the early sixteenth century Sri Lanka came under the colonial rule of the Dutch and the Portuguese, who did not bring about significant political and economic changes in the island. They were interested mainly in trade. The British, who came thereafter and ruled the island between 1796 and 1948, through an effective public administrative system expanded educational and employment opportunities in the island. In that process, missionary schools were introduced to encourage English education needed for administrative purposes. The presence of missionary schools in Tamil-dominated areas and the Tamils’ flexibility in adapting to the changes due to colonisation benefited them in gaining accesses to positions in the British Civil Service. Initially, the Buddhist Sangha opposed the British educational system and the political and administrative changes introduced by the colonial administration thereby depriving the predominantly Buddhist Sinhalese of English education as well.

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1 The Dutch and the Portuguese mainly occupied the coastal kingdoms of the island to control the trade routes in the Indian Ocean and took control over the Jaffna peninsula. This was one reason for the entry of missionary schools particularly in the northern and eastern part of the island, which helped in early English education and migration to other areas for trade.
as administrative positions. Development of road and rail networks under British rule helped in trade and other economic activities between the ethnic groups and the Sinhalese realized the benefits of English education. The change in perception also led to competition for government posts between the main ethnic groups and it soon transformed into a contentious issue with ethnic overtones.

The virtual absence of an anti-colonial movement in Sri Lanka helped in the smooth implementation of various administrative measures. British took steps to change the political system by introducing the concept of representative politics on the lines of the Westminster model. Universal adult suffrage was introduced in 1931 but religion, caste and ethnic differences became the criteria in seat allotment to gain entry into parliament. Initially the representation was limited to European settlers. Later, submitting to pressure from western-educated Sri Lankans, in 1833 the Colebrooke-Cameron Report suggested a Legislative Council for the island based on ethnic and education criteria. The Legislative Council was later expanded to include members from all the ethnic communities. Since the ethnic groups are territorially separated, by the 1930s there was a clear rift between majority and minority ethnic groups. “G. Ponnambalam, the Tamil leader, had suggested to the Soulbury Commission, which prepared a constitution for independent Sri Lanka, to allot 50 per cent seats to the Tamils in parliament, which was unacceptable to the Sinhalese” (Sabaratnam 2001: 154).

In the process of creating a centralised state, the British ignored the tensions between the different ethnic groups. At the same time, lack of understanding on the part of the British about the complex ethnic relations in a multi-ethnic society made them to use force or extreme methods to deal with communal clashes. For instance, “indiscriminate arrests, execution and torture of some Sinhalese leaders during riots in Kandy in 1915 between the Sinhalese and Muslims, suspecting the riots to be more nationalistic and anti-colonial by the British authorities, enabled the Sinhalese leaders to identify with a national cause” (Sabaratnam 2001: 120–1).

Some of the political decisions by the British government were also responsible for the resurgence of Buddhism. ‘Under the Portuguese and Dutch rule state patronage
for Buddhism had been withdrawn in favour of Christianity’ (Sahadevan 1989). The British government had promised in 1915, when the Kandyan kingdom was ceded to the British, to have a formal link with the Buddhist religion. “Under the Kandyan convention fifth clause the British had to protect Buddhism, its bhikkhus, and places of worship and the properties of the temples” (De Silva 1998: 72). The delay in legislating this commitment led to disaffection among the Buddhists, leading to the resurgence of Buddhism in the late nineteenth and twentieth centuries and the founding of Buddhist organisations such as the Maha Bodhi Society, the Young Men’s Buddhist Association (YMBA), the All Sri Lanka Buddhist Congress (ACBC) and Sangha (Ghosh 2003). They were, however, internally divided by region, priestly order and caste affiliation, and “incapable of organising sustained opposition to the colonial rule” (Moore 1990: 166).

However, the basic perception that, the Sri Lanka is largely a Sinhalese – Buddhist country and all other religions or language groups are alien to the island remained, even though this belief never took a violent turn against other minority groups due to the presence of British. According to Hennayake (1989), “the ideology that defines Sri Lanka exclusively in Sinhalese-Buddhist terms is “largely a product of the Mahavamsa and later pro-Sinhalese Buddhist interpretations of it by Sinhalese politicians and Buddhist monks”. The Tamils are seen as a group of South Indian invaders who destroyed the Buddha Sasana. The legends, religious teachings, and some historical accounts contained in the Paali chronicles, the Dipavamsa and the Mahavamsa composed by the Buddhist clergy in the fourth and sixth centuries of the Christian era suggest “that the Sinhalese were the first civilized people to settle down on the island” (Ganguly 1998: 194). The defeat of Tamil king Elara in the second century before the Christian era and the “restoration of Sinhalese sovereignty of Anuradhapura has been regarded as an epic event and that the war was fought to protect Buddhism” (Sahadevan 1989: 32). The similarity between Sri Lankan Tamils and the Tamils in the state of Tamil Nadu in India and the support the Sri Lankan Tamils get from the latter promoted a minority complex among the Sinhalese.2

The ‘emergence of Buddhist revivalism in the South influenced the Tamil Hindu resurgence movement of the North, led by Armuga Navalar’ (Sahadevan 1989). The

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2 The myth that the Sinhalese are the Aryan race and superior to the “Dravidian Tamils” made its first appearance during the second half of the nineteenth century.
Tamils felt that the acceptance of the Sinhalese cultural superiority meant abandoning the great traditions of Tamil culture. The Tamils argued that the Tamil race was much older than the Sinhalese race. The victory of Duthagamani over Elara in the second century BC, the conquest of Sri Lanka by the Tamil king Rajaraja Chola in AD 993 and the rise of the kingdom of Jaffna and the decline of the united Sri Lankan empire in the early sixteenth century were some historical developments that contributed to the growth of Tamil ethnic consciousness.

II. Factors Responsible for the Rise of Internal Ethnic Conflict

In independent Sri Lanka religion entered politics and became a basis for acquiring political power. At the same time, based on the welfare-state model, economic and social welfare measures were introduced which helped the poorer sections to join the mainstream development process. For instance, free education was introduced in 1944, healthcare facilities were made available to all with low cost, and rice was distributed to the people well below the market price. These bold and popular measures by the government stood as an example for many newly independent countries during the 1940s and 1950s. However, the phenomenon of ethnicity becoming a means for gaining power sidelined other developmental issues. The use of religion and language for political gains led to implementation of discriminatory policies against the minority groups by successive Sri Lankan governments.

The Citizenship Act

The Soulbury constitution (1948–1972) mandated that parliament could not enact discriminatory legislation against a particular ethnic or religious group. This was clearly envisaged as a safeguard to ensure that the sensitive ethnic relations are not disturbed. However, the government led by the United National Party (UNP) headed by Dudley Senanayake enacted the Citizenship Act of 1948 and 1949 that disfranchised and rendered stateless the entire Indian Tamil population of the plantations, who are descendants of the Tamil labourers who were brought by the British from India to work in the plantations in the island.3 Tamil votes were cut to

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3 The criterion for granting citizenship by descent and registration to not more than twenty-five persons a year was distinguished service in various spheres of public life and/or naturalised as British subjects in Sri Lanka.
half so that the vacated seats could be used to accommodate additional Sinhalese representatives. During the 1940s, plantation workers were well organised under the umbrella of the Sri Lanka Indian Congress (CIC) and were perceived as a threat to Sinhalese dominance. Another reason for passing the Citizenship Act was that the Indian Tamil community had overwhelmingly voted against the UNP in the 1947 general elections. After the Citizenship Act was enacted, large number of upcountry Tamils became stateless, forcing the Government of India to come to an agreement with the Government of Sri Lanka regarding repatriation and citizenship, and granting of Sri Lankan “citizenship to around 400,000 plantation Tamils by 1980” (Perumal 1989: 5).

**Official Language Act 1956**

In 1951, the All Sri Lanka Buddhists Congress (ACBC) had asked Prime Minister Senanayake to provide government protection to Buddhism. His refusal resulted in the publication of a Report titled “Betrayal of Buddhism” in 1956, “which contained controversial proposals such as to make Buddhism the state religion, creation of a department of religious affairs and use of Paya Calendar” (Sabaratnam 2001). The consistent campaign in the 1950s by various Buddhist organisations such as Buddha Sasana Samithi, Eksath Bhikkhu Peramuna, Sinhalese Jatika Sangamaya and ACBC for recognition of Buddhism as state religion appealed to the masses, who were disappointed with the UNP government’s decision to cut subsidies and its failure to generate employment opportunities for educated youth. “The ‘Sinhalese Only’ campaign by the Sri Lanka Freedom Party (SLFP) also had an enormous impact on mobilising the majority ethnic community against the government” (De Silva 1998: 84). The new government of S.W.R.D. Bandaranaike passed the Official Language

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4 Surprisingly, the All Sri Lanka Tamil Congress (ACTC) did not object to this legislation. Many Tamil leaders felt that Ponnambalam, heading the ACTC, had betrayed the Tamil cause. This led to the formation of a Federal Party (FP) by S.J.V. Chelvanayagam, which set the agenda for Sri Lankan Tamil politics for many years (Bose 1994).

5 The UNP, the Lanka Sama Samaja Party (LSSP) and the Communist Party (CP) supported equal position to both Sinhalese and Tamil languages in the constitution until 1953. Particularly the LSSP and CP did not change their position despite the strong support for the Sinhalese Only policy in Sinhalese-dominated areas, which eroded the mass base of the party even in minority-dominated areas. The main concern of these parties was to mobilize the people in support of welfare measures. However, the LSSP
Act in 1956, which declared Sinhalese as the only official language of the state. When provisions in the Bill, such as use of Tamil in the North and the East for administrative purposes and the use of Tamil and Sinhalese in public examinations, met with stiff resistance from hard-line Sinhalese groups opposed to any concession to the minorities, they were withdrawn.\(^6\)

The Federal Party’s consistent opposition to withdrawal of minimum safeguards for minorities through protests and demonstrations, resulted in violence against Tamils in 1958 by Sinhalese hard-liners, who became more assertive. Despite the pressure from the nationalists, Bandaranaike concluded an Agreement with Chelvanayagam (Bandaranaike-Chelvanayagam Pact or B-C Pact) in July 1957 to address some of the demands of the Tamil leaders. The Agreement (a) gave Tamil official status for administration in the North-East; (b) implicitly recognised that some portion of Sri Lanka constituted a traditional homeland of Tamils; (c) undertook to look into the matter of settlement of Sinhalese in Tamil-dominated areas; and (d) to look into the matter of estate Tamils. The “FP only saw the Agreement as an ‘interim adjustment’ as it believed that a lasting solution to the Tamil problem can only be provided for within the rigid framework of the constitution” (Perumal 1989: 7). The B-C Pact if implemented could have assured the minority Tamil population of living in dignity under a Sinhalese dominated state. The abrogation of the Pact by the government due to pressure from UNP and Sinhalese nationalists only sowed the seeds for Tamil militant movement. After Bandaranaike’s assassination his wife Sirimao succeeded him as Prime Minister. She made Sinhalese the only official language of the state with reasonable use of Tamil for administrative purposes. “During her tenure as PM, she promoted Buddhism and Buddhists in Sri Lanka’s public life” (Rotberg 1999: 6).

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\(^6\) “Two government Commissions, the Official Language Commission and the Commission on Education in the National Languages stated that Tamil possessed advantages that would be detrimental to Sinhalese if the state did not give protection, because Tamil has a greater resource base due to the large presence of Tamil-speaking people in India” (Sabaratnam 2001: 169)
Colonisation of Tamil Areas

In the twelfth and thirteenth centuries the Dry Zone between the Northern and Eastern parts of Sri Lanka cultivated rice extensively, using the indigenous system of reservoirs and canals. However, migration of the people to the upper regions of the country due to malaria and invasions from India resulted in abandoning this method of cultivation by the fourteenth century. During the colonial rule the Dry Zone had less population than the coastal areas, where the trade of coconut and tea flourished. The British initiated development of the Dry Zone by creating the North-Central province in 1873 and spent considerable amount of resources for land development.

The “Land Development Ordinance of 1935 created mechanisms for colonisation, to relieve unemployment in the wet zone of Sri Lanka” (Peebles 1990: 31). After independence, the colonisation scheme was used for political purposes by the government by allotting and encouraging Sinhalese peasants to settle in the Dry Zone. Though, initially the Settlement Scheme aimed to provide livelihood to landless peasants by allotting land for agriculture in the Dry Zone with the help of irrigation projects, gradually this Scheme was used to change the demographic composition of the North-East.7 The colonisation of the Dry Zone was perceived by the Sinhalese as a step towards reviving Sinhalese culture which flourished around the Kingdom of Anuradhapura by preserving the ancient irrigation system. However, “this move was resented by Tamils who consider the North-East as their traditional homeland” (Hindwan 1997: 28). The colonisation of erstwhile Tamil areas led to the genesis of the idea of a separate homeland for Tamils which gradually crystallised into the Eelam demand.8

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7 Initially the scheme has increased the cultivated area in the Dry Zone and provided land to landless peasants. For instance, “one of the major irrigation project in the eastern province that is Gal Oya project created an areas of 120,000 acres of cultivated land between 1984 and 1952” (Peebles 1990: 37)

8 At its annual convention held at Trincomalee in August 1956, the FP passed a resolution to launch direct action against the government by non-violent means to secure some demands. These were, “(a) the replacement of the constitution with a democratic one based on the federal principle and (b) the immediate cessation of colonising Tamil-dominated areas, which was rendering the Tamils into a minority” (Kearney 1987-88: 572).
University Admission Policy

Till independence, the Tamils, because of their facile adaptation to English education, had a substantial representation in the administrative posts and also in professional courses such as medicine, sciences and engineering. To appease the majority electorate, the government introduced the policy of standardisation of education, making it compulsory for the Tamil students to obtain higher aggregate marks than the Sinhalese students to be eligible to enter the university. District quotas were also introduced whereby the number of students admitted to these courses was tied to the proportion of their share of the population to total population. Due to these measures, the proportion of Tamils admitted to higher educational institutions reduced considerably. De Silva (1999) argued that the 'university admission policy helped in radicalising the politics of the Tamil areas in the North and in particular the Jaffna peninsula because it was seen as a new and unfair impediment to the aspirations of the Tamil youth'.

Meanwhile, the B-C Pact of 1957 and the Dudley Senanayake-Chelvanayakam Pact (S-C Pact) of 1965, which were meant as palliatives to the Tamils, were never implemented. The S-C Pact promised devolution of powers to the Tamils through district councils. However, implementation of this promise fell short of the promise as the District Council Bill of 1966 declared a reduction in the territorial limit of the unit of devolution at the district level. The SLFP’s opposition to the S-C pact ultimately led to its abrogation, with the claim that conceding these demands would lead to the formation of a separate state. Any hope that the Tamil moderate parties had for a federal form of government was lost when the 1972 constitution gave Sinhalese language and Buddhism a special place by rejecting Tamil demands for decentralisation and equal rights.

The ethnic polarisation that resulted from these divisive policies was manifested in the result of the 1977 general elections. The UNP and the SLFP won the majority of seats in the Sinhalese-dominated South and West. The TULF won the majority of seats in the Northern and Eastern Provinces. The Muslim-dominated Eastern Province did not vote in favour of the TULF although the TULF had claimed that together the North-East comprised the traditional homeland of Tamils. These divisions within minority groups worked in favour of the Sinhalese dominated government to pursue discriminatory policies, since the opposition to these policies were divided.
III. Rise of Tamil Militancy

The consistent opposition of the Federal Party (FP) to withdrawal of minimum safeguards for the minorities through protests and demonstrations resulted in violence against Tamils in 1958 by Sinhalese hardliners. The FP, which had been campaigning to secure the rights of the minorities and regional autonomy within united Sri Lanka, failed to secure its objective because the demand for autonomy was based on the claim that “the Tamils of Sri Lanka constituted a distinct and separate nation, delimited by a common history, language and traditional homeland” (Kearney 1987-88: 9). In the circumstances, the Tamil moderate parties such as FP, the Sri Lanka Workers Congress (CWC) of Thondaman, Tamil Congress, All Sri Lanka Tamil Congress (ACTC) and the Elathamilar Ottumai Munnani were merged to form the Tamil United Liberation Front (TULF) to fight for a common Tamil cause, that is “to protect the freedom, dignity and rights of the Tamil people” (Chattopadhyaya 1994: 33). In 1976 the TULF declared its motto of secession. The TULF’s proclamation of non-violent means to achieve this objective was, however, opposed by the disillusioned radical Tamil youth. The 1978 constitution, which introduced the presidential form of government, further tightened the grip on unitary state structures, providing minimum safeguards for the minorities. The riots against the Tamils in 1977, 1981 and 1983 were a turning point in changing the perception of the Tamils towards united Sri Lanka and the unitary structure of the state. Since then, violence was used as a method to terrorise the Sinhalese state to accept the demands of the minority community.

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9 De Silva (1999) has argued that the concept of traditional homeland of Tamils was derived from a distortion of historical facts. Hugh Cleghorn, a Scottish academic who had come to the island in the 1790s to study the revenue system and administration under the Dutch East India, in his report noted that there were two nations in the island, one in the North and East dominated by Tamils and one in the South and West dominated by the Sinhalese.

10 In the 1983 riots there were large-scale killings of Tamils by the Sinhalese mobs abetted by the police and the Army. Around 3000 Tamils were killed; 53 Tamil political detainees were lynched in the capital’s main prison. Another 150,000 Tamils became internally displaced or took refuge in India. The “government did not conduct even an enquiry into the killings nor took any action against those who committed the atrocities (Canagaratne 1987: 2)”.

11 “Many have joined the militant organisations in the wake of the killing of their kith and kin at the hands of Sri Lankan army, and it’s a main reason for motivating the cadre to engaging in killing of people opposed to the cause of Eelam’ (Sahadevan 1995: 263)
In the 1970s a number of militant groups were formed to fight for the cause of Eelam: the Tamil Eelam Liberation Organisation (TELO, 1974), the Eelam Revolutionary Organisation of Students (EROS, 1975), Liberation Tigers of Tamil Eelam (LTTE, 1976), the People’s Liberation Organisation of Tamil Eelam (PLOTE, 1979), and the Eelam People’s Revolutionary Liberation Front (EPRLF, 1980). Apart from the discriminatory policies of the state, “different historical perceptions based on myths and legends of what exactly constituted Sri Lanka, loss of hope in negotiations with the Sri Lankan government and the formation of Bangladesh with the help of India were some of the motivating factors for the Tamil youth to take up arms against the state” (Taras and Ganguly 1998). These organisations quickly developed international links for training in countries including India, Lebanon, Russia, Palestine and Zimbabwe. Radical organisations such as the Palestine Liberation Organisation (PLO), Zimbabwe African People’s Union (ZAPU), Zimbabwe African National Union (ZANU), Irish Republican Army (IRA) and the African National Congress supplied them with arms and gave extensive training in guerrilla warfare.

Among these organisations, the LTTE led by Velupillai Prabhakaran developed as a formidable militant organisation by adopting ruthless methods against Sri Lanka in its pursuit of a separate homeland. His determination to “pursue a violent coercive strategy to achieve the goal of Eelam motivated the group, and he strongly felt that armed struggle was the only way to achieve the goal of Eelam; he structured the organisation on authoritarian lines” (Sahadevan 1995: 260). LTTE’s well disciplined and highly trained cadre committed to its cause stood in contrast to other militant organisations operating in Sri Lanka. By carrying cyanide capsules to commit suicide rather than surrender to the Army, the LTTE cadre demonstrated willingness to die for the creation of Eelam rather than compromise with the state. Another reason for the success of the LTTE was, consistent campaign among ethnic kin in Tamilnadu, it succeeded in pressurising the Indian government to covertly support Tamil militant groups by providing arms and training. At the same time, migration of educated Sri Lankan Tamils to developed countries since 1970s such as Canada, UK, Norway and Switzerland in search of employment due to lack of opportunities in Sri Lanka also helped the militant organisations to raise funds.
Apart from using guerrilla tactics to fight the army, owing to differences regarding the methods to be followed to achieve a separate state, the LTTE leadership systematically wiped out the leadership and cadres of other militant organisations to gain control of the militant movement. In 1986 Sri Sabaratnam, leader of TELO was killed; by 1989 most of the TULF leaders, including Amrithalingam, were eliminated. Tamil civilians who served in the government were also killed. In 1985, the Eelam National Liberation Front (ENLF) was formed by LTTE, EPRLF, TELO and EROS for a brief period, which broke down in December 1986 when the LTTE attacked the EPRLF. The “LTTE soon banned other organisations from entering Jaffna Peninsula, forcing them to take refuge in India, North America and Australia” (De Silva 1999: 98). By the late 1980s the LTTE claimed the support of the entire Tamil community to fight against the Sri Lankan state.

However, the methods employed to gain control of the perceived traditional homeland of the Tamils in the Northern and Eastern part of Sri Lanka were brutal which was evident in its total lack of sympathy towards other minority groups such as Muslims living in Eastern part of the country. Through its attacks on Muslims the LTTE demonstrated its resolve to create a separate Tamil homeland in which there would be no place for other ethnic groups. For instance, between 1984 and 1990 the LTTE killed over 300 Muslims living in the North-East; 120 of them were massacred at a mosque in Batticaloa district.

IV. India’s Response to Ethnic Conflict, 1983–1991

International as well as domestic factors played an important role in India’s involvement in the Sri Lankan conflict. Among the international factors was the Cold War between the United States of America and its allies with the Soviet Union. India’s close proximity with the Soviet Union in various sectors was viewed by the US as an obstacle to increase its influence in the Central and South Asian region. ‘The rise of Tamil militancy in Sri Lanka and the Jayewardene government’s apprehensions about India’s role in the rising Tamil militancy were utilised by the U.S. and Pakistan to create politico-strategic pressure on India’ (Dixit 1998).
In the light of the steady rise of Tamil militancy in the 1970s, the Sri Lankan government asked for military help from other countries. The USA, UK and Israel responded positively. Subsequently, the Sri Lanka government concluded an agreement with “USA to expand the Voice of America facility, which could serve military and intelligence purpose particularly with regard to the US ships and submarines in the Indian Ocean region and made an effort to lease out oil tanks in Tricomalee harbour to a UK company” (Muni 1987: 20). India viewed these moves with concern, because the presence of foreign powers in Sri Lanka posed a serious threat to India’s sovereignty as well as a challenge to its influence in the South Asian region.

A number of domestic factors also motivated India to intervene in Sri Lanka’s internal conflict. The main motivating factor was the pressure from Tamil Nadu on the central government to tackle the refugee problem. The influx of around 40,000 refugees after the ethnic riots of 1983 posed a serious administrative problem for India. The Tamil Nadu government also provided sanctuary to Tamil militant leaders who fled the country after the enactment of the Prevention of Terrorism Act in 1979 by the Sri Lankan government. The leaders used this period to successfully impress upon the Indian leadership about the need for financial, military and moral support for protecting the Sri Lankan Tamils.

India mainly followed a three-pronged strategy towards Sri Lanka between 1983 and 1991. This included: (a) covert support to the Sri Lankan Tamil militant organisations by providing training, shelter and arms with the help of the Research and Analysis Wing (RAW); (b) role as a mediator between the government of Sri Lanka and the LTTE until 1987; and (c) direct intervention in the internal conflict of Sri Lanka that began in 1987 by signing the Indo-Sri Lankan agreement.

12 From 1984 to 1987 the LTTE systematically attacked the civilians to terrorize and demoralise the government fighting the militants in the North. For instance, on 14 May 1985 it attacked the ancient city of Anuradhapura and gunned down 150 civilians.

13 India’s policy was exposed in 2nd August 1984 when bombs due for transfer to Sri Lanka were blown up in Madras international airport killing around 12 people, even though the Indian government refused to acknowledge the presence of training camps in Indian soil (De Silva 2000: 34).
India being a multi-ethnic state could ill-afford a successful secessionist movement in its neighbourhood involving the ethnic kin of Indian Tamils. This realisation made India to gradually change course and work towards a political solution maintaining the integrity of Sri Lanka as a multi-ethnic state.

Annexure ‘C’ Proposals and All Party Conference

The Government of India headed by Indira Gandhi sent G. Parthasarathy to Colombo in November 1983 to devise a set of proposals acceptable to both parties to the conflict, which culminated in Annexure C proposals. This was the first formal attempt by India to settle the dispute through political means i.e. through devolving powers to the regions. One of these proposals wanted the existing District Development Councils (DDCs) to be re-merged into Regional Councils (RCs), as India felt that this would be a more appropriate unit for devolution. The DDCs would be amalgamated into RCs without referendum. These RCs would have legislative powers in respect of subjects devolved to them, through negotiations between the parties.

In January 1984 the Sri Lankan government convened an All Party Conference (APC) to evolve consensus on the Annexure C proposals. The APC achieved a consensus on devolution as an appropriate measure to settle the conflict but differences emerged over the appropriate powers which had to be devolved to the councils. The APC decided, however, that “94,000 stateless persons – Indian plantation workers – be granted Sri Lankan citizenship. The recommendation was accepted in principle by the government” (De Silva 2000: 33). The main opposition party, the SLFP, however, pulled out of the APC on this account. Lack of commitment of major Sinhalese political parties to evolve a consensus made the TULF to go back to its earlier stand that, the province should be the unit of devolution not the district. According to, the TULF leadership “these proposals did not recognise the “Tamil Consensus” that, the Northern and Eastern be seen as a single administrative unit” (Loganathan 1998: 71). Thus, by the end of 1984 the APC was dissolved.

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14 India’s covert support to the militant groups and close links with the TULF leadership was viewed with suspicion by Sinhalese political parties and found India’s position on devolution unacceptable even though they took part in APC.
Thimpu Talks and the 19 December 1986 Proposals

During Rajiv Gandhi's tenure as prime minister, India's foreign policy reflected India's willingness to work with the government of Sri Lanka to find a political solution and in hard measures against the militant organisations operating on its soil. Meanwhile, Tamil militant organisations after acquiring training and arms in India slowly increased their influence in the North-East of Sri Lanka.

In these circumstances, India persuaded the militants and the Sri Lankan government to participate in negotiations. Two rounds of talks took place in July and August 1985 in Thimpu. The talks, as in the past, demonstrated a clear division in the perception of the Tamil militant organisations and the Sri Lankan government as regards what constituted a political settlement. The Tamil representatives presented four cardinal principles: (a) recognition of the Tamils of Sri Lanka as a distinct nationality; (b) recognition of an identified Tamil homeland and guarantee of its territorial integrity; (c) recognition of the inalienable right of self-determination of the Tamil nation; and (d) recognition of the right to full citizenship and other fundamental democratic rights of all Tamils, who look upon the island as their home. The "Sri Lankan government rejected these demands on the ground that they negated the sovereignty and territorial integrity of Sri Lanka" (De Silva 2000: 39). The Muslim population of the Eastern Province was opposed to the merger of the province with the Northern Province to create a Tamil homeland.

Under pressure from India, the Government of Sri Lanka accepted the position that the province should be the unit of devolution and not the district. This resulted in the proposals of 19 December 1986 to slice off the Sinhalese-dominated Amparai District and link Trincomalee and Batticaloa districts with the Northern Province. These proposals were not, however, acceptable to the SLFP, TULF or the Tamil militants. Meanwhile, the internal conflict escalated. The government launched "Operation Liberation" to capture the Vadamarachchi area, a strategic point between India and Jaffna, and imposed an economic blockade of Jaffna peninsula in January 1987. India then withdrew its mediation efforts and intervened directly in the internal conflict by

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15 For instance, there was greater air and naval surveillance of the Palk Strait in cooperation with the Sri Lankan Navy. Indian customs officials became stricter in confiscating arms cargoes of Sri Lankan militants (Muni 1993: 76).
dropping relief supplies to Jaffna peninsula first through relief boats and then through the Indian Air Force in June 1987. The violation of Sri Lankan air space by the IAF was strongly resented by the Sinhalese. External actors such as the USA and the UK were reluctant to intervene, despite the Sri Lankan government’s request to caution India against direct intervention in Sri Lanka’s internal conflict. For instance, “the US government called for understanding between India and Sri Lanka to channel humanitarian assistance to the Jaffna Tamils and refused to condemn the Indian action” (Muni 1993: 98).

Meanwhile, the Tamil Nadu government unilaterally decided to support the Sri Lankan Tamil cause. “The Tamil Nadu Chief Minister M.G. Ramachandran announced Rs. 4 crore to the LTTE and EROS in their fight for Tamil people” (Muni 1993: 92). India could not afford the revival of Tamil nationalism in India which could become a basis for the revival of other ethnic communities’ sentiments, particularly in the Northern and Eastern parts of the country.

V. The India-Sri Lanka Accord

Under these circumstances, President Jayewardene decided to sign an Agreement with India. Some of the important points agreed upon were:

- The establishment of a system of provincial councils.
- Cessation of hostilities, and the surrender of weapons held by the Tamil separatist groups within seventy-two hours of the implementation of the accord.
- The provision of Indian military assistance to help with the implementation of the accord. A contingent of Indian troops would be sent as a peace-keeping force, to be deployed in the North and East of the island to oversee this implementation.
- The joining together of the Northern and Eastern provinces into one administrative unit.
- A Provincial Council to be elected in this administrative unit within three months.
- A referendum to be held in the Eastern Province to determine whether the people of the province would support its merger with the Northern Province.\(^{16}\)

\(^{16}\) According to Tilakaratna (1998), President Jayewardene agreed to the proposal with the knowledge that the Sinhalese and the Muslims, who together constituted 60 per cent of the population of the Eastern Province, would vote against the proposal.
• General amnesty to all Tamil separatist activists in custody, imprisoned or facing charges, after the general surrender of arms.

• Resumption of the repatriation of Indian citizens from Sri Lanka, under the terms of agreement reached between the governments of Sri Lanka and India in 1964 and 1974. Tamils of Indian origin who had not opted for Indian citizenship and belonged to the category of stateless had been given the opportunity to acquire Sri Lankan citizenship through the Grant of Citizenship to Stateless Persons Act No. 39 of 1988.

• Repatriation of about 100,000 Tamil refugees in India to Sri Lanka.

• Prevention of the use of Indian territory by Tamil militants for military purposes.

• Prevention of the military use of Sri Lankan ports, Trincomalee in particular, by any country in a manner prejudicial to Indian interests.\(^{17}\)

• The official language of Sri Lanka would be Sinhalese, and Tamil and English would also be used as official languages.

• An Indian Peace Keeping Force was to be deployed in the North and East to oversee the ceasefire.

**Response to the Agreement**

For the people of the North, the Accord provided much-needed respite from the Sri Lankan army’s attacks on civilians and restrictions on the movement of people from North to South. The TULF and other Tamil organisations objected to the provision of referendum in the Eastern Province. The EPRLF, PLOTE, TELO and EROS saw the Agreement as an interim solution to the demand for a separate state. They surrendered their arms.

By late 1986, “the LTTE had made an attempt to begin direct talks with the Sri Lankan government to find a solution internally” (Abraham 1998: 26). Though the LTTE signed the India-Sri Lanka Accord, it made it clear that achieving Eelam was the ultimate goal. On 4 August the LTTE pulled out of the agreement on the ground that it would not help in achieving safety of the Tamil population in united Sri Lanka. Immediately after, “it carried out raids around Batticaloa and Trincomalee, killing well over 100 members of the PLOTE, EPRLF and the TELO and organised a rally in Jaffna to demand the return of all the weapons confiscated by the IPKF” (Chattopadhyaya 1994: 101).

\(^{17}\) India feared that the US would gain control of Trincomalee harbour particularly after the visit by US Secretary of Defence Casper Weinberger to Sri Lanka in 1981.
The JVP launched a violent campaign against the UNP government, killing UNP members and attacking government property. In August 1987 the JVP nearly succeeded in assassinating President Jayewardene in the parliamentary complex, in which the Minister for National Security Lalith Athulathmundali was seriously injured (De Silva 2000: 60). Prime Minister Premadasa unleashed a tirade against the presence of the Indian Peace Keeping Force (IPKF).

**Provincial Council System (PCs)**

To implement the India-Sri Lanka accord, the government undertook two important legislative initiatives by amending the 1978 constitution, i.e., the 13th Amendment and the Provincial Council Act of 1987. Through the 13th amendment, which specified the powers and functions of the centre and the provinces under three lists, an attempt was made to transform the Sri Lankan unitary state into a semi-federal one. The PC Act devised the administrative structure of the PC consisting of Chief Minister and a Governor appointed by the President. Some of the important functions of the provinces included law and order, education, agriculture, rural development, housing, land use and land settlement (subject to specification), food supply and distribution and irrigation. Even though the 13th amendment agreed for a temporary merger of the Northern and Eastern provinces into one administrative unit, the powers retained by the central government became a contentious issue because parliament had the power to override, amend and overrun the functions of the PC any time.

Elections for the PCs were held in two phases, between 28 April and 9 June 1988 in the South and West of the country, and in November for the Northern and Eastern provinces. The presence of the IPKF in the North helped the government control the JVP violence in the South.

The Indian government encouraged those militant organisations who laid down arms to contest the elections. The EPRLF-led North East Provincial Council (NEPC) made a sincere attempt to gain the trust of the Tamil people by trying to fulfil the longstanding demand for proper devolution of powers to the province. The Chief Minister of the NEPC, Varatharajaperumal, made frequent visits to Colombo to have discussions with President Premadasa but Premadasa refused to recognise the
government in the North-East. By late 1989, heavy fighting in the North with the LTTE and in the South with the JVP resulted in total neglect of PCs by the government. The proposed referendum in the Eastern Province was never held.

VI. IPKF’s Failure

By the end of 1988 the IPKF’s presence threatened the LTTE’s survival, as it lost the grip on Jaffna peninsula and shifted its base to the Wanni jungles, being reduced to a guerrilla force.

Soon after he became President in April 1989, Premadasa announced his willingness to negotiate with the LTTE to find a practical solution and announced unilateral cease-fire, to which the LTTE responded positively. Its participation in these negotiations, the LTTE believed, would give legitimacy to its claim to be the sole representative of the Tamil people. It “would also expose the other Tamil groups working with the IPKF as having extra-territorial loyalties and therefore unrepresentative of the Tamil people” (Dixit 1990: 1055). In initiating the negotiations Premadasa made generous concessions to the LTTE, which included “demand for withdrawal of IPKF by July 1989, letters to the Indian Prime Minister Rajiv Gandhi to expedite the process of withdrawal; special arrangements were made for Anton Balasingham and his wife Adele to fly down to Colombo from London to participate in talks; and the LTTE delegates were allowed to keep their personal weapons during negotiations” (Weerakoon 1998: 148). From the government side cabinet ministers Dr A.C.S. Hameed and Ranjan Wijeratne participated. The LTTE was represented by Mahattaya and Anton Balasingham. The issues discussed in these talks, held in Colombo, were not made public.

Premadasa structured an All Party Conference (APC) on 12 August 1989 with the purpose of having the LTTE to interact with all the political parties in the country. Through this forum Premadasa wanted to project the LTTE as the legitimate representative of the Tamil people. He also persuaded the LTTE to register itself as a political party with the name of People’s Front of Liberation Tigers (PFLT). All the registered political parties participated in the APC, though the SLFP withdrew after two meetings. Through the APC and through negotiations the LTTE got military concessions from the Premadasa government, such as reducing Army presence and
camps in the North-East. The ‘government even handed over the vital military base of Velvettithurai to the LTTE to engage the organisation with the rest of the political parties’ (Ranatunga 1998).

The main objective of the IPKF, i.e., conducting free and fair Provincial Council elections, took a back seat when the LTTE mounted attacks on Tamil groups supportive of the Provincial Council system. The IPKF presence only added to the miseries of the Tamil people as the IPKF failed to make a distinction between combatants and non-combatants by killing and torturing innocent Tamils, which in turn increased the popularity of the LTTE as protector of the Tamil people. According to J.N. Dixit (1998), “Prabhakaran anticipated that by signing the Agreement and becoming a direct guarantor of it, India would acquire a legitimate direct politico-military presence in Sri Lanka and once this presence was consolidated, India would give support to the struggle against the Sri Lankan government, leading to the creation of Eelam.”18 At the same time, the EPRLF failed to develop an organised base among the Tamil population. The central government could therefore afford to ignore the demand of EPRLF for more devolution of power and autonomy for the Northern and Eastern provinces.

Also, “Indian intelligence underestimated the strength of the LTTE to switch from guerrilla tactics to open warfare” “Lack of training in counter-guerrilla operations made the IPKF easy targets for the Tigers” (Smith 1999: 21). The IPKF’s inability to differentiate between civilians and combatants only helped the LTTE to mingle with the local population to strike back at the IPKF. The envisaged timeframe for the implementation of provisions such as “surrender of arms by the militants, withdrawal of security forces to barracks within seventy-two hours of the cessation of hostilities coming into effect and finalisation of residual devolution of powers to the PCs within an eight-week period” were unreasonable (Sahadevan and Tissainayagam 1992: 562). The timeframe for implementation of sensitive issues such as devolution also worked against India’s peace-making efforts. It was clear to India by the early 1990s that the

18 Despite the Indian government pressure on the militant organisations to accept a political solution, the encouragement and support it got initially from the government of India and particularly from Tamil Nadu convinced the LTTE that creation of a separate state was possible through military means.
main adversaries in the conflict as well as the general population were wary of the IPKF presence in the island, and agreed to withdraw the forces.

On the heels of the IPKF's departure from the country, when the time came for political discussions the LTTE put forward two demands. One demand was for the repeal of the 6th amendment to the constitution. The second demand was for the dissolution of the NEPC. The LTTE said that these two issues stood in the way of transforming itself as a political organisation. The 6th amendment made any organisation or a person supporting or promoting the cause of a separate state ineligible to membership of parliament besides loss of civil rights.19

Repealing the 6th amendment would have led to resurgence of JVP with the support of Sinhalese nationalist forces, which would have proved costly to the government. The government dissolved the NEPC as demanded by the LTTE but delayed the elections to the merged North-Eastern province.

The "Army was not in favour of the government’s decision to engage the LTTE politically and believed that military concessions to the LTTE by the Premadasa government only helped to rearm and regroup the LTTE, which had suffered losses in fighting the IPKF" (Jayatilleka 1998: 175). The LTTE also feared that peace sentiments were taking hold among the Tamil population, particularly after the LTTE registered itself as a political party to participate in the democratic process. After the government refused the LTTE's twin demands the LTTE resumed its war on 11 June 1990.

Meanwhile, the SLFP and the UNP decided to put aside their differences to constitute a 45-member Parliamentary Select Committee (PSC) to work out a solution acceptable to all the political parties regarding devolution of powers. The "PSC, which replaced the APC, adopted the mandate that since it was dominated by Sinhalese party members any political package to settle the conflict was to be evolved

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19 In the first place, the government was not in a position to amend the constitution as it did not command two-thirds majority needed for such a move. Article 154A was incorporated in the constitution through the 6th amendment in 1983 after the riots. It states: "no person shall, directly or indirectly in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate state within the territory of Sri Lanka". Seventeen TULF members had to resign from parliament after this amendment.
through consensus among the Committee members and not to be adopted on the basis of majority vote” (Sahadevan 1995: 317). The Committee Chairman Mangala Monesinghe’s concept paper proposed two units of devolution, one each for the North and the East, together with a regional council which in effect linked them together. An option paper was also presented in the Committee, which again proposed two provincial councils, one each for the North and the East, and a single regional council for the North-East. The provincial councils were to have power over land, finance and law and order. The regional council would control planning and economic development. CWC leader Thondaman’s proposal for more devolution of powers to the provinces such as on land, public finance, foreign aid and control over ports and harbours was rejected by the Sinhalese political parties. Differences of opinion regarding permanent merger of the North and East between Tamil and Muslim political leaders worked in favour of the Sinhalese political parties, who were opposed to this idea. With these differences, the PSC collapsed as an institution in 1992, which ended the unilateral peace initiatives by the government.


Chandrika Kumaratunga, daughter of S.W.R.D. and Sirimavo Bandaranaike, entered politics in the mid-1980s along with her husband and led a small left political party, the Sri Lanka People’s Party (SLPP) that did not make much impact on the political scene. She clearly distanced herself from the hard-line politics of the SLFP. After ‘her husband’s death at the hands of the JVP in 1988, she left the island for two years’ (Samarasinghe 1994). She rejoined the SLFP in 1992, sidelining the hard-line elements within the party including her brother and by 1993 took hold of the party and changed its agenda. The SLFP along with the smaller parties formed a coalition, which included the smaller parties, the Sri Lanka Workers Congress (CWC) and EPDP to defeat the UNP. The TULF and the PLOTE extended support to the coalition.

Kumaratunga accepted that the Tamils had genuine grievances and faced hardships due to discriminatory government policies. She also promised resolution of the Tamil ethnic problem through political negotiations with the LTTE and a devolution package. To address the Sinhalese in the South, the SLFP-led People’s Alliance (PA) also centred its campaign on issues of “democracy and governance during UNP rule

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In the November 1994 presidential elections the PA got 62 per cent of the votes polled. The general elections also witnessed the fall of the nationalist political parties such as Mahajana Eksath Peramuna (MEP), which failed to get even a single seat from Sinhalese-dominated areas. The UNP campaign that the victory of the PA would lead to division of the country had little impact on the majority Sinhalese electorate.

Immediately after coming to power the Kumaratunga government took some preliminary steps to win the confidence of the LTTE as well as the Tamil people for peace negotiations. The economic embargo on 28 items was lifted out of 50 items banned by the previous government after the breakdown of negotiations in June 1990. By taking this step the government tried to address directly the problems of the Tamil population living in the LTTE-controlled Northern Peninsula. The government also promised to send electricity generators to Jaffna, repair of the electricity station which was damaged during Eelam War II and announced de-escalation of hostilities by the security forces in the North-East. The LTTE responded positively to a call for peace negotiations by releasing ten policemen who were in its custody since 1990. The LTTE also made it clear that it would participate in the negotiations only to find a substantive alternative solution to Eelam and did not set any preconditions to start the negotiations.

Many factors influenced the two parties to the conflict to start the process of negotiations. Eelam War II had resulted in a huge economic burden on the government, as resources were directed to the defence budget. By the 1990s the military budget increased to over $380 million from around $52 million in 1982. The government purchased weapons particularly for counterinsurgency operations. The 'military strength of the Army, Navy, Air force and Police forces between 1986 and 1993 increased from 58,660 to 158,800' (Kelegama 1999).

20 The LTTE advised the people in Jaffna district to boycott the elections. The result was that only 2.3 per cent of the electorate voted in the election. The EPDP won 9 out of 10 seats.
In initiating the peace talks the government also had its compulsion of coalition politics. The CWC, SLMC and TULF expected the government to solve the ethnic problem through peaceful means. The government was also facing a severe economic crisis. The lack of resources for economic and social development due to heavy spending on defence had led to underdevelopment. The damage to the physical infrastructure such as irrigation, agriculture, roads, power and fisheries, particularly in the North-East, affected the productive capacity of the country. External investment was also not forthcoming due to the uncertain situation.

The LTTE was aware that the government was equipping itself to pursue a military strategy if it became necessary. The "LTTE's secessionist stand had led to its domestic and international political alienation" (Dixit 1990: 1057). The creation of a separate state without the help and recognition of the international community would not be possible through the LTTE's military approach to the ethnic problem. At the same time, Kumaratunga's promise to devolve more powers to the provinces and her views on the dissolution of the presidential form of government within a year after coming to power was of concern for the LTTE. Implementation of these measures, the LTTE felt, would increase Kumaratunga's popularity among the Tamils. If the LTTE rejected the government's overture for political negotiations, there was a possibility that some other Tamil political party or militant organisation might participate in this process, which might sideline the LTTE completely.

VIII. Peace Talks with ICRC as an Intermediary

In such circumstances, the PA chose the ICRC as an intermediary because of its commitment to impartiality and service to the victims of war. After exchanging two sets of letters with the LTTE through the ICRC the first round of talks were held in Jaffna on 13–14 October 1994.

First Round of Talks, Jaffna, 13-14 October 1994

The day before the first round of talks the LTTE sank Sagarawardane, a cargo ship, and attacked the Ocean Trader carrying supplies to the North. The people of Jaffna gathered in thousands to welcome the government delegation despite the LTTE's presence in the peninsula. The government delegation consisted of Lionel Fernando, Secretary to the Ministry of Information and former governor of NEPC; Kusumasivi
Balapatabendi, Secretary to the Prime Minister; Ranjan Asirwathan, Chairman of the Bank of Sri Lanka; and Navin Gunaratne, an architect. The LTTE delegation consisted of Karikalan, the LTTE’s Batticaloa area commander; Tamilselvan, leader of the LTTE’s political wing; Dominic, a member of the LTTE’s political wing; and Ravi, a law student, who headed TEDCO, the economic arm of the LTTE.

During the first round of talks the emphasis was on issues faced by the civilian population in the North-East. Issues such as rehabilitation of displaced people in the North-East, rebuilding of infrastructure and opening of safe passage between Jaffna and the mainland were discussed. The LTTE proposal of opening of Pooneryn-Sangupiddy causeway and removal of the Army camp in that area was bypassed by the government negotiators, who put forward a proposal of opening of Elephant Pass which was under government control.

The talks ended on a positive note. Though the government negotiators expressed satisfaction about the outcome of the talks, differences surfaced about the parties’ approach to negotiations which “was reflected in LTTE delegate Karikalan’s announcement that the LTTE would expect the talks to progress in two stages, firstly to find the solution to immediate problems of the Tamil people and then to proceed for political negotiations” (Rajanayagam 1998: 195).

**Second Round of Talks, 2 January 1995**

The UNP presidential candidate Gamini Dissanayake and 52 others were killed by an explosion during an election rally in Colombo on 23 October 1994, but the LTTE denied its involvement in the incident. In one of its letters to the LTTE regarding the approval of cessation of hostilities, the government insisted that the LTTE should refrain from all political assassinations during the negotiations.

Even though majority of the political forces in the country were in favour of negotiations the military time and again cautioned the government of the LTTE’s practice of using peace talks to regroup. For this reason Defence Minister Anuradha Ratwatte explained in a letter to the LTTE before the second round of negotiations that the government wanted a formal agreement on cessation of hostilities because, unlike the ceasefire, “the cessation of hostilities between the parties is less formal and binding” (POT 1995: 2).
In the second round of negotiations cessation of hostilities was formally declared. It was signed on 5 January by Kumaratunga in Colombo and Prabhakaran in Jaffna, and came into effect on 8 January 1995. The following are some of its features:

- Not to take any offensive operation against the other party.
- The establishment of direct communication links at the field level between the commanders of the security forces and the LTTE.
- Creation of a buffer zone of 600 metres between the bunker lines of the two combatants with the right of movement being restricted to 100 metres of their respective bunkers.
- Setting up Monitoring Committees to look into violations. Monitoring Committees were set up in Mannar, Vavuniya, Trincomalee, Amparai and Batticaloa. A Committee consisted of two members from the government, two from the LTTE and one from a foreign country as Chairman. Canada, Holland and Norway showed interest in monitoring the truce.
- The cessation of hostilities would continue until notice of termination was given by either party at least 72 hours before termination.

The cessation of hostilities allowed the LTTE to move freely particularly in the East, where it had lost ground. To appease the Army to agree to this setup with the LTTE the government included two senior military officers in the government delegation.

**Third Round of Talks**

After the second round of talks the government’s letters to the LTTE emphasised and reiterated the need to start negotiations on substantive political issues along with the issues dealing with the day-to-day problems of the people. Some of these demands, if implemented, would have reversed the advances of the military achieved during President Wijetunga’s regime.

In the third round of talks agreement was reached to extend the cessation of hostilities indefinitely. The government lifted the ban on many items except 18 items which could be used by the LTTE to rearm, such as arms and ammunition, batteries and remote control devices, etc. The “LTTE also approved the government reconstruction and rehabilitation package of Rs. 39 billion and suggested the appointment of a
North-East development authority in which the LTTE wanted a place” (POT 1995: 14). This suggestion, the LTTE assumed, would give it an opportunity to interact with the international actors for funds as a legitimate actor. The LTTE insisted, however, on implementing some other issues first, namely: (i) total lifting of the economic embargo; (ii) removal of the Pooneryan Army camp;21 (iii) removal of restrictions on fishing in the Northern waters; (iv) opening up of free passage between Jaffna and the mainland through Sangupiddy route; and (v) free movement of armed LTTE cadres in the East.

After the third round of negotiations it was clear that sensitive military matters took hold of the negotiations. In order to expedite the negotiations President Kumaratunga suggested having an independent foreign person as mediator or facilitator. The offer “was rejected by the LTTE on the ground that the French person recommended by the President was a close friend of Kumaratunga and he was not acting on behalf of the French government” (Rajanayagam 1998: 195). The LTTE also accused the government of appointing Monitoring Committees in the East without consulting the LTTE. The government wanted the Monitoring Committees to start the work so that the demands of the LTTE such as the removal of the army camp and free mobility of LTTE cadres in the East could be considered depending on the report of the Committees. The LTTE then issued an ultimatum that if the government did not respond before 28 March 1995 on the issues the LTTE had put forward it would withdraw from the negotiations. The government then agreed to lift the ban on fuel and fishing and reopened the Elephant Pass and Pooneryn-Sangupiddy route. The LTTE “resented the opening of these routes as it was convinced that the armed forces would use them any time to launch an attack” (Akhtar 1996-97: 9).

The LTTE’s reluctance to initiate talks for resolving the ethnic issue could have been owing to the stand taken by Kumaratunga during the presidential election campaign in November that probably the problem of the merger of Northern and Eastern provinces could be solved by re-demarcation of provincial boundaries.22 The LTTE

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21 The LTTE failed to take the Pooneryn camp in 1993 in a deadly battle against the security forces where it lost 500 cadres.

22 The election manifesto of the PA acknowledged the need for constitutional reforms needed for devolving power to the regions. The UNP manifesto emphasized the need to protect the unitary state structures.
expected this position of the government might come up during the political negotiations, which would have gone against the basic goal of the LTTE.

**4th Round of Talks, 10 And 11 April 1995**

The fourth round of talks centred on four issues, i.e., total lifting of the economic embargo, removal of restrictions on fishing in the Northern waters, free movement of armed LTTE cadres in the East, and removal of the Pooneryn Army Camp.

**Lifting of Economic Embargo:** The government agreed that all goods except items like arms/ammunition, explosives/pyrotechnics, remote control devices, binoculars, telescopes, compasses, cloth material resembling army uniforms, and penlight batteries could be freely transported to the North.

**Removal of Restrictions on Fishing:** The government agreed that fishing could be carried out at any time with only the following exceptions:

- from Devil’s Point to Thalaimannar fishing will be permitted only up to 5 nautical miles from the shore; fishing will not be permitted within an area of one mile either side along the coast and 2 nautical miles seawards from the security forces camps on the coast; and fishing would not be permitted on all days in harbours and estuaries along the coast and any problem arising with regard to the effect of this exception in the coast should be discussed at a local level (POT 1995: 135).

**Removal of Pooneryn Army Camp:** The government had withdrawn the camp perimeter by 600 metres and gave an undertaking to place no checks on the road to allow civilian traffic. The camp could not be removed because of its military significance. Nevertheless, “conscious of the fact that peace and normalcy must ultimately mean the reduction of military presence, the government agreed to keep this issue under constant review” (Rajanayagam 1998: 227).

**Free Movement Of The Armed LTTE Cadres In The East:** The government took the stand that the issue should be discussed within the context of the cessation of hostilities agreement. Dissatisfied with the government’s reply, the LTTE withdrew
from the negotiations on 19 April 1995. The same night LTTE suicide squads sank two Navy boats inside Trincomalee harbour. With this attack the LTTE violated the Agreement on cessation of hostilities which bound the parties to give 72 hours notice before the stipulated time of withdrawal.

International community strongly criticised the decision of the LTTE to withdraw from talks. Since 1994, the international community particularly the US, Norway, EU and Canada have showed keen interest in political developments in the country and urged the LTTE to resume peace process. To put pressure on Tigers, in a toughly worded statement, the State Department in Washington said that, the LTTE would have to bear the responsibility if the peace process ultimately breakdown (Tamil Times 1995: 3). Within Sri Lanka the Tamil political parties such as TULF, EPDP, EPRLF and also SLMC has called upon the parties, to resume negotiations, to reduce human causalities of war. At the same time, these parties have suggested to the government to develop constitutional mechanism to bring a solution to the conflict.

**Reasons for the Failure of Negotiations**

International third-party mediation and facilitation can put pressure on the parties by various ways such as through diplomatic channels and by direct contact to conclude the negotiations. Mediation or facilitation by a third party acceptable to both sides and having no political and strategic interests in Sri Lanka could have enabled the two parties to the conflict to work out a common approach and ground for negotiations. According to Rajanayagam (1998), “exchange of letters between the parties through ICRC was an unusual medium to conduct negotiations for the purpose of resolving a complex internal problem”. Exchange of letters through the ICRC only enabled the parties to assert their respective positions.

Lack of consensus on the basic approach to negotiations from the beginning led to their breakdown. The LTTE wanted the government to solve the immediate needs of the people first, before proceeding to talks on substantive political issues; the government wanted the talks to proceed simultaneously to find a solution to the

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23 The government’s keen interest in buying sophisticated military equipment for the Army such as guns, helicopters and tanks from foreign sources confirmed the LTTE belief that the government was using the time taken in negotiations to build up the army.
ethnic problem. Even though the Kumaratunga government accepted the injustice done to the Tamils by successive governments, it anticipated, erroneously as it turned out, that more devolution of powers to Tamil-dominated areas with the approval of the LTTE would end the war.

The government wanted the solution to be found in united Sri Lanka. It underestimated the LTTE’s resolve to fight for a separate homeland. In contrast, by participating in the negotiations the LTTE expected to get international recognition as a legitimate authority to deal with the Tamil problem and recognition of the Eelam demand. By insisting repeatedly through letters to the government that resolution of the day-to-day problems of the people was its primary objective, the LTTE tried to win the confidence of the people who voted overwhelmingly for the PA’s peace promise. The LTTE was well aware that the government could not meet its four demands. The government’s delay in presenting a political package during the negotiations also gave space to the LTTE to question its sincerity in finding a political solution.

In their approach to the negotiations, ‘the parties lacked professionalism’ (Perera 2000). There was no mutually agreed framework for negotiations. There “was lack of clarity on the issues to be discussed, the timeframe and implementation. The government sent inexperienced teams” comprising mostly of the President’s friends (Perera 1998: 244). It paid no heed to the LTTE’s complaint about the lack of power of the government negotiators to take immediate decisions during the talks, which delayed the implementation of the decisions arrived at the talks, whereas the LTTE had sent its top-ranking leaders for the negotiations. The opposition parties were not taken into account, whose representation would have given the team much authenticity and legitimacy.

The government was convinced, again erroneously, that it could find a political solution through negotiations with the LTTE, without taking into account the realities in the North-East and the influence of the LTTE on the people’s lives. The majority of the people in the North-East did not vote in the 1994 elections due to a boycott call by the LTTE.
Also, both parties tried to build domestic and international opinion against the other party, which created uncertainty in the peace talks. For instance, Kumaratunga sought the support of the international community in her peace efforts while addressing the Social Summit in Copenhagen in 1995. At the same time, “the LTTE’s Paris-based spokesman distributed a document urging the participants to pressurize the government to look into the grievances of the Tamil community” (Sahadevan 1995: 339). In another attempt at putting pressure on the LTTE, before the second round of negotiations the government distributed leaflets among the Tamil population in the North to explain its position on the talks.

Kumaratunga’s consistent propaganda for funds and support of the international community was resented by the LTTE because as a militant organisation it lacked the legitimacy to deal directly with the external actors. The LTTE’s assumption that by participating in the negotiations it would get parity of status with the other party was misconstrued.


From 1995 to 2001 Sri Lanka witnessed a brutal war between the LTTE and government forces, along with an attempt to find a solution through constitutional means. The government proposed devolution of powers to the provinces as well as a change in the unitary structure of the constitution to accommodate minority interests and aspirations. At the same time, the PA government implemented its “war for peace” strategy to trounce the LTTE.

The awareness had been growing among the political parties that protecting the unity and sovereignty of Sri Lanka required addressing the issues of disparities such as in (i) distribution of resources among the ethnic societies, (ii) education, (iii) economic opportunity, and (iv) employment opportunities. The multi-ethnic and pluralistic character of the country could not be ignored if Sri Lanka’s unity and integrity had to be protected.

Federalism had been the main demand of the TULF till the early 1980s. By undertaking this serious initiative the Kumaratunga government wanted to achieve two objectives: (i) to alienate the Tamil people from the LTTE’s separatist ideology,
and (ii) to put pressure on the LTTE through efforts at constitutional reforms. The government's promise to dissolve the executive presidency and unitary state structure, which increasingly became a symbol of Sinhalese supremacy, was a bold attempt to accommodate minority interests in the higher decision-making bodies of the government.

During this period the government released four documents – in 1995, 1996, 1997 and 2000 – dealing with the basic principles of devolution of powers. The proposals were to be implemented in three stages:

i) Arrive at consensus in the Parliamentary Select Committee on Constitutional Refonns.


iii) Get the endorsement of the people in a nation-wide referendum.

Debate and discussion on the devolution package was encouraged. Some salient features of the devolution proposals are discussed below:

Article 1 of the 1997 proposal declared that

Sri Lanka is One, Sovereign and Independent Republic, being an “indissoluble union of regions” and shall be known as Republic of Sri Lanka. It shall be the duty of the people and the state to safeguard the independence, sovereignty, unity and the territorial integrity of the republic.

The Tamil parties' call for substantive devolution of powers to the provinces was taken care of. The proposed draft constitution contained only two lists – the Regional List and the Reserved List – so that it would enhance the scope of powers devolved. The regional councils, which would replace the existing provincial councils, included in this list education, agriculture, regional public service, regional police service, industries, rural development, regional libraries, social security, law and order, state land and its alienation, domestic and international borrowing, land revenue, specified excise duties and planning at the regional level. The centre would retain control on defence, national security, police, foreign affairs, national planning, and currency, international economic relations, national universities, National Public Service
Commission and Police Commission, protection of Buddhism, inter-regional irrigation and banking and insurance.

**Vice-President**

Two vice-presidents would be responsible to Parliament, who had to belong to two different communities, each such community being different from the community of which the President was a member (Article 57, Constitution Bill 2000).

**Chief Ministers’ Conference**

The Chief Ministers’ Conference would settle disputes by mediation or conciliation among two or more regional administrations. The Chief Ministers would elect one Chairperson among themselves in rotation and each Chief Minister would hold the office as Chairperson for three months.

**Constitutional Council**

The Constitutional Council, proposed in the 1997 draft, consisted of the two Vice-Presidents, the Prime Minister, the leader of the House in Parliament, the Cabinet Minister in charge of constitutional affairs, the Chairman of the Chief Ministers’ Conference, and two retired judges of the Supreme Court or of the Court of Appeal established by the constitution.

**State Land**

As a counter to the Tamil claim that the Northern and Eastern parts of the country are the traditional homeland of the Tamils, successive central governments exercised tight control over state land. The PA government tried to change this perspective by declaring in the 1996 draft constitution proposals that the power over state land would be shared by the centre and the region equally. The proposals declared that “state land within a region required for the purpose of the centre in respect of a reserved subject may be utilised by the Centre in consultation with the regional council and in accordance with such procedure established by law” (POT 1996: 94). The draft also addressed the fears of the Tamil community regarding state-sponsored colonisation through settlement schemes, by providing that priority in future land settlements would be accorded first to the persons of the district and then to the persons of the region.
However, the 2000 document clearly shifted the balance in favour of the centre on state land. Art. 143(6) of the 2000 document declared that

when the Central government is satisfied that the state land in a Region is required for the purpose of a subject in Reserved List, the Central government may, after consultation with the relevant Regional Administration, require the Regional Administration to make available to the Central government ... such land as may reasonably be required for such purpose and the Regional Administration shall comply with such requirement. (Constitution Bill 2000: 78)

In case of non-compliance the matter would go for arbitration to a Tribunal consisting of one member appointed by the Prime Minister and one member appointed by the Chief Minister of the relevant region and a Chairman nominated by the members of the Tribunal. The decision of the Tribunal would be binding. The regional councils’ power over state land use and alienation of state land would be determined by the recommendations of the National Land Use Council (NLUC) which would have equal representation of all the major communities within Sri Lanka and the Centre as well as the regions. If any regional council did not comply with such recommendations of the NLUC the central government would assume control over the land in question and these recommendations could not be questioned in court.

**Language**

It was declared that both Sinhalese and Tamil would constitute the official and national languages of Sri Lanka. Tamil and Sinhalese were also declared as languages of administration. Specifically,

Sinhalese shall be used for the maintenance of public records by National and Regional public institutions and local authorities in the Capital territory and all the Regions other than the Regions specified in Part B and C of the First Schedule wherein Tamil shall be used. (Article 35, Constitution Bill 2000)

**Unit of Devolution**

The draft proposals envisaged that Muslim-dominated areas in the North-East would get an opportunity to decide whether to merge with the Tamil-dominated North. A referendum would be held in the administrative districts of Trincomalee, Batticaloa and Amparai to enable the electors of these districts to decide whether to merge with
Jaffna, Kilinochchi, Vavuniya, Mannar and Mullaitivu districts to form one region to be designated the North-Eastern region (Constitution Bill 2000: 64). If the result was affirmative, the Muslim-majority electoral division of Amparai district would automatically become a separate region known as the South-Eastern region. In that case, the Sinhalese-majority areas of Amparai district would have another referendum to decide whether to join the adjoining Uva province to form a separate province. If Batticaloa and Trincomalee did not opt for merger with the North, both provinces would function separately.

An Interim Council for the Northern and Eastern regions was to be set up “with effect from the commencement of the constitution which would continue for a period of five years, after which it would be deemed to have been dissolved”. A referendum would be held thereafter in the Eastern Province to decide about merger. The Board of Ministers would consist of the Chief Minister, two Deputy Chief Ministers, and six other Ministers. The Governor would have the power to appoint the Chief Minister of the two regions. If the Chief Minister was from one of the major communities, the Deputy Chief Ministers would be from the other two major communities.

**Executive and Legislative Powers of the Regional Councils**

The executive power of the region was vested with the Governor. The Governor would act on the advice of the Chief Minister and the Board of Ministers. The President would appoint the Governor with the concurrence of the Chief Minister and the Board of Ministers. If there was no agreement on the appointment of the Governor between the Centre and the region the matter would be referred to the Constitutional Council, which after ascertaining the views of the Prime Minister and the Chief Minister would recommend a suitable person for this post. The Governor would call upon the party which commanded a majority in the regional council to form the administration.

The legislative powers of the region were vested with the Board of Ministers and the Chief Minister, who was the head of the Board. The Chief Minister could not be removed from office as long as he enjoyed the confidence of the Regional Council.
The Regional Council would have the power to make statutes on any of the subjects in the Regional List.

Finance
Powers were given to the regional administration to receive loans and money raised by the administration. These would form a consolidated fund, to be called the Consolidated Fund of the region concerned. The executive power of the region would extend to domestic and international borrowing. The international borrowing would, however, be subject to limitations specified by Parliament.

Law and Order and Public Service
There would be a Police Commission at the regional level appointed by the Chief Minister. A National Police Commission would have the power to transfer the officers at the national and the regional levels. The National Public Service Commission would oversee the functions of Regional Public Service.

Failure of the 2000 Bill
These proposals did not, however, get parliamentary approval. Among the provisions of the Bill put up for parliamentary approval in 2000 was to extend the presidential term to six years; to give the President overriding powers above the Prime Minister; and increasing the size of the Finance Commission from three to five.

This closed another chapter at finding a solution through constitutional measures. Meanwhile, both sides to the conflict had hardened their attitude. The LTTE attacked the Temple of Tooth at Kandy in January 1998. In July 1999 it assassinated Neelan Tiruchelvam, who advocated a federal form of government. In 2000 the Army recaptured the Elephant Pass from the LTTE. The government meanwhile had changed some sentences and phrases to stress the unity and sovereignty of the country. For instance, the 1997 document declared that Sri Lanka is One, Sovereign and Independent Republic, being an "indissoluble Union of Regions". The phrase was replaced in the 2000 document with "the Republic of Sri Lanka is One, Sovereign and Independent state consisting of the institutions of the Centre and the Regions which
shall exercise power as laid down in the constitution".\textsuperscript{24} Also, Article 7 of the 2000 Bill gave prominence to Buddhism by declaring that “the Republic of Sri Lanka shall give to Buddhism the foremost place, and accordingly it shall be the duty of the state to protect and foster the Buddha Sasana, while giving adequate protection to all religions.”

Parliament was dissolved on 18 August 2000. In October the PA formed the government with the help of SLMP and EPDP. In the PA’s political agenda devolution and resolution of the ethnic conflict became secondary and economic development of the country became the top priority.


Seven years of intense war following the breakdown of negotiations between the LTTE and Kumaratunga had taken an enormous toll on life, property and infrastructure particularly in the North-East. The war had also affected the growth of the economy and development. The government realized that to defeat the LTTE the emphasis had to be on political means. Even though the Army achieved some successes by capturing Jaffna peninsula from the Tigers in 1996, the LTTE attacked a military camp in Mullaitivu, killing 800 soldiers and captured US$30 million worth of military hardware. The LTTE’s capture of the Elephant Pass by 2000 had demoralized the Army. At the same time, by 2001 the LTTE realized that in the face of the international community’s opposition it could not aspire for the formation of a separate state.

Negative economic growth was recorded for the first time in 2001. Public opinion across all the ethnic communities turned against the war since the war had hit the basic rural economy of trade, farming and fisheries throughout the country. Internally

\textsuperscript{24} The first republican constitution of Sri Lanka in 1972 declared Sri Lanka a unitary state. The 1978 constitution introduced by J.R. Jayewardene provided that no law which was inconsistent with this principle would be enacted unless it was approved by a majority in Parliament and approved by people in a referendum. Even though the PA government had a comfortable majority in Parliament after the 1994 elections, the draft constitution could not get the approval of all the political parties. Even the Indo-Sri Lanka agreement could not change the unitary structure, which affected the functioning of the Provincial Councils. The issue of the unitary state structure was addressed by the 1995 and 1996 documents. The 1995 document declared that Sri Lanka is a “Union of Regions” and the 1996 document declared Sri Lanka as an “Indissoluble Union of Regions”.

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displaced persons numbering 8,00,000 and their resettlement and rehabilitation had become a major challenge for the LTTE as well as for the government. The external actors’ reluctance to fund projects in the North-East due to the war also pressurized the LTTE to announce its willingness to participate in the peace process. The Tigers’ international image was also suffering due to the diplomatic efforts of the government. The PA government’s “war for peace” strategy aimed at bringing the LTTE to the negotiating table, and sustained diplomatic campaign against terrorism particularly in the US, Australia, UK, Canada and South Africa had some tangible results during 1997-2001. The LTTE was banned in the US, UK, India, Canada, Malaysia, Australia and Canada and the LTTE’s funding channels were considerably weakened. The US government in 1997 declared the LTTE as an international terrorist organisation. The governments of Canada and South Africa took measures such as arresting the LTTE leaders and sympathizers working in those countries. After the UK government enacted the anti-terrorism law the LTTE shifted its London-based international headquarters to Paris. The Indian government’s clear policy decision not to intervene in Sri Lanka’s internal conflict and its ban on the LTTE in May 1992 restricted many opportunities for the Tigers from India in terms of money and weapons.

The Sri Lankan government was also under pressure to show the world leaders that it was ready to offer a viable political solution short of a separate state. The United National Front (UNF) government of Ranil Wickremasinghe promised peace through negotiations and wanted to offer a viable political solution, with the assumption that the people of the North-East, after tasting the benefits of no-war situation and development in war-ravaged areas would work as a pressure group against the LTTE. The initiation of political negotiations would also promote economic assistance from donor countries.

The Cease-Fire Agreement
The LTTE declared unilateral cease-fire on 24 December 2000 but the PA government did not accept the cease-fire. However, the peace process gathered momentum in December 2001, when the UNP-led United National Front (UNF) won the parliamentary election, resulting in a cohabitation government in which the
President and the Prime Minister belonged to two different parties. Welcoming the victory of the UNP in the parliamentary elections and Ranil Wickremasinghe's call for peace negotiations, the LTTE again announced a cease-fire in December 2001. The government reciprocated and formalized the Cease-Fire Agreement (CFA) on 22 February 2002, with Norway as facilitator.

Article 1 of the CFA specified provisions to improve the military situation on the ground. Article 2 specified the confidence-building measures to be implemented to restore normalcy for all the inhabitants of Sri Lanka. To engage civilians in the peace process, both the parties agreed about the need to improve the living conditions in conflict-ridden areas. Both parties agreed to abstain from hostile acts against the civilian population, including such acts as torture, intimidation, abduction, extortion and harassment, in accordance with international law. Some of the important provisions were:

i) Forward defence localities of the parties would maintain a minimum of 600 metres zone of separation with the right of movement within 100 metres of defence localities.

ii) Tamil militant groups would be disarmed within thirty days of CFA coming into force. The government offered to integrate members of the militant groups into command and disciplinary structure of the armed forces of Sri Lanka.

iii) Unarmed Sri Lankan troops would be permitted unlimited passage between Jaffna and Vavuniya using the Jaffna-Kandy road (A9) in sixty days of CFA coming into force. At the same time, fifty unarmed LTTE cadres would be permitted freedom of movement in the areas of the North and the East dominated by the government of Sri Lanka for political work after thirty days of CFA coming into force. All unarmed cadres of the LTTE would be permitted to do political work in government-occupied areas of North and the East, in three phases.

iv) The two sides would refrain from engaging in activities or propagating ideas that could offend cultural or religious sentiments of civilians. Places of worship held by the forces of either party would be vacated within

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25 The UNF coalition included the UNP, SLMC and CWC and some dissidents from the SLFP.
thirty days and made accessible to the public. School buildings occupied by either party would be vacated and returned to their intended use in 160 days after the CFA coming into force.

v) The parties agreed to ensure unimpeded flow of non-military goods to and from LTTE-controlled areas. For this purpose, the parties agreed to open the A9 Highway. Explosives, remote control devices, barbed wire, binoculars, compass, penlight batteries, diesel, petrol, cement and iron rods were restricted from flowing to the North-East.

vi) Restrictions on fishing would be removed gradually in ninety days subject to the following restrictions: Fishing would not be permitted within an area of one nautical mile on either side along the coast and two nautical miles seawards from all security forces camps on the coast; fishing would not be permitted in harbours or approaches to harbours and estuaries along the coast.

A monitoring mission (Sri Lanka Monitoring Mission, SLMM) was set up to investigate violations of CFA. The mission was headed by a Norwegian government representative and comprised members representing other Nordic countries. Apart from its headquarters in Colombo and Wanni, six other local monitoring committees were set up in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. The mission head had the power to demarcate the boundaries between government-controlled and LTTE-controlled areas. The CFA did not, however, specify the action plan that the SLMM should take if the parties did not cooperate. It had the mandate only to assist the parties to settle the disputes but did not have the power to impose a solution on them.

The Prime Minister also took some positive steps to create an atmosphere for peace. He lifted the ban on the LTTE imposed in 1998 after its attack on the temple in Kandy. He also lifted the ban on most of the consumer goods being sent to the North-East. The government even issued a licence to the LTTE to set up an FM radio station at Kilinochchi. A Government Peace Secretariat (SCOOP) and an Office of the Commissioner General for Relief, Rehabilitation and Reconciliation were set up.

The CFA enabled around 370,000 IDPs to return to their original habitation in two years. The A-9 Highway was opened for civilian traffic on 22 April 2002, which
helped in resuming economic activity. Flights were resumed between Colombo and Jaffna. The economy recovered from −1.3 per cent growth in 2001 to 4 per cent in 2002.

During this time the LTTE committed a number of violations of the CFA. Since the CFA had disarmed the non-LTTE groups completely, the LTTE went about killing their leaders with impunity. Between 2002 and 2003 the SLMM recorded 2110 violations by the LTTE and 101 violations by the government (Seneviratne and Endaragalle 2006: 123). Between 2002 and 2005 a total of 138 assassinations were recorded by SLMM, most of them committed by the LTTE. Between 2002 and 2003 the LTTE recruited 1277 children mostly in the East. Most of the CFA violations were reported in the East, inhabited by a mixed population consisting of Tamils, Muslims and Sinhalese. Under the agreement the LTTE’s cadres were allowed to do political work in the districts of Amparai and Batticaloa government-controlled areas. There were many disputes related to land allotment and distribution between the IDPs who returned to their original habitation and between the people who had already settled in the area. The LTTE used violence to settle the disputes.

As compared to the previous peace process of 1994-95, the 2002-2003 peace process attracted much international attention. The US, Japan and the EU together with Norway constituted the co-chairs of the Sri Lankan Donor Group (SLDG). Apart from pledging considerable amount of funds for the reconstruction and long-term development of the North-East, they tried to moderate the LTTE in its approach. The North-East Reconstruction Fund (NERF) was created with the World Bank as the head.

Six rounds of peace talks were held in a cordial atmosphere. The step-by-step approach adopted by the parties with the help of the Norwegian facilitators helped in evolving a consensus on issues which would bring normalization in the conflict-affected areas before embarking on political discussions. The parties followed a dual approach of moving step-by-step towards political settlement, while focusing on normalization of the ground situation, so that the basic challenge of coming up with a
political model acceptable to all the parties, particularly the LTTE, would be met in the long run.

The LTTE chief made it clear at a press conference in Kilinochchi in April 2002 that the LTTE stood firm in its demand to include the Thimphu principles in a final political settlement. According to him any future political solution should be crafted on three basic principles: (i) recognition of the Tamils of Sri Lanka as a distinct nationality; (ii) recognition of the Northern and Eastern provinces of the island as the traditional homeland of the Tamils and of the territorial integrity of this homeland; and (iii) recognition of the Tamils’ right to self-determination. The LTTE also made it clear that it would not disarm its cadres until a permanent solution acceptable to it was reached.

Since the late 1990s countries such as Britain, Norway and the Commonwealth Secretariat had offered to act as facilitator in the peace process. The Kumaratunga government with the approval of the LTTE decided in 1999 to accept Norway as facilitator. Norway’s foreign policy embodies a strong commitment to international cooperation based on the principles of peace and security, democracy and development. Unlike other developed countries of the West, Norway as a small country does not have major economic and geo-political interests in Sri Lanka. Norway’s official position is that non-state actors will need to have an opportunity to engage constructively with other actors in society to transform as a political organisation.

First Round of Talks, Thailand, 16–18 September 2002
There was general agreement between the parties that the peace process could not be undertaken in isolation, without taking parallel steps towards economic recovery of the people. A joint committee was set up to deal with High Security Zones (HSZ) in the North-East with the aim of enabling return of the IDPs to their place of origin. A Joint Task Force (JTF) was also set up, consisting of members from the government, the LTTE and the Muslim community, to coordinate the activities related to IDPs and resettlement and rehabilitation, with the aim of monitoring, identifying and financing of rehabilitation and resettlement projects. By ‘agreeing to tackle first the
humanitarian issues both the parties, sought to create an opinion that, they established an equal partnership in the task of reconstructing the war ravaged region’ (Sahadevan & Devotta 2006: 269).

The government this time around took care to send a team acceptable to the LTTE. The government delegation comprised Constitutional Affairs Minister G.L. Peris, Minister for Economic Reforms Milinda Moragoda, SLMC Leader Rauf Hakeem and Ambassador Bernard Goonetilleke. The LTTE delegation comprised Anton Balasingham, S.P. Tamilselvan, Muralitharan (Karuna) and Adele Balasingham. The Norwegian facilitators included Deputy Minister of Foreign Affairs Vidar Helgesen, Ambassador Jon Westborg and Erik Solheim.

After the first round of talks, Anton Balasingham said that the LTTE was ready to withdraw its demand for a separate state if the government was ready to give substantial autonomy to the North-East based on the principle of internal self-determination. He said:

The LTTE does not operate with the concept of a “separate state” and operate with a concept of “Homeland and self-determination”. “Homeland” does not mean a separate state as such. It refers to a territory where Tamils and Muslim people live, or the Tamil speaking people live ... by the concept of “self-determination” we mean that the concept entails substantial autonomy or self-government in our homeland or in the historical area where we live and that solutions can be worked out if both the parties agree to a particular political system or model. But if our demand for regional autonomy and self-government is rejected and if the conditions of oppression continue, our people will have no option other than to fight for political independence and statehood. That will be the last resort under the principle of self-determination. (Balasingham 2002)

**Second Round of Talks, Thailand, 31 October to 3 November 2002**

The parties focused on issues such as security, inter-ethnic cooperation and human rights, besides the humanitarian tasks which were agreed upon in the first round of talks. Sub-committees consisting of members from both the parties were set up for Immediate Humanitarian and Rehabilitation Needs (SIHRN), and De-escalation and Normalization (SDN). The parties also agreed to set up a sub-committee to deal with
political matters. SIHRN, set up in Kilinochchi, was expected to help in four aspects: identifying humanitarian and rehabilitation needs; prioritizing implementation of activities to meet these needs; to decide on the allocation of the financial resources for such activities; and to determine implementing agencies for each activity.

The parties discussed measures to establish a process of regular consultations between LTTE leaders and Muslim political leaders. A Memorandum Of Understanding (MOU) signed between Prabhakaran and Rauf Hakeem in April 2002 formed the basis for cooperation. The MOU emphasized the need to remove restrictions on fishing, trade and farming. The parties also agreed to establish direct communication between the commandos of the LTTE and the government’s Special Task Force in the East, in order to improve the security situation. To facilitate the resolution of local problems, promote inter-ethnic communication and reconciliation as well as respect for human rights, the parties agreed to set up peace committees at the community level, consisting of local community leaders and local LTTE and government leaders.

Third Round of Talks, Norway, 2–5 December 2002

The parties focused on three issues: consolidation of cease-fire, humanitarian and rehabilitation action, and political matters. An agreement was reached to explore the federal solution, founded on the principle of internal self-determination. The parties decided to initiate discussions on substantive political issues which included power-sharing between the centre and the region as well as within the centre; geographical region; human rights protection; political and administrative mechanism; public finance; and law and order. The LTTE agreed to coordinate with UNICEF to draw an action plan to deal with child rights in the war zone.

Fourth Round of Talks, Thailand, 6–9 January 2003

There was no agreement on the Subcommittee on De-escalation and Normalization (SDN) due to differences over the removal of high security zones (HSZ) in the North-East, but the parties agreed to accelerate the resettlement process of IDPs. An “Action Plan for an Accelerated Resettlement Programme for the Jaffna District” was

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26 Throughout the talks, the LTTE asserted that it had not denied rights to the Muslim community. However, the 75,000 Muslims expelled from the Northern Province in 1990 have been living as displaced persons in Puttalam, Kurunegala and Anuradhapura districts.
prepared. The first phase of its implementation covered the people outside HSZs and the second phase covered IDPs and the people within HSZs. SJHRN would seek the help of UNHCR in implementing the Action Plan and act as the primary decision-making body for meeting immediate humanitarian and rehabilitation needs in the North-East. A North East Rehabilitation Fund (NERF) was established for speedy disbursement of international assistance, with the World Bank as the custodian. The two parties agreed to set up an independent verification mechanism with the help of the ICRC to look into the issues of persons Missing in Action (MIA) and Involuntary Disappearances. A committee on gender issues in the peace process was established. Both parties also agreed to invite a Muslim delegation to the peace talks, at an appropriate time.

Fifth Round of Talks, Germany, 7–8 February 2003

This session agreed to set up three Committees in the East, consisting of only the Muslim and Tamil members, to resolve land disputes and to deal with land settlements. The parties agreed to invite international human rights adviser Ian Martin to draw up a roadmap for addressing human rights issues relating to the peace process. The LTTE agreed that it had recruited children for combat and agreed to work with UNICEF to prepare an action plan for children affected by the war. According to UNICEF, 90,000 children in the North-East are affected by the war, faced with malnutrition, poor healthcare and education facilities, land mines, continued displacement, and loss of parents and families. As a goodwill gesture, the LTTE released 350 children to UNICEF (Royal Norwegian Embassy 2003).

Sixth Round of Talks, Japan, 18–21 March 2003

Because violations of the CFA had become a major concern for Norway facilitating the peace process, priority was given to security issues. The sinking of an LTTE vessel off the Mullaitivu coast was discussed to prevent further incidents of such nature. Due to the SLMM members’ concern with regard to CFA violations, the parties agreed about the need to take disciplinary action against anyone endangering the lives of SLMM personnel. The two parties also discussed about elements of federalism and decided to carry forward the negotiations to find a solution.
The two parties discussed the essential elements of fiscal federalism. They also decided to invite the Forum for Federation, a Canadian international organisation, to take part in the seventh session for advice on various issues pertaining to federalism. The LTTE also set up a 21-member Political Affairs Committee to help its transformation as a political organisation.

For effective protection of human rights, the two parties asked Ian Martin to primarily develop three aspects of the roadmap: (i) drafting of a Declaration of Human Rights and Humanitarian Principles, (ii) planning of a programme of human rights training, which would include specialized training by UNICEF, UNHCR and ICRC, for LTTE cadres and government officials, police and prison officials and for other sections of the population; and (iii) proposals for strengthening the Human Rights Commission of Sri Lanka to enable it to develop the capacity for effective monitoring throughout the country. (Ministry of Foreign Affairs 2003)

Suspension of Talks by the LTTE

The LTTE suspended the talks in April 2003. One reason it cited was its exclusion from a meeting in Washington on 14 April 2003. In this pre-Tokyo Donor Conference 26 countries and 20 international organisations participated. The Tokyo Donor Conference on Reconstruction and Development of Sri Lanka was held on 9–10 June 2003, in which representatives from 51 countries and 22 international organisations participated. The donors pledged $4.5 billion assistance to the entire country over a four-year period 2002–2006, which was linked to substantial and parallel progress in the peace process. This was in addition to the normal aid given to Sri Lanka bilaterally and multilaterally. The peace talks tried to institutionalise the entire process of reconstruction and rehabilitation, by forming various sub-committees, but they eventually collapsed.

XI. The Government’s Policy Framework for an Interim Administration in the North East and the LTTE’s Interim Self-Governing Authority Proposals

Continuation of the CFA even after the suspension of talks created space for dialogue between the government and the LTTE. The government proposals of May and July 2003 tried to give considerable powers to the LTTE with regard to North-East provincial administration. The LTTE in its turn came up with a proposal for setting up an Interim Self-Governing Authority (ISGA) for the North-East. The LTTE argued
that setting up of ISGA would expedite the process of development in the North and the East. The language of the ISGA proposal gave the impression that the LTTE had changed its claim to be the sole representative of Sri Lankan Tamils. It stated that the majority of the people in the North-East acknowledged the LTTE as their “authentic representative”. It also reflected a change in the Tigers’ stand with regard to the Muslim community in its clarification that representatives of the Muslim community had the right to participate in the formulation of their role in the ISGA and that the ISGA would comprise members appointed by the Muslim community. Clause 3 of the ISGA proposal said that at the end of five years of ISGA “free and fair elections would be held in accordance with international democratic principles and standards under international observation”, but the LTTE had the right to postpone the elections indefinitely. The LTTE, however, failed to abide by the commitment made during the peace talks not to recruit children. For instance, the LTTE released 49 children to a transit and rehabilitation centre in Kilinochchi in 2003 October. The very next day it abducted 25 children in the eastern town of Valaichenai (Sarvanathan 2003: 5038).

XII. Conclusion

Peace making exercise in Sri Lanka has mainly faced obstacles such as, the lack of bi-partisan approach in the South between main Sinhalese political parties the UNP and the SLFP; lack of consensus on final political settlement between the LTTE and the government of Sri Lanka; unprincipled opposition of Sinhalese nationalist forces to any meaningful devolution of powers to the North-East; lack of mutual trust between the parties; lack of consensus about the role of a third party in conflict resolution and finally intransigent position of the LTTE of achieving Tamil homeland. Without the support of all political groups and minorities for constitutional arrangement, to restructure the state, conflict resolution process through political means will not succeed. Exploring a federal solution always faced hurdles due to opposition from majority of population. Vision and policies of UNP and SLFP leaders who wanted a federal solution to the conflict, faced opposition from coalition partners such as JVP, proving that the government is vulnerable to threats and pressure from partners in the government. Public awareness about the outcome and process of peace negotiations remained very low. Poverty, war and displacement have kept the people away from the entire process of peace-making since 1990. This gave the space for forces and
organisations such as the JVP to oppose the peace process. For peace and for devolution package the government had to create awareness about the distinction between the concept of a united Sri Lanka and a unitary state, a function it did not achieve. The lack of political will and the refusal to reconcile the differences amicably only prolonged the situation of perpetual conflict.