



IDSA POLICY BRIEF

POLICY BRIEF ON SRI LANKA

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THE UNFOLDING CRISIS IN SRI LANKA AND THE OPTIONS FOR INDIA

The recent aerial attacks by the Liberation Tigers of Tamil Eelam (LTTE) at Katunayake Military air base in Colombo, and Palaly airbase in Jaffna, have worsened the security situation in the island nation. While security analysts are apprehensive about the LTTE air power and the heightened crisis, the human rights monitors have raised serious concerns about the emerging humanitarian crisis due to escalating conflict. The conflict has in fact taken its toll on the innocent Tamil civilians in the North and East, caught in the cross-fire between the Government of Sri Lanka (GOSL) security forces and LTTE militants. Since April 2006 the conflict, especially in the East, has produced around 200,000 Internally Displaced Persons (IDPs) apart from over 20,000 refugees who have fled to India. The bitter fighting has escalated the humanitarian crisis manifold.

The Humanitarian Situation

The closure of the A9 highway by the government citing security reasons has complicated matters. The A9 highway connects Jaffna with Colombo and it is the main lifeline for the flow of all essential items into Jaffna. The closure has made the people of Jaffna dependent on supplies from Trincomalee by sea or by air. However, after LTTE refused to guarantee the security of government aircraft and ships carrying essential items, the supplies have been inadequate and the people of Jaffna are labouring under harsh conditions. LTTE has done this with the express aim of forcing the

government to reopen the A9 highway. On the other hand, rather than complying with LTTE demands or ensuring other means of supply of food and essential items to Jaffna, the government has imposed restrictions on the operations of NGOs and international NGOs and created a difficult environment for many humanitarian agencies, who would have otherwise come to the rescue of the people. It is also true that the closure of the A9 itself has made access to Jaffna and Kilinochchi areas difficult for NGOs and international aid organisations. All this has led to a grave humanitarian crisis in the Tamil dominated areas in the north and east.

Another dismal aspect of the whole situation is that both the sides have shown scant regard for human rights issues. The LTTE has deliberately tried to use civilians as human shields. It has tried successfully to use attacks by government forces against civilians to draw sympathetic international attention and to increase pressure on the government. The Muttur crisis is a case in point, where the civilians were used as shield by the LTTE and prevented from fleeing to a safe place. The military has also made a series of deliberate attacks on civilians while countering the LTTE, which have even resulted in the deaths of civilians in camps for Internally Displaced People (IDP) in Kathiraweli in Vaharai of the eastern district of Batticaloa on 8 November 2006. Similarly, the reports of displacement, abduction and disappearance of a large number

of Tamil civilians in Colombo and Jaffna have also appeared regularly in domestic and international media. Undoubtedly, both the LTTE and government have contributed to this situation and their hands are equally tainted.

The government's handling of humanitarian issues has raised the concerns of international community. As a result, President Rajapakse stated on 24 November 2006, that government had invited an international independent commission to probe cases of "abductions, disappearances and extra-judicial killings" in all areas in the country headed by former Indian Chief Justice PN Bhagwati. Eventually, the test will come in the prosecution processes in regard to which the Commission, being a fact-finding body can only make recommendations. However, the unremitting humanitarian crisis does not appear to have been adequately addressed.

No letup in fighting

The flare-up in fighting since April 2006 has resulted in the LTTE suffering significant setbacks. However, the recent air strikes suggests that the LTTE is not deterred by the reverses suffered so far and it is determined to resist any attempt at finding a military solution by the Sri Lankan government. There is another view that, by drawing the army deeper into the territory in East, LTTE may be seeking to engage the government forces on the home turf later, with lesser likelihood of losing personnel/equipment, through the use of tested guerrilla tactics. Besides, there has been a growing speculation of late that the Tigers are unlikely to simply bow down to the Sri Lankan Army (SLA) military advances and, in fact, they are expected to come up with a surprise operation that would help them in achieving some sort of parity in military terms.

The LTTE also contributes to the present governmental thinking by its continuous attack on the strategic establishments, particularly in the East and Colombo. For example, the third air bombing by LTTE on two oil and fuel storage areas in Colombo on April 29, 2007,

which plunged the city into complete darkness and caused apprehension among people and air lines in Colombo is being interpreted by the pro-Government analysts in Sri Lanka as an instance of LTTE's intransigence and potential indicator of its determination to use the military option for meeting its demands. Notably, the official ban by the US, UK, and EU does not seem to have affected the military capability of the LTTE in any significant way.

Lack of Consensus

The Rajapakse government, despite its decision to continue the peace process with Norwegian facilitation, has not been able to pursue it with zeal and vigour. One of the main impediments to the peace process has been the lack of consensus amongst the Sinhalese elite on the question of devolution of power. While serious differences persist amongst mainstream Sinhala parties on this score, the hardline Janatha Vimukthi Peramuna (JVP) and Jathika Hela Urumaya (JHU) continue to demand cancellation of the peace process. This poses grave problems for the Sri Lankan government in devising a workable solution. The fact that the ruling elite in Sri Lanka is divided was borne out by the lack of consensus amongst the 17 neutral experts advising the All Party Representative Conference (APRC) working on the devolution plan. Indeed, the APRC formed by the GOSL under the chairmanship of Tissa Vitharana that engaged in drafting devolution model, came out with four different plans for devolution at cross purposes with one another.

Despite some initial scepticism, APRC committee chairman Tissa Vitharana submitted the 'majority' report which has formulated some surprisingly progressive proposals for the future of Sri Lanka. These include : abolition of executive presidency at the end of Rajapakse's first term; executive prime minister to be elected thereafter; Sri Lanka to be "one, free, sovereign and independent state"; the unit of devolution shall be Province; Safeguards against secession; Two vice presidents from different communities; President to be subject to judicial and parliamentary control.



Much now depends on how the government's hard-line elements and Sinhala groups proceed. On the other hand, the lack of unity among the Tamils in Sri Lanka and the assertion of equal rights by Tamil Muslims especially in the East has changed the conflict dynamics and raised new problems in finding a feasible solution to the ethnic question.

LTTE Reverses: Karuna and the Paramilitary Factor

As things stand today, the GOSL has succeeded in not only challenging the LTTE in the East militarily, but also in raising a counter Tamil paramilitary force led by the LTTE deserter Karuna through its superior air power and international backing. The government also managed to woo away large number of Tamil Muslims concentrated primarily around the Eastern district of Batticaloa, from the Tamil Eelam struggle of LTTE, — thanks to LTTE assault on the Muslims in the North and the East. Through this measure GOSL has not only succeeded in weakening the strength of LTTE

(by engineering division among Tamils in North and East Sri Lanka) but also in bringing about a significant demographic change in the Tamil 'homeland', demanded by the LTTE, by gaining Sampur and Vaharai. The government may be thus thinking seriously of a de-merger of the North and the East, putting the clock back on the Indo-Sri Lanka Accord of 1987. It appears that the government wants to revert to the pre-1987 position through military aggression and constitutional and political manipulation.

It has been emphasised by neutral observers (like the SLMM, the UN and European observers) watching the ethnic conflict post-2004, that Karuna has been playing an important role in the East in curtailing the capacity of the LTTE. Karuna has been adopting the same tactics as the LTTE— targeted killings, kidnapping of children and fielding them as combatants and guerilla assaults etc. His intelligence inputs have helped Sri Lankan security forces immensely in the battlefields of Sampur and Vaharai. Given the deepening relationship between the non-LTTE groups and the government (especially in view of the extraordinary success of such strategy), it is highly unlikely that the government will ever oblige the LTTE on its demand that government disarm Karuna group is met. Instead the government may further bolster the non-LTTE Tamil groups in countering LTTE's dominance among the Tamils. This does not augur well for any meaningful dialogue between LTTE and the GOSL. Indeed the civil war appears all set to intensify further.

Considerations for India

Despite maintaining a close watch on the developments in Sri Lanka, India has refrained from adopting any proactive policy on the Sri Lankan issue. While India's preponderance in the region as well as its critical importance in the resolution of the Sri Lankan conflict has been acknowledged by external powers including those seeking a peaceful solution in the island nation, New Delhi has adopted a once-bitten-twice-shy approach and limited its policy prescription to a politically correct

principled position that it wants the conflict to be resolved through peaceful means keeping in mind the genuine interests of all communities within a united Sri Lanka.

Many critics have called this posture as a-do-nothing policy. They believe that India may not like to step into the crisis, unless there is an internal push of some kind affecting either its internal security or its internal political situation. Moreover, any kind of mediatory role by India is circumscribed by its unwillingness to talk to LTTE given its involvement in the assassination of former Prime Minister Rajiv Gandhi.

There also does not appear to be any external pressure on India to engage directly and proactively in the Sri Lankan conflict. While Pakistani and Chinese influence in Sri Lanka is growing for the last few years both at government level and in the field of economic cooperation, it is not seen as threatening vital Indian interests in any significant way. The development of port and bunker facilities at Hambantota in southern Sri Lanka by China and, of late, Pakistan's increasing military support to Sri Lankan government against the LTTE has not reduced India's influence or space in Sri Lanka in any major way. The allocation of an exploration block in the Mannar Basin to China for exploration of petroleum resources, just a few kilometres from India's southern tip and reports of Pakistan's effort and interest in bringing around Muslim population in Sri Lanka under its influence may have raised concerns in certain quarters but the Government of India has refrained from taking any concrete steps to resolve the escalating ethnic conflict in Sri Lanka.

Be that as it may, the large scale influx of Sri Lankan Tamil refugees to Tamil Nadu during last 11 months has created a fresh political context in Tamil Nadu— perhaps for the first time since Rajiv Gandhi's assassination. Local political parties, including the ruling DMK have begun to voice concern about the humanitarian situation in Jaffna and express their support for the cause of Tamils in Sri

Lanka more openly. Though their influence at the Centre remains strong, they have not come together to pressurise the Government of India, to collectively seek India's direct involvement in finding a solution to the Tamil problem due to political (coalition) compulsions. However, the pressure on the Central Government is likely to mount in the coming months because the increasing level of human sufferings of the incoming Tamil refugees from the island nation is beginning to impact the political space in Tamil Nadu. In fact, if the situation in Sri Lanka deteriorates further, it may affect the provincial politics, compelling the central government to revise its policy of watchful-inaction in future. In fact, while India is perceived by all concerned as having the ability to turn the course of the conflict decisively, such ability is constrained by the Tamil constituency in its southern state of Tamil Nadu and its genuine concern for the legitimate rights of Sri Lankan Tamils.

The Options

Indian policy makers could consider the following line of action for resolving the Sri Lankan crisis:

- * In view of the growing sympathy in India for the cause of Sri Lankan Tamils, Indian government needs to engage GOSL proactively and persuade it to avert the humanitarian costs of its war efforts against LTTE and to put the peace process back on track.
- * India needs to sensitise the key international actors on the deteriorating humanitarian conditions in the North and the East and engage them in reviving the peace process in Sri Lanka.
- * It is primarily GOSL's responsibility to evolve a fair and equitable constitutional framework for devolution of power in the North and the East. India needs to put this point across to GOSL in a more emphatic and firm manner. The tentative blueprint of APC Chairman Tissa Vitharana draft outlining devolutionary arrangement between the central government and provincial government

of Sri Lanka can be taken as a basis for discussion on constitutional revision.

* The Government of India needs to further strengthen its economic ties with Sri Lanka keeping in mind the need to ensure wider economic development of all regions and all communities by encouraging Indian business to invest in both manufacturing and service sectors throughout Sri Lanka rather than limiting their efforts to the capital city of Colombo. It would lead to a better appreciation in Sri Lanka of the benefits which would accrue to people there from closer economic engagement with India. It could also consider the option of participating in the reconstruction and rehabilitation efforts in the conflict affected areas.

* India should consider engaging non-political groups, think tanks, academics and civil society leaders in creating a conducive atmosphere among the Sinhalese in the south. The Track II method of discussion can be encouraged in this regard.

* At the security front India has to ensure that LTTE does not become a major concern for India.

In view of the reported illegal smuggling from Tamil Nadu for the LTTE, the Government of India needs to strengthen coastal surveillance and vigilance along the east coast to avert the possibility of Tamil Nadu becoming a hub of LTTE activities in India.

* At the same time, any effort aimed at weakening the capacity of LTTE by GOSL will have to be weighed by the Government of India against the willingness of the GOSL to concede devolution of power to the moderate Tamil elements.

* The Government of India could consider engaging the Tamil National Alliance (TNA), the elected representatives in the North and the East, in the absence of direct dealing with LTTE, in its effort at finding a solution.

* The Government of India can subsequently make efforts to bring GOSL and LTTE together in finding an amicable solution. Its leverages with both may be limited, yet the importance and the effectiveness of any serious role of India in the resolution of the conflict is understood well by both the parties to the conflict.

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