

# **INDIA AND SRI LANKA AFTER THE LTTE**

Asia Report N°206 – 23 June 2011

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## INDIA AND SRI LANKA AFTER THE LTTE

### EXECUTIVE SUMMARY

India has long been the country with the greatest influence over Sri Lanka but its policies to encourage the government there towards a sustainable peace are not working. Despite India's active engagement and unprecedented financial assistance, the Sri Lankan government has failed to make progress on pressing post-war challenges. Government actions and the growing political power of the military are instead generating new grievances that increase the risk of an eventual return to violence. To support a sustainable and equitable post-war settlement in Sri Lanka and limit the chances of another authoritarian and military-dominated government on its borders, India needs to work more closely with the United States, the European Union and Japan, encouraging them to send the message that Sri Lanka's current direction is not acceptable. It should press for the demilitarisation of the north, a return to civil administration there and in the east and the end of emergency rule throughout the country.

New Delhi's relations with Sri Lanka in the two years since the defeat of the Liberation Tigers of Tamil Eelam (LTTE) have had four main priorities:

- ❑ providing humanitarian assistance to displaced Tamils in the north and east;
- ❑ supporting major development projects, primarily in the north, with concessionary loans;
- ❑ pressing the Sri Lankan government and the main Sri Lankan Tamil political alliance, the Tamil National Alliance (TNA), to work towards a negotiated settlement of ethnic conflict through the devolution of power to Tamil-majority areas in the north and east; and
- ❑ encouraging greater economic integration between the two economies.

India's approach has so far paid only limited dividends. Deepening militarisation and Sinhalisation in the northern province have increased the insecurity and political marginalisation of Tamils and are undermining prospects for inter-ethnic reconciliation. The government continues to resist any investigation or accounting for mass atrocities in the final months of the war. Democratic governance is under sustained assault throughout the country, as power

is concentrated in the president's family and the military; attacks on independent media and political opponents continue with impunity. Even on Indian-sponsored development projects and economic integration, the Sri Lankan government has dragged its feet; for example, construction has begun on only a handful of the 50,000 houses India has offered to build in the northern province.

While officials in New Delhi admit they are frustrated, India remains hesitant to press President Rajapaksa's regime very hard. This is due in part to its history of counter-productive interventions in Sri Lanka. India's misguided policy of arming Tamil militants in 1980s significantly expanded the conflict, and its decision to send peacekeepers to enforce the 1987 Indo-Lanka accord ended in disaster as the LTTE fought them to a standstill and later took revenge by assassinating former Indian Prime Minister Rajiv Gandhi in 1991. India's interventions have made Sri Lankans of all communities suspicious, limiting India's room for manoeuvre. Many Sinhalese see India as favouring Tamils and as wanting to weaken or divide the country, despite its crucial role in destroying the Tamil Tigers. For many Tamils, on the other hand, India is seen as having repeatedly broken its pledges to defend their rights and protect their lives, especially during the final phase of the war in 2009.

India's reluctance to put serious pressure on the Sri Lankan government is also due to strategic considerations, in particular its desire to counter the growing influence of China, whose financial and political support the Rajapaksa government has been cultivating. India's own growing economic interests in Sri Lanka have also tempered its political activism. New Delhi's traditional reluctance to work through multilateral bodies or in close coordination with other governments – due in part to its fear of international scrutiny of its own conflicts, particularly in Kashmir – has also significantly weakened its ability to influence Sri Lanka.

India, nonetheless, has strong reasons to work for fundamental changes in Sri Lanka's post-war policies. It has a clear interest in preventing either a return to violent militancy or the consolidation on its borders of another authoritarian government with an overly powerful military.

India's own democratic values and successes in accommodating ethnic diversity should also encourage an activist approach, especially as it seeks recognition as a rising global power with hopes of a permanent seat on the UN Security Council. India's own restive domestic Tamil constituency, to which the central government needs to respond for electoral considerations, is pressing for stronger action. After decades of actively supporting minority rights and devolution of power in Sri Lanka, India has its reputation on the line. With the much-hated LTTE defeated with Indian assistance, New Delhi should, in principle, have more leeway to push for reforms.

If it is serious about promoting a stable and democratic Sri Lanka, India will have to rebalance its priorities and press more consistently and in concert with other powers for major political reforms in Sri Lanka. Parties in Tamil Nadu, in turn, will need to use their leverage with New Delhi in consistent and principled ways, even at the risk of sacrificing potentially profitable political deals.

India's support for negotiations between the Sri Lankan government and the Tamil National Alliance, which belatedly began in January 2011, has been useful and should be maintained. But the immediate focus of the talks and of Indian influence should shift from pressing for effective devolution of power to demilitarising the north and east and rebuilding meaningful democratic institutions and freedoms. This would require:

- ❑ re-establishing the authority of the local civil administration in the north and east to oversee development and humanitarian assistance without interference by the military or central government;
- ❑ holding the long-delayed election for the Northern Provincial Council;
- ❑ publicising the names and locations of all those detained on suspected involvement with the LTTE (including those in "rehabilitation" centres);
- ❑ expediting the release of land currently designated as (or operating as de facto) high-security zones; and
- ❑ removing arbitrary restrictions on political activities and on the humanitarian activities of local and international NGOs.

India should monitor its projects in the north more closely and insist, along with other donors, that they effectively empower local people. India should insist on working through the newly elected local governments and, eventually, with the Northern Provincial Council. To make this possible, India will need to coordinate more closely with Japan, Western donors and international development banks. Together they have the political and financial leverage to influence the Rajapaksa administration should they choose to use it. India should revive its idea of a donors

conference to review post-war progress and to push the government to demilitarise the north, lift the state of emergency and relax anti-terrorism laws.

In New York, Geneva and Colombo, India should publicly acknowledge the importance and credibility of the report by the UN Secretary-General's panel of experts on accountability and should support an independent international investigation into allegations of war crimes at the close of the civil war in 2009. At the same time, it should send strong, public messages to the Sri Lankan government on the need for domestic action on accountability. It should also work towards the establishment of a truth commission that would examine the injustices and crimes suffered by all communities, including those committed by all parties during the Indian army's presence in northern Sri Lanka in the late 1980s. Acknowledging the suffering of all communities will be necessary for lasting peace.

India should broaden its political agenda from focusing solely on devolution and ensuring the rights of Tamils. Without a reversal of the Sri Lankan government's growing authoritarianism, centralisation of power and continued repression of dissent, any devolution will be meaningless and the risks of renewed conflict will increase. India's longstanding interest in a peaceful and politically stable Sri Lanka is best served by strong messages to Colombo to end impunity and reverse the democratic decay that undermines the rights of all Sri Lankans. By raising political concerns that affect all of Sri Lanka's communities, India can also counter suspicions among Sinhalese and eventually strengthen its hand with the government. This will take some time, but the work should start now.

**Colombo/Brussels, 23 June 2011**

## INDIA AND SRI LANKA AFTER THE LTTE

### I. INTRODUCTION

India has played a significant role in Sri Lanka's post-independence political life, as it did in the many centuries before.<sup>1</sup> With just 30km separating the southern Indian coast from Sri Lanka's northern Jaffna peninsula, the two countries have always shared deep cultural and economic ties. Given India's size and political and military power, it is not surprising that its political dynamics and policies have directly affected the course of Sri Lanka's civil war. From Indira Gandhi's decision to arm Tamil militants in the early 1980s and Rajiv Gandhi's dispatching of the Indian Peacekeeping Force (IPKF) to enforce the 1987 Indo-Lanka accord, to India's support for Sri Lanka's final military campaign against the Tamil Tigers in 2008-2009, the violent conflict between Tamil nationalist militants and the Sinhalese-dominated Sri Lankan state has always been intertwined with policies and attitudes in New Delhi and in the southern state of Tamil Nadu.

It has long been assumed that if any country could encourage Sri Lanka to seek a sustainable political settlement to its ethnic conflicts it would be India. Certainly, no lasting settlement is possible without Indian acceptance. As the traditional regional hegemon, India has been willing to impose its will on its neighbours, or to derail policies it opposes. With India's rise as a global economic power and its growing ambition to play an influential role internationally, many analysts and Western diplomats continue to hope that India can help influence Sri Lanka's post-war policies.

To date, India, like other governments that support a sustainable peace in Sri Lanka, has struggled to contain the Rajapaksa administration's strongly Sinhala nationalist and authoritarian policies. Despite private criticisms from Indian officials, the military continues to play an unprecedented role in the everyday administration of the Tamil majority north, and the government continues to use anti-democratic measures to weaken the political opposition and repress dissent. This paper seeks to better understand why Delhi has been struggling to make its influence felt and assesses to what extent and in what ways can India assist – or pressure – the government of Sri Lanka to normalise conditions in the war-torn northern province, negotiate a lasting political settlement with Tamil political representatives, and lay the foundations for a sustainable peace based on conflict-sensitive development.

This report is based on extensive research in both India and Sri Lanka. Interviews were conducted with senior Indian diplomats and government officials in New Delhi, Chennai and other locations, with political party leaders, journalists, humanitarian aid workers and political activists in Tamil Nadu. Interviews were also conducted with diplomats, aid workers, journalists and activists in Sri Lanka, as well as with average Sri Lankans from the Tamil, Sinhala and Muslim communities.

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<sup>1</sup> For previous Crisis Group reporting on Sri Lanka, see Crisis Group Asia Reports N°124, *Sri Lanka: The Failure of the Peace Process*, 28 November 2006; N°135, *Sri Lanka's Human Rights Crisis*, 14 June 2007; N°141, *Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus*, 7 November 2007; N°159, *Sri Lanka's Eastern Province: Land, Development, Conflict*, 15 October 2008; N°165, *Development Assistance and Conflict in Sri Lanka: Lessons from the Eastern Province*, 16 April 2009; N°172, *Sri Lanka: Politicised Courts, Compromised Rights*, 30 June 2009; N°186, *The Sri Lankan Tamil Diaspora After the LTTE*, 23 February 2010; and N°191, *War Crimes in Sri Lanka*, 17 May 2010; also Asia Briefing N°99, *Sri Lanka: A Bitter Peace*, 11 January 2010.

## II. INDIA IN SRI LANKA – INTERESTS VS. ASPIRATIONS

Underlying Indian policy towards Sri Lanka over the past three decades has been a set of relatively stable interests and goals, not all of which, however, have always aligned with each other. Geopolitical interests and security needs have been paramount. In the 1980s, India's desire for regional hegemony produced interventions designed to weaken Sri Lankan governments and impose New Delhi's preferred policies. More recently, its ambitions have required responding to the growing political and economic influence of China in Sri Lanka, as elsewhere in South Asia. Over the past three decades, New Delhi's security concerns have led it to oppose the separatist claims of Sri Lankan Tamil nationalist militants, even as politicians in the central government have also had to respond to the strong concerns from Tamil Nadu about the treatment of their co-ethnics in Sri Lanka.

Of increasing importance to Indian policymakers since the economic liberalisation of the early 1990s, and even more since the end of Sri Lanka's civil war in 2009, has been the promotion of Indian economic and business interests, which require a stable and cooperative partner in Sri Lanka. India has sought to uphold its role as the pre-eminent power in its "neighbourhood" by maintaining a purely bilateral relationship with Sri Lanka and resisting involvement in – though not always opposing – multi-lateral initiatives towards Sri Lanka. This is partly motivated by a desire to avoid international scrutiny of its own internal conflicts in Kashmir and its north-eastern states.<sup>2</sup> At the same time, India's democratic values, its experience negotiating its own ethnic, religious and linguistic diversity, and, more recently, its desire for international recognition as an emerging and democratic global power – all have contributed to the Indian government's concern that Sri Lanka address its longstanding ethnic conflict through greater power sharing and more inclusive policies.

India's official position on the ethnic conflict in Sri Lanka has been clear and relatively consistent for the past two decades. While opposing the LTTE's military and terrorist struggle for a separate state of Tamil Eelam, India has supported greater rights for Tamils and other minorities. It has consistently endorsed devolution of power to the northern and eastern provinces, urging the full implementation of the Thirteenth Amendment to the Sri Lankan constitution, to be followed by further constitutional reforms.<sup>3</sup> Given its support for Sri Lanka's territorial integ-

riety and its bitter dislike of the LTTE, India lent Sri Lanka crucial military and political support for the defeat of the Tamil Tigers in the final phase of the war. Indian officials were promised that after the war ended, the Sri Lankan government would address the political marginalisation of the Tamil community by devolving power to provincial councils.<sup>4</sup>

Since the LTTE's defeat in May 2009, India has been pursuing an ambitious package of initiatives in Sri Lanka, with post-war financial assistance of more than \$1.5 billion.<sup>5</sup> It includes:

- ❑ Significant humanitarian assistance for the resettlement of the roughly 300,000 Tamils in the northern province who were initially interned at the end of the war, including the construction of 50,000 new houses.
- ❑ Loans for infrastructure development, primarily in the north and east, but also in southern and central areas.
- ❑ Encouraging the government and the main Tamil political formation, the Tamil National Alliance (TNA), to engage in talks to resolve the ethnic conflict through devolution of power to the north and east, other forms of power-sharing and inclusion of minority representatives in decision-making.
- ❑ Increased trade and economic integration between India and Sri Lanka, including through the signing of a Comprehensive Economic Policy Agreement (CEPA), the re-establishment of a ferry service between southern India and north-west Sri Lanka, and the integration of the Indian and Sri Lankan electrical power grids.

### A. HOW DELHI GOT HERE: INDIA'S INVOLVEMENT IN SRI LANKA'S CONFLICTS

India pursued a range of policy approaches over the past three decades, none of which succeeded in achieving a peaceful settlement of Sri Lanka's ethnic conflicts or ensuring minority rights. Past interventions have in fact helped deepen the conflict and led to significant mistrust of India's intentions among large parts of the Sri Lankan public.

From 1983-1987, Indira and Rajiv Gandhi's governments offered financial support and training for the half-dozen

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Amendment, would create the necessary conditions for a lasting political settlement". "Joint declaration issued on the State Visit of H.E. the President of the Democratic Socialist Republic of Sri Lanka, H.E. Mr. Mahinda Rajapaksa, to India from 8th-11th June 2010", 9 June 2010, at [www.hcicolombo.org](http://www.hcicolombo.org).

<sup>4</sup> Crisis Group interviews, political analysts and politicians, Colombo, April 2011.

<sup>5</sup> Crisis Group interview, Indian government official, New Delhi, October 2010.

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<sup>2</sup> Crisis Group interviews, journalist, New York; and human rights activist, London, June 2011.

<sup>3</sup> In the words of Prime Minister Manmohan Singh in June 2010, "a meaningful devolution package, building upon the Thirteenth

Tamil militant groups then active in Sri Lanka, including the LTTE.<sup>6</sup> Camps were established in Tamil Nadu and training offered by the Indian intelligence service Research and Analysis Wing (RAW).<sup>7</sup> This support was crucial to these groups' ability to challenge the Sri Lankan state. New Delhi had begun actively supporting the militants after anti-Tamil pogroms in Sri Lanka produced a wave of Tamil refugees to southern India and increased sympathy for Sri Lankan Tamils. The Indian government, then aligned with the Soviet Union, was also concerned about the pro-U.S. policies of Sri Lankan President J.R. Jayawardene and his United National Party (UNP).<sup>8</sup>

India continued to supply the militants while working with Colombo to broker a devolution deal and end the fighting. In June 1987, the LTTE was under intense pressure from a Sri Lankan army offensive; an economic blockade of the northern Jaffna peninsula was also causing much civilian suffering. In response, India intervened even more directly, first by airdropping and later shipping relief supplies to Jaffna residents. President Jayawardene was pressured by Indian Prime Minister Rajiv Gandhi to sign the Indo-Lanka Accord, which attempted to find a compromise between Tamil demands for a separate state and Sri Lanka's desire to maintain its unitary state. It led to the adoption of the Thirteenth Amendment to the constitution, which

enabled devolution of potentially significant powers to newly created provincial councils and merged the eastern and northern provinces into a single Tamil majority area.<sup>9</sup> The Indo-Lanka Accord also paved the way for the Indian Peace Keeping Force (IPKF), which would pacify the different Tamil militant groups fighting in the north and east and get them to accept the terms of the accord. All groups agreed to put down their guns except for the LTTE, which eventually took on the IPKF in an all-out war.

The IPKF was a disaster in its inception, execution and aftermath. Rajiv Gandhi failed to seek public support within India, especially in Tamil Nadu, for the mission, crippling it from the outset. The Indian army's inability to disarm the LTTE and bring them into the political process, the primary goal of the IPKF, was a major embarrassment. At the same time, the presence of Indian troops on Sri Lankan soil added fuel to a nascent uprising by the Sinhala nationalist and quasi-Maoist Janatha Vimukthi Peramuna (People's Liberation Front, or JVP). By 1988, there were two simultaneous wars, with the UNP government fighting the JVP in the south and central parts of the island, and the IPKF fighting the LTTE in the north.

Under pressure from new Sri Lankan President Rana-singhe Premadasa, who wanted to remove one of the main causes of support for the JVP, the Indian government, now led by V.P. Singh, began withdrawing the IPKF. By the time it departed in March 1990, the North-Eastern Provincial Council had disintegrated and India had lost some 1,500 soldiers.<sup>10</sup> The Indian army's intervention had succeeded not only in angering many Sinhalese, upset at the infringement on Sri Lanka's sovereignty, but also in turning many Tamils against New Delhi thanks to the IPKF's often brutal counter-insurgency methods.<sup>11</sup>

On 21 May 1991, in an act of revenge, an emboldened LTTE assassinated Gandhi. The murder won the LTTE

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<sup>6</sup>In addition to working with the LTTE, Indian agents trained fighters with the Eelam People's Liberation Front (EPRLF), the People's Liberation Organisation of Tamil Eelam (PLOTE), the Tamil Eelam Liberation Organisation (TELO), the Eelam Revolutionary Organisation of Students (EROS) and the Eelam National Democratic Liberation Front (ENDLF).

<sup>7</sup>Narayan Swamy, *Tigers of Lanka: From Boys to Guerrillas* (Delhi, 1994), pp. 106-114.

<sup>8</sup>Cold War logic also motivated deployment of the IPKF. J.N. Dixit, India's exuberant high commissioner in Colombo at the time, explained India intervened "to counter the Sri Lankan government [which] started looking for external support to counter Tamil militancy, Tamil insurgency, which had security implications for us". He continued, "Our strategic thinking has to take into account potential danger ... [that] can be a creation of circumstances in neighbouring countries generating political, social trends in these countries which can have a ripple effect on our polity and disintegrate us". Cited in P.R. Chari, "The IPKF Experience in Sri Lanka", ACDIS Occasional Paper, February 1994. India was especially worried by speculation over American naval interest in Trincomalee harbour and by U.S. visits to Sri Lanka, by U.S. Defense Secretary Caspar Weinberger, in September 1983 followed by U.S. naval vessels in 1984 and the aircraft carrier USS Kittyhawk in 1985. Nerves in New Delhi at the time were also rattled by a Voice of America broadcasting station in Chilaw, Sri Lanka, which India saw as likely to be used for intelligence gathering, possibly providing assistance to the U.S. Navy's 7th Fleet nuclear submarines. For more on Sri Lanka and the U.S. in the 1980s see Alan J. Bullion, *India, Sri Lanka and the Tamil Crisis 1976-1994: An International Perspective* (London, 1995), pp. 78-80.

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<sup>9</sup>For an analysis of the Thirteenth Amendment and some of its many complexities, see Crisis Group Report, *Sri Lanka's Eastern Province: Land, Development, Conflict*, op. cit.

<sup>10</sup>G.H. Peiris, *Twilight of the Tigers: Peace Efforts and Power Struggles in Sri Lanka* (New Delhi, 2009), p. 18.

<sup>11</sup>According to a well-respected journalist and political commentator in Chennai, "Stories about IPKF abuses alienated Tamils in Sri Lanka and Tamil Nadu. It was very hard for anyone to support the central government at the time, including anti-LTTE Tamils in both countries". Crisis Group interview, Chennai, 11 September 2010. An academic at Madras University said, "The perception in Tamil Nadu at the time was that New Delhi completely sided with Colombo against the Tamils by sending the IPKF". Crisis Group interview, Chennai, 28 October 2010. For a detailed survey of abuses by the IPKF and the LTTE during this period, see R. Hoole, D. Somasundaram, K. Sritharan and R. Thiraganama, *The Broken Palmyra: The Tamil Crisis in Sri Lanka - An Inside Account* (Claremont, 1990).

many new enemies in India and cemented the animosity of the Congress party and the Gandhi family. This would come back to haunt the Tigers in 2009. It also turned India's attention away from the search for a political solution to the civil war. This left the LTTE as the only powerful entity to express, defend – and manipulate – Sri Lankan Tamil aspirations.<sup>12</sup>

The prevailing sentiment in New Delhi is that the public and high profile nature of the IPKF limited India's flexibility to work with Sinhalese and Tamil parties to resolve their conflicts.<sup>13</sup> This conclusion underpinned India's eventual reengagement in Sri Lanka and, to a large extent, still informs New Delhi's preference for "private messages" rather than "megaphone diplomacy" when engaging with Colombo.<sup>14</sup>

Indian policy grew very cautious in the 1990s, particularly under Congress-led governments. New Delhi preferred to mitigate the conflict's effects rather than solve it. With the end of the Cold War and market reforms in 1991, the focus of India's Sri Lanka policy shifted from political intervention to economic engagement as the most effective tool for producing change in its neighbour.<sup>15</sup>

Even when the Sri Lankan army was on the verge of losing the Jaffna peninsula to the LTTE in early 2000, India refused Sri Lanka's desperate appeal for weapons, offering instead to help evacuate 40,000 troops. It was only the last-minute supply of multi-barrel rocket launchers from Pakistan that allowed the military to beat back the LTTE advance and retain control over most of Jaffna. At the same time, the Bharatiya Janata Party (BJP) governments of 1999-2004 actively but very quietly supported Norway's efforts to broker a ceasefire, which ultimately bore fruit in February 2002.<sup>16</sup>

The Congress party came back into power in New Delhi in May 2004 as the ceasefire was under growing pressure and as the newly appointed Sri Lankan Prime Minister

Mahinda Rajapaksa was beginning his ascent to power that saw him elected president in November 2005. Initially hopeful that Rajapaksa would preserve the ceasefire,<sup>17</sup> India became increasingly supportive of his war effort as the chances improved that the Sri Lankan military could seriously weaken, or even defeat, the LTTE, something most diplomats and analysts had long doubted. Constrained by the pro-Sri Lankan Tamil political sensibilities of Tamil Nadu, especially the Congress party's allies in its state government, India declined to sell Sri Lanka "offensive" weapons or ammunition. India did, however, assist in ways that proved essential to Sri Lanka's victory over the Tigers. It provided radars and other non-lethal weapons, ships, intelligence sharing, and assistance with a naval cordon that cut off the LTTE's traditional re-supply routes from southern India.<sup>18</sup>

Throughout the final phase of the war, the Congress government and diplomats in New Delhi's South Block,<sup>19</sup> like their counterparts in Washington and other Western capitals, hoped that Rajapaksa would combine military pressure on the LTTE with an offer of meaningful devolution to Tamil political parties.<sup>20</sup> These hopes were repeatedly disappointed.

With the government's January 2009 capture of the LTTE's de facto capital in Kilinochchi, the LTTE had been effectively defeated militarily. As the government pushed ahead to "annihilate" the Tigers, deaths of Tamil civilians rose dramatically and became increasingly difficult for Indian policymakers to ignore.<sup>21</sup> Demonstrations against the war

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<sup>12</sup> The LTTE had crushed more moderate Tamil groups, notably the EPRLF and its Tamil National Army, as the IPKF withdrew.

<sup>13</sup> Crisis Group interviews, New Delhi, October-November 2010; and New York, January 2011.

<sup>14</sup> Crisis Group interview, senior Indian diplomat, May 2011.

<sup>15</sup> This policy shift was not confined to India's relationship with Sri Lanka; New Delhi thrust economic engagement to the fore of bilateral relations with many of its neighbours. However, the overall approach has had mixed results. For more see Charu Latta Hogg, "India and Neighbours: Do Economic Interests Have the Potential to Build Peace?", Chatham House, 1 November 2006.

<sup>16</sup> For more on the BJP's role in the late 1990s see M.R. Narayan Swamy, "India's Covert Role in the Sri Lanka's Ceasefire", in M.R. Narayan Swamy, *The Tiger Vanquished* (New Delhi, 2010), pp. 121-124.

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<sup>17</sup> "India cautiously welcomes new Sri Lankan president", cable from U.S. embassy New Delhi, 23 November 2005, as made public by Wikileaks.

<sup>18</sup> "Sri Lankans know well that if we did not provide a naval blockade along the coast they would have been unable to do much". Crisis Group interview, senior Indian diplomat, November 2010.

<sup>19</sup> The name of the office building that houses the Ministry of External Affairs in New Delhi.

<sup>20</sup> In a statement in January 2009, the Indian foreign secretary is quoted as having "welcomed the Sri Lankan government's commitment, reiterated to him during the visit, to fully implement the 13th Amendment and devolve further powers to the provinces". "Visit of Foreign Secretary to Sri Lanka", 18 January 2009, at <http://meaindia.nic.in/mystart.php?id=530214648>.

<sup>21</sup> Civilian deaths and casualties increased rapidly from the middle of January 2009 onwards, as the 330,000-400,000 civilians displaced by the fighting were forced into ever smaller areas, including the government's self-declared "no fire zones". Credible evidence suggests tens of thousands were ultimately killed by fire from both the government and LTTE in those final months. See Crisis Group Report, *War Crimes in Sri Lanka*, op. cit. See also "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka", 31 March 2011. For an analysis of Colombo's commitment to "annihilate" the LTTE, see V. K. Shashikumar, "Eight Fundamentals of Victory or the



grew louder and more frequent in Tamil Nadu, with some activists choosing to publicly burn themselves to death in protest against civilian deaths and New Delhi's apparent support for Sri Lanka's offensive.<sup>22</sup> Already by late 2008, the Indian government had begun to fashion a three-part strategy: diplomatic and logistical support for the completion of the war was combined with modest pressure on the Sri Lankan government to minimise the humanitarian cost of their offensive, while Rajapaksa was urged to "allow devolution of power and autonomy to the northern and eastern province, to meet the legitimate aspirations of the ethnic minorities of Sri Lanka".<sup>23</sup>

To the extent that India's central objective was getting rid of the LTTE, its policies succeeded. As for the other two goals, India's approach clearly failed. So long as the destruction of the LTTE was its priority, India was unable either to limit the suffering of civilians trapped between the LTTE and the Sri Lankan military or to persuade the Rajapaksa government to make a concrete offer to devolve power. The defeat of the LTTE, with Indian assistance, came at a very high price.

High-ranking Indian officials made repeated visits to Colombo in the first four months of 2009 to express concern about the humanitarian crisis.<sup>24</sup> India provided a large amount of humanitarian assistance – including a mobile Indian Army field hospital with medical staff to care for injured civilians evacuated by the ICRC<sup>25</sup> – for the waves of displaced persons who entered government territory. Multiple sources concur that the Indian government on two occasions began attempts to persuade the LTTE to put down its weapons and agree, first to a ceasefire, and later to a permanent surrender.<sup>26</sup>

There is no evidence, however, that New Delhi put any pressure on the Sri Lankan government calculated to convince them to halt or pause the offensive, despite their frequent visits and several public calls for a cessation of hostilities.<sup>27</sup> On 28 January 2009, the Indian external affairs minister announced that "President Rajapaksa agreed to expand the safe zone and also ensure that there is no shelling, firing in the safe zone".<sup>28</sup> After calling on 24 April for "an immediate cessation of hostilities", Indian officials the next day assured their U.S. counterparts that President Rajapaksa had agreed to a "cessation of hostilities with the LTTE".<sup>29</sup> Rajapaksa's many promises to cease attacks on civilians and stop using heavy weapons in the government's "no fire zones" were not honoured on the ground. There are no indications that New Delhi escalated its pressure or imposed consequences on the

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'Rajapaksa Model' of fighting terror", *Indian Defence Review*, July-September 2009, at [www.priu.gov.lk/news\\_update/Current\\_Affairs/ca200908/20090825fundamentals\\_of\\_victory.htm](http://www.priu.gov.lk/news_update/Current_Affairs/ca200908/20090825fundamentals_of_victory.htm).

<sup>22</sup> See Section IV.D below.

<sup>23</sup> "Statement by EAM to the media on his visit to Sri Lanka", 28 January 2009, at <http://meaindia.nic.in/mystart.php?id=530114672>.

<sup>24</sup> India's public statements were actually strongest earlier in the conflict, when civilian casualties were relatively modest. On 6 October 2008, the Sri Lankan Deputy High Commissioner was summoned by the National Security Adviser in New Delhi to hear him "express India's grave concern and unhappiness at the growing casualties of unarmed Tamil civilians as a result of military action". "On the summoning of the Sri Lankan Deputy High Commissioner by the National Security Adviser", 6 October 2008, at <http://meaindia.nic.in/mystart.php?id=530214233>.

<sup>25</sup> "Statement of official spokesperson on providing a full-fledged emergency medical unit with hospital to Sri Lanka", 26 February 2009, at <http://meaindia.nic.in/mystart.php?id=530114781>.

<sup>26</sup> Neither attempt got very far. For details, see Section IV.D.

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<sup>27</sup> As the war came to its brutal conclusion, many diplomats, even those horrified at the civilian suffering, accepted the government's argument that the LTTE would use a pause in the fighting to regroup and regain strength. In fact, once the LTTE was trapped on the Mullaitivu beach, without any means of supply or reinforcement, there was no practical way it could have survived as a fighting force. Together with Western governments and Japan, India could have pushed the Sri Lankan government to allow a negotiated surrender in the final few months. Indian Foreign Secretary S.S. Menon did on 15 April 2009 mention to U.S. officials that his government had discussed with Sri Lanka the option of an amnesty to all but "hardcore" LTTE fighters, but he made clear that the Sri Lankan government would "have to be dragged, kicking and screaming" to any negotiation for a ceasefire or surrender. "Foreign Secretary Menon on end game in Sri Lanka", cable from U.S. embassy New Delhi, 15 April 2009, as made public by Wikileaks. Moreover, many in the Congress party and the Indian government, as well other governments, preferred to see Prabhakaran dead – something a negotiated surrender would not have allowed. For an analysis that argues the Wikileaks cables reveal India worked to prevent a ceasefire, see Nirupama Subramanian, "How India kept pressure off Sri Lanka", *The Hindu*, 17 March 2011.

<sup>28</sup> "Statement by EAM to the media on his visit to Sri Lanka", 28 January 2009, op. cit. A month later, on 28 February, External Affairs Minister Pranab Mukherjee called on the Sri Lankan government to "seize the opportunity presented by the [LTTE's] offer [of a ceasefire] to bring about a pause in the hostilities" and "work out safe passage for trapped civilians to secure locations". "Statement of EAM on humanitarian crisis in Sri Lanka", 28 February 2009, at <http://meaindia.nic.in/mystart.php?id=530114801>.

<sup>29</sup> "U.N.: 6,500 civilians dead in Sri Lanka fighting", Associated Press, 24 April 2009; "Rajapaksa promises a pause to Indian envoys", cable from U.S. embassy New Delhi, 25 April 2009, as made public by Wikileaks. On 27 April, the government did announce "an end to combat operations" and the use of heavy-calibre weapons. In fact, combat intensified and heavy weapons continued to be used against "no fire zones" until the end of fighting in mid-May. See Crisis Group Report, *War Crimes in Sri Lanka*, op. cit.

Rajapaksa government for its failure to live up to its promises.<sup>30</sup>

As for devolution, India, like other countries, has also been repeatedly out-manoeuvred by the Sri Lankan government despite New Delhi's frequent statements on the issue.<sup>31</sup> U.S. diplomatic cables released through Wikileaks reveal the regular assurances Rajapaksa gave Indian officials from 2006 onwards that his government would soon devolve power beyond what is offered in the Thirteenth Amendment (the so-called "Thirteenth plus" option). The same cables make it clear that Indian diplomats hoped Rajapaksa would do so, despite his repeated failures to honour his promises.<sup>32</sup> In August 2008, India declined a U.S. proposal that the two countries jointly press Rajapaksa to produce his proposals for devolution.<sup>33</sup> As the

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<sup>30</sup> Given that Indian officials were aware of the extent of civilian suffering, many believe their regular assurances to other governments and to the public that they were working to limit it were designed to buy time for Sri Lankan forces to finish off the LTTE and prevent other governments from intervening. It is also possible the Indian government was caught off guard by the ruthlessness of the Sri Lankan military. On this reading, by the time the humanitarian catastrophe was apparent, they determined the only way to see the LTTE finished was to allow the Sri Lankans to complete their campaign, while urging as much restraint on the Sri Lankan government as possible and helping to care for the injured and displaced. For evidence that the Indians were in possession of detailed information on conditions in the conflict zone, see "Indian foreign secretary weighs post-conflict conference on Sri Lanka", cable from U.S. embassy New Delhi, 15 May 2009, as made public by Wikileaks.  
<sup>31</sup> "EAM's telephonic conversations with his Australian and Canadian counterparts", 10 February 2009, at <http://meaindia.nic.in/mystart.php?id=530214702>.

<sup>32</sup> One senior Indian official is quoted in a cable from August 2008 assuring the U.S. Ambassador to Sri Lanka that India was continuing its "advocacy for devolution of power in Sri Lanka beyond the power sharing formula in the 1987 13th Amendment to the Sri Lankan Constitution". "India to continue advocacy for devolution of power in Sri Lanka", cable from U.S. embassy Colombo, 29 August 2008, as made public by Wikileaks. Two months later, the Indian ambassador is said to have expressed pessimism that President Rajapaksa would make any new constitutional moves. "Basil Rajapaksa discusses India trip, paramilitaries in the East", cable from U.S. embassy Colombo, 4 November 2008, as made public by Wikileaks. Despite this, National Security Adviser M.K. Narayanan is said to have assured U.S. officials on 15 April 2009 that Rajapaksa "intends to pursue political devolution ... and will make a gesture soon to win over Sri Lanka's Tamils". "Foreign Secretary Menon on end game in Sri Lanka", cable from U.S. embassy New Delhi, 15 April 2009, as made public by Wikileaks.

<sup>33</sup> "India to continue advocacy for devolution of power in Sri Lanka", cable from U.S. embassy Colombo, 29 August 2008, as made public by Wikileaks. In June 2006, then Indian ambassador to Sri Lanka, now foreign secretary, N. Rao, resisted a U.S. proposal for a joint demarche to urge Sri Lanka to pursue a po-

war progressed, New Delhi did nothing to force Sri Lanka's hand.<sup>34</sup>

With the LTTE gone, the Indian government may have lost its best opportunity to influence Sri Lankan policy. So long as the LTTE posed a security threat, the government needed the military and political support of India and other governments – to provide the weapons, intelligence and legal and political cover to ban, weaken and ultimately destroy the Tigers. That powerful leverage has now been lost.

## B. INDIA'S POST-WAR SRI LANKA POLICY AND COLOMBO'S GO SLOW APPROACH

Indian diplomats admit in private that they have serious concerns about the direction President Rajapaksa is taking Sri Lanka since the defeat of the LTTE.<sup>35</sup> They accept that what is happening in Sri Lanka runs counter to Indian goals in important ways.<sup>36</sup> In the four areas below, Indian policy faces serious obstacles and delays. Some are the effect of bureaucracy and the complexity of the post-war environment, but many of them clearly result from a deliberate policy determined at the highest levels of the Sri Lankan government.

### 1. Economic integration – moving slowly

On economic integration, there has been some progress. Trade between the two countries has picked up since the

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litical solution. "India favours parallel demarche to Sri Lanka", cable from U.S. embassy New Delhi, 22 June 2006, as made public by Wikileaks.

<sup>34</sup> Most advocates of devolution were disappointed in January 2008 when India welcomed as a "good first step" the "interim report" of the All Party Representative Committee (APRC), which merely recommended that the president allow provincial councils to utilise the powers supposedly devolved to them under the Thirteenth Amendment. The report, the text of which was rewritten at the last minute by President Rajapaksa's office to diminish its vision of provincial autonomy, was an ad hoc gesture designed to appease international – in particular, Indian – pressure for some movement towards a political solution. To this day, Rajapaksa's government has still not implemented the Thirteenth Amendment, nor has the APRC's final report been released. See Crisis Group Report, *Sri Lanka's Eastern Province: Land, Development, Conflict*, op. cit.

<sup>35</sup> Crisis Group interviews, New Delhi, October-November 2010; New York, April 2011.

<sup>36</sup> In the words of one retired senior Indian military officer, "If India's policy is to promote the protection of the lives and dignity of Tamils in Sri Lanka, then we haven't succeeded. None of the strategies and tactics to advance that policy has worked". Crisis Group interview, October 2010.

global recession of 2008-2009.<sup>37</sup> The long-disrupted ferry service between Colombo and the south Indian city of Tuticorin recommenced in June 2011, and an agreement has also been signed to restart the ferry service between Sri Lanka's Mannar peninsula and Rameshwaram on the southern tip of India.<sup>38</sup> The two countries have agreed to conduct "a feasibility study for the interconnection of the Indian and Sri Lankan electricity grids".<sup>39</sup>

New Delhi has made little progress, however, on the most important item on its economic agenda with Sri Lanka: the signing of a Comprehensive Economic Partnership Agreement (CEPA). CEPA has been under discussion since 2003, and a nearly final draft was completed in July 2008. Many expected, and the Indian government hoped, the agreement would be signed during President Rajapaksa's visit to New Delhi in June 2010, but only continuing "extensive consultation" was announced.<sup>40</sup> CEPA would expand on the India-Sri Lanka free trade agreement (FTA), which came into effect in 2000 and has led to a more than fivefold increase in trade. The FTA deals only with goods; CEPA would go beyond this to cover investments, services, customs procedures, consumer protection and a range of other areas.<sup>41</sup> CEPA has come under fire from some business interests in Sri Lanka, as well as nationalist political parties like the JVP and the Jathika Hela Urumaya (JHU), who fear that Sri Lankan businesses will suffer from Indian competition. Before Rajapaksa's June 2010 visit to India,

protests were held in Colombo urging him not to sign the agreement.<sup>42</sup>

## 2. Fishing disputes

The re-emergence of longstanding tensions between fishermen from South India and fishermen from Sri Lanka and the Sri Lankan navy is straining relations between the two countries. In late January 2011, two fishermen from Tamil Nadu were found dead, one reportedly strangled and the other shot. Tamil Nadu fishermen complained the two were killed by the Sri Lankan navy, a charge officials deny.<sup>43</sup> In the following months, numerous groups of South Indian and Sri Lankan fishermen have been arrested by opposing navies.<sup>44</sup> On 2 April 2011, four fishermen from Tamil Nadu went missing; bodies of two were eventually found and reportedly showed signs of torture.<sup>45</sup>

For years, fishermen from both sides have been arrested, and in some cases killed, after crossing the maritime boundary.<sup>46</sup> The current controversy surrounds fishermen from Tamil Nadu who move into Sri Lankan waters to exploit its more plentiful stocks. Sri Lankan Tamil fishermen, who suffered through decades of fishing restrictions designed to limit LTTE smuggling, complain that the bottom trawlers used by their Indian counterparts threaten to devastate fish stocks on the Sri Lankan side after deplet-

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<sup>37</sup> See "India-Sri Lankan relations", Indian Ministry of External Affairs, January 2011, at <http://meaindia.nic.in/meaxpsite/foreignrelation/srilanka.pdf>.

<sup>38</sup> Since it began on 13 June 2011, the Tuticorin-Colombo ferry service has been sharply criticised by Tamil Nadu's chief minister, J. Jayalithaa and others in the state who are critical of Indian cooperation with Sri Lanka. Sudha Ramachandran, "India-Sri Lanka ferry hits troubled water", *Asia Times Online*, 21 June 2011.

<sup>39</sup> "Joint Declaration issued on the occasion of the state visit of H.E. President Mahinda Rajapaksa to India from 8-11 June 2010", 9 June 2010, at [http://transcurrents.com/tc/2010/06/india\\_sri\\_lanka\\_joint\\_declarat.html](http://transcurrents.com/tc/2010/06/india_sri_lanka_joint_declarat.html).

<sup>40</sup> Ibid. At the conclusion of talks between Sri Lanka's foreign minister and top Indian officials in May 2011, "both sides agreed ... to continue ongoing dialogue for early finalization of a Comprehensive Economic Partnership Agreement (CEPA)". "Visit of EAM of Sri Lanka – Joint Press Statement", Indian Ministry of External Affairs, 17 May 2011, at [mea.gov.in/mystart.php?id=530517638](http://mea.gov.in/mystart.php?id=530517638).

<sup>41</sup> Even in the absence of CEPA, Indian investment in the Sri Lankan service sector constitutes two-thirds of Indian investments in Sri Lanka. Jagath Savanadasa, "Indo-Sri Lanka Free Trade Agreement 2000-2010", *Sri Lanka Guardian*, 21 December 2010.

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<sup>42</sup> "Sri Lanka protectionists score against trade liberties", *Lanka Business Online*, 26 May 2010. Some argue that Rajapaksa was quite happy to have an excuse not to sign the agreement. According to one senior Indian diplomat, formerly posted to Colombo, "I doubt that Rajapaksa will ever sign CEPA – it will have to wait until there's a new leader". Crisis Group interview, New Delhi, October 2010.

<sup>43</sup> According to one report, Indian Foreign Secretary Nirupama Rao "handed over to Sri Lankan President Mahinda Rajapaksa the autopsy report of the fisherman and the results of the ballistic tests done on the boat involved. The conclusion was that the bullets were the Sri Lankan Navy's standard issue". R. K. Radhakrishnan, "Differing perceptions across the bay", *The Hindu*, 18 February 2011.

<sup>44</sup> Lakna Paranamanna, "India detains 31 more Lankan fishermen", *Daily Mirror*, 24 May 2011.

<sup>45</sup> "Local Fishermen say SLN tortured their colleagues to death", *The Island*, 18 April 2011. The article notes Sri Lankan naval officials denied any involvement in the deaths of Tamil Nadu fishermen. In May, a panel of Sri Lankan judicial medical officers, all Sinhalese, overruled the original autopsy by a Tamil doctor in Jaffna, who had found evidence of beating. "Second opinion on Indian fisherman's death", *The Sunday Times*, 15 May 2011; and "Colombo fakes autopsy of Tamil Nadu fisherman", *Tamilnet*, 14 May 2011.

<sup>46</sup> For excellent overviews of the controversy, see R.K. Radhakrishnan, "Differing perceptions across the bay", op. cit.; and Pia Chandavarkar, "Conflict brews between Sri Lankan and Indian fishermen", *BBC News*, 7 April 2011.

ing supplies in Indian waters.<sup>47</sup> “The Navy’s actions have been fairly consistent over the years”, a Sri Lankan political analyst explains, “but [south] Indian fisherman have been bolder because they’ve assumed that post-war, they wouldn’t be mistaken as LTTE and wouldn’t be treated so harshly”.<sup>48</sup>

The violence has generated great concern and protest in Tamil Nadu. In advance of the 13 April 2011 state legislative elections, Tamil politicians, particularly from the opposition parties, complained about New Delhi’s failure to protect fishermen from their state.<sup>49</sup> In part for these political reasons, recent incidents have provoked strong reactions from the Indian government.<sup>50</sup> The series of violent incidents was important enough for Indian foreign secretary Nirupama Rao to visit Sri Lanka in late January specifically to discuss the issue.<sup>51</sup>

India would like to continue handling cases under the terms of an October 2008 agreement, which, among other things, allows Tamil Nadu fishermen with valid licenses to fish in Sri Lankan waters.<sup>52</sup> Sri Lankan officials argue the agreement is out-dated in the post-war situation.<sup>53</sup> At their June

2010 summit in New Delhi, Manmohan Singh and Mahinda Rajapaksa agreed to revive meetings of the India-Sri Lanka Joint Working Group on Fisheries. After much delay on the Sri Lankan side, the Joint Working Group met on 29 March 2011 in New Delhi.<sup>54</sup> Both sides “agreed that the use of force cannot be justified under any circumstances”, while “the need to respect the International Maritime Boundary Line (IMBL) when fishing was stressed by the Sri Lankan side”. Both sides agreed to continue discussion on a draft memorandum of understanding on fisheries.

After the meeting, one Sri Lankan political analyst remarked that “the Indians find it surprising that the Sri Lankan government isn’t cooperating more with them to end this .... This is an example of [the president’s brother and Defence Secretary] Gotabaya’s lack of savvy. He doesn’t have a political sense. He doesn’t realise that conceding on the fishing is a smart thing to do”.<sup>55</sup>

### 3. Humanitarian assistance and reconstruction in a militarised north and east

In the immediate aftermath of the war, in June 2009, India announced a grant of INR 5 billion (\$112 million) to fund humanitarian and early recovery projects.<sup>56</sup> The initial focus was providing relief supplies and medical treatment to displaced Tamils held in government camps and was later extended to assisting their resettlement, which India pushed the Sri Lankan government to accelerate. It also provided material for temporary shelters and assistance for farmers to restart agricultural activities.<sup>57</sup> Seven teams of Indian de-miners continue to work throughout the northern province.

India has also offered \$800 million in credit lines for concessionary loans to pay for a range of development projects, primarily aimed at rebuilding the north.<sup>58</sup> Agreements

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<sup>47</sup> Arun Janardhanan, “Too many trawlers spoil the catch, say fisherman”, *Times of India*, 24 April 2011.

<sup>48</sup> Crisis Group interview, Colombo, April 2011. During the war, the Sri Lankan Navy monitored the movements of fishermen from south India very closely as the LTTE had long used fishing routes between India and Sri Lanka to smuggle weapons and other supplies.

<sup>49</sup> “BJP wants Centre to ensure safety of fishermen venturing into high seas”, *The Hindu*, 30 April 2011. Since returning as Tamil Nadu chief minister in May 2011, J. Jayalithaa has renewed calls for the disputed island of Kachchativu, site of many fishing disputes, to be returned to India. “Resolution passed on Katchateevu”, *The Hindu*, 9 June 2011.

<sup>50</sup> The killings of Tamil Nadu fishermen are also thought to have provoked the attack on the Sri Lankan Buddhist Maha Bodhi Centre in Chennai on 24 January, in which four Sri Lankan monks were slightly injured. “Four Buddhist monks injured in gang attack”, *The Hindu*, 25 January 2011. The Ministry of External Affairs issued a strong statement on 23 January 2011, “External Affairs Minister strongly condemns killing of India fisherman”, Indian Ministry of External Affairs, at <http://meaindia.nic.in/mystart.php?id=530217087>. External Affairs Minister S.M. Krishna again raised the issue with his Sri Lankan counterpart on 15 May 2011. “Observe restraint while dealing with fishermen: India to Lanka”, Press Trust of India, 16 May 2011.

<sup>51</sup> R.K. Radhakrishnan, “Nirupama Rao takes up fishermen issue with Sri Lanka”, *The Hindu*, 31 January 2011.

<sup>52</sup> V. Suryanarayan, “Consolidate the Gains of Indian Foreign Secretary’s Visit to Sri Lanka”, South Asia Analysis Group, 6 February 2011, at [www.southasiaanalysis.org/%5Cpapers44%5Cpaper4320.html](http://www.southasiaanalysis.org/%5Cpapers44%5Cpaper4320.html).

<sup>53</sup> Meetings in 2010 between Indian and Sri Lankan fishermen reportedly devised a plan whereby fishermen in Tamil Nadu agreed to stop the use of trawlers in Sri Lankan waters within a year, while the Indian government provided assistance to help

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them shift to other forms of fishing. The Sri Lankan Navy, in turn, was expected to tolerate Indian fishing during the transitional period. To date the plan has not been implemented. “Fishing Conflict in Indo-Sri Lankan Waters”, 12 February 2011, at <http://beta.epw.in/newsItem/comment/189398/>.

<sup>54</sup> The meeting was the first by the Joint Working Group since January 2006.

<sup>55</sup> Crisis Group interview, Colombo, April 2011.

<sup>56</sup> “India-Sri Lankan relations”, Indian Ministry of External Affairs, January 2011, at <http://meaindia.nic.in/meaxpsite/foreignrelation/srilanka.pdf>.

<sup>57</sup> *Ibid.* This included 400,000 bags of cement and 10,000 tonnes of galvanised iron sheets for temporary housing in the north, nearly 100,000 starter packs of agricultural implements, and the supply of seeds and 500 tractors and implements to farmers and agrarian service centres in the north.

<sup>58</sup> While the bulk of Indian projects are in the Tamil majority areas of the north and east, India has been careful to fund projects in all parts of the country. Support for the health sector,

have been signed for the state-owned Indian Railway Construction Corporation (IRCON) to rebuild railways.<sup>59</sup> Implementation has been slow. Ground-breaking took place in November 2010, but track-laying and rebuilding of the lines has been delayed, in part due to the need for extensive demining.<sup>60</sup> Funding and technical assistance has also been offered for the rehabilitation of the Kankesanthurai (KKS) port and the redevelopment of the airfield at Palaly as a civil airport.<sup>61</sup> Progress on both projects has been slow.<sup>62</sup>

Delays have been even more obvious in the construction of a 500MW coal-fired power plant in Trincomalee.<sup>63</sup> The plant, a joint venture between India's National Thermal Power Corporation and the Ceylon Electricity Board, has been under discussion for more than four years, yet construction has not begun.<sup>64</sup> In comparison, in March 2011

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for instance, includes a 150-bed base hospital in the hill country town of Dickoya, upgrading facilities at Jaffna Teaching Hospital, and a donation of a Cobalt 60 teletherapy machine for the cancer ward at Hambantota General Hospital. There are also Indian-sponsored education projects throughout the country.

<sup>59</sup> Agreements worth \$416 million were signed in November 2010 to rebuild the Medawachichiya-Madhu, Madhu-Thalaimannar and Omathai-Pallai lines. Some of the money will be used to purchase rolling stock from India. An earlier credit line of \$167 million is being used to repair the damaged Colombo-Matara line. "India-Sri Lankan Relations", Indian Ministry of External Affairs, January 2011, at <http://meanindia.nic.in/meaxpsite/foreignrelation/srilanka.pdf>.

<sup>60</sup> R.K. Radhakrishnan, "Indian Railway project in Sri Lanka in full steam", *The Hindu*, 8 May 2011.

<sup>61</sup> "KKS: regional port for N-E cargo", *Daily News*, 14 May 2011. Other development projects include the renovation of the Duriappah stadium and a cultural centre in Jaffna, building "e-learning centres" throughout the north and east, provision of equipment to fishing cooperatives, and supplying buses for use in hilly and remote areas. "India-Sri Lankan Relations", op. cit.

<sup>62</sup> The Sri Lankan cabinet finally approved the Indian proposal to rebuild the port on 5 May 2011, just ten days after the release of an Indian government statement saying it would "study carefully" the issues raised by the UN Secretary-General's panel of experts on accountability for alleged violations of international humanitarian law. "Cabinet Decisions of 04.05.2011", at <http://news.lk/home/18031-press-release->

<sup>63</sup> The project led to the displacement of almost 6,000 people who have been resettled on much less valuable and productive lands. "Sri Lanka: IDPs and returnees remain in need of protection and assistance – A profile of the internal displacement situation", Internal Displacement Monitoring Centre, 14 January 2011. See also Crisis Group Report, *Sri Lanka's Eastern Province: Land, Conflict, Development*, op. cit.

<sup>64</sup> The official joint declaration after President Rajapaksa's June 2010 visit to New Delhi listed a series of formal agreements that were to be completed within three months for work on the joint venture to begin. At the same time, the Indian government announced a further concessionary line of credit of \$200 million for "construction of a jetty at Sampur and of a transmission

the first phase of a Chinese-built coal-power plant in Norochcholai, in the north-western town of Puttalam, was completed.<sup>65</sup>

Of more immediate concern is the delay in India's signature project to build or repair 50,000 houses, mostly in the north.<sup>66</sup> In November 2010, a pilot project for 1,000 houses in Ariyalai, in Jaffna, was launched but construction on even these houses has been slow.<sup>67</sup> "The Indians put it down to inertia and lack of cooperation from the government", says one former civil servant in Colombo. He explains:

The Indians are doing something in the north that at best the Rajapaksas are indifferent to: Basil is focused elsewhere, while Gotabaya thinks it is a bad idea. The Indian government is generally not used to pushing its way, especially not against another government's bureaucracy. They are used to being welcomed, but they are so disjointed and not used to pushing hard, that it's not difficult ... to obstruct Indian efforts. The Indians are reluctant to assume bad faith, so they approach things through the bureaucracy and are easily blocked.<sup>68</sup>

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line from Sampur to Habarana". "India-Sri Lanka Joint Declaration", 9 June 2010. In an Indian government document dated January 2011, the project is listed as "still being discussed". "India-Sri Lankan Relations", op. cit. The project was reportedly further delayed when the Sri Lankan attorney general's office raised basic legal questions about the project in early 2011. Sanjay Dutta, "Signing of India power generation project in Sri Lanka hits hurdle", *Times of India*, 18 February 2011.

<sup>65</sup> "Lak Vijaya power plant at Norochcholai will be commissioned tomorrow", 21 March 2011, at [www.development.lk/news.php?news=1173](http://www.development.lk/news.php?news=1173). The plant has been the object of intense environmental opposition for more than a decade, with protests by local residents, Buddhist monks and environmental groups blocking its completion by previous governments.

<sup>66</sup> Most of the houses will be built in the northern province; some will be built in the eastern and central provinces. "India-Sri Lankan Relations", op. cit.

<sup>67</sup> See Chris Kamalendran, "India's 50,000-house project at standstill amid blame game", *The Sunday Times*, 24 April 2011. Among other issues, the Indian High Commission in Colombo reports that they have yet to receive from Sri Lankan officials the list of recipients. Chris Kamalendran, "India awaits list of beneficiaries to start 1,000-houses pilot project: Indian HC", *The Sunday Times*, 1 May 2011. Foreign Secretary Rao was quoted as promising at least 50 of the houses would be completed by the end of June 2011. "India to Lanka: Resolve ethnic issue", *Hindustan Times*, 11 June 2011.

<sup>68</sup> Crisis Group interview, Colombo, April 2011. One retired senior Indian diplomat admitted that "the lack of houses being built is partly our fault. It seems to be a problem with our implementation process. China is moving faster than India in part because they don't have our bureaucracy". Crisis Group interview, New Delhi, October 2010.

Indian assistance to the north and east is being delivered in a highly politicised, militarised and ethnically-charged environment. Restrictions on humanitarian and development work and close government and military control over distribution have contributed to a painfully slow recovery. Most of those resettled still lack adequate resources or facilities. “They lost everything”, says one activist who works in the north. “They do not have water, safety, the basics .... The army is using informants, giving them favours. Nothing is transparent, especially regarding the militarisation. It breeds suspicion .... Now, the people are begging for everything, buckets, food, etc. They need to feel there is no conspiracy against them”.<sup>69</sup>

Virtually all decisions about what happens in the north and east are taken by the military, controlled by Defence Secretary Gotabaya Rajapaksa, often with the involvement of the Presidential Task Force for Resettlement, Development and Security in the Northern Province (PTF). The military not only decides policies for the north, but controls all aspects of everyday life – from monitoring who visits individual homes and which community groups meet where and with whom, to how land is used and which individuals and ethnic groups can enjoy the new economic opportunities in the post-war north and east. “Intelligence is omnipresent”, explains an aid worker. “You have [Tamil] informers everywhere, especially in Kilinochchi and Mullaitivu .... The civilian and military structures in the north are being blended. There is absolutely no trust of government servants”.<sup>70</sup>

Political and military influence in choosing beneficiaries is widespread.<sup>71</sup> The PTF, headed by another of the president’s brothers, Minister of Economic Development Basil Rajapaksa, routinely requires NGOs to consult the local army brigade commander when selecting volunteers and

beneficiaries for its projects.<sup>72</sup> The PTF has also made it clear to development actors that they should be giving priority to families who were not associated with the Tigers. In this context, ensuring that Indian assistance is used effectively and not in ways that could increase tensions in the Tamil community, will require extensive monitoring and coordinated advocacy with other donors.<sup>73</sup>

“You essentially have a military administration in the north”, says one former civil servant with experience in the area. Following the March 2011 local government elections,

You now have locally elected authorities, but the military will ignore their existence. The elected officials will be passive observers. Take, for example, a building permit. Someone now has to have military permission to get some land and build a house or hotel. When this happens, he just proceeds, without getting local government permission. The [newly elected] local governments will be absolutely toothless and powerless. In the Vanni, in Kilinochchi and in Jaffna, this is already happening. A lot of development is happening purely with military approval, bypassing any local or Tamil government administrator’s involvement.<sup>74</sup>

Local government, senior Tamil bureaucrats posted in the north and elected Tamil members of parliament have no decision-making power, nor is there an elected Northern Provincial Council.<sup>75</sup> *Mahinda Chintana*, Rajapaksa’s 2010

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<sup>69</sup> Crisis Group interview, civil society activist, Colombo, March 2011. “You have temporary and transitional structures for civilians, juxtaposed against very permanent military structures”, explains an international development worker. “There are some permanent houses along the A9, but as soon as you come off the main road, there is nothing”. Crisis Group interview, Colombo, March 2011.

<sup>70</sup> Crisis Group interview, international development worker, Colombo, March 2011. See “Threats, harassments and restrictions on former detainees and their families in Vanni”, 12 May 2011, at [www.transcurrents.com](http://www.transcurrents.com).

<sup>71</sup> A representative of the ICRC was photographed in tears, reportedly after a government minister had substituted his list of beneficiaries for the approved list when the ICRC distributed tractors in Vavuniya district in October 2010. “ICRC chief weeps”, *The Sunday Times*, 24 October 2010; and “Defending public display of staff privacy”, *The Sunday Times*, 31 October 2010.

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<sup>72</sup> PTF documents shared with Crisis Group request NGOs “to consult the Divisional Secretary and the Brigade Commander in selecting volunteers and beneficiaries. The lists of both after preparation should be submitted to the Divisional Secretary for written approval”. “The PTF, it’s all linked to the military”, explains a local development worker. “We give a report to the PTF, they fax it to all the military, and the military go out and check that everything is done .... The militarisation makes you accept vulnerability as a life style”. Crisis Group interview, Vavuniya, March 2011.

<sup>73</sup> TNA MPs alleged that 200 of 500 tractors donated by the Indian government for war-affected farmers in the north had in fact been sent to government departments in the south. Kelum Bandara, “Indian tractors go south says TNA”, *Daily Mirror*, 24 February 2011. The Indian government later affirmed that all 500 tractors have been distributed to Agrarian Service Centres in the Northern Province. “Distribution of tractors and agricultural implements to farmer organizations in Northern Province”, High Commission of India, Colombo, 21 April 2011, at [www.hcicolombo.org](http://www.hcicolombo.org).

<sup>74</sup> Crisis Group interview, Colombo, April 2011.

<sup>75</sup> Some Muslims returning to the north after decades of displacement following their eviction from their lands by the LTTE feel their needs and interests are not adequately respected by the almost entirely Tamil civil administration in the north. Tensions between Tamil and Muslims over land and access to government services in the north are also fuelled by the role of the powerful minister, Rishad Badiudeen, who is seen by many

presidential election manifesto, promised to re-establish the council “with immediate effect”, in line with the requirements of the Thirteenth Amendment.<sup>76</sup> But with the TNA having done well in parliamentary and local government elections in the north, it would almost certainly control the Northern Provincial Council. Many believe the government would prefer to avoid or delay dealing with a TNA-majority council.<sup>77</sup>

Such extensive military control has deep political implications in a post-conflict environment. Faced with physical insecurity, lack of basic amenities and economic opportunities, no control over the use and distribution of land, and virtually no role for minority representatives in administering the north, “young Tamils are angry”, says one resident of Jaffna. “Soon the uprising will come again. We have no future, no opportunity. No more respect for us. We are the minority, we don’t have any power”.<sup>78</sup> Explains another northern Tamil, “They are arresting and harassing people again. It is not over. The guns are silent now, but still we are full of fear. We are not at peace. The government is trying to trick the international community”.<sup>79</sup>

Senior Indian officials are concerned about the situation in the north and admit privately that they have communicated their worries to their counterparts in Sri Lanka. In the words of a senior diplomat, “India’s consistent message to Sri Lanka has been: you’ve won the war now, but unless you engage in process of reconciliation and inclusion, the problem may flare up again”.<sup>80</sup> Delhi should keep

that message in mind in monitoring how its millions of dollars in assistance are spent by Colombo.

#### 4. TNA-government talks: little prospect of a negotiated political settlement

Indian officials pressured the Rajapaksa government throughout 2010 to initiate a “structured dialogue” with the TNA aiming at a political settlement.<sup>81</sup> In response, President Rajapaksa appointed a committee of senior parliamentarians to represent him in the talks, which began in January 2011.<sup>82</sup> In addition to discussing a political settlement, the meetings have also focused on addressing the more immediate concerns of Tamils, especially those recently resettled in the north.

That the TNA and the government are talking is positive, and it is clear this would not have happened without India pushing hard.<sup>83</sup> To date, however, there is little evidence of any real commitment on the part of the Rajapaksas to relax the grip of the military and the central government over the north, to allow Tamil political parties to organise freely in the north, or to consider making the constitutional changes necessary to satisfy even the most minimal of Tamil aspirations.<sup>84</sup>

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Tamils as working primarily in the interests of Muslims and the government. For more on the history of Tamil-Muslim relations in Sri Lanka, see Crisis Group Asia Report N°134, *Sri Lanka’s Muslims: Caught in the Crossfire*, 29 May 2007.

<sup>76</sup> Mahinda Chintana: *Vision for the Future*, p. 57, at [www.srilankanelections.com](http://www.srilankanelections.com). On 10 May 2011, President Rajapaksa was quoted as saying the provincial council election would be held only after resettlement and registration of voters in the north had been completed. This suggests the election could be delayed until the end of 2011 or beyond. “Elections after resettlement”, *Daily Mirror*, 10 May 2011.

<sup>77</sup> “The greatest strength of the TNA is their democratic credibility in the absence of the LTTE. Despite not being able to campaign widely and being actively opposed by the government, they won convincingly. There was no serious challenge in the Tamil community. In contrast, the TMVP [Tamil Makkal Viduthalai Pulikal, party of former LTTE commander and current Eastern Province Chief Minister Sivanesathurai Chandrakantha (aka Pillayan)] did disastrously despite lots of violence. The people are [placing] their faith in the TNA. All the leading LTTE figures remaining are with the government, not the TNA”. Crisis Group interview, former civil servant, Colombo, April 2011.

<sup>78</sup> Crisis Group interview, Jaffna resident, March 2011.

<sup>79</sup> Crisis Group interview, Mannar resident, April 2011.

<sup>80</sup> Crisis Group interview, November 2010.

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<sup>81</sup> Crisis Group interviews, diplomats and political analysts, Colombo, April 2011. “The cessation of hostilities in Sri Lanka in May last year provides a historic opportunity to address all outstanding issues related to rehabilitation as well as a political settlement in a spirit of understanding and mutual accommodation. It is our hope that a structured dialogue mechanism to work towards this end will be launched soon”. “EAM’s remarks to media after the 7th India-Sri Lanka Joint Commission meeting”, 26 November 2010, <http://meaindia.nic.in/mystart.php?id=530116720>. The U.S. government has also been pressing the Rajapaksa administration to pursue devolution negotiations more energetically: “The United States attaches great importance to the dialogue that is now taking place between the government and the Tamil National Alliance .... [W]e hope that that dialogue will result in a comprehensive agreement on all of the issues of concern to the Tamils”. “Transcript of the press conference by Assistant Secretary Robert Blake in Colombo”, 4 May 2011, at <http://srilanka.usembassy.gov/tr-5may11.html>. Any lasting political settlement will have to address the concerns of other groups as well and will need to be based on wider negotiations, including with Muslim political leaders.

<sup>82</sup> The seventh meeting was held on 23 June 2011.

<sup>83</sup> Crisis Group interviews, diplomats, political analysts and Tamil politicians, Colombo, March-April 2011.

<sup>84</sup> On 16 June, an estimated two dozen armed Sri Lankan soldiers shut down a TNA meeting in the Jaffna peninsula, physically assaulting TNA workers, threatening TNA MPs and injuring their bodyguards. “Military attack Jaffna political meeting”, BBC, 16 June 2011.

According to one member of the TNA involved in the talks, M.A. Sumanthiran, “On the immediate issues, we placed three matters – long-term detainees, resettlement in ‘high security zones’ and illegal armed groups”.<sup>85</sup> Despite positive words from government officials, little progress has been made on any of these issues.<sup>86</sup> “What is agreed in the meetings is not being followed”, says one person close to the negotiations.<sup>87</sup> Of particular concern is the government’s repeated failure to make available a list of names and locations of the thousands of Tamils suspected of involvement with the LTTE, who are being detained in various facilities, including “rehabilitation” centres.<sup>88</sup> Families throughout the north are desperate to know whether their missing family members are among them. “We wish that the government too would show more sincerity and purpose in this matter”, said Sumanthiran.<sup>89</sup>

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<sup>85</sup> “Government must sincerely engage with us – Sumanthiran”, *The Sunday Leader*, 17 April 2011.

<sup>86</sup> They do recognise that “the government delegation responded with regard to the armed groups issue by undertaking to amend the Criminal Procedure Code and making the possession of illegal arms a non-bailable offence” – though this is no guarantee the law will be enforced. “Government must sincerely engage with us – Sumanthiran”, op. cit. On 9 May 2011, the government began resettling 12,000 persons long displaced by high-security zones in Jaffna. “Resettling civilians in HSZ begins”, *Daily Mirror*, 12 May 2011. Tens of thousands remain without access to their lands due to military restrictions across the peninsula.

<sup>87</sup> Crisis Group interview, Colombo, April 2011.

<sup>88</sup> “On the detainee issue, the government was the one to bring up the database in Vavuniya”, says one TNA negotiator. “They even put it in writing. The TNA responded in writing to confirm. But then when they made it public and people starting showing up in Vavuniya to make inquiries, the military said there was no database and it was just a TNA election ploy. The government started the third meeting on 18 March with an apology and said they would address the database issue. So far, nothing”. It seems the negotiators just thought of the detainee database issue as a technical issue, explains one political analyst. “But there was absolute intransigence at the Defence Ministry. It starts and stops with Gotabaya. He is much more hardline than the polity as a whole, and than the administration in general”. Or, in the words of one Western diplomat, “Gotabaya likely suspects they want to use the database to identify those missing from the end of the war”. Crisis Group interview, Colombo, April 2011. On 13 June 2011, the government announced that a “round-the-clock mechanism” had been established by which family members could obtain “details of the detainees and those already released from detention by the Terrorist Investigation Division” of the police. This mechanism does not, however, appear to apply to the estimated 4,000 Tamils arrested at the end of the war who remain detained in “rehabilitation” centres. “24-hour information on detainees”, Presidential Secretariat of Sri Lanka, 13 June 2011, at [www.priu.gov.lk](http://www.priu.gov.lk).

<sup>89</sup> “Government must sincerely engage with us – Sumanthiran”, op. cit.

“The president finds it useful to say he has a process”, explains a former senior civil servant. “He wants a process without an outcome. The TNA needs an outcome. The government delegation is tasked with having talks but not reaching a decision”.<sup>90</sup> According to a person close to the talks, the vagueness and frequent inaccuracy of responses from government negotiators “suggests they have no signal from the top”.<sup>91</sup>

The same person explains that “on the political settlement, the TNA suggested a concept: maximum possible devolution without compromising the sovereignty of the country”.<sup>92</sup> Unfortunately, there are still no signs the government has any intention of accepting any form of devolution, much less one that goes beyond that envisaged under the partially implemented Thirteenth Amendment.<sup>93</sup> When questioned in public, President Rajapaksa has always resisted promising anything beyond the Thirteenth Amendment.<sup>94</sup>

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<sup>90</sup> Crisis Group interview, Colombo, April 2011.

<sup>91</sup> Crisis Group interview, Colombo, April 2011.

<sup>92</sup> Crisis Group interview, Colombo, April 2011. In a statement issued after their victories in March 2011 local government elections, TNA leader R. Sampanthan called for “an acceptable, durable and reasonable political solution to the Tamil question, based upon the sharing of powers of governance, which will ensure that the Tamil speaking people can live in security and with dignity, in the areas they have historically inhabited, and which will also ensure the fulfilment of their legitimate political, social, economic and cultural aspirations and rights, through their own initiatives, and without depending on the mercy of others”. “Statement made by R. Sampanthan M.P. ... on the results of the local authorities elections held in the north east”, 29 March 2011, at [www.sangam.org](http://www.sangam.org).

<sup>93</sup> Many see the so-called “Thirteenth plus” option as the only possible compromise between Tamil demands for autonomy and government and Sinhala insistence on preserving the unitary nature of the state. One senior policymaker in New Delhi expressed frustration at the lack of positive movement more than eighteen months after the end of the war. “The president has a lot of power to move on the Tamil issue”, he explained, “but there is no movement. He’s said he would move on the Thirteenth Amendment plus but ... there are voices against this”. Crisis Group interview, October 2010.

<sup>94</sup> Compare, for instance, the different visions of devolution articulated during the Sri Lanka-India summit in June 2010. The Indian prime minister “emphasised that a meaningful devolution package, building upon the Thirteenth Amendment, would create the necessary conditions for a lasting political settlement”. President Rajapaksa, however, merely “reiterated his determination to evolve a political settlement acceptable to all communities ... Towards this end, the President expressed his resolve to continue to implement in particular the relevant provisions of the Constitution designed to strengthen national amity and reconciliation through empowerment”. “Joint India-SL declaration”, 9 June 2010. Nearly a year later, the press release issued after a meeting of the Indian and Sri Lankan external affairs ministers said Sri Lanka had affirmed, somewhat



Given government statements that provincial councils will not be given powers over land or the police, it seems “Thirteenth minus” is more likely than “Thirteenth plus”.<sup>95</sup> The TNA has expressed little interest in government proposals to establish a second chamber of parliament with regional representation, arguing it would do nothing to address Tamil grievances.<sup>96</sup> “On devolution, especially police powers, they [the Rajapaksas] don’t like any of that”, explained one Western diplomat. “With the overall trend of this government toward centralisation, it’s hard to imagine they are going to give up this little part in the north and east”.<sup>97</sup>

Indeed, talks between the government and the TNA are taking place as the Rajapaksa family introduces constitutional and administrative changes to further centralise and consolidate power in their hands, thus hollowing out the meaning of any devolution that might be agreed. The Eighteenth Amendment, adopted in September 2010, increased President Rajapaksa’s power considerably by removing the limit on the number of times he can be re-

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ambiguously, its commitment to “a devolution package, building upon the 13th Amendment”. “Visit of EAM of Sri Lanka – Joint Press Statement”, 17 May 2011, op. cit.

<sup>95</sup> R.K. Radhakrishnan, “Sri Lankan President rules out police powers for north”, *The Hindu*, 15 January 2011. The president’s opposition to granting police and land powers to provincial councils was reportedly made clear to Indian officials during an 11 June 2011 meeting in Colombo. “No police, land powers to PCs”, *The Sunday Times*, 12 June 2011. Powers over the police and land are part of the “concurrent” list of powers in the Thirteenth Amendment. These powers are “shared” by the central and provincial governments but in practice have never been wielded by any provincial council. The TNA has proposed that the concurrent list be abolished and that all powers be clearly allocated to either the centre or provinces. The government reportedly rejected the proposal. Chris Kamalendran “Govt. stalls TNA request for power-sharing”, *The Sunday Times*, 1 May 2011.

<sup>96</sup> The government’s proposals were shared with the TNA on 12 May 2011. “TNA has doubts about second-chamber proposal”, *The Island*, 15 May 2011; and “Govt., TNA talks on 2nd chamber”, *Daily Mirror*, 13 May 2011. The government’s decision to launch separate consultations with the Eelam People’s Democratic Party (EPDP), a constituent member of the ruling coalition, is likely to further delay a deal with the TNA. “Devolution talks expanded as govt., TNA powwow reaches crucial stage”, *The Island*, 14 May 2011.

<sup>97</sup> Crisis Group interview, Western diplomat, Colombo, April 2011. One Indian government official expressed worries that attempts to strengthen local governance would circumvent the provincial administration, “which would effectively mean that provinces will be run from Colombo .... Rajapaksa cannot undercut the powers [for provincial councils] already outlined in the constitution, including the financial ones. The fear is that he’s doing this and it bothers us .... Anything and everything will only work if financial power is devolved. Without financial power, provincial councils will be emasculated”. Crisis Group interview, New Delhi, November 2010.

elected and by empowering him to appoint directly members of the judiciary and supposedly independent commissions on police, human rights, public service and bribery. Changes to laws on local government elections currently before parliament will further increase the power of the central government and the ruling party.<sup>98</sup> Continuing impunity for human rights violations and legal and physical attacks on political opponents and critical media are further weakening Sri Lanka’s failing democracy.<sup>99</sup>

The TNA has made clear that they are committed to talks with the government. Yet if the government remains unwilling to consider seriously any effective forms of power-sharing, the TNA will find itself in a bind: caught between India and Western governments who want them to negotiate and who may ultimately press them to accept a very limited form of devolution, and their local Tamil constituency who expect tangible improvements in their lives and some real power over policy in Tamil-majority areas. For now, the talks are the only formal process the TNA has and withdrawing will not help them. But their participation does not guarantee real results.

Colombo is buying time and moving as slowly on India’s priorities as possible, even in cases – such as reconstruction work – where the Sri Lankan government would seem to benefit.<sup>100</sup> India’s 17 May 2011 call for “early withdrawal of emergency regulations [and] investigations into allegations of human rights violations” was an unusual and positive step, and a clear expression of frustration with Colombo. Yet, overall, New Delhi still appears to lack a clear or long-term strategy for responding effectively to the Rajapaksa government’s resistance.

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<sup>98</sup> Juanita Arulanantham and Andi Schubert, “A critique of the Local Authorities Elections (Amendment) Bill”, 3 January 2011; *Groundviews* and Devanesan Nesiah, “Local Authorities Elections (Amendment) Bill: Progress or Regress?”, at <http://groundviews.org>.

<sup>99</sup> On 31 January 2011, the office of the news website Lanka-e-News, known for its strong criticism of government policies and support for former army commander and presidential candidate, Sarath Fonseka, was firebombed and destroyed. Two months later, its news editor was arrested and accused of threatening people connected to a suspect in the attack. He was later released on bail after domestic and international protests. Other journalists working with Lanka-e-News have been disappeared, arrested and/or forced into exile since the end of the war. “Court grants bail for detained Sri Lanka editor”, *Agence France-Presse*, 8 April 2011.

<sup>100</sup> One Indian analyst explains that the Sri Lankan government “does not want India messing around in the north and fears it could build itself into the ground there for all kinds of purposes, including intelligence gathering. The government also does not want India to gain goodwill with Tamils”. Crisis Group email correspondence, June 2011.

### III. CONSTRAINTS ON INDIA'S LEVERAGE

Despite the many competing foreign policy priorities facing its overstretched diplomatic staff, the Indian government has the capacity to do more to push the Rajapaksa government to make concessions to Sri Lanka's minorities, as many in the international community have hoped it would do since the war's end.<sup>101</sup> India remains reluctant, however, to play a more proactive role. This is in part a response to its history of costly and counter-productive involvement in Sri Lanka's politics, in particular, the legacy of the IPKF. "There is a perception that Sri Lanka was our Vietnam", said an Indian diplomat. "While we have tried to exorcise that ghost, that experience still looms in the background of most decisions India takes on Sri Lanka".<sup>102</sup> There are other, considerable limitations to India's leverage, even if there is political will in New Delhi to pressure Colombo. While the constraints are formidable, none is insurmountable.

#### A. THE ECONOMIC TIES THAT BIND

India is Sri Lanka's largest trade partner and its largest source of imports.<sup>103</sup> Since signing a free trade agreement in 1999, total bilateral trade has jumped from under \$50 million to nearly \$2 billion in 2010.<sup>104</sup> India's growing economic ties with Sri Lanka are theoretically a powerful source of political leverage but very costly to use. Economic pressure might be called India's "nuclear option", given that New Delhi would likely only consider limiting or cutting economic links in an extreme case, for instance, if renewed civil war in Sri Lanka directly threatened India's security.

<sup>101</sup> The deterioration in Afghanistan and Pakistan and the potential impact on Indian security understandably demands a great deal of New Delhi's attention. Moreover, its burgeoning relationship with the U.S., uncertainty over China's rise, and newly achieved membership on the UN Security Council are all straining the limited resources of India's relatively small Ministry of External Affairs (MEA). Crisis Group interviews, active and retired MEA officials, Bangkok, September 2010; New Delhi, October 2010; and New York, December 2010. Referring to the MEA by the name of its New Delhi office building, one senior UN official commented, "South Block is overwhelmed by the range of issues it has to deal with [as a UNSC member]. You would assume that there is a range of knowledge to deal with these issues that just is not there. It's a huge struggle for them to understand issues on the council's agenda like Sudan and Darfur". Crisis Group interview, New York, January 2011.

<sup>102</sup> Crisis Group interview, January 2011.

<sup>103</sup> By country India is Sri Lanka's largest trading partner. However as a bloc, the EU is the island's largest trading partner.

<sup>104</sup> Indian Ministry of External Affairs statistics, January 2011.

India's growing economic links with Sri Lanka have created increasingly powerful business constituencies in southern India and in New Delhi who would resist any hardball policies that could endanger trade and profits. The end of Sri Lanka's civil war has brought new opportunities for Indian investment, as well as expanded old ones, throwing into sharp relief the potential cost of using commercial ties as a political stick. Indian businesspeople look south and see one of the world's fastest growing economies, with few restrictions on foreign investment, and the potential profits from untapped markets of the northern and eastern provinces finally open to them.<sup>105</sup>

#### B. COLOMBO DIVERSIFIES ITS PARTNERS

Since independence, Sri Lanka, like most of India's neighbours, has understood the importance of its relationship with India, but, at the same time, has been wary of New Delhi's paternalistic tendencies in the region. Colombo has often sought to balance the relationship by reaching out to India's adversaries.<sup>106</sup> While the strategy produced some short-term gains in the past, it ultimately drew New Delhi's fire and Sri Lanka returned to India's orbit.

Now, however, Sri Lanka has more options when it comes to economic, military and political assistance. Global shifts in economic and political power have allowed Sri Lanka not only to play China off against India but also to turn to others – such as Pakistan, Iran and Libya – for support. As a result, "New Delhi and the West have lost a lot of influence in Sri Lanka", says a senior UN diplomat.<sup>107</sup>

Given its new friends, Colombo now relies less on India (and Western donors) for its development and security assistance.<sup>108</sup> According to Brahma Chellany, a prominent

<sup>105</sup> Sri Lanka's economy grew by 8.6 per cent in the final quarter of 2010 and by 8 per cent for the whole year. "Sri Lanka records an 8.6 % growth", Sri Lanka Department of Government Information, 13 April 2011, at [www.news.lk](http://www.news.lk).

<sup>106</sup> For example, the U.S. in the 1970 and 1980s. According to the prominent Indian historian and writer Ramachandra Guha, "The decision to send troops to Sri Lanka [in 1987] was consistent with India's growing perception of itself as the 'rightful regional hegemon in South Asia'. Demographically and economically it dominated the region; and it was now underscoring this dominance militarily as well". He continued, "The developments caused apprehension in smaller countries of South Asia. People were talking of the 'Ugly India', as those in other parts of the world spoke of the 'Ugly American'". Guha goes on to say that in 1987, a Calcutta weekly called *Sunday* ruefully opined that India "is regarded as the bad boy of the region". See Ramachandra Guha, *India After Gandhi* (New York, 2007), p. 588.

<sup>107</sup> Crisis Group interview, New York, February 2011.

<sup>108</sup> As a result, Sri Lanka has also gained greater scope to ignore widespread international concern about human rights violations during the war and the growth of post-war authoritarianism.

Indian analyst, “India has ceded strategic space in its regional backyard in such a manner that Bhutan now remains its sole pocket of influence. In Sri Lanka, India has allowed itself to become a marginal player despite its geo-strategic advantage and trade and investment clout”.<sup>109</sup> A prominent Indian academic and human rights activist agrees, “India has lost out [politically and economically] because Sri Lanka has more choices for friends. Strategically it’s lost out because of China’s presence”. He continued, “India has always thought that its cultural links with other countries in the region would ensure its role as the pre-eminent external influence. This is an utterly naïve thought and something the Sri Lankans proved a myth”.<sup>110</sup>

New Delhi’s declining influence, however, is not new and has been underway since the 1990s. When India withdrew from Sri Lanka’s politics after the IPKF and Gandhi’s assassination, others filled the void. India’s turbulent experience in Sri Lanka, coupled with the exigencies of domestic politics, has produced a deep ambivalence, particularly within the Congress party leadership, about the means and extent to which India should engage in the island’s politics. Colombo’s recognition of – and willingness to exploit – this quandary has weakened New Delhi’s leverage.

### 1. Ambivalence over military assistance

New Delhi’s refusal to supply Colombo with offensive weapons during the final phase of the war is the clearest example of how India’s ambivalence gave its main strategic competitors greater access to Sri Lanka and the Indian Ocean, which India considers its primary sphere of influence.<sup>111</sup>

Realising the importance of keeping India on board with his plan to crush the insurgency militarily, President Rajapaksa sent his brothers, Basil and Gotabaya, to New Delhi in 2006 with a shopping list of arms that included air defence weapons, artillery, unmanned aerial vehicles (UAVs)

and laser designators for precision-guided munitions.<sup>112</sup> Initially non-committal, New Delhi vetoed the sales because of domestic political sensitivities; it could not be seen providing arms that would be used to kill Tamils in an election year, particularly when the Congress-led United Progressive Alliance (UPA) government was dependent upon Tamil Nadu parties for its survival.<sup>113</sup> Despite allegations to the contrary, Indian officials maintain that New Delhi did not provide Colombo with offensive weapons. According to a senior Indian security official: “We kept refusing weapons. We didn’t supply them [the Sri Lankan army] with any combat weapons at all. They were pretty upset about that, but we didn’t see weapons like tanks, planes, MBRLs [multi-barrelled rocket launchers] as counterinsurgency weapons at all”.<sup>114</sup>

When India refused, waiting in the wings were willing suppliers like Israel, Pakistan, Iran, Ukraine, Libya, and China.<sup>115</sup> Sarath Fonseka, the Sri Lankan army chief at the time, said that it was the refusal of the Indian government to sell offensive weapons that made the government turn to China.<sup>116</sup> This left New Delhi anguishing over the growing influence of its rivals – particularly Pakistan and China – in its own backyard. India’s National Security Adviser at the time, M.K. Narayanan, publicly vented the Indian security establishment’s frustration with Colombo “We are the big power in this region”, he announced, “let us make that very clear. We strongly believe that whatever requirements the Sri Lankan government have, they should come to us and we will give them what we think is necessary. We do not favour them going to China or Pakistan or any other country”.<sup>117</sup>

Despite Narayanan’s outburst, leaders in both capitals knew that New Delhi could not provide the support that Colombo wanted without jeopardising Congress’s electoral prospects in Tamil Nadu. Some in India’s defence establishment however, argued that India should supply weapons to avoid losing ground to its strategic competitors like it did in Myanmar, where Pakistan and China stepped in

<sup>109</sup> Brahma Chellany, “Behind the Sri Lankan Bloodbath”, *Forbes*, 9 October 2009.

<sup>110</sup> Crisis Group interview, Chennai, October 2010.

<sup>111</sup> Earlier Indian governments also avoided supplying offensive weapons to Colombo since doing so often sparked protest in Tamil Nadu. However, Neil Devotta, a noted Sri Lankan scholar, suggests that had the war continued beyond May 2009, India may have been forced to reverse the policy “to limit the influence of Pakistan and China, whose stock in the island has risen sharply thanks to supplying Sri Lanka massive quantities of weapons”. See Neil Devotta, “When Individuals, State and Systems Collide: India’s Foreign Policy Towards Sri Lanka”, in Sumit Ganguly (ed.), *India Foreign Policy: Retrospect and Prospect* (New Delhi, 2010), p. 50.

<sup>112</sup> Crisis Group interviews, Chennai and New Delhi, 2010. See also, Nitin A. Gokhale, *Sri Lanka: From War to Peace* (New Delhi, 2009), p. 120.

<sup>113</sup> Gokhale, *Sri Lanka: From War to Peace*, op. cit. See Section IV on Tamil Nadu politics below.

<sup>114</sup> Crisis Group interview, senior government security official, New Delhi, 7 October 2010.

<sup>115</sup> The U.S. Congress curtailed most forms of military assistance to Sri Lanka in 2007 in response to the government’s poor human rights record. These restrictions have been re-imposed regularly, most recently in the appropriations bill of December 2009.

<sup>116</sup> John Cherian, “Changing Equations”, *Frontline*, 6 June 2009.

<sup>117</sup> “India against Lanka seeking arms from Pak”, Chennai Online, 31 May 2007.

with military hardware after India initially rejected the military government there.<sup>118</sup>

A compromise was eventually found. In addition to maintaining long-established training programs for Sri Lankan military personnel in India, New Delhi agreed to supply ships and defensive equipment like automatic 40mm L-70 close range anti-aircraft guns and Indra low-flying detection radars to Sri Lanka.<sup>119</sup> A former Congress MP explains “That’s the only thing we could get away with politically in Tamil Nadu. Even what was given was an incredible political risk. But what could we do? The Chinese were there; the Pakistanis were there, others too”.<sup>120</sup> Although defensive in nature, Indian weapons nevertheless freed up other military hardware that the Sri Lanka army used to end the Tiger’s insurgency. According to a former U.S. Defense Department official: “In the final analysis, lethal weapons are lethal weapons, regardless if they are termed defensive or offensive. The bottom line is that Sri Lankans used all the weapons at their disposal to kill off the LTTE – and a lot of civilians while they were at it”.<sup>121</sup>

India’s compromise was not, however, enough to prevent Colombo from taking its shopping list to other countries. In the final years of the war for example, Ukraine sold four MiG-27 fighter jets to Sri Lanka for \$9.8 million,<sup>122</sup> while Israel supplied roughly seven UAVs for use against the LTTE.<sup>123</sup> Iran reportedly agreed to sell missile systems to the Sri Lankan air force, naval patrol boats and a small arms ammunition plant in a deal worth more than \$140 million.<sup>124</sup> Libya also pledged the Sri Lankan government

\$500 million in cash assistance toward the end of the war.<sup>125</sup> While none of these deals or countries threaten India’s strategic interests, they have closed off opportunities to Indian companies, thereby limiting New Delhi’s leverage over Colombo.

## 2. Deepening ties to Pakistan

Of greater worry to India have been the deepening military and political ties between Sri Lanka and Pakistan.<sup>126</sup> The relationship appears to be growing closer. Pakistan has long been an outspoken supporter of the Sri Lankan state’s campaign against the LTTE, as well as one of the island’s largest suppliers of military hardware in recent years.<sup>127</sup> In November 2010 President Rajapaksa praised Pakistan for helping the government defeat the LTTE.<sup>128</sup> Pakistan had also stationed roughly a dozen military personnel in Sri Lanka over the past decade, who “extended technical assistance and training for the SLAF [Sri Lankan Air Force] during its air campaign” against the LTTE.<sup>129</sup> There are allegations that Pakistani pilots flew bombing

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that any arms purchases from Iran would violate UN Security Council Resolution 1747, which bans arm sales to and from Iran. “Sri Lanka: delivery of FATF guidance regarding Iran”, cable from the U.S. embassy in Colombo, 2 November 2007, as made public by Wikileaks. Tehran also offered soft loans and grants to Colombo worth \$1.9 billion to buy Iranian oil, hydroelectric and irrigation gear, and materials to upgrade to an oil refinery. “Iran president in Sri Lanka visit”, BBC News, 28 April 2008.

<sup>125</sup> See “Libya pledges support for Sri Lanka’s development agenda”, press release, Sri Lankan Ministry of External Affairs, 10 April 2009. As recently as January 2011, Sri Lanka’s president dispatched his eldest son and current parliamentarian, Namal, to Tripoli with a formal invitation for Gaddafi to visit Sri Lanka.

<sup>126</sup> Sri Lanka’s relationship with Pakistan has long been an irritant to India. For instance, in 1971 Sri Lanka permitted Pakistani civilian aircraft flying to Dhaka during the Bangladesh war to refuel in Colombo, despite credible reports of Pakistani military officials posing as civilians to travel on these flights. See Neil Devotta, “When Individuals, State and Systems Collide: India’s Foreign Policy towards Sri Lanka”, op. cit.

<sup>127</sup> In the 1980s some analysts suggested that Pakistan actually favoured India’s involvement in Sri Lanka as way to keep it out of other disputes, such as the Soviet-Afghanistan war. See Bullion, *India, Sri Lanka and the Tamil Crisis 1976-1994: An International Perspective*, op. cit., p. 82.

<sup>128</sup> See “Sri Lanka-Pakistan Joint Statement”, 30 November 2010, which is available at <http://news.lk/home/16803-sri-lanka-pakistan-joint-statement>.

<sup>129</sup> “Pakistan Air Force chief arrives in Sri Lanka”, Sri Lanka Air Force news, 12 November 2009, at [www.airforce.lk/news.php?news=135#](http://www.airforce.lk/news.php?news=135#).

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<sup>118</sup> Crisis Group interview, former intelligence officer, New Delhi, October 2010. See also “Sri Lanka still sourcing arms from Pak, China”, *The Times of India*, 4 March 2009.

<sup>119</sup> “Sri Lanka still sourcing arms from Pak, China”, *The Times of India*, 4 March 2009. According to one retired senior military commander, New Delhi transferred five ships to Sri Lanka. “These ships without a doubt allowed the navy to extend its range. That new ability absolutely contributed to the LTTE’s defeat”. Intelligence and new equipment from a variety of partners enabled the Sri Lankan navy to extend its reach in the Indian Ocean and intercept LTTE ships as far as 1,000km off the coast. The retired commander adds, “India never sunk a Tiger ship but we gave intelligence to Sri Lankans to do what they wanted with it”. Crisis Group interview, New Delhi, October 2010.

<sup>120</sup> Crisis Group interview, October 2010. However, a former BJP union minister said, “Congress is right [that] India could not have supported [Tamil] Eelam. But it should have at least stopped our weapons being used against innocent Tamils”. Crisis Group interview, Chennai, October 2010.

<sup>121</sup> Crisis Group telephone interview, 28 January 2011.

<sup>122</sup> “War and Peace in Sri Lanka”, UK Parliament, House of Commons Library, Research Paper 09/51, 5 June 2009.

<sup>123</sup> See SIPRI Arms Transfer Database.

<sup>124</sup> “War and Peace in Sri Lanka”, UK Parliament, op. cit. The U.S. warned senior Sri Lankan government officials in 2007

sorties for the SLAF in the north east, which the Sri Lankan government denied.<sup>130</sup>

Increased military assistance from Pakistan has fuelled anxiety among Indian officials and analysts.<sup>131</sup> Since the end of the war, the Sri Lanka-Pakistan relationship, which some Indian analysts suggest is encouraged by China to constrain India's influence, has moved beyond arms supplies.<sup>132</sup> In November 2010, Pakistani President Zardari and Sri Lankan President Rajapaksa agreed in Colombo to take the relationship to "new heights".<sup>133</sup> The two leaders reportedly agreed to enhance intelligence-sharing on terrorism and President Zardari reportedly offered to train Sri Lankan police and other security officials in counter-terrorism, as well as extended \$200 million in soft credit to facilitate trade. The presidents also signed agreements on visa waivers for officials and diplomats, cooperation on customs matters, strengthening cultural exchanges, as well as a memorandum of understanding on agricultural co-operation.<sup>134</sup>

Some of India's more hawkish security analysts have interpreted these moves as further evidence of Sri Lanka's determination to counterbalance India, worrying that Pakistan could be used as "China's force-multiplier" in South and Central Asia.<sup>135</sup> A retired senior Indian diplomat said Pakistan is a "time-tested tool" and a "low-cost, low-risk way for China to keep India in check".<sup>136</sup> Whether Sri

Lanka and China are actually using Pakistan for this purpose, there are limits to Colombo's relationship with Islamabad. Pakistan's economy is weak and the government has very few resources to invest in Sri Lanka's post-war reconstruction. Moreover, the relationship with Pakistan could become an international liability. Islamabad's reluctance to crack down on the Lashkar-e-Tayyaba (LeT),<sup>137</sup> coupled with the growing concern that LeT members are operating from Sri Lanka to carry out attacks in southern India should sound alarm bells in Colombo.<sup>138</sup> Any attack planned or funded from Sri Lanka by Pakistan-based terrorists would undoubtedly draw attention to the government's failure to prevent its territory being used to threaten international peace and security, not to mention undermine its claims that Sri Lanka is the only country to defeat terrorism.

### C. CHINA AND SRI LANKA

In New Delhi's views of China, perceptions matter as much as reality. The security community in India sees China as posing the most formidable constraint to its influence in

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ple think about the fallout of Islamic radicalisation in Pakistan for Xinjiang".

<sup>137</sup> LeT is now renamed the Jamaat-ud-Dawa. For more on LeT activities in South Asia see Crisis Group Asia Report N°164, *Pakistan: The Militant Jihadi Challenge*, 13 March 2009; and Asia Report N°187, *The Threat from Jamaat-ul Mujahideen Bangladesh*, 1 March 2010.

<sup>138</sup> According to the charge sheet filed against Mirza Himayat Baig by Maharashtra state's Anti Terrorist Squad, the attack on a Pune bakery in 2008, which killed nine people, was hatched by Baig along with operatives from LeT and the Indian Mujahideen at a meeting in Sri Lanka. See "Baig underwent explosives training", *The Times of India*, 7 December 2010. Rakesh Maria, the head of the Anti Terrorist Squad, said that in March 2008, Baig flew from Chennai to Colombo. In Sri Lanka he was trained and financed by LeT operatives in organisational and recruitment tactics and bomb-making techniques. See "Lashkar trained Baig in Colombo, gave him money: ATS", *Indian Express*, 10 September 2010. Moreover, a 19 June 2009 State Department cable obtained by Wikileaks also states that the network of Shafiq Khafa, an LeT operative, "is striving to stand up two teams in southern India that rely on the support of LT [LeT] members based in India, Sri Lanka, Pakistan, and Nepal" to carry out attacks in India, such as the assassination of Gujarat chief minister Narendra Modi. Although details of planned attacks remain unknown, the cable states that in "late-May [2009] intelligence indicates Khafa's cells were engaged in surveillance activities of potential targets, likely in southern India. Early-May reporting further suggests Kerala or Tamil Nadu may be used as a base of operations following the establishment of a facilitation team in Sri Lanka, with the estimated time of completion for setting up the facilitation route and camps to be two to three months". "Diplomatic Security Daily" cable from the U.S. State Department, 19 June 2009, as made public by Wikileaks.

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<sup>130</sup> Ibid. The Commander of the SLAF denied reports that Pakistani Air Force pilots had flown sorties during the war. "Sri Lanka denies Pakistani pilots flew its planes", *Dawn*, 29 May 2009.

<sup>131</sup> However, some Indian analysts and former diplomats have postulated that the Indian government, at least towards the end of the war, was not opposed to Pakistan and others providing weapons to Sri Lanka, given its desire to see an end to the LTTE and the political constraints of Tamil Nadu sentiment. Crisis Group interviews, Chennai and New Delhi, October 2010. This, however, appears to be a minority view. See "War and Peace in Sri Lanka", UK Parliament, op. cit.

<sup>132</sup> Crisis Group interview, former intelligence officer, Chennai, September 2010.

<sup>133</sup> "Zardari, Rajapaksa agree on 'engagement'", *Dawn*, 29 November 2010.

<sup>134</sup> "Pakistan, Sri Lanka vow to defeat terror", *Daily Times*, 29 November 2010.

<sup>135</sup> For example see B. Raman, "Pakistan as China's Force-multiplier Against India", South Asia Analysis Group, Paper no. 3918, 11 July 2010.

<sup>136</sup> Crisis Group interview, November 2010. He continued: "For Pakistan, cross border terrorism is a low-cost and high-gain strategy that has delivered big gains, [which it is] now using against the U.S. Will Pakistan be destroyed in the process? Maybe – but in the meantime they think they have a great thing going. Even if the Chinese cannot sustain this over time, it is working now. I don't think the Chinese are as worried as peo-

Sri Lanka. There are many factors that lead to this conclusion: China's vast resources; its desire to guarantee itself access to the world's principal oil shipping lanes;<sup>139</sup> its veto power on the UN Security Council; its professed emphasis on non-interference; and its aversion to holding others to account on human rights and governance issues.

India's unwillingness to provide Sri Lanka with offensive weapons allowed China to fill much of the gap. Beijing has long been Colombo's largest arms supplier but its support spiked from a few million dollars in 2005 to roughly \$1 billion in 2008.<sup>140</sup> Chinese weapons, such as F-7 fighter jets as well as ammunition and radars, were vital.<sup>141</sup> Political support from China, as well from other countries, prevented any meaningful discussions of the war in the Security Council despite the humanitarian crisis unfolding in the Vanni.<sup>142</sup> Beijing's backing allowed the Sri Lankan government to win the war while circumventing India, ignoring the West and blatantly violating the Geneva Conventions. After the war, China strongly opposed the UN Secretary-General's establishment of a panel of experts on accountability for alleged war crimes, pointing out that the Sri Lankan government had already set up its own commission in May 2010.<sup>143</sup>

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<sup>139</sup> China became the second largest oil consumer after the U.S. in 2003 and is expected to lead global consumption in about twenty years. Much of its imported oil will travel through the Indian Ocean. See Crisis Group Asia Report N°153, *China's Thirst for Oil*, 9 June 2008.

<sup>140</sup> Robert D. Kaplan, *Monsoon: The India Ocean and Future of American Power* (New York, 2010), p. 195.

<sup>141</sup> See SIPRI Arms Transfer Database. "Military parades and exhibitions, of which there have been many since the victory in May 2009, are usually displays of towering Chinese battle tanks, armoured personnel-carriers and artillery". "The Colombo Consensus", *The Economist*, 8 June 2010.

<sup>142</sup> While professing concern about the situation in the Vanni at the time, key members of the international community did little. The Security Council refused to take up the war, with China, Russia and others saying it was a domestic matter. For more see Crisis Group Report, *War Crimes in Sri Lanka*, op. cit.

<sup>143</sup> Beijing opposed the UN panel for several reasons. First, China believed that the UN panel and its investigation constituted interference in Sri Lanka's domestic affairs. Beijing also charged that the panel would increase tension within Sri Lanka between the government and minority groups, undercutting the government's legitimacy and credibility and serving to undermine reconciliation and economic development. One Chinese official said: "From what we see, the people of Sri Lanka are exhausted by the long civil war and now they are happy to accept whatever comes out of it. We do not think the international community should do anything to once again agitate the fragile peace in the country". Crisis Group interview, Beijing, September 2010. Of course, as a key provider of weapons to the Sri Lankan government in its military offensive against the LTTE, China also wished to avoid scrutiny of its own involvement during such an

Beijing's importance to Sri Lanka, and the challenge it poses for New Delhi, is economic as well as political and military. Development assistance has exploded since the end of the war with an infusion of donations, grants, investments and loans. For example, in 2009 China was, in terms of commitments, Sri Lanka's biggest aid donor, responsible for \$1.2 billion out of a total of \$2.21 billion offered.<sup>144</sup> According to the country's Board of Investment, Beijing is its biggest investor, too.<sup>145</sup> Much of the Chinese assistance appears to have few strings attached, and there is little transparency about the financial terms of the deals and how the money is being spent.

The construction of the port at Hambantota, President Rajapaksa's hometown, is the most controversial of China's projects, although the deal was originally offered to India (see below). Situated in the Sinhala heartland along the southern coast (just 10 nautical miles from the globe's busiest sea lanes), the deep-water harbour is part of a \$1.5 billion development zone that also features a fuel-bunkering facility and oil refinery. The first stage of construction is complete and the port began receiving ships on 14 October 2010.<sup>146</sup> Both China and Sri Lanka claim the facility is strictly for commercial purposes, but Indian officials fear it could one day be used for military purposes, beyond providing a refuelling and docking base for China's navy while it patrols the Indian Ocean to protect its oil supply.<sup>147</sup>

Other major projects Beijing is funding include an expansion of the main port in Colombo, the construction of a second international airport at Weerawila, also near Hambantota, the completion of the long-awaited southern expressway from Colombo to Matara, and the reconstruction of railways. Chinese investment has also spilled into the Tamil-majority north and east of the island, geographically closer to India and where New Delhi feels it has a natural stake given the close ties between the Indian and Sri Lankan Tamil populations.

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investigation. Beijing has called on all parties to "turn the page". Crisis Group interviews, Beijing, September 2010.

<sup>144</sup> See "The flow of foreign aid to Sri Lanka is increasing", Sri Lanka Broadcasting Corporation, 4 March 2010.

<sup>145</sup> See "The Colombo Consensus", *The Economist*, op. cit. For instance, Chinese firms are investing in Sri Lanka's electronics and garment industries, as well as in infrastructure projects. The Sri Lankan government has also established a free-trade zone for Chinese companies. Sri Lanka also runs a large and growing trade deficit with China.

<sup>146</sup> B. Muralidhar Reddy, "Hambantota Port Opened", *The Hindu*, 18 October 2010.

<sup>147</sup> Crisis Group interviews, New Delhi, October 2010.

## D. GROWING INDIAN FEARS ABOUT CHINESE INFLUENCE

The Hambantota port deal has been a lightning rod for criticism of the Congress-led government's policy on Sri Lanka, particularly with regard to China. The Sri Lankan government originally offered the chance to develop the port to Prime Minister Singh, during his first government between 2004-2009. After the extensive handwringing and delay that so often characterises bureaucratic decision-making in New Delhi, Colombo lost patience and turned to Beijing and signed the deal in 2007. Critics use the loss of the Hambantota deal to articulate larger deficiencies in India's government.

One retired senior diplomat said passing on the port deal displays a lack of a vision and assertiveness in Indian foreign policy.<sup>148</sup> A two-time former Union minister described it as a sign of the government's inability to rein in and reform a "sclerotic and corrupt bureaucracy",<sup>149</sup> while a retired senior naval commander saw it as a result of a failure to create a single mechanism to supervise a cross-cutting government security and economic strategy, as well as its execution.<sup>150</sup>

Some in India see the Hambantota deal as evidence of the country's long-feared encirclement by China. Despite pledged measures to improve bilateral security relations during the January 2010 India-China defence dialogue, distrust and tensions remain high. While trade has rapidly expanded between China and India,<sup>151</sup> China's military is at the same time developing capabilities that might extend its reach into the Indian Ocean.<sup>152</sup> Relations in the disputed border regions remain tense. China's occupation of parts of India's Arunachal Pradesh state during the 1962 war

and its continued claim on the state fuels considerable Indian commentary on the potential for renewed conflict. India has been acutely aware of China's ongoing infrastructure development and military modernisation in Tibet and Xinjiang, perceiving this to be a significant upgrade of China's ability to project its power and increase its operational flexibility on the border. In response, India has said it is enhancing its military presence in the area.

Beijing has also made significant investments in all of India's neighbouring countries, which many in the conservative Indian political and security establishment view as tantamount to undermining India's sovereignty itself.<sup>153</sup> Calmer voices point out that China's rising influence in South Asia "is a fact that we've accepted and have to manage wisely to the benefit of both countries".<sup>154</sup> At present, China's foreign policy is neither extreme nor belligerent, and its Indian Ocean presence is largely driven by legitimate commercial opportunities. While wary of growing nationalism and anti-Indian sentiment in China and Beijing's desire to develop a navy with a greater offshore range, Indian officials quietly welcome the help China's navy provides with containing piracy in the Gulf of Aden. Moreover, India and China share many interests as large developing countries.<sup>155</sup>

Nor has New Delhi's influence in Sri Lanka been wholly curtailed for several reasons. First, and most obvious, is

<sup>148</sup> Crisis Group interview, New Delhi, 5 October 2010.

<sup>149</sup> Crisis Group interview, New Delhi, 29 October 2010.

<sup>150</sup> Crisis Group interview, Chennai, 26 October 2010.

<sup>151</sup> China recently surpassed the U.S. as India's largest bilateral trade partner and the volume of trade will likely increase. However, as analyst George Perkovich suggests, significant increases in U.S.-India defence sales and cooperation could shift the numbers. He correctly argues that trade is "another factor that will complicate India's overall policy making toward China". This should also cast doubt on U.S. desires to use India as a close partner to help contain China. See George Perkovich, "Toward Realistic U.S.-India Relations", Carnegie Endowment for International Peace, 2010.

<sup>152</sup> 李因才 [Li Yincan], 《中国谋局印度洋》 [China's Indian Ocean gambit], 《南风窗》 [Nanfang Chuang], 1 September 2010. 楼春豪、张明明 [Lou Chunhao, Zhang Mingming], 《南亚对于中国的战略意义与中国的南亚战略》 [South Asia's strategic importance to China and China's South Asia strategy], Chinese Institute of Contemporary International Relations, 20 April 2010, at [www.cicir.ac.cn/chinese/newsView.aspx?nid=1377](http://www.cicir.ac.cn/chinese/newsView.aspx?nid=1377).

<sup>153</sup> China is also financing deep-water ports in Pakistan and Bangladesh, infrastructure in Nepal and railways and major oil and gas pipelines in Myanmar.

<sup>154</sup> Crisis Group interview, senior cabinet official, New Delhi, October 2010. Others see India's stagnating influence in the region as an indictment of New Delhi's past bullying and inability to get on with its neighbours. See "A Himalayan Rivalry", *The Economist*, 19 August 2010. India's chief trade negotiator, D. K. Mittal, told *The New York Times* in February 2010 that India's economic relations with its neighbours were not as strong as they should be because of distrust. Under PM Singh, India has sought to improve these ties. For instance, it is boosting trade and security cooperation with Bangladesh, and, despite considerable domestic opposition, his government is making peace with Pakistan. See Vikas Bajaj, "India worries as China builds ports in South Asia", *The New York Times*, 15 January 2010.

<sup>155</sup> Sometimes New Delhi and Beijing "will stand together in opposition to the United States, as with climate change and World Trade Organisation negotiations. More often than not, New Delhi will pursue a more cooperative approach with Beijing than China-balancers in the United States would wish. India knows it will always live next to China and does not have the luxury to pursue ideologically and rhetorically heated policies toward it". See Perkovich, "Toward Realistic U.S.-India Relations", op. cit. According to a former high-level Indian official, when China was under pressure from the West at the December 2009 climate change conference in Copenhagen, Beijing came to New Delhi for help. Suddenly all negative Chinese propaganda about India switched off. Crisis Group interview, 11 October 2010.

geography. Sri Lanka will forever be in India's shadow. Many of the island's lifelines run north as do strong cultural and historical linkages that underpin both countries' economies. Moreover, rather than addressing the factors that led to the civil war, the Rajapaksa government's policies are deepening the sense of grievance and marginalisation among Tamils. To the extent that China is seen as Rajapaksa's strongest backer, this could eventually generate anti-Chinese sentiments that could have consequences for that country's investments.

Colombo should also not misread Beijing's largesse as a durable political commitment that confers prestige or legitimacy. With Iran, Sudan and Libya, Beijing has shown that it will not shield countries from international sanctions or intervention if to do so puts Chinese investments or citizens at risk or seriously damages its international reputation.<sup>156</sup> Colombo's ability to play China and Pakistan against India is likely to remain a key feature of Sri Lankan diplomacy. But if the China-India rivalry heats up, Sri Lanka could well find itself caught in the middle.

## E. RESPONDING IN KIND?

With China and others challenging India's influence, New Delhi has showered Sri Lanka and its leaders with increased aid and attention. India has offered more than \$1.5 billion in humanitarian and development assistance since 2008, a dramatic increase over previous years. Official Indian visits have increased as well.<sup>157</sup> Sri Lankan delegations have travelled northward too. Just months after his summit with India leaders in June 2010, President Rajapaksa was India's chief guest at the Commonwealth Games in October 2010.<sup>158</sup>

New Delhi is also considering selling offensive weapons to Sri Lanka to muscle its way back into that market. Referring to China, a Union cabinet minister said, "Either we sell them to Sri Lanka or they'll buy them from some-

where else".<sup>159</sup> Several high-level Indian delegations bearing credit lines and loans have visited Colombo in the past year, partly to counter allegations that India is being upstaged in its own backyard. Notably, India's navy chief, Admiral Nirmal Verma, was in Sri Lanka in July 2010 to rejuvenate talks on a stalled defence agreement with Sri Lanka. India, along with Pakistan, China and a few dozen other countries, sent military officials to attend Sri Lanka's late May 2011 conference on lessons to be learned from their successful counter-insurgency campaign against the LTTE.<sup>160</sup>

India's attempt to counter China's influence with increased economic and military assistance has raised new criticisms. Indian civil society argues that New Delhi's refusal to take a principled stand on human rights violations and its emphasis on commercial relations is an obstacle to promoting more responsible behaviour and frustrates the efforts of others to promote human dignity, good governance and accountability.<sup>161</sup> While this critique of India's Sri Lanka policy has not been articulated as widely as in the case of its relationship with Myanmar,<sup>162</sup> it is increasingly discussed within civil society and diplomatic circles.<sup>163</sup>

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<sup>156</sup> For more on this see Crisis Group Report, *China's Thirst for Oil*, op. cit.

<sup>157</sup> Foreign Secretary Nirupama Rao visited Sri Lanka in September 2010. External Affairs Minister S.M. Krishna followed in November 2010, in part to open two consulates, one in Jaffna, and one, not ironically, in the port town of Hambantota. Indrani Bagchi, "India ups Lanka aid to offset China presence", *The Times of India*, 24 November 2010. Many in Sri Lanka believe both consulates will be staffed with intelligence agents: the Hambantota consulate designed to keep a close eye on Chinese activities, the Jaffna office to build ties with northern Tamils. See K. Godage, "Indo-Lanka agreement obsolete", *The Island*, 11 June 2011.

<sup>158</sup> Rajapaksa and a large entourage of ministers and politicians also visited Mumbai in April 2011 for the Cricket World Cup final in which Sri Lanka faced India.

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<sup>159</sup> Crisis Group interview, New Delhi, 7 October 2010.

<sup>160</sup> R.K. Radhakrishnan, "Seminar on terrorism opens in Sri Lanka", *The Hindu*, 31 May 2011.

<sup>161</sup> This is the same criticism often made of China's foreign policy. See Crisis Group Report, *China's Thirst for Oil*, op. cit.

<sup>162</sup> For instance, the prominent Indian economist, philosopher and Nobel laureate Amartya Sen has often – and rightly – criticised New Delhi for its Burma/Myanmar policy which has often prioritised drilling rights over human rights. For Sen's most recent critique see Amartya Sen, "New pressure can oust Burma's generals", *Financial Times*, 21 November 2010.

<sup>163</sup> Jorge Castaneda, Mexico's former foreign minister, made a similar argument in "The Not Ready for Prime Time Players", *Foreign Affairs*, September/October 2010. For example, he writes, "Delhi prefers to turn a blind eye toward the Sri Lankan government's violations of human rights rather than risk taking a principled stand on an issue too close to home".



#### IV. THE TAMIL NADU FACTOR

Only 30km from Sri Lanka, Tamil Nadu is a sprawling state of nearly 70 million people, a country within a country. Its size and proximity to Sri Lanka has unsurprisingly left its historical imprint on the island's society, most obviously on its Tamil-speaking north and east, but also on the Sinhalese south. The proximity of the large Tamil community across the water has contributed to the paradox whereby many Sinhalese, the majority inside Sri Lanka, view themselves as an embattled minority in the broader region.<sup>164</sup>

Tamil Nadu's shores have often been a safe haven for Sri Lanka's Tamil minority. Home to over 100,000 Sri Lankan Tamil refugees, it has long provided respite for many beleaguered Tamil political leaders, politicians and human rights activists. It was also in camps in Tamil Nadu that Sri Lanka's half-dozen Tamil militant groups were initially trained in the 1980s. Commercial links stretching back to antiquity, and even older cultural, religious and linguistic ones, were the lifeline for many communities across the Palk Strait before the civil war. Politically, Tamil Nadu's successful struggle for language rights and devolution of powers within the Indian Union in the 1960s was an important influence on Sri Lankan Tamil leaders at the time. The state's vibrant popular culture industry has also maintained a sense of community between India's Tamils and those in Sri Lanka and the diaspora. A Sri Lankan Tamil now living out of the country said, "If you're Tamil, you cannot ignore Tamil Nadu; its culture and importance is ever-present in all Tamil lives".<sup>165</sup>

Despite entangled histories and cultural similarities, political connections between Tamil Nadu and Sri Lanka are weak, based less on ethnic affinity and more on the priorities of individuals and parties in New Delhi and in Chennai. Nevertheless, many Sinhala nationalists fear that Tamil Nadu political actors continue to be loyal advocates of the separatist cause espoused by the LTTE. While Indian Tamils sympathise with the plight of their cousins across the water, they do not entirely identify with them socially

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<sup>164</sup> Sinhalese and Sri Lankan Tamils share deep connections to South India. Migration between Sri Lanka and India has occurred in both directions. While South Indian medieval dynasties at times invaded Sri Lanka, Sinhala and Tamil kings also cooperated in peace and war and protected each other's religions. By the twelfth century, Sinhalese and Tamils had become distinct identities, with Tamils identified with the north-east and Sinhalese with the rest of the island. These demographic changes occurred gradually, over long periods, through trade, cultural, religious, political and military movements. See Crisis Group Report, *Sri Lanka: Sinhala Nationalism and the Elusive Southern Consensus*, op. cit.

<sup>165</sup> Crisis Group interview, New Jersey, December 2010.

or politically – notably with respect to the LTTE's separatism. Events in the first half of 2009 made clear that even widespread public concern does not necessarily affect election results or translate into pro-Sri Lankan Tamil policies at either the state or national level. However, the issue resonates strongly throughout Tamil Nadu and, under the right circumstance, could significantly affect India-Sri Lanka relations.

#### A. PARTY POLITICS AND THE EBB AND FLOW OF THE SRI LANKAN TAMIL CAUSE

Tamil Nadu's backing for Sri Lankan Tamils has generally been conditioned by public opinion, as well as by the priorities of its Dravidian<sup>166</sup> political parties and leaders. While some in Tamil Nadu were uneasy with ethnic relations in Sri Lanka in the early years of independence, it was not until refugees from the 1970s and 1980s anti-Tamil pogroms arrived that the issue aroused mass concern.<sup>167</sup> The ensuing civil war and the Tamil Nadu public's discomfort with Colombo's treatment of its minorities cemented the issue in the state's politics as an effective vehicle through which the major Dravidian parties, most notably the All India Anna Dravida Munnetra Kazhagam (AIADMK) and the Dravida Munnetra Kazhagam (DMK), prove their commitment to Tamil identity and interests.<sup>168</sup>

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<sup>166</sup> "Dravidian" refers to native speakers of one of the approximately 23 Dravidian languages spoken by roughly 220 million, primarily in South Asia. The four main Dravidian languages in India – Kannada, Malayalam, Tamil and Telegu – served as the foundation for the creation of four southern states, Karnataka, Kerala, Tamil Nadu and Andhra Pradesh, respectively. These languages are also official languages of the Indian Union. For more see Sanford B. Steever (ed.), *The Dravidian Languages* (London, 1998), p. 1.

<sup>167</sup> Even before India's independence, Tamil politicians in Madras Presidency, Tamil Nadu's colonial predecessor, were concerned about the treatment of Tamils in Sri Lanka, but primarily Tamils of Indian-origin (also known as up-country or estate Tamils), rather than the island's indigenous Tamils. (The former are descendants of bonded labourers brought from southern India in the nineteenth century by the British colonial authorities to work on plantations in central highlands, or "up-country". They have a distinct political identity from the "Sri Lankan Tamils" of the north and east and were 6 per cent of the population in 1981.) Tamil parties at the time like C.N. Annadurai's DMK lambasted the central government after independence for not adequately consulting Tamil Nadu before signing agreements with Sri Lanka over the fate of stateless estate Tamils there. The DMK's interest in estate Tamils, however, was as much a matter of battling for state and federal powers in a young and uncertain Indian Union, as it was an expression of concern for their co-ethnics across the water.

<sup>168</sup> There are dozens of political parties in Tamil Nadu ranging from national ones like Congress, the Communist Party of India (CPI), CPI (Marxist) and BJP to caste-based parties. Dravidian

Both these parties are rooted in the Dravidian movement and anti-caste agitations designed to uproot Brahman hegemony over Tamil culture, society and politics before and after Indian independence.<sup>169</sup> Over the years the AIADMK and DMK have hovered between political party and personality cult centred on their respective leaders, J. Jayalithaa and M. Karunanidhi. There is no clear difference in their ideology and both claim to be the legitimate torchbearer of the Dravidian movement and the rightful custodian of Tamil culture. Both maintain the Dravidian movement's anti-Brahman critique, in part in response to the state's smaller parties who charge that they ignore the interests of low caste Tamils.<sup>170</sup> They support the Sri Lankan Tamil cause in part since there is strong perception in Tamil Nadu that high-caste Brahmans in powerful positions in the government and the media were not only opposed, but worked against, the Sri Lankan Tamil cause.<sup>171</sup>

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parties dominate the state's politics, primary among them DMK and AIADMK. The genealogy of the most important Dravidian parties centre on a handful of personalities, who were, at one point or another, close friends or colleagues from the Tamil film industry. The philosophical and intellectual roots of all Dravidian parties lie in the Dravida Kazhagam (DK) party, the vanguard of the Dravidian populist movement during the 1940s, founded by E. V. Ramaswamy Naicker, or "Periyar". In 1949, C. N. Annadurai, Periyar's protégé and an accomplished playwright and actor, split from the DK to form the DMK. After Annadurai's death in 1969, his protégé and famous screenwriter, M. Karunanidhi, took the reins of the party. In 1972, the DMK party treasurer, M. G. Ramachandran (popularly known as M.G.R.), was expelled from the party and formed the AIADMK, which came to power in 1977. M.G.R. and the AIADMK reigned supreme in Tamil Nadu until his death in 1987. For a concise, enjoyable, account of contemporary Tamil Nadu politics see Vaasanthi, *Cut-Outs, Caste, and Cine Stars* (New Delhi, 2006). For an analysis of E.V. Ramasamy's political influence on India, see Ramachandra Guha, *Makers of Modern India* (New Delhi, 2010). For an in-depth look at C.N. Annadurai and the origins of the DMK see R. Kannan, *Anna: The Life and Times of C.N. Annadurai* (Chennai, 2010). For a recent look at Karunanidhi's political life see Vinod K. Jose, "The Last Lear", *Caravan*, 1 April 2011.

<sup>169</sup> For more on the history of India's caste system as well the politics of caste see Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, 2001).

<sup>170</sup> Crisis Group interviews, Chennai, October 2011.

<sup>171</sup> Many non-Brahman Tamils in Tamil Nadu believe the predominance of high-caste south Indians, particularly Tamil Brahmans and Keralites, at the highest levels of the country's bureaucracy, including its foreign policy and security establishments, worked against India intervening in Sri Lanka's war in a more robust, principled and responsive manner. Crisis Group interviews, Chennai, September 2010; and Coimbatore and Madurai, October 2010.

Inter-party rivalry is a major factor in Tamil Nadu's involvement in Sri Lanka's politics.<sup>172</sup> Throughout the 1980s both the AIADMK and the DMK supported rival Sri Lankan Tamil militant groups, and competed with each other over which could provide more aid to the island's refugees (see below). The DMK primarily backed the TELO, while the AIADMK supported the LTTE.<sup>173</sup> However, as head of the state government for most of the decade, the AIADMK was in a better position to patronise militants. The support coupled with the LTTE's brutal tactics, eventually led to the Tiger's supremacy among Tamil militants. This patronage, along with public backing for the Sri Lankan Tamil cause in the state, made Tamil militancy an integral component of Tamil Nadu politics and eventually had "repercussions that reverberate to the core of both the Indian and Sri Lankan states".<sup>174</sup>

When the LTTE murdered Rajiv Gandhi in 1991, their support among Indian Tamils evaporated. The Tigers were banned within months and the provision of any "material assistance" made illegal. Many of those who may have retained sympathy and been inclined to aid them were now reluctant to do so. The central government saw supporting the LTTE as indicating sympathy with fringe Dravidian nationalist elements in the state that still seek an independent Tamil Nadu. This perception was reinforced by routine extensions of the LTTE ban every two years, as well as arrests of Indian Tamil activists, who openly backed

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<sup>172</sup> An aspect of AIADMK-DMK rivalry is the DMK's politicisation of Jayalithaa's Brahman status to undermine her standing in Tamil society. Much was also made about M.G.R., the AIADMK founder's putative Malayali origins. However, neither M.G.R.'s roots nor Jayalithaa's Brahman background has prevented the AIADMK from winning elections.

<sup>173</sup> Karunanidhi demanded India cut ties with Sri Lanka, impose sanctions and invade if necessary, while M.G.R. doled out cash from his personal fortune to underscore his personal allegiance to the Tiger's cause. Crisis Group interviews, AIADMK official, Chennai, September 2010. See also Neil Devotta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka* (Stanford, 2004), p. 75. M.G.R.'s affinity to the Sri Lankan Tamil cause may be attributed to a close relationship with Prabhakaran especially while the LTTE chief was living in Tamil Nadu during the 1980s and that M.G.R. was born in Kandy, Sri Lanka in 1917 to an Indian immigrant couple. M.G.R.'s suspected Malayali roots may have also compelled him prove his Tamil credentials more than others whose origins were unquestioned. Crisis Group interviews, Chennai, October 2010. During the 1980s smaller parties as well as Indian Tamil activists also formed close connections with Tamil militants and advocated openly for their cause throughout the state.

<sup>174</sup> Bullion, *India, Sri Lanka and the Tamil Crisis 1976-1994: An International Perspective*, op. cit., p. 97.

separatism in Sri Lanka.<sup>175</sup> Nevertheless, some parts of Tamil Nadu never gave up on the LTTE.<sup>176</sup>

The assassination also had a profound impact on Tamil Nadu's political parties. The IPKF disaster compounded by Rajiv Gandhi's murder forced India's security agencies to cut their ties to Sri Lanka's militants, as well as state assistance flowing to them through Tamil Nadu parties. Shifts in New Delhi politics (discussed below) and the after effects of the assassination nearly cut the parties' influence altogether, effectively putting New Delhi back in the driver's seat and setting the stage for it to pursue a common agenda with Colombo.<sup>177</sup> But support for the Sri Lankan Tamil cause persisted in Tamil Nadu, ensuring that the issue would continue to affect the political landscape.

## B. ENDURING RESONANCE, TENUOUS TRACTION

The 1989 elections ended the dominance of Congress under Rajiv Gandhi – which had been elected in 1984 with the largest majority of any party in Indian history – and dramatically changed the political landscape.<sup>178</sup> The victorious National Front coalition government was a watershed in Indian history; from that point on no single party

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<sup>175</sup> The ban was most recently renewed on 14 May 2010. These arrests are technically carried out by state authorities, but they are widely assumed to be at the behest of the central government. Crisis Group interviews, Chennai, October 2010.

<sup>176</sup> A noted Indian journalist, who has been covering Tamil Nadu politics for nearly three decades, said that towards the end of the war, average Tamils were generally supportive of New Delhi intervening in some way to stop the fighting. He said, "They said things like 'Oh the LTTE, the poor chaps. We should go to their rescue. If we don't save them, who will protect the Tamils without Tigers?'" Others, he said, were supportive of Prabhakaran, and, while not forgiving him, rationalised the LTTE's assassination of Gandhi. "Some people were saying things like 'They [the LTTE] were young boys then and did not understand what they were doing'". Crisis Group interview, 11 September 2010. Some parts of the state never abandoned support for the Tigers, such as in Salem district, where parents were naming their children after Prabhakaran at least up until late 2008 and building memorials to fallen LTTE cadres. See Vinoy Kumar, "Prabhakaran 'Returns' To India", *Tehelka*, 1 November 2008.

<sup>177</sup> See Neil Devotta, "When Individuals, State and Systems Collide: India's Foreign Policy towards Sri Lanka", op. cit., p. 46.

<sup>178</sup> The 1980s were an especially turbulent time in India. Roughly 40 years of one-party Congress rule, which centralised power and neglected federal channels, provoked intense regionalism and numerous political contests over identity that would occupy much of Indian public life throughout the decade. From 1984 to 1989, Congress under Rajiv Gandhi tried to contain secession at home while coping with corruption scandals and ever more serious challenges from regional and national parties. See Sunil Khilnani, *The Idea of India* (New York, 1999), p. 184.

would win a majority, almost ensuring regional parties like AIADMK or DMK a share of power at the centre.<sup>179</sup> India's rapid economic growth from 1991 also changed Tamil Nadu's leverage in coalition politics and created incentives for the DMK and AIADMK to moderate their stance on the Sri Lankan Tamil issue in return for positions in the central government.

The end of the Cold War and market reforms led to better relations with the U.S. and laid the foundations for India's current economic growth. States now had to compete to attract private investment from both domestic and foreign sources, with ones like Tamil Nadu, Gujarat and Maharashtra jumping out in front partly by making their own speedy economic reforms.<sup>180</sup> These efforts coupled with Tamil Nadu's already high rates of urbanisation and education, as well as its established bureaucracy and existing industry and infrastructure (the Chennai port for example) made the state a magnet for investors and increasingly important to the central government's bottom line.

Tamil Nadu's huge and growing population gave it a political edge over other states too. Not only did 60 million Tamils guarantee it was well represented in the national parliament, its political parties were also arranged into coalitions led by the major Dravidian parties, the AIADMK and the DMK. What is more is that these two parties were also cohesive, relatively well-organised and disciplined, not particularly ideological and motivated by the power and prestige of ministerial posts in New Delhi. They are attractive, and often necessary, components of ruling party coalitions at the centre.

This positioned the state to take advantage of the huge sums of money flowing in and around India. To gain and benefit from access to the centre, however, Tamil Nadu parties had to moderate their stance on the Sri Lankan Tamil issue, particularly their vocal support for Tamil Eelam for several interrelated factors.

First, party coalitions and seat-sharing calculations (the division of constituencies between alliance partners) are paramount in Indian electoral politics, both at the national and state level. Under the first-past-the-post system it is the number of seats, not the percentage of the vote that counts. Negotiating seat-sharing agreements between coalition members is often the most contentious aspect of any election cycle and can affect poll results more than any

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<sup>179</sup> Crisis Group email communication, Indian journalist, June 2011.

<sup>180</sup> Data from India's Ministry of Information suggests that states that made economic reforms quickly tended to attract higher levels of foreign direct investment. For more see Jeffrey D. Sachs, Nirupam Bajpai and Ananthi Ramiah, "Understanding Regional Economic Growth in India", Center for International Development, Harvard University, March 2002.

campaign issue. Single-state parties<sup>181</sup> like the AIADMK and the DMK are significantly more popular in Tamil Nadu than national parties and the way seats are distributed between their respective alliances often yields huge returns for the winning coalition.<sup>182</sup> The block of seats that Dravidian parties can deliver to a national coalition gives the state's 39 seats in the national parliament an added importance beyond their number. Given that general elections in India often produce uncertain results, it would be difficult for the BJP, Congress or any other national party to form a coalition government at the centre without the backing of at least one of Tamil Nadu's large parties.<sup>183</sup>

From this it would seem that Tamil parties have leverage over national parties to call the shots on India's Sri Lanka policy. The reality is different. AIADMK and the DMK need the BJP and Congress as much as the latter need them. Both Congress and the BJP are nationalist and strongly oppose separatist demands from various parts of India. While in power, both have treated secessionist and insurgent organisations, whether they are Tamil, Kashmiri, Naga or Naxalite, in a heavy-handed manner. The political establishment continues to express concern about the LTTE's separatism reigniting irredentist passions for an independent Dravida Nadu, however distant and self-serving that fear may be.<sup>184</sup> Thus, neither national party would choose a coalition partner that would openly espouse sepa-

ratism or the LTTE's cause, particularly Congress, whose leading family has fallen victim to the LTTE.<sup>185</sup>

Neither the AIADMK nor the DMK is particularly ideological when partnering with the BJP or Congress at the centre, further limiting the influence of Tamil Nadu parties on their national partners. Both have been willing to compromise professed core beliefs in return for Union ministries. Both Congress and the BJP, in turn, frequently switch their regional allies. Given the fluidity of centre-regional alliances, taking a hard line on Sri Lanka issues would make Tamil parties less attractive to the national parties and weaken their negotiating power.

Gaining power at the centre brings with it constraints. Allying with the right national party is crucial for regional coalition partners to secure the most important and lucrative ministries, and regional politicians often have business interests congruent with whichever national party they are aligned with. Furthering personal political or financial interests, however, depends on staying in influential positions for as long as possible. Regional leaders are therefore unlikely to back political causes inconsistent with the national coalition party on which they depend for their power.

At the same time, regional parties like the AIADMK and DMK still have to respond to popular opinion in their states, as well as their coalition partners in state governments, such as the smaller sub-regional and/or caste parties in Tamil Nadu. Because the AIADMK and the DMK depend on these smaller parties that are often more radical, they cannot abandon the Sri Lankan Tamil issue altogether, even if some in their parties would like to. According to a prominent Indian analyst, this balancing act has to a great degree "defanged" the AIADMK and DMK on this issue.<sup>186</sup>

These coalition-within-a-coalition calculations have created contradictions in India's Sri Lanka policy, divided loyalties among Tamils and complicated the alignment of coalition politics with the demands of the political and security establishment, as well as those with corporate and commercial interests.<sup>187</sup> As a result, all parties have adopted a similar stance on the Sri Lankan Tamil issue, albeit cali-

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<sup>181</sup> There are two types of political parties recognised by the Election Commission of India, national-level parties and state-level parties. National parties contest different elections in multiple states. Congress, BJP, CPI, and CPI (Marxist) are parties of this type. State parties (sometimes called "regional" or "single-state" parties) contest different elections but only within a single state. State parties have been strongest in southern India, in particular Tamil Nadu, where they have dominated state politics since 1967.

<sup>182</sup> Congress led by K. Kamaraj in 1962 was the last non-Dravidian party to win enough seats to lead the state government.

<sup>183</sup> Crisis Group telephone interview, Indian journalist, 20 June 2010.

<sup>184</sup> For example, a recent Home Ministry notification justified renewing India's ban on the LTTE by saying, "[T]he LTTE's objective for a separate homeland (Tamil Eelam) for all Tamils threatens the sovereignty and territorial integrity of India, and amounts to cession and secession of a part of the territory of India from the Union and thus falls within the ambit of an unlawful activities ...." See Notification of Ministry of Home Affairs, Government of India, New Delhi, Notification S.O. 1090 (E), issued on 14 May 2010. A copy was reprinted on 17 May 2010 in the Tamil Nadu Government Gazette. It can be found at [www.tn.gov.in/stationeryprinting/extraordinary/2010/144-Ex-II-1.pdf](http://www.tn.gov.in/stationeryprinting/extraordinary/2010/144-Ex-II-1.pdf). However, Indian security experts and analysts are sceptical about the establishment's concern. For more see Section V.A.

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<sup>185</sup> Crisis Group interviews, BJP and Congress officials, Chennai, October 2010. It is undeniable that Congress and numerous Tamil parties, including the AIADMK and DMK, did support Tamil separatist in the 1970s and 1980s. However short-sighted and contradictory such a policy was, it did not aim to dismember the island, but rather to compel Colombo to cut a deal with its Tamil minority.

<sup>186</sup> Crisis Group email communication, Indian journalist, June 2011.

<sup>187</sup> Ibid.

brated to a different degree depending on their particular political positions.<sup>188</sup>

### Coalition politics and the 2009 election

In April 2009, at the height India's general election campaign, as well as Sri Lanka's war, Paattali Makkal Katchi (PMK) and Viduthalai Chiruthaigal Katchi (VCK) – both DMK and Congress allies – publicly accused the latter of failing to help Sri Lankan Tamils. The VCK leader, T. Thirumavalavan, went as far as publicly declaring his party would not campaign for their Congress ally. In Tamil Nadu, like other Indian states, votes are often cast based on caste loyalties, and the way these loyalties are factored in and distributed throughout the alliance through seat sharing equations also to a great degree determines election outcomes. That the PMK and VCK, both influential lower caste and pro-LTTE parties were hostile to their alliance partners forced Congress to back a DMK-led general strike against their own national government's inadequate response to Sri Lanka's war. The need to shore up support among certain caste constituencies compelled Congress and DMK to protest against themselves.

## C. KEEPING UP APPEARANCES

Foreign policy rarely, if ever, determines the outcome of Indian elections. But the Sri Lankan Tamil issue is a means through which the major Dravidian parties can prove they have not abandoned their commitment to Tamil interests, especially at election time. One analyst characterises this as “a perpetual game of ethnic one-upmanship to undermine their opponents by calling into question the others' ‘Tamilness’ to win votes”.<sup>189</sup>

This rivalry was on full display ahead of the May 2009 general election. On the morning of 27 April, for instance, two weeks before the polls and while the Sri Lankan army was shelling the LTTE and over 100,000 Tamil civilians still trapped on the Mullaitivu beach, the DMK chief minister at the time, M. Karunanidhi, in Chennai, and his son, Azhagiri, in Madurai, began “indefinite” fasts until death to demand a ceasefire between the Sri Lankan army and the LTTE.<sup>190</sup> Next to Karunanidhi to keep him cool as he fasted to death outdoors were two large air conditioners.<sup>191</sup>

<sup>188</sup> Ibid.

<sup>189</sup> Crisis Group email communication, Indian journalist, June 2011; and Crisis Group interview, Chennai, 21 October 2010.

<sup>190</sup> Roughly, Karunanidhi begin his fast at 6am and Azhagiri began at 8am. M. Gunasekaran, “Karuna goes on sudden fast, ends it even faster”, *The Times of India*, 28 April 2009; “Azhagiri, followers observe fast”, *The Hindu*, 28 April 2009.

<sup>191</sup> For images of a cool, reclined Karunanidhi see Sunil Raman's piece from 11 May 2009 on the impact of Sri Lanka's war on

Father and son quit only hours later after Colombo announced an end to combat operations and the use of heavy weapons.<sup>192</sup>

Several days later, in a bid to upstage the chief minister, the AIADMK leader, Jayalalithaa, said that she would, if elected, support sending Indian troops to create Tamil Elam by force as Indira Gandhi did for Bangladesh.<sup>193</sup> For some in Tamil Nadu, Karunanidhi's fast and Jayalalithaa's hyperbole were just examples of cheap political gain at the expense of Sri Lanka's Tamils.<sup>194</sup>

However cynical such theatrics seem, they are a response to the enduring resonance of the Sri Lankan Tamil issue in Tamil Nadu even as they underscore the lack of leverage the two parties have over New Delhi's Sri Lanka policy. Whatever the exact impact of the Sri Lankan Tamil issue on the state's elections, the major Tamil parties clearly believe that ignoring it will cost them votes.

That said, depending on electoral arithmetic, there are times when Tamil Nadu parties do have real leverage over New Delhi on the Sri Lankan Tamil issue, but only if they are willing to issue credible threats of bringing down the government. When the DMK did so in late 2008, the threat proved hollow. Had the DMK followed through, one can only speculate what change in India's approach this might have produced. Given the genuine concern among Indian Tamils for their brethren across the water, and the high civilian cost of the war, AIADMK and DMK leaders might ask themselves if they have been right to abandon a more consistent and principled stand on the Sri Lankan Tamil issue in order to maintain their limited power at the centre.<sup>195</sup>

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the Indian elections on the BBC's website at [http://news.bbc.co.uk/2/hi/south\\_asia/8043588.stm](http://news.bbc.co.uk/2/hi/south_asia/8043588.stm).

<sup>192</sup> This announcement turned about to be utterly false as Sri Lankan forces continued their attacks. Crisis Group has documented several alleged shelling incidents after 27 April. See Crisis Group Report, *War Crimes in Sri Lanka*, op. cit. See also, UN Panel Report, op. cit.

<sup>193</sup> Addressing an election meeting in Vellore in Tamil Nadu, the AIADMK chief said that “If a [party or alliance] that heeds our demands comes to power at the centre, I assure you that I shall take steps to create a Tamil Eelam in the same way as Indira Gandhi liberated Bangladesh”. “Jayalalithaa reiterates vow to create Tamil Eelam”, *IANS*, 5 May 2009. Crisis Group interviews with senior AIADMK officials confirmed that Jayalalithaa made this claim on multiple occasions ahead of the elections.

<sup>194</sup> For example, *The Times of India* wrote of Karunanidhi's experience: “The DMK patriarch called off his protest before lunch, not having missed a meal but having made an electoral point”. “Karuna goes on sudden fast, ends it even faster”, op. cit.

<sup>195</sup> Crisis Group email communication, Indian journalist, June 2010. Given the lack of principled positions taken by Tamil Nadu parties on Sri Lankan issues, voters who are concerned

## D. KILLING THEM SOFTLY

By late 2008, many assumed that news of mass casualties of Sri Lankan Tamils on Indian TV screens and front pages could influence the outcome of the May 2009 general election and damage Congress's chance at re-election. The UPA's comfortable victory in Tamil Nadu ultimately proved the assumption false. Yet these electoral concerns nevertheless drove political actors in New Delhi and Chennai (as well as Colombo and the Vanni) to make decisions that profoundly affected their individual fortunes and the course of India-Sri Lanka relations. Congress's leadership was concerned enough about the effect of the war on the general election to attempt discreetly to convince the LTTE to accept a ceasefire, first in January and then in May.<sup>196</sup>

Tamil Nadu seats were critical for Congress to return to power at the centre in May 2009. The DMK, allied with Congress, and the AIADMK, allied with the BJP, had made the Sri Lanka factor central to their campaigns. In 2004 the Congress-DMK coalition swept every seat in the southern state, but Congress calculated that it was vulnerable to allegations of neglecting Sri Lanka's Tamils in 2009.

In January 2009, according to an Indian Tamil involved in the attempt, Congress party members tried to convince the LTTE to temporarily lay down its arms by promising that if Congress won, the new government would put significant resources towards solving the Tamil problem after the election.<sup>197</sup> Given the legal and political difficulties of talking directly to the LTTE because of the ban in India, Congress went through intermediaries in Tamil Nadu with links to the Tigers. The Ministry of External Affairs, however, concluded Prabhakaran was untrustworthy and abandoned the effort in late January.

As the war worsened over the spring, Congress officials became increasingly anxious about its potential electoral effects. By late April, the Sri Lankan army was relentlessly shelling the last remaining LTTE fighters and the more than 100,000 Tamil civilians still trapped with them on a narrow stretch of beach no bigger than Manhattan's Central Park. Reports and images of mass civilian casualties from the fighting were on Tamil Nadu's TV screens

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about the plight of Sri Lankan Tamils have no party to vote for that has any chance of winning power.

<sup>196</sup> Despite media attention, Indian officials have been reticent to discuss the details of their efforts in public. However, a senior government official concerned with India's Sri Lanka policy admitted that during the final months of the war, there was behind the scenes "movement to minimise civilian casualties that were taking place". Crisis Group interviews, New Delhi, 7 October 2007; and New York, January 2010.

<sup>197</sup> Crisis Group interview, Chennai, September 2010.

and front pages, provoking sympathy – and outrage – among many Tamils.

At least six people in Tamil Nadu set themselves on fire in protest. A journalist, K. Muthukumar, immolated himself in Chennai in January; his funeral was attended by Tamil Nadu political party leaders, as well as leading film industry personalities. Muthukumar's death also ignited student protests, while lawyers' associations boycotted the courts. By February, four more people had set themselves on fire, including a 60-year-old retired civil servant, Siva-prakasam. There were numerous calls for New Delhi to intervene somehow, while some in the Tamil Nadu public suspected Congress and its leader, Sonia Gandhi, of quietly backing the offensive at the expense of Tamil civilian lives out of revenge for the LTTE's assassination of her husband, Rajiv Gandhi.

State-level opposition parties were now openly criticising Tamil Nadu's chief minister and New Delhi for betraying Sri Lanka's Tamils. The AIADMK-led opposition targeted high profile Congress politicians up for re-election in the state, particularly two Union ministers, P. Chidambaram and E.V.K.S. Elangovan.<sup>198</sup> Thousands of DVDs were distributed that featured gruesome scenes from the war interposed with images of Manmohan Singh and Sonia Gandhi shaking hands with Mahinda Rajapaksa and accompanied by narration accusing Congress of supporting the war. As a result Congress's leadership returned to the idea of a ceasefire, betting that it could insulate itself and its alliance partner, the DMK, from the opposition's criticism and turn Tamil Nadu public opinion.

In early May, according to Crisis Group interviews and press reports,<sup>199</sup> P. Chidambaram through intermediaries in Tamil Nadu was in discussions with the LTTE's top international official, Kumaran Pathmanathan (K.P.) over a possible ceasefire.<sup>200</sup> Chidambaram reportedly drafted a surrender statement for the LTTE that included a unilateral declaration with two main points: the Tigers would agree

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<sup>198</sup> Elangovan was the union minister for textiles at the time and Chidambaram was the home minister. Elangovan was defeated but Chidambaram barely retained his seat, although allegations of fraud marred his re-election. According to analysts, the Sri Lankan war did not affect his results. Several journalists, who reported from Chidambaram's constituency during the 2009 poll, said his neglect of his constituency's problems over eight terms as its representative was a bigger factor. On 14 June 2011, Tamil Nadu chief minister, Jayalalithaa called for Chidambaram's resignation from parliament, claiming he was elected through fraudulent means. See "Jayalalithaa seeks Chidambaram's resignation", *The Times of India*, 14 June 2011.

<sup>199</sup> For example see B. Kolappan, "CPI(M) legislator denies leaking ceasefire details to Vaiko", *The Hindu*, 22 August 2010.

<sup>200</sup> For more on K.P. see Crisis Group Report, *The Sri Lankan Tamil Diaspora After the LTTE*, op. cit.

to stop fighting and surrender its arms to a third party;<sup>201</sup> and they would accept a political settlement instead of a separate state. In an interview with the noted Tamil journalist D.B.S. Jeyaraj, K.P. claimed that Chidambaram guaranteed that New Delhi would pressure Colombo to accept the deal.<sup>202</sup>

According to a senior Indian journalist familiar with the deal, “K.P. tried to convince Prabhakaran to retreat and live to fight another day” but the deal faltered after P. Nadesan, the LTTE’s top political chief at the time, shared details of the draft agreement with Vaiko and Pala Nedumaran<sup>203</sup>, two staunchly pro-LTTE Tamil Nadu politicians supporting the opposition BJP-AIADMK alliance.<sup>204</sup> On the heels of Jayalalithaa’s promise to send Indian troops to create a separate Tamil state in Sri Lanka if the AIADMK was elected, Vaiko and Nedumaran convinced the LTTE that a Congress-brokered ceasefire would all but ensure its re-election, thus preventing an AIADMK-backed BJP government from coming to its rescue or securing it better terms of surrender.<sup>205</sup> Ignorant of the political realities of the time, most notably the BJP’s opposition to Tamil Eelam,<sup>206</sup> Prabhakaran walked away from Chidambaram’s deal.<sup>207</sup>

Regardless of the LTTE’s ignorance, it is questionable if either attempt at brokering a ceasefire could have succeeded. A senior diplomat familiar with the efforts described them as “weak interventions, not bold efforts ... driven by Congress’s electoral calculations” over its anxiety of being “accused domestically of neglect”.<sup>208</sup> In the end, the DMK-Congress alliance won comfortably, and the Sri Lankan Tamil crisis did not affect the elections significantly.

Nevertheless, the April 2011 state assembly polls indicate that the issue still resonates strongly with the Tamil Nadu public. In fact, on 5 April, Sonia Gandhi raised the issue during a campaign rally in Chennai with DMK leader, Karunanidhi, and other party leaders by her side.<sup>209</sup> Just after the 13 April vote, R. Krishnamurthy, a young engineer, immolated himself, invoking Muthukumar’s sacrifice for Tamil Eelam.<sup>210</sup> The day after the state elections, a Sri Lankan newspaper leaked portions of the UN Secretary-General’s panel of experts report on accountability highlighting credible allegations that both the Sri Lankan army and the LTTE had committed war crimes in the final stages of the war.<sup>211</sup> In response, Tamil Nadu parties called on New Delhi to back a tribunal to prosecute those responsible. Both Karunanidhi and Jayalalithaa called for accountability, while the CPI (Marxist) and other parties staged large protests, burning and hanging effigies of Sri Lankan President Rajapaksa.<sup>212</sup>

<sup>201</sup> Crisis Group interviews, Chennai, September 2010.

<sup>202</sup> See D.B.S. Jeyaraj, “How Prabhakaran met his death: KP speaks out – 3”, *dbsjeyaraj.com*, 20 August 2010.

<sup>203</sup> Vaiko is the leader of the Marumalarchi Dravida Munnetra Kazhagam (MDMK), a breakaway faction of the DMK. Pala Nedumaran is the leader of Thamizhar Desiya Iyakkam.

<sup>204</sup> Crisis Group interview, Chennai, 11 September 2010.

<sup>205</sup> Crisis Group interview, Chennai, 20 September 2010. According to D.B.S. Jeyaraj, “Vaiko then got angry at the LTTE and warned Nadesan [the head of the LTTE peace secretariat] that if the Tigers opted for an alternative to Tamil Eelam then the MDMK and other Tamil Nadu parties supportive of the LTTE would permanently withdraw their support to the LTTE”. See “How Prabhakaran met his death: KP speaks out – 3”, *op. cit.*

<sup>206</sup> On 11 February 2009 in Chennai, S. Thirunavukkarasar, the BJP’s national secretary, said, “The BJP is not for the LTTE. There is no compromise on this issue”. See “BJP not for LTTE, says Thirunavukkarasar”, *The Hindu*, 11 February 2009.

<sup>207</sup> Despite the collapse of these surrender efforts before the 13 May elections, there have been many reports that Nadesan and Pulidevan, were negotiating their own unconditional surrender in the final days of fighting up to 18 May and that the government had given assurances their surrender would be accepted. The UN panel of experts report recounts these allegations and the reported circumstances of Pulidevan and Nadesan’s death, concluding “the Panel believes that the LTTE leadership intended to surrender”. See UN Panel Report, *op. cit.*, pp. 47-48. The panel also noted that it had received many submissions regarding alleged disappearances of people who had surrendered to the security forces. *Ibid*, p. 44. Concerns over the possibility that not only the LTTE’s political leadership but also many cadres and perhaps civilians were executed when they surrendered to the military have escalated as video evidence of al-

leged executions continues to emerge. See, for example, “Sri Lanka’s Killing Fields”, Channel Four News, 14 June 2011.

<sup>208</sup> Crisis Group interview, New York, January 2010.

<sup>209</sup> She said: “I want to mention an issue which is very close to your heart like in my heart. In our neighbourhood, there is no issue closer to our heart than the rights of the Sri Lankan Tamils people. There has been significant progress last year and India had committed and provided large sums of money for the relief and rehabilitation of the affected people. We will do everything in our power to rehabilitate them. We are pressing the Sri Lankan government to make the promised changes in their Constitution and guarantee equal rights and equal status to the Tamil speaking people of Sri Lanka”. See “Sonia promises rights to Lankan Tamils”, Chennai Online, 5 April 2010. PMK leader, S. Ramadoss, and VCK leader, T. Thirumavalavan, were also present at the rally.

<sup>210</sup> “Engineer immolates self for Sri Lankan Tamils’ cause”, *The Hindu*, 19 April 2011.

<sup>211</sup> UN Panel report, *op. cit.* The panel delivered the report to the Secretary-General on 12 April. He shared it with the Sri Lankan government that same day as a courtesy to give it an opportunity to respond before making the report public. Instead of issuing a formal response, the government leaked it to a hawkish newspaper, *The Island*. The Secretary-General released the report to the public on 25 April.

<sup>212</sup> T.N. Gopalan, “Tamil Nadu pressure over UN report”, BBC Tamil service, 1 May 2011.

On 13 May, the state election commission declared the AIADMK had won a majority of seats in the state assembly, giving Jayalalithaa a third term as chief minister. The same day she called on the Indian government to impose economic sanctions on Sri Lanka if it did not cooperate with the formation of an international tribunal to try President Rajapaksa for war crimes.<sup>213</sup> That call was reiterated in an 8 June resolution passed unanimously by the state assembly.<sup>214</sup> Since then, Jayalalithaa has proposed that the Indian PM send a delegation of Tamil Nadu legislators on a fact-finding mission to Sri Lanka.

It remains to be seen whether the AIADMK's return to power could help New Delhi increase pressure on the Rajapaksa government.<sup>215</sup> However, these developments are not a reliable indicator of the extent that Jayalalithaa's government will back the Sri Lankan Tamil cause, nor of how it will interact with New Delhi on the issue. Jayalalithaa's historical commitment to the island's Tamils has been tepid at best and opportunist at worst. Like previous Tamil Nadu administrations, the new AIADMK government will push hard on the issue if it feels public sentiment calls for it and/or if it serves the party and the chief minister's core interests. Jayalalithaa would have limited traction on the issue, for the reasons argued above.<sup>216</sup>

## E. SMOULDERING EMBERS

Prior to Jayalalithaa's recent strong statements, residual anger at New Delhi's inability or unwillingness to intervene during the war and support for the Rajapaksa government had crystallised around a small but potentially significant Tamil Nadu-based movement. It is determined to pressure the central government to cut ties with Colombo and back an international war crimes tribunal for Sri Lanka. Behind the effort are several of Tamil Nadu's smaller political parties traditionally vocal on the Sri Lankan Tamil issue organised under the umbrella of the Sri Lanka Tamils Protection Movement (SLTPM), which led a number of protests against the war in 2009. The SLTPM is backed by several like-minded civil society organisations such as the Tamil National Movement and the May 17th Movement,

comprised mostly of young professionals.<sup>217</sup> Most significantly, however, it draws support from sections of Tamil Nadu's highly influential film industry.<sup>218</sup> Summing up the anger felt by the members of this loose coalition, a leader of a SLTPM party said:

Even knowing genocide happened, the Indian government continues to help the Sri Lankan government. In the eyes of Tamil Nadu, the Indian government is also complicit in the war and in deaths of innocent Tamils. Primary responsibility [for civilian casualties] lies with the Sri Lankan government, but the government of India also bears responsibility ... we will not allow this matter to die. We will not forget. We will not forgive these fellows.<sup>219</sup>

Most groups and personalities in this nascent movement are Tamil nationalists, who believe the AIADMK and the DMK have abandoned the Dravidian movement's original goals of uprooting Brahman hegemony and promoting Tamil culture and language. Many of them have a decidedly pro-LTTE slant while some also harbour aspirations of an independent Tamil Nadu.<sup>220</sup> A leader of one civil society group working with SLTPM explained that the Sri Lankan war gave Tamil separatists in India a boost.<sup>221</sup> Young Tamils already disaffected with the state of India's

<sup>213</sup> "Summon Mahinda to international court – Jayalalithaa", BBC Sinhala, 13 May 2011.

<sup>214</sup> T.N. Gopalan "TN demands sanctions against Lanka", BBC Tamil service, 8 June, 2011.

<sup>215</sup> P. Sunderarajan and J. Benkatesan "Jayalalithaa demands Chidambaram's resignation", *The Hindu*, 14 June 2011.

<sup>216</sup> Jayalalithaa acknowledged as much in her victory speech. She said: "I can act on this regard as the CM [chief minister] in a limited way, but this is an international issue. Therefore, the central government should take action to resolve this". "Summon Mahinda to international court – Jayalalithaa", op. cit.

<sup>217</sup> Headed by Nedumaran, the SLTPM is composed of PMK, MDMK, CPI, VCK and the Tamil National Movement.

<sup>218</sup> The Tamil film industry plays a vital role in Tamil Nadu life beyond that of any other Indian state or film industry. Films are often used to advance political ideologies and social critiques. Virtually all of the state's chief ministers, including M.G.R., Karunanidhi and Jayalalithaa, have converted cinematic popularity into successful political careers based on many of the values they espoused on screen. Even leaders of Tamil Nadu's smaller parties (like the VCK's Thirumavalavan) have acted in films. The proximity of the film business to politicians, along with its growing financial clout, has increasingly given the industry considerable influence over the state's politics and culture. For more see Selvaraj Velayutham (ed.), *Tamil Cinema: The Cultural Politics of India's Other Film Industry* (New York, 2008). See also footnotes 168 and 225.

<sup>219</sup> Crisis Group interview, SLTPM coalition member, 27 October 2010.

<sup>220</sup> Tamil film actor and director Sebastian Seeman is noteworthy in this regard. Seeman is an ardent supporter of the LTTE and a loyal follower of Prabhakaran. He, like Vaiko and Nedumaran, maintain that the LTTE chief is still alive and that Tamil Eelam is in the offing. He was arrested on 10 July 2010 under India's National Security Act for inciting violence against Sinhalese. Seeman has also formed a political organisation called Naam Thamizhar (We Tamils). For a genealogy of the organisation's name, see the blog of Sri Lankan Tamil journalist D.B.S. Jeyaraj for the entry, "Actress Asin combats Tamil filmdom over Sri Lanka", *dbsjeyaraj.com*, 16 July 2010.

<sup>221</sup> Crisis Group interview, Chennai, 15 September 2010.



governance, and concerned by a Keralite-Brahman<sup>222</sup> nexus intent on subjugating Tamils, have become even more so after their protests to force New Delhi and the international community to intervene failed in 2009. But rather than understand the situation in terms of a singular government's policy failure, or as a problematic but fixable deficiency in India's democracy and the international system, they have concluded that Congress's failure to prevent thousands of civilian casualties is a failure of the idea of India itself. The same leader said:

The day the war ended we realised we are alone. Indian and Tamil Nadu politicians abandoned the Tamils. There were no human rights activists or journalists with us. And no one in the international community spoke up. Because of the Eelam War we no longer have any illusion of India. People now understand that there is correlation between the struggle for Tamil Eelam and [and a separate] Tamil Nadu. Tamil Nadu could not prevent the holocaust in the Vanni. Why, because Tamil people do not have their own state. We did not have a foreign minister to send, we did not have representation at the UN. Had Tamil Nadu been its own country we could have intervened. Without sovereignty we could and can not help.<sup>223</sup>

These separatist sentiments are only felt by a fringe element of India's Tamils, but they reveal the depth of public concern as well the profound effect of the war on some Tamils. Equally important is the fact that these groups, particularly film industry activists and civil society groups, have been able to successfully translate these sentiments into action by abandoning Tamil Nadu's tradition of street

demonstrations for more sophisticated forms of democratic protest.

For instance, in an attempt to improve the island's war-torn image, Colombo successfully lobbied to host the June 2010 International Indian Film Academy (IIFA) Awards. Following the location's announcement in March 2010, south Indian film associations, under pressure from film industry activists and the May 17th Movement, threatened not to screen films of any Bollywood stars attending the awards or cooperate with any director or technician associated with the event.<sup>224</sup> Bolstering the threat was the considerable overlap between Mumbai-based Bollywood, which produces mainly Hindi-language films, and the Chennai-based Kollywood, producing mainly Tamil-language films.<sup>225</sup> Summing up the influence of the southern film associations, a well-known film producer said, "If something like FEFSI [Film Employees Federation of South India] makes a decision not to support a film, production will not move at all".<sup>226</sup>

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<sup>224</sup> Calling for a boycott or a change of venue were South Indian Film Chamber of Commerce (SIFCC), Film Employees Federation of South India (FEFSI), Tamil Nadu Theatre-Owners Association and Tamil Nadu Producers' Council. Crisis Group interviews, Chennai, September-October 2010. L. Suresh, president of the SIFCC, said, "Although the ethnic war is over, the Sri Lankan government is trying to project as if the peace has come back to the country and India has come here to hold the award function". See Sam Daniel and Vikram Thapa, "Pressure on Bollywood to boycott IIFA", NDTVMovies.com, 1 June 2010. In a press statement, Thamarai said, "Tamil film industry should get into action and prevent any Indian artiste from participating in IIFA in Colombo. We were not able to prevent the slaughter of innocent Tamil civilians by Sri Lankan armed forces. At least we should prevent these artistes from celebrating over our mass graves". A copy of the statement is on file with Crisis Group.

<sup>225</sup> South India's film industry is remarkably diverse. Artists and technicians from across India have and continue to work on Tamil films, with many non-Tamils employed in the film sector choosing to live in Chennai. Moreover, the film industries in each of India's southern states all maintain strong connections to the Tamil film industry, which accounts for over 50 per cent of India's film production and is the country's second largest in terms of revenue and worldwide distribution. Major artists often begin their careers in south India's film industry, where they develop large and loyal followings before making their way to Bollywood, while production houses in Mumbai and Chennai frequently collaborate on films, making the southern movie industry hugely important to Bollywood's bottom line. Crisis Group interview, Indian film producer, New Delhi, October 2010. See also Sowmya Dechamma and Sathya Prakash, *Cinemas of South India: Culture, Resistance, and Ideology* (New Delhi, 2010). For a detailed analysis of the historical links between India's regional film industries and Sri Lanka, see D.B.S. Jeyaraj's "Actress Asin combats Tamil filmdom over Sri Lanka", *op. cit.*

<sup>226</sup> Crisis Group interview, Chennai, 19 October 2010.

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<sup>222</sup> As noted in footnote 171, many people in Tamil Nadu believe the prevalence of high-caste south Indians, specifically Tamil Brahmans and Keralites, in the bureaucracy worked against India intervening to stop Sri Lanka's war. Some argue further that caste-based identity politics and communal patronage networks, as well as disproportionate representation of historically privileged groups in decision-making positions, point to the failure of modern India to address all citizens' concerns, provide them with equal opportunities and redress historical wrongs.

<sup>223</sup> Crisis Group interview, Chennai, 15 September 2010. On 23 October 2010, unknown individuals desecrated the statue of former Prime Minister Rajiv Gandhi in the centre of Chennai by placing on it a garland of slippers, an insult in India. Congress leaders accused VCK chief, Thirumavalavan, a UPA-backed MP and SLTPM member, of orchestrating the affront on the grounds that, several days earlier, he publicly criticised his Congress partners, including Sonia Gandhi, Rahul Gandhi and Manmohan Singh, for hosting Sri Lankan President Rajapaksa as India's guest of honour at the closing ceremony of the Commonwealth Games. Congress leaders openly called for his resignation, attempting to push him back in line. See "Rajiv Gandhi's statue desecrated", *The Hindustan Times*, 23 October 2010; and "Thirumavalavan must resign as MP", *The Hindu*, 22 October 2010.

The pressure put the Sri Lankan Tamil issue back in the headlines a year after the war by forcing many in India's film industry to justify their attendance.<sup>227</sup> While the IIFA went ahead with many prominent actors travelling to Colombo, the peaceful boycott effort was successful in keeping several of India's most famous actors away.<sup>228</sup> However, even some who attended buckled under the pressure. Several offered flimsy excuses to avoid an official function hosted by President Rajapaksa.<sup>229</sup>

With the war over, the LTTE gone and the constraints of coalition politics and Indian public opinion, it will be difficult for groups like the SLTPM and the May 17th movement to substantially alter New Delhi's political calculus. Still, the IIFA boycott demonstrates that under certain conditions Tamil Nadu actors can complicate the India-Sri Lankan relationship. The Sri Lankan Tamil issue still resonates strongly in Tamil Nadu but since the end of the war has only limited traction. However, party leaders on both sides of New Delhi and Chennai's political divide agree Sri Lankan politics still has the potential to send shock waves through India. The editor of one of India's most prominent newspapers explained, "If something like 1983 happened again, or the LTTE rebounded, the whole dynamic would change. Tamil Nadu would convulse, which is something New Delhi would and could not ignore. And neither could President Rajapaksa".<sup>230</sup>

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<sup>227</sup> For instance, the May 17th Movement targeted both Amitabh Bachchan, IIFA's brand ambassador, and actor/director Kamal Hassan by staging protests in front of their homes in Mumbai and Chennai respectively. Crisis Group interviews, May 17th Movement members, Chennai, October 2010. See also "I am not going to IIFA: Amitabh Bachchan", NDTVMovies.com, 1 June 2010. In response, both actors felt compelled to make public statements declaring their intent to stay away from IIFA awards ceremony in Colombo.

<sup>228</sup> Others who stayed away included Shahrukh Khan, Rajinikanth, and Bachchan's actor son and actor daughter-in-law, Abhishek and Aishwarya Rai Bachchan. Shahrukh Khan cited scheduling problems for cancelling his trip. But it was clear the Tamil issue played a large part in both their decisions, as well as Bachchan's family, to distance themselves from the awards. The organisers of the boycott punished Hrithik Roshan for going to Colombo by forcing Chennai theatres to stop showing his latest film, *Kites*. "India's A-Listers Boycott IIFA", *The Sunday Leader*, 6 June 2010.

<sup>229</sup> Acclaimed Bollywood stars who took part in the ceremony included Salman Khan, Hrithik Roshan, Saif Ali Khan and Vivek Oberoi. In response, the SIFCC tried to ban their films in the southern states. Director Ram Gopal Varma was also asked to drop Vivek Oberoi from the cast of his film *Raktha Charitra* released in two parts in October and December 2010. For more see "I am not going to IIFA: Amitabh Bachchan", NDTVMovies.com, 1 June 2010.

<sup>230</sup> Crisis Group interview, 28 October 2010.

## V. OTHER FACTORS

### A. THE LTTE IN INDIA?

On 9 March 2011, in a parliamentary debate on the renewal of Sri Lanka's state of emergency, Prime Minister D.M. Jayaratne announced that remnants of the LTTE were being trained in camps in southern India to carry out attacks in India and Sri Lanka.<sup>231</sup> He blamed the LTTE for the January 2011 attack on a Sri Lankan Buddhist centre in Chennai, in which four monks were injured. Jayaratne's claims drew an immediate and "categorical" denial from the Indian external affairs ministry.<sup>232</sup> Tamil Nadu Director General of Police Letika Saran dismissed the allegations of LTTE training camps in the state as "baseless and devoid of reality" and denied the presence of any LTTE.<sup>233</sup> The Sri Lankan prime minister retracted his statement two days later.<sup>234</sup>

Within Sri Lanka, the LTTE has been destroyed. There have been no confirmed signs of the group reorganising on the island since the end of fighting in May 2009. With all but a handful of its leadership killed and thousands of former Tigers languishing in detention camps, no new LTTE insurgency is likely in the short term, if ever. Outside of Sri Lanka, various governments continue to dismantle the LTTE's financial network, though there are allegations that remnants of the LTTE continue to raise funds within the Sri Lankan Tamil diaspora.<sup>235</sup>

It is no secret that India, specifically Tamil Nadu, would be the most likely and logistically convenient place for the Tigers to regroup and rearm, given the anonymity that its Tamil population provides, as well as its proximity to Sri Lanka. It is clear that some LTTE leaders escaped to India before the end of the war while others bribed their way out of Sri Lankan detention camps and into India afterwards. While some have moved on, like the new Tiger chief, Vinayagam, who reportedly spent the last months of the war in India before pressure from the authorities forced him to flee to Europe, others have stayed.<sup>236</sup> A former Sri Lankan Tamil militant who resides in Chennai claims "there

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<sup>231</sup> Frances Bulathsinghala, "Three LTTE camps exist in India, says Lankan PM", *Dawn*, 10 March 2011.

<sup>232</sup> "Tamil Tiger rebels training in India: Sri Lanka PM", Agence France-Presse, 10 March 2011.

<sup>233</sup> "Lankan gov't claim on LTTE camps in TN baseless: DGP", *Press Trust of India*, 10 March 2011.

<sup>234</sup> Charles Haviland, "Sri Lanka PM retracts India rebel training camp claim", BBC, 11 March 2011.

<sup>235</sup> Crisis Group interviews, Ottawa and Toronto, February 2011.

<sup>236</sup> Crisis Group interviews, Bangkok, Kuala Lumpur, Colombo, November 2009. See also D.B.J. Jeyaraj, "Vinayagam emerges in Europe as new chief of LTTE", *dbsjeyaraj.com*, 12 November 2010.

are LTTE [in India], that's a fact. They think they can use Tamil Nadu as their base".<sup>237</sup>

Senior government and security officials are crystal clear that India has long abandoned "old concepts of strategic assets" such as permitting a handful of Tigers to stay on as leverage over Sri Lanka.<sup>238</sup> They are less clear whether the Tigers are reorganising in India on their own. The rejection by the Tamil Nadu police of claims the LTTE was operating in Tamil Nadu came less than a year after New Delhi reimposed its ban on the Tigers through a Home Ministry notification on Tigers.

According to the May 2010 Home Ministry notification, even though the LTTE has "been decimated in Sri Lanka, recent reports reveal that remnant cadre and leaders are regrouping in Tamil Nadu".<sup>239</sup> In November 2010, testifying in a tribunal investigating the validity of the ban, Additional Solicitor General (ASG) A.S. Chandhikok said, "The LTTE remnant is regrouping in India", and "the possibilities of these remnant cadres using India, especially Tamil Nadu, as a rear base for the re-grouping activities thus cannot be ruled out", pointing to the recent arrests of LTTE cadres who had illegally entered the country.<sup>240</sup> The ASG also expressed the central government's anxiety that the various pro-LTTE groups in India and abroad, publicly organising in support of Tamil Eelam, threatened India's sovereignty and security.<sup>241</sup> In December 2010, press reports cited unnamed Indian intelligence sources warning of an LTTE plot to assassinate Sonia Gandhi, the prime minister, the home minister and the Tamil Nadu chief minister.<sup>242</sup> A self-proclaimed LTTE spokesman denied the plot, instead calling it a Sri Lankan government ruse.<sup>243</sup> Regardless of the plot's credibility, such reports

provide political justification for keeping the LTTE ban in place.

Security experts, political analysts, politicians, civil society activists, journalists and some law enforcement agencies say there is very little evidence, actual or anecdotal, to suggest the LTTE is using Tamil Nadu to make a comeback. In June 2010, the Q-Branch, the intelligence wing of the Tamil Nadu police, detained three Tiger arms smugglers in Tiruchi in possession of over 5,000 bomb detonators.<sup>244</sup> However, the arrest testifies to the determination of Indian authorities to keep pressure on the Tigers. Details from the investigation show the trio were forced to stockpile the detonators since they could not get the shipment to the LTTE due to Indian naval patrols along the Tamil Nadu coast during the final stages of the war.<sup>245</sup>

Security analysts say that Q-Branch is primarily focused on the possibility of former LTTE fighters entering India with genuine or forged documents or as Sri Lankan Tamil refugees. Government officials and refugee camp authorities, as well as the refugees themselves, say that police conduct routine background searches of all arriving Sri Lankan refugees to determine their combatant status. A state government official said, "LTTE suspects are placed in a holding camp for three to four days while the Q-Branch conducts an investigation. If they are clear they go on to a normal camp, if not they are held by the police in separate camps".<sup>246</sup>

Camp authorities also keep watch for LTTE combatants hiding among the refugees. One said, "They are quite easy to spot. They are well-trained and well-fed soldiers so they are usually bigger than the average refugee coming. Also, we look for war wounds and scars and other tell-tale signs of battle".<sup>247</sup> However, Indian security agencies appear reluctant to detain hard-core LTTE fighters in the country for long. One refugee camp official said, "Sometimes they will turn a blind-eye to hard-core LTTE if they decide to return to Sri Lanka or decide to move on to another country".<sup>248</sup> This appears initially to have been the case with Vinayagam.

Generally speaking though, security analysts and even the most hardcore LTTE backers in India agree that while there is some residual support for the Tigers in Tamil Nadu, the overall public attitude towards them hovers between ag-

<sup>237</sup> Crisis Group interview, Chennai, 30 September 2010.

<sup>238</sup> Crisis Group interviews, New Delhi, September-October 2010; and New York, February 2011.

<sup>239</sup> See Notification of Ministry of Home Affairs, Government of India, New Delhi, Notification S.O. 1090 (E), issued on 14 May 2010, op. cit.

<sup>240</sup> For excerpts from the ASG's testimony see J. Venkatesan, "LTTE's unlawful activity still on, Centre tells tribunal", *The Hindu*, 1 November 2010.

<sup>241</sup> Struggling to stay relevant, Vaiko waged an unsuccessful campaign to have the ban lifted. He argued that the LTTE is not, nor ever was, a threat to India. See "Vaiko cannot question ban on LTTE: Centre to HC", *The Times of India*, 28 January 2011. Vaiko is still unsure if the LTTE killed Rajiv Gandhi. Crisis Group interview, Vaiko, Chennai, September 2010.

<sup>242</sup> For details of the alleged plot, see "LTTE plans to attack PM, home minister, TN CM: Intel", *Press Trust of India*, 15 December 2010.

<sup>243</sup> The LTTE denial was posted on a pro-Tiger website shortly after the plot was made public. It was signed by R.M. Supan, calling himself "Coordinator of the LTTE Headquarters". The letter is available at <http://viduthalaipulikal.net/>.

<sup>244</sup> "Three LTTE cadre held", *The Hindu*, 21 June 2010.

<sup>245</sup> Ibid.

<sup>246</sup> Crisis Group interview, Chennai, October 2010. As of October 2010, refugee camp officials reported the police were holding roughly 25 to 30 LTTE suspects. Crisis Group interview, Chennai, October 2010.

<sup>247</sup> Crisis Group interview, Rameswaram, November 2010.

<sup>248</sup> Crisis Group interview, Ramnad, October 2010.

nostic and hostile. This makes the state a far cry from the fertile ground for militancy that it was in the 1980s.

## B. SRI LANKA TAMIL REFUGEES

India is home to over 100,000 Sri Lankan Tamil refugees who arrived in several waves since violence engulfed the island's Tamil area over 30 years ago.<sup>249</sup> The majority of refugees who fled to India (73,000) reside in 112 government-run camps scattered throughout Tamil Nadu. Roughly another 34,000 refugees have received exemptions from state authorities to work and live outside of the camps with little or no assistance from the government. Camp conditions vary, with some reported to be "sub-par" and "resembling squalor", while others, according to civil society activists, have similar living standards to adjacent Indian Tamil communities.<sup>250</sup> On paper, refugees have limited freedom of movement beyond the camps, but in practice many seek employment or have relocated to other camps with government permission.<sup>251</sup> The most frequent

complaint from aid workers and refugees is that the latter struggle to find good jobs in Tamil Nadu.<sup>252</sup>

Despite being a member of UNHCR's Executive Committee, India is not a signatory to the Refugee Convention nor has it ratified the 1967 Protocol Relating to the Status of Refugees.<sup>253</sup> India does not have a legal framework to determine the status of refugees. Instead, Sri Lankan refugees fall under the pre-colonial Foreigners Act of 1946, which governs the eligibility of non-citizens to remain in India and provides authorities the discretionary power to expel foreigners at will.<sup>254</sup> While India generally adheres to the principle of non-refoulement, the lack of a legal framework means that the government deals with refugees on an ad hoc basis and state assistance is not always forthcoming. Refugees and asylum seekers are not entirely without recourse, however. Authorities do respond to refugees, when they wish, in an arbitrary – and often politicised – manner.<sup>255</sup>

Repatriation has also fallen victim to Tamil Nadu politics. UNHCR reports that over 3,200 refugees have voluntarily returned to Sri Lanka between June 2009 and April 2011.<sup>256</sup> According to government and civil society officials, Karunanidhi was allergic to any public discussion of repatriation out of concern that it might be perceived as forcing refugees out of India. He was so sensitive about his political opposition using this against him that refugee authorities say the state government even blocked information about repatriation assistance in the camps, raising concerns over refugee rights and safety. A camp official said: "I understand the government's anxiety but it is preventing people from planning for the future or making wise decisions about going back. People needed to be aware about possible safety issues regarding returns like status of demining efforts, etc".<sup>257</sup> It is not clear whether the new AIADMK government will be more open to repatriation.

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<sup>249</sup> Sri Lankan refugees arrived in Tamil Nadu in four waves. The first wave of 134,000 refugees began in July 1983 soon after the communal riots on the island and continued until the July 1987 Indo-Lanka Accord. Between December 1987 and August 1989 some 25,500 Tamils returned to Sri Lanka. Others left India to seek asylum in Europe and Canada. The 1990 escalation of violence between the government and the LTTE resulted in a second wave of refugees, when around 122,000 Tamils arrived in Tamil Nadu. Most were settled in the state's refugee camps. After Rajiv Gandhi's assassination over 50,000 refugees were forcibly and voluntarily repatriated to Sri Lanka between January 1992 and March 1995. Violence on the island between 1995 and 2002 produced a third wave of refugees, which brought over 23,000 Tamils to Tamil Nadu. The final wave between 2006 and 2009 brought another 22,000 refugees. Crisis Group interviews, Tamil Nadu state officials and refugee camp authorities, UNHCR officials and academics, Chennai, September-October 2010. See also V. Suryanarayan, "Focus on The Sri Lankan Tamil Refugees", South Asia Analyst Group, 13 November 2009.

<sup>250</sup> According to prominent Indian activists, much of the housing in Sri Lankan camps is of poor quality. However, a number of refugee authorities in Tamil Nadu say that it is difficult to generalise about camp conditions. That said, in the past two years, the Tamil Nadu government has begun upgrading several of the most decrepit camps. Crisis Group interview, Department of Rehabilitation official, Chennai, 24 September 2010.

<sup>251</sup> Some refugees live outside the camps, but must return every two weeks to receive aid. Residents, who work outside the camps, have to return between 6pm and 7pm each night for the regular headcounts or camp officials withhold their government assistance. Refugees living outside the camps must register with the nearest Foreigners Regional Registration Office. If they wish to move district, they must apply for permission to relocate for family or economic reasons. This permission is usually granted, though sometimes after a small bribe. Crisis Group interviews, Chennai, Ramnad and Coimbatore, October 2010. According to

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government officials and refugees, the state government provides a family of four with a cash allowance of Rs.1,000 per month; a single adult Rs.400; a child over twelve years Rs.288; and a child under twelve Rs.156.

<sup>252</sup> India does not grant refugees the right to work, but it generally tolerates informal employment.

<sup>253</sup> India and Lebanon are the only two members of the UN Security Council that have not signed the refugee convention and its protocol.

<sup>254</sup> Under the Foreigners Act, illegal entry into India is a crime punishable by up to five years in prison, with no exception for refugees or asylum seekers.

<sup>255</sup> Crisis Group interviews, Chennai, October 2010.

<sup>256</sup> "Steady increase in voluntary return of Sri Lankan refugees – UNHCR", *The Island*, 2 April 2011.

<sup>257</sup> Crisis Group interview, 20 October 2010.

There is no consensus on how many refugees would like to return to Sri Lanka. The head of one NGO with a presence in several of the camps believes that refugees who arrived in the early 1990s, and married locally or had their children in Tamil Nadu, are more likely to see India rather than Sri Lanka as their home. He estimates this group at roughly 25,000 people and believes they would like Indian citizenship.<sup>258</sup>

However, interviews with refugee camp authorities, as well as refugees, suggest that the majority of refugees would like to return home. Most, however, will remain in India until they perceive Sri Lanka's political and economic situation improving and the government more welcoming. A refugee from Batticaloa said, "The [Indian] government says the war is finished, but there's no security there [Sri Lanka], no job opportunities. The Sri Lankan government thinks we're terrorists too. When that changes we'll go home".<sup>259</sup> Another said, "Education opportunities are better in India than in Sri Lanka for Tamils. We'll wait until our children are finished with school before moving them".<sup>260</sup> Camp officials say stories about Sinhalese settling in Tamil areas and destroying Hindu temples are also affecting refugees' decisions to repatriate.<sup>261</sup> Many refugees are still unclear about what repatriation and resettlement assistance they might receive from the Indian and Sri Lankan governments.

Some refugees have simply given up on both India and Sri Lanka. Lured by the promise of a better future, refugees will pay upwards of \$700 to traffickers to smuggle them to the West.<sup>262</sup> An aid worker in the camps described not only the social decay that accompanies a long-term exile existence, but also the frustrations, which border on despair and anger, of many aid workers and social activists with India's ad hoc approach to refugee assistance. He said:

What happens after 25 years of living in the camps? Do refugees really have a future? These are questions everyone should be asking. They have been surviving. Not living. To be living you have to be thinking. Some of these people are not able to use their minds; they're just doing what is required to survive, not what is possible. These people have not been prepared for the future, nor are there options for them in the camps. Now their only desire is to go to a Western country.<sup>263</sup>

Every year hundreds of Sri Lankan refugees risk their lives to make dangerous sea crossings to third countries like Australia, Canada and Europe, which have large Sri Lankan Tamil populations. Government and aid officials have launched campaigns inside the camps warning refugees of the physical and financial dangers of such trips.<sup>264</sup> Since early 2010, numerous boats have reportedly tried to leave from southern India. Refugees said that some in their community have attempted journeys from Karnataka and Kerala to seek asylum in the West. According to camp authorities and media reports, over 125 people have been arrested between September 2010 and June 2011 in Kerala and Tamil Nadu while attempting passage to Australia.<sup>265</sup> Tamil Nadu police have stopped some boats but the DMK government threatened to cancel the registration – and food subsidies and cash allowances – of any refugees caught leaving by boat. One aid worker said this is because "The DMK does not want refugees leaving this way since it could hurt its image".<sup>266</sup> Equally likely is that the state government has been under pressure from New Delhi, which is under pressure from Western countries, such as Australia and Canada.<sup>267</sup>

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can send money to help them live. Those that don't [...] are more vulnerable. This means that some can't get their daughters married, others can't progress beyond the 12th standard [in school] even if they have ability, and, in some rare cases, are exposed to sexual abuse or go into prostitution. Some children who do finish the 12th standard can make it to college, but afterwards there are no work opportunities for them .... [T]here over 70 college graduates [that I know of] in some of the camps working as painters. They can't get good jobs because they can't get work permits. They're wasting their talents. So some try to go the West or some forget school – and their talents – and take up menial labour. One consequence is that some started drinking and doing drugs. Others forget about living. Their society is decaying". Crisis Group interview, Chennai, October 2010.

<sup>264</sup> In several cases traffickers have simply absconded with the refugees' money. Crisis Group interviews, refugees and aid workers, Tamil Nadu, September-October 2010.

<sup>265</sup> Crisis Group interviews, Chennai and Rameshwaram, October 2010. On 14 June 2011, 24 Sri Lankan Tamil refugees were reportedly detained by Tamil Nadu police near Cuddalore for allegedly attempting to travel illegally by sea to Australia. "24 Sri Lankan refugees trying to flee to Australia held in TN", *Press Trust of India*, 14 June 2011.

<sup>266</sup> Crisis Group interview, Chennai, September 2010.

<sup>267</sup> Crisis Group interviews, Western diplomats, New Delhi, September 2010; Bangkok, February 2011; and New York, March 2011. Canada's and Australia's current policies, which prioritise active cooperation with the Sri Lankan government to combat illegal immigration, unfortunately come at the cost of abandoning any serious pressure on the government, particularly with regard to how the north is being developed and governed. Attempting to contain the problem of illegal immigration rather than addressing its roots in undemocratic governance will likely prove short-sighted.

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<sup>258</sup> Crisis Group interview, Chennai, October 2010.

<sup>259</sup> Crisis Group interview, Madurai, October 2010.

<sup>260</sup> Crisis Group interview, Coimbatore, October 2010.

<sup>261</sup> Crisis Group interviews, Chennai, Rameshwaram, Madurai and Coimbatore, October 2010.

<sup>262</sup> Crisis Group interviews, refugees and aid workers, Tamil Nadu, September-October 2010.

<sup>263</sup> The same aid worker elaborated on the socio-economic plight of Tamil refugees in India: "Some have relations in the West that

Politicisation of the Sri Lankan Tamil issue has been a mixed blessing for the refugees in India.<sup>268</sup> On the positive side, public sympathy has meant, according to an Indian refugee expert, “All political parties have to showcase their support for the refugees for votes”.<sup>269</sup> Often times this translates into significant government services like cheap health care and education, or money, television sets or other “freebies” for refugees.<sup>270</sup>

But the special treatment that some refugees received has, at times, sparked resentment among Tamil Nadu citizens.<sup>271</sup> Some locals have complained that living conditions in nearby refugee camps are better than in their villages.<sup>272</sup> Reflecting the sentiments of some Indians, albeit a small

proportion, a well-known Tamil Nadu newspaper editor, described the refugees as a “pampered lot”.<sup>273</sup> In general, however, said a state government official “the Tamil Nadu government is very sensitive about the refugees for political reasons. India has so many problems that we can’t even take care of ourselves. But the refugees are an emotional and political issue and that’s why the Sri Lanka refugees are so well looked after”.<sup>274</sup>

Politicisation also has bleak consequences. Sri Lankan refugees, like others refugee groups in India, are often scapegoats for rising crime rates and other governmental shortcomings.<sup>275</sup> The 1991-1996 period, while the AIADMK was in power and stridently anti-LTTE Jayalalithaa was chief minister, was particularly rough for Sri Lankan Tamils. After Gandhi’s assassination in 1991, Tamil Nadu politicians, riding the wave of anti-LTTE sentiment, accused the refugee population of protecting Gandhi’s killers from the police while they plotted the murder.<sup>276</sup> Despite concerns over the safety of Tamils in Sri Lanka, the AIADMK government forcibly repatriated refugees while detaining nearly 2,000 in “special camps” for alleged militant and criminal activity.<sup>277</sup> Today, at least one special camp re-

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<sup>268</sup> According to refugees interviewed for this report, the common language and similar culture of Tamils Nadu made the experience of fleeing to India less traumatic than it might have been. Compared to Sri Lankan repatriates who returned to Tamil Nadu beginning in the late 1960s as Indian citizens following a generation or more of servitude on Sri Lanka’s tea-plantations, the refugees fared much better. As a prominent journalist recalled, “Tamil Nadu treated Plantation Tamils like dirt when they were returned to India. The real issue was their lower caste status; they were essentially Dalits. They were given almost nothing. Some were forced into veritable slavery to survive. Sri Lankan refugees on the other hand, were given the red carpet treatment. Aid was given hand over fist and slots were reserved for them at certain colleges and universities. The contradiction was glaring. Tamil nationalists at the time would not talk about the plight of Dalits but would easily discuss their admiration of Prabhakaran and the welfare of refugees”. Crisis Group interview, Chennai, 11 September 2010. That Tamil nationalists show little concern for lower castes, particularly Dalits, is a longstanding and frequent criticism of the Dravidian parties.

<sup>269</sup> Crisis Group interview, Chennai, 20 October 2010. Commenting on the electoral significance of refugees, a refugee expert living in Chennai said: “Refugees are not a vote-bank so political parties do not pay too much attention to them past their arrival in Tamil Nadu. However, when refugees first arrive political parties are usually the first on the scene with aid to demonstrate their support for Sri Lankan Tamils. Plus political parties are not allowed in the camps”. Crisis Group interview, Chennai, 26 October 2010. Refugees know they are politicised but also powerless over the matter. One said, “Politicians promise us a lot things at election time. We can’t vote but they think Indians will if they are helping refugees. But once the elections are done we don’t see those politicians until the next one”. Crisis Group interview, Coimbatore, October 2010.

<sup>270</sup> The Tamil Nadu state budget for refugee assistance is Rs. 100 crore (\$22.7 million). Crisis Group interview, Department of Rehabilitation official, Chennai, 24 September 2001.

<sup>271</sup> Crisis Group interviews, Chennai and Rameshwaram, October 2010.

<sup>272</sup> The state government, however, has attempted to rectify the problem by allocating development funds to villages to even out imbalances. But refugee camp authorities say it has not always worked. Crisis Group interview, Chennai, 23 September 2010.

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<sup>273</sup> Crisis Group interview, Chennai, 19 September 2010.

<sup>274</sup> Crisis Group interview, Chennai, 20 October 2010.

<sup>275</sup> A well known human rights activist in Tamil Nadu said: “The argument that the refugees are potential security threats is rubbish. If the people are so worried about refugees getting into trouble why are so many permitted to live away from the camps like normal human beings? There are 30,000 of them living outside the camps – that’s about the same number of people, if not more, that the LTTE had under arms. Refugees are very rarely involved in crime, at least no more than Indian Tamils, and many have married into Tamil Nadu society. So the threat to national security argument just doesn’t hold up under the weight of reality; it’s just not a credible argument to keep people fenced in”. Crisis Group interview, Coimbatore, October 2010.

<sup>276</sup> The anger Indians felt toward Sri Lankan Tamils after Gandhi’s death did not translate into the same vengeful murderous attacks on their community like those perpetrated against the Sikh community after Indira Gandhi’s assassination by her Sikh bodyguards in October 1984. A well-respected journalist said this was because Indian Tamils generally made a distinction between the refugees and the militant groups. Despite their hostility towards LTTE after the bombing, most Indian Tamils still felt a strong link to their co-ethnics from Sri Lanka. Crisis Group interview, Chennai, 11 September 2010.

<sup>277</sup> As a result of international concern over forced returns and insecurity in Sri Lanka, Jayalalithaa’s repatriation project was temporarily suspended until negotiations between New Delhi and UNHCR led to a July 1992 agreement to allow the refugee agency to establish a token presence in Chennai to oversee refugee returns. UNHCR’s mandate covers only the repatriation process. The Indian government prohibits UNHCR from accessing the camps. Crisis Group interview, UNHCR official, October 2010. Also See V. Suryanarayan and V. Sudersan, *Between Fear and Hope: Sri Lankan Refugees in Tamil Nadu* (Chennai, 2000).

mains in operation at Chenglapet with approximately 25 to 30 suspected LTTE militants or criminals.<sup>278</sup> Living conditions are reportedly quite bad and the National Human Rights Commission has urged the state government to improve them.<sup>279</sup>

The future of Sri Lankan Tamil refugees in India is also politicised. On 26 September 2010, in a surprise announcement, then Chief Minister Karunanidhi claimed that he would seek Indian citizenship for Sri Lankan Tamil refugees if they so wanted. The announcement contradicted a longstanding Union government policy stipulating that refugees should return to their homeland once conditions went back to normal and could set a precedent for other refugee populations. Nor did it respond to any well-established demand for citizenship by Sri Lankan refugees or any agency acting on their behalf. After receiving little support from the centre Karunanidhi back-tracked, saying he would only demand that refugees be granted the status of permanent residents. Several months later he announced the state would spend Rs.12 crores (\$2.7 million) to improve refugee camp conditions. V. Suryanarayan, a well-respected Indian-Tamil academic, commented at the time that:

The extraordinary interest in the welfare of the refugees that is currently being displayed by the Government of Tamil Nadu has to be seen in the context of the image building exercise that the chief minister is currently engaged in to project himself as the champion of millions of Tamils scattered across the globe.<sup>280</sup>

Refugee experts generally agree that the DMK has had a better track record than its rivals when it comes to refugee welfare in Tamil Nadu. However, analysts, including DMK-leaning ones, agree that Karunanidhi's post-war attention to refugees was motivated as much as by his desire to deflect criticism that he did not do enough for Sri Lanka's Tamils during the war as by genuine concern for their wellbeing.

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<sup>278</sup> Crisis Group interview, Tamil Nadu Department of Rehabilitation official, Chennai, September 2010. Crisis Group was not able to independently verify the conditions of the special camps, nor was it able to interview police officials with knowledge of them, despite repeated requests. However, human rights groups say that the special camps do not have the legal status of a prison nor are inmates convicted or accused of any offence under the Indian penal code. According to human rights groups, security arrangements in these camps are "unprecedented and surpass the security arrangements in any of the central prisons in the state of Tamil Nadu". Furthermore, "detainees do not [even] enjoy even the rights of the convict prisoners". If this is indeed the case, central and state governments should immediately charge detainees with a crime, notify them of the charge, and afford them due process rights guaranteed under Indian law. Otherwise the authorities should release them and treat them as other refugees who sought safety in India. See "PUCL [People's Union for Civil Liberties] Report on The Conditions in the Special Camp for Refugees at Tippu Mahal, Vellore", South Asian Refugee Watch, 2001-2002; and "Conditions in Sri Lankan Tamil refugee camps Tamil Nadu and Pondicherry", PUCL report, 18 June 2006. See also Alex Pagliaro, "Why don't Sri Lankan asylum seekers just go to India?", Amnesty International, 11 December 2009.

<sup>279</sup> V. Suryanarayan, "Focus on the Sri Lankan Tamil Refugees", South Asia Analyst Group, 13 November 2009.

<sup>280</sup> Ibid.

## VI. CONCLUSION: WHAT INDIA CAN DO

India's approach to Sri Lanka has so far failed to achieve its stated aims. Given Colombo's stiff resistance and its willingness and ability to play China off against India and Western powers, India must shift its strategy to achieve its policy objectives. The Rajapaksa administration's secretive, militarised and ethnically biased approach to rebuilding the north and east, and its repressive and authoritarian way of governing the whole country, carry real danger of an eventual return to instability and violent conflict.

It is in India's interest to respond to these problems more directly and consistently. As one senior official in New Delhi acknowledged, "The government in the east is a puppet and a government in the north is nowhere in sight. This has caused the rise of a militant diaspora. We've discussed this with the [Sri Lankan] president. We've told him that by being tardy on implementing his promises he is opening a door for a revolt. At the moment he's riding high. If he pushes the Tamils into a corner, someday they will erupt. But for the moment they're quiet".<sup>281</sup>

India also must act more strongly to protect its own credibility. Years of accepting the Rajapaksas' false promises on devolution, on the protection of civilians during the war, and on post-war reconstruction have damaged India's credibility – and not only in Tamil Nadu and among Sri Lankan Tamils.

The Indian government should look to the future and develop a balanced and principled approach that has a chance of appealing to all constituencies. Sri Lanka and Sinhalese voters will not always be happy with the Rajapaksas, however strong the president's popular support appears to be. Challenging policies that undermine the rights and well-being of Sri Lankans from all ethnicities and religions, could offset some of the suspicion generated by India's longstanding concern for minority rights and support for devolution in Sri Lanka.

To date, India's policy in Sri Lanka has focused on supporting humanitarian needs and reconstruction in the north east, while pushing the government and the TNA to talk about devolution, funding economic and infrastructure development throughout the country and promoting the integration of the two economies. While designed at least in part to support lasting peace and stability, such efforts will not yield meaningful reconciliation or devolution of power without a fundamental change in the way Sri Lanka

is governed.<sup>282</sup> To encourage the current administration to implement policies with a better chance of achieving lasting stability, India must focus more clearly on governance issues and overcome its traditional resistance to multilateral action and coordination with other governments and donors.

India should continue its important support for negotiations on devolution between the government and TNA leaders. However, it should proceed cautiously. The TNA is divided and institutionally weak, without strong local organisation or political clout vis-à-vis the Rajapaksa administration. It needs time and assistance to strengthen itself and escape the shadow of the LTTE. Given its weakness, India should resist putting pressure on the TNA to accept a quick agreement. Pushing the TNA to accept an agreement that is unlikely to lead to real devolution given the current political climate would risk undermining its support among Tamil voters and opening space for hard-line voices that reject engagement with the government. On the other hand, the government should not be allowed to spin out the negotiations endlessly while still being rewarded – in the form of large amounts of financial assistance and reduced pressure on accountability and governance issues – simply for having talks. Colombo should be rewarded only for concrete achievements – and told it must begin producing them soon.

Negotiations should more urgently address the danger posed by the Rajapaksas' efforts to establish a new form of military governance in the north. The resultant anger and political marginalisation of Tamils threatens eventually to reignite violence. The immediate priority of TNA-government talks should be an agreement to reduce the role of the military in decision-making in the north. Local governments and central government administrators in the north should be allowed to function without military interference, while President Rajapaksa should be pressed to hold the long-delayed elections to the Northern Provincial Council, as promised in his 2010 election manifesto. Talks should address other ways to improve everyday life in the north, namely: the steady opening of lands for resettlement in formal or de facto high security zones; the release of the names and whereabouts of all those detained under emergency and anti-terror laws, including those detained in "rehabilitation" centres; the relaxation of military restrictions on political activities of local residents; greater access for local and international relief and devel-

<sup>281</sup> Crisis Group interview, New Delhi, October 2010. For an analysis of militancy in the Sri Lankan Tamil diaspora, see Crisis Group Report, *The Sri Lankan Tamil Diaspora After the LTTE*, op. cit.

<sup>282</sup> While many in New Delhi have preferred to applaud President Rajapaksa publicly and reprimand him privately, some Indian officials are concerned that the focus on increasing economic activity is, as one described it, "too hands-off and too kid-gloves given Colombo's authoritarian tendencies". Crisis Group interview, 16 December 2010.



opment organisations; and full freedom of movement for all in and out of the north.

India, with other donors, should insist that it be able to provide humanitarian and development assistance in an inclusive manner, in consultation with local populations, and under civilian control. New Delhi should closely monitor its projects and insist on implementing them with newly elected local governments and Tamil and Muslim administrators in the north and east – and soon the Northern Provincial Council – while limiting the role of the military and the unaccountable Presidential Task Force. The Indian government needs to press consistently for the demilitarisation and a return to civil administration in the north and east.

India will have to work more closely with Japan and Western governments and international development banks to temper the Rajapaksas' dangerously militarised and authoritarian vision of post-war Sri Lanka. Together they have the political and financial leverage to influence the Rajapaksa administration. India should take the initiative, as both the U.S. and EU are looking to New Delhi to help shape their policies in South Asia, including towards Sri Lanka.<sup>283</sup> India could wield considerable influence and help increase the leverage of others if it adopted a tough and forward-looking policy. India should begin by reviving the idea, floated earlier by then Foreign Secretary S.K. Menon, of an international conference to review Sri Lanka's post-war progress.<sup>284</sup> China should be encouraged to attend as well.

New Delhi also has the opportunity to play an important role in shaping international response to the April 2011 report by the UN Secretary-General's panel of experts, which found credible evidence of widespread war crimes committed by government and LTTE forces at the end of the war in 2009.<sup>285</sup> It should make it clear to the Sri Lankan government and other UN member states in New York and on the Human Rights Council in Geneva that it takes the report very seriously and will support or at least not stand in the way of an international mechanism to ensure accountability, given the well-documented deficiencies of domestic mechanisms. India needs to use its leadership

position within the Non-Aligned Movement (NAM)<sup>286</sup> to encourage other governments from the global south to resist Sri Lanka's argument that international involvement in investigating allegations of war crimes and human rights violations is tantamount to Western neo-colonial interference. India should make it clear that what happened at the end of the war was unacceptable and must be credibly investigated and publicly acknowledged.

India should also, in concert with other donors, encourage the Sri Lankan government to work towards the establishment of an effective truth commission that would examine the injustices and crimes suffered by all of Sri Lanka's communities through nearly 40 years of war, terrorism and insurrection. This should include violations committed by all parties during the IPKF's presence in northern Sri Lanka in the late 1980s, and it should be established through a process of broad, transparent and inclusive consultation with the Sri Lankan people. Although it may be some time before conditions in Sri Lanka will allow an effective truth commission, an official account or shared history of the suffering of all communities since the early 1970s will be necessary to lasting peace.<sup>287</sup>

There are signs India is willing to use the UN report and the possibility of an international investigation to increase its leverage over Colombo. India should do so, however, to press for a fundamental shift in the Rajapaksas' mode of governance, not just to gain approval for its most lucrative development projects, as some believe it is doing.<sup>288</sup> Its 17 May statement following the Sri Lankan external affairs minister's visit to Delhi, which called for "early withdrawal of emergency regulations [and] investigations into allegations of human rights violations", is encouraging.<sup>289</sup> The Rajapaksas should be told clearly and consis-

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<sup>283</sup> Crisis Group interviews, senior diplomats, Brussels, October 2010; and Washington, December 2010.

<sup>284</sup> "Indian foreign secretary weighs post-conflict conference on Sri Lanka", op. cit.

<sup>285</sup> India's only official statement on the UN panel report announced that "the issues raised in the Report need to be studied carefully. As a first step, we intend to engage with the Government of Sri Lanka on the issues contained in the Report". "Report on Sri Lankan conflict by panel appointed by UNSG", Indian Ministry of External Affairs, 26 April 2011, at <http://meaindia.nic.in/mystart.php?id=530217578>.

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<sup>286</sup> President Rajapaksa is reported to have acknowledged privately the importance of India in influencing the position of other members of NAM and to have recognised the need to lobby India actively in light of signs that the Indian government's support on the UN panel report may be in question. See "A UN Report and War Crimes Probe", *The Sunday Leader*, 24 April 2011.

<sup>287</sup> The government's "Lessons Learnt and Reconciliation Commission", while not having the mandate, resources or independence needed to serve as an accountability mechanism for alleged violations of international humanitarian and human rights law, also fails to meet most of the basic requirements of a truth commission. See UN Panel Report, op. cit. The panel also recognised that "there are a number of contemporary issues in Sri Lanka, which left unaddressed, will not only continue to impede accountability measures, but will also undermine possibilities for reconciliation and sustainable peace". Ibid, p. 111.

<sup>288</sup> Crisis Group interviews, political analysts, Colombo and Chennai, May and June 2011.

<sup>289</sup> "Visit of EAM of Sri Lanka – Joint Press Statement", op. cit. The statement, which also included somewhat ambiguous support by Sri Lanka for "a devolution package, building upon the

tently that they must open the space for a democratic future in Sri Lanka, and that this requires, in part, a full and frank acknowledgement of the recent past. While a credible investigation may increase the risk of prosecutions for war crimes at the highest levels of government, that risk is there and will remain regardless of their obstructionism. International exposure to any form of accountability could only be reduced by credible decisions made in a democratic, non-authoritarian Sri Lanka.

Finally, in Geneva and elsewhere, India should follow up their 17 May statement by supporting other initiatives to prod the Rajapaksa government to respect human rights, beginning by ending the state of emergency and removing or significantly scaling back the Prevention of Terrorism Act.<sup>290</sup> New Delhi should also publicly express its concern over Sri Lanka's anti-democratic and authoritarian trends and encourage other governments, especially those from the global south, to do so too. Without significant demilitarisation and decentralisation and a return to Sri Lankan traditions of political pluralism and vigorous political debate, there is little chance of meaningful devolution or reconciliation. Instead, the risk of renewed violence will increase. Speaking up on these and other governance issues would also help appeal to a wider spectrum of Sri Lankans. If done consistently, it could also open up space to engage with the traditionally anti-Indian JVP and other Sinhalese constituencies critical of the Rajapaksas but wary of India's motives, in light of its past interventions in Sri Lanka.

**Colombo/Brussels, 23 June 2011**

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13th Amendment", provoked fierce criticism from the JVP and Sinhala nationalist groups aligned with the government. Chris Kamalendran, "JVP, PNM in islandwide protests against Indian interference", *The Sunday Times*, 22 May 2011.

<sup>290</sup> For an analysis of the destructive impact of emergency regulations and the Prevention of Terrorism Act, see Asia Report N°172, *Sri Lanka's Judiciary: Politicised Courts, Compromised Rights*, 30 June 2009, especially pp. 6-8.

## APPENDIX A

### MAP OF SRI LANKA



## APPENDIX B

### MAP OF TAMIL NADU



## APPENDIX C

### GLOSSARY OF TERMS

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AIADMK	All India Anna Dravida Munnetra Kazhagam – Dravidian party headed by J. Jayalalithaa, current chief minister of Tamil Nadu, and protégé of party founder, M. G. Ramachandran (popularly known as M.G.R.). AIADMK was formed in 1972, when M.G.R., then party treasurer of the DMK, was expelled from the party. M.G.R. and the AIADMK reigned supreme in Tamil Nadu from 1977 until his death in 1987. Jayalalithaa was also chief minister from 1991 to 1996, and from 2002 to 2006.
BJP	Bharatiya Janata Party – India’s second largest political party and main opposition to the ruling Congress party. Nitin Gadkari leads the party and its platform is right of centre.
Congress	Indian National Congress, simply known as Congress – India’s largest political party. It is a centre-left party led by Sonia Gandhi, widow of former Prime Minister Rajiv Gandhi, assassinated in 1991 by the LTTE.
DMK	Dravida Munnetra Kazhagam – Dravidian party headed by M. Karunanidhi, five-time chief minister of Tamil Nadu. The party grew out of the Dravida Kazhagam (DK) party, the vanguard of the Dravidian populist movement during the 1940s, founded by E. V. Ramaswamy Naicker, or “Periyar”. In 1949, C. N. Annadurai, Periyar’s protégé and an accomplished playwright and actor, split from the DK to form the DMK. After Annadurai’s death in 1969, his deputy and famous screenwriter, M. Karunanidhi, took the reins of the party. His two sons and daughter are also prominent in the party. The party has been badly damaged by the 2G mobile phone corruption scandal, which led to the arrest of Karunanidhi’s daughter, Kanimozhi.
Dravidian	Native speakers of one of the approximately 23 Dravidian languages spoken by roughly 220 million, primarily in South Asia. The four main Dravidian languages in India – Kannada, Malayalam, Tamil and Telegu – served as the foundation for the creation of four southern states, Karnataka, Kerala, Tamil Nadu and Andhra Pradesh, respectively.
IPKF	Indian Peacekeeping Force – India’s military peacekeeping operation in Sri Lanka between 1987 and 1990 dispatched to enforce the Indo-Lanka Accord designed to end the island’s civil war.
JHU	Jathika Hela Urumaya, National Sinhala Heritage party – known from 2000 to 2004 as Sihala Urumaya (Sinhala Heritage), it promotes a strong Sinhala nationalist ideology, promises corruption-free politics and has three members in Sri Lanka’s parliament, including two Buddhist monks, and one government minister.
JVP	Janatha Vimukthi Peramuna (People’s Liberation Front), Sri Lanka’s largest and longest-standing Sinhala nationalist party. It led armed insurgencies against the state in 1971 and 1987-1989. The JVP currently has four seats in parliament, down from the 39 seats it won in parliamentary elections in 2004.
LTTE	Liberation Tigers of Tamil Eelam – militant Tamil nationalist group founded in 1976, waged an armed separatist struggle in the north and east. Defeated militarily in May 2009, almost all its commanders, including founder-leader Velupillai Prabhakaran, were killed. Remnants of its international support structure remain, but with little capacity for action in Sri Lanka.
NDA	National Democratic Alliance – a coalition of Indian opposition political parties led by the BJP.
RAW	Research and Analysis Wing – India’s external intelligence agency.
MDMK	Marumalarchi Dravida Munnetra Kazhagam – a breakaway faction of the DMK headed by the stridently pro-LTTE Vaiko.
PMK	Paattali Makkal Katchissmall – small Tamil Nadu party allied with the DMK, which draws its support primarily from the Vanniyar caste. Its leader S. Ramadoss is an outspoken supporter of the Sri Lankan Tamil cause.

- SLFP Sri Lanka Freedom Party – centre-left party founded in 1951 by S.W.R.D. Bandaranaike after breaking with the UNP. It instituted socialist economic policies in the 1970s. In power under Bandaranaike’s daughter President Chandrika Kumaratunga from 1994 to 2005 as the main constituent party of the People’s Alliance coalition, it is now led by President Mahinda Rajapaksa.
- TNA Tamil National Alliance – a coalition of smaller Tamil parties in Sri Lanka that generally supported the LTTE during the war, now lobbies for devolved powers in a united Sri Lanka. Currently has 14 members in parliament from the north and east.
- UNP United National Party – centre-right Sri Lankan political party formed in 1946 and currently the main opposition party. Founded by D.S. Senanayake, the party is presently led by Ranil Wickremasinghe, prime minister from 2001 to 2004. The party has been badly weakened by ongoing power struggles, which have earlier seen many prominent members join the government.
- UPA United Progressive Alliance – India’s ruling coalition led by Congress and Prime Minister Manmohan Singh.
- VCK Viduthalai Chiruthaigal Katchi – small Tamil Nadu political party allied with the DMK, which advocates for the rights and welfare of Dalits. Its leader T. Thirumavalavan is a strong supporter of an independent Sri Lankan Tamil state.

## APPENDIX D

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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June 2011

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