

# **The Conflict in Sri Lanka: Ground Realities**

**Edited by**

**Ana Pararajasingham**

**International Federation of Tamils (IFT)**

*Geneva – New York*



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This Publication is dedicated to the memory of

***Maamanithar Joseph Pararajasingham***



*“There is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountaintop of our desires.”*

**Nelson Mandela**

*“States that want to oppress a people do so by breaking their political will to resist injustice. To do this, oppressing states kill a society’s intellectuals and journalists who speak for the rights of their people. They want the Tamils to be intellectually rudderless. It is easier to enslave a people who have lost their ability to understand the nature of their oppression.”*

Dharmeratnam Sivaram (who was himself shot dead on 28 April 2005) speaking at Memorial Meeting for Slain Batticaloa Journalist, Aiyathurai Nadesan on 7 August 2004



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## **Introduction**

The prospects for peace in Sri Lanka are decidedly grim.

There are good reasons to believe that the fragile Cease-Fire between the Sri Lankan Government and the Liberation Tigers of Tamil Eelam may not hold for much longer.

President Rajapakse has foreclosed all avenues for meaningful resolution to the conflict by denying the existence of a Tamil Homeland and a Tamil nation in the Island of Sri Lanka. Also, he has strongly articulated his commitment to the preservation of the unitary state and Sinhala hegemony.

The Tamil leader, Mr Velupillai Pirapakaran has acknowledged this state of affairs by pointing out: “*The Tamil right to self-determination will never find space in the entrenched majoritarian constitution and in the political system built on that constitutional structure. Our people have, therefore, realised that they have no alternative other than to fight and win their right to self-determination. Self-determination entails the right to freely choose, without external interference, our political life*”<sup>1</sup>

However, in a final attempt to bring about a negotiated political resolution Mr Pirapakaran has called on the new government to “*come forward soon with a reasonable political framework that will satisfy the political aspirations of the Tamil people*” At the same time he has made it clear that this is the “final appeal” and should the Government reject this appeal. “*We will, next year, in solidarity with our people, intensify our struggle for self-determination, our struggle for national liberation to establish self-government in our homeland*”<sup>2</sup>

In the epilogue to his book ‘War and Peace ‘ in post Colonial Ceylon, Adrian Wijemenne, a Sinhala historian concludes “*The Sinhala leadership is notably pragmatic when it eventually awakes to the realities of the situation*”<sup>3</sup>.

Unfortunately, there is little indication to-date that the Sinhala leadership has awoken to realities.

This publication seeks to identify and analyse current political realities.

Also appended to this publication are recent editorials from the *Boston Globe* (**‘Short Fuse in Sri Lanka’**) and *The Statesman* (**‘War or Peace’**). *The Boston Globe* calls for a political resolution that recognises the Tamil need for “self-government”. *The Statesman* recommends a ‘confederal’ arrangement.

## The Contributors

**Rajan Sriskandarajah** is a retired physician and US citizen of Tamil origin. Rajan has lived in the US since 1977, having left Sri Lanka for England in 1974 in the wake of the Police attack on the International Tamil Conference in Jaffna. He intended to return. He was unable to return as violence against the Tamil people escalated and erupted into war in 1983. Rajan was formerly on the Editorial Board of the 'Tamil Nation' fortnightly and has written widely on the conflict in the Island of Sri Lanka.

**Wakeley Paul** is a graduate of Cambridge University and an LLM Master of Laws from Stanford. He is a Barrister at Law, Middle Temple, London, a former Crown Counsel, Ceylon for 11 years and a Criminal Defence Attorney in New Jersey for 33 years. Wakely was a former President, Thamil Sangam USA, an Association of Tamils living in the US.

**J. S. Tissainayagam** has a M.A in International Relations from Jawaharlal Nehru University, New Delhi. He edits the monthly journal *The North-eastern Monthly*, and is at present employed by Sri Lanka One-Text Initiative, an organisation involved in the Sri Lankan peace process.

**Sachithanandam Sathananthan** is a filmmaker. He read for the Ph D degree at the University of Cambridge. He was Coordinator of research in South Asian regional co-operation at the Marga Institute, Colombo. His publications and research interests cover national movements, nation-building and governance in South Asia. He was Visiting Research Scholar at the Jawaharlal Nehru University School of International Studies, New Delhi, 1999/2000.

**Ana Pararajasingham** is an Australia based management consultant who worked in Asia, the Middle East and Africa before migrating to Australia in 1983. He completed his postgraduate studies (MBA) in Australia. Ana is the Chairman of the Australasian Federation of Tamil Associations - an umbrella organisation of Tamil Associations. He was formerly on the Editorial Board of the 'Tamil Nation' fortnightly and has written extensively on the conflict in the island of Sri Lanka and on related human rights issues.

**Victor Rajakulendran** having obtained his PhD in the US now lives in Australia. He is a Research Entomologist with the NSW Department of Primary industries and a volunteer Radio Broadcaster. Victor's political analysis on the conflict in Sri Lanka is broadcast regularly in Sydney by radio stations broadcasting in the Tamil language.

**Joseph A. Chandrakanthan** holds a PhD from the University of Ottawa and a ThD from St. Paul University in Ontario, Canada. He was the first Professor and Founding Head of the Department of Christianity and Islamic Studies at the University of Jaffna. (1980-96). He is presently an Associate Professor at the University of Toronto. He has written prolifically on Sri Lankan issues and co-authored a book on the History of Tamil Nationalism with Professor Jeyaratnam Wilson which was published by the University of Washington Press in 2001.

# Sri Lanka Elections and Tamil Participation

- Rajan Sriskandarajah

[*Totally oblivious to a fifty-year transformation in the Tamil political consciousness, the Sinhalese claim that Tamils were intimidated into not voting” Whoever they (the Tamils) chose in the past didn’t bring any satisfaction. So, this time they decided not to choose any. What is wrong with that?” asks Rajan Sriskandarajah.]*

If, the only explanation the Sinhala society can come up with for the Tamil non-participation in the presidential election is that the LTTE forced them to, then we have a problem. I am not referring to the radical gossips and conjectures being bandied about in such abundance in the Sinhala south. It is that even the more moderate Sinhalese seem to believe this.

None of the Sinhala opinion writers have entertained the possibility that maybe; just maybe, the Tamil people didn’t want to vote at this election. If only these writers had paused to look at the present Tamil attitude towards the Sri Lankan state, instead of focusing on their own wishful thinking, they would have seen a different picture. But, they only listen to Tamil quislings and opportunists, to paint a picture that they like. As a result, they have become totally oblivious to a fifty-year transformation in the Tamil political consciousness.

For over five decades, since independence from the British colonial rule, Tamils dutifully voted at many elections, and in remarkably large numbers. Time after time they trekked to the polls and stood in line to cast their ballots. This, they did for a system of government in Sri Lanka that is fundamentally flawed, and wholly and indubitably stacked up against them.

What did they get in return for their decades-long participation in this so-called democracy? Their elected representatives got the ignominious privilege of sitting, and permanently so, in the

back-benches of the opposition side of the parliament. Sinhala leaders took advantage of the presence of these powerless Tamil members in the parliament to portray Sri Lanka as a democracy, and then went on to legislate grievous harm, one after another, to those who sent them there.

This charade needed to end someday, but it is important to realise that it didn't happen suddenly in 2005. The decline in Tamil participation in the Sri Lankan electoral process began a while ago and the process has been a gradual and a progressive one. Anyone who has taken pains to look at the voting pattern of the Tamils over the last several years, even cursorily, could have foreseen what happened this year.

Take, for example, the Jaffna district where the voters are all Tamil. Unlike other districts in the northeast, where the populations are a bit mixed (but Tamil majority, nevertheless), the Jaffna district presents a unique place to demonstrate the Tamil thinking on this matter. In other districts, the compulsion to vote to counterbalance the other ethnic communities in their midst, brings in a different set of dynamics. But, Jaffna district is an all Tamil one, and therefore is a better place to test Tamil thinking.

In 1977, an impressive eighty-two percent of voters in the Jaffna district participated in the election (406,258 out of 493,176 registered voters). By 2000 this number dramatically dwindled to twenty-one percent (132,733 out of 622,331). Although in 2001 the voter turnout rose modestly to twenty-nine percent (186,598 out of 633,457), these numbers are a far cry from the 80-plus-percent voting pattern that existed up until the late seventies.

Prior to 2005, the lowest voter turnout in Jaffna was in 1994, when 13,479 out of 596,366 registered voters cast their ballots (2.2%). This voter apathy in 1994 cost the Tamils dearly. Quisling Douglas Devananda and his coterie romped to parliament with nine seats (out of a total of ten), claiming to represent Jaffna! No Sinhala analyst worth his salt has ever commented on this.

Even in the year 2004, with the LTTE urging all Tamils to vote for the TNA, only forty-seven percent voted in the Jaffna district (305,259 out of 644,279 registered voters). This is quite important. Despite the dominant view amongst all Sri Lankan Tamils that it is good to have the TNA in the parliament to at least keep the quislings out of there, and the LTTE urging them to vote, fewer than half the registered voters in Jaffna took the trouble to vote.

Clearly the claim that the Tamils boycotted the election this year because of LTTE intimidation is utter nonsense. The decline in Tamil participation has been a Tamil voters' own choice, and for good and valid reasons.

The assertion by the Sinhala opinion hucksters that the 'Tamil people wanted to vote' in this election is not tenable either. These commentators quite obviously don't know anything about the present-day Tamil mindset about their future on the island. This is not surprising, as they are not in touch with the ordinary Tamil people.

If they couldn't talk to the common Tamil person to find out what this mindset is, they could have at least learned it from those who did.

Arthur Rhodes, who visited the northeast in mid-November 2005, wrote in AsiaMedia (UCLA Asia Institute publication), about a conversation he had with a Tamil vegetable vendor:

"Things are much better since the fighting stopped, and we are happy for that, but we are all still very poor," Kesevarajah says. "The politicians make promises, but they give us nothing." She says she does not see a reason to vote. "Neither candidate will give us what we need. Eventually both will just bring war."

He then talked to a young Tamil man.

... Nineteen-year-old P. Selvan proclaims that he does not care one way or another about the Nov. 17 election. He

talks fast, with his hands, and he does not smile. “These elections are not for the Tamils,” he says. “They do not care about us in the south. No matter what happens we will not get what we need to prosper and be free... both [candidates] will probably bring war. One might bring it sooner, but it will come. We have lost our hope for peace.”

Rhodes concluded his 2-Part report saying, “The polls open shortly, but many Tamils in the north are convinced that the candidates don’t understand their real security and economic concerns. They will be staying away...”

Those Tamils who wanted to vote did vote. An AFP report dated November 20, 2005 stated the following:

... At a tea stall close to Kilinochchi, shopkeeper M. Sriranathan said he had in fact voted for Rajapakse. Dismissing claims by independent poll monitors that Tamils had been intimidated by Tiger rebels from participating in the ballot, he said, he and about 50 others had taken a government-provided bus from the rebel-controlled area to government territory to cast their ballots. “No one said we couldn’t vote and no one tried to stop us going,” he said.

The same AFP report quoted a different Tamil person: “we have a leader already. We don’t need to vote for another one,’ said a man, who gave his name only as Rajah”

And then, there were those who didn’t want to vote, but went to the poll anyway for another reason. A posting on the BBC World Edition blog, by one P. Tharan, illustrates this:

I, a Tamil in Colombo, voted yesterday. My family and I wanted to boycott the election in solidarity with the Tamils in the NE. But, by not casting the votes, we would have been easily identified from our fingers that we haven’t voted. Finding my finger is not coloured, would indicate

that I haven't voted in the election. It in turn would send a wrong message to my Singhalese [friends] as we are supporters of the LTTE. That would lead to intimidation from the majority community. [Friday, 18 November, 2005]

That the Tamil leadership, the LTTE and the TNA, was of the opinion that the Tamil people should ignore this presidential election is no secret. They did make this quite clear to the Tamil people, and backed it up with valid reasons, reasons that the Tamil people understood. As leaders, it is in fact their civic-duty to analyse the political situation affecting their people, and advice them accordingly, which is what they did. But to say that they intimidated them into a boycott is hyperbole.

If one wants to see real intimidation one should walk the streets of Jaffna – hundreds of T-56 carrying Sinhala soldiers in full public view patrolling, army observation posts at every junction, mini army-camps every few hundred yards, heavy army vehicles barrelling down the streets. Contrast this with the scenery in Kilinochchi or Paranthan or any other LTTE controlled town, where you don't see a single gun in public.

To suggest that in the Sinhala army controlled Jaffna district the LTTE was able to intimidate the people into doing anything flies in the face of commonsense. As Tamilselvan rightly asked, “how [could] the allegation of intimidation... be levelled against the LTTE when the voters in question were living under the guns of the occupying Sri Lankan forces? There are forty thousand Sri Lankan troops in Jaffna alone exercising a clear intimidatory presence...” [\[TamilNet, November 22, 2005\]](#)

In the same report, Tamilselvan also pointed out that “LTTE members had long ago been withdrawn from SLA held areas in the wake of Sri Lankan military intelligence supported paramilitary attacks on them.”

Some LTTE supporters or a few local civilian leaders may have gotten overenthusiastic about their leaders' advice on this matter,

and burnt a few tires here and there. Certainly, there was no marked increase in violence on Election Day, over the number of incidents related to the army instigated shadow war of the last several months.

The bottom line is Tamils didn't vote because they didn't want to, and not because they were forced to.

The choices offered in this election are not something an average Tamil voter could get enthused about. One candidate was totally anti-everything for Tamils. He had denied the existence of a Tamil homeland and the right of the Tamil people to have a control over their own affairs. The second candidate signed a ceasefire agreement that benefited mainly the Sinhalese and did nothing to improve the devastated lives of the Tamil people. He reneged on an agreed mechanism (SIHRN) for rehabilitation of the Tamil victims and went globe-trotting to build international support against the Tamil leadership. What choices did the Tamils have? Choose the lesser of two evils?

Tamils, tired of having to choose between two evils all this time, gave up playing this wicked game. Whoever they chose in the past didn't bring any satisfaction. So, this time they decided not to choose any. What is wrong with that?

## **Is Peace Feasible?**

**- Wakeley Paul**

*[Wakeley Paul points out that the Sinhalese owned press realising the total unacceptability of Mr Rajapakse's unrealistic insistence on retaining the Unitary Constitution recommend sleazy duplicitous courses of action to follow. The whole focus on Federalism" is farcical for Federalism can only succeed if the parties trust each other. It should be obvious to anyone, judging from statements from both sides, that neither side trusts the other. He argues that unless the Sri Lankan Government comes to grips with reality, and face the fact that the North east must be free of their stifling and unwelcome domination, war is inevitable]*

Stunned that Mr Pirapakaran controlled the result of the Presidential Election, the Sinhalese owned press have reacted with articles and editorials seasoned with resentment as well as concern. Realising the total unacceptability of Mr Rajapakse's unrealistic insistence on retaining the Unitary Constitution, they recommend sleazy duplicitous courses of action for him to follow.

### **The unitary constitution and a united nation**

They suggest that Rajapakse publicly renounce his election platform by abandoning his policy about the importance and sanctity of maintaining the Unitary Constitution. They suggest that he carefully shift his position in order to convince the international community that peace, not the Unitary Constitution, is his number one priority. They advise that he pretend to the international community that he is ready for peace talks by talking of a united nation instead of insisting on a Unitary Constitution.

Is there really any difference between the two?

The press hope that the international community, with their blinded opposition to a separate state, will be attracted by this change in terminology. By this approach, they hope to accomplish

two goals. 1.) Get the international community to lull the LTTE to engage in fruitless peace talks, and thereby 2.) Give the President time to prepare his armed forces and his constituents for war.

### **Majority domination of minorities**

The Sinhalese love to talk of satisfying the aspirations of all communities when seeking a solution to the ethnic tensions that divide this nation, when in fact all they are concerned with is fulfilling their own wishes of remaining the ruling power over every other community in every part of the island. They have consistently chosen to deny the very simple fact that the Tamils are indisputably the regional majority in the NE, despite the unforgivable Sinhalese effort to change the demography of the region through colonisation. They cannot bring themselves to frankly recognise that their irrevocable objective is to keep us Tamils and other ethnic entities under their control, while ours has been to free ourselves from that menace. How can one reconcile such utterly inconsistent policies?

As stated before, the Sinhalese press suggest that Rajapakse should talk of a united country instead of a Unitary Constitution. This will no doubt appease the international community, who keep mouthing the formula that separation is out of the question. Unfortunately, they fail to realise that a United Nation or a Unitary Constitution boil down to the same thing, namely, uncontrolled Sinhalese control of the fate and future of the Tamils and others.

### **Devolution vs. autonomy**

Mr Rajapakse made that clear by implication when he said that the most he was willing to grant by way of surrendering even a semblance of power to the Tamils under the concept of a “United Nation” is to adopt the policy of “Devolution of Power.” As pointed out by Chief Justice Sharwananda in the XIII Amendment case, Devolution was Constitutional under the Unitary Constitution, as it enabled the Central Parliament to withdraw whatever they devolve to anyone at any time. What type of surrender of powers is that?

In short, Rajapakse's conception of a Unitary Constitution and a United Nation are synonymous with each other. The question the international community should ask these Sinhalese journalists and leaders is this: What is your concept of a united country? Does it mean the opportunity for the Sinhalese to continue to control, and limit the ambitions, hopes and expectations of the Tamil youth? Or does it envisage granting to the North East sufficient autonomy to avert such repression while the North East remains part of the same nation?

To the Sinhalese, the proposals in the Interim Self Governing authority (ISGA) demanded too much autonomy. What does that signify? An obvious determination not to release the Sinhalese hold over the Tamils? Whether it be under the guise of what is described as a United Nation or what can be described as a Unitary Constitution, the end result is identical, to deny the Tamils any right to determine their own rights and obligations.

Sinhalese journalists hope for a tangible improvement in race relations by maintaining the right of the Sinhalese to retain Sinhalese supremacy, which has been the evil that sparked the crisis in the first place. They refuse to recognise that the Tamils have every reason to seek autonomy based on the hideous history of Sinhalese discrimination that has dominated this nation since the Sinhalese obtained Independence from the British in 1948.

### **Multi-ethnic vs. majority-dominated polity**

The Unitary Constitution made this a Sinhalese dominated nation instead of a multi ethnic one. Unfortunately, the Sinhalese used their majority in the single parliament to illegally abolish the crucial entrenched protections the British provided for the other ethnic groups on the island.

The whole focus on "Federalism" is farcical, for, as Mr H.L. de Silva ((Sinhala Nationalist) has vividly pointed out, Federalism can only succeed if the parties trust each other. It should be obvious to anyone, judging from statements from both sides, that neither side trusts the other.

The latest Sinhalese ploy is to get India, which fears a breakaway by Tamil Nadu, the Sikhs and the Kashmiris, to intervene. Let them not forget that, when the Indians physically intervened under President Jayawardena, both the Sinhalese and Tamils resented that invasion. The then Prime Minister Mr Premadasa virulently opposed this foreign intervention. The Tamils fought and humiliated the Indian army. The Indians have never forgotten this and carry their resentment against the LTTE to this day. What kind of neutral intervention could we possibly expect from them now? In any event, can the Sinhalese trust the Indians any more than we do? The important question everyone has to ask is whether we should allow others to dictate to us what our future should be. The Indians, as an unhealthily ambitious mini superpower with its intelligence service R.A.W running around our island in an effort to control events there, will love to do that. The sovereignty of both the Tamils and Sinhalese would be compromised thereby.

The rest of the international community, on the other hand, will most likely do all in their power to avoid this, preferring a local leader to determine the island's future. The worry we Tamils have is whether that local leader will represent our interests, or those of the Sinhalese to the exclusion of those of the Tamils.

Ultimately, the question that arises is whether the Sinhalese people are ready to stop playing games by doing everything in their power to avoid facing the simple straightforward issue that faces us, which is, that they seek to continue to control our fate, while we wish to control our own.

### **Democracy with a permanent majority**

The international community and the U.N. have recognised the right of minorities to overcome the unwelcome, overwhelming power of national majorities in East Timor, Northern Sudan and Bosnia. What is so different about Sri Lanka? The fact that Sri Lanka has elections? Those elections allow the Sinhalese to choose between two or more rival contenders who their leader should be. Does it permit the Tamils to have a real voice in determining who

their leader should be? Obviously not. Do they regard these as free democratic elections from a Tamil viewpoint?

The enemy of the LTTE is the Sinhalese armed forces, who are out to suppress Tamil aspirations for Autonomy on behalf of every successive Sinhalese government. It is nothing short of a freedom struggle to be freed from the rule of the self centred Sinhalese. The deeper question is whether we can escalate the debate between the parties any further, considering how inconsistent the goals of each side are with the other. One demands autonomy, the other refuses to consider it. Are we not chaffing at threads in trying to pretend that there is anything that holds us together?

### **Assimilation or genocide the only choice?**

There is an old saying that the best way to deal with your enemy is to assimilate them, because you cannot kill them all. Can the Tamils possibly be assimilated?

With the current standoff, war is inevitable. Unless the government, comes to grips with reality, and face the fact that the North East must be free of their stifling and unwelcome domination.

## The Strategy of Delay

- J. S. Tissainyagam

[J S Tissainyagam exposes and explores the strategy of ‘masterly inaction’ that Sri Lankan Governments have used with success to avoid meeting Tamil demands and reaching a political solution to the conflict. He also identifies other strategies employed by the Government both before and after the Cease-Fire to deny a political resolution.. He concludes that “**Unless the international community is able to use diplomatic clout and political skills to apply pressure on Colombo to address problems without resorting to procrastination and political manoeuvring, the LTTE would have no option but to slough off the shackles of the CFA and resort to other ways of achieving its goal**”]

The history of the ethnic conflict in Sri Lanka reveals that a particular line of action has been exploited by successive Sinhala-dominated governments until it has become threadbare with use. But, despite overuse, this strategy could be banked upon to deliver desired results. One sees it in operation when one surveys the broad sweep of history of the conflict from the time it became an armed struggle in 1983. On the other hand, its presence is also unmistakable when examining shorter timeframes such as the period the CFA has been in operation.

The strategy in question is masterly inaction. As a military tactic it is not new and was used very creatively by the Roman general Q. Fabius Maximus, who became known as ‘cunctator’ (the delay) for this very reason. In a sense, there are definite parallels between the reason the famous Roman used it around 200 B.C against the Carthaginians and why our local politicians go back to it to contain the Tamil problem in contemporary times. Delay is a tried and tested method that makes the weaker party get exhausted, lose its nerve and throw in the towel.

## **The Vaddukodai resolution**

If there is any document where the Tamils state their disgust at the perfidy of successive governments this country had had, and the Tamil resolve to deal firmly with matters arising from such hypocrisy, it is the Vaddukodai Resolution. The document states: "...Successive Sinhalese governments since independence have always encouraged and fostered the aggressive nationalism of the Sinhalese people and have used their political power to the detriment of the Tamils," and goes on to enumerate the different spheres of life – political, social, economic and physical – in which Sinhala nationalism has been used "to the detriment of the Tamils."

The relevant portions of the Vaddukodai Resolution are too long to quote here. Suffice it to say that the areas highlighted are: depriving the Tamils of recent Indian origin their citizenship; sponsoring state-aided colonisation in the Tamil-majority areas; denying the use of Tamil as an official language; giving Buddhism the foremost place to the detriment of other religions; denying equality of opportunity to the Tamils in education, employment and economic life; denying the Tamils' right to freely enjoy their culture. The Resolution goes on to accuse governments of unleashing successive bouts of communal violence on both the Tamils and Muslims; torturing, terrorising and imprisoning Tamil youth on flimsy excuses; imposing upon the Tamils the (1972) constitution without their consent, which gave weightage to Sinhala representation on the basis of mere numerical strength, while depriving the Tamils of the few safeguards they had had under the earlier constitution (1948).

The Vaddukodai Resolution was drafted in 1976. Thirty years later, has any one of these problems except that of granting citizenship to the Tamils of recent Indian origin, been addressed comprehensively, let alone resolved to the satisfaction of the Tamil people?

Just three examples, would suffice to delineate the procrastination of the state in recognising Tamil grievances articulated in the Vaddukodai Resolution. First, even though the Indo-Lanka

Accord (1987) states that both Sinhala and Tamil are official languages of this country, official correspondence, court records and even bus boards are in Sinhala. Second, a new constitution has replaced the one against which the authors of the Resolution had expressed their vehement opposition, but this constitution (1978) too has not alleviated discrimination against the Tamils. On the contrary the three branches of government – but especially the judiciary – have deliberately and consistently ensured that the Tamils are denied equal opportunity. Further, the judiciary permitted indiscriminate arrest, torture and even murder of Tamil youth by not challenging provisions of the PTA, which has been in existence for 25 years. Today the judiciary has postponed indefinitely an inquiry into the P-TOMS agreement thereby depriving Tamil survivors of the tsunami even a pittance for rehabilitation and resettlement. And third, bouts of communal violence referred to in the Resolution gradually transmogrified into one of Asia's longest and most deadly civil wars.

### **The CFA**

If we turn to another document of more recent origin – the CFA (February 2002) – we would find an almost identical problem. The CFA assumes the two parties to the conflict – the government and LTTE – entered into a ceasefire because they are of equal status, which entails that both parties should adhere to implementing its provisions on a reciprocal basis. But the government has repeatedly reneged on what it had undertaken to do under the CFA, and has flatly refused to implement the clauses it is expected to for the agreement is to be honoured by both sides.

Of these provisions, most detrimental to the Tamils is the non-implementation of Clause 1.8 that stipulates all paramilitary cadres have to be disarmed by the government. The government's refusal to adhere to this clause permits the shadowy Karuna to continue operating with impunity under the protection of the army. Second, despite commitment to 'normalisation' finding great prominence in the CFA, Tamil civilians in the northeast suffer untold deprivation. They are unable to enjoy 'normalcy'

due to the depopulation of vast areas in and around military installations due to high security zones remaining intact; the army, whose conduct is a constant irritant to the Tamils, remains in occupation of schools, public buildings, sports stadiums etc. The various institutions set up under the ceasefire – JTF, SIRHN, ISGA – proved to be non-starters because the unitary constitution does not allow meaningful power sharing between the government and LTTE even within the bounds of a ceasefire.

The examples of the Vaddukodai Resolution and the CFA have been dealt with in some detail to show the long and unacceptable delay in addressing and remedying the profound problems that have beset the Tamils from the time of independence.

### **The Rationale for the strategy of delay**

The reason for this strategy is clear: it is to keep hope alive among the Tamils that substantial restitution would be made, while at the same time unleashing a counterinsurgency war that disrupts the day-to-day life of the community through systematic and widespread use of terror such as assassination, indiscriminate detention, torture etc., which result in the community becoming unstable.

The other reason for delaying tactics undertaken by the Sri Lankan state is with the intention of creating enmity between the LTTE and the Tamil people. The state hopes that by prolonging the conflict and creating an environment where existence is on the verge of barbarity, tensions, fears and hopelessness in the Tamil civilian population would force it to react negatively towards the rebels, which would result in undermining the support the rebels have from the community. The army, STF and intelligence have been doing this consistently in the northeast hoping that it would erode the confidence Tamils have in the LTTE. Tensions created between the civilian population and the Tigers by government forces deliberately engaging in counterinsurgency operations enhance the friction that naturally arises between those who wield power and the people that are governed. The state hopes that by prolonging the state of conflict these tensions might, eventually, deprive a population's will to fight.

The type of link that has been forged between the Tamil people and the LTTE over the past three decades of conflict is one where the Tigers are seen as an organisation that provide protection to the Tamils, primarily from the security forces, and second from the violent sections of the Sinhala and Muslim communities of the North East. However, this role of the LTTE could only be sustained as long as the Tamil population reposes its faith in the rebels not only as an organisation that is leading them towards a political goal (self-determination in whatever form), but also as one which is equipped to deal with the vital day-to-day function of providing them protection and security.

### **The use of Karuna**

During periods of active conflict the warring parties focus on neutralising the protective power of their opponents. But what has happened during the past, nearly four years, of the ceasefire? The state has deliberately undermined the sense of security of the Tamil population by creating and sustaining Karuna and using him as a front for all types of covert action against the LTTE and its civilian supporters, which includes assassination, abduction, torture and intimidation. This has led to a pervasive feeling of fear and uncertainty among the Tamils of the east because rivalry within the Tamil community between LTTE supporters and Karuna supporters has led to the location of the ‘other’ not as an external foe, but as one within. This has had adverse repercussions on the sense of community that is vital to any population in a war zone.

### **The Muslim factor**

The military has also undermined the Tamils’ sense of security by creating enmity between them and the Muslim population in the east. The ceasefire saw a number of incidents where enmity flared up between Tamils and Muslims in areas where the Muslims were numerically preponderant in the three districts of the east. Not only did it create suspicion and enmity between neighbours, but it forced the Tamils to question how well the LTTE could undertake the function of protecting them. Tamil-Muslim agitation also promoted the role of the state in the volatile

east because the Muslims reacted to the clashes by demanding the government give them protection, which served to legitimise the state in the eyes of that community. Such counterinsurgency operations are undertaken by the state backed by intense media propaganda that questions the LTTE's legitimacy, and its adherence to human rights and good governance norms in the northeast – especially in relation to the Muslims.

### **The Use of NGOs**

The only place where the state's counterinsurgency works minimally is in the LTTE-controlled areas. But it has to be noted that counterinsurgency operations use NGOs – some of which are involved in promoting women's rights, children's rights, environmental issues, humanitarian concerns – not for the well being of the civilian population but to spark off conflict between the civilians and the rebel leadership by promoting different and competing social and political norms. This is not say that all NGOs and civil society organisations fall into this category, but those – and there are plenty of them around – that are created explicitly for the purposes of counterinsurgency.

### **The use of the CFA**

While the government uses the strategy of procrastination to tire out Tamil civilians and thereby deactivate the environment in which political demands are made, it has to also neutralise the LTTE. This was done by forcing the rebels to enter into protracted negotiations. The basis for the negotiations was the CFA. But what is usually glossed over in articles and discussions within the public domain is that the CFA was and is grossly unfair by the LTTE. This was accomplished by the government of Sri Lanka being assigned the role of safeguarding the country's sovereignty and territorial integrity. ("The Sri Lankan armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.") In other words, the CFA that became practically operable only through the military parity between the two protagonists to the conflict is systematically undermined because the LTTE cannot be legitimately re-supplied

with armaments, munitions etc. The afore-mentioned clause in the CFA forbids it. Differences between the LTTE requiring re-supply and the clause in the CFA that allowed the security forces to prevent this in the guise of “safeguarding the sovereignty and territorial integrity” of Sri Lanka was the reason for numerous clashes occurring at sea between the Sea Tigers and the Sri Lanka navy in 2002-2003.

### **The exploitation of ‘Human Rights’**

With re-supply, another area in which the state hopes to capitalise on during the long period of the ceasefire is stanching LTTE recruitment. Governments know that one of the factors that go against the Tigers (as in the case of most rebel groups) is a modest recruiting base for its armed cadre in comparison to that of the state. To ensure that the LTTE does not acquire more cadre any recruitment is portrayed as a human rights violation. If recruitment is not condemned as ‘child soldiers,’ it is designated as an ‘abduction’ of an adult. The long period of a ceasefire works admirably for this purpose because recruitment can be monitored by human rights agencies better when there is no active combat, which would be almost impossible during times of war. What few people realise is that behind the pious rhetoric of human rights activists are solid counterinsurgency reasons for making public statements on child recruitment, abduction etc. Surely it cannot be adherence to any moral code that makes the Sri Lankan government, which blithely bombed and shelled civilian positions without any qualm of conscience about the safety of children, to now scream its head off about child abuse in the hands of the Tigers?

### **Searching for Sinhala consensus**

Meanwhile, moves are afoot to delay matters even further. President Mahinda Rajapakse has reiterated that his first priority would be to drum up consensus among the political forces in the south before speaking to the LTTE. The word ‘consensus,’ in the Sri Lankan context means only one thing – delay and procrastination. Consensus-building would inevitably focus on the sort of entity the future Sri Lankan state would be. What

usually tends to be obfuscated in discussions on the structure of the state, or on federal versus unitary constitutions, is that they represent different aspects of the mindset of the ruling class in Colombo. Whether we like it or not, the ruling class has within itself substantial elements which are loath to share political power with the Tamils through constitutional means. With Rajapakse assuming the presidency, these elements have acquired great legitimacy. What is more, no solution to the ethnic problem in the future is going to be devoid of a substantial input from the extreme nationalist sections of Sri Lanka's southern population and their political representatives.

It has been the ploy of the ruling class in Colombo to speak about a consensus whenever it has had to take painful decisions of sharing power with the Tamils. What is important in the building of this consensus is that the JHU with nine seats is treated as important as the UPFA (105 seats) and UNP (82 seats)! (The actual influence of the JHU in getting Rajapakse elected as president cannot be quantified, but it is unlikely to be substantial). The question we have to ask is: why is the Sinhala polity, which places faith in numbers and numerical majorities (as it does in parliament) to defeat everything that affects its interests, bending over backwards to solicit the opinion of the minuscule JHU? The answer is obvious – to ensure that the intransigence of JHU (and of course the JVP) could be used to dilute what is offered to the Tamils as the ‘consensus opinion of the south,’ and thereby see to it that hegemony does not slip out of the Sinhala ruling class.

The fact is that it is not the individual political parties that matter when deciding what ought to be ‘conceded’ by the Colombo political elite. It is the ruling class as a whole, which is reluctant to share power, using the mechanisms built into the political system to frustrate Tamil aspirations. This is not the first time in the recent past that presidents have used the consensus card to delay acting decisively. In 2000 for instance, former president Chandrika Kumaratunga presented her proposal for constitutional reform. For some months preceding this, active negotiations were undertaken by the PA with the UNP to arrive at a consensus. The upshot of it was the original draft readied in

1995 that had certain enlightened proposals on sharing power, was watered down on the request of the UNP. However, this did not prevent the UNP from refusing to support the new constitution in parliament.

So we have now arrived at the actual reason why the south uses every trick in the hat to prolong matters and drag its feet. Not only would it help in tiring out the Tamils and apply pressure on the LTTE militarily, but it will also build up Sinhala ‘consensus’ that it hopes would be so formidable that neither the Tamils nor the LTTE would be in a position to question it. It would be presented as a fait accompli to the Tamils – take it or leave it. It is in view of this ‘consensus’ that the UNP recommends a federal solution, and the UPFA coalition, presently in power, speaks about a unitary constitution. They are not positions parties in the south have arrived at through systematic discussion with the Tamils or their political representatives, it is something the southern ruling class has decided would be the limit that would be ‘conceded’ to the Tamils.

## **Conclusion**

Conflict resolution lore is replete with cautionary exhortations that a peace process which is not inclusive, is bound to breakdown fairly soon. A good example of this type of inclusiveness working well was in South Africa’s constitution-making. The Rainbow Coalition brought together all parties involved in the South African peace process. But the other thing the South Africans brought into the process was a determination to succeed in making the solution work. This determination is absent in the Sri Lankan context. The Sri Lankan ruling class is yet to give up its ambition of retaining its hegemony over the state and will use any method to procrastinate in conceding power.

All this places a grave responsibility on the international community. The international community should realise that every one of the reasons that led to the Tamils agitating for a separate state in 1976 on the basis of the Vaddukodai Resolution except that of granting Tamils of recent Indian origin citizenship, are still alive an’ kicking. Despite this the LTTE was willing to

consider federal structures based on internal self-determination and a homeland within a united Sri Lanka in place of separation. But Colombo's elite, three years after the Oslo communiqué is yet to progress beyond building a 'southern consensus!'

Though Rajapakse (or at least his political allies) hoped India would help them in showing Norway the door as a facilitator, this has not happened. This gives a good opportunity to the international community to intervene forcefully on the side of justice and fair play. The Sri Lankan Tamils have given up the hope that the Sinhalese would act justly in giving the Tamils their dues. The only hope for the CFA not collapsing entirely is that the international community would intervene in the cause of justice. Unless the international community is able to use diplomatic clout and political skills to apply pressure on Colombo to address problems without resorting to procrastination and political manoeuvring, the LTTE would have no option but to slough off the shackles of the CFA and resort to other ways of achieving its goal.

# **The War Imperative**

**- S Sathananthan**

[S Sathananthan believes that for the Tamil National Question to be resolved short of an independent State of Tamil Eelam, it requires an extreme federal system of government. This, he points out can only be realised by abolishing the executive presidency or at the very least divesting it of considerable powers]

The President Mahinda Rajapakse declared in his election manifesto, “War is not my method” to resolve the Tamil National Question. That may very well be true. But he has to surmount daunting structural barriers.

## **The ethno-religious unitary State**

Sri Lanka has a Sinhala-Buddhist ethno-religious unitary State. It cannot and does not provide democratic space for the Tamil National Movement, led by the Liberation Tigers of Tamil Eelam (LTTE), to negotiate a political solution. However, Rajapakse categorically rejected any change in the unitary character of the State. To make “war is not my method” claim credible, during the election campaign last month (November) his campaign managers dishonestly cited the Indian example of sharing powers within “a unitary structure” to prove that a political settlement based on power sharing is feasible in Sri Lanka within the current unitary State.

The President has already reversed the decision to jettison the Government of Norway as facilitator in “talks” with the LTTE. Would he similarly abandon his attachment to the unitary State and explore federal alternatives? If not, he has painted himself into a political corner and is set on a collision course with the LTTE.

## **The official language**

The question of official language propelled the Tamil National Question centre stage in the early 1950s, when Tamils demanded Sinhala as well as Tamil must be official languages of the whole country. If war is not his method, the President would find it to his advantage to honestly acknowledge that the position regarding the official language has remained the same from the mid-1950s to the present. Under Article 18 of the Constitution, as amended by the 1987 13<sup>th</sup> Amendment, “The official language of Sri Lanka shall be Sinhala” (Art 18.1) while “Tamil shall also be an official language” (Art 18.2). That is, Sinhala is the sole official language of the whole country while Tamil an official language for specified purposes only. The Article essentially combines and restates the 1956 Official Language Act (in Art 18.1) and the 1958 Tamil Language (Special Provisions) Act (in Art 18.2). This odious fact is cunningly obscured by the Sinhala chauvinists’ propaganda that both are official languages of the whole country; and collaborating Tamil United Liberation Front (TULF) politicians colluded with them to deceive Tamils by not exposing Article 18 as a cruel deception and by mouthing vacuous assertions about the need for “proper implementation” of the provision. Can President Rajapakse amend Article 18 to make both Sinhala and Tamil the official languages of the whole country in the face of opposition from his Sinhala-extremist coalition partner, the Jathika Vimukthi Peramuna (JVP)?

Not surprisingly, Rajapakse’s 26 November 2005 policy statement skirts the issue. “A three-year crash programme”, it says, “will be launched to expedite the full implementation of the official language policy in police stations, Government offices and other public places and minimise obstacles that Tamil speaking people face when dealing with State organisations.”

In other words, he has no intention to amend Article 18. This is the second area in which his policy will collide with the non-negotiable demand of the LTTE-led Tamil National Movement for Tamil to be an official language for the whole country.

## **The executive presidency**

The executive presidency embodies the acute centralisation of political power in the current unitary State. If the Tamil National Question is to be resolved short of an independent State of Tamil Eelam that requires an extreme federal system of government for which the executive presidency must be abolished or at the very least divested of considerable powers.

But President Rajapakse's policy statement waffles on the subject. "*Our manifesto has also proposed abolishing the Executive Presidency. For this purpose Constitutional reform based on a broad consensus is required. Until then our Government hopes to introduce Constitutional reforms by which the President will be officially answerable to Parliament.*" Anyone with an even cursory understanding of Sri Lankan politics knows that the "broad consensus" is a myth. Whenever a Sinhala politician invokes the need for a consensus, it is a dodge to blame every one else for not implementing proposals. The reason is obvious. The psychology of power dictates that power must be consolidated and built upon. No politician would willingly dilute his or her powers. The vague provisions in Rajapakse's policy statement on the future of the presidency confirm this fact. The new Executive President will assume all powers of that office and, where possible, further extend and reinforce the powers.

The semi-feudal Sinhala leadership will hold on to the strong executive presidency and militarised Sinhala State for another, structural reason. The Sinhala ruling classes rely on the highly centralised executive presidency and authoritarian powers of the national security State to contain rising class antagonism among the impoverished and radicalised Sinhala working classes who pay the human price for globalisation.

By restricting himself to making the President "answerable to Parliament" – that too requires the elusive consensus – President Rajapakse confirmed he will hold on to all powers of the Executive Presidency. Consequently, there is no scope for abolishing or diluting presidential powers. So there is no political space for

the LTTE-led Tamil National Movement to exercise its right of national self-determination within the context of the ethno-religious unitary State.

Can the President then avoid war?

### **A military solution?**

President Rajapakse has been in his Sri Lanka Freedom Party (SLFP) government or sat in the Opposition for more than three decades when successive governments waged disastrous military campaigns. He must surely know that the morale of large sections within the Sinhala armed forces is low. The extremely high levels of desertion clearly demonstrate this. During “Operation Jayasikuru” in the late 1990s, for example, about 45 thousand Sinhala soldiers – about 30% of the army – deserted carrying with them arms and ammunition.

While trying to mollify recalcitrant Sinhala soldiers, a former United National Party (UNP) Deputy Minister in effect confirmed their poor morale. At an election campaign meeting in support of the UNP presidential candidate held in Hatton on 3<sup>rd</sup> of November, he explained that Sinhala soldiers need not fear. *“American and Indian forces will fight the LTTE if Liberation Tigers’ leader Pirapakaran opts to wage a war,”* he explained with a flourish; and added reassuringly, *“there will be no need for Sri Lankan forces to do the fighting.”*

But President Rajapakse has informed his coalition partners that it would take him about three months to modernise and strengthen his armed forces. Is the President preparing for war while talking peace?

# **Required: Paradigm Shifts**

**- Ana Pararajasingham**

*[Ana Pararajasingham argues that a political solution to the conflict in Sri Lanka requires re examination of previously held views so that all parties involved in this conflict can realise their goals by agreeing on political structures to enable the two nations in the Island of Sri Lanka coexist as equals and free of the fear of domination by the other]*

## **Preamble:**

There is no denying that Rajapakse received the majority of the Sinhala votes in his bid to become Sri Lanka's President. There is also no denying that it was his blatant appeal to Sinhala nationalism that helped him in his quest. According to Kumari Jayawardene, the Sri Lankan social scientist, the salient feature of this nationalism is the chauvinistic notion of the "*primacy and superiority of the Sinhalese 'race'*"<sup>4</sup> Bruce Kapferer, the Australian author of "**Legends of people Myths of States**", a book on nationalism in Australia and Sri Lanka says that "*in the fires of its passions, Sinhalese and especially Tamils are being consumed*"<sup>5</sup>

Conscious of the need for the support of the international community, Wickramasinghe was reticent in making blatant appeals to this well entrenched chauvinism. Instead, he portrayed himself as the pragmatist, who could, with the support of the international community contain the situation. At the same time he avoided elaborating on political power sharing with the Tamils, which was anathema to the vast majority of the Sinhalese. In order to convey to the Sinhalese that Wickramasinghe was no push over when it came to dealing with the Tamils, senior members of his party boasted that it was they who cultivated the LTTE renegade Karuna and sank the LTTE's vessels during the cease-fire. Then there were the unsaid matters about how Wickramasinghe's Government contrived to sabotage the arrangement reached with

the LTTE to deliver humanitarian aid and the measures it had taken to undermine the LTTE's negotiating capacity by weaving a so called 'safety net'. During the latter part of the Presidential campaign, a senior member of the UNP was emboldened enough to claim that arrangements were in place for US and Indian troops to intervene should the LTTE defy Colombo.

Whereas Rajapakse presented himself as an ultra nationalist Sinhalese, Wickramasinghe believed that he could be all things to all men. To the international community he was the dove ready to share power with the Tamils, to the Tamils he was the moderate and to the Sinhalese (who were expected to read the subtext hidden within his ostensibly moderate posturing) the only man who could keep the Tamils in check with international assistance.

Wickramasinghe failed because the Tamils saw through the message and the majority of the Sinhalese preferred the direct approach of Rajapakse.

As Ms Terista Schafer observes in her recent paper, "*Posturing for international support is no substitute for getting on with that extremely difficult job*"<sup>6</sup>

The extremely difficult job of forging an enduring peace calls for paradigm shifts by all of the players involved in this conflict. And this includes the international community, India, the regional power, the Sinhalese and the Tamils.

## **The International Community**

The international community operates on the premise that there is a moderate and hard line divide within the Sinhala polity. This has led to regarding Wickramasinghe as the dove and Rajapakse as the hawk. This is a flawed perception. While Wickramasinghe's support base is primarily the urbanised and westernised segment of Sinhala society, it is wrong to conclude that this segment is moderate in its outlook when it comes to conceding political power to the Tamils.

UNP, the party of the urbanised and westernised Sinhalese has been responsible for some of the worst atrocities against the Tamils. These include:

- The state condoned pogrom of August 1977 directed against the Tamils in response to their overwhelming support for independence at the General Elections held that year.
- The state sponsored pogrom of July 1983 that claimed within a space of two weeks 3,000 Tamil lives.
- The burning of the Public Library in Jaffna with over 95,000 books and several rare manuscripts by hoodlums in August 1981 under the direct orders of Gamini Dissanayake and Cyril Mathew, both senior members of the cabinet in which Ranil Wickramasinghe was a junior minister at that time.
- The disappearances, torture and massacre of Tamils (well documented by Amnesty International) between 1984 and 1987 in the course of unbridled terror unleashed by the army operating under the direct command of the Minister of National Security, Lalith Athulathmidali, another cabinet colleague of Ranil Wickramasinghe.

Then there was J R Jayawardene, a founder member of the UNP and Sri Lanka's President between 1977 and 1990, whose single minded opposition to political power sharing with the Tamil people was a major factor in escalating the conflict into a full fledged war.

It ought to be noted that Wickramasinghe was not only a kinsmen of Jayawardene but also someone thought to be his protégé.

During his tenure as Prime Minister Wickramasinghe was reluctant to communicate to the Sinhala people the case for political power sharing, and during the Presidential Elections he was decidedly ambiguous in articulating his commitment

to power sharing. This behaviour, together with what they had experienced of the Sinhala political leadership over the last five decades had convinced the Tamil people that there was little to distinguish between the Presidential contenders. As far as the Tamils were concerned Wickramasinghe and Rajapakse were simply two different sides of the same Sinhala chauvinistic coin.

The Tamil people's collective decision to refrain from voting was based on this assessment.

It is vital that the international community which seeks to help forge an enduring peace does not continue to delude itself by regarding those with a veneer of western sophistication or liberal pretensions to be less chauvinistic than those who are openly so.

In times of crisis the façade always cracks and the chauvinism stands exposed. The most recent example was the outburst by Dr Dhanapala a seasoned diplomat and Secretary General of the Peace Secretariat in Colombo who launched vituperative attacks on the LTTE and the Tamil people in the course of his addresses to audiences in Washington. As this writer put it “Dhanapala’s *unbecoming conduct ought to be an eye opener to those who subscribe to the notion that Sinhala chauvinism is simply confined to the JVP and the ‘patriotic’ parties. The extent to which this chauvinism has permeated Sinhala polity comes to the fore at times of crisis. This is when the likes of Dhanapala, despite their veneer of sophistication become undone*”<sup>7</sup>

### **India, the regional power**

It is only natural that India, the regional power, should have an abiding interest in the manner in which the conflict in the Island of Sri Lanka is resolved. It is unfortunate, however, that Indian policy makers have persisted with the policy that was set in motion almost two decades ago when in a misguided attempt to reverse its earlier policy of arming Tamils, India intervened to protect the ‘unity and integrity of Sri Lanka’.

The question that needs to be asked is how realistic is it for the Indian Government to persist with such a policy when ground realities have changed significantly during the intervening period.

Indian policy makers now need to pay heed not only to the spectre of Tamil nationalism but deal with the reality that Tamils now exercise physical control over substantial proportion of their land, have acquired military parity in respect to the Sri Lankan State and have established an effective mechanism to administer the land under their control. The net result is that today, in the island of Sri Lanka there are two-power centres- Colombo in the South and Kilinochchi in the North.

India's foreign policy must reflect these to ensure that both power centres while accommodating each other do not undermine India's interests in any way.

### **The Sinhala polity:**

Back in 1988, Professor Wilson, author of Sri Lanka, “**The Break up of Sri Lanka**” wrote “*My considered view is that Ceylon has already split into two entities. At present this is a state of mind; for it to become a territorial reality is a matter of time*”<sup>8</sup>

Seventeen years later, this prediction has come to pass. Today, the Island of Sri Lanka there exist two states - a de facto Tamil state in the Northeast partly occupied by the Sri Lankan army and largely controlled and administered by the LTTE and a Sinhala State in the South with a Government elected by the Sinhalese.

If there is to be an enduring peace, the Sinhala polity too needs to come to terms with this truth. Instead, imprisoned by its chauvinistic mindset, the Sinhala polity has taken to denying the reality by believing the propaganda dished out by its own media.

This is nothing new. Throughout the last five decades, the Sinhala polity's behaviour has been one of dismissing the

political stand of the overwhelming majority of the Tamils and insisting that the ‘authentic view’ of the Tamils to be those voiced by Tamil collaborators and sycophants. We see this today in the prominence given to the utterances of Ananda Sangari, a discredited, unelected Tamil politician. We also saw that in unelected Tamils (Kadirgamar 1995 to 2005; Kumarasuriyar: 1970 to 1977) being nominated to high political offices and their collaborative posturing deemed to be the Tamil position. Employing the same perverse logic, the elected Tamil representatives have been dismissed as being elected either through coercion (TNA) or ignorance (Federal Party, TULF). The proclamations made by Sinhala political commentators of ‘liberating the Tamils from the clutches of the LTTE’ etc is the product of this thinking.

The difficulty in convincing the Sinhala people of this situation cannot be understated. It is indeed a mammoth task. The extent of the difficulty was well encapsulated by the Sinhalese writer Adrian Wijemanne, in dedicating his book “**War and Peace in Post Colonial Sri Lanka**” to his wife Chitra. The book is an objective analysis of the post colonial history of the Island tracing how Sinhala nationalism masquerading as Sri Lankan nationalism had driven the Tamil people into asserting their own identity as a distinct nation. Wijemanne in his dedication says: “*to Chitra my wife, whose relentless opposition to the entire project and uncompromising rejection of every salient point herein has dispelled any lingering doubt as to the need, the urgent need, for the book<sup>9</sup>*”

If the Sinhala political establishment is serious about peaceful co-existence, it will not be unhelpful for them to reflect on the axiom that ‘**A nation which oppresses another cannot itself be free.**’

## **The Tamil polity**

While there is little doubt that the way in which the Mahavamsa, ( an ancient chronicle of Sinhala history believed to have been written in the late 6th century AD by an unknown Buddhist monk) has been misinterpreted to assert the ‘primacy and supremacy’

of the Sinhala people, there is more to Sinhala ‘intransigence’.

It is vital that the Tamils seek a deeper understanding of the factors which drive this intransigence. A clue to this is to be found in a speech by S W R D Bandaranaike, the founder of the Sinhala Maha Saba and the architect of the Sinhala Only policy of 1956 which marked the beginning of the Tamil struggle for self-rule.

According to the Daily News of 8, November 1955, Bandaranaike made the case for the Sinhala Only bill by arguing that “*With their books and culture and the will and strength characteristic of their race, the Tamils (if parity were granted) would soon rise to exert their dominant power over us*”

It was not just the Mahavamsa inspired notions of ‘primacy’ that have been the impetus, but also something else-the fear of domination. Kumari Jayewardene’s reference to the self perception of the Sinhalese of being a ‘beleaguered’ people resonates with this fear identified by Bandaranaike.

As Nadesan Satyendra put it “*We cannot go forward by dismissing the fears of the Sinhala people as ‘irrational’ or by suggesting that they are simply the handiwork of corrupt Sinhala politicians or ‘evil’ Buddhist priests. Nor should these fears be dismissed simply as a consequence of the ‘Mahavamsa’ mind set*”<sup>10</sup>

### **Conclusion:**

A political solution to the conflict in Sri Lanka requires re examination of previously held views so that all parties involved in this conflict can realise their goals by agreeing on political structures to enable the two nations in the Island of Sri Lanka

# **Sudan's Interim Power-sharing and Peace in Sri Lanka**

**- Victor Rajakulendran**

[Victor Rajakulendran recommends an interim arrangement modelled on the interim structures agreed between the Khartoum government and the African dominated Sudanese People Liberation Army (SPLA) of the south]

*“Two different nations from a very ancient period, have divided between them the possessions of the island: First the Cinhalese (Singhalese) inhabiting the interior of the country in its southern and western parts from the river Wallowe to that of Chilaw, and secondly the Malabars (Tamils), who possess the northern and eastern districts. These two nations differ in their religions, language and manners.”*

**Hugh Cleghorn**  
**The first British Colonial Secretary to Ceylon in 1799**

## **Introduction**

British authorities made few mistakes in recording what they saw when they went into a country to colonise it. However, when they left these countries after granting independence, they failed to leave systems of governments in place that could satisfy the aspirations of all the citizens of these countries. Sri Lanka (formerly known as Ceylon) is no exception to this.

The two Nations of people Hugh Cleghorn, the first British Colonial Secretary, observed in 1799 in Sri Lanka (Ceylon), the Singhalese and Tamils, never lived without political qualms in the post-independence era (from 1948). This is because the Westminster system of government left behind by the British colonialists, paved the way for the numerically superior Singhalese nation to govern the country, discriminating against the numerically

inferior Tamil nation in policies of language, land alienation, education and employment.

When the Tamil nation's struggle for equal rights using non-violent democratic methods, within and outside the parliament, was subjugated with brutal force by successive Singhalese-dominated governments, the then democratically elected leaders of the Tamil nation realised that the establishment of a separate State in the traditional homeland of the Tamil people, the North-East region of the country, is the only way to live in this island with peace and dignity. This culminated in the Tamil United Liberation Front (TULF), the then moderate democratic political party of the Tamils, passing a resolution for the Tamils to initiate their struggle to establish an independent, Sovereign, Secular, Socialist State of Tamil Eelam in their traditional homeland, the North-East of Sri Lanka.

The resolution calling for a separate state was passed at the TULF's convention held at Vaddukodai in 1976. It is now popularly called the Vaddukodai Resolution. Tamil people gave their mandate to the TULF for this resolution, which was their platform, in the parliamentary elections in 1977. When the TULF's non-violent struggle for an independent state was crushed, the Tamil youths opted for an armed struggle. This armed struggle is today taken forward by the Liberation Tigers of Tamil Eelam (LTTE).

Until the LTTE was able to grow and evolve with the support of the Tamil people into an equal armed formation to the Sri Lankan security forces (SLSF), and was able to successfully resist the SLSF's occupation of the Tamil homeland, no serious ceasefire agreements (CFA) or international community (IC) involved peace processes were initiated. Such a CFA was signed in 2002 between the Sri Lankan government and the LTTE with the facilitation of the international community (IC), specifically Norway.

Although the CFA is still holding (after nearly 4 years) political killings are not in short supply, which are blamed on both, the Tamil paramilitary forces aided and directed by the SLSF, and the LTTE. Six rounds of peace negotiations, with the facilitation

of Norway and with the support of the co-chairs (USA, Japan, EU and Norway) of the Tokyo donor conference for Sri Lanka, have failed to produce any results. Even the IC-initiated Post-Tsunami Operational Management System (P-TOMS), a joint mechanism between the government of Sri Lankan government (GoSL) and the LTTE to share the reconstruction aid from the IC equitably among the affected people, has also been prevented from functioning, through a court action initiated by Singhalese hard liners.

### **Recent Tamil Resurgence**

Realising that their hopes on the CFA and the peace process seem to have evaporated, the disappointed Tamil people began to demonstrate their frustration and expectations to the SLG and the IC, by organising resurgence rallies in the Tamil homeland. The first Tamil National Resurgence Conference was held on 27 July 2005 in the northern town of Vavuniya. A conference of more than 1000 Tamil academics, religious leaders and social activists in Vavuniya on this day proclaimed that an environment must be created to enable Tamils to decide their own political destiny and called for the Sri Lankan armed forces to vacate the land and seas of the North-East. This is now known as the Vavuniya Declaration and Tamil people living in all the other Tamil Districts have held similar resurgence rallies endorsing this declaration.

With the CFA coming into effect, it has been accepted in principle that, in the island of Sri Lanka, there exists an area controlled by the GoSL and another area controlled by the LTTE. The international community has witnessed, especially after the tsunami disaster, the existence of an efficient civil administration run by the LTTE in the LTTE controlled areas, with their own judicial, police, banking, transport and tax collecting systems. Therefore although the British and the post-independence governments in Sri Lanka have tried to erase the situation that prevailed before the British colonialists stepped into Sri Lanka as recorded by Hugh Cleghorn in 1799, Tamils have succeeded in preserving to great extent the parameters defining their Nationhood. This is why they decided to proclaim their aspirations as those of a Nation through Vavuniya Declaration.

In the last parliamentary elections, Tamils gave a mandate to the Tamil National Alliance (TNA) (a coalition of all the Tamil political parties of the North-East except two small ones) to represent them in the Sri Lankan parliament on the basis of recognising the LTTE as their sole representatives. This mandate also stipulated that any negotiations the GoSL wants to conduct regarding the ethnic issue should be with the LTTE only. Only one Tamil member was elected to parliament from the North-East outside the TNA in this election. Therefore, the majority of the Tamil people have accepted the leader of the LTTE Mr. Velupillai Pirapakaran (VP) as their National leader.

## **Recently concluded presidential election**

Attempts by the fourth President of Sri Lanka, Chandrika Kumaratunga, who was at the helm for the last 11 bloody years in Sri Lanka, to extend her stay in power by another year failed. As a result, an election to elect a new President was held on 17<sup>th</sup> of November 2005. Although there were 13 candidates contesting, it was a two man race between the two major Singhalese political parties. The contest was between the then Prime Minister Mahinda Rajapakse of the Sri Lanka Freedom Party (SLFP) and the opposition leader and former Prime Minister Ranil Wickramasinghe of the United National Party (UNP).

Although the SLFP nominated Rajapakse as its presidential candidate, the leader of the party, President CBK, and a few other senior members of the party did not support him openly. Aware of this in advance, and knowing that the Tamils would not vote for his party's candidate, Rajapakse decided to exploit the nationalistic Singhalese votes. To accomplish this, he decided to depend on the two extremist Singhalese nationalist parties the JVP (Peoples' Liberation Front) and JHU (National Heritage Party), a party represented by 9 militant Buddhist monks in parliament. The JVP was a terrorist organisation that staged two armed insurrections in Sri Lanka and latter entered parliament without surrendering their weapons. No Sri Lankan government asked them to do so. As these two parties have been opposing negotiations with LTTE and the Norwegian facilitation from the

inception of the CFA, they laid out conditions for Rajapakse in return for their support. Knowing that, without their support, he could not think of winning, although Rajapakse is a realist with pragmatic political ideas, he decided to agree to all these conditions.

The most important of these conditions that affect the future prospect of peace in Sri Lanka are:

- Any political solution will be within the unitary type of constitution only
- The concept of self government or separate homeland for Tamils is not acceptable
- A revision of the CFA
- No tsunami aid sharing deal (P-TOMS) with the LTTE which has been encouraged by the donors
- No major role for Norwegian peace brokers.

For the JVP and JHU, preventing Wickramasinghe from becoming the next president was more important than electing Rajapakse as the next President. The JHU considers Wickramasinghe more conciliatory towards Tamils and, for the JVP, if Wickramasinghe becomes the president, where to hide will be a worry.

The Tamils, who usually do not actively participate in Presidential elections, (in the Dec. 2000 Presidential elections only 19% of the Tamils voted in the Jaffna peninsula), realised the futility of supporting one or the other of the candidate vis-à-vis the peace process, due to the experience of the last 4 years. Thus, they decided to keep away from participating in the voting and let the Singhalese choose their leader. As a result, only 1-2 % voted in the North and less than half the Tamil people in the government controlled areas in the east voted. Therefore, Wickramasinghe, who was expected to win comfortably with the support of the Tamil votes, was defeated narrowly by Rajapakse, who received the support of the nationalist Singhalese voters.

Therefore, while the Tamils have accepted and proclaimed LTTE leader Mr. Velupillai Pirapakaran (VP) as their National leader through the last parliamentary election, President Mahinda Rajapakse has been chosen as their National leader by the Singhalese through the just concluded Presidential election.

### **Leaders' addresses to their people**

The victorious President Rajapakse delivered an hour long speech in parliament on the 25<sup>th</sup> of November 2005, outlining the policies of his government. In this address to his people, he promised to usher in an era of peace by talking to all the stake holders of peace in Sri Lanka. At the same time, he also reiterated a few key things he had promised to the Singhalese hardliners in his election manifesto. He proclaimed that he will reject self-determination for the Tamils, that he is committed to a "unitary state" controlled by the Sinhala-Buddhist majority, that he will revise the CFA, that he will dissolve the agreed joint LTTE-government administration of post-tsunami relief (P-TOMS) and that for mediation he will use the United Nations and all the other friendly nations that have shown interest in the past, including the nations in the region. He purposely omitted specifically mentioning what Norway's role will be. Singhalese hardliners have been demanding Rajapakse terminate Norway's role as the facilitator during the presidential election campaign.

Two days later, in his annual address to his people, the LTTE leader Pirapakaran emphasised the LTTE's aim of self-government in a Tamil homeland. He compared the new president's policy with the LTTE's own policy and pointed out the existence of vast policy differences between the two and warned that Tamils are losing patience and have started to express their feeling through resurgence rallies that they have been staging in various Tamil districts in recent times. He also said that "the new government should come forward soon with a reasonable political framework that will satisfy the political aspirations of the Tamil people." If no such offer is forthcoming, Pirapakaran said, the Tigers will in the next year "intensify our struggle for self-determination." When Pirapakaran talked about intensifying the struggle for self-

determination, many analysts and commentators have interpreted this as an ultimatum to the new President Rajapakse.

## **Future prospect for peace**

From the stated positions above, of the leaders of the two Nations of people in Sri Lanka, and going by past experience of peace attempts made in the country, a renewal of armed conflict is inevitable in Sri Lanka, unless influential forces among the IC exert their pressure on both sides.

Full implementation of the CFA is the number one priority to diffuse the existing tension that is building up between the two sides and to restart the peace process. As the disarming of the Tamil paramilitary forces working side by side with the SLSF against the LTTE is a primary aspect of the CFA, and most of the violent incidents happening during the last few months have been a direct effect of non-implementation of this disarming, this is the subject that needs to be addressed immediately.

While power-sharing with Tamils has been previously accepted by both UNP and SLFP governments as the basic necessity to find a political solution to the conflict, President Rajapakse's insistence on maintaining the "unitary state" makes one wonder whether the new President is really as pragmatic a politician as he is being described. President Rajapakse's policy of maintaining the "unitary state" also ignores completely the agreement, reached between the LTTE and the GoSL in Oslo during the peace talks, that both sides will explore the possibility of finding a solution based on a federal model.

While previous agreements made (but not implemented) between the Singhalese leaders and Tamil leaders, including the 1987 Indo-Lanka Agreement, have recognised the North-East region as the traditional homeland of the Tamils, President Rajapakse's rejection of this fundamental concept is contradictory to the declaration he made in parliament that he will usher in an era of peace satisfying the aspirations of all the communities in Sri Lanka.

In summary, President Rajapakse seems to be prepared to sacrifice even the little consensus reached during the peace talks so far, for the sake of appeasing the Singhalese nationalist constituency which elected him.

The last round of peace negotiations came to a standstill when the LTTE proposed an Interim Self Governing Authority (ISGA) to be established for the North-East of Sri Lanka to carry out rehabilitation and reconstruction work. The LTTE argued that rehabilitation and reconstruction cannot wait until a final political solution is found for the conflict, which will take at least few years for both sides to agree on. Without rehabilitation and reconstruction of the war-affected areas, Tamil people will not reap the benefit of the CFA and the peace process, the LTTE argued. The LTTE also insisted that the Tamil people will have to play the major role in this interim administration. But, at this stage, the then President CBK sacked the Wickramasinghe government, held a general election and installed an SLFP/JVP coalition government. This government, headed by Prime Minister Rajapakse, did not take any interest in renewing the peace negotiations due to the JVP's opposition to the government negotiating with the LTTE.

Any long term conflicts like the one in Sri Lanka have to go through an interim administration to reach a final settlement. The best case in point is the solution reached for the conflict in Sudan. The conflict in Sudan started almost at the same time as the Sri Lankan conflict. The armed conflict between the Arab dominated Khartoum government forces of the north of Sudan and the African dominated Sudanese People Liberation Army (SPLA) of the south has caused death and destruction in the south of the country for the last 21 years.

The government of Sudan in the North and the Sudanese People's Liberation Movement (SPLM) headed by its military leader General John Garang in the South signed a permanent peace accord on 9 January 2005, ending Sudan's 21-year civil war. It is the culmination of a more than two years of intensive negotiations.

The peace talks were mediated by the regional Intergovernmental Authority on Development (IGAD), led by retired Kenyan General Lazaro Sumbeiywo. A united diplomatic front to achieve peace was also led by the United Kingdom, Norway, Kenya, and the United States, with significant involvement from U.S. Special Envoy Ambassador John Danforth, during the past two years. The peace accord was signed in Nairobi by General John Garang on behalf of the SPLM and Sudanese First Vice President Ali Osman Taha on behalf of the government of Sudan. Importantly, it provides for a federal system, with a two chamber central government and a regional government for Southern Sudan which will have substantial powers. This structure will stay in effect for six years, after which South Sudan may choose to become independent through a referendum. During this interim period, a government of national unity will administer the country on a national basis. The agreement provides for an internationally monitored ceasefire with U.N. peace monitors. Two separate armed forces with a joint coordinating mechanism will be maintained in the North and South during the six-year transitional period. The agreement addresses many contentious issues, such as power-sharing in the transitional government, and how to administer contested areas such as the Nuba Mountains and Blue Nile, where resource and land-based conflicts have flared for years.

Another thorny issue addressed in the accord is wealth-sharing, including oil revenues. Sudan has some of the largest proven oil reserves in the world. The agreements provide wealth sharing formulas between the North and South and oil producing states.

The agreement also provides that Sharia law, which is applied in the predominantly Muslim North, will not apply in the predominantly Christian South or in the capital, Khartoum. This had been a major sticking point during the conflict.

An interim constitution was signed by both the leaders on 9<sup>th</sup> of July 2005 and General John Garang became the vice president of this interim government. Although General John Garang died in a helicopter crash a few days later, his former deputy in the SPLA has replaced him as Vice President and the interim government continues.

Most of the countries in the diplomatic front that were behind the Sudanese peace process are also behind the peace process in Sri Lanka. These countries have helped the two warring Nations in Sudan to agree to an interim federal system with a central government and a regional government for Southern Sudan with substantial powers for 6 years. This 6 year period is considered an interim period in which there will be two separate armed forces, with a joint coordinating mechanism, to be maintained in the North and South. At the end of this 6 year interim period, people of the South Sudan will decide the final settlement through a referendum vote based on their right to self-determination.

If the IC has supported and encouraged such a solution to the Sudan conflict with an interim arrangement, accommodating the functioning of the armed forces of both sides, can the same IC refuse the demand of the Tamil people of the North-East of Sri Lanka for an ISGA in their homeland?

Considering the positions spelt out by both the leaders, Rajapakse and Pirapakaran, the only possible way to avert a resumption of hostilities in Sri Lanka is for the IC to come up with a similar interim arrangement to the one they have sponsored in Sudan. The only difference may be President al-Bashir of Sudan is not a prisoner of extremist parties like Rajapakse is to the JVP and JHU in Sri Lanka. The only way for Rajapakse to become another President al-Bashir is to hold a parliamentary election and form a stronger government with his own SLFP, leaving the JVP and JHU out.

More importantly, India needs to be prepared to help Norway and the rest of the IC by playing the role Kenya played in Sudan.

# **Sri Lanka and Tamil Eelam: The Partition and its Aftermath**

**- Joseph A. Chandrakanthan**

[*Joseph A Chandrakanthan is of the view that the emergence of two separate linguistic States is the unavoidable political outcome of the two mutually exclusive forms of nationalisms; namely the offensive nationalism of the Sinhala-Buddhist polity and the consequent defensive nationalism of the Tamil resurgence.*]

## **The Prognosis:**

Before the close of the first decade of the 21st century the Sinhala-Tamil conflict in Sri Lanka will bring about the permanent break up of this Indian Ocean Island into two separate micro-States thereby bringing into reality the political prophesy of the highly reputed political scientist A. J. Wilson. Having spent almost a lifetime of research in Sri Lankan politics, he wrote in 1988 about the “The Future of Ceylon” predicting the emergence of the State of Tamil Eelam and said that “*when partition does take place, it will be based on a unilateral declaration of independence and not with the consent of India*<sup>11</sup>” Before commenting on the Indian factor it must be said that the intra-state, inter-state and international relations of these two micro-States, viz. Sri Lanka and Tamil Eelam would be re-arranged to suit the current geo-political climes of the region and with the reasonable assurance of the security of the citizens of both these States.

Having held on to the view that Sri Lanka as “*Dhammadipa*” is entrusted by Lord Buddha to the Sinhala race and that by divine writ it is ‘one and indivisible,’ the partition is bound to cause a Sinhala hysteria that will manifest itself in the form of the massacre of Tamils in all Sinhala provinces and a massive transfer of wealth from the Tamils in these areas to the Sinhalese --something reminiscent of the partition of India and Pakistan in 1947. It is beyond the scope of this essay to enter into a discussion of the post-partition international responses and possible linkages to the two separate States. Our aim here is to

show how the historical forces, particularly in the post-colonial phase have in their wake brought about the current politico-military situation whence partition has become an inescapable and necessary historical fact. More pointedly we shall examine the situation that is currently obtaining in the island as we come to the close of the first half of this decade following the Presidential election of November 2005.

Our considered view is that the emergence of two separate linguistic States is the unavoidable political outcome of the two mutually exclusive forces of virulent, vibrant and at times vicious forms of ethno-lingual nationalisms; namely the aggressive and offensive nationalism of the Sinhala-Buddhist polity and the consequent forceful defensive nationalism of the Tamil resurgence being witnessed in the last five decades or so. The current politico-military situation that is obtaining in Sri Lanka against the backdrop of these two highly charged nationalisms have invariably brought to the surface the fundamental question: Can two nationalisms that are mutually exclusive, historically hostile, politically irreconcilable, religiously antagonistic, socially incompatible, economically competitive, ethnically belligerent, linguistically adversarial, and culturally intolerant co-exist within a unitary, single, sovereign national entity? The obvious answer is bound to be a negative one. In sum, the internal division between the two communities is so deep-rooted that no surgical repair other than an amputation will serve as a permanent remedy.

### **Sinhala Intransigence**

Much has been written in the past fifty years explaining the rapid spiralling of the Sinhala Tamil conflict to its present formidable phase the internecine warfare and the incessant haemorrhage have all been well documented in Tamil and Sinhala as well as in many European languages. Compromises and conciliatory accommodations that could have been worked out between the two communities some twenty or thirty years ago will now be jibbed at by the Tamils as a meaningless exercise in futility. To the Tamils, history has repeatedly shown that the Sinhalese leadership which includes the whole gamut of their elites, the Buddhist religious officialdom and the extreme right and left political parties cannot

be trusted on a permanent basis. Their pacts, pledges and promises can never be taken to their face value. Mr. Pirapakaran who is acclaimed by a vast majority of Eelam Tamils both inside and outside of Sri Lanka as their National Leader enunciated recently the historically tested conviction of almost all Tamils, in his Great Heroes' day Address, when he said, '*...The Sinhala nation continues to be entrapped in the Mahavamsa mindset, in that mythical ideology. The Sinhalese people are still caught up in the legendary fiction that the island of Sri Lanka is a divine gift to Theravada Buddhism, a holy land entitled to the Sinhala race.*'<sup>12</sup> It is unfortunate that even influential Sinhala historians who claim to have had reasonable training in critical academic disciplines, maintain without any hesitation that Mahavamsa gives "*a surprisingly full and accurate account of the island's early history*"<sup>13</sup> It is therefore not surprising that the Tamil National leader concluded that "*it is because of this ideological blindness, the Sinhalese people and their political and religious (Buddhist) leaders are unable to grasp the authentic history of the island and the social realities prevailing here. They are unable to comprehend and accept the very existence of a historically constituted nation of Tamil people living in their traditional homeland in north-eastern Sri Lanka, entitled to fundamental political rights and freedoms. It is because of the refusal by the Sinhala nation to perceive the existential reality of the Tamils and their political aspirations the Tamil national question persists as an unresolved complex issue. We do not expect a radical transformation in the social consciousness, in the political ideology, in the Mahavamsa mental structure of the Sinhalese people. The scope and power of Sinhala-Buddhist hegemony has not receded, rather, it has revived and taken new forms, exerting a powerful dominance on the southern political arena. In these objective conditions we do not believe that we can gain a reasonable solution from the Sinhala nation. We have to fight and win our rights. We have never entertained the idea that we could obtain justice from the compassion of the Sinhala politicians. This has always been the view of our liberation organisation.*"<sup>14</sup>

In essence, after engaging in almost a quarter century of a politico-military liberation struggle Velupillai Pirapakaran came to the conclusion that the Sinhala political leadership has always

proved to be deceptive and destructive, that Buddhist religious fundamentalism has cemented their political ideology, that the Sinhala polity will never allow itself to be transformed in keeping with the modern exigencies of a liberal democracy. Epitomising this political truth the newly elected President who came to power resting on the shoulders of the two ultra-extremist Sinhala political forces namely the JVP and the JHU enunciated his moribund political vision by saying that he wishes to “*create a government infrastructure that will safeguard Sri Lanka’s sovereignty, territorial integrity, unitary nature of the state and the people’s national identity .....within an undivided sovereign democratic republic.*”<sup>15</sup> This is not a new ideological profession of faith by a Sinhala leader. It is only a re-affirmation that the numerical majority (viz the Sinhalese) will continue to determine the place of Tamil population in Sri Lanka.

In the year 1956 it was S.W.R.D. Bandaranaike, the founder leader of the SLFP who first introduced the separatist ideology into Sri Lanka’s pluralist national polity. His “Sinhala only Act” effectively reduced the multi-ethnic and pluri-religious society of Sri Lanka into a Sinhala monolith. It laid the foundation for the formation of a separate Sinhala State on the basis of ethnicity, language and religion and thereby effectively alienating the rest of the population. In 1972 his widow Sirimavo Bandaranaike took this forward by giving a constitutional legitimacy and by adding the land and ruler as integral to this monolith. She thus made the pluralist political paradigm both redundant and non-existent. She reinforced a fundamentalist Sinhala-Buddhist paradigm akin to some of the modern theocracies as in Iran, Pakistan and former Afghanistan under the Taliban rule. As a result Sri Lanka today has receded far behind in her historical existence and has emerged as a theocratic or more precisely a Buddhocratic State with a hegemonic and violent politico-religious ideology. Having lost their realistic grip within the Tamil community a few self-proclaimed Tamil constitutional experts not only refused to see this political reality but endeavoured to sell the “moth-eaten and truncated” pluralist polity as the ideal and workable vision for Sri Lanka. There are also a few Sinhala intellectuals and political pundits who are able to see beyond

their times and climes but their voices get totally submerged in the cacophony of the *Bumiputras* espousing, ‘*One land, one faith, one rule and one language*’. Here it should also be pointed out that Tamils were not party to any of the constitution-making, i.e. 1948, 1972 or 1978 and in that the Tamil claim is that a unilateral Sinhala constitution is imposed on them and in that they are ruled against their will and consent.

In a pluralist polity, for good governance it is necessary that all ethnic and religious groups receive equal treatment and be protected from discriminatory actions and legislation. The solemn covenant, which became the anchor of the Constitution at Sri Lanka’s independence in 1948, was section 29, which is the non-discriminatory clause. The SLFP and its Marxist allies arbitrarily rejected this safeguard when they framed the 1972 Constitution without the consent of the non-Sinhala races and non-Buddhist religious groups. A Bill of Rights replaced section 29. This was found to be hardly adequate. This presupposes a strongly independent Supreme Court, but judges (majority of whom are Sinhalese) have been known to give politically motivated judgements even on cases that have serious implications for Fundamental Rights and the Human Rights. Thus, there cannot be any safeguard against a hegemonic ethnic majority determined on thriving by subjugating and decimating other nationalities in a State where democracy is understood only in terms of numbers.

This Buddhocratic state system is further consolidated by the fact that Buddhist monks enjoy unlimited freedom to dictate policy especially when it concerns the non-Sinhala races and non-Buddhist religions; these monks were largely responsible for the gradual collapse of the State system as they have no idea of how modern democracies are managed. Encouraging the Buddhist monks to run the constitutional affairs of the State amounts to the allowing of medieval form of thinking to pervade the political ethos. Beginning with the Bandaranaike couple this has proved to be a devastating gamble and it will continue to prove to be suicidal to the Sinhala State apparatus. It was no secret that the Buddhist monks pressured Mr. S.W.R.D. Bandaranaike to usher in the most discriminatory “national” legislation of Sinhala Only.

They did the same with Mrs. Sirimavo Bandaranaike and later with their daughter Chandrika. They are still stoking the flames of the war between the Sinhalese and Tamils. Herein lie the embers of disaster.

Non-Buddhist Religious groups are not allowed to propagate their faith as in any society that is committed to free expression. They do not receive equal treatment in the allocation of funds and resources from the State's treasury. Buddhist clergy receive preferential treatment in terms of funds and patronage. A very restrictive anti-conversion bill is being contemplated fanning inter-religious warfare for decades to come. The writing is already appearing on the wall.

Recent history of Sri Lanka is replete with examples that almost the entire period since independence was preoccupied with the agitation of the stalwarts of the Sinhala Buddhist Movement. In 1955 an unofficial Buddhist Committee of Inquiry was appointed to look into the grievances of neglected Buddhism. Its report in short terms was labelled The Betrayal of Buddhism and it had an electrifying effect on the electorate during the 1956 General Election. Its sharp effects continued to reverberate thereafter as well till the Sinhala Commission was appointed in 1997 to look into Sinhala grievances even as late as half a century after independence. The Sinhala psyche has been quite adversely affected by the following factors:

1. The perennial fear of India. Indian expansionism is linked with Tamil Nadu's proximity and support for the Tamils of North and East Sri Lanka.
2. The myth of the Buddha investing the Dhammadhepa with the mission of safeguarding Buddhism in all its pristine form - a small nation's concept of manifest destiny.
3. The fact of the island being the only place in the planet where the Sinhala language is spoken and prevalent: the language will die out if neglected.

- Consequently the feeling of a minority complex by the Sinhalese who not only see themselves as a few millions in an ocean of Tamils in South India and in Sri Lanka who can be overwhelmed by the language and published literature of the elites of the big neighbour In effect to the outside observer, Sri Lanka is an island inhabited by two minorities, two ethnic groups (Sinhalese and Tamils) each seized with a minority complex.

### **The Indian Factor**

Thus during the period 1948 to the present the Tamils under the leadership of the Tamil Federal Party were being kindled by a burgeoning Tamil nationalism in a quest for equal status with the Sinhala Buddhist majority. The Tamils quickly realised that with India's intervention in July 1987 the Indian government would not permit a separate sovereign state in their backyard which from Indian perceptions would not only become the happy hunting ground of foreign powers hostile to India such as Pakistan, Bangladesh and China. India was willing to sponsor anything short of an independent state. Hence the Sri Lanka-India Accord of July 1987. Mr Rajiv Gandhi claimed that he had ensured that the Sri Lankan Tamils were being granted 'the substance of Eelam' without actual separate statehood.

### **The Federal Initiative**

When federalism was introduced by the Tamil leadership as a protest and disapproval of the unjust and inhuman parliamentary legalisations introduced against the Tamils of Indian origin, the concept was not so readily accepted for nearly three decades (1949-76) by the Tamil electors. Whereas the ideology of a separate state was more easily grasped because it was easier to comprehend; it gained currency in a short span of three years --as it was a reversion to the past of the Tamil kingdom and the Tamil kings.

Thus from the year of the inauguration of the Tamil Federal Party to the launching of the Eelam Wars from 1983 onwards, federalism was not so much enthusiastically supported perhaps

because of its vagueness to the Tamil mind. Rather it could be said that the Tamils trusted the integrity of the Tamil leadership, which advocated the federal solution as what was best in their interests. The Sinhalese elites viewed the Federal Party as then ‘classic Tamil disposition’ of wanting to have the cake and eat it; they therefore refused to hear of federalism being the second best, or even as a compromise on a separate sovereign state.

Tamil nationalism which was spreading like a bush fire among the Tamils of Ceylon. There could not have been a better recipe for the burgeoning of Tamil nationalism than the IATR’s cultural activities and the Tamil Federal Party’s gospel of the Tamil homeland and the unity of the Tamil speaking peoples of Ceylon. Along with repression by the Sinhala Buddhist State, there could not have been a greater fillip to Tamil aspirations in the aim for a nation state. Thus culture fed nationalism and nationalism boosted patriotism. This Tamil nationalism expressed itself in an all-out struggle (*porrattam* in Tamil) against the Sinhala Buddhist state. That was the term which the aspiring Tamil youth reserved for the state apparatus that sought governance over them.

### **The Church and the Temple**

Setting aside their historically inherited hostilities and differences the Hindu-Christian elite leadership entered into mainstream of this nationalist struggle with one voice. Hindu leaders and priests joined hands with their Christian counterparts in supporting and advancing the Tamil demand for separate statehood. Nallur Temple and the Bishop’s House became the meeting place of the leading citizens of Jaffna to express their protest against the atrocities of the armed forces.

In this Tamil national *porrattam* (struggle) the Catholic and Protestant churches in the Tamil areas and its hierarchy provided an active leadership with undaunted courage. The scholar-Bishop of Jaffna, Most Rev. Dr. Deogupillai stood solidly with his people in championing the cause for Human Rights, justice and equality with the late Rev. Dr. D. J. Ambalavanar, the Jaffna Bishop of the Church of South India who convincingly argued the Tamil national question in India and abroad.

## **The Armed Struggle**

In the arena of conflict the Liberation Tigers have survived the superior strength of the armed forces of the Sri Lankan state. Pirapakaran is committed to the cause of Tamil nationhood and is unwilling to place any reliance on Sinhalese assurances given the track record of their leaders. In the earlier phase, Pirapakaran and his supporters launched their struggle for a separate state. After the Indian intervention of July 1983 there was the realisation that India with its armed might will obstruct a mini-state of Eelam emerging in their backyard; the Liberation Tigers therefore declared that they would agree to any formula which approximated to the substance of a separate sovereign state, which they said could even be a federal set up. However the Sinhalese mindset has up to date not showed any willingness for even a substitute for the Tamil demand for statehood. It must be pointed out here that the Eelam wars were being waged at such tremendous cost and sacrifice largely because of the refusal of the Tamils to accept secondary status in a country which had been their motherland for centuries going back to the pre-Christian era. Having made such incredible sacrifices there will be no space for an ideological retreat.

The Liberation Tigers in fact administered their own state in the North within the larger state of Sri Lanka. This species of state was unknown to the world. A parallel quasi-state was being operated within the larger island state of Sri Lanka. The Tigers were the rulers with their own bureaucracy, police force and judiciary. One school of Sinhalese thought preferred to leave this quasi-state little disturbed while the People's Alliance government made an egregious blunder in militarily occupying this state of Eelam in the Jaffna peninsula. The situation was rendered more quixotic with the Sinhala governments opposed to this state of Eelam funding the administrators and maintaining state equipment in the peninsula. In this way it did not appear that the Colombo government had surrendered part of the island's territory, the north-east. The first foundation of the proto-State of Eelam was brought to the ground with the PA government's determined conquest and occupation of the Tamil heartland of Jaffna in 1995 - a grievous and poignantly irreparable blow to the Tamil psyche.

What is quixotic in all these dynamics was the expectation that the Colombo government would continue to subsidise the Tamil area with salaries and pensions to the local bureaucracy and food and medical subsidies in the midst of a repeated violent onslaught against the forces of the Liberation Tigers. By mid-1996 this unique state had in part militarily collapsed as a result of the government's prosecution of the war. .

Unlike his predecessors Pirapakaran is a self-taught man whose expertise is refined by the pains of experience, unbridled commitment and intense involvement. Not only has he proved his ability as a great leader but that he has emerged as an astute political leader of exceptional skills. The Liberation Tigers would have more readily accepted a written rigid federal framework or an internally sovereign fully self-governing unit in a confederation where the subjects of defence, finance, communications and foreign policy would be vested in a controlled confederal set up. This would definitely have been the path to peace.

Instead there are more evidences of the Sinhala-Buddhist intransigence in the form of a policy of annihilation or assimilation. An open desire to destroy and flatten Tamil areas with a dense population leading to large-scale death and destruction. To counter this the LTTE is compelled to enter into an arms race In such a context, the Sri Lanka government faces financial ruin on daily expenditure in a war well beyond the state's means while the country is denuded of all its intellectual and other resources.

### **International Dimensions**

Is there any hope of peace in such a belligerent situation? In pre-2002 period during the intensification of the war against the Tamils by the Sinhala State , the Tamils complained rightly that despite the endemic brutal violations of human rights and the frequent disappearances of their youth following 'cordon and search' operations, the bombing and killing of innocent women and school children in schools and churches where they took shelter from the death and destruction inflicted by government

aircraft, the world has chosen to look aside unlike as in Bosnia, Kosovo and Rwanda, and in Palestine's struggle against the state of Israel.

On the contrary, the United States has banned the Tigers from their fund raising activities and vigil over them has been tightened in Australia, Britain, France, Switzerland and Germany. Such a policy has only driven the Tigers to the wall and to more determined pursuit of their guerrilla warfare. In the wake of such banning, the government of Sri Lanka has received a positive pat on the shoulder that their policy of decimating the Tamils is right. These international constraints have done little to undermine the fact that a vast majority of the Tamils recognise the LTTE as their saviours, who have never swerved in their commitment for a state of their own.

### **Conclusion:**

In the present scenario it is doubtless that India will intervene to separate the combatants and the only expectation will be that India will take the side of the LTTE in deference to pressure from Tamil Nadu and sections of the Hinduvata groups within the subcontinent. The question of imposing a federal solution will possibly be side-stepped and that which the Sinhalese mindset most feared will come into fruition. Thus by their own volition and unwillingness to compromise and be less intransigent, the Sinhalese Buddhist extremist with their leadership have laid Eelam at the doorstep of the LTTE. It is reported that the U.S. State Department has in a map of the world for the twenty first century, marked Sri Lanka as two states. That fate awaits the island mainly because of the obduracy of the Sinhalese middle class.

**Short Fuse in Sri Lanka**

Westerners are kept aware of post colonialist conflicts in Kashmir, Israel-Palestine, Rwanda, and Sudan, but the decades-long conflict on the island nation of Sri Lanka between a Sinhalese Buddhist majority and the Tamil minority often seems a tragedy the West would rather ignore. Recent events there suggest, however, that Sri Lanka desperately needs help from international peace brokers if it is to avoid lapsing back into a bloody interneceine war that has been suspended since a 2002 ceasefire.

The outcome of last month's presidential election has stoked fears that the war between the Sinhalese-dominated government and the Liberation Tigers of Tamil Eelam will resume in coming months. The new president, Mahinda Rajapakse, won a narrow victory in alliance with two hard-line Sinhala nationalist parties thanks to an election boycott by most Tamils in the north of the island.

In Rajapakse's initial address to Parliament Nov. 26, he warned ominously that he will reject self-determination for the Tamils, that he is committed to a "unitary state" controlled by the Sinhala-Buddhist majority, that he wants to dissolve the current joint Tiger-government administration of post-tsunami relief, and that he plans to terminate a peace process that has been mediated by Norway.

Two days later, the Tigers' leader, Velupillai Prabhakaran, delivering his annual Heroes' Day speech, restated the Tigers' familiar aim of self-government in a Tamil homeland, noted a "vast" policy difference between the new president and the Tigers and warned that Tamils are losing patience. "The new government should come forward soon with a reasonable political framework that will satisfy the political aspirations of the Tamil people," he said. If no such offer is forthcoming, Prabhakaran said, the Tigers will in the next year "*intensify our struggle for self-determination.*" This either-or threat, seen alongside Rajapakse's own hard-line stance, presages an imminent renewal of civil war.

Former President Bill Clinton, who toured government-controlled areas of Sri Lanka Tuesday as a UN special tsunami envoy, grasped the danger looming over the island should the current ceasefire be washed away. "Any recovery progress achieved this year will be quickly reversed if Sri Lanka returns to civil conflict," Clinton warned.

Sri Lanka has limited strategic importance for the United States, but America's new strategic partner, India, has much to fear from a recurrence of warfare between the Tigers and the island's Sinhala-dominated government. India and the United States should bring international pressure to bear on the island's belligerents to sustain the current ceasefire and craft a political resolution that recognizes the Tamil need for self-government.

(*Boston Globe* – Editorial of 4<sup>th</sup> December 2005)

**War or Peace**

The only way to prevent war between the armed forces and LTTE is to prevail on the new President to give up his idea of a unitary form of government and work for a confederal

In his annual Heroes' Day address on 27 November, the LTTE supremo, Velupillai Pirapaharan, virtually served an ultimatum on the new President, Mahinda Rajapakse, that if his government did not come forward with a "reasonable solution" by the end of this month, his organisation would intensify the struggle for a separate Tamil Eelam in the New Year. It was the LTTE's call to the Tamils in the north-east to boycott the election that enabled Rajapakse to become the President, albeit by the narrowest margin. Although Rajapakse said his government was giving the highest priority to the peace process, his options to find a solution within the unitary form of government are limited.

His commitment to protect the unitary form of government in vogue since independence, given in writing to the Left-wing Janatha Vimukthi Peramuna and the conservative Jathika Hela Urumaya of the Buddhist clergy, ensured the support of the majority Sinhala community to Rajapakse. The LTTE's minimum demand is acceptance of the Internal Self Governing Authority (ISGA) proposals submitted by it two years ago as the starting point for resuming negotiations. The Sri Lanka government and the LTTE have taken up firm positions on two parallel lines. Parallel lines never meet.

The Japanese government's offer to host direct talks between Colombo and the LTTE is welcome because neither side wanted the talks to be held in each other's territory. Norway's compromise proposal of holding the talks in the international airport near Colombo was rejected by the LTTE as the venue was under the effective control of the Sri Lankan government. What was envisaged, according to Yasushi Akashi, Tokyo's visiting special

representative, was “review of the operational aspects” of the ceasefire agreement, in force since 2002, and not a review of the agreement as such. Akashi did not meet the LTTE leadership in Kilinochchi in deference to the wishes of the Rajapakse government which was engaged in a comprehensive review of the entire situation. The JVP and the JHU, electoral allies of the Sri Lanka Freedom Party of Rajapakse, want a review of the ceasefire agreement. Rajapakse, while wanting Norway to continue as facilitator between his government and the LTTE, wants Oslo to give up its role as monitor of the cease-fire agreement. The present Sri Lanka Monitoring Mission consists of representatives from the Nordic countries chaired by Norway. Rajapakse told Akashi that he would welcome monitors from Japan and South Asian countries.

Elected on a hardline nationalist platform and having won the majority of Sinhala votes, Rajapakse had rejected the concept of a Tamil homeland and the notions of power-sharing federalism, agreed upon by the previous government and the LTTE in the Oslo round of peace talks in 2002. He had also rejected the idea of sharing tsunami-related aid pledged by international donors with the LTTE. Liberal aid has been pledged by the international community as an inducement to both sides to resume peace talks. The Post Tsunami Operational Management Structure (PTOMS), a joint mechanism the former President, Chandrika Kumaratunga, had entered into with the LTTE, was abrogated by Rajapakse saying only the “Jaya Lanka” reconstruction programme run by Colombo will handle tsunami funds. Regretting the stand taken by Rajapakse, Kumaratunga claimed in an interview: *“I am saying this from the very bottom of my heart, I feel it deeply in every fibre of my body, that every single person who opposed PTOMS will, very soon be known by Sri Lanka as the biggest traitor this country has ever known. This was the beginning of the solution, quite definitely..”*.

More important is Rajapakse’s refusal to countenance an interim administration. Given his well known hardline position, no one expected him to concede this demand of the LTTE. While ruling out short-term and long-term solutions enunciated by the LTTE,

Rajapakse has not put forward an alternative agenda for any meaningful dialogue except to say “*the political solution to a lasting peace should be based on a consensus reached through discussion among all parties linked to the problem and it should receive the approval of the majority of the people of the country*”.

Pirapaharan said in his Heroes’ Day speech that a critical evaluation of Rajapakse’s policy statement revealed that he had failed to grasp the fundamentals. However, the LTTE considered Rajapakse a realist committed to pragmatic politics and wanted to find out how he was going to handle the peace process and whether he would offer justice to the Tamil people. Pirapaharan’s idea of a reasonable solution is based on the recognition of the Sri Lankan Tamils as a nation, and of this nation’s right to self-determination. This is a question of Colombo’s sovereignty over the Tamils living in the North-east. The Sri Lanka government surrendered its sovereignty over 70 per cent of the north-east under the control of the LTTE while signing the Memorandum of Understanding on the ceasefire with the militant group on 23 February 2003.

Article 1.4 of the MoU says: “Where forward defence localities have been established, the Sri Lankan armed forces and the LTTE’s fighting formations shall hold their ground positions”. This gave the LTTE the space and legitimacy to continue to build its parallel state structure within the lines of control. The LTTE celebrated the legitimacy thus gained by hoisting Eelam flags, declaring a national flower different from Colombo’s, establishing the Eelam police force and courts of law and even setting up customs posts at the Omantha and Muhamalai checkpoints to project an image of a separate de facto state.

With increasing skirmishes between the Sri Lankan armed forces, paramilitaries and the LTTE, the situation is heading towards a resumption of war. Rajapakse is relying heavily on the 1987 Indo-Sri Lanka Agreement signed by Prime Minister Rajiv Gandhi and President Jayewardene which took away Sri Lanka’s sovereign right to freely enter into military or intelligence relationships with any external power other than India. Article 2.16 of the agreement

says: "The governments of India and Sri Lanka will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern provinces". Ven. Ellawala Medananda Thero, leader of the JHU, has urged Rajapakse to place the country on war alert.

Lt.-Gen. Sarath Fonseka, newly appointed Commander of the Sri Lankan Army, recently visited the Palaly military base in Jaffna and key forward defence lines. Also present at Palaly were the Chief of the Defence Staff, Admiral Daya Sandagiri, Commander of the Navy, Vice-Admiral Wasantha Karannagoda, Commander of the Air Force, Air Marshal G.D. Perera, Defence Secretary, Gotabaya Rajapakse, the President's brother, and Lalith Weerathunga, President's Secretary. Two Indian naval ships, INS Sukanya and INS Kirpan, have just completed a joint exercise in Sri Lankan waters in the presence of Vice-Admiral Suresh Mehta, Flag Officer Commanding-in-Chief, Eastern Naval Command.

A week earlier, Lt.-Gen. B.S. Thakar of the Indian Army visited Sri Lanka. India has much to fear from a recurrence of warfare between the Sri Lanka armed forces and the LTTE. The only way to prevent that is to prevail on Rajapakse to give up his idea of preserving the unitary form of government and restructure the island nation's polity towards a confederal arrangement with all representative Tamil groups in Sri Lanka.

(*Statesman* - Editorial of 18<sup>th</sup> December 2005)

## **Endnotes**

<sup>1</sup> Annual Heroes' Day Statement, TamilNet, November 27, 2005

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<sup>12</sup> Annual Heroes' Day Statement, TamilNet, November 27, 2005

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<sup>14</sup> Annual Heroes' Day Statement, TamilNet, November 27, 2005

<sup>15</sup> Address by the Sri Lankan President, Mahinda Rajapakse, November 2005