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**Negotiating Ethnic Conflict:
The Indo-Sri Lanka Agreement of July 1987**

by

Kenneth David Bush, B.A.

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfilment of
the requirements for the degree of
Master of Arts in International Affairs

The Norman Paterson School of International Affairs

**Carleton University
Ottawa, Ontario
May 1989**

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The undersigned hereby recommend to the Faculty of
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Abstract

On July 29th 1987, India and Sri Lanka signed an agreement which had as its stated purpose the establishment of "peace and normalcy in Sri Lanka"; that is, to end the Sri Lankan civil war between the Sinhalese majority and Tamil minority. Although the Indo-Sri Lanka Agreement was unanticipated, it was neither spontaneous nor anomalous. The primary objective of this thesis is to explain why and how the Indo-Sri Lanka Agreement was formulated. Explanation rests on two interrelated discussions: 1) an overview and discussion of the major actors involved in the conflict, the principal issues at stake, and the dynamics of violence, and; 2) an examination of the interaction of the major actors in the period prior to the signing of the agreement. The most conspicuous provision of the Agreement is the authorization and creation of an Indian Peace Keeping Force to "guarantee and enforce the cessation of hostilities". Accordingly, the second objective of this thesis is to explain India's transformation from mediator to powerbroker. The third objective is to identify obstacles to the bargaining process in Sri Lanka and to address the requirements for conflict reduction.

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STATEMENT OF PURPOSE

On July 29th 1987, India and Sri Lanka signed an agreement which had as its stated purpose the establishment of "peace and normalcy in Sri Lanka"; that is, to end the Sri Lankan Civil war between the Sinhalese majority and Tamil minority. This agreement marks a turning point in the Sri Lankan ethnic conflict and formalizes the geopolitical reality of Indo-centricity in South Asia. In light of the Agreement's potential influence on the future of Tamil-Sinhalese relations, what makes it a particularly important object of study is the fact that it was unanticipated in both political and media circles in India and academic circles in the West¹. However, as unanticipated as the Agreement was, it was neither spontaneous nor anomalous. The Agreement was the consequence of a long process of formal and informal bargaining and socio-political interaction among and between the major actors in the conflict: the Central Government of India, the State Government of Tamil Nadu, various militant Tamil groups (especially LTTE, the Liberation Tigers of Tamil Eelam), and the Sri Lankan government of J.R. Jayawardene. Thus, the

¹ That the Agreement was unanticipated was reinforced during field work undertaken by the author on a Shastri Indo-Canadian Institute Fellowship from September 1986 to July 1987. This view was also expressed by Dr. Virginia Leary of the State University of New York (Buffalo) in her presentation to the Norman Paterson School of International Affairs on 28 October 1987.

primary objective of this thesis is to explain why and how the Indo-Sri Lanka Agreement was formulated.

The explanation of why and how the agreement was formulated, rests on two interrelated discussions: 1) a discussion and general overview of the major actors involved in the conflict, the principal issues at stake, and the dynamics of violence, and; 2) an examination of the interaction of the major actors in the conflict in the period prior to the signing of the agreement. Each of these discussions is presented in Chapters One and Two, respectively.

The examination and explanation of inter-group and intra-group bargaining relations is undertaken in the context of two ideas developed by Daniel Druckman. The first, is his characterization of the negotiation process as a series of "stages", "turning points" and "crises"². The utility of Druckman's stages approach lies in its ability to chart progress, to identify disjunctures in the process, and to provide a recognizable pattern of interaction. Most importantly, it has the potential to contribute to description, analysis and prescription. In the present

² Daniel Druckman, "Stages, Turning Points and Crises: Negotiating Military Base Rights, Spain and the United States", Journal of Conflict Resolution, Vol. 30, No. 2, 1986, pp. 327-60.

paper, the notion of stages, turning points and crises, is applied to the pre-negotiation phase identified by Harold Saunders³ rather than the formal negotiation phase. It is argued that the pre-negotiation phase, like the formal negotiation phase, is characterized by a progression through stages. Five stages are identified and presented in the period prior to the signing of the Indo-Sri Lanka Agreement.

While Daniel Druckman's stages approach helps to explain how events were inter-related in period prior to the signing of the Agreement, his analysis of "boundary-role conflict" helps to explain why events unfolded as they did⁴. Boundary-role conflict conceives the negotiator as obliged to be responsive to: 1) the competing interests within the negotiator's group and; 2) the competing or conflicting interests represented by parties outside the negotiator's group. The boundary-role conflict constrains the ability of negotiators (ethnic group leaders) to make, and respond to, offers within the negotiation process. Chapter Four illustrates how this constraining influence is reflected in the bargaining process within and between the major actors

³ Harold Saunders, "We Need a Larger Theory of Negotiation: The Importance of Pre-Negotiation Phases", Negotiation Journal, Vol. 1, No. 3, 1985, pp. 249-262.

⁴ Daniel Druckman, "Boundary-Role Conflict: Negotiation as Dual Responsiveness", in I. William Zartman, (ed.), The Negotiation Process: Theories and Applications, Beverly Hills and London: Sage, 1978.

in the Sri Lankan conflict.

The second objective of this thesis is related to the first: to explain India's transformation from mediator to power broker. The most conspicuous provision in the Indo-Sri Lanka Agreement is the authorization and creation of an Indian Peace Keeping Force to "guarantee and enforce the cessation of hostilities" which includes the disarming of Tamil militants. This provision in particular, and the Agreement as a whole, represents the transformation of India's role from mediator to power broker. No longer is India cast in the role of mediator engaged in such activities as: bringing parties together; establishing a constructive ambience for negotiations; collecting and judiciously communicating selected confidential material; helping parties to clarify their values and to derive responsible demands; deflating unreasonable claims and loosening commitments; suggesting compromises; seeking joint gains; keeping negotiations going; and articulating the rationale for agreement⁵. Instead, India has assumed the role of power broker, a role that differs from that of mediator in its explicit use of force as a means of maintaining influence by advancing the position of one

⁵ See: Howard Raiffa, The Art and Science of Negotiation, Cambridge: Harvard University Press, 1982, Chapter 15 and; Saadia Touval and I. William Zartman, (eds.), International Mediation in Theory and Practice, Boulder and London: Westview Press, 1985, pp. 7-17.

disputant to the disadvantage of another.

It is argued in Chapter Three that both mediator and power broker assume their role for the same reason: to protect or extend and increase their influence. That is, the objectives of both intervenors are identical. The distinction between the two is that the repertoire of means available to the power broker is defined primarily in relation to its use of force. In this context, force must be understood in its broadest sense. Therefore, while "force" would include military intervention by the power broker, it would also include such actions as arms sales, if: 1) the arms were capable of providing to one party (by virtue of their nature or quantity) a decisive advantage over its opponent(s) and; 2) the supplier engaged in the arms sales as a means of advancing its own strategic interests.

The transformation of India's role prompts the question of why this occurred. In Chapter Three, factors influencing the transformation from mediator to power broker are introduced. These include: capability, costs of failed mediation, uncertainty, and need to limit spill-over effects. These factors are then applied to the Indian role in the Sri Lankan conflict.

The third objective of the thesis is to identify obstacles to the bargaining process in Sri Lanka. This discussion builds on the examination of the interaction of the major actors in the conflict in the period prior to the signing of the agreement. It identifies obstacles to the bargaining process and the establishment of peace (or at least the reduction of conflict) in Sri Lanka. Although the Indo-Sri Lanka Agreement followed a period of "pre-negotiation", it nonetheless has failed to stop the violence plaguing Sri Lanka. Indeed, the introduction of 40-60,000 Indian troops into the conflict, who were quickly accused of the same human rights abuses as the Sinhalese military, suggests that the Agreement may contribute to: the worsening of violence; increased complexity and; increased difficulty in conflict reduction.

The thesis is structured to meet these objectives as follows:

Chapter One: contributes to the primary objective of the thesis by presenting an overview of ethnic conflict in Sri Lanka. It introduces the major actors involved in the conflict and discusses their interrelationships. It discusses the principal issues at stake and the dynamics of violence.

Chapter Two: presents an analysis of the interaction of the major groups in the period prior to the signing of the Indo-Sri Lanka Agreement. It includes a discussion of methodological considerations and the theoretical framework within which the bargaining process is analyzed.

Chapter Three: introduces a discussion of the conditions under which mediators decide to become power brokers. These factors are subsequently analyzed in the context of the Indian experience in the Sri Lankan conflict.

Chapter Four: identifies obstacles to the bargaining process and the establishment of peace in Sri Lanka. The question of why the interaction followed the pattern identified in Chapter Two shapes this chapter. A discussion of the obstacles inhibiting groups from reaching a trilateral negotiated settlement to the conflict sheds light on why group interaction prior to the signing of the Indo-Sri Lanka Agreement unfolded as it did. It is argued that even if ethnic group leaders possessed the desire to reach some sort of settlement, each may be constrained by the need to represent the interests and sentiments of his/her support base in order to ensure political survival. To further examine how and why the Indo-Sri Lanka Agreement was formulated, the chapter includes a discussion of the impact of regional power dynamics on third party intervention in

South Asia. The hegemonic position of India in the Subcontinent creates tensions which compel the smaller states (and groups within the smaller states) to be wary of Indian intervention in their "domestic" affairs. As a result, different groups involved in the Sri Lankan conflict have different perceptions of the requirements of third party intervenors. These differences are illustrated when the suitability of India as an intervenor is evaluated from the perspective of the major actors in the conflict.

Chapter Five: puts forward the principal requirements for the reduction of conflict in Sri Lanka. This is undertaken through a discussion of two interrelated sets of issues: conflict issues and bargaining issues. Conflict issues arise directly from the dynamics of conflict and violence, whereas bargaining issues, in the present context, arise from the bargaining dynamics underpinning the interaction of groups prior to the signing of the Indo-Sri Lanka Agreement. Both sets of issues will inevitably need to be addressed in any genuine attempt to reduce or resolve conflict in Sri Lanka.

The conflict issues which are examined are: constitutional protection, religion, devolution of power, education, law and order, and land rights. These are issues which have significant political, economic and symbolic

value. As a result, within any bargaining framework (or negotiating text) for the the Sri Lankan conflict, these issues will form the salient points of reference. The bargaining issues which are examined are: reincorporating the Sri Lankan Tamils into the bargaining process, a redefinition of the problem and the question of how to apply leverage to the combatants.

CHAPTER ONE: An Overview

Sri Lanka is an exquisite little island, rich in colour, excitement and new experience. ...there is a fascinating variety of climate, vegetation and scenery. Her people are warm and friendly... like the sun that smiles on Sri Lanka all through the year.... absorb the serenity of the pilgrims come to worship at the feet of the Compassionate One. Sri Lanka is all things to all people... the serendipitous isle, where happy discoveries are made, the last lovely place where time means nothing and peace holds sway, a place to stimulate, excite, warm, relax, renew you. Sri Lanka... a place to take hold of your heart. (passage from a 1981 Ceylon Tourist Board brochure)

From the rubble of nearly 75,000 houses destroyed or damaged during its drive last October against Tamil militants, the Indian Peace Keeping Force has built a city of pillboxes and fortified bunkers inside the former rebel stronghold. Normalcy now prevails past the ends of machine guns bristling from sentry posts on every street corner.

--William McGowan, "India's Quagmire in Sri Lanka," The Nation, vol. 246, no. 25, 1988, p. 896.

INTRODUCTION

Human rights groups estimate that since 1983 between twelve and sixteen thousand children, women and men have been killed in the violence that has devastated the small island-state of Sri Lanka (formerly Ceylon) located in the Indian Ocean off the southern tip of India. Sri Lanka has been under a state of emergency since May 1983. In these six years, the people have suffered terrorist massacres;

regular government security force attacks on civilians in retaliation for attacks made by some Tamil militants; indiscriminate security force bombings of Tamil areas (including schools, hospitals and temples); and mass arrests of Tamils who are frequently held incommunicado, routinely tortured, and often killed while in detention⁶.

The Sri Lankan government response to increasing discontent has escalated the violence to levels unprecedented in the island's history. It has implemented the Prevention of Terrorism Act (patterned on the South African model) and emergency legislation - both of which violate Sri Lanka's obligations as a signatory to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The 1984 creation of "prohibited" and "security" zones in certain Tamil areas (including the entire coastline of the northern region) has destroyed any semblance of normal life in these areas by restricting movement of

⁶ Patricia Hyndman, Sri Lanka: Serendipity Under Siege, Spokesman, Nottingham, 1988; Hyndman, "The 1951 Convention Definition of Refugee: An Appraisal with Particular Reference to the Case of Sri Lankan Tamil Applicants," Human Rights Quarterly, vol. 9, no. 1, February 1987, pp. 49-74; Hyndman, Democracy in Peril, Sri Lanka: A Country in Crisis, Report to the Lawasia Human Rights Standing Committee, (unpublished), 7 June 1985; Amnesty International, Amnesty International Report 1987, Amnesty International Publications, London, 1987; Virginia A. Leary, Ethnic Conflict and Violence in Sri Lanka, A Report of a Mission to Sri Lanka in July-August 1981 on behalf of the International Commission of Jurists, ICJ, Geneva, 1981.

residents, closing down the entire fishing industry, and evacuating over fifty thousand families.

The Sri Lankan government has come to view the "Tamil problem" exclusively as a "military problem." President Jayawardene has explained it as follows: "I shall have a military solution to what I believe is a military problem. After doing so I shall tackle the political side."⁷ Accordingly, compulsory military service was reintroduced in October 1985 and the eleven thousand person army of 1983 has more than doubled in four years to over twenty-five thousand. The total strength of the security forces has increased from thirty-three thousand to seventy-five thousand. It is critical to note that the ethnic composition of the Sri Lankan military is almost exclusively Sinhalese. In other words, the Sri Lankan military forces are composed of, and led by, the island's largest ethnic group. In a country where the per capita gross national product is a mere \$363 a year, defence spending has increased seventeen-fold since 1981, and, in 1987, \$500 million was spent by the government on its war. Sri Lanka now spends approximately \$1.3 million per day on the war. Such estimates, however, do not consider the human or other,

⁷ The Times (London), 26 January 1986.

more indirect, economic costs⁸.

In an attempt to address the violence in Sri Lanka, an accord was signed between India and Sri Lanka in July 1987. The Accord marks a transformation in India's role, from mediator to power broker. Under the terms of the Accord, Sri Lanka agreed not to turn to outside powers for assistance and India agreed to disarm Tamil militants and bring them to the bargaining table. There is wide-spread militant Tamil opposition to the Accord. The Accord has enabled India to introduce over sixty thousand Indian soldiers into the fray, with the intention of disarming the rather well-organised Tamil militants of northern Sri Lanka. In its first year, however, the Indian Peace Keeping Force (IPKF) suffered from its involvement in a guerrilla war and, only months after its arrival, its military involvement began to be labeled "India's Vietnam." The Indian Peace Keeping Force is estimated to be costing New Delhi three million dollars a day⁹.

⁸ Mary Anne Weaver, "The Gods and the Stars," The New Yorker, 21 March 1988, pp. 39-84.

⁹ Mary Anne Weaver, "The Gods and the Stars", The New Yorker, March 21 1988, p. 81. Dennis Austin and Anirudha Gupta estimate the cost to be Rs 2 crore, or about 1 million Pounds Sterling (\$2.2 million); "Lions and Tigers: The Crisis in Sri Lanka", Conflict Studies, 211, 1988, p. 17.

Conservative estimates by the U.S. Committee for Refugees in 1988 put the number of people displaced by the conflict at over 250,000, which makes Sri Lanka the thirteenth highest "producer" of refugees in the world. In the summer of 1986, the reality of the devastation in Sri Lanka touched Canada when a group of Tamils appeared on the shores of Nova Scotia seeking asylum. For many Canadians this was their introduction to the ethnic conflict in Sri Lanka. Why and how did this country, once touted as a "model of development" and a "functioning Third World democracy," disintegrate into the present state of violence and chaos? It is this question that the present chapter will address.

THE GROUPS INVOLVED IN THE CONFLICT

The Sinhalese

The Sinhalese originally migrated from the east and west coasts of northern India sometime after the 2nd Century BC and now constitute the largest ethnic and linguistic community in Sri Lanka. According to the most recent census of 1981, they are 72.5 percent of the population, numbering approximately 10.8 million. They speak Sinhala, an Indo-European language derived from Sanskrit-based Pali and are almost exclusively Theravada Buddhist.

1. United National Party (UNP) and the Sri Lanka Freedom Party (SLFP)

The current UNP Government is very explicitly a Sinhalese, as opposed to a Sri Lankan, government. Formal electoral politics in Sri Lanka has divided along ethnic lines since the formation of the Tamil United Liberation Front (TULF) in 1976. Since then, the Tamil vote has been, almost exclusively, in support of TULF. The Sinhalese vote, however, has been split between the conservative United National Party (UNP) and the socialist Sri Lanka Freedom Party (SLFP). These two parties alternately formed the government until the dubious 1982 referendum¹⁰. The landslide electoral victory of Jayawardene and his UNP in 1977, in which they won eighty-five percent of the available seats, marked a turning point in the communal relations of Sri Lanka. The massive UNP majority in Parliament allowed Jayawardene to affect a number of far-reaching political manoeuvres: he stripped the SLFP leader and former prime

¹⁰ Beyond referendum irregularities (including ballot box stuffing, invisible voters, and omissions from the voters list) the referendum was "dubious" in another, more fundamental way. Claiming that national elections would be too disruptive while the island was in a state of emergency, Jayawardene instead held a referendum on whether or not the UNP should stay in power. This allowed Jayawardene and the UNP to stay in power with a massive parliamentary majority won in 1977 as a result of the public's rejection of Sirimavo Bandaranaike and the SLFP, which had also extended its mandate through emergency legislation. Thus, Jayawardene avoided the danger of losing his party's majority and its ability to unilaterally amend the constitution.

minister, Sirimavo Bandaranaike, of her civil rights; expelled the only Tamil party from Parliament; extended his term in office through questionable means; and avoided general elections for eleven years.

2. The Janatha Vimukthi Peramuna (JVP)/ Peoples' Liberation Front

The JVP (Janatha Vimukthi Peramuna or Peoples' Liberation Front) is an increasingly prominent Sinhalese group responsible for the 1971 Insurrection in which over 5000 (predominantly Sinhalese) youth were killed by military forces and over 14,000 arrested. The group is violently chauvinistic, anti-Tamil, and staunchly opposed to the India-Sri Lanka Accord. JVP violence tends to be directed towards the representatives of the UNP government of President Jayawardene for their "weak stance" against the Tamil militants. By the end of 1987, the JVP was considered responsible for the murder of a number of UNP members of parliament and over three hundred government officials. The JVP is also blamed for the unsuccessful grenade attack on President Jayawardene and Prime Minister Premadasa, on 18 August 1987, while they were attending a government parliamentary meeting¹¹.

¹¹ Dennis Austin and Anirudha Gupta, "Lions and Tigers: The Crisis in Sri Lanka," Conflict Studies, no. 211, 1988, p. 15.

An increasing number of discontented and alienated Sinhalese youth are turning to the JVP, hoping that it can provide the rapid and profound changes which the UNP and the SLFP have failed to deliver. It is estimated that the Jayawardene government has over fifty thousand troops tied up in the southern section of the island, trying to contain the JVP threat.

1. The Sinhalese Buddhist Clergy (Sangha)

A specifically Sinhalese form of Buddhism has evolved in Sri Lanka which is highly nationalistic and often violently chauvinistic. It is this Sinhalese form of Buddhism which is the touchstone of Sinhalese nationalism and political ideology. Factions within the Sangha are highly politicized and exert considerable influence on the shaping of attitudes and articulation of political demands. Most importantly, the Sangha has been used to legitimize government policies and behaviour, and has provided a powerful means of fusing political and religious ideology. This fusion was clearly illustrated in the ceremony presided over by Buddhist clergy in which two of the most powerful ministers of the Jayawardene Cabinet (Security Minister Athulathmudali and Lands Minister Gamini Dissananyaka) pledged Buddhist oaths "to save Sri Lanka and its people from terrorism" and laid wreaths on the statue of the

religio-mythic hero of the Sinhalese chronicles heralded for expelling Tamils from Sri Lanka in Sinhalese mythic history¹². Perhaps the most indelible mark left on the Sri Lankan political landscape by the extremist elements within the Buddhist clergy is the assassination of S.W.R.D. Bandaranaike (Sri Lanka's fourth prime minister, 1956 to 1959) by a Buddhist monk on 25 September 1959. The Sangha continues to play an important role in the ethnic politics and ethnic violence of Sri Lanka.

THE DOUBLE MINORITY COMPLEX

The fact that the Sinhala language and culture have no centre outside of Sri Lanka has helped to create both a siege mentality and a regional minority complex among the Sinhalese. That is, although the Sinhalese are a majority within Sri Lanka, they nonetheless perceive themselves to be a minority in relation to the fifty million Tamils of Southern India. Thus, the categorization of groups into minority Tamils and majority Sinhalese masks a phenomenon which could be termed a "double minority complex." This complex is one of the unique characteristics of the current Sri Lankan conflict and exercises considerable influence on the perceptions and behaviour of both the Sinhalese and Tamil parties to the conflict. It is particularly evident

¹² Far Eastern Economic Review, 21 Feb 1985.

in the manifestation of an "all-or-nothing" attitude in which each groups feels it is fighting for its cultural and physical survival. It is probably not far from the truth to suggest that, while the Sinhalese may overestimate the linkages between Sri Lankan and South Indian Tamils, the Sri Lankan Tamils underestimate the degree to which this perception shapes Sinhalese behaviour. A senior diplomat in Sri Lanka's capital, Colombo, sums it up well: "There are three minorities in this country: the Tamils, the Muslims, and the Sinhalese"¹³.

The Tamils

1. The Sri Lankan Tamils

Sri Lankan Tamils are of ancient South Indian origin. The historical period in which they migrated to Sri Lanka is difficult to determine, and made all the more difficult by the politically charged nature of the inquiry. It is sufficient to state that they identify their roots in the ancient Tamil kingdom of Jaffna, in the northern half of Sri Lanka, at the time of Portugal's arrival in 1505 ¹⁴. Some Tamils use this point to argue that the northern Jaffna

¹³ Far Eastern Economic Review, 21 Feb 1985.

¹⁴ Portugal was the first of the colonial rulers of Sri Lanka. It was followed by the Netherlands, 1658 to 1795, and the United Kingdom, 1795 to 1948.

Kingdom should have been given statehood when Ceylon obtained independence in 1948. This same group further argues that since 1948 the Tamils have been a nation subjugated by the most recent colonizing power - the Sinhalese.

The Sri Lankan Tamils constitute 11.6 percent of the country's population or approximately 1.7 million people. They speak Tamil, a Dravidian language originating in South India, which is completely different from the language of the Sinhalese. The Tamils are primarily Saivite Hindu with approximately eighty percent living in the north and along the east coast of the island. The remaining twenty percent are located in the southern areas in the country, although increased attacks on the Tamils in the south have pushed growing numbers both northwards and out of the country. Linguistically, as well as culturally, the Tamils and Sinhalese are distinct.

2. The Plantation Tamils

There is a second major group of Tamils often called "Indian" or "Plantation" Tamils. They make up eight percent of the total Sri Lankan population and are the descendants of migrants from South India brought over by the British during the past century and a half to work on the tea

plantations. Plantation Tamils remain concentrated in the tea and rubber plantations of the south-central hill country. The living and working conditions of the Plantation Tamils are probably the most miserable of all the communities in Sri Lanka. Within the South Indian caste system, the Plantation Tamils are of a lower caste than the Sri Lankan Tamils in the north of the island. This has contributed to limiting the interaction between the two groups.

Shortly after independence the Plantation Tamils were stripped of political rights and came to be viewed as a stateless people because neither India nor Sri Lanka would grant them citizenship. Negotiations between India and Sri Lanka to resolve this issue produced very little action until February 1986 when the Sri Lankan government unilaterally enacted legislation to accommodate the ninety-four thousand Plantation Tamils who had not been included in previous (unimplemented) Indo-Lankan citizenship arrangements. Whatever may have been the political motivations for this action, the consequence has been a substantially changed political status for the Plantation Tamils which may have a significant impact on intra-Tamil relations. Until the ethnic violence of July 1983, which pushed the Sri Lankan and Plantations Tamils closer together in a shared sense of victimization, the Plantation Tamils

considered themselves separate from the Sri Lankan Tamils, with their own political agenda and aspirations. By eliminating the citizenship issue, the Jayawardene government may have helped remove one of the barriers to closer cooperation between the two groups.

3. The Sri Lankan Muslims ("Moors")

The "Moors" are the descendants of Arab, and probably also Indian Muslim, traders who began settling on the island in the tenth century. The term "Moor" was applied to the Muslims of Sri Lanka by the Portuguese in the sixteenth century and is still commonly used. They make up seven percent of the national population or roughly one million people and tend to live in the Eastern Province along the east coast of Sri Lanka. Although they speak Tamil, the fact that they are Muslim rather than Hindu, makes them somewhat distinct from the Sri Lankan and Plantation Tamils.

The Sri Lankan Muslims occupy a key position both geographically and demographically. The central node of the Eastern Province is Trincomalee harbour - the largest natural harbour in the world. This geographical fact is strategically significant in the rivalry between the superpowers, as well as in South Asian (especially Indian) regional security. The Sri Lankan Muslims are also

pivotal placed in the precarious ethnic balance of the Eastern Province because they are a group capable of substantially helping or hindering either Tamil or Sinhalese initiatives to obtain political and military control. As a result, the Muslims have been both wooed and attacked by Tamil and Sinhalese extremists.

The Sinhalese response to the Sri Lankan Tamil/Muslim majority in the Eastern Province has been the long-term plan to alter the demographic composition of the northern and eastern areas of the island so as to increase Sinhalese representation and control of traditional Tamil areas. This so-called "West Bank Scheme"¹⁵ envisions the resettlement of hundreds of thousands of armed Sinhalese, trained in self-defence, on government-owned land in these areas. So far, over fifty thousand Sinhalese (ex-convicts, retired military personnel, and families displaced by the massive Mahaveli water project) have been resettled on traditional Tamil land¹⁶. This internal colonization strategy has recently been accompanied by an apparent government strategy to depopulate Tamil villages through the increasingly common

¹⁵ Mary Anne Weaver, "The Gods and the Stars", The New Yorker, March 21, 1988, p. 67.

¹⁶ In 1985, the Minister for National Security Lalith Athulathmudali reported that the government intended to settle 200,000 Sinhalese in the traditionally Tamil areas of the Northern and Eastern Provinces. Cited in Patricia Hyndman, Sri Lanka: Serendipity Under Siege, Nottingham: Spokesman, 1988, p.68.

use of unbridled terror by undisciplined government military forces (such as the STF - Special Task Force) which escape punishment from a government unable, or unwilling, to control its own troops. Unable to affect the government's colonization policy, some Tamil militants have responded with violent attacks on these armed Sinhalese settlements in the Northern and Eastern Provinces.

4. The Militant Tamil Groups

The most prominent Tamil group in Sri Lanka is the guerrilla organisation called the Liberation Tigers of Tamil Eelam (LTTE), led by the charismatic Vellupillai Prabhakaran. It is by far the most powerful Tamil group and the major Tamil military force in Sri Lanka. It is relatively well disciplined and well organised politically. Like other militant groups, it had major offices in South India -- in Madras, Madurai and Tiruchi -- until police crackdowns, under the terms of the Indo-Lankan Accord, forced them underground. While LTTE appears unable to impose either a military or political solution to the conflict, it has shown its ability to hinder both Sinhalese and Indian attempts to impose a settlement. If only for this reason, any viable peace proposal must explicitly include LTTE. A close ally of LTTE is the Eelam Research Organisation (EROS). While EROS is a smaller organisation,

it too is disciplined and well organised.

Other militant groups sometimes in open conflict with LTTE are PLOTE (Peoples' Liberation Army of Tamil Eelam), TELO (Tamil Eelam Liberation Organisation) and EPRLF (Eelam Peoples' Revolutionary Liberation Front). These groups are smaller, less organised, and less disciplined than LTTE and have contributed to straining militant Tamil relations with both the central government of India and the state government of Tamil Nadu by engaging in blatantly criminal activities and gun-fighting in South Indian cities.

Social dislocation caused by the influx of an estimated 150-200,000 Sri Lankan Tamil refugees¹⁷ into South India has also contributed to a decrease in South Indian support for Sri Lankan Tamils. The lessening of public support in 1987 allowed the central government of India and the state government of Tamil Nadu to crack down on militant activities in India in an attempt to pressure the militant Tamils to come to some type of agreement with the Jayawardene government.

¹⁷ Canada-Asia Working Group, Human Rights in Asia, Submission prepared for the 44th Session of the U.N. Commission on Human Rights, reprinted in Currents, vol. 10, no. 1, January 1988.

5. The Tamil United Liberation Front (TULF)

The Tamil United Liberation Front (TULF), a political party formed in 1976 in Sri Lanka, is distinct from the militant groups engaged in military activities. TULF was elected to the Sri Lanka Parliament in 1977 on a political platform that favours the creation of a "secular, socialist state of Tamil Eelam." Significantly, this position was later moderated to one which would accept "any viable alternative." Its representatives have been elected in virtually all areas in which there are Tamil majorities. TULF has been largely excluded from Sri Lankan politics since its expulsion from Parliament in July 1981, when, through the use of an extraordinary parliamentary procedure, the UNP-dominated government approved a motion of non-confidence in the TULF leader of the opposition, A. Amirthalingam. The remaining TULF members of Parliament were subsequently expelled when they refused to take an oath of loyalty under which they would have renounced even peaceful efforts towards separatism in the north. This expulsion alienated the Tamil community from the parliamentary process and, increasingly, political grievances came to be expressed in the actions of militant Tamil groups.

India¹⁸

The inherent geopolitical reality of the South Asian security system is its Indo-centric nature. That is, if any international or domestic conflict threatens to upset regional stability, then the attention of the government of India will inevitably be aroused. As a result, India has always been perceived as a threat by the government of Sri Lanka. There have been incursions from South India into Sri Lanka since the first century AD, with the major Tamil incursions occurring from 700 to 1300 and culminating in the formal establishment of the Tamil Kingdom of northern Sri Lanka. It is interesting to note that, at certain times in Sri Lankan history, Tamil kings have ruled harmoniously over most of the island.

Anxiety over the threat of Indian and Tamil aggression is ingrained in Sinhalese culture. It has been reinforced over the centuries by a highly nationalistic and politicized Buddhist clergy, and, in particular, through

¹⁸ The term "India", or "the Indian Government" refers to the Central Government of India. This includes the Executive, the Legislature, Judiciary and bureaucracy. The Term "Delhi" refers to the centralized interests and power that reside in the central government. "Madras" refers to the State Government of Tamil Nadu and the state-specific interests contained therein. "Delhi" and "Madras" constitute opposing poles in the North-South divide in Indian politics, each with its own interests and political agenda.

religio-mythic Sinhalese Buddhist texts such as the Mahavamsa, the Dipavamsa and the Culmavamsa¹⁹.

During the colonial period, the fear of India tended to be eclipsed by the presence of the colonial powers. However, the misgivings about Indian aggression returned at independence in 1948 and, accordingly, a Ceylon-UK Defence Agreement was set up the moment that Sri Lanka became independent. Although the Soviet Union was identified as the possible aggressor, there was little doubt in anyone's mind that the Defence Agreement was primarily meant to deter potential Indian aggression²⁰. Suggestions made by some Indian leaders in 1948, calling for the creation of a regional confederation to ensure India's security, only served to exaggerate the Sri Lankan government's perception of India as a threat. India's intervention in the 1971 Bangladesh crisis illustrated to the Sri Lankan government that India was not averse to flexing its muscles as the hegemonic state in the region.

The Jayawardene government wanted to counteract Indian influence in the Sri Lankan conflict, mindful of the

¹⁹ For an excellent discussion see: Bardwell Smith, (ed.), Religion and the Legitimation of Power in Sri Lanka, Chambersburg, Pa.: Anima Press, 1978.

²⁰ Lucy M. Jacob, Sri Lanka: From Dominion to Republic, Delhi: National Publishing, 1973, pp. 64-104 and 195-196.

fact that the Indian government had tacitly accepted the presence of militant Tamil training bases in Tamil Nadu since the mid-1980s. The Sri Lankan government requested and got the assistance of a number of other countries, which may have served to make India more nervous about the intrusion of foreign powers into South Asian affairs. As well as obtaining defence equipment from South Africa, and intelligence and counter-insurgency training from Israel, Sri Lanka received training and equipment from two of India's most threatening neighbours - Pakistan and China²¹. It is, therefore, not surprising that the government of India constructed the Indo-Lankan Peace Accord explicitly to prevent external powers from meddling in India's back yard.²²

The dominant political dynamic within India is the tension between the central government and the state governments, exacerbated by the well-recognized Indian phenomena of regionalism, factionalism and communalism. This is an important consideration in a discussion of ethnic conflict in Sri Lanka because it sheds light on actions of

²¹ P. Venkateshwar Rao, "Foreign Involvement in Sri Lanka", The Round Table, Vol. 309, 1989, pp. 88-100; see also: Rohan Gunasekera, "Sri Lankan Armed Forces Switch Focus", International Defense Review, Vol. 21, No. 5, 1988, p. 509.

²² See Appendix 1: Indo-Sri Lanka Agreement to Establish Peace and Normalcy in Sri Lanka; Annexure to the Agreement, Exchange of Letters, 2:i, 2:ii, 29 July 1987.

the state government of Tamil Nadu which do not appear to correspond to central government directives (for example, the state government's unsuccessful 3 June 1987 humanitarian flotilla to aid the Jaffna Tamils who were under siege by the Sri Lankan military). Tamil Nadu has long been the southern antipode of a north-south regional split in India.

Nonetheless, the state government of Tamil Nadu was the critical intermediary between the central government of India and various militant Tamil groups of Sri Lanka.

The cultural and linguistic links between the South Indian and Sri Lankan Tamils are not immutable, however, and were visibly strained when the criminal activities of some of the less disciplined Tamil militant groups became common in South India. It is significant that M.G. Ramachandran, the chief minister of Tamil Nadu, had established a close personal relationship with V. Prabhakaran, leader of the Liberation Tigers of Tamil Eelam. This was helpful in maintaining contact with the militants when relations became strained. However, the death of Ramachandran in December 1987 considerably attenuated the relationship between South Indian Tamils and the Tamils of Sri Lanka.

With the escalation of superpower rivalry in the Indian Ocean, Sri Lanka, and particularly its outstanding harbour facilities in Trincomalee, has assumed even greater

significance in Indian strategic calculations. India is very purposely attempting to assert its role as regional power through such actions as the rapid expansion of the Indian navy (which includes the acquisition of nuclear-powered submarines) and the conspicuous display of its impressive achievements in its indigenous rocket programme. India is acutely aware that Sri Lanka could be used by foreign powers to gain access to India's exposed southern flank (including its submarine base in Cape Comorin, and air bases in Kerala). Because of these national security concerns, India wants the domestic conditions in Sri Lanka to be stabilized at least to the point where external powers can not possibly exploit the ethnic conflict to gain a foothold in the region. The signing of the Indo-Lanka Peace Accord, and the introduction of forty to sixty thousand Indian troops into Sri Lanka, has enabled India to block the involvement of other powers in the Sri Lankan conflict. However, it has also introduced Indian troops into a quagmire that is having divisive repercussions within India.

THE DYNAMICS OF CONFLICT

Unlike the Indian experience, Sri Lanka's attainment of independence was notably untraumatic. In effect, Sri Lanka's independence followed on the coat-tails of the

Indian struggle for independence. The British left Sri Lanka amicably, perceived as a trustworthy ally by both the Sinhalese and Tamil elites (as evidenced in the 1948 Ceylon-UK Defence Pact). Many members of the indigenous Tamil and Sinhalese elites had studied in England, which contributed to the nurturing of an affinity with the British. As importantly, substantial British economic interests in Sri Lanka at independence (and presently) made maintaining a friendly relationship with the former colonial power an expedient course of action. A consequence of common inter-ethnic group elite bonds was that in the initial period following independence, an over-arching sense of "Ceylonness", took precedence over segmented and sectarian group identification. That the Plantation Tamils could be so summarily disenfranchised at independence illustrates two important points: the gap between the Sri Lankan Tamils and Plantation Tamils; and the ability of an overarching post-independence optimism to bind together Sri Lankan Tamil and Sinhalese elites.

Gradually, however, the post-independence cohesion eroded. The Tamils of both Tamil Nadu and Sri Lanka share a similar "historical accident" in that both experienced extended periods of English medium education which worked to their benefit during (and subsequent to) colonial rule. The Sri Lankan Tamils, as well as other minorities on the

island, mastered the English language and excelled in the British administrative system as well as the professions. Various suggestions have been put forward to explain the apparent advantaged position of the Sri Lankan Tamils at independence: British "divide and rule" policy; access to superior English medium education; economic necessity (i.e., the poor quality of land in the traditional Tamil areas forced them to earn a living in non-agricultural activities like business); Tamil "industriousness." No doubt each suggestion contributes to the explanation. However, the consequence of this phenomenon was that, at independence, the Tamils came to be viewed by the Sinhalese as being "over-represented" in higher education (particularly engineering and medicine), the professions, and the civil service. This became a source of discontent and a political target for Sinhalese nationalists.

The ethnic differences proved to be a temptation too strong not to be exploited and manipulated by politicians who quickly learned that an ethnic majority could be transformed into an electoral majority. It was the harnessing of ethnicity for political purposes and the explicit cultivation of Sinhalese nationalism that swept S.W.R.D. Bandaranaike to power in 1956 ²³, and it is the

²³ See Heinz Bechert, "S.W.R.D. Bandaranaike and the Legitimation of Power Through Buddhist Ideals", in Bardwell Smith, (ed.), Religion and the Legitimation of Power in Sri

same strategy that is prevalent in contemporary Sri Lanka.

As the Sinhalese nationalists assumed control of the government through the electoral process, legislation was enacted which limited Tamil employment and educational opportunities. As a result, the Tamil share of government jobs dropped from fifty percent to eleven percent between 1956 and 1980 ²⁴. Sinhalese control of university education was instituted in 1971 through a government-initiated admissions scheme which not only required Tamil youths to score higher on entrance tests, but also imposed district quotas drastically restricting Tamil admission to university programmes (especially engineering and medicine)²⁵.

Lanka, Anima Books, Chambersberg, Pa., 1978.

²⁴ Mary Anne Weaver, "The Gods and the Stars," The New Yorker, 21 March 1988, p. 40.

²⁵ For details refer to: Chandra Gunawardene, "Ethnic Representation, Regional Imbalance, and University Admissions in Sri Lanka", Comparative Education, Vol. 11, No. 1, 1975; Judith Kapferer, "The Demand for Education in Sri Lanka: Antecedents and Consequences", in Kenneth Orr, (ed.), Appetite for Education in Contemporary Asia, Australian National University, Canberra, 1984; Robert Kearney, "Educational Expansion and Political Volatility in Sri Lanka: The 1971 Insurrection", Asian Survey, Vol. 15, No. 9, 1975; C.R. De Silva, "Education", in K.M. De Silva, (ed.), Sri Lanka - A Survey, University of Hawaii Press, Honolulu, 1977; C.R. De Silva, "The impact of Nationalism on Education" in M. Roberts, (ed.), Collective Identities, Nationalisms and Protest in Modern Sri Lanka, Marga Institute, Colombo, 1979.

A "Sinhala-only" language policy adopted in 1956 served to further marginalize Tamils and restrict their access to education and employment (particularly government service). When a compromise was reached between the government and the Tamil community in 1957 allowing the use of Tamil in Tamil areas (as well as providing for Tamil regional councils with powers in agriculture and education), the Buddhist reaction rallied by the Sangha and J.R. Jayawardene (then a UNP member of the opposition) was so strong that the compromise agreement was dropped. As early as 1956, so-called "language riots" began to flare up, resulting in the death of hundreds. Thousands of Tamil refugees fled from the Sinhalese south to Tamil areas in the north. The elevation of Tamil and English to the status of official languages, under the terms of the Indo-Sri Lankan Agreement, is intended to alleviate ethnic tensions rooted in language discrimination. However, the efficacy of this action will depend on its thorough and conscientious implementation.

The international community came to identify Sri Lanka as a "model of Third World development²⁶", failing to appreciate the ethnic antagonisms simmering below the surface. The deceptive clarity of hindsight now seems to be

²⁶ James Jupp, Sri Lanka: Third World Democracy, London: Frank Cass, 1978.

re-writing our original reading of Sri Lankan harmony and development.

THE DYNAMICS OF VIOLENCE: ESCALATION SINCE 1977 ²⁷

The 1977 landslide victory of J.R. Jayawardene's UNP over the Sri Lanka Freedom Party was followed by unprecedented violence. Although it began as a confrontation between UNP and SLFP supporters, it was quickly redirected towards both the Sri Lankan Tamils, resident in the Sinhalese south, and the Plantation Tamils, in the Central Province. Perhaps because the defeated SLFP had extended its rule under emergency legislation, Jayawardene was hesitant to declare a state of emergency. The wide-spread killings, assaults, rapes, looting and destruction were allowed to gradually dissipate over a period of two weeks. Thousands of Tamil refugees were pushed northwards in search of security. The violence reinforced Tamil distrust of government promises to improve

²⁷ This section draws on the detailed accounts of incidents of violence provided in the following sources: Virginia Leary, Ethnic Conflict and Violence in Sri Lanka, A Report of a Mission to Sri Lanka in July-August 1981 on behalf of the International Commission of Jurists, ICJ, Geneva, 1981; C.H.S. Jayawardene and H. Jayawardene, Tea for Two: Ethnic Violence in Sri Lanka, Crimcare, Ottawa, 1984; Patricia Hyndman, Sri Lanka: Serendipity Under Siege, Spokesman, Nottingham, 1982; Bennett R. Rubin, Cycles of Violence: Human Rights in Sri Lanka Since the Indo-Sri Lanka Agreement, Asia Watch Report, December 1987; Amnesty International, Amnesty International Report 1987.

Tamil-Sinhalese relations.

In August 1981, the next wave of communal violence swept the island. The increased Tamil militancy in the north, the detention of Tamil youths incommunicado, and the retributive police looting and arson in Jaffna escalated tensions, but now the violence was organised and systematic. Tamil sources claimed that attacks had been organised by "people close to the government" and that the police and armed forces did not intervene until a state of emergency was declared days after the violence had begun²⁸. President Jayawardene stated: "I regret that some members of my party have spoken in Parliament and outside words that encourage violence, and the murders, rapes and arsons that have been committed."²⁹

Despite Jayawardene's expression of regret, the government was unable to avoid the anti-Tamil reaction that erupted in another round of violence in July 1983. Thirteen Sinhalese soldiers were killed in an ambush by Tamil militants in Jaffna. This incident is usually identified as the cause of this round of violence, but it is more accurate

²⁸ Virginia A. Leary, Ethnic Conflict and Violence in Sri Lanka, A Report of a Mission to Sri Lanka in July-August 1981 on behalf of the International Commission of Jurists, ICJ, Geneva, 1981.

²⁹ Quoted in The New York Times, 11 September 1981.

to say that the ambush was the match which lit the powder-keg of ethnic tension. The ambush was used effectively by extremist Sinhalese groups to rally another organised war on Tamils throughout the island. Eyewitness reports stated that, where the armed forces were present during acts of violence, they would either stand by and ignore, or actually participate in, the attacks on Tamils and their property³⁰. Similarly, on 25 and 27 July, fifty-three Tamil political prisoners³¹, arrested under the Prevention of Terrorism Act, were murdered by Sinhalese prisoners at Welikade Prison in Colombo while soldiers and prison officials stood by. Official estimates of the number of persons killed in the violence of the last week of that July is just under four hundred. Conservative, unofficial estimates are around two thousand³².

From the carnage of 1983, the ethnic violence escalated into a civil war in 1986-87. Civilian Tamil communities were subjected to the terror of both the Sinhalese military and Tamil guerrilla groups. By comparison, very few Sinhalese civilians were attacked by

³⁰ Patricia Hyndman, Sri Lanka: Serendipity Under Siege, Nottingham: Spokesman, 1988.

³¹ Many of whom had not yet even been charged with an offence.

³² Patricia Hyndman, Sri Lanka: Serendipity Under Siege, Nottingham: Spokesman, 1988, p.26.

Tamil militants, despite repeated and frequent atrocities carried out by the security forces upon unarmed Tamils.

Conditions deteriorated to the point where, in January 1987, the Jayawardene government imposed a fuel and economic blockade on all of the Tamil areas of northern Sri Lanka - essentially putting the entire area under siege - and simultaneously initiated a full-scale military offensive which included regular artillery shelling and air raids of residential areas containing hospitals, schools and temples, as well as Tamil homes. The justification for these actions was offered by an official government spokesperson: "The government reserves the right to attack such targets 'til such time as the killing of civilians is stopped, and the peace process is allowed to continue."³³ The antecedents to this situation are discussed in Chapter Two.

Until this stage in the conflict, the central government of India had erratically been trying to play the role of mediator through the offices of the state government of Tamil Nadu in Madras. However, the political jostling between the All India Anna Dravida Munetra Kazhgam (AIADMK) state government and the central government of Rajiv Gandhi's Congress I party served to hinder communication and mediation efforts.

³³ The Hindu, 22 April 1987.

As the Jayawardene government became set on the "final military solution," the Indian government found itself unable to influence events within Sri Lanka. As a result, India's credibility as a mediator rapidly evaporated. The Indian Parliament and media responded by stepping up their calls for direct intervention by Indian troops. However, the first step towards direct Indian intervention came not from the central government in Delhi, but from the state government of Tamil Nadu in Madras in the form of a "humanitarian flotilla" of aid from the Tamil Nadu port of Rameshwaram to Jaffna on 3 June 1987. Not surprisingly, the flotilla was quickly blocked by the Sri Lankan Navy and forced to return. However, not to be outdone, the following day Indian Air Force cargo planes, flanked by Mirage 2000 fighter jets, succeeded in dropping twenty-two tons of emergency relief supplies into Jaffna.

Indian intervention initiated a period of intense negotiation between the governments of India and Sri Lanka. No doubt a central consideration in President Jayawardene's mind was the fear that India might be planning a more long-term intervention strategy if the conflict continued to threaten regional stability. However, the Tamil militant groups could not be persuaded to participate in the negotiations, primarily because the "on-again, off-again" actions of both the Sri Lankan and Indian governments had

eroded their trust. The consequence of negotiations was the Indo-Lankan Accord of 29 July 1987 ³⁴.

The Accord was an important point in the Sinhalese-Tamil conflict because it marked the redefinition of India's role from mediator to power broker. The Accord restructured the conflict and pushed it into a new stage. In the regional context, the Accord allowed India to assert its status as a hegemonic state in the region and to exclude the involvement of outside powers in the Sri Lankan conflict. Under the terms of the Accord, India acquired substantial control over Sri Lankan foreign policy: Sri Lanka must ensure that foreign military and intelligence personnel on its territory "not prejudice Indo-Lankan relations"; Sri Lanka must ensure that Trincomalee and other ports "not be made available for military use by any country in a manner prejudicial to India's interests"; India will undertake with Sri Lanka the restoration and operation of the Trincomalee oil tank facilities; and Sri Lanka must ensure that all foreign broadcasting facilities on its soil "be used solely as public broadcasting facilities and not for any military or intelligence purposes." For its part, India agreed to provide training facilities and supplies to the Sri Lankan military; "deport Sri Lankan citizens found to be engaging in terrorist activities or advocating separatism or

³⁴ Refer to Appendix I for the text of the Agreement.

secessionism"; disarm the Tamil militants and "establish peace and normalcy in Sri Lanka."

The success of the Accord rested on the ability of the Indian government and the Indian Peace Keeping Force (IPKF) to convince, or coerce, the Tamil militants to enter into negotiations on Indian terms. However, the exclusion of the militants from the Accord's formulation and its presentation to them as a fait accompli, made their acquiescence unlikely from the start. The subsequent refusal of LTTE to endorse the Accord made it highly unlikely that the document would lay the foundation for a lasting peace in Sri Lanka.

Direct military confrontation with the Tamil guerrillas began shortly after the IPKF arrived in Sri Lanka. The Indians decided to disarm forcibly the LTTE and pursue a military option in order to obtain control of the Tamil areas, ignoring the battering that the Sinhalese military had suffered at the hands of Tamil guerrillas. As a result, by 15 December 1987, the IPKF had lost 350 men with 1,100 more wounded, making the military casualty rate of the IPKF in Sri Lanka twice as high as in the wars against Pakistan³⁵. The quick foreign policy victory that

³⁵ Dennis Austin and Anirudha Gupta, "Lions and Tigers: The Crisis in Sri Lanka", Conflict Studies, No. 211, 1988, p. 16.

Prime Minister Rajiv Gandhi may have been hoping for (in part, to buoy up his sagging domestic popularity), seemed to have backfired. Indeed, by cracking down on Tamil militants in South India and by pursuing its new role as power broker, India lost the leverage it once had over the Tamil militants and may have actually sacrificed its ability to play peacemaker in the conflict.

The introduction of Indian troops into the north of the island allowed President Jayawardene to redeploy Sinhalese troops to the south in an attempt to stem the tide of rapidly escalating JVP violence. However, Sri Lanka's foreign policy concessions to India provoked reactions from a large number of Sinhalese nationalists both inside his party and outside--especially amongst the Buddhist clergy and the Sri Lanka Freedom Party. Thus, while the Accord might have enabled President Jayawardene to buttress his government militarily, it weakened party loyalty at a time when the government was bracing itself against unprecedented political and military challenges from Tamil and Sinhalese extremists in the north and south of the island.

SRI LANKA: A PROTRACTED SOCIAL CONFLICT?

In light of the above analysis, the question arises as to how to conceptualize or categorize the Sri Lankan

conflict. The response to this question influences the way in which one attempts to engage in conflict reduction/resolution. Certainly, the intransigence of the Sri Lankan conflict is grounded in its ethnic and communal roots. For this reason it may qualify as a "protracted social conflict" (PSC): a conflict in which "...structural behaviour (ethnic, religious, linguistic, economic) has affected overt hostile behaviour (interaction) creating a complicated causal network that makes these conflicts difficult to 'solve'"³⁶. More specifically the properties of a protracted social conflict are as follows:

Protracted social conflict are hostile interactions extending over long periods of time with sporadic outbreaks of open warfare which fluctuate in frequency and intensity. These situations can involve either groups in one nation-state or in different nation-states of the same region, where deep-seated racial, ethnic and religious hatred may generate or intensify domestic and international hostilities.³⁷

And importantly,

the source of social conflicts is the denial of those elements required in the development of all

³⁶ Edward Azar, "The Theory of Protracted Social Conflict and the Challenge of Transforming Conflict Situations", in Dina A. Zinnes, (ed.), Conflict Processes and the Breakdown of International Systems, Denver: University of Denver, 1983, p. 85. See also: Edward Azar, "Protracted International Conflicts: Ten Propositions", in Azar and John W. Burton, (eds.), International Conflict Resolution: Theory and Practice, Sussex: Wheatsheaf, 1986.

³⁷ Edward Azar and Nadia Furah, "The Structure of Inequalities and Protracted Social Conflict: A Theoretical Framework", International Interactions, Vol. 7, No.4, p. 320.

peoples and societies, and whose pursuit is a compelling need in all. These are security, distinctive identity, social recognition of identity and effective participation in the processes that determine conditions of security and identity and other development requirements.³⁸

Although the Sri Lankan conflict contains characteristics of a PSC, there is cause to hesitate in identifying it as a full fledged PSC because the overt manifestation of violence is still a relatively recent phenomenon. While the roots of the conflict stretch back centuries, the current violence is just over ten years old. The escalation of violence has been rapid and, if unchecked, will undoubtedly create the self-perpetuating intransigency of a protracted social conflict.

It appears that the major factor in the entrenchment of the Sri Lankan conflict will be whether today's violence continues beyond the current generation of Sri Lankan youth. This will mark a transformation in the nature of the conflict from a situation in which violence is simply an outburst of competition between ethnic groups to a situation in which violence becomes the foundation and very structure of ethnic group interaction. Intransigency intensifies because the process of creating and legitimizing psychological and material structures of violence contains

³⁸ Ibid.

within it the seeds for its own reproduction through a symbiotic process in which social structures are both created by -- and create -- societies. At this stage conflict becomes profoundly intransigent because settlement, or even management, then becomes a matter of deep seated social transformation rather than a more accessible process of social modification. The tasks of de-escalating and eliminating the conditions of a "nascent PSC" in Sri Lanka are formidable, but, at this early stage of violence, not insurmountable. Therefore, the critical element to conflict reduction in Sri Lanka (not surprisingly) is time.

As important as time is to reducing conflict in Sri Lanka, a cautionary note, from Horowitz, must be inserted:

In all of this, there is little recognition that any policy or technique may have an array of consequences -- some desired, some undesired, some intended, some unintended -- or that a given measure may have varying or opposite consequences under varying environmental conditions, and there is nothing whatever about a phenomenon endemic to policy and policy analysis: the second order consequences that all policies tend to have.³⁹

In other words, despite the haste required to reduce conflict before it becomes firmly entrenched, the ripple effect of any management technique must be considered in as much detail as possible. This point is particularly

³⁹ Donald Horowitz, Ethnic Groups in Conflict, Berkeley and Los Angeles: University of California Press, 1985, p. 571.

relevant to the construction of conflict management techniques because it emphasizes the direct relationship between short term conflict management and long term conflict resolution. Short term management of conflict can have either a facilitative or inhibitive impact on long term resolution.

Having introduced the major actors in the conflict, the principal issues at stake, and the dynamics of violence, the stage has been set for a more detailed discussion of the interaction of the major actors in the period prior to the signing of the Indo-Sri Lanka Agreement. The examination of this interaction will contribute to the explanation of why and how the Agreement was formulated.

CHAPTER TWO: Discerning a Bargaining Dynamic

On July 29th 1987, India and Sri Lanka signed an agreement which had as its stated purpose the establishment of "peace and normalcy in Sri Lanka; that is, to end the Sri Lankan Civil war between the Sinhalese majority and Tamil minority. This agreement marks a turning point in the Sri Lankan ethnic conflict and formalizes the geo-political reality of Indo-centricity in South Asia. In other words, if any domestic or international conflict threatens regional stability, then the attention of the government of India, and perhaps involvement, will inevitably be drawn. Accordingly, the Agreement included provision for an Indian Peace Keeping Force (IPKF) to enter Sri Lanka to facilitate the implementation of the Accord (refer to Appendix 1 for full text). The initial force of 15,000, which landed only hours after the signing had increased to 40,000 by the year's end, and to 80,000 by April 1988¹. The current number of Indian troops in Sri Lanka is between 40,000 and 60,000. However, it should be noted that other Indian troops located in southern India (separated from Sri Lanka by the narrow Palk Strait) have the capability to very rapidly increase India's military presence on the island.

¹ Canada-Asia Working Group, Human Rights in Asia, Submission prepared for the 44th Session of the U.N. Commission on Human Rights, reprinted in Currents, Vol. 10, No. 1, April 1988.

This capability was illustrated by the speed with which Indian forces responded to the attempted overthrow of the Maldivian Government in November 1988.

In light of the Accord's potential influence on the future of Tamil-Sinhalese relations, what makes it a particularly important object of study is the fact that it was unanticipated by both the political and media circles in India and the academic circles in the West. However, as unanticipated as the Accord was, it was neither spontaneous nor anomalous. The Accord was the consequence of a long process of formal and informal bargaining and socio-political interaction among and between the major actors: the central Government of India, the State Government of Tamil Nadu, various militant Tamil groups (especially LTTE, the Liberation Tigers of Tamil Eelam), and the government of J.R. Jayawardene.

The fact that the accord does not have full Tamil endorsement gives rise to the principal argument underpinning this thesis; the Accord cannot lay the foundation for long-term peace on the island. Even as an interim measure or as a means of conflict management, it ultimately compromises the potential for future resolution by redefining India's role from mediator to power broker. This redefinition has resulted in the loss of Indian

credibility as an effective intervenor from a Tamil perspective. This will be dealt with in greater detail below. The signal indicator of the Accord's suboptimality is its failure to stop the violence. Indeed, it would seem to have opened two new fronts of violent engagement 1) Indian troops have replaced Sinhalese troops in the military confrontation with the militant Tamils and similarly have been repeatedly accused of human rights abuses; and 2) JVP violence and assassinations have reached unprecedented levels, which has heated up the confrontation between the UNP Government and Sinhalese chauvinists.

The Indo-Sri Lanka Agreement is the central point of reference in the following analysis. However, the point of reference that it marks is not an achievement, but a failure in terms of an attempt to resolve ethnic conflict. Thus, the present chapter examines the underlying dynamic of bargaining interaction within and between groups in the period prior to the signing of the Agreement. Chapter Four will focus on how this dynamic inhibited substantial progress towards a comprehensive trilateral settlement.

The interpretation of the agreement in simple power politics terms (in which India acted primarily as a regional hegemon to ensure its position) neglects the role of the intra-group dynamic within the conflict. A power politics

analysis sheds some light on the interaction of groups but is too blunt to appreciate the sub-state actor motivations in the conflict, particularly the influence of ethnicity; nor can it adequately address the disarticulation between the behaviour of the State Government of Tamil Nadu and the Central Government of India. The interpenetration and the overlapping of Indian and Sri Lankan regional histories and cultural identities blur neatly packaged national identities and "national interests". These shared social and cultural forces exert considerably more influence on the shaping of Indo-Sri Lankan relations (indeed on all intra-regional relations) than is generally acknowledged. Although the concept of "national interests" may be less unwieldy analytically, it provides only a partial and unreliable account of the determinants governing behaviour in the international arena. It is more accurate to consider "natural" as opposed to "national" interests, as playing a major role in international behaviour, e.g., common religious, linguistic or ethnic affinities between groups within countries².

² This distinction between national interests and natural interests is further developed in: P.C. Mathur et al., "Intra-Regional Relations: A Study in Infra-Structural Determinants in Foreign Policy" in S.P. Varma and K.P. Misra, (eds.), Foreign Policies in South Asia, Bombay: Orient Longman's, 1969.

METHODOLOGICAL CONSIDERATIONS

Any case study will be circumscribed by the availability of material. While there is a growing body of literature specifically addressing the conflict in Sri Lanka, there is surprisingly little dealing with the cultural and political dimensions of the India-Sri Lanka relationship. Despite this, there is sufficient material available to piece together the framework within which the Indo-Sri Lanka Agreement was signed. The secrecy and/or informality of the bargaining³ within and between groups makes a detailed examination of the "content" of interactions difficult. Nevertheless, in an attempt to decipher the content of interaction, South Indian media coverage of Indo-Sri Lanka relations (newspaper, radio and television), for the twelve months preceding the signing of the Agreement, was closely monitored and analyzed. The

³ The distinction between "bargaining" and "negotiation" is often ambiguous. In the present paper "negotiation" is used to refer to a formal situation, in which the actors recognize the formal context in which they interact. It usually involves a formal presentation of positions and a bid-counterbid dynamic concerning individual issues or packages of issues. "Bargaining", however, is a less structured process that is not restricted to the negotiation table. It may include actions intended to induce concessionary behaviour from opponents in formal negotiations (eg., economic and military blockades and promises of aid packages or trade deals). In the methodological orientation of the present paper, "bargaining" is the central dynamic of Saunders' "pre-negotiation phase", whereas "negotiation" characterizes the formal negotiation stage.

present study, however, is still forced to rely primarily on the "outcome" rather than the "content" of interaction to make inferences about the dynamics of intergroup and intragroup relations.

The identification of the July Agreement as the end result of a bargaining process is problematic on methodological grounds. The salient issues and, indeed, the very composition of the actors involved in the bargaining process have changed over time. This poses a problem in establishing the continuity of the bargaining process and suggests that the interaction may be better interpreted as a series of bargaining processes. A review of the interactions between and within the major groups in the twelve months preceding the Agreement illustrates the drastic changes in issues over time. In September 1986, the central issue was the definition of geographical unit for the devolution of power in the Northern and Eastern Provinces of Sri Lanka. But by June 1987, relations had deteriorated to the point where the central issue had become how to stop the Sri Lanka Air Force bombing of Jaffna and how to stave off starvation in the north as a result of the Jayawardene "economic" blockade.

The heterogeneity of the groups, and the ebb and flow of power within and between groups, pose a challenge to the

analyst trying to make sense of the obviously complex and multifaceted issues and processes surrounding the signing of the Indo-Sri Lanka Agreement. In analytic terms, it raises the question of how to categorize the roles of actors involved in the conflict and in the bargaining process. It also raises the question of what level of analysis might be most useful in facilitating analytical insight.

The Agreement is simply a bilateral (state-to-state) arrangement, but to analyse the conflict in these terms would relegate the Tamils to the role of third party -- a subnational group affected by an international agreement. Such an analysis would distort understanding of the underlying dynamic of the interaction that surrounded the signing of the agreement. Analysis must begin at the level of the Sinhalese-Tamil conflict and build outward. At this level of analysis, the complexity of the actors and issues becomes apparent and one can begin to discern and define a bargaining dynamic. In this context, India's role becomes that of a third party, that is, a party not directly involved in the conflict that assumes a role in an attempt to facilitate resolution.

India's role has changed over time. For most of the bargaining process, India attempted to present itself simply as a catalyst to the peace process by encouraging both the

Tamils and the Jayawardene government to come to some sort of negotiated settlement. However, the signing of the Indo-Sri Lanka Agreement has substantially changed India's role from mediator to power broker. It appears that India may have had intentions of playing arbitrator, but political and military resistance in northern Sri Lanka by Tamil militants and residents stifled any possibility of an imposed Indian settlement. Instead of being an intermediary shuttling between Colombo and various Tamil organisations in Madras, India has assumed the role of "guarantor of peace". The presence of 40-60,000 Indian troops in northern Sri Lanka has fundamentally altered India's role in the conflict. It has become directly involved in the formulation of the rules of the game, no doubt hoping to be able to impose more acceptable (from an Indian government perspective) terms of peace. It is clear that, at different points in time, India has attempted to exert an influence on the conflict beyond the role of mediator. These inconsistent Indian attempts will be illustrated below.

DISCERNING A BARGAINING DYNAMIC

Making sense of the complexity of intergroup and intragroup interaction requires, at a minimum, some type of organisational framework. However, the choice of framework must be prefaced with a cautionary observation; there is the

danger of shaping political and social phenomena to fit the framework rather than developing a framework to explain political and social phenomena. The remainder of this chapter will illustrate the isomorphism of the analytical framework and the case study.

Stages and Turning Points in Negotiation

The contribution of the work of Daniel Druckman to the present analytical framework is found in his discussion of the negotiation process as a series of stages⁴. In general terms, Druckman describes the negotiation process as an unfolding set of stages; each being distinct and unique in the process:

an unfolding set of stages in which turning points and crises mark the passage from one stage to another... a pattern of influences and events is shown to resemble a balancing process, alternating between an intensifying influence (lack of coordination within a delegation) and a moderating influence (high level meetings to produce a framework agreement) on the conflict.⁵

Progression from one stage to another is accompanied by turning points, just as stalemates are accompanied by crises. Both turning points and crises are caused by identifiable events. One is regarded as a breakthrough; the other as an impasse that threatens the sustenance of talks. The speed with which a negotiation progresses towards an

⁴ Daniel Druckman, "Stages, Turning Points and Crises: Negotiating Military Base Rights, Spain and the United States", Journal of Conflict Resolution, Vol. 30, No. 2, 1986, pp. 327-360.

⁵ Ibid. p.327.

agreed package depends largely on the incidence of turning points relative to crises.⁶

The utility of Druckman's stages approach lies in its ability to chart progress, to identify disjunctures in the process, and to provide a recognizable pattern of behaviour in a bargaining situation. Most importantly, it has the potential to contribute to description, analysis and prescription. In the present paper, the notion of stages, turning points and crises, is applied to the pre-negotiation phase identified by Saunders rather than the formal negotiation phase. I am arguing that the pre-negotiation phase, like the formal negotiation phase, is characterized by a progression through stages.

Five stages can be clearly identified in the pre-negotiation phase prior to the signing of the Indo-Sri Lanka Agreement. The next section will examine the structure and details of these stages.

The Interaction of Actors and the Bargaining Dynamic

A review of Indian newspapers reveals the complexity of bargaining interaction. It is appropriate to analyse the Indian media as an extension of the bargaining arena in which public statements (and counter-statements) are

⁶ Ibid. p.331.

intended to influence decisions and actions within and between the main bargaining groups. Public statements were a way to by-pass the sometimes cumbersome chain of communication in the bargaining process. As illustrated below, the sequence of interaction was as follows:

Tamil militants (primarily the LTTE) <---> Tamil Nadu Government <---> Government of India <---> Government of Sri Lanka.

The interaction between the Government of India, State Government of Tamil Nadu, Government of Sri Lanka and the Tamil militants can be understood as a progression through five stages or, more accurately, five forms of interaction. When analysed as a process, the signing of the Indo-Sri Lanka Agreement, while still unexpected, begins to make more sense. The five stages may be summarized as follows:

1. The Tri-Polar Bargaining Stage (September to 19 December 1986)

At this stage, all three groups are interacting through the communication channels outlined above. It is a process of offers and counter-offers most characteristic of typical negotiation settings.

2. The Unsuccessful Bi-polar Tamil-Sinhalese Negotiation Stage (19 December - 4 January 1987)

The inconclusiveness of the first stage of tri-polar negotiation prompts Sri Lanka to initiate direct talks with the Tamils. At this stage there are secret LTTE-Government of Sri Lanka meetings and an exchange of military prisoners.

3. The Sri Lankan Two-Track Stage (4 January - 16 April 1987)

The failure to establish bilateral talks in Stage Two leads Sri Lanka to adopt a two-track policy. The Jayawardene Government begins a full scale military offensive in the Northern and Eastern Provinces of Sri Lanka.

Simultaneously, it continues discussions with New Delhi (albeit with questionable sincerity). At this stage the Tamil militants' preoccupation with military confrontation in Jaffna marginalizes their involvement in the negotiation process. Formal negotiation is primarily undertaken at a government-to-government level.

4. The Sri Lankan One-Track Stage (17-27 April 1987)

This stage is precipitated by two incidents in Sri Lanka: the murder of 107 Sinhalese passengers on a bus (17 April 1987) and the Pettah bomb blast in Colombo where over 200 people were killed (21 April 1987). In spite of the confusion over whether these acts were committed by Tamil militants (who deny the accusation) or the JVP, the Jayawardene government drops the bargaining process and pursues a military option as the "only option". This stage

is characterized by considerable friction between the Sri Lankan Government and both the Central Indian Government and the State Government of Tamil Nadu.

5. The Indian Intervention Stage (27 April - 29 July 1987)

In this stage, India directly intervenes in the conflict and violates Sri Lankan territorial sovereignty. The three major actions are: 1. direct aid from Tamil Nadu to Jaffna through covert channels: 2. the unsuccessful Tamil Nadu Government sponsored flotilla of aid to Jaffna; and 3. the Indian Air Force air drop of supplies into Jaffna.

Having presented an overview of the five stages of interaction, each stage will now be presented in greater detail.

Stage One: The Tri-Polar Negotiation Stage (September - 19 December 1986)

This stage was characterized by considerable activity. The Central Government of India was in frequent contact with the State Government of Tamil Nadu to coordinate efforts to get moderate and militant Tamils to put aside differences and band together to form a united negotiating group. The bargaining activity of September and early October revolved around the formulation of a Tamil response to a Sri Lankan proposal for the devolution of power in the Northern and Eastern Provinces in Sri Lanka.

The TULF had been conducting direct negotiations with the Jayawardene government since the early summer and maintained this negotiating relationship (in the early part of this period) while also meeting with Indian constitutional experts. The major concern for India was to get the Tamil militants directly involved in the negotiation process. On 27 September 1986, the Chief Minister of Tamil Nadu (the late M.G. Ramachandran) was called to New Delhi by Prime Minister Rajiv Gandhi and publicly encouraged to open his "good offices" to the Tamil militants so that India could have the input from all relevant Tamil groups when responding to Sri Lankan proposals. This was expressed in the media as follows: "after examining the two sets of responses, from TULF and the militants, the Government of India will then determine the common denominator and advise Sri Lanka accordingly"⁷. To facilitate this process, M.G. Ramachandran, the Tamil Nadu Food Minister S. Ramachandran, and a Central Government Constitutional advisor held a meeting on October 26th with the leaders of the five major militant groups (LTTE, EROS, TELO, EPRLF and PLOTE) to encourage them to formulate and submit a joint response to the Indian Government before Rajiv Gandhi met with President Jayawardene in mid-November.

⁷ The Hindu, 8 October 1986.

The most articulate and constructive response outlining militant objections to the Sri Lankan proposal was from LTTE. The central issue from the militant Tamil standpoint related to the unit of devolution. The Sri Lankan proposal for a provincial council framework⁸ fell considerably short of the Tamil demand for a single linguistic region or unit to which legislative or executive power could be devolved. This is a critical point which becomes more salient in retrospect because the fundamental issue was unit of political devolution, rather than secession. The second issue identified by LTTE was that the devolution of power had to be real; that is, the legislative power of the Central Government in Colombo could not be allowed to negate political devolution. The third issue was that Colombo had to stop its long-term policy of colonizing traditional Tamil land, since this would (as it was intended to do) dilute the political representation of Tamils in parliament.

The Sri Lankan response was conveyed to Mr. J.N. Dixit, the Indian High Commissioner in Colombo, by President Jayawardene himself: "if Tamil militants reject proposals we will use all necessary means to maintain law and order"⁹.

⁸ A concept which had already failed in its implementation in 1984-85.

⁹ The Hindu, 4 November 1986.

Objections to this threat were voiced the next day by TULF which criticized it as a heavy-handed attempt to coerce the militants' into accepting inadequate proposals.

It is important to note that during this period, articles and editorials began appearing in the Indian press arguing that V. Prabhakaran and the LTTE should be accepted as the representatives of the Sri Lankan Tamils: "Prabhakaran is the one who calls the shots in the Tamil struggle and it is he who must be engaged constructively in any complicated exercise to find a negotiated peaceful solution"¹⁰. Articles argued that the inclusion of other groups in the peace process only served to obfuscate the process and that the obvious political and military dominance of LTTE, as well as its continued emphasis on India as mediator, justified the choice of LTTE as Sri Lankan Tamil representative. This expression of public opinion was implicitly endorsed when Prabhakaran and two advisors were flown to Bangalore by the Indian Air Force for impromptu meetings with the State Ministers Singh and Chidambaram, while Prime Minister Gandhi held discussions with President Jayawardene during the South Asian Association for Regional Cooperation (SAARC) conference in October.

¹⁰ The Hindu, 6 November 1986.

The result of these rushed meetings was disappointing. A few months later, it was revealed that Prabhakaran had been offered the Chief Ministership of Jaffna as an incentive to accept the new Colombo proposal in which the Eastern Province would be reconstituted into three units based on ethnicity; one for each ethnic group - Tamil, Muslim and Sinhalese. This proposal came no closer to meeting "Tamil aspirations" than did the previous one.

If Indian government recognition of Prabhakaran as the representative of the Tamils was meant to be an inducement to cooperate, there were also a number of heavy-handed and coercive tactics applied in an attempt to force LTTE into an agreement with the Jayawardene Government. India's clumsy use of its carrots and sticks began to erode militant Tamil trust in its former protector. There were two major incidents that illustrate India's strong arm bargaining tactics. The first was the Tamil Nadu police raid on militant Tamil residences and offices throughout the state on 8 November 1986. The second incident was the seizure of militant (in particular LTTE) communications equipment, thereby cutting off the LTTE leadership from its regional commanders in Sri Lanka (21 November 1986). It does not seem coincidental that on the same day as the communication equipment was seized, the Indian High Commissioner to Sri Lanka appealed to all Tamil militants to

"seriously consider" the latest offer by the Sri Lankan Government, describing it as the best offer given the circumstances. The Government of India public assessment was that the "merger of the north and east [Northern and Eastern Provinces] in their entirety [was] simply not on the realistic negotiating agenda"¹¹.

Following these two incidents, the trust of the militants in the good offices of New Delhi was severely eroded. The response from Colombo to LTTE objections to its proposals was to increase the intensity of the military offensive in northern Sri Lanka. Thus, the decreased trust of the militants, and increased activity in the military arena, restricted Tamil negotiating activity in the latter half of this stage. Increasingly, formal negotiations occurred at a government-to-government level without the direct participation of any Tamil representative and with no concrete achievements.

Stage Two: The Bi-Polar Tamil-Sinhalese Stage (19 December - January 1987)

On 19 December 1986, there was an exchange of prisoners between the LTTE and the Sri Lankan Army in Jaffna. The exchange was the result of a secret agreement

¹¹ The Hindu, 21 December 1986.

reached on 18 November 1986. Lalith Athulathmudali, the Sri Lankan Minister for National Security, took the opportunity to state publicly that "it is important to build that good will [the prisoner exchange] further, so that Sri Lankans could resolve their disputes without the assistance of outsiders"¹².

Secret talks were held on 22 December in northern Sri Lanka between a Sri Lankan Government-sponsored delegation and the LTTE regional commander for the Jaffna area, Krishnakumar (alias Kittu). These talks were held in spite of: 1) the LTTE statement that Athulathmudali's remarks amounted to an "insult" to India's bid to find a solution to the Tamil problem; and 2) LTTE's public reiteration of its faith in India's role as a mediator.

The actions of the regional commander seem to have caught both the LTTE leadership in Tamil Nadu and the Indian mediators off guard. These bilateral negotiations both snubbed Indian negotiators and prompted Prabhakaran to suddenly disappear from Madras and resurface in Jaffna. In what seems to be a continuation of direct Tamil-Sinhalese bargaining, Colombo offered to release 500-600 Tamil detained under the Prevention of Terrorism Act (out of a conservatively estimated 4000) to "pave the way for direct

¹² The Hindu, 24 December 1986.

negotiations" with the LTTE.

At the same time that Colombo was presenting this offer to LTTE, it was withdrawing the offer made to India in which it had agreed to retain the Eastern Province as a single entity. The arrival of Prabhakaran to the Jaffna level of interaction served to extinguish Colombo's efforts to separate Tamil militants from India's mediating shadow. Because of Prabhakaran's past experience of Colombo's bargaining in bad faith, he was determined to keep India in the game as a mediator with clout to ensure that the Sri Lankan Government upheld its promises. Ironically, the arrival of Prabhakaran in Jaffna also removed him from the behind the scenes bargaining with the Central Government of India through the State Government of Tamil Nadu in Madras.

Stage Three: The Sri Lankan Two Track Stage (4 January - 16 April)

The failure of the Sri Lankan Government to push India from the scene and establish direct bargaining relations with the LTTE initiated stage three which began on January 4th with the Sri Lankan Government fuel and economic blockade of northern Sri Lanka. President Jayawardene's position was expressed in a Newsweek magazine interview in which he stated that any further concessions to the Tamils had been ruled out and, if discussions failed, "we will have

no other political options". This position was reiterated by National Security Minister Athulathmudali: "India is not in a position to understand our situation. We have placed our final peace proposal. We cannot go beyond this".¹³

In this stage, the entire Tamil area of northern Sri Lanka was put under siege and confronted with a full scale military offensive by the Sri Lankan military forces. The regular artillery shelling and air raids coincided with increasing food and fuel scarcity. The interaction of actors is easily characterized. India, through proper diplomatic channels, regularly expressed "grave concern" with the blockade and urged the Sri Lankan Government to halt its military offensive. To this, the Sri Lankan response was that state violence was in self-defence against terrorism. The LTTE's position was that it could not stop fighting until the blockade was lifted. Colombo's counterposition was that the blockade could not be lifted until the militants stopped fighting.

At this stage, it appears that the efficacy, if not credibility, of India as a mediator was questioned by representatives of both the Tamil and Sinhalese communities. Furthermore, it became apparent to the disputants that India did not have a coherent policy to deal with the dispute --

¹³ The Hindu, 6 January 1987.

except to frequently appeal for restraint and to urge both sides to engage in dialogue to settle the problem. India's ability to influence the militants was strained by its inability to maintain direct communication with militant leadership. The Jayawardene Government did not appear to be too concerned with Indian appeals.

On February 7th, India issued a three point proposition to Sri Lankan in an attempt to restart negotiations. The proposition called for: 1) the termination of the economic blockade; 2) the suspension of military operations and; 3) a public declaration by Jayawardene supporting the December 19th proposal that he had offered and withdrawn more than once¹⁴. The response from Colombo was delivered to the Indian High Commissioner by President Jayawardene himself. It was a refusal to call off military operations and the blockade until the Tamil militants suspended their armed struggle and desisted from activities aimed at displacing local administration in Tamil areas. This response from Colombo was viewed as intransigent and unacceptable by both Delhi and the LTTE. For the most part, this stage is characterized by very little movement in bargaining positions.

¹⁴ The proposal was to retain the Eastern province as a Tamil majority area, minus the Sinhalese Amparai District.

In mid-March negotiations picked up with the unannounced arrival in Colombo of Rajiv Gandhi's newly chosen special envoy, Dinesh Singh. The quick response from Colombo was that it did indeed adhere in toto to the December 19th proposals and that it would begin to unwind the blockade of the north.

A flurry of diplomatic activity followed in the wake of Dinesh Singh's visit: Indian Ministers of State Chidambaram and Singh held two days of meetings with President Jayawardene (20-21 March); J.N. Dixit, the Indian High Commissioner to Sri Lanka was called to Delhi for further briefing. In accordance with the chain of official communication in the Sri Lankan conflict, following their Colombo meetings Ministers Chidambaram and Singh flew back to Delhi to brief Prime Minister Gandhi before all three proceeded to Madras for discussions with Tamil Nadu Chief Minister M.G. Ramachandran.

The first hint that an agreement like that signed in July 1987 was an option was the report that President Jayawardene and Prime Minister Gandhi had agreed to meet sometime in the next two months to draft a settlement to the Tamil conflict. However, this report was obscured by statements such as that in the 24 March newspaper article, reporting that Gandhi had stated India would "have to" take

unilateral decisions to find a solution to the ethnic conflict if Tamil militants did not accept the 19 December proposals¹⁵. The central problem, in terms of formulating a viable negotiated peace settlement, was that all negotiations had been occurring at the Colombo-Delhi level, without the LTTE which had been struggling in Jaffna with the Sri Lankan military. Yet, in spite of the exclusion of the LTTE from negotiation, Delhi was expressing confidence in its ability to persuade the militants to accept the December 19th proposals and to enter into negotiations. The subsequent behaviour of the Jayawardene Government in its interaction with Delhi suggests that its bargaining behaviour may simply have been a stalling tactic to enable it to pursue the military option against the LTTE.

In early April, Rajiv Gandhi informed President Jayawardene that a number of militant Tamil groups -- including the LTTE-- were willing to enter into talks based on the December discussions. Gandhi therefore requested that Jayawardene begin creating conditions for the resumption of talks. Jayawardene's response was that he was "always willing" to negotiate a peaceful settlement to the Tamil problem, but he refused to talk to those who would not lay down their arms; he refused to enter into peace talks with any Tamil group that would not first renounce the use

¹⁵ The Hindu, 24 March 1987.

of violence. In addition, the Minister of National Security offered to lift the blockade only if the militants observed a ten day cease-fire. This linking of a cease fire to the lifting of the blockade contradicted the Sri Lankan Government's agreement to lift the blockade at the U.N. Human Rights Commission which had been considering a resolution against Sri Lanka. In the latter part of this stage, the questionable sincerity of the Jayawardene government became increasingly apparent. In the next stage, even the pretense of a two-track diplomatic and military strategy was dropped in favour of the exclusive use of the military option.

Stage Four: The Sri Lankan One-Track Policy Stage
(17-27 April 1987)

Although this stage is the result of the deteriorating bargaining credibility of the Sri Lankan Government, it was precipitated by two incidents: the murder of 107 Sinhalese passengers on a bus (17 April 1987) and the bomb blast in Colombo's Pettah (central market) in which over 200 people were killed (21 April 1987). In spite of the ambiguity of whether these acts were committed by a Tamil militant group or a chauvinistic Sinhalese group, the Sri Lankan government did not conduct a rigorous investigation to determine who was responsible for the bombing. Thus, regardless of who actually planted the bomb,

the incident served as a convenient justification for intensifying the Jayawardene military option.

The most immediate response to the bus massacre and bombing was intensive full-scale bombing of Jaffna by the Sri Lankan Air Force. The justification for this action was offered by an official government spokesman: "the government reserves the right to attack such targets [including hospitals, schools, temples and residences] till such time as the killing of civilians has stopped, and the peace process is allowed to continue"¹⁶. Heavy aerial bombing continued throughout the week and became a regular military tactic used by the Sri Lankan Air Force. It is also a tactic that has been used by the Indian Peace Keeping Force in northern Sri Lanka¹⁷.

The rhetoric of the Sri Lankan Government also became increasingly antagonistic as illustrated in the Sri Lankan Prime Minister's speech in parliament (24 April 1987): "when the lives of our people [presumably only the Sinhalese] are in danger, we are not prepared to go in for a political solution... any friend [i.e., India] who tells us to find a

¹⁶ The Hindu, 22 April 1987.

¹⁷ Canada-Asia Working Group, Human Rights in Asia, Submission prepared for the 44th Session of the U.N. Commission on Human Rights, reprinted in Currents, Vol. 10, No. 10, January 1988.

political solution, will be considered as the biggest enemy". The verbal antagonism between India and Sri Lanka increased as the intensity of Colombo's military offensive escalated. A political solution was repeatedly dismissed by Jayawardene in the media while the military solution was actively pursued. On 24 April 1987 a parliamentary group of Jayawardene's UNP unanimously adopted a resolution requesting the president to "continue the military offensive to eliminate terrorism", a resolution which amounted to an endorsement of continued military action against Sri Lankan citizens of Tamil descent.

Formal negotiation during this period was very limited. The TULF and militant Tamil Groups appealed to the Indian Government to "persuade" Sri Lanka to stop its military offensive. The LTTE's position continued to be that it could not enter into peace talks until the lifting of the blockade and the cessation of the military offensive.

Stage Five: Indian Intervention (27 April - 29 July)

The 27 April announcement by the State Government of Tamil Nadu that it was going to provide humanitarian aid to the Jaffna Tamils, introduced a direct interventionary element into the bargaining process. This appears to have been an action initiated by the Tamil Nadu Government

without Delhi's knowledge or approval. The response from the LTTE and EROS was favourable and, not unexpectedly, the Jayawardene Government was intensely critical of what they interpreted as a violation of the sovereignty of Sri Lanka¹⁸. Colombo intensified both its military offensive on the ground and its propaganda offensive in the media. Both offensives were separately protested by the Indian Government through the Indian High Commissioner in Colombo.

Within India the calls for direct military intervention became more vociferous. As the Sri Lankan military violence increased, so did the accusations that India was not acting to protect the Tamil people. The failure of behind-the-scenes efforts by the Indian Government to (somewhat unrealistically) compel the LTTE into negotiations with the Jayawardene Government began India's more active support of other militant Tamil groups.

On 3 June 1987, the Tamil Nadu government sent a flotilla of small boats across the Palk Strait to deliver aid directly. This action --again apparently initiated without Delhi's approval-- was blocked by the Sri Lankan Navy and the boats were forced to return. However, the

¹⁸ The distribution of aid was to be performed by "various groups and agencies engaged in rehabilitation of refugees" who would "arrange to forward the articles to the Tamil victims of the economic blockade". The Hindu, 27 April 1987.

following day, Indian Air Force cargo planes, flanked by Mirage 2000 fighter jets, succeeded in dropping 22 tonnes of emergency relief supplies into Jaffna.

The intense, but secretive, negotiations which followed these two events seemed to have followed the same communication and bargaining dynamic of Stage One, with Delhi-Colombo interaction coinciding with Militants-Madras-Delhi interaction. The enforced stay of Prabhakaran in New Delhi, where he had been taken from his Jaffna base by Indian officials on 24 July, stands out as another clumsy tactic to induce LTTE compliance. This tactic may have worked in the short term following the signing of the agreement, but it is now clear that the LTTE is re-engaged in fighting in northern Sri Lanka -- however, the soldiers with whom they are fighting are Indian rather than Sinhalese.

Clearly, within each stage of the bargaining process there were catalyzing and inhibiting influences. Examples of catalyzing influences are: the continued (although not always consistent) mediation efforts of the Indian Government and the personal relationship between the Tamil Nadu Chief Minister and the leader of the LTTE. The many more examples of inhibiting influences help to explain why the process was characterized by intransigence: the

Sinhalese-Tamil mistrust which inhibited direct bilateral talks; the clumsy coercive tactics applied to the Tamil militants in Tamil Nadu¹⁹; the blockade of Jaffna; and the military offensive. The crisis period was the break down of discussions which occurred with the shift in the Sri Lankan government policy from two-track to one-track. From that point on, the extreme polarization of parties made an effective trilateral agreement very unlikely.

The current situation in Sri Lanka is no better today than it was before the signing of the agreement. Indeed the rapid increase in the Indian military presence (from 6,000 to 15,000 to 40,000 to its present size of between 40,000 to 60,000) represents an escalation in the conflict. The agreement has formalized the Indo-centric regional dimension of the conflict. However, the formalization of India's role as a "peace broker" rather than a "mediator with clout" has fueled the conflict rather than lessened it. More significantly, it has also undermined India's ability to play an effective role in conflict resolution by alienating the Tamil militants through direct military confrontation. As long as a military option is pursued as a means of conflict management, the potential for resolution is

¹⁹ Such as the police raids and arrests of Tamil militants prior to the Bangalore SAARC conference in November and the seizure of militants' communication equipment.

jeopardized and the prospects for lasting peace on the island are bleak.

CHAPTER THREE: The Transformation From Mediator to Power Broker

INTRODUCTION

The most conspicuous provision in the Indo-Sri Lanka Agreement is the authorization and creation of an Indian Peace Keeping Force to "guarantee and enforce the cessation of hostilities" which includes the disarming of Tamil militants. This provision in particular, and the Agreement, as a whole, represents the transformation of India's role from mediator to power broker. No longer is India cast in the role of mediator. Instead, India has assumed the role of power broker; a role that differs from that of mediator in its explicit use of force as a means of maintaining influence by advancing the position of one disputant to the disadvantage of another.

The question of why India chose to become a power broker is addressed in the present chapter. It begins with a discussion of factors drawn from the case study which influenced India's transformation from mediator to power broker. These include: capability, costs of failed mediation, uncertainty, and need to limit spill over effects.

MEDIATION

Mediation is a particular form of intervention in which a third party attempts to abate or resolve a conflict through negotiation. Techniques which are characteristic of mediation efforts include: bringing parties together; establishing a constructive ambience for negotiations; collecting and judiciously communicating selected confidential material; helping parties to clarify their values and to derive responsible demands; deflating unreasonable claims and loosening commitments; suggesting compromises; seeking joint gains; keeping negotiations going; and articulating the rationale for agreement¹. Unlike other forms of third party intervention, mediation does not include the use of force as a means of inducing parties to reach agreement. That is, mediation is "basically a political process; there is no advance commitment by the parties to accept the mediators ideas"². The efficacy of mediation efforts is influenced by the nature of the dispute, the will of the actors involved (or conversely, the degree of intransigence), and the ability and resources of

¹ See: Howard Raiffa, The Art and Science of Negotiation, Cambridge: Harvard University Press, 1982, Chapter 15 and; Saadia Touval and I. William Zartman, (eds.), International Mediation in Theory and Practice, Boulder and London: Westview Press, 1985, pp. 7-17.

² Touval and Zartman, International Mediation in Theory and Practice, 1985, pp. 7-8.

the mediator.

Touval and Zartman shed light on the dynamics underpinning the relationship between the mediator and the parties in dispute:

To some extent... the mediator is a player in the plot of relations surrounding a conflict, and has some interest in the outcome (or else it would not mediate). A parallel statement can be made about the parties to the conflict. It is unlikely that they invite or accept mediation because they are only interested in peace; they probably expect the mediator's mediation to work in their favour³.

In other words, mediation becomes an acceptable option when each party perceives the opportunity to benefit, in one way or another, from the process. Touval and Zartman further argue that, for the mediator, two kinds of self-interest can be promoted through mediation: (i) defensive, in which mediation can be used to protect the mediator's own interests (including damage limitation and outside power exclusion) and; (ii) offensive, in which mediation is used as a means of extending and increasing the mediator's influence (including the enhancement of prestige)⁴. However, the role played by the mediator is a delicate one and, to be successful, requires a careful balancing of the underlying motives of all participants in negotiations.

³ Ibid. p. 8.

⁴ Ibid. pp. 8-9.

For the parties in conflict, there are numerous reasons for accepting mediation: "the expectation that a certain mediator will help one party gain a more favourable settlement than would otherwise be possible". A party may agree to mediation "if rejection would cause even greater harm". "The parties may accept mediation in the hope negotiation through an intermediary will help them reduce some of the risks that compromises entail, by protecting their image and reputation when making concessions". "They may also believe that a mediator's involvement will constitute a guarantee for the eventual agreement, thus reducing the risk of violation by the adversary". And very importantly in the Sri Lankan context: "one or both parties may wish to gain time, or to be relieved of the dilemma of choosing between escalation and concessions"⁵.

The tension between mediator and warring parties is reflected in the mediation dynamic in which "the mediator transforms the bargaining structure from a dyad into a triangle"⁶.

In a triangular relationship, the outcome of the contest may be determined by the formation of a coalition of two against one. It becomes the parties' interest to reconvert the triadic relationship back into a dyad by forming a subtle coalition with the mediator, bringing the latter in

⁵ All passages from Touval and Zartman, International Mediation in Theory and Practice, 1985, pp. 9-10.

⁶ Ibid.

on side without destroying its appearance of neutrality, and thereby affecting a solution which is favourable and preferable to continued conflict... The triangular structure enhances the mediator's bargaining power vis-a-vis the parties because of its potential for joining one party in a coalition against the other⁷.

Although the threat of coalition formation enhances the mediator's bargaining power by advertising its ability to impose an undesirable solution on any and all opposing parties, such threats can also lead to the weakening of the mediator's role qua mediator. If the mediator fails to adequately manipulate the triangular structure of interaction to push the warring parties towards agreement it may find itself having to provide the means of force to one of the combatants to maintain the credibility of its threat to punish the uncooperative party. However, in doing so, the mediator could lose the confidence of the party being punished, as well as its mediator status. The "mediator's" role has then changed to that of power broker; that is, it engages in the explicit use of force as a means of maintaining its influence in the conflict by advancing the position of one disputant to the disadvantage of the other.

This is not to say that the mediator does not differentially support the parties during mediation efforts (through such things as arms supply and diplomatic and

⁷ Ibid. p. 10.

economic support). As Touval and Zartman explain, the logic underpinning this type of activity is essentially self-serving:

It becomes the mediator's interest to keep the parties locked in a mutual stalemate so that neither can prevail (or at least so the one that the mediator favors least cannot prevail). The parties therefore continue to look to the mediator for a way out of their joint deadlock⁸.

There may be occasions where the mediator will support the weaker of two warring parties in order to maintain a stalemate. Such support, however, is conditional upon the weaker party's movement toward agreement. Thus, the mediator gains leverage over the weaker party by maintaining a stalemate in which the stronger combatant is inhibited from imposing its own unilateral settlement to the conflict.

FACTORS INFLUENCING THE TRANSFORMATION FROM MEDIATOR TO POWER BROKER

The subtlety, creativity and diplomacy that effective mediation requires is considerable, and it is a third party's failure to effectively play the role of mediator that may give rise to its transformation into power broker. Obviously, not all unsuccessful mediators become power brokers. While failed mediation is a necessary precondition, it alone is not sufficient to cause the transformation. Failed mediation must be accompanied by a

⁸ Ibid.

crisis or threat of impending crisis in order to push the mediator into the new role of power broker. The nature and character of the crisis would depend on the peculiarities of each case. However, drawing from the Indian experience in the Sri Lankan conflict, the following conditions may precipitate crises:

- * When ineffective mediation introduces or increases social, political or economic dislocation within the mediator's country to a point where the authority of the state is threatened.
- * When ineffective mediation threatens to directly affect the mediator's national or strategic interests.
- * When ineffective mediation creates the conditions in which the mediator's opponent begins to reap benefits (political, diplomatic, economic, strategic) at the mediator's expense.

In more general terms, the conceptualization of crisis can be refined with reference to common elements of definition within the international relations literature. Among these are the perception of threat, heightened anxieties on the part of decision makers, the expectation of possible violence, the belief that important and far-reaching decisions are required and must be made on the basis of incomplete information in a stressful environment⁹.

⁹ Richard Ned Lebow, Between Peace and War: The Nature of International Crisis, Baltimore and London: The Johns Hopkins University Press, 1981, pp.7-12; See also Oran Young, The Politics of Force: Bargaining During International Crises, Princeton: Princeton University Press, 1968, pp. 6-24 and; Glenn H. Snyder and Paul Diesing, Conflict Among Nations, Princeton: Princeton University

Many of these definitions are also "built on some kind of notion of stability, either domestic or international, with crisis being understood in terms of the conditions which give rise to disequilibria or instability"¹⁰.

Some of the major factors underpinning the transformation from mediator to power broker are introduced below.

Capability

The mediator must be capable, as well as willing, to assume the role of power broker. It must possess the material, political and economic resources necessary to undertake its new role. Further, the third party requires either internal domestic support, or at least insufficient domestic opposition to hinder its role as power broker. This capability requirement applies equally to state and non-state actors.

Costs

As noted above, the principal motivation for a third party to undertake the mediation of a conflict is self-

Press, 1977, pp. 6-21.

¹⁰ Lebow, Between Peace and War, p.9.

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interest rather than altruism. And, very importantly, although there are certainly costs associated with mediation (economic and political costs) and mediation failure (lost of prestige, ruptures in diplomatic relations, security threats), these costs are nonetheless relatively low, compared to potential gains. The assumption of the role of power broker, however, entails higher costs and requires a much greater degree of commitment. It may also entail different kinds of costs if a military commitment is involved. It also carries with it far greater losses in the event of failure. Thus, the third party's decision to undertake this transformation must coincide with a decision that the costs of accepting failed mediation are greater than the costs of assuming the role of power broker.

Uncertainty

Uncertainty is an important factor in the recalculation of the costs of transformation, especially in the context of the threat of external power involvement and the spill over affect of conflict. Uncertainty concerning an opponent's intentions and objectives may help push a mediator towards the role of power broker. In this situation, power broking may be seen as a pre-emptive measure to block an opponent's involvement in the conflict. Similarly, a mediator's uncertainty concerning the wider

social, political and economic impact of a conflict may induce it to assume the role of power broker in an effort to maintain domestic stability. This process carries with it the danger of conflict escalation. It should be noted that communication difficulties may exacerbate the detrimental impact of uncertainty.

Constant or Increased Threat of External Power Involvement

The process of recalculating costs is directly related to the third party's initial motives for becoming a mediator. In particular, the fear of detrimental external power involvement is a strong incentive for a mediator to become a power broker. Clearly, while this observation is drawn from a regional power context, it would appear to be also relevant to a superpower context. Such fear is increased when zero-sum thinking dominates the mediator's decision making. That is, the degree to which the mediator equates external power gains with its own losses heavily influences its threat perception of external powers. If failed mediation efforts are perceived to open the door to detrimental external power involvement, then it falls on the initial mediator to determine whether it should assert itself in an even more active role in the conflict or suffer the perceived consequences (such as loss of influence) of external power involvement. Further, it could reasonably be

argued that the mediator's threat perception of external power involvement is more salient the closer (in geographical terms) the warring parties are to the mediator.

Limiting Spill Over Effect

One of the initial motivations which may draw third parties into assuming the role of mediator is the desire to dampen the impact of a conflict on its own country. However, if mediation is not effective in mitigating (or aggravates) a spill over effect (e.g. economic dislocation, influx of refugees, social unrest), then the mediator must consider alternative means of addressing the problem. It is important to note that the impact of spill over is cumulative. The longer mediation is ineffective, the greater the likelihood of escalation and spill over. Two factors can aggravate the spill over affect: an escalation in the conflict; and external power efforts to manipulate internal dissent within its opponent's country for its own advantage.

Power broking is not the only option left open to the frustrated mediator. While the conditions above describe some of the underlying causes of the transformation from mediator to power broker, every situation will contain its own unique characteristics and dynamics. Likewise, the case

of India's role in the Sri Lankan conflict contains its own peculiarities that compelled it to make this transformation. Not least of these, as discussed below, is India's position as regional hegemon in South Asia which compels it to actively exclude outside power involvement in (Indian defined) South Asian affairs.

INDIA'S TRANSFORMATION FROM MEDIATOR TO POWER BROKER

The discussion of the conditions that may give rise to the transformation from mediator to power broker have been drawn from India's role in the Sri Lankan conflict. The review of India's interaction with the other major parties in the period preceding the signing of the Agreement suggests that, as a mediator, India hoped to advance both types of self-interest identified by Touval and Zartman - offensive and defensive. Offensively, India sought to extend and increase its influence in Sri Lanka and increase its international prestige. This objective, as discussed below, is a characteristic of India's role as regional hegemon. Similarly, Rajiv Gandhi appeared to have identified the successful mediation of the Sri Lankan conflict as a means by which to attract electoral support for the increasingly unpopular Congress I Party. Defensively, India's mediation sought to exclude outside power involvement (also a characteristic of India's role as

regional hegemon) and reduce the spill over effect of the conflict in South India. The failure to succeed as a mediator was compounded by a constellation of conditions that was perceived by India to be an impending crisis. This included increased outside power involvement in the Sri Lankan conflict, increased uncertainty, and increased spill over violence from Sri Lanka into South India. Ultimately, the fear of crisis provided the impetus for India to make the decision that the costs of accepting failed mediation were far greater than the costs of assuming the role of power broker. The events in the period just prior to the Indo-Sri Lanka Agreement's formalization of the India's new role illustrate that India's decision was preceded by tentative steps towards a power broking role. The tentative incursions by India while still in the role of mediator (discussed in Stage Five above) were precursors to the full assumption of a power broking role. Indeed, the inability of India to effectively play the role of mediator initiated a process of recalculating the means of influencing the parties to the conflict in Sri Lanka.

India's shift in role was fueled by its conceptualization of the Sri Lankan conflict in the context of the regional-political balance rather than social and ethnic cleavages. This shift was exacerbated by disarticulated communication channels and the traditional

competitive friction between the central government and the state government of Tamil Nadu. As the conflict escalated and India found itself increasingly unable to steer events towards ethnic conflict resolution, it re-oriented its efforts towards conflict containment. That is, since it appeared to India that the conflict could not be solved at that moment, it took steps to: 1) limit the impact of the conflict on India; and 2) exclude outside power involvement

Limiting the Impact of the Conflict on India

Since the early 1980s, there had been occasional incidents of Sri Lankan Tamil violence in South India, but these lacked the intensity to attract full media attention¹¹. By 1986, violent incidents were becoming increasingly commonplace. What caught Delhi's attention and attracted concern was an outbreak of anti-Hindi protest punctuated by a rash of bombings in Tamil Nadu in December 1986 and January 1987¹². The professionalism of the

¹¹ It should also be noted that at this time, in spite of strong circumstantial evidence, the Indian Government strenuously denied the existence of Sri Lankan Tamil militant "bases" on its territory. Therefore, it was politically expedient for both the Central Government and the State Government of Tamil Nadu to downplay any Sri Lankan Tamil violence in South India that may have pointed to the well-established network of Sri Lankan Tamil militants in India.

¹² For example: the General Post Office explosion in Madurai (11 December 1986); the train explosion in Tiruchi (23 December 1986); the rail way explosion in Madras (29

bombings and the availability of the necessary materials immediately drew suspicion on Sri Lankan Tamil militants in South India who were accused of supplying and training anti-Hindi language extremists in Tamil Nadu. Delhi began to suspect that the spill over of Sri Lankan violence was increasing and taking root in Tamil Nadu. No doubt the fear of a violent resurgence in the South Indian separatist call for the creation of an independent Tamil state of Dravidistan was prominent in the minds of decision makers in Delhi who were anxious to pre-empt a situation that could quickly reach crisis proportions¹³. This fear spurred Delhi into seeking a quick solution, even, perhaps, at the expense of a lasting solution.

Exclusion of Outside Power Involvement

Directly related to India's desire to limit the impact of Sri Lanka's conflict on India is its desire to exclude outside power involvement in the South Asian region. A number of factors encouraged India to exclude outside powers from the region: (a) escalating conflict combined

December 1986); and the Wallajah Road explosion in Madras (1 January 1987).

¹³ For a useful overview of the movement for an independent Tamil state of Dravidistan see: Victor Gunewardene, "Impact of Internal Ethnic Conflicts on the Region" in The Indian Ocean as a Zone of Peace, IPA Report No. 24, New York: International Peace Academy, 1986, pp. 125-144.

with decreasing Indian ability to influence either Colombo or militant Tamil behaviour; (b) a growing list of external power involvement -- especially in the role of arms supplier¹⁴; and (c) the history of external power exclusion in Subcontinental power politics¹⁵. As a mediator, India found itself unable to control external involvement. In its new role as power broker, India hoped to be able to both exclude external actor involvement and exert more influence over Colombo and the militant Tamils. Of particular importance to India was the elimination of the growing Pakistani and Chinese involvement in the Sri Lankan conflict¹⁶.

¹⁴ Including PLO and Libyan support for some of the militant Tamil groups and South African, Israeli, Chinese, and Pakistani support for Colombo. Rohan Gunasekera, "Sri Lankan Armed Forces Switch Focus", International Defense Review, Vol. 21, No. 5, 1988, p. 509. See Also: P. Venkateshwar Rao, "Foreign Involvement in Sri Lanka", The Round Table, Vol 309, 1989, pp. 88-100.

¹⁵ For an excellent discussion of the theoretical considerations of this process see: Sivananda Patnaik, "Sri Lanka and the South Asian Subsystem: A Study of Submacro International Politics", India Quarterly, Vol. 36, No. 2, 1980. For an Indian perspective see Ashok Kapur, "The Indo-Pakistani Conflict", in Managing Regional Conflict: Regimes and Third Party Mediators, Working Paper No. 12, Canadian Institute for International Peace and Security, Ottawa, pp.28-31; and Kapur, "India and Pakistan", paper presented at the Workshop, "Managing Regional Conflict: Regimes and Third Party Mediators" sponsored by CIIPS in Ottawa, 19-20 January 1989. See also: Victor Gunewardene, "Impact of Internal Ethnic Conflicts on the Region" in The Indian Ocean as a Zone of Peace, IPA Report No. 24, New York: International Peace Academy, 1986, pp. 125-144.

¹⁶ India has fought three wars with Pakistan since 1947 and was defeated by the Chinese in the Sino-Indian Border War of 1962. Pakistan has provided an increasing

A principal reason why India had an unclear understanding of events in Sri Lanka and South India was the cultural, political and spatial distance between Delhi, Madras and Colombo. As well, the competition and insecurities related to the North-South polarization of Indian politics contributed to the shaping of Delhi's perception of events in southern India. This inhibited Delhi's ability to assess the situation and respond¹⁷. At certain times, Delhi-Madras competition became more apparent, as with the Tamil Nadu humanitarian flotilla and the Indian Air Force air drop¹⁸. Each competed against the other to score political points with the Tamil electorate. Each wanted to be seen as the protector and champion of Sri Lankan Tamils. However, Delhi was bound to be severely handicapped in this competition by the traditional Tamil resentment of Central Government interference in "Tamil affairs". As noted above, this anti-Delhi sentiment was particularly intense in December 1986 and January 1987 when a wave of anti-Hindi bombings swept through Tamil Nadu.

amount of arms (including AJ-47 and M-16 rifles and four helicopter gunships in August 1985) and training to the Sri Lankan security forces. China also supplied arms to Sri Lanka in considerable quantity (particularly patrol boats and T-56 assault rifles). Both have also provided political support to the Jayawardene regime.

¹⁷ This naivete is suggested in Gandhi's statement in November 1986 that India would have the Sri Lankan conflict resolved by the year's end.

¹⁸ See Chapter Two, pp. 69-71.

Delhi's links to South India and Colombo were further attenuated by its reliance on Madras for information on, and access to, Sri Lankan Tamil militants. As a result, Delhi was dependent on a cumbersome chain of communication that was manipulable by Madras. In this respect, the State Government of Tamil Nadu was the key to Delhi's ability to understand and respond to the militant Tamil position. Delhi's only other source of information was India's High Commissioner in Sri Lanka, who was well informed of events in Colombo but was isolated from developments further north on the island. The militant Tamils' information offices in Tamil Nadu and their communication links with regional commanders in Northern Sri Lanka made Tamil Nadu (and particularly Madras and Madurai) a strategic point from which to monitor events in Sri Lanka -- information was received from Delhi, Colombo, and Tamil Sri Lanka. The Tamil speaking state government officials in Madras were strategically positioned to play information brokers, a role played in the context of Delhi-Madras political friction.

Chapter Four continues the examination of India's shift from mediator to power broker. The focus in Chapter Four will shift to an analysis of the obstacles to the bargaining process, obstacles which led to the failure of Indian mediation efforts, an important precondition to the transformation to power broker.

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CHAPTER FOUR: Obstacles to the Bargaining Process

INTRODUCTION

This chapter will discuss obstacles to the bargaining process. Its starting point is the framework developed by Harold Saunders for understanding the impact of the pre-negotiation phase on the bargaining process¹. The framework has the ability to be both analytical and diagnostic. That is, it can help to understand the bargaining dynamics and identify the prerequisites for successful negotiation. Saunders' framework allows for the identification of bargaining pathologies -- processes within the bargaining dynamic which inhibit successful outcomes. The chapter, therefore, discusses one of the central bargaining pathologies of the Sri Lankan conflict: intra-ethnic group competition.

In Chapter Two the interaction prior to the Indo-Sri Lanka Agreement is characterized by a series of stages. While the concept of stages accurately describes the bargaining dynamic in the Sri Lankan conflict, the question of why the interaction followed this pattern shapes the present chapter. A discussion of the obstacles inhibiting

¹ Harold Saunders, "We need a Larger Theory of Negotiation: The Importance of Pre-Negotiation Phases", Negotiation Journal, Vol. 1, No. 3, 1985.

groups from reaching a trilateral negotiated settlement to the conflict sheds light on why group interaction prior to the signing of the Indo-Sri Lanka Agreement unfolded as it did. The Chapter argues that even if ethnic group leaders possessed the desire to reach some sort of settlement, each may be constrained by the need to represent the interests and sentiments of his/her support base in order to ensure political survival. Such constraints are directly associated with the incompatibilities between the ethnic leader's dual role as representative of in-group interests and as bargainer with out-groups. These constraints contribute to the intransigence of ethnic conflict in Sri Lanka and appear to be a characteristic present in other instances of ethnic conflict². The rigidity that these constraints imposes on ethnic group leaders presents a major obstacle to effective bargaining and the reduction of conflict in Sri Lanka. The rigidity is also a central influence shaping the bargaining dynamic between and within the major groups in the conflict.

To further examine how and why the Indo-Sri Lanka Agreement was formulated, the chapter includes a discussion of the impact of regional power dynamics on third party intervention in South Asia. The hegemonic position of India in the Subcontinent creates tensions which compel the

² In particular Cyprus and Ireland.

smaller states (and groups within the smaller states) to be wary of Indian intervention in their "domestic" affairs. As a result, different groups involved in the Sri Lankan conflict have different perceptions of the requirements of third party intervenors.

THE REQUIREMENTS OF PRE-NEGOTIATION

The failure of the Indo-Sri Lanka Agreement to attract the support of all parties involved in the conflict, as well as its failure to lay the foundation for short term (and I argue long term) peace, can be understood in terms of the agreement's failure to meet the requirements of Harold Saunders' pre-negotiation phase. For example, all parties could not come to a common definition of the problem. As a result, a compromise definition was struck between two of the three parties which led to an agreement acceptable to only those two parties.

Harold Saunders contributes to the analysis of the bargaining process in his examination of the role of pre-bargaining table interaction in successfully negotiated conflict resolution. The use of Saunders' framework helps to explain why the Indo-Sri Lanka Agreement was not able to elicit the endorsement of the major Tamil groups. Put simply, he argues that success in formal negotiations is

contingent upon successful navigation through three critical stages of the "pre-negotiation phase". In the present case study, it will become clear that failure to navigate successfully through these stages excluded the possibility of a comprehensive trilateral negotiated settlement.

The Negotiation Process According to Saunders

- I The three stages of the pre-negotiation phase
 1. defining the problem
 2. producing a commitment to a negotiated settlement, which involves:
 - i. a judgement that the present situation no longer serves a party's interest (resonant of Zartman's hurting stalemate³)
 - ii. a judgement that a fair settlement is available
 - iii. that leaders on each side will make their own estimates whether the other side would accept a negotiated solution and is willing to reach a compromise
 - iv. the judgement that the balance of forces will permit a fair settlement
 3. arranging a negotiation (a mini negotiation on how to negotiate)
- II The two stages of the formal negotiation phase
 1. the actual negotiation
 2. implementation

³ 1. William Zartman, Ripe for Resolution, Oxford: Oxford University Press, 1985.

A brief discussion of the pre-negotiation phase will help identify some of the factors inhibiting the Agreement from establishing the foundations for peace in Sri Lanka.

Defining the Problem

That no Tamil group supported the Agreement in the months following its signing indicates conflicting Tamil and Sinhalese definitions of the problem. At a minimum, it indicates Tamil dissatisfaction with the Agreement's ability to sufficiently address the Tamil definition of the central issues in the conflict. Indeed, the heated debate and violence concerning the nature of the salient points of negotiation further underscores this definition problem. An important contribution to the perpetuation of definitional incompatibility was noted in Chapter One: the "Double Minority Complex". The eventual Tamil support for the Agreement was partial and was offered by marginal militant groups. This is discussed in more detail below.

The Sri Lankan Government definition of the problem is a product of intense debate and violence within the Sinhalese community. Although there is a divergence of views within the government, over time, extreme polarization has occurred that has eliminated dissenting moderate voices. An example of this process is the UNP's decision to

establish an armed vigilante organisation (the "Green Tigers"), in response to threats from dissidents.

Influential elements in the Sinhalese definition of the problem are: the Buddhist Clergy⁴; Lalith Athulathmudali, Minister of National Security⁵; Cyril Mathew, former Ministry of Industries⁶; and the JVP. The Sinhalese definition is more convoluted than the Tamil definition: a mixture of anti-Tamil Sinhalese chauvinism rooted in, and legitimated by, the religio-mythic chronicles of Sinhalese Buddhism⁷; domestic political power struggles; and fear of external involvement in domestic Sri Lankan politics.

The Tamil definition of the problem is shaped by a minority complex and, to a large degree, is a reaction to discriminatory Sinhalese government policies designed to

⁴ For detailed discussion refer to: Bardwell Smith, (ed.), Religion and the Legitimation of Power in Sri Lanka, Chambersburg, Pa.: Anima Books, 1978; A. Bharati, "Monastic and Lay Buddhism in the 1971 Insurrection", Journal of Asian and African Studies, Vol. 1-2, 1976.

⁵ Notably through his constant definition of the "Tamil problem" as a "military problem".

⁶ Central in orchestrating the 1983 anti-Tamil violence; see Patricia Hyndman, Sri Lanka: Serendipity under Siege, Nottingham: Spokesman, 1988, pp. 43-45.

⁷ See: Heinz Bechert, "S.W.R.D. Bandaranaike and the Legitimation of Power Through Buddhist Ideals" in Bardwell Smith, Religion and the Legitimation of Power in Sri Lanka.

further Sinhalese political and economic control of the whole island, including public service employment policies, education policies, internal colonization policies, and the 1983 expulsion of TULF from parliament⁸. Thus the Tamil definition of the problem focusses on political autonomy -- not necessarily secession -- and maintenance of cultural identity.

Obviously, without a shared definition of the problem -- or at least competing definitions with common ground or overlap -- the chances for constructive negotiations between the Tamils and the Sinhalese are unlikely. The agreement struck between Jayawardene and Rajiv Gandhi, implies a particular definition of the problem, but a definition which is not shared, and therefore not endorsed, by any of the major Tamil groups. It is an agreement which has as its primary objective stabilization rather than resolution. Paradoxically, the agreement's dependence upon the Indian military to disarm the Tamil militants and impose a settlement has subverted the objective of stabilization through the use of destabilizing means. The result has been

⁸ For an extensive discussion see: Patricia Hyndman, Sri Lanka: Serendipity Under Siege, Spokesman, Nottingham, 1988; Hyndman, "The 1951 Convention Definition of Refugee: An Appraisal with Particular Reference to the Case of Sri Lankan Tamil Applicants", Human Rights Quarterly, Vol. 9, No. 1, February 1987, pp. 49-74; Virginia A. Leary, Ethnic Conflict and Violence in Sri Lanka, A Report of a Mission to Sri Lanka in July-August 1981 on behalf of the International Commission of Jurists, ICJ, Geneva, 1981.

increased Tamil insecurity and alienation.

Producing a Commitment to a Negotiated Settlement

The problem here is that the negotiated settlement to which Saunders is referring is not the negotiated settlement represented by the Indo-Sri Lanka Agreement. While the current analysis addresses how the Agreement came about, its emphasis is on why this process does not contribute to lasting peace. The Indo-Sri Lanka Agreement represents the failure of all of the parties to navigate through the pre-negotiation process. The signing of the Indo-Sri Lanka Agreement in no way suggests that the Jayawardene government is committed to a comprehensive negotiated settlement; nor does it suggest that the present situation does not serve at least some of the government's interests. Indeed, the Agreement suggests the opposite. By signing the Agreement and allowing the Indian Peace Keeping Forces into Sri Lanka (which may already have been poised to enter anyway), Jayawardene has succeeded in substituting Indian troops (and casualties) for Sinhalese troops in the guerrilla war in the north. This has allowed Jayawardene to relocate Sri Lankan troops to the south of the island to confront the second front of Sinhalese extremist violence led by the JVP. In exchange for the forfeiture of some Sri Lankan sovereignty, Jayawardene has strengthened the UNP militarily, should the

extremist Sinhalese or Tamil violence against the State become too threatening.

In the Sri Lanka case, there is a twist to the third requirement posited by Saunders that leaders on each side will make their own estimates whether the other side would accept a negotiated solution and is willing to compromise. It is clear that Jayawardene decision making in the pre-negotiation phase was shaped as much by a consideration of the reaction to his actions by factions within the Sinhalese constituency, as by the estimation of the Tamil response.

It can be argued that Sinhalese estimations of the Tamil response to a negotiated solution were shaped by the vast differences between the Sinhalese and Tamil definition of the problem (and the issues that should be addressed). Further, Jayawardene realized that constructive negotiation would require concessions that may have amounted to political suicide. As a result, in negotiations with Delhi, Colombo focussed not so much on the details of a settlement of the Tamil-Sinhalese conflict, as on the geo-political regional implications of domestic instability in Sri Lanka. In this way, the Tamil concerns assumed secondary importance to regional concerns.

The fourth factor contributing to a negotiated settlement in Saunders' argument is the judgement that the balance of forces will permit a fair settlement. The Agreement between Sri Lanka and India pursues a military option to force the Tamil militants to the bargaining table. The continued use of the military option is based on Colombo's belief that the military strength of the militant Tamils and their control of the northern areas would provide the Tamils with an unacceptable means of leverage in negotiations, as well as the means to resist the imposition of a Sinhalese solution to the conflict.

Arranging a Negotiation

In this respect, it is important to point out that the failure of the Central Indian Government's behind-the-scenes efforts to compel the LTTE into direct negotiations with the Jayawardene government prompted India to more actively support less representative Tamil militant groups. This was particularly evident in the weeks preceding the signing of the agreement. It should be added that these actions marked the reversal of tacit Indian government support for the LTTE as the representative of the Tamil people.

Actual Negotiation and Implementation

The failure to successfully negotiate through the pre-negotiation phase eliminated any possibility of a comprehensive trilateral negotiation and implementation. Instead, the result was a bilateral agreement opposed by most Tamil militants.

INTRA-ETHNIC GROUP COMPETITION AS AN OBSTACLE TO SETTLEMENT

It is evident from Chapter One that none of the parties involved in the conflict is homogeneous. It is precisely the heterogeneity within the Indian, Tamil, and Sinhalese constituencies which posed obstacles in the pre-negotiation period. This heterogeneity created an underlying dynamic of intragroup bargaining as powerful competing and conflicting interests vied for positions of dominance. This resulted in a dual responsiveness in bargaining groups -- responsiveness to: 1) competing interests within a group; and 2) competing or conflicting interests outside of a group. Thus, the case study illustrates a bargaining dynamic which has been labeled the "boundary-role conflict" wherein,

the negotiator is obliged to be responsive to the competing claims of his own and the other side. This dual responsiveness may be regarded as the defining feature of negotiation referred to in the

literature as boundary-role conflict.⁹

According to Druckman, the negotiator plays two roles: bargainer and representative. As a bargainer, a negotiator interacts with, and reacts to, opposing negotiators. As a representative, the negotiator must weigh and balance the competing interests within the group he represents. As both bargainer and representative, the negotiator "attempts to build a package that will be acceptable to both the other side and his bureaucracy"¹⁰.

The case study suggests that the negotiator in a boundary-role conflict can play these two roles either sequentially or simultaneously. In mid-1986, Colombo's proposals appear to have been formulated in response to both internal (domestic) and external (Indian) considerations simultaneously. The Jayawardene Government had to limit the effectiveness and spread of the criticism of the Sri Lanka Freedom Party (SLFP), which had been advocating a "military solution to a military problem" throughout the five stages. Jayawardene had also to contend with the extremist Buddhist Clergy criticisms based on the belief that the Tamils are not even Sri Lankan (i.e., Sinhalese), so any concession

⁹ Daniel Druckman, "Boundary-Role Conflict: Negotiation as Dual Responsiveness", in I. William Zartman (ed.), The Negotiation Process: Theories and Applications, Beverly Hills and London: Sage, 1978.

¹⁰ Ibid., p. 89.

would be too great. In this context, the limited movement of the Jayawardene government can be partially attributed to the fear of violent reaction to concessions within Sinhalese society. The bus massacre and Pettah bomb blast (previously mentioned) mark the point at which simultaneous role playing was put aside for an exclusively representative role. That is, Sri Lankan Government behaviour shifted to exclusive representation of extremist Sinhalese sentiments, with minimal regard for the Indian bargaining position. Although the military offensive, which was a response to these two incidents, may be interpreted as a continuation of a policy that the government had been pursuing, its increased intensity may also be interpreted as an attempt to appease the increasingly hostile anti-Tamil sentiment within large portions of the Sinhalese community.

It is very significant that in the two days between the bus massacre and the Pettah bombing, thirty seven soldiers were discharged from the Sri Lankan Army for alleged connections with the JVP. The threat of an intra-Sinhalese civil war on a scale worse than the 1971 JVP insurrection is surely never far from either Jayawardene's or Premadasa's mind. The militancy and expressly Sinhalese rhetoric of Colombo's response suggests its acute awareness of the saliency of intra-group dynamics.

It is crucial to recognize the boundary-role conflict underpinning the bargaining process within the ethnic conflict in Sri Lanka. It imposes very real constraints on the ability of leaders of all ethnic groups to constructively respond to opportunities that may reduce tensions. It is further discussed below how these constraints contribute to the intransigence of conflict and present a major obstacle to the reduction or resolution of conflict in Sri Lanka.

If some of the Jayawardene government's intransigence can be attributed to the fear that "concessions" to Tamils may provoke a violent reaction within the Sinhalese community, then conflict reduction strategies must acknowledge these constraints and act to neutralize them. This demands that the costing process within groups be changed so that ethnic chauvinism is a less salient, and therefore less effective, rallying point for political support. Or, expressed in positive terms, the importance of multi-ethnic cooperation must be increased in Sri Lankan politics. The formulation of a response to this requirement is a study beyond the scope of the present discussion. It requires a study of the nuances of ethnic group self-identification and how these interact with economics, class, social structures, modernization, and domestic and international political power distribution, to create the

conditions prone to the outbreak and maintenance of ethnic conflict¹¹.

Related to this obstacle is the danger of a gap developing between ethnic group leaders and those who they are supposed to be representing. The disarticulation of leadership from its support base is caused by the former's inability to assume simultaneously the role of bargainer and the role of representative. Such a gap clearly developed between Jayawardene and his UNP and it became increasingly difficult for him to rally (or more often, coerce) support from his party. Indeed, internal dissent, public criticism, and open defection¹² challenged Jayawardene's credibility as a leader. Following the signing of the Indo-Sri Lanka Agreement, the level criticism directed towards Jayawardene by UNP MPs and the Sinhalese public was unprecedented and

¹¹ Three notable attempts to address the interrelationships of these variables are: Cynthia Enloe, Ethnic Conflict and Political Development, Boston: Little, Brown and Co., 1973; Joseph Rothschild, Ethnopolitics: A Conceptual Framework, New York: Columbia University Press, 1981 and; Donald Horowitz, Ethnic Groups in Conflict, Berkeley and Los Angeles: University of California Press, 1985.

¹² Highlighted in Finance Minister Ronnie de Mel's defection in 1987. More recently, disappointment with Sri Lanka's Tamil policies and dissent towards the newly elected President Premadasa was expressed in the defection of minister-counsellor Panicken Kanagarettnam from the Sri Lankan High Commission in Ottawa. Kanagarettnam had been one of the senior members of Sri Lanka's foreign service; reported in Patrick Best, "Sri Lankan Minister-Counsellor Defects, Seeks Refugee Status", The Ottawa Citizen, 23 February 1989, A 12.

his legitimacy as leader was increasingly questioned.

It may be too early to assess recently elected President Ranasinghe Premadasa's ability to play the role of bargainer/ representative within the UNP. However, a glance at the questionable presidential election results of December 1988, in which Premadasa received 50.4% of the votes and Mrs. Sirimavo Bandaranaike of the SLFP received 44.9%, suggests that the Sinhalese electorate is divided on his ability to serve as leader¹³. It should be noted that voter turn out was a little over 55%, very low for a country which typically draws an 80% turnout at the polls. Premadasa's undisguised animosity towards the Indo-Sri Lanka Agreement may help to consolidate support within the UNP, but a continuation of Jayawardene's hard line military approach to the unrest in the north and east would serve to further exacerbate ethnic tensions and hinder his ability to act as an effective bargainer in talks with Tamil militants. The uncertainty of the leader-follower relationship introduces a degree of ambiguity which may obscure the underlying sentiments and objectives of ethnic groups. The result may be the inhibition of the peace process.

¹³ See Christina Spenser, "Sri Lanka Election Exercise in Ingenious Rule Bending", Ottawa Citizen, 19 February 1989, E 5.

In the period just prior to the signing of the Indo-Sri Lanka Agreement, India dropped its endorsement of the Liberation Tigers of Tamil Eelam (LTTE) and began endorsing other less-representative militant Tamil groups such as the Eelam Peoples Revolutionary Liberation Front (EPRLF)¹⁴. LTTE's experience of Delhi's clumsy coercion and Colombo's bargaining in bad faith, prompted it to adopt a cautious approach to mediated settlement. However, rather than working through a slow and complicated set of negotiations with the LTTE, India chose to switch allegiances and endorse a less-representative group that would be more susceptible to its pressure. While pulling marginal Tamil groups onto centre stage may produce agreements on paper, it does not lay the foundation for conflict resolution, or even reduction, because it is divorced from the political and military realities of LTTE dominance in northern Sri Lanka¹⁵.

¹⁴ It is ironic that India should begin endorsing the EPRLF when it was this organisation's criminal activities, and particularly its gun fire at a crowd in Madras (killing a social worker) on 2 November 1986, that prompted an Indian crack down on Sri Lankan militant activities in South India: Tamil Nadu arms raid, 8 November; police seizure of Tamil militant communication equipment, 21 November.

¹⁵ Interestingly, it has also been reported that the EPRLF has been cooperating with the Indian Peace Keeping Force in the Eastern Province and is now being used as a local paramilitary police force (Asia Week, 12-18 February 1989). Thus, through its military support of the EPRLF, India may not only be hampering conflict reduction and resolution, it may be encouraging violent clashes between Tamil militant groups.

The Indian Government's last minute political, military and economic support for the less-powerful and less representative militant Tamil groups creates an obstacle to the peace process in Sri Lanka by aggravating intra-Tamil group rivalries. Because the EPRLF is less powerful and less representative (i.e. it possesses a small support base), it can be more easily dominated and directed by the Indian Government. The advantages to this type of arrangement are obvious. The Indian government makes use of intra Tamil group antagonisms to gain the support of a marginal Tamil group and uses it to impose "law and order" in Tamil areas, thereby avoiding direct IPKF-LTTE violence. This tactic helps the Indian Government to deflect criticism of its actions from within India. Importantly, it also provides a guise of Tamil support for the Indian presence in Sri Lanka. For the EPRLF, Indian support provides it with the political, military and economic means needed to continue its struggle to displace the LTTE as the foremost Tamil militant group. It also provides the EPRLF with a source of legitimacy to make up for their absence from the barricades in northern Sri Lanka when the Sinhalese military was conducting its military offensive against the north in early 1987.

Indian support of rival groups to the LTTE is not restricted to military matters. India's political support

was extended to the LTTE's two main rivals, the EPRLF and the Eelam National Democratic Liberation Front (ENDLF), in the district elections in late 1988. Having agreed to contest the elections, the two groups then decided simply to share the thirty six seats and eliminated a vote altogether¹⁶. Tacit Indian endorsement of this action reinforces the anti-democratic (anti-participatory) elements among the Tamil militants. It is precisely this type of activity that has alienated Tamils from effectively participating in Sri Lankan politics and Indian endorsement can only be counterproductive to the attainment of peace in both the short and long run.

The selective Indian support for Tamil groups is the application of a divide and rule strategy, well learned through the years of British colonial rule. In India, the "divide and rule" strategy worked well in defusing the development of any concerted threat to colonial rule because of the Byzantine complexity of cross-cutting group loyalties that "made it particularly difficult for pressure and antagonism to build up along one fault line in society"¹⁷. In Sri Lanka however, the lines of ethnic group self-

¹⁶ "The Tamils Defy the Tigers", The Economist, 26 November 1988.

¹⁷ James Manor, "Collective Conflict in India", Conflict Studies, No. 212, The Centre for Security and Conflict Studies: London, 1988, p. 5.

identification are more clearly cut and, as importantly, some groups (e.g. the LTTE) are significantly more powerful than others, which means that Indian support of a group -- particularly a weaker group -- does not automatically defuse the power base of opposition forces or tip the balance in India's favour. Indeed, support of the "wrong group"¹⁸, whether it is Indian support of the EPRLF, or American support of the Shah of Iran, or Soviet support of a puppet regime in Kabul, can be counterproductive in the long run.

REGIONAL POWER DYNAMICS AND THIRD PARTY INTERVENORS

India's perception of itself as the only feasible intervenor¹⁹ in the Sri Lankan conflict is based on its exclusory and Indo-centric definition of the nature of regional politics in the subcontinent. Indeed, Indian policy makers feel compelled to play the role of peacemaker in the region in order to express India's status as regional hegemon and to maintain the Indo-centric power balance

¹⁸ By "wrong group", I refer to groups that are repressive, exploitative and anti-democratic, as well as groups which fail to achieve the supporting party's objectives.

¹⁹ The term "intervenor" is used in its broadest sense and includes mediation, peacekeeping, monitoring compliance, and development and economic assistance. "Intervention" can be undertaken through both formal and informal channels.

within South Asia²⁰. However, the smaller South Asian states' vulnerability to India creates a counterforce²¹, expressed through such measures as small state alliances²² and external power²³ alliances, by which they attempt to off-set India's control and influence in their domestic affairs. Thus, there is a systemic tension within the subcontinental balance of power between India's hegemonic role and the small states' anti-hegemonic reaction. In this context, Colombo's military connections with other South Asian and external powers, as well as its escalation of violence in the months prior to the Indo-Sri Lanka Agreement, may be interpreted as an attempt to exclude Indian involvement from its domestic affairs.

Yet despite Sri Lankan resistance, the very structure of the Indo-Sri Lanka relationship -- i.e. the social,

²⁰ The classic example is India's role in settling the dispute between East and West Pakistan in 1971. A more recent example is India's role in putting down the attempted coup in the Maldives, November 1988.

²¹ For an excellent discussion of the dynamics of the power balance in South Asia see: Sivananda Patnaik, "Sri Lanka and the South Asian Subsystem: A Study of Submacro International Politics", Indian Quarterly, Vol. 36, No. 2, 1980.

²² Such as the cooperation between Pakistan and Sri Lanka during the Bangladesh crisis of 1971. When India closed its air space to Pakistani aircraft, Pakistani soldiers were routed through Colombo on their way to Dhaka.

²³ For example, the Ceylon-U.K. Defence Agreement in 1948 and the Pakistan-U.S. defence relationship.

cultural, historical, economic, political linkages -- encourages direct Indian involvement. Interestingly, these same linkages that tend to inhibit direct third party intervention in non-South Asian environments, have the opposite effect in South Asia by obscuring a domestic-foreign dichotomy²⁴.

Suitability of India as Intervenor

As a third party intervenor in the Sri Lankan conflict, India has played an influential role. It has the clout necessary to both induce and coerce Tamil militants and Colombo; although it has displayed considerable awkwardness in its use of clout thus far. Certainly, in the period under discussion in Chapter Two, one of the major reasons for the inconsistency of Indian mediation efforts was the lack of a defined and concrete Sri Lanka policy²⁵ which forced India into a position of merely reacting to an escalating crisis rather than pro-actively engaging in graduated crisis management. Further, however, Indian inconsistency may also be a function of Delhi-Madras

²⁴ P.C. Mathur, Virendra Narain and M.V. Lakhi, "Intra-Regional Relations: A Study in Infrastructural Determinants", in S.P. Varma and K.P. Misra, (ed.), Foreign Policies in South Asia, Bombay: Orient Longmans Ltd., 1969, pp. 91-105.

²⁵ An insightful editorial is presented in "Groping For A Policy", The Times of India, 10 January 1987.

competition and the ebb and flow of power within and between parties to the conflict. Thus, the changing issues and composition of actors pose obstacles to conflict reduction by obscuring the continuity of events, thereby increasing the uncertainty of inter-ethnic group contact. This uncertainty, in an antagonistic situation, contributes to increased mutual mistrust.

Related to India's clout and suitability as intervenor are the linkages noted above (and discussed in greater detail in Chapter One): social, cultural, historical, economic and political. These may provide an effective means of exerting leverage on the Sri Lankan combatants. India's status as regional hegemon, and its long-standing relationship based on such things as common colonial experience, politico-economic interdependence and similar socialization of ruling elites, establishes a certain degree of legitimacy for India's role as intervenor.

Jayawardene's acceptance of direct Indian intervention appears to contradict the anti-hegemonic logic of a small state in the power balance of the South Asian subsystem. If each state was a homogeneous actor this would be the case. However, the heterogeneity within Sri Lanka is clear. Jayawardene's behaviour acknowledges Indian hegemony and harnesses it for internal political purposes. As

discussed above, in return for the forfeiture of some Sri Lankan sovereignty (a malleable concept in a hegemonic system), Jayawardene was able to buttress the UNP regime militarily and redirect Sinhalese troops from the stalemate in the north to the new front against the JVP in the south. With the memory of recent Indian incursions fresh in mind (the Tamil Nadu flotilla and Indian Air Force air drop), Jayawardene also may have realized that Indian troops may have been on their way to Sri Lanka one way or another -- and better to have a disadvantageous agreement defining the terms of Indian intervention, than no agreement at all.

The Continued Utility of Violence

In Sri Lanka there still appears to be more utility in continuing the conflict than in negotiating an end to it. This is fundamental obstacle to the creation of conditions necessary for constructive negotiation. For Sinhalese extremists, the SLFP, the UNP and the Sangha, insecurity, terror and hatred can still be used as a vehicle if not to attain power, then to deny power to opponents²⁶. In

²⁶ More than 1000 people were killed in the election campaign leading up to the 15 February 1989 elections, including at least 56 on election day. The death threats and murders by Sinhalese and Tamils were meant to destabilize the UNP Government: "56 Dead as Sri Lankans Vote for Parliament", The New York Times, 16 February 1989, A 20; "Sri Lanka's Ruling Party Wins", The New York Times, 17 February 1989, A 9.

Zartman's terms, the conflict has not yet reached a "hurting stalemate":

"The point when conflict is ripe for resolution is associated with two different sorts of intensity - called here plateaus and the precipice - which produce different sorts of pressure - called respectively deadlocks and deadlines. A plateau and its deadlock begin when one side is unable to achieve its aims, to resolve the problem, or to win the conflict by itself, and they are completed when the other side arrives at a similar perception. Each party must begin to feel uncomfortable in the costly dead-end into which it has gotten itself. A plateau must be perceived by both not as a momentary resting ground, but as a hurting stalemate, a flat, unpleasant terrain stretching into the future, providing no later possibilities for decisive escalation or for graceful escape.... Each party's unilateral policy (the action that it can take alone without negotiation) must be seen as a more expensive and less likely way of achieving a possible, acceptable outcome than the policy of negotiation. A plateau is thus as much a matter of perception as of reality for the parties and as much a subject of persuasion as of timing for conciliator.²⁷

Likewise the utility of violence remains for the Tamil militants as long as they are alienated from the political process and subjected to institutionalized discrimination; and as long as Sinhalese extremist groups continue to wage ethnic war for political gain. Militant Tamil violence is an extreme consequence of constitutionally sanctioned discrimination and alienation from parliamentary politics. Support for this violence and the call for a separate Tamil state are the consequences of a long history

²⁷ William I. Zartman, Ripe For Resolution, Oxford: Oxford University Press, 1983, p. 232.

of failure to acquire a reasonable degree of autonomy through the parliamentary process. Until the parliamentary process is "re-legitimized" and able to accommodate dissent while protecting minority cultural needs and human rights, violence will continue to be the desperate vocabulary of frustrated and oppressed groups of people in Sri Lanka. So too will it continue to stifle efforts towards negotiated settlement.

The perceived utility of violence as a catalyst to change has led to the militarization of the conflict. That is, violence is no longer restricted to isolated and sporadic incidents. Rather, violence has become institutionalized and has led to a dramatic increase in the size and capability of both Tamil and Sinhalese military forces. There are now tens of thousands of men²⁸ whose sole purpose is to wage war with increasingly sophisticated weaponry²⁹. However, "militarization" refers not simply to physical military presence. More importantly, it refers to

²⁸ There are also reports of women combatants in Tamil militant organizations.

²⁹ For discussion of the increased sophistication of weapons used by each of the groups in the conflict, see the following: Sinhalese Military: Rohan Gunasekera, "Sri Lankan Armed Forces Switch Focus", International Defense Review, Vol. 21, No. 5, 1988, pp. 509-512; LTTE: Robert McDonald, "Fighting with the Tamil Tigers", Jane's Defence Weekly, Vol. 8, No. 4, 1988, pp. 191-193; India: Brian Cloughley, "India's Growing Role in Sri Lanka", Jane's Defence Weekly, Vol. 9, No. 11, 1988, pp. 521-22.

the spread of militarism into every corner of social and political life, to the point where decision making is militarized and responses to any problem adopt a military (as opposed to a political, social or economic) point of reference. An example of the pervasiveness of this phenomenon is the UNP Government creation of an 18,000 troop para-military unit called the "Home Guard" which was originally recruited and trained to protect Sinhalese villages bordering on Tamil areas. Following violent protests against the Indo-Sri Lanka Agreement the unit is now deployed in Colombo. In addition, each ruling party [i.e. UNP] Member of Parliament has been allowed to recruit 150 Home Guards from his electorate for his personal protection, since the JVP began killing the Party's politicians and activists.

Ethnicity, Security and Conflict Intransigency

Although ethnicity and ethnic organizations play an important social function by providing security to groups in an uncertain environment, this function may contribute to "conflict intransigency" and the development of full scale protracted social violence in the context of the "double minority complex" of Sri Lanka. Ethnicity and ethnic organizations (political, religious, economic, etc.) may provide a sense of security and identity for the "in-group",

but in Sri Lanka their very existence also contributes to the insecurity of the "out-group". Similarly, unless other means of ensuring group security are implemented, attempts to replace or curtail ethnic organizations also may further increase the insecurity of those groups which perceive themselves as minorities.

In introducing the concept of security into a discussion of bargaining and negotiation, it is useful to note a distinction identified by Barry Buzan. The focus need not be on "peace", which "directs the attention towards the need to remove violence in relations between and within states". Rather, negotiation can focus on security which "directs attention towards the need to find methods that can satisfy the legitimate concerns of the states [or ethnic groups in the present context] without at the same time amplifying the dynamics of insecurity among them". To borrow further from Buzan: "The security perspective rejects the notion that the problem of insecurity can be solved. It tries instead to develop a management approach...."³⁰ which, as discussed below, will itself contain second order and

³⁰ Barry Buzan, "Peace, Power and Security: Contending Concepts in the Study of International Relations", Journal of Peace Research Vol. 21, No. 2, 1984, pp. 111-112. See also: David B. Dewitt, "Confidence and Security-Building Measures in the Third World: Is There a Role?", International Journal, Vol. XLII, No. 3, (Summer), 1987, pp. 509-535; Milton Esman, "The Management of Communal Conflict", Public Policy, Vol. 21, (Winter) 1973, pp. 49-78.

perhaps unintended consequences that may affect the nature of the conflict.

CHAPTER FIVE: Requirements for Conflict Reduction

INTRODUCTION

In this final chapter, the principal requirements for conflict reduction are addressed. This is undertaken through a discussion of two interrelated sets of issues: conflict issues and bargaining issues. Conflict issues arise directly from the dynamics of conflict and violence, whereas bargaining issues, in the present context, arise from the bargaining dynamics underpinning the interaction of groups prior to the signing of the Indo-Sri Lanka Agreement. Both sets of issues will inevitably need to be addressed in any genuine attempt to reduce or resolve conflict in Sri Lanka.

The conflict issues which are examined are: constitutional protection, religion, devolution of power, education, law and order, and land rights. These are issues which have significant political, economic and symbolic value. As a result, within any bargaining framework (or negotiating text) for the Sri Lankan conflict, these issues will form the salient points of reference. The bargaining issues are: reincorporating the Sri Lankan Tamils into the bargaining process, a redefinition of the problem, and the question of how to apply leverage to the combatants.

CONFLICT ISSUES

Constitutional Protection: Language and Religion Rights

As noted in Chapter One, the Official Language Act of 1956 declared that "the Sinhala Language shall be the one official language of Ceylon". The "Sinhala Only" had a profound impact on limiting Tamil employment and communication with government agencies. It also carried strong emotional and symbolic overtones¹. Most significantly, in the context of the need for constitutional protection of minority rights in Sri Lanka, the "Sinhala Only" bill was passed in the face of opposition by all Tamil MPs in the House, protests by Tamils in the countryside, and rioting by the Sinhalese against the Tamils in the Eastern Province. Beyond the substantial linguistic and symbolic importance of language to cultural identity and expression, the "Sinhala-Only" bill pointed to the inability of the constitution to accommodate ethnic minorities' concerns. It was passed entirely by Sinhalese MPs, and demonstrated the weak position of the minority Tamil population confronted by a constitution which not only failed to protect its rights, but also provided a system of electoral representation that offered it no chance of effectively advocating Tamil

¹ For a clear and succinct discussion refer to: Robert N. Kearney, "Language and the Rise of Tamil Separatism in Sri Lanka", Asian Survey, Vol. 18, 1980.

concerns.

Because the constitution requires the approval of only two thirds of the total membership of the House to amend or appeal the constitution (and not coincidentally, the Sinhalese make up more than two thirds of Sri Lanka's total population), the possibility for self-interested Sinhalese manipulation of the constitution is great². Indeed, rigging the constitution to the benefit of the Sinhalese has been common. More recently, the election process has also been criticized as "an exercise in ingenious rule-bending"³.

Of equal symbolic importance to language is religion. Both the 1972 and 1978 Constitution provided Buddhism with a special status resembling a state religion: "The Republic of Sri Lanka shall give Buddhism the foremost place and accordingly it shall be the duty of the state to protect and

² Constitutional tinkering was also employed by J.R. Jayawardene in 1982-3 to prolong the life of the existing Parliament, which was elected in 1977, until 1989. With this manoeuvre Jayawardene not only maintained his power and avoided elections that may have reduced the overwhelming UNP majority in Parliament. Refer to: Colin R. de Silva, "Plebiscitary Democracy or Creeping Authoritarianism?: The Presidential Election and Referendum of 1982", in James Manor, (ed.), Sri Lanka in Change and Crisis, London and Sydney: Croom Helm, 1984, pp. 35-50.

³ Christina Spenser, "Sri Lanka Election Exercise in Ingenious Rule Bending", Ottawa Citizen, 19 February 1989, E 5; See also Part One of James Manor, (ed.), Sri Lanka in Change and Crisis, London and Sydney: Croom Helm.

foster Buddhism" (1972, Article 6; 1978 Article 9). Such preferential treatment included substantial financial support and government attendance of Buddhist ceremonies. Taken in combination with the entrenchment of the Sinhala language, the restrictive provisions for citizenship, discrimination against Tamil admission to universities, Tamils and other minorities were bound to begin perceiving themselves as second class citizens. This sense of insecurity was exacerbated by sections in both the 1972 and 1978 constitutions that provided such a wide scope for restricting fundamental rights that it made a farce of the inclusion of such provisions at all:

The exercise and operation of the fundamental rights and freedoms provided in this chapter shall be subject to such restrictions as the law prescribes in the interests of national unity and integrity, national security, national economy, public safety, public order, the protection of public health or morals or the protection of rights and freedoms of others....⁴

To this list, the 1978 Constitution includes the following:

or for the purpose of securing due recognition and respect for the rights and freedom of others, or of meeting the just requirements of a democratic society.⁵

However, if these broad powers of restriction were not sufficient to entrench Sinhalese interests, the two thirds requirement for amending the Constitution was always

⁴ 1972 Constitution, Section 18(2).

⁵ 1978 Constitution, Section 15(7).

available. It was the two thirds requirement that enabled the sixth amendment to the constitution which prohibited a member of parliament from keeping his seat if he failed to take an oath to the principle of a unitary state, in effect a loyalty oath to the government's status quo. As noted above, the intention and consequence of this oath was to expel all democratically elected TULF members from parliament.

Faced with a system of popular representation and a constitution that does not protect their rights, the Tamils were alienated from the governmental process and inevitably turned to other means of political expression. What is notable in Sri Lanka is not that the country is now facing a swelling wave of separatist Tamil violence. Rather, it is notable that, until the late 1970s, in the face of constitutionally sanctioned discriminatory legislation, leading Tamil political figures and organisations preferred reform through the parliamentary process, instead of through the use of violence and the formation of a separate state.

A consequence of the Sinhalese ability to entrench their rights in the constitution to the detriment of Tamil rights has been the alienation of minority groups from the political process and the maintenance of conditions promoting the outbreak of ethnic violence. Since it is

still possible for a constitutional amendment to be passed without any Tamil support whatsoever, there is a need for constitutional safeguards for the Tamil minority for long-term settlement. Representation is weighted against the Tamils and constitutional amendments can, and have, been affected against their will. A requirement for resolution may be an increase in the proportion of votes required to amend the constitution or a regional requirement as in federal states. As well, there is a requirement for a clear constitutional delineation and devolution of powers by which the Tamils could ensure their independence from Sinhalese domination. Put simply, there needs to be constitutional protection of Tamil Rights, particularly in the areas of language, religion, citizenship, franchise, civic rights, and individual and group security.

If Sri Lanka is to avoid the separation of the state into a Tamil Eelam and Sinhalese Sri Lanka, then there will need to be a constitutionally defined devolution of power -- perhaps along the lines of a federal structure -- in which the Tamil ethnic grouping possesses an autonomous state or regional government functioning within limitations agreed upon between itself and the central government. This could have the effect of increasing the sense of security within minority groups, thereby reducing ethnic tension while enhancing stability and unity in the state.

Real Devolution of Power

The conflict issue that arises directly out of the need for constitutional reform is the need for a real devolution of political and economic power. In recent history there have been numerous strategies to decentralize power in Sri Lanka⁶. However, in every case devolution has been stifled by lack of implementation. The best known strategy is the Bandaranaike-Chelvanayakam Pact signed in 1957 by the SLFP Prime Minister, S.W.R.D. Bandaranaike, and the Tamil leader of the Federalist Party. Although the principles of the pact constituted an appropriate starting point, it was never enacted due to the storm of protest rallied by the Buddhist clergy and the then-official opposition party, the UNP, led by J.R. Jayawardene.

The next major attempt at devolution was the 1965 Senenayake-Chelvanayakam Pact signed by the UNP Prime Minister and Tamil leadership. Interestingly, this time it was the SLFP opposition party, backed by the Buddhist clergy, that blocked the implementation of the pact. In

⁶ Tamil efforts to affect a redistribution of power have advanced through series of stages: from (1) "communal ratios", 1920-30 to (2) "balanced representation", 1936-48 to (3) "responsive cooperation", 1948-56 to (4) "federalism", 1956-72 to (5) a separate Tamil state. See A.J. Wilson, "Race, Religion, Language and Caste in the Subnationalisms of Sri Lanka", in Michael Roberts, (ed.), Collective Identities, Nationalisms and Protest in Modern Sri Lanka, Colombo: Marga Institute, 1979, p. 468.

both 1957 and 1965, the pacts were not passed into law because "no government in Colombo felt that it could legislate reform in these matters without losing the confidence of the Sinhalese electorate, perhaps even defeat at the polls"⁷. Grand plans for regional devolution were finally pushed off the agenda with the 1972 Constitution (as well as the 1978 Constitution) declaration that Sri Lanka would remain a unitary state⁸.

The development council scheme adopted in Sri Lanka in 1980 is sometimes viewed as an attempt to redistribute power from the centralized authority in Colombo outward to the administrative districts. However, the very structure of the development councils subverted any claim to real devolution of power and, ultimately, would have served to strengthen Colombo's control over those areas calling for greater autonomy. Each council was constructed so that it

⁷ Bruce Matthews, "Devolution of Power in Sri Lanka: The Problems of Implementation", The Round Table, Vol. 301, 1987, p.74; With insight into the dynamics of domestic politics in Sri Lanka Matthews continues: "There was a tragic lack of foresight and statesmanship, much of it based on the emerging ruthless struggle between the Senanayake-controlled UNP and the Bandaranaike-dominated SLFP. That legacy of desire for absolute political power frustrated any reasonable resolution of legitimate Ceylon Tamil claims to some form of autonomous government, however modest or benign." (Ibid.)

⁸ Article 45(1): "The national Assembly may not abdicate, delegate, or in any manner alienate its legislative power, nor may it set up an authority with any legislative power other than the power to make subordinate laws".

contained a majority from members of parliament (read UNP members) and a centrally appointed district minister who sat as a member of the council's executive committee. The district minister and the central government that he represented retained ultimate authority, as suggested in the interview of J.R. Jayawardene in which he referred to the district ministers as "rather like the Chief Ministers who run Indian states"⁹. Indeed, by the terms of the Development Councils Act¹⁰, the district minister is empowered to remove any council member or the chairman of the council for incompetence, mismanagement, abuse of power, unlawful behaviour, or default in the performance of duty, while the president of Sri Lanka is authorized to dissolve a council's executive committee if there are differences between it and the district minister or to remove executive committee members for incompetence or mismanagement¹¹.

An indication of the lack of government commitment to decentralization was the paucity of funds made available to the district development councils from the very beginning.

⁹ Far Eastern Economic Review, 17 August 1979, p. 15.

¹⁰ Development Councils Act, No. 35 of 1980, sections 61-63.

¹¹ For an overview of the district development councils refer to: Bruce Matthews, "District Development Councils in Sri Lanka", Asian Survey, Vol. 22 (November), 1982, pp. 1117-34 and; Bruce Matthews, "Devolution of Power in Sri Lanka: The Problems of Implementation", The Round Table, Vol. 301, 1987, pp. 74-92.

However, while the funds were insufficient for the development of the infrastructure for effective devolution of power, they were not so small to preclude their use for other, less altruistic, purposes. The district development council budget "[came] to be more a source of patronage and political visibility for the re-election campaigns of MPs rather than an instrument of local level planning"¹².

Until the Tamils of Sri Lanka possess the means of articulating and protecting their political, economic, and one might add cultural, rights, ethnic tension will remain. A real devolution of power is a step in the direction of the reduction of ethnic tensions and the establishment of the foundations for long-term peace. The extreme action of expelling the TULF from parliament prevented Tamils from participating in democratic parliamentary politics and stripped them of all political representation or power. The return of these civic rights alone is not an inducement towards ethnic reconciliation. The devolution of power contains conspicuous political, economic, security and symbolic dimensions. And at a minimum, the devolution of power must contain guarantees that prevent arbitrary interference of one group into the cultural interests of another group. The package that constitutes "cultural

¹² Nasir Islam, "Devolutionary Strategies in Sri Lanka: Political Decentralization and Ethnic Conflict", University of Ottawa Working Paper 87-46, September 1987.

interests" is obviously a matter to be worked out by the participants themselves. Paradoxically, although Sinhalese-Tamil violence is an expression of the need for political devolution, it also further entrenches Sinhalese resistance to this requirement. The fear, often fueled by opportunistic Sinhalese politicians, is that Tamil autonomy would be the precursor to secession and a sign of the Sinhalese loss of the Tamil wars. Far from signalling the start of secession, devolution of power could well serve to diffuse this possibility by re-integrating Tamils into the political process¹³.

There are three areas in which the devolution of power from the centre to Tamil regions is crucial: education, law and order, and land rights.

Education

As noted above, the first legislation to restrict Tamil access to higher education was enacted in the early

¹³ To be effective a devolution package might include some of the same principles of previous devolution packages:

- * councils must be elected directly
- * delineation of power must be clear
- * powers must be guaranteed
- * areas of joint concern must be jointly managed
- * Tamil unit must be able to raise some taxes and borrow funds
- * Must receive block grants from the Central Government

1970s. Many analysts argue that "perhaps more than anything else, this legislation served to alienate the younger generation of Ceylon Tamils, especially in Jaffna, and propel them towards militant separatism"¹⁴. The deliberate Sinhalese government manipulation of university admissions to benefit one ethnic group at the expense of another has stifled educational and professional advancement of Tamil youths and has sharpened animosities between the ethnic groups. Much of this tension might be moderated if the responsibility for primary, secondary and tertiary education was transferred to the Tamil regions. Such a transfer would signal the Central government's recognition of the importance of educational control to the meeting of Tamil needs for group definition and expression. It would also be a major Sinhalese concession that would require more political courage than has hitherto been evident.

¹⁴ Bruce Matthews, "Devolution of Power in Sri Lanka: The Problems of implementation", The Round Table, Vol. 301, 1987, p. 76; See also C.R. de Silva, "The Impact of Nationalism on Education: The Schools Takeover (1961) and the University Admissions Crisis, 1970-75", in M. Roberts (ed.), Collective Identities, Nationalisms and Protest in Modern Sri Lanka, Colombo: Marga Institute, 1979; Judith Kapferer, "The Demands for Education in Sri Lanka: Antecedents and Consequences", in Kenneth Orr (ed.), Appetite for Education in Sri Lanka, Canberra: Australia National University, 1984; Donald Horowitz, Ethnic Groups in Conflict, Berkeley and Los Angeles: University of California Press, 1985, pp. 660-666. For a discussion of the early politics of education and the Sinhalese youth see: Robert Kearney, "Education Expansion and Volatility in Sri Lanka: The 1971 Insurrection", Asian Survey, Vol. 15, No. 9, 1975.

Law and Order

The Tamils of northern Sri Lanka have suffered the whole range of military abuses and violence: abductions and gruesome public executions, disappearances, mass indiscriminate arrests and detention without trial, torture, rape, looting, and even Sri Lankan Air Force bombing of hospitals, schools, temples and homes¹⁵. Very shortly after the arrival of the Indian Peace Keeping Force, it too undertook military operations which included the indiscriminate shelling of civilian areas and became heavily implicated in the same types of human rights abuses that the Sinhalese forces had engaged in¹⁶. Currently, there are three groups of communal military forces rampaging throughout specific areas in Sri Lanka: the various Sinhalese military groups (central and south Sri Lanka), various Tamil groups (primarily the LTTE, northern and eastern Sri Lanka), and the Indian Peace Keeping Force (also northern and eastern Sri Lanka). All have engaged in human rights abuses and none commands the trust of all, or even most, of the communities in Sri Lanka. The following

¹⁵ See Chapter One, note 1.

¹⁶ Some of the human rights abuses of the IPKF have been documented in: Asia Watch, Cycles of Violence: Human Rights in Sri Lanka Since the Indo-Sri Lanka Agreement, An Asia Watch Report prepared by Barnett R. Rubin, December 1987, esp. pp. 52-68. Other allegations of IPKF human rights abuses have been reported in Sri Lankan, Indian, and occasionally international, newspapers.

proposal, which is a distillation of proposals for the devolution of power to provincial councils, is presented by Bruce Matthews:

[the proposals] provide for national and provincial divisions of a single police force under the overall command of an inspector-general. Recruitment and promotions in both national and provincial forces shall be carried out separately, with each province having its own police commission. The state, however, will be responsible for the initial training of all recruits.... The provincial police are, therefore, to have considerable autonomy and authority¹⁷.

The creation and implementation of a multi-ethnic security force would need to be slow and gradual to allow for adjustment by all communities. This would be a step towards reconstructing all ethnic groups' trust in Sri Lankan (as opposed to Sinhalese) security forces.

Land Rights

The third crucial area of devolution of power is rights over the "tenure, transfer, disposition ('alienation') and improvement of land". It has been proposed that a national land commission with provincial representation be created, to formulate policy regarding state land and interprovincial irrigation schemes¹⁸. The current "principle of entitlement" establishes the number of

¹⁷ Bruce Matthews, "Devolution of Power in Sri Lanka", p. 83.

¹⁸ Ibid.

settlers in all state land on the basis of national ethnic proportion. However, to lessen the sense of insecurity felt by the Tamils of the north and east, it would be more appropriate to have settlement criteria determined by provincial councils on the basis of ethnic proportions within the province. In this way, the friction and disruption caused by massive Sinhalese settlement in the sensitive ethnic balance of eastern Sri Lanka would not be as volatile.

Devolution of political power without adequate provision of financial resources is meaningless. Therefore the financial basis for the exercise of devolved power must be established. Block transfers of money and equalization payments¹⁹ is one avenue for providing financial means for exercising clearly delineated political power. It is important that the funds are transferred in a block to avoid possible central government interference through the selective allocation of funds. However, in light of the inadequate funding of past decentralized political structures, it may be preferable to empower the Tamil provinces to raise monies through a provincial taxation scheme. That provincial taxation would reduce northern and eastern province dependence on the central government would

¹⁹ One might add reconstruction and rehabilitation payments for the war ravaged Tamil areas of the north and east.

be its strength in the eyes of those favouring real devolution of power. Not surprisingly, it would also be its weakness in the eyes of those favour continued centralized control behind the facade of decentralization.

BARGAINING ISSUES

Re-Incorporating the Tamils into the Bargaining Process

A prime example of long term negative consequences of short term actions is the change in India's role from mediator to military intervenor/power broker²⁰. When the Indian Peace Keeping Force ceased to be a buffer force between combatants and entered into direct military confrontation with Tamil militant groups, it lost much of the ability that it once had to influence Tamil decision making and actions. It resulted in: 1) loss of Sri Lankan Tamil trust; 2) loss of LTTE cooperation; and 3) alienation of the Sri Lankan Tamils from the negotiation process. However, it may be possible to alleviate the negative consequences of India's (i.e. Delhi's) action by making constructive use of the North-South divide in Indian politics. By putting the Central Government of India in the back seat of the bargaining process and re-engaging the good

²⁰ Some of the motivations and intentions of this role change are addressed in Chapter Three above.

offices of the State Government of Tamil Nadu, communication and bargaining channels with the Tamil militants may be re-opened. The South Indian Tamil and Sri Lankan Tamil common distrust of the Central Government of India, as well as cultural and linguistic affiliation, may provide a means of re-introducing the Sri Lankan Tamils into the negotiation process. The suitability of the Tamil Nadu government to assume the role of mediator would depend on the degree to which it could distance itself from Delhi in the eyes of Tamil militants while, at the same time, closely associating itself with Delhi in the eyes of Sinhalese leaders in Colombo. Importantly, and perhaps most difficult, it would also require Delhi to assume a low-key role in talks while Madras takes centre stage.

If the attempt to replace Delhi with Madras is intended to address the unintended alienation of India from the peace process, this attempt itself is no less subject to unforeseen secondary consequences. It is with this in mind that the peacemaker must approach this proposal, or indeed any proposal, for the reduction of conflict in Sri Lanka.

The Indian Peace Keeping Force as a Bargaining Chip

The dynamics of regional power and politics that maintain India's hegemonic position in South Asia also

thrust it into the role of intervenor in any potentially destabilizing regional conflict. While the nature of intervention depends on the nature of the conflict, India's ability to play an effective role (whether as mediator or power broker) rests upon the degree to which it can apply leverage to the relevant parties. As Touval and Zartman explain, leverage is the "resources of power, influence and persuasion that can be brought to bear on the parties to move them to agreement"²¹. Although leverage is "the ticket to mediation", they point out that it is also "the most elusive part of mediation"²². The same observation, by extension, can be applied to any form of intervention that relies on the use of leverage, including power broking.

At the most elementary conceptual level, leverage simply consists of the possession (or availability) and use (or threatened use) of "carrots and sticks". As a means of inducing parties to reach a settlement, the former attempts to make the situation more unpleasant for one or all of the conflicting parties, whereas the latter attempts to make a post-conflict scenario appear more acceptable than the existing state of affairs.

²¹ Saadia Touval and I. William Zartman, International Mediation in Theory and Practice, Boulder: West View Press, 1985. p. 12.

²² Ibid.

As the regional hegemon, India is ideally situated to wield both carrots and sticks since "the more ties the mediator [intervenor] has with a party -- the more disposable goods it possesses that the parties value -- the greater the possibility of pressing the parties by suspending ties and withholding value"²³. In the Sri Lankan conflict however, India's mismanagement of its sticks, that is, the alienation of the LTTE from the bargaining process as a result of IPKF-LTTE military confrontation, has reduced Indian leverage to the lowest level: the level of violence. In other words, while the use of sticks can create resentment within the bargaining process, the mismanagement of sticks can actually compromise the ability of an intervenor to apply leverage. It is argued above that India's mismanagement of a stick of 40-60,000 Indian troops has inhibited its ability to apply the leverage needed to pull the Sri Lankan Tamils back into the bargaining process.

However, the IPKF stick is wielded at considerable economic, political and military cost to India. The drain of "India's Vietnam", and the lack of public support has quickly eroded any domestic political benefits anticipated from the role of India as power broker. Indeed, it is inflicting considerable costs on the intervenor. As noted above, significant factions within India are already

²³ Ibid. p. 13.

demanding the withdrawal of Indian troops from Sri Lanka. The dilemma facing India is that, as in all guerrilla wars, time is on the side of the guerrillas.

While it is not possible to alter India's mismanagement of its use of force, it is possible to make more constructive use of the Indian Peace Keeping Force. Any proposal must first recognize the position of the IPKF in the Sri Lankan conflict. Although it is militarily engaged with Tamil militant groups, it also acts as a buffer between the Sinhalese military and Tamil groups. The total and immediate withdrawal of Indian troops is not only unrealistic. It would also create a dangerous power vacuum and conditions which could again pull Sri Lankan Tamils into direct confrontation with the Sinhalese military. However, the creation of a power vacuum could be avoided, and the leverage of India could be increased through a gradual withdrawal of the IPKF calibrated to correspond to concessionary bargaining behaviour of both the LTTE and Colombo. In this way, Indian military withdrawal would: 1) be constructive; and 2) avoid loss of face by India. Furthermore, the precedent and terms of the Indo-Sri Lanka Agreement would still ensure the Indian right to re-enter Sri Lanka to re-establish stability.

THE FUTURE

Following the signing of the Accord, President Jayawardene was confronted with increased polarization within and between the Sinhalese and Tamil communities. Jayawardene's age, eighty-two, gave rise to jostling within his party by members wanting to replace him. Dissension within the party grew as members competed for political support by aggravating and pandering to Sinhalese fear. Internal party discord was illustrated in the resignation of Jayawardene's long-time finance minister, Ronnie De Mel, who crossed the floor to the hard-line opposition, the Sri Lanka Freedom Party, in mid-1988. No doubt, volatile party politics and the on-going violent dislocation of Sri Lankan society contributed to Jayawardene's decision not to run in the December 1988 presidential elections. However, the same political landscape confronts the newly elected President, Ranasinghe Premadasa (former Prime Minister to Jayawardene).

A coup d'etat by factions within the army and police (like that attempted in 1962)²⁴ remains a looming threat. There is evidence that the rapid increase in the size of the Sri Lankan military has enabled substantial JVP

²⁴ For an excellent (and conspicuously solitary) account see: Donald Horowitz, Coup Theories and Officers' Motives: Sri Lanka in Comparative Perspectives, Princeton, New Jersey: Princeton University Press, 1980.

infiltration. President Premadasa may have yet another front of opposition to contend with if the military decides to assume a role in domestic politics, beyond the constraints of constitutional structures.

A certainty in any conflict, but particularly true of ethnic conflict, is that the longer it continues, the deeper it becomes entrenched and the further it becomes institutionalized. The ability to resolve, let alone manage, the conflict becomes increasingly difficult. The present generation of Sinhalese and Tamil youth are growing up in conditions in which polarized and antagonistic relations between ethnic groups is the norm. Through the media, through school textbooks, and most of all, through the attitudes and behaviour of their parents and others in their communities, the youth of Sri Lanka are learning a culture of ethnic violence. Like genetic mutation, once an entire generation has been affected, the society will witness the evolution of a new and more hardy strain of ethnic hatred.

The Tamil community's trust in the Sri Lankan government has been severely challenged. If the division of Sri Lanka into two sovereign states (Tamil Eelam and Sinhalese Sri Lanka) is to be averted, then the present Sinhalese government will need to become a truly Sri Lankan

government, capable and willing to represent and protect minority interests.

CONCLUSION

In light of the escalating violence following the signing of the Indo-Sri Lanka Agreement, it is clear that the agreement is a bench mark in a continuing conflict rather than a definitive step towards peace in Sri Lanka. This thesis has sought to understand why this is so. While the Indo-Lanka Agreement is the central point of reference, the current discussion also informs our understanding of the conflict as it continues to unfold in South Asia.

In the last few years there has been a flurry of articles of varying quality on the Sri Lankan conflict. The articles which mention the Indo-Sri Lanka Agreement neglect to analyse why and how it was formulated and, more importantly, how the process of its formulation may affect the on-going conflict. Furthermore, despite increased attention, there is a conspicuous lack of detailed analysis on intergroup and intragroup relations²⁵ in the Sri Lankan

²⁵ Detailed analysis of the ethnic basis of the conflict has also been neglected in most recent articles. As this falls outside the scope of the present study, the reader is directed towards the exceptional work of Bruce Matthews, who, because of his training in religious studies, possesses great insight into the ethnic basis of conflict in Sri Lanka.

conflict. The present analysis has explicitly studied these interactions as a means of explaining the origins, limitations and impact of the Indo-Sri Lanka Agreement. It is only through the examination of the complex and nuanced intergroup and intragroup relations that the conflict can be fully understood.

This thesis has sought to: 1) explain why and how the Indo-Sri Lanka Agreement was formulated; 2) explain the Government of India's transformation from mediator to power broker; and 3) identify obstacles to the bargaining process in Sri Lanka.

The explanation of why and how the agreement was formulated, rests on two interrelated discussions: 1) a discussion and general overview of the major actors involved in the conflict, the principal issues at stake, and the dynamics of violence, and; 2) an examination of the interaction of the major actors in the period prior to the signing of the agreement. The latter discussion characterizes the interaction of the major actors prior to the signing of the Agreement as a bargaining process which progressed through a series of five stages. The explanation of why the interaction assumed this form is developed with reference to the phenomenon of "boundary-role conflict" in which ethnic leaders are obliged to be responsive to the

competing interests within his/her group, as well as the competing or conflicting interests represented by parties outside the ethnic leader's group. This dual responsiveness reduces the flexibility of ethnic leaders and contributes to increasing conflict intransigence.

This analysis contributes to alleviating a gap in current studies of contemporary South Asia by making sense of the apparently spontaneous and anomalous genesis of the Indo-Sri Lanka Agreement.

The second objective of this thesis was to explain India's transformation from mediator to power broker. It is argued that when mediation failure is accompanied by a crisis or a threat of impending crisis, the likelihood increases that a mediator will choose to assume a new role as power broker. The following conditions may have been perceived by India as the constituent elements of an emerging crisis:

- * An increasing number of incidents suggesting that ineffective mediation was introducing or increasing social, political and economic dislocation within India to a point where the authority of the state was threatened.

- * A growing fear that ineffective mediation was threatening

to directly affect India's national and strategic interests.

* The belief that ineffective mediation was creating the conditions which would enable India's opponents to reap benefits (political, diplomatic, economic, strategic) at India's expense.

Other factors that are argued to influence the transformation include: capability, costs of failed mediation, uncertainty, and the need to limit spill-over effects.

The third objective of this thesis was to identify obstacles to the bargaining process in Sri Lanka. In this context, it is explicitly argued that the Indo-Lanka Agreement is a major obstacle to the peace process in Sri Lanka. Not only has it failed to stop the violence, it has in fact exacerbated the violence through further militarization of the conflict. The Indian Peace Keeping Force (IPKF) has engaged in direct military violence against the Tamils of Sri Lanka and, like its Sinhalese predecessor, has been accused of a range of human rights abuses. However, the Agreement has not only further militarized the conflict, it has also compromised India's ability to contribute to conflict management or resolution. The attempt by the IPKF to forcibly disarm the LTTE has

sacrificed most of the bargaining leverage that India may have had over the LTTE while it was assuming the role of mediator.

Since the Indo-Sri Lanka Agreement represents a failure and an obstacle to peace in Sri Lanka, the bargaining processes which produced it must be closely examined. A central concern is the question of why the bargaining processes did not produce a settlement acceptable to all major actors in the conflict. A number of explanations are offered. First, the parties to the conflict have conflicting definitions of the problem to be addressed. This problem is aggravated by what I have labelled the "Double Minority Complex" according to which the Sinhalese view themselves as a minority in the regional context, whereas the Tamils view themselves as a minority in the national context. Second, there does not yet exist a genuine commitment to a negotiated settlement. Related to this point is the continued utility of violence, even if only as a means by which one party may inhibit the progress of an opponent. Third, the heterogeneity within the Indian, Sinhalese and Tamil constituencies has created an underlying dynamic of intragroup bargaining which is antagonistic to, and more powerful than, bargaining dynamics encouraging intergroup concessionary behaviour and accommodation.

Having identified the major obstacles to the bargaining process in Sri Lanka, it becomes possible to address the requirements for conflict reduction. This is undertaken through a discussion of two interrelated sets of issues: conflict issues and bargaining issues. Conflict issues arise directly from the dynamics of conflict and violence, whereas bargaining issues, in the present context, arise from the bargaining dynamics underpinning the interaction of groups prior to the signing of the Indo-Sri Lanka Agreement. Both sets of issues will inevitably need to be addressed in any genuine attempt to reduce or resolve conflict in Sri Lanka.

The conflict issues which are examined are: constitutional protection, religion, devolution of power, education, law and order, and land rights. These are issues which have significant political, economic and symbolic value. As a result, within any bargaining framework (or negotiating text) for the Sri Lankan conflict, these issues will form the salient points of reference. The bargaining issues are: reincorporating the Sri Lankan Tamils into the bargaining process, a redefinition of the problem, and the question of how to apply leverage to the combatants.

The present study has focussed on bargaining dynamics in the midst of escalating conflict and has suggested some

proposals to reduce conflict. However, the question that now confronts the peacemaker in Sri Lanka is not, "what needs to be done to resolve the conflict" but, "how can the parties to the conflict be persuaded to want to end the conflict". In other words, the most difficult problem precedes the mechanics of conflict management and resolution. It is a problem firmly rooted in the social psychology of ethnic group interaction, that is, within the realm of perceptions, motivations, intentions, and trust. In the context of developing strategies to reduce ethnic conflict, Donald Horowitz notes:

If countries so divided could indeed produce such an elite, such a system, such a consensus, they would not have the problems that they have. Such characteristics might appear as the effects of accommodation somewhere down the line, but they are not measures that can be adopted to cause ethnic accommodation to occur.²⁶

The question of how to create the conditions in Sri Lanka that would induce ethnic reconciliation and convergence of interests among warring parties requires an examination of the unique characteristics and dynamics of ethnic conflict and how these peculiarities directly affect the reduction/resolution process. The response to the

²⁶ Donald Horowitz, Ethnic Groups in Conflict, University of California Press, California, 1985, p. 568. Interestingly, Horowitz continues: "States like Cyprus and Lebanon cannot hope just now for beautiful architecture. They will have to settle for sound engineering".

question of how to induce antagonistic parties to cooperate is fraught with ambiguity. What can be said with certainty is that, if lasting peace is to be attained, it will be a slow process in which the elements of chauvinism, antagonism and violence are gradually subordinated to the processes and structures of peace, security and cooperation within Sri Lankan society.

INDO-SRI LANKA AGREEMENT

INDO-SRI LANKA AGREEMENT TO ESTABLISH PEACE AND NORMALCY IN SRI LANKA

The President of the Democratic Socialist Republic of Sri Lanka, His Excellency Mr. J. R. Jayawardene, and the Prime Minister of the Republic of India, His Excellency Mr. Rajiv Gandhi, having met at Colombo on July 28, 1987.

Attaching utmost importance to restoring, intensifying and strengthening the traditional friendship of Sri Lanka and India, and acknowledging the imperative need of resolving the ethnic problem of Sri Lanka, and the consequent violence, and for the safety, well-being and prosperity of people belonging to all communities in Sri Lanka,

Have this day entered into the following Agreement to fulfil this objective.

In this context,

1.1 desiring to preserve the unity, sovereignty and territorial integrity of Sri Lanka;

1.2 acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society comprising, *inter alia*, of Sinhalese, Tamils, Muslims (Moors), and Burghers;

1.3 recognizing that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured,

1.4 also recognizing that the Northern and the Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples, who have at all times hitherto lived together in this territory with other ethnic groups;

1.5 conscious of the necessity of strengthening the forces contributing to the unity, sovereignty and territorial integrity of Sri Lanka, and preserving its character as a multi-ethnic, multi-lingual

and multi-religious plural society, in which all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations;

2. Resolve that:

2.1. Since the Government of Sri Lanka proposes to permit adjoining Provinces to join to form one administrative unit and also by a Referendum to separate as may be permitted to the Northern and Eastern Provinces as outlined below:

2.2 During the period, which shall be considered an interim period, (i.e. from the date of the elections to the Provincial Council, as specified in para 2.5 to the date of the referendum as specified in para 2.3.) the Northern and Eastern Provinces as now constituted, will form one administrative unit, having one distinct Provincial Council. Such a unit will have one Governor, one Chief Minister and one Board of Ministers.

2.3 There will be a referendum on or before 31st December, 1990 to enable the people of the Eastern Province to decide whether:

- (a) The Eastern Province should remain linked with the Northern Province as one administrative unit, and continue to be governed together with the Northern Province as specified in para 2.2, or
- (b) The Eastern Province should constitute a separate administrative unit having its own distinct Provincial Council with a separate Governor, Chief Minister and Board of Ministers.

The President may, at his discretion, decide to postpone such a referendum.

2.4 All persons who have been displaced due to ethnic violence, or other causes, will have the right to vote in such a referendum. Necessary conditions to enable them to return to areas from where they were displaced will be created.

2.5 The referendum, when held, will be monitored by a committee headed by the Chief Justice; a member appointed by the President, nominated by the Government of Sri Lanka; and a

member appointed by the President, nominated by the representatives of the Tamil speaking people of the Eastern Province.

2.6 A simple majority will be sufficient to determine the result of the referendum.

2.7 Meetings and other forms of propaganda, permissible within the laws of the country, will be allowed before the referendum.

2.8 Elections to Provincial Councils will be held within the next three months, in any event before 31st December 1987. Indian observers will be invited for elections to the Provincial Council of the North and East.

2.9 The Emergency will be lifted in the Eastern and Northern Provinces by August 15, 1987. A cessation of hostilities will come into effect all over the island within 48 hours of the signing of this Agreement. All arms presently held by militant groups will be surrendered in accordance with an agreed procedure to authorities to be designated by the Government of Sri Lanka.

Consequent to the cessation of hostilities and the surrender of arms by militant groups, the Army and other security personnel will be confined to barracks in camps as on 25th May 1987. The process of withdrawing of arms and the confining of security personnel moving back to barracks shall be completed within 72 hours of the cessation of hostilities coming into effect.

2.10 The Government of Sri Lanka will utilize for the purpose of law enforcement and maintenance of security in the Northern and Eastern Provinces the same organizations and mechanisms of Government as are used in the rest of the country.

2.11 The President of Sri Lanka will grant a general amnesty, to political and other prisoners now held in custody under the Prevention of Terrorism Act and other Emergency laws, and to combatants, as well as to those persons arrested, charged and/or convicted under these laws. The Government of Sri Lanka will make special efforts to rehabilitate militant youth with a view to bringing them back into the mainstream of national life. India will co-operate in the process.

2.12 The Government of Sri Lanka will accept and abide by the above provisions and expect all others to do likewise.

2.13 If the framework for the resolutions is accepted, the Government of Sri Lanka will implement the relevant proposals forthwith.

2.14 The Government of India will underwrite and guarantee the resolutions, and co-operate in the implementation of these proposals.

2.15 These proposals are conditional to an acceptance of the proposals negotiated from 4.5.1986 to 19.12.1986. Residual matters not finalised during the above negotiations shall be resolved between India and Sri Lanka within a period of six weeks of signing this Agreement. These proposals are also conditional to the Government of India co-operating directly with the Government of Sri Lanka in their implementation.

2.16 These proposals are also conditional to the Government of India taking the following action if any militant groups operating in Sri Lanka do not accept this framework of proposals for a settlement, namely,

- (a) India will take all necessary steps to ensure that Indian territory is not used for activities prejudicial to the unity, integrity and security of Sri Lanka.
- (b) The Indian Navy/Coast Guard will co-operate with the Sri Lanka Navy in preventing Tamil militant activities from affecting Sri Lanka.
- (c) In the event that the Government of Sri Lanka requests the Government of India to afford military assistance to implement these proposals the Government of India will co-operate by giving to the Government of Sri Lanka such military assistance as and when requested.
- (d) The Government of India will expedite repatriation from Sri Lanka of Indian citizens to India who are resident here, concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu.
- (e) The Governments of Sri Lanka and India will co-operate in ensuring the physical security and safety of all communities inhabiting the Northern and Eastern Provinces.

4

2.17 The Government of Sri Lanka shall ensure free, full and fair participation of voters from all communities in the Northern and Eastern Provinces in electoral processes envisaged in this Agreement. The Government of India will extend full co-operation to the Government of Sri Lanka in this regard.

2.18 The official language of Sri Lanka shall be Sinhala. Tamil and English will also be official languages.

3. This Agreement and the annexure thereto shall come into force upon signature.

IN WITNESS WHEREOF we have set our hands and seals hereto.

DONE in COLOMBO, SRI LANKA, on this the Twenty Ninth day of July of the year One Thousand Nine Hundred and Eighty Seven, in duplicate, both texts being equally authentic.

J.R. Jayewardene
President of the
Democratic Socialist
Republic of Sri Lanka

Rajiv Gandhi
Prime Minister of the
Republic of India

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ANNEXURE TO THE AGREEMENT

1. His Excellency the President of Sri Lanka and the Prime Minister of India agree that the referendum mentioned in paragraph 2 and its sub-paragraphs of the Agreement will be observed by a representative of the Election Commission of India to be invited by His Excellency the President of Sri Lanka.

2. Similarly, both Heads of Government agree that the elections to the Provincial Council mentioned in paragraph 2.8 of the Agreement will be observed by a representative of the Government of India to be invited by the President of Sri Lanka.

3. His Excellency the President of Sri Lanka agrees that the Home Guards would be disbanded and all para-military personnel will be withdrawn from the Eastern and Northern Provinces with a view to creating conditions conducive to fair elections to the Council.

The President, in his discretion, shall absorb such para-military forces, which came into being due to ethnic violence, into the regular security forces of Sri Lanka.

4. The President of Sri Lanka and the Prime Minister of India agree that the Tamil militants shall surrender their arms to authorities agreed upon to be designated by the President of Sri Lanka. The surrender shall take place in the presence of one senior representative each of the Sri Lanka Red Cross and the Indian Red Cross.

5. The President of Sri Lanka and the Prime Minister of India agree that a joint Indo-Sri Lankan observer group consisting of qualified representatives of the Government of Sri Lanka and the Government of India would monitor the cessation of hostilities from 31 July, 1987.

6. The President of Sri Lanka and the Prime Minister of India also agree that in terms of paragraph 2.14 and paragraph 2.16 (c) of the Agreement, an Indian Peace Keeping Contingent may be invited by the President of Sri Lanka to guarantee and enforce the cessation of hostilities, if so required.

6

PRIME MINISTER

July 29, 1987

Excellency,

Continues of the friendship between our two countries stretching over two millennia and more, and recognising the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India reaffirm the decision not to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows:

- (i) Your Excellency and myself will reach an early understanding about the recruitment and employment of foreign military and intelligence personnel with a view to ensuring that such personnel will not prejudice Indo-Sri Lankan relations;
- (ii) Telephones or any other ports in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests;
- (iii) The work of restoring and operating the Trinamalee Oil Tank Farm will be undertaken as a joint venture between India and Sri Lanka;
- (iv) Sri Lanka's agreement with foreign broadcasting organisations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used solely for public broadcasting facilities and not for any military or intelligence purposes.

3. In the same spirit, India will:

- (i) Deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating separatism or communism;
- (ii) Provide training facilities and military supplies for Sri Lankan security forces.

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4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.

5. Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Rajiv Gandhi

His Excellency Mr. J. R. Jayawardene,
President of the Democratic Socialist
Republic of Sri Lanka,
Colombo.

2 copies furnished
Government of Sri Lanka
Ministry of Foreign Affairs

July 28, 1987

Excellency,

Please refer to your letter dated the 28th of July 1987, which reads as follows:-

"Excellency,

Consideration of the friendship between our two countries stretching over two millennia and more, and recognizing the importance of nurturing this traditional friendship, it is imperative that both Sri Lanka and India confirm the decision on to allow our respective territories to be used for activities prejudicial to each other's unity, territorial integrity and security.

2. In this spirit, you had, during the course of our discussions, agreed to meet some of India's concerns as follows:

- (i) Your Excellency and myself will reach an early understanding about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such personnel will not prejudice Indo-Sri Lanka relations.
- (ii) Transmunicator or any other parts in Sri Lanka will not be made available for military use by any country in a manner prejudicial to India's interests.
- (iii) The work of entering and operating the Transmunicator Oil Tank Farm will be undertaken as a joint venture between India and Sri Lanka.
- (iv) Sri Lanka's agreements with foreign broadcasting organizations will be reviewed to ensure that any facilities set up by them in Sri Lanka are used only as public broadcasting facilities and not for any military or intelligence purposes.

1. In the same spirit, India will:

- (i) Deport all Sri Lankan citizens who are found to be engaging in terrorist activities or advocating secession or subversion;
- (ii) Provide training facilities and military supplies for Sri Lankan security forces.

4. India and Sri Lanka have agreed to set up a joint consultative mechanism to continuously review matters of common concern in the light of the objectives stated in para 1 and specifically to monitor the implementation of other matters contained in this letter.

5. Kindly confirm, Excellency, that the above correctly sets out the agreement reached between us.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

(Rajiv Gandhi)

His Excellency
Mr. J. R. Jayawardene,
President of the Democratic Socialist
Republic of Sri Lanka,
Colombo."

This is to confirm that the above correctly sets out the understanding reached between us.

Please accept, Excellency, the assurances of my highest consideration.

J. R. Jayawardene
President

His Excellency
Mr. Rajiv Gandhi,
Prime Minister of the Republic of India,
New Delhi.

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