Ethnic Conflict in Sri Lanka:
Changing Dynamics

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East-West Center
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Contents

List of Acronyms

CFA	Ceasefire Agreement
CHA	Cessation of Hostilities Agreement
ICRC	International Committee of the Red Cross
ISGA	Interim Self-Governing Authority
JHU	Jathika Hela Urumaya (National Sinhalese Heritage [Party])
JVP	Janatha Vimukthi Peramuna (People's Liberation Front)
LTTE	Liberation Tigers of Tamil Eelam
MoU	Memorandum of Understanding
PA	People's Alliance [Party]
P-TOMS	Post-Tsunami Operational Management Structure
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
TULF	Tamil United Liberation Front
UNF	United National Front
UNP	United National Party
UPFA	United People's Freedom Alliance

Executive Summary

Sri Lanka's ethnic conflict has been characterized by a puzzle. The main parties to the conflict have repeatedly abandoned opportunities to work out a peace settlement through negotiations. For example, the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) began a peace process in 2002 in a very supportive international context, but this engagement did not produce an agreement even after six rounds of direct talks. Even the massive humanitarian disaster caused by the tsunami of December 2004 failed to provide adequate moral or material incentives for the protagonists to end the conflict. This stands in sharp contrast to the experience in Indonesia's Aceh Province, where the government and the rebels signed a peace agreement in the aftermath of the tsunami. Sri Lanka's ethnic conflict seems to have found a new life and vitality toward remilitarization after four years of a ceasefire agreement, one year of peace negotiations, and an unprecedented humanitarian disaster that struck Sinhalese, Tamil, and Muslim communities in almost equal measure. Peace negotiations in Sri Lanka seem to have indeed constituted an integral part of the long-drawn-out life cycle of the ethnic war.

This study explores the "conflict and peace puzzle" in Sri Lanka. It argues that at least part of the explanation of the puzzle lies in the fact that Sri Lanka's ethnic conflict and the difficulties in its termination are embedded in the non-negotiability of the vital question of state power. The protracted war has redefined the core issue of state power as one without negotiable options. Similarly, the fact that the government of Sri Lanka and the LTTE continue to approach the possible negotiated solutions in minimalist (minimum "devolution") and maximalist ("confederal" autonomy) perspectives has made the war the main strategic path through which the dynamics of the conflict continue to be defined.

The study begins with three preliminary points about the conflict in Sri Lanka. First, one useful way to understand some major dynamics of the conflict is to look at the controversies and debates that have emerged when attempts have been made to resolve it. Second, failed and inconclusive attempts at resolving the conflict have not led to sustainable deescalation but have instead reconstituted the conflict, redefining its parameters and making the possible paths to peace narrower. Peace negotiations have been occasions for the governments of Sri Lanka and the LTTE to discover new differences, explore new enmities, and reinforce existing antagonisms. Third, there is a continuing gap between the desired peace and possible peace. Possible peace is envisioned in terms of limited political reforms and minor compromises incurring only the lowest possible political costs.

The main purpose of this study is to understand the dimensions of the self-sustaining and reproductive capacity of Sri Lanka's ethnic conflict. It asks two central questions: Are there features or aspects of the conflict that have made for a disinterest in settlement? How has the conflict gained the enduring momentum to reproduce itself, defying seemingly favorable conditions for war termination?

The study offers three key conclusions. The first is that the circumstances of political engagement—and the political engagement itself—have not been adequate to move Sri Lanka's main parties to the conflict in the direction of a credible compromise. Mediation, facilitation, and negotiations have been necessary but inadequate instruments for effectively altering the trajectory of the conflict. This is because at the heart of this conflict-sustaining trajectory has been the non-negotiability of the central issue of contestation—namely, state power. The parties have not so far found, either through war or through talks, options for a compromise on this vital question of state power, thereby making the conflict both intractable and protracted.

The second conclusion is that, to understand the changing and reproductive dynamics of Sri Lanka's conflict, it is necessary to distinguish its ethnic conflict character from the ethnic war process. Although the "ethnic conflict" may presuppose the possibility of bargainable compromises, Sri Lanka's "ethnic war" is fought on non-negotiable preferences and options because it is propelled forward by two contradictory and mutually exclusive state-formation agendas. The war has also produced two war machines—one linked to the state and the other to the LTTE—that have acquired a considerable measure of autonomy from the political processes. While the contestation for state formation has provided a non-negotiable character to the conflict, it continues to supply the ethnic war with an enduring capacity for reproduction. Against this backdrop, the

two main parties, the government and the LTTE, seem to be working on the realization that the issues of state power are most likely to be decided not at the negotiation table, in parliament, or in the Parliamentary Select Committee chambers, but on the battlefield. It appears that the state-seeking minority nationalism spearheaded by the LTTE and the state-reasserting majority nationalism of the Sinhalese political class possess equally significant levels of bellicosity, standing as major barriers to civil war settlement and ethnic conflict resolution.

The third conclusion is that negotiations between the government of Sri Lanka and the LTTE can be effective in deescalating the war only if such negotiations aim at, and lead to, reconstituting state power along ethnic lines in an advanced framework of regional autonomy. Ethnicity-based reconstitution of state power is an essential precondition for negotiated termination of the ethnic war. This requires a grand ethnic compromise among Sinhalese, Tamil, and Muslim elites, backed by the people in the three main ethnic formations. Yet Sri Lanka at present does not seem to have short-term possibilities in this direction.

Finally, this study suggests that neither early deescalation of Sri Lanka's ethnic war nor its long-term settlement is on the horizon of possibilities at present. I propose that the best course of action for managing Sri Lanka's intractable conflict is creating conditions for peace in a transformative process. It is impossible and unrealistic to expect that the conflict and war cycle can be ruptured or stopped by one ceasefire agreement or one peace deal, precisely because a process of transformative peace can begin only with a possible peace, deferring desirable peace to the future. Conditions for possible peace do not emerge every day. Conjunctures for possible peace have been few and far between. Therefore, building on the imperfect and possible peace is the best strategy for transformative peace. This will presuppose federalist reconstitution of the state along ethnic lines as a necessary first step in a political process for peace.

Ethnic Conflict in Sri Lanka:
Changing Dynamics

Observers of Sri Lanka's peace process are often baffled by the relative ease with which the main parties to the country's ethnic conflict have repeatedly abandoned opportunities to work out a peace settlement through negotiations. For example, the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) began a peace process in 2002 in a very supportive international context, yet no settlement agreement emerged even after six rounds of direct talks. Even the massive humanitarian disaster caused by the tsunami of December 2004 failed to provide adequate moral or material incentives for the protagonists to end the conflict. This stands in sharp contrast to the experience in Indonesia's Aceh Province, where the government and the rebels signed a peace agreement in the aftermath of the tsunami. Sri Lanka's ethnic conflict seems to have found a new vitality toward remilitarization after four years of a ceasefire agreement, one year of peace negotiations, and the unprecedented humanitarian disaster of the tsunami, which struck Sinhalese, Tamil, and Muslim communities in almost equal measure. Indeed, peace negotiations in Sri Lanka have constituted an "integral part of the long-drawn life cycle" of the ethnic war (Sahadevan 2006: 239).

This study explores this "conflict and peace puzzle" in Sri Lanka. I argue that at least part of the explanation of the puzzle lies in the fact that Sri Lanka's ethnic conflict, and the difficulties in terminating it, are embedded in the non-negotiability of the vital question of state power. This is not to deny the importance of "underlying causes" (Burton 1990)

or "structural" factors (Galtung 1969) in generating and sustaining Sri Lanka's ethnic conflict. Group discrimination, limited access to public resources, and cultural marginalization were indeed the key components of the minority experience that eventually produced the ethnic conflict and the demand for autonomy. But the basic thrust of this study is that the protracted war has redefined the core issue of state power as one without negotiable options. Similarly, the fact that the government of Sri Lanka and the LTTE continue to approach the possible negotiated solutions from their respective minimalist (minimum "devolution") and maximalist ("confederal" autonomy) perspectives has made the war the main strategic path through which the dynamics of the conflict continue to be defined.

> *Sri Lanka's ethnic conflict... [is] embedded in...the vital question of state power*

By way of an opening statement, I make three points about the conflict in Sri Lanka. First, one useful way to identify and understand some major dynamics of the conflict is to look at it through the controversies and debates that emerged when attempts were made to resolve it. Second, failed and inconclusive attempts at resolving the conflict have not led to sustainable deescalation; rather, they have reconstituted the conflict, redefining its parameters and trajectories and making the possible paths to peace narrower. In fact, the negotiations have also been occasions for the governments of Sri Lanka and the LTTE to discover new differences, explore new enmities, and reinforce existing antagonisms. Third, there is a continuing gap between the desired peace and possible peace. On both desirable and possible peace, too, there have been contending and conflicting perspectives propelling the conflict forward. The desired peace is conceived on both sides of the divide in terms of zero-sum outcomes. Possible peace is envisioned in terms of inadequate political reforms and insignificant compromises that incur only the lowest possible political costs. Meanwhile, sharp contestations about the path to peace and what "peace" should actually entail have, as witnessed during the 2002 peace process, decisively weakened the parties' commitment to negotiated peace, and have thus brought the protagonists back to a full-fledged yet undeclared war.

The main purpose of this study is to understand the dimensions of the self-sustaining and reproductive capacity of Sri Lanka's ethnic conflict. Are there features or aspects of the conflict that have made a settlement unwanted? How has the conflict gained the enduring momentum to reproduce itself, defying seemingly favorable conditions for terminating the war?

In exploring these questions, this monograph is organized into the following thematic structure. "Perspectives on Civil War Ending" reviews some of the key perspectives that have emerged in recent scholarly literature on the political management of ethnic civil war. "Competing State-Formation Projects" sets out the broad context of conflict formation and protraction, focusing on the competing and incompatible ethno-state-formation projects in Sri Lanka's conflict. Then, to highlight the self-sustaining dynamic of the conflict, "The Uncertain Trajectory of State Reform" examines this incomplete trajectory in post-colonial Sri Lanka. "The 'Muslim Question': A Complex Tripolarity" discusses the question that has added to the complexities of Sri Lanka's ethnic conflict by highlighting a path toward a tripartite settlement process. "The Dynamics of Internationalization" details the internationalization of both the conflict and its settlement process, which has produced a gray area—almost a zone of indistinction—between war and peace. Next, "The LTTE: Thinking and Acting Like a State" discusses a theme that has only recently surfaced in Sri Lanka's political controversies: namely, the state-like thinking and behavior of the LTTE, which has pushed the possibility of a negotiated settlement away from the framework of a compromise. "The Question of Agency and the Future of the Conflict" returns to the question of agency for conflict transformation, political reform, and peace in Sri Lanka. The issue discussed in this section does not have an easy way out. It concerns the limited capacity demonstrated thus far, by the Sinhalese and Tamil political classes alike, to bring negotiated peace processes to a constructive conclusion. This study concludes by making the point that Sri Lanka's ethnic war, which defies an early settlement, could perhaps be addressed through a protracted process of incomplete, transformative peace.

Perspectives on Civil War Ending

By focusing on the dynamics generated by the contest for state power in Sri Lanka's conflict and peace processes, this study emphasizes the importance of intense political struggles embedded in ethnic conflict to understanding why peace processes in intra-state civil war fail or succeed. The Sri Lankan case is not one in which a peace agreement has collapsed. It is a protracted

parties to the conflict have...the incurable habit of returning to war

conflict in which many attempts at peace, or peace processes, have not produced even a settlement agreement. The most successful peace process

to date is the one initiated in 2002, which produced only a ceasefire agreement, six rounds of talks, and an unexplored commitment to finding a federalist solution to the ethnic conflict. Thus, in a comparative sense, the key question in Sri Lanka is not why a peace agreement has collapsed but why the parties to the conflict have developed the incurable habit of returning to war after brief periods of ceasefire and inconclusive political engagement.

The scholarly literature that has emerged, over the past ten to fifteen years, on civil war termination and peace processes highlights different preconditions and contexts that make or break peace agreements. Ethno-political civil wars, like the one in Sri Lanka, offer particularly demanding case studies, primarily because of their tendency to defy homegrown "solutions," either military or political. At the far end of the spectrum of scholarly treatment of ethnic civil wars is radical skepticism, as conceptualized by Chaim Kaufmann (1996) about negotiated solutions framed in ethnic pluralism. According to Kaufmann, the only way to address intercommunal security dilemmas in conditions of ethno-political civil war is a program of "ethnic unmixing"—that is, partition, population transfers, and ethnic separation. This "ethnic partition for peace" is grounded on an interesting logic: since partition is the war aim in ethnic conflicts, early intervention to achieve partition is better than letting the conflict drag on until it actually reaches the partition outcome through much violence, including even genocide. Thus, Kaufmann argues, stable solutions to ethnic civil wars are possible only when "opposing groups are demographically separated into defensible enclaves."

One key problem with Kaufmann's ethnic partition thesis is that it plays into the agenda of ethnic purists who seek to create mono-ethnic mini-states out of ethnically plural societies. Besides, partition of an existing state with the involvement of external states can hardly ensure a stable solution to an ethnic war. It can even trigger further ethnic atrocities. As Gagnon (1997) points out, the greatest threats to peace in the twentieth century have tended to come from those regions in which partition has taken place along ethnic or religious lines. Moreover, replacing democratic solutions to ethnic conflict with an agenda of mono-ethnic enclaves is a very troubling proposition because it only fosters a politics of exclusion in its extreme form within the politics of state formation.

Kaufmann's skepticism about negotiated solutions to ethnic conflict notwithstanding, a growing body of literature has examined conditions under which settlement agreements are possible and workable. This literature can be divided into three broad groups. The first group ("ripe conditions" literature) focuses on the conditions and circumstances that enable a peace agreement among warring parties. The second ("settlement stability" litera-

ture) highlights the adequacy or inadequacy of the terms of the agreement and post-agreement commitments to their implementation in civil war transition. In the third body of literature ("conflict transformation"), settlement agreements as well as the politics of their implementation are placed within a larger process of political and social rebuilding, or "transformation."

Now almost a classic in the first group of literature, Zartman's (1985 and 1995) formulations of the "hurting stalemate" and "ripe conditions" are too well known to describe in detail here. Stated briefly, they foreground the idea of a costly or unproductive stalemate that parties to the conflict encounter in the course of protracted conflict. Conscious of the cost of continuing conflict, parties begin to seek joint and bilateral solutions, rather than unilateral military outcomes, when they reach the stage of a "hurting stalemate." Zartman's "hurting stalemate" and "conflict ripeness" are exceedingly seductive concepts, but they are imagined in the framework of inter-state conflict. The decision-making processes among civil war protagonists are probably more complex than the rational behavior attributed to them in the theory of the hurting stalemate. Zartman's focus is on the rare conjunctures in which civil war parties may agree to international mediation and negotiation. However, experience in many civil war negotiations, as well as the analysis found in the civil war termination literature, make it all too clear that mediation and negotiation, and even peace treaties themselves, can actually be a far cry from any resolution of armed conflict.

Mason, Weingarten, and Fett (1999; also Mason and Fett 1996) present a somewhat nuanced perspective on the circumstances under which a settlement between government and rebels become possible. They argue that a settlement becomes more likely when (1) estimates of the probability of victory decline, (2) costs of conflict increase, (3) estimates of the time required to win increase, or (4) utility from a settlement increases in relation to that of a military victory. One key problem with this model is that it views the decisions of war and peace as rationally calculated options within a somewhat narrow framework of costs and gains. Conflict and peace are not mechanistic processes in which parties make decisions that can be externally evaluated as rational, objectively calculated outcomes. Often, these are decisions whose rationality is better grasped in terms of the phenomenology of the politics of the conflict and peace.

Even when the government and the rebels enter into a peace treaty, does that bring the conflict to an end? Will the enemies of yesterday, who have locked themselves in a war for many years seeking unilateral outcomes, faithfully implement the terms of the peace agreement so that the civil war ends? One body of scholarship argues that "settlement stability"

(not just the peace settlement itself) is the crucial variable in successful civil war termination. Holsti made the point some time ago that the success of peace settlements depends to a large extent on their ability to anticipate and devise "means to cope with the issues of the future" (Holsti 1996: 353). Hampson (1996), warning that peace agreements "can unravel" for a variety of reasons, has made a case for "nurturing peace." This involves approaching peace as a "process" that can bring about power-sharing arrangements through sustained mediation, negotiation, assistance to settlement implementation, and national reconciliation. Hampson sees a major role for third parties in this peace-nurturing process.

A baffling problem in peace processes in civil war has been that, even after peace agreements, conflict may not end. Worse still, war may break out again. In an explanation of why civil war combatants involved in negotiations might choose to return to war, Walter (1999) highlights the importance of "designing credible guarantees" to the terms of the agreement. Walter extends the concept of "security dilemmas" from the level of the international system to the intra-state level of analysis. She argues that resolving the underlying issues on which civil war has been fought is not enough to convince the combatants to accept and implement a peace agreement. There is a much higher hurdle once the peace treaty is negotiated. This hurdle concerns security guarantees in contexts where the combatants are required to shed their partisan armies and surrender conquered territory—steps that increase their vulnerability and also limit their ability to enforce the peace treaty's other terms.

In the early literature on civil war termination, Steadman drew attention to the "fear of settlement," or the "fear of being double-crossed," as a key dilemma in peace settlements. This is a condition arising from the fact that for settlement agreements to succeed, "parties must accept vulnerability and place their security in the other's hands" (Steadman 1991: 15). Thus post-treaty demobilization creates "security dilemmas." It also creates doubts—political dilemmas—about whether or not the settlement will last, thereby raising the stakes on political commitments to institutional reforms set out in the peace agreement. Walter proposes overcoming these security and political dilemmas in the post-treaty context by designing the settlement process in such a way that "external security guarantees" and "internal political, military and territorial commitments" will convince the combatants to end the civil war. In a further extension of the security dilemma analysis, Hartzell concludes that only those negotiated settlements that would "most extensively institutionalize" guarantees from security threats for each antagonist in the implementation process are "most likely to prove stable" (Hartzell 1999: 4).

Scholars have also expressed dissatisfaction with the realist and rational choice paradigms of analyzing the trajectories of civil war. Addressing the security and political dilemmas after a peace treaty is indeed a crucial variable in stabilizing a peace process. Yet a fundamental question about the politics of the conflict remains: Can a settlement agreement—based on rational cost-benefit calculations of conflict continuity made by the government and the rebels, or on the potential economic dividends of conflict mitigation—ensure that the root causes of the conflict are addressed?

The "conflict transformation" perspective (the third group of literature referred to above) explores this challenge. Its proponents claim that conflict transformation is a "generic, comprehensive concept" which refers to "actions that seek to alter the various characteristics and manifestations of conflict" by addressing the root causes over the long term (Austin, Fischer, and Ropers 2004). This approach has its origins in the conflict resolution tradition which argues that a successful peace process must transform the underlying causes of the ethnic conflict (Burton 1990, Darby and Mac Ginty 2003). The conflict transformation approach to civil war settlement seeks to transform harmful ways of dealing with conflict into constructive approaches. It insists on a process that consists of more than simply reframing positions and striking agreements for win-win outcomes. The idea is to combine processes—structures as well as normative goals—in the search for "transformation." As one of the key exemplars of this approach asserts, it is a process of engaging with and transforming the relationships, interests, discourses, and even the social settings that sustain violent conflict (Lederach 1995 and 1997). In Lederach's formulation, conflict transformation must "actively envision, include, respect and promote the human and cultural resources within a given setting." Significantly, conflict transformation theorists have taken the politics of conflict resolution away from the narrow framework of negotiation, mediation, peace treaties, and post-agreement exercises, placing it within a broader process of societal change.

Peace settlements are often signed in a grim context where divisive ethnic emotions are mobilized in the process of the ethnic conflict itself. Popular resistance to peace treaties is also often mobilized by spoiler forces by arousing ethnic passions. As repeatedly demonstrated in Sri Lanka, peace agreements

peace agreements have been nullified

have been nullified in the face of such ethnic-emotional mobilization. In deeply divided societies with experiences and memories of massive ethnic

violence—in the form of mass killings, ethnic cleansing, and other violent acts—peace agreements themselves provide space for such resistance. How should a peace process, and scholarly approaches to civil war termination, address this dilemma?

Stressing the inadequacy of the dominant rationalist paradigm in preventing the breakdown of compromise settlements, as well as the failure of peacekeeping as well as peacemaking policies, Stuart J. Kaufman argues that such failures occur not because of the interests that are at stake but because of the "emotion-laden symbolic politics" that define those interests, and through which they are pursued and discussed (Kaufman 2006: 202). Although the conflicts are rooted in tangible issues, the ethnic politics have a social-psychological dimension. Ethnic wars are driven by hostile popular emotions toward out-groups. They are harnessed by political leaders wielding emotive political symbols. A "symbolic politics trap" is created when leaders begin to play on these emotions, because once aroused, ethnic emotions are not easily calmed down. In Kaufman's argument, the missing key to ethnic conflict resolution involves escaping this trap and becoming able to "stabilize mass and elite preferences on both sides around attitudes amenable to compromise," while simultaneously mobilizing a political coalition in favor of such compromise (Kaufman 2006: 202). Effective conflict resolution, according to the symbolic politics theory, requires "a comprehensive strategy integrating the logic and practice of reconciliation initiatives" with the traditional tools of international mediation and conflict resolution.

In exploring Sri Lanka's conflict and peace puzzle, I agree with scholars who argue that secessionist ethnic conflicts are "unending" conflicts (Heraclides 1997, Aggestam and Jonsson 1997). Heraclides, for example, argues that "separatist wars" are distinguished from conventional civil wars by how—or whether—they end. Placing a definite termination date on a separatist conflict is not easy and is even pointless. Neither a peace treaty (even one signed under the most propitious international circumstances) nor a military victory (even one achieved by the state controlled by the ethnic majority) can provide sufficient conditions for stable peace unless the politics—and the political struggles—of the conflict are addressed. Aggestam and Jonsson (1997) provide a useful insight when they note that disputing parties in fact begin to bargain

> *ceasefire agreements...reconstitute and even remake the conflict*

anew when reconstructing relations in the post-agreement phase. I extend this insight further to make the point that peace treaties and ceasefire agreements are better treated as instruments that reconstitute and even remake the conflict itself. Even if the war comes to a halt in consequence of a peace treaty, the conflict is very likely to continue by other means. The way to address secessionist conflict is to reinvent the peace process in the new contexts that emerge after ceasefires, negotiations, and even peace treaties.

This study examines the dynamics of the conflict as revealed in the attempts to resolve it through negotiations, mediation, and cessation of hostilities. These dynamics are the conditions and dimensions that have contributed to the protraction and sustainability of war and violence through the logic of conflict reescalation and reproduction. One objective of this study is to unpack this "logic" of conflict reescalation and reproduction. Sri Lanka's conflict is an intractable one in a double sense. First, it has been characterized by "high, ongoing levels of intergroup violence that has not been amenable to reduction through negotiation" (Maney et al. 2006: 186). Second, attempts at conflict termination have reproduced the conflict with greater intensity and capacity to be long-lasting. In the wake of the peace agreements in Northern Ireland and Israel-Palestine, scholars have begun to emphasize that for a peace process to succeed, structural and cultural factors must be treated as interrelated causes of the conflict. Elaborating on this approach, Maney and colleagues point out that to be successful, a peace process "must transform power relations while creating certainty along multiple dimensions at both the elite and grass-roots levels" (Ibid.: 182). This entails the transformation of "group power relations" from the dynamics of domination and resistance (or "power over") toward "cooperation and mutual empowerment" (or "power to").

While acknowledging the centrality of "mutual empowerment" among participants to the peace process, I argue that when state power is at stake, there is little or no room for an empowerment agenda in civil war negotiations. Although war presupposes disempowerment of one side by the other, negotiations in civil war, if they are to produce an outcome at all, are about strategic equilibrium—but not, certainly, about mutual empowerment. Strategic equilibrium, or power symmetry, is the condition that rebels are committed to achieve, maintain, and harp on as an essential precondition for a negotiated settlement. The state, in contrast, seeks to deny—and wherever possible to alter and undermine—the condition of power symmetry precisely because it can be the precursor to secession. In the short run, power symmetry also undermines the state's commitment to influencing unilaterally the terms of any negotiated

settlement. Whereas the rebels prefer to negotiate under conditions of power balance, the state prefers power asymmetry. Thus empowerment is about state power in its most naked form, rather than about cooperation or mutual empowerment. The next section discusses this point in relation to Sri Lanka's peace process of 2002.

> *the rebels prefer to negotiate under conditions of power balance, the state prefers power asymmetry*

Competing State-Formation Projects

Even a cursory examination of Sri Lanka's earlier and more recent peace negotiations reveals the extent to which the main protagonists are preoccupied with the issue of state power as a non-negotiable outcome. The capacity of various Sri Lankan governments to address minority demands for political power-sharing has been severely restricted by the possible—as well as the perceived—consequences of such arrangements on how state power is currently organized in the country within a unitarist framework. In the politics of electoral competition, as well as of radical anti-establishment nationalist mobilizations in Sinhalese society, there has been repeated resistance to power-sharing proposals on the grounds that deviation from the unitary state framework would facilitate minority secession. Thus, trapped in ethnicized electoral politics and radical resistance to political reforms, any substantial shift away from the unitary and centralized state form has proved exceedingly difficult from the 1950s onward. Moreover, social mobilization for resistance to power-sharing gained new momentum after the failure of 2002–03 peace talks.

Similarly, the LTTE, which is supposed to represent the grievances of the Tamil community, seems preoccupied with the priorities of state-building in what they see as the Tamil "homeland." As a result, it has become somewhat clear that the ethnic war in Sri Lanka, as opposed to the ethnic conflict, is not primarily concerned with addressing issues of discrimination, everyday identity needs, or even structural problems of poverty and inequality. For the LTTE, war-making has been fundamentally a process of state-making. For the Sri Lankan state, however, war has been the key way to maintain the existing unitary state, with or without reforms, while "defeating" the LTTE's state-making project. One way to understand the return to undeclared war in 2006, by the newly elected Mahinda Rajapakse administration and the LTTE, is to view war as the space in which the two sides actually negotiate their competing state-formation goals. Thus it may

not be an exaggeration to describe peace negotiations in Sri Lanka as continuation of the war for state formation by other means.

Holsti made the now-famous assertion that wars of the late twentieth century have not been about foreign policy, security, honor, or status, but about "statehood, governance and the role and status of nations and communities within states" (Holsti 1996: 21). Recalling even briefly how the politics of state formation evolved before and during the ethnic war in Sri Lanka is useful for identifying some of its salient characteristics. The Sinhalese nationalist vision of the post-colonial state has been one in which the majority community could feel politically secure and firmly in control of the institutions of state power, with no threat from ethnic minorities. The Sinhalese nationalists also wanted the state to enshrine a structure of ethnic hierarchy in which the ethnic, linguistic, and religious minorities accept the preeminence of the Sinhalese-Buddhist majority community. In constitutional and state-structural terms, this vision has translated into a unitarist and centralized state. The intense economic and political competition with many minorities that the majority Sinhalese had to confront in the process of colonial transformation, and particularly during the few decades preceding political independence of 1948, may have shaped this particular worldview.

This unitarist state vision continued to shape the core ideology of the politics of state formation in Sinhalese society throughout the post-colonial years. Meanwhile, the electoral competition between the two main Sinhalese political parties, in a framework of what DeVotta describes as "ethnic outbidding" (DeVotta 2006), provided further—and, one must even say, enduring—impetus for a specific politics of resistance to state reform in Sinhalese society. The ethnic war that began in the early 1980s has not diminished this unitarist agenda of state formation. On the contrary, the civil war and the threat of secession continue to reinforce the argument against reforming Sri Lanka's post-colonial state in a direction of power-sharing. Politically influential Sinhalese nationalist forces insist that as long as the Tamil insurgency remains active, state reforms in a framework of devolution or power-sharing would weaken the existing state and strengthen the very agenda of Tamil secession that state reformists claim to address.

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The Sinhalese majoritarian process of post-colonial state formation has, in turn, created conditions of possibility for a parallel and regional

state-formation process in the Tamil polity. This first took the form of a demand for federalist constitutional reforms in the early 1950s to mid-1970s. Identity grievances and the experience of discrimination were central to the context in which the Tamil nationalist leaders saw regional autonomy as a counter to the process of making the post-colonial Sri Lankan state ethnic-majoritarian.[1] However, the Sinhalese political class viewed federalism as too extreme a solution to suit the "small island" of Sri Lanka. Their argument was an all-too-familiar yet politically effective one for electoral mobilization: namely, that federalism would be the inevitable stepping-stone to separation by constitutional means. Eventually, the unfulfilled demand for federalism gave way to a project for separation in the Tamil polity. Thus the Tamil project became a state-seeking minority nationalist endeavor. This transition occurred in the latter part of the 1970s, after the failure of a federalist campaign lasting nearly twenty-five years. It also carried within it both the strength and the enduring weakness of Tamil nationalist politics.

This alternative state-formation agenda seems to have given Sri Lanka's post-colonial Tamil nationalism much social energy and political vitality, even sustaining a war of separation for another twenty years. Meanwhile, by their mutual exclusivity, the majoritarian Sinhalese and the minoritarian Tamil ethnic nationalisms have nourished each other to produce a truly intractable conflict. The dialectic of state formation in this ethnic mode has been quite simple in its actual functioning. The Sinhalese majoritarian project of a unitarist and centralized state created conditions for a federalist—and then a separatist—response in the Tamil polity. The latter then contributed to the state-formation process in Sinhalese society becoming enduringly rigid, inflexible, and reform-resistant (Uyangoda 1999). The resistance to state reform in the Sinhalese polity, even in a context of civil war, has further reinforced, with baffling regularity, the secessionist tendencies in the politics of Tamil nationalism.

ethnic nationalisms have nourished each other

The contest between Sinhalese and Tamil state-formation projects has given rise to claims of regional autonomy in Sri Lanka's Muslim society as well. The Tamil armed struggle for a separate state, encompassing the Northern and Eastern provinces, has generated a profound insecurity among the Muslims who constitute nearly one-third of the population in the Eastern Province. The "Muslim question" is discussed in detail in a later section of this monograph. Suffice it to say here that the Muslim claim to regional autonomy in the Eastern Province is a direct reaction to

the processes of regional as well as separate state-formation politics among the Tamils. The Muslims do not support the campaign for a separate Tamil state. But they accept regional autonomy for Tamils on the condition that in the Northern and Eastern provinces there would be special arrangements for the security and rights of the Muslim communities. They argue that in the Eastern Province, the Muslim majority areas should be made into a noncontiguous unit of autonomy.

The LTTE, which has been negotiating with the Sri Lankan government for a "peace deal," has found the Muslim autonomy claim quite problematic. In the LTTE's thinking, accommodating Muslim demands before a final agreement is reached would weaken the political capacity of Tamils in what would be a three-way bargaining framework. The LTTE favors a two-stage, two-way bargaining strategy. In this thinking, initial negotiations would be between the government and the LTTE; once concessions were extracted in this first stage, the LTTE would enter into another two-way negotiation process with the Muslims. However, the Muslim political parties assert that their claims cannot be ignored or deferred at any stage of negotiations for a settlement. The Muslim claim for subregional autonomy has indeed become integral to the new processes of state formation engendered by the Sinhalese-Tamil ethno-political conflict. The Muslims, too, seek state power in a shared framework of autonomy.

The Muslims, too, seek state power

The conflict as well as the peace negotiations in Sri Lanka are concerned, above all else, with the redistribution of state power as claimed by the Sinhalese, Tamil, and Muslim ethnic communities. Therefore, a compromise among these three state-formation projects is the key to crafting a credible peace settlement. In Sri Lanka's ongoing debate on political alternatives to war, federalism is seen as a suitable framework for such a power-sharing constitutional mechanism. But a federalist alternative in Sri Lanka is caught up in a dilemma. Whereas the Sinhalese nationalist forces that shape the political agenda in Sinhalese society see federalism as an unwarranted concession to the secessionist project of the Tamils, the LTTE views the alternative of federalism as both inadequate and lacking

The Tamil project for statehood has become[a]...war-driven process

in any credibility. As long as this contradiction between Sinhalese and Tamil nationalist projects remains unresolved, the counter-state-formation impetus in Sri Lanka's Tamil society will be subject to a major political handicap. The Tamil project for statehood has become an exclusively war-driven process, with no space available for democratic struggle. Similarly, the dominant agency for state formation in Tamil society, the LTTE, is both militaristic and authoritarian. In its nearly three-decades-long military campaign for a separate Tamil state, the LTTE has also emerged as an agency for "subnational authoritarianism" (Gibson 2005: 104), rather than for regional, or subnational, democracy. This is a key anomaly in the post-colonial state-formation process in Sri Lanka.

Negotiating State Power?

Have the negotiations between Sri Lankan governments and the LTTE helped create a common ground between these competing state-formation projects? Or have negotiations been missed opportunities for conflict settlement through compromise and political reform? On two occasions, in August 1985 and December 2002, some progress was made toward defining the broad parameters of a possible political common ground. At talks held at Thimpu in August 1985, the Tamil parties outlined a framework of compromise based on four principles. These "Thimpu Principles" enunciated the doctrine that the Sri Lankan Tamils constitute a distinct "nationality" entitled to the "inalienable right to self-determination," and also asserted territorial autonomy for the "Tamil homeland" encompassing the Northern and Eastern provinces (Loganathan 1996: 104–05). But at Thimpu, the Sri Lankan government delegation refused to acknowledge these principles. Although engaged in a war for separation, the Tamil side saw compromise to be a matter of creating a regional ethnic state within the larger nation-state of Sri Lanka. Obviously, this position was not acceptable to the Sri Lankan government, which viewed the ethnic question essentially as a law-and-order problem that did not require a political solution leading to sharing of state power. The farthest that the Sri Lankan government would go at that time in terms of a political solution was district-based administrative decentralization.

Most of the subsequent negotiations between the Sri Lankan government and the LTTE avoided the issue of a political settlement. But in 2002, the question of sharing state power figured prominently in talks between the United National Front (UNF) government and the LTTE. Interestingly, the LTTE brought back to the debate the notion of "internal self-determination," which appeared to have been abandoned since the Thimpu talks. A notable feature of the 2002 talks was the commitment by the two sides to explore "a solution founded on the principle of

internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka" (Oslo Communiqué, cited in Uyangoda and Perera 2003: 280). This formulation was significant in that, unlike the Thimpu Principles, it represented a negotiated and preliminary common ground on which to frame a possible constitutional settlement. It articulated a possible post-conflict state, moving away from both the maximalist position of the LTTE (i.e., separation) and the minimalist position of the Sinhalese political class (i.e., devolution).

The two sides could not sustain this common ground for long, however. Negotiations were suspended in April 2003, after the LTTE withdrew from the talks on the grounds that the government was not committed to fully implementing decisions made previously at the negotiation table. The circumstances under which the negotiations reached this stalemate indicated that even preliminary steps toward settling the question of state power had destabilized the negotiation process itself and brought the peace process to an end. What follows is a brief account of the developments that culminated in the negotiation deadlock in 2003.

The Oslo formula by which both the government and the LTTE agreed to explore a federal solution was surprising, particularly because the LTTE, which had firmly stood for secession, lowered its stakes so dramatically. The LTTE's decision to withdraw from negotiations was also surprising because the international community was preparing to offer a massive package of economic assistance for post-conflict reconstruction. The LTTE and the people living in LTTE-administered areas would have been direct beneficiaries of this generous international aid commitment. When the LTTE leadership made the dramatic decision to withdraw from talks in March 2003, the U.S. State Department was organizing an April 2003 conference on Sri Lanka to mobilize international support for Sri Lanka's peacebuilding. There were also plans afoot for a major international donor conference to be held in Tokyo in June of that year.

The LTTE gave two reasons for withdrawing from direct talks. The first was the government's alleged unwillingness to implement decisions already jointly made at the talks. The second reason revealed the LTTE's strategic thinking at the time. The LTTE expressed deep anger over the fact that the U.S. government had not invited LTTE representatives to the proposed Washington meeting in April 2003. The LTTE interpreted this as a move by the international community to treat the LTTE as a junior partner in the negotiation process, rather than as an "equal party" along with the Sri Lankan government. For the LTTE, acknowledgment of "parity of status" by the international community was crucial in two ways: (1)

it would function as a de facto formalization of what the LTTE saw as its military balance of power with the Sri Lankan state; and (2) it was necessary to ensure that the negotiated political settlement would not weaken the LTTE's state-building goal.

The way the LTTE, soon after April 2003, pushed the peace process to focus exclusively on the nature of the post-conflict Sri Lankan state warrants a brief discussion here, because it sheds much light on the centrality that the LTTE accorded to the trajectory of state formation during the 2002–03 peace process. To redirect the agenda from "peace-building" to "state-building," the LTTE made a sharp strategic move by promoting the idea of an "interim administration" as the key thematic issue in its engagement with the government and the international community. The LTTE stated that it would return to the talks only when the government submitted proposals for an interim administration for the Northern and Eastern provinces.

the LTTE…promot[ed] the idea of an interim administration

When the UNF government and the LTTE had begun talks in September 2002, the question of an interim administration had not figured in at all, though when the two sides had agreed to a ceasefire and peace talks earlier that year, there had already been an informal understanding between them about setting up such an interim institutional mechanism as a prelude to a settlement agreement. Thus in May 2003 the UNF government, in response to the LTTE's request, produced a set of proposals for an interim administration. Dissatisfied with the extremely limited scope of powers, authority, and competence envisaged in these proposals, the LTTE asked the UNF government to formulate a fresh set. When the new proposals were announced in July 2003, there was only a marginal improvement over the UNF government's May proposals. The LTTE then volunteered to prepare its own proposals for an interim administration. After consulting the Tamil diaspora constituencies, the LTTE on October 3, 2003 submitted to the government a set of proposals for an Interim Self-Governing Authority (ISGA).

One key feature of the LTTE's ISGA proposals was that they contained provisions envisaging a considerable, one may even say extreme, measure of regional autonomy. These proposals conflicted with Sri Lanka's existing Constitution. For example, the ISGA proposals stipulated that the interim body would have "plenary powers" for the governance of the Eastern and Northern provinces, including "all powers and functions in

relation to regional administration exercised by the GOSL [Government of Sri Lanka] in and for the NorthEast." They also included the establishment of "separate institutions for the administration of justice." The ISGA was to have "powers to borrow internally and externally" and to engage in internal and external trade. The LTTE's proposals suggested that the ISGA "shall have control over the marine and offshore resources of the adjacent seas and the power to regulate the access" to the sea (Balasingham 2004: 503–14). It also appeared that the LTTE expected the new interim mechanism to reflect the existence of what it called its "de facto administration," and to formalize it. During this period, the LTTE was quite keen to make the point that it was not just a non-state entity or an armed group but a "liberation organization" maintaining a "de facto civil administration" to manage a civilian population. Thus the LTTE envisioned an interim body that would be more than a mere administrative entity; rather, it would be an entity for self-governance independent of parliamentary control and not even subject to the framework of the existing Constitution.

The LTTE's ISGA proposals created a major political controversy, soon resulting in a regime change in Colombo. They immediately led to the sharpening of contradictions between the UNF government of Prime Minister Ranil Wickramasinghe and the People's Alliance (PA) led by the country's President Chandrika Kumaratunga.[2] President Kumaratunga and her political allies immediately launched a major political campaign describing the LTTE's ISGA proposals a "blue print for secession." Within three days of the LTTE handing over the ISGA proposals, President Kumaratunga dismissed the UNF government's defense minister and took over the Defense Ministry, alleging that the country was facing an immediate threat to its security and sovereignty. She also took over two other ministries, the Media Ministry and Foreign Ministry.

By this time, the negotiation process had reached a stage of extreme complexity. The LTTE had taken the position that it would return to negotiations only to discuss its ISGA proposals. The Wickramasinghe administration refused to resume negotiations with the LTTE, arguing that the president, with the Defense Ministry in her hand, should now take responsibility for the peace process. But the president and her coalition were not in a position to negotiate with the LTTE because of the hard-line, rejectionist stand they had earlier taken on the UNF-LTTE negotiations as well as on the LTTE's ISGA proposals. This extreme polarization of positions between the president and the LTTE in the period after October 2003 precluded any possibility that negotiations would be resumed. In this ensuing period of tension and uncertainty, President

Kumaratunga dissolved Parliament and held fresh elections in April 2004. At the elections, the UNF administration lost power to the new United People's Freedom Alliance (UPFA), headed by President Kumaratunga. Peace negotiations have remained suspended for an extended period.

Looking at the controversy surrounding the issue of interim administration from the perspective of the dynamics of conflict reproduction, a few significant points can be observed. The gulf between the minimalist and maximalist positions concerning even an interim settlement framework, held respectively by the Sinhalese ruling parties and the LTTE, was quite wide. The UNF government's minimalist perspective was rooted in the notion that an interim framework should be administrative in nature and scope. The PA, in contrast, denied the validity of the very idea of an interim administrative structure. The UNF, which acknowledged the idea of an interim solution, was also careful to conceive it well within the legal framework of the existing Constitution. In contrast, the LTTE held that even an interim framework should go beyond the limits of Sri Lanka's existing Constitution. The LTTE expected the UNF government to be so bold as to work outside the Constitution, as had been the case with the Ceasefire Agreement (CFA) of 2002.[3] The LTTE also believed that for an interim administrative structure to be meaningful, it should have the political features of extensive regional autonomy, approximating an advanced form of federalism.

The LTTE's rationale for an interim administrative structure was based on a two-stage approach to a negotiated settlement. In this scheme, the first stage of a peace process should focus exclusively on a "normalization" agenda, not on political issues to "resolve" the conflict. President Kumaratunga and the PA, however, emphasized that the peace talks should focus on "core issues" of the conflict, be conducted within a clearly defined time-frame, and reach a "final" settlement agreement. According to this perspective, any suggestion of an "interim process" was obviously an attempt by the LTTE to

> **Sri Lanka's political establishment plunged into a major crisis**

avoid the responsibility of resolving the "core issues" of the ethnic conflict. Meanwhile, it needs to be noted that the ISGA proposals of October 2003 were the first concrete set of ideas that the LTTE had ever elaborated as its blueprint for a negotiated solution. The moment those proposals were unveiled, Sri Lanka's political establishment plunged into a major crisis, resulting in an open clash between the president and the prime minister,

dissolution of Parliament, and an eventual regime change. This highlighted another core dilemma in Sri Lanka's ethnic conflict management: any settlement proposal emerging from the Tamil polity as a credible offer would far exceed what the Sinhalese political class could constructively consider, precisely because it would envisage a radical reconstitution of the existing state.

The Uncertain Trajectory of State Reform

The dilemma just noted above raises the question of whether the postcolonial Sri Lankan state is amenable to structural reforms at all. The government leaders, who belong to the Sinhalese political elite, have often expressed dismay over the intensity of the separate-state-formation drive in the Tamil polity. However, their efforts to provide alternatives have not been effective enough to deescalate the conflict. The recent attempts at "political solutions" and their failure reveal the inadequacy of the alternatives envisioned in Sinhalese society to grapple with the core issue of the ethnic conflict—namely, the sharing of state power.

There are four phases of Sri Lanka's "state reform" trajectory in the context of the ethnic conflict: (1) the period of reform refusal; (2) the external imposition of state reform; (3) the consolidation of reform resistance in response to limited and failed reform initiatives; and (4) a period of reform negation, in which a strong counter-reformist thrust emerges against a backdrop of, and in reaction to, a push for state reform. A brief account of the main facets of these four phases will enable us to understand the limits—as well as the limited possibilities—of the state reform dynamics embedded in the politics of ethnic conflict management.

Reform Refusal

The phase of reform refusal goes back to the 1950s and 1960s, when scant attention was paid to minority rights in Sri Lanka. During this early phase, the argument for state reform emanated from the Tamil minority. The Tamils demanded the reconstitution of the post-colonial Sri Lankan state in a framework of federalism. Paradoxically, this put at risk the very idea of reform because the ethnic minority demand for state reform was seen as detrimental to the interests of the majority community. Even during the early phase of the Tamil campaign for separation, the Sri Lankan government refused to recognize the ethnic conflict as a valid political problem warranting serious political response. During most of the 1970s, the government thought that the Tamil agitation for power-sharing was unwarranted, illegitimate, and therefore unacceptable.

The Tamil nationalist movement nevertheless continued to pose a political challenge to the government. At the parliamentary election of

1977, the Tamil United Liberation Front (TULF), a new coalition of Tamil nationalist forces, won all parliamentary seats in the Tamil-majority Northern and Eastern provinces on an election platform of separation. In 1980, amidst rising pressure, the J. R. Jayewardene regime proposed a system of district development councils. As a result, the 1980 District Development Councils Act established a system of councils with very limited powers. Their powers, duties, and functions were to "approximate those carried out by the Town Councils and Village Councils, but excluding areas covered by Municipal and Urban Councils."[4] Thus these councils were not conceived as institutions of regional autonomy, but as bodies of decentralized administration effectively controlled by the central government.

There were two reasons the government offered Tamils such an extremely minimalist package of decentralization. The first is that the Sinhalese political class still maintained its long-held position that the Tamil demand for autonomy was unjust, illegitimate, and beyond reason. They saw the Tamil claim to regional autonomy as a politically exaggerated manifestation of a developmental question. The second reason is linked to the project of authoritarian state formation that the Jayewardene regime promoted in this period. The new regime, which was elected to power in 1977, embarked on a major program of economic restructuring through liberalization and free-market reforms. Parallel to economic liberalization was a political program of centralization of state power through constitutional reform, which produced the executive presidential system of government in 1978. Thus limited decentralization with firm control by the center was the conceptual foundation of the district development councils that the United National Party (UNP) regime offered to Tamils in 1980.

External Pressure for Reform

The events after 1980 radically altered Tamil nationalist politics as well as relations between Tamil society and the Sri Lankan state. The turning point was the anti-Tamil riots of July 1983. The UNP regime's complicity in the riots, as well as the ferocity with which Sinhalese mob violence was unleashed against Tamil citizens, strengthened the embryonic secessionist drive in Tamil nationalist politics, giving a massive impetus to the armed struggle for separation. Once the separatist war began with popular support in Tamil society, and with backing in South India, the concept of a solution to the ethnic conflict also assumed a new character. While the Sri Lankan government's first choice was a military conquest over the Tamil

> *The turning point was the anti-Tamil riots of July 1983*

armed insurgency, pressure for a "political solution" came from the Indian government. Although India had politically backed the Tamil nationalist movement in Sri Lanka, the rising insurgency—as well as the Sri Lankan government's intransigence in seeking a military solution—apparently led to the belief among Indian policy-makers that the warring parties in Sri Lanka needed to be persuaded to work toward a "political solution" to the ethnic conflict. These developments constituted the backdrop of the phase of externally imposed state reform in Sri Lanka.

The Indian engagement in Sri Lanka's conflict for a political solution has been extensively recorded and commented upon (for example, Muni 1993, Jayatilleka 1995, Loganathan 1996, de Silva 1998, Krishna 1999). Without repeating that story, suffice it to say that India made a significant contribution in the 1980s to the shaping of a political solution to Sri Lanka's ethnic conflict. Indian efforts to mediate a settlement brought to the Sri Lankan political discourse the concept of "devolution" of power. In 1987, using pressure through power mediation, India appears to have converted a reluctant Sinhalese political leadership to the idea that a credible political alternative to war should go beyond mere administrative decentralization and contain provisions to create new structures for devolving political power to the Northern and Eastern provinces.

However, implementing state reform under external inspiration to address Tamil grievances was a very difficult project. A coalition of Sinhalese nationalist forces emerged to resist the devolution initiative. Led by the radical nationalist Janatha Vimukthi Peramuna (JVP, or People's Liberation Front), this resistance movement soon developed into an armed insurgency against the government. The JVP mobilized resistance on the grounds that India, through the Indo-Sri Lanka Peace Accord of July 29, 1987 and provincial councils (discussed below), was seeking the territorial division of the country on behalf of the Tamil minority. Even the nationalist Sri Lanka Freedom Party (SLFP), the main opposition party at the time, initially backed the JVP's campaign against devolution. Indian military involvement in Sri Lanka through a peacekeeping force in 1987–89 further fueled the Sinhalese nationalist fear of the country being territorially annexed by India. This rebellion lasted for over two years, until the government brutally suppressed it.

Unilateral Reforms
The third phase of state reform, the phase of unilateral reformism, encompassed the mid-1990s, when the People's Alliance government of 1994–2000, headed by President Chandrika Kumaratunga, took steps toward greater devolution through constitutional reform. The background to the PA government's move to initiate a constitutional reform process as

a prelude to a political settlement was the collapse of peace negotiations between it and the LTTE in April 1995. The government initiated peace negotiations with the LTTE in late 1994, on the premise that it was preparing a set of proposals for extensive devolution to be eventually presented to the LTTE. The government also created the impression that those "devolution proposals" would eventually be the basis for a peace agreement with the LTTE. However, during the peace talks with the LTTE, the PA government did not present any such reform proposals.

Eventually, in August 1995, four months after the negotiations came to an end, the PA government made public its devolution proposals, which were quite substantial in terms of the scope of regional autonomy they envisaged. For example, the proposals sought to strengthen the powers of the regional councils by granting to regions most of the powers that were in the concurrent list under the existing Thirteenth Amendment to Sri Lanka's 1978 Constitution. There were also provisions to further ensure regional autonomy by restricting the powers of the central government to control the proposed regional councils. President Kumaratunga and her government thought that a unilateral offer of an extensive devolution framework would act as a credible incentive for the LTTE to return to the negotiation table. But the LTTE rejected the proposals, calling

> *The LTTE...interpreted the government's...unilateral... package as a covert attempt to win over the Tamil people*

them "inadequate" to address Tamil aspirations. More importantly, the LTTE saw them as a unilateral exercise by the government without the LTTE's participation. The LTTE also interpreted the government's offer of a unilateral political package as a covert attempt to win over the Tamil people by politically isolating the LTTE.

The LTTE's rejection of the August 1995 devolution proposals provided the context for President Kumaratunga to adopt a new strategy with a dual track of war and peace. Indeed, the government called this approach "war for peace." It combined a large-scale, high-intensity military assault on the LTTE and a political appeal to the Tamil people that the government was willing and ready to constitutionalize an autonomy package with or without the LTTE's participation. The military plank of the strategy appeared to succeed in December 1995, when the government's armed forces captured the Jaffna Peninsula, which had functioned as the LTTE's military and political headquarters. In the face of a massive military offensive by the government, the LTTE retreated to the jungles in the Vanni

region, located south of the Jaffna Peninsula. The government believed that a militarily weakened LTTE would be forced back to the negotiation table to accept the offer of regional autonomy, which the government thought was quite a generous incentive.

Events that followed the PA government's new strategy demonstrated two important dynamics in Sri Lanka's conflict. First, a unilateral initiative by the government for political reform, without the direct participation of the other main protagonist to the conflict (the LTTE in this case), could hardly succeed. Second, a militarily weakened LTTE was unlikely to return to the negotiation table from a position of weakness. Concerning the first, it needs to be said that the devolution offer which President Kumaratunga's government made was as good as a federal solution. It sought to strengthen regional autonomy through a new structure of regional councils with extensive powers, as well as a position of autonomy from the central government. It also sought to amend the unitary features of the Constitution and make Sri Lanka a "Union of Regions." Similarly, the government's other expectation—that the Tamil people would desert the LTTE and embrace the government and its autonomy package—was proved quite unrealistic.

Reform Negation

The fourth phase of state reform, covering 2003 and after, encapsulates a paradox. In this period, state reform initiatives enhanced and reactivated the dynamics of reform negation. As Bachler has pointed out, state reform and conflict are closely related in a double sense. While state reform can be seen as a prerequisite for conflict transformation and sustainable peace, it can also easily become a new source of conflict (Bachler 2004: 274). Bachler warns that state reform must be seen as a "tightrope walk" always "seeking a fine line between conflict mitigation and crisis escalation." Thus an incomplete and inconclusive state reform agenda would make the reform process doubly difficult to sustain. As the following discussion shows, half-hearted attempts at state reform in an ethno-political conflict can only revitalize ethnic passions while making political tradeoffs impossible. If abandoned halfway through, inconclusive attempts at reform run the risk of transforming the state reform project itself into a new source of conflict intractability.

Two occasions have dramatically demonstrated this paradox in Sri Lanka. The first was a radical reform initiative, proposed by the LTTE in October 2003, to set up an interim administrative arrangement for the Northern and Eastern provinces. These were the ISGA proposals already discussed above. The second was a moderate reform measure, jointly ini-

tiated by the government and the LTTE in mid-2005, to establish post-tsunami relief machinery. Both reform attempts were made against the backdrop of the failure of the PA government's devolution initiative (in 1995–2000) and the UNF government's inconclusive peace process (2002–03). The next section examines the failed initiative for a joint post-tsunami administrative mechanism.

No Reform for a Post-Tsunami Process
The story of setting up a post-tsunami reconstruction structure is not dissimilar to that of the collapse of the ISGA proposals for an interim administrative structure (Uyangoda 2005). The tsunami of December 26, 2004 occurred when the peace process in Sri Lanka had reached an extended stalemate. The change of regime in April 2004 had made it even more difficult than before for the peace process to resume, because the new UPFA coalition that defeated the UNF government at the parliamentary election viewed the CFA and the negotiation process as detrimental to the country's sovereignty. Many efforts by the international community and by local civil society, religious, and activist groups to persuade the government and the LTTE to resume political engagement had failed. The tsunami disaster offered an unprecedented opportunity for the two parties to begin a new process of engagement and cooperation for humanitarian reconstruction and development. Since the tsunami had struck areas under the control of both the government and the LTTE, a new institutional mechanism was needed for the two sides to work together to receive and disburse foreign assistance, and to prepare and implement rehabilitation and reconstruction programs. This was a chance for the new government and the LTTE to engage in informal talks. After months of haggling, the two sides agreed to set up a joint administrative mechanism called the Post-Tsunami Operational Management Structure (P-TOMS).

The MoU (Memorandum of Understanding) signed by the UPFA government and the LTTE envisaged an "integrated operational management structure" for the purpose of "planning, implementing and coordinating post-tsunami work." It proposed an administrative structure of three committees—national, regional, and district—made up of representatives of the government, the LTTE, and Muslim political parties. A regional fund, called the Post-Tsunami Coastal Fund, would be managed by a multilateral agency as its custodian. The mechanism for the operation and management of the regional fund was to be decided by the government, the LTTE, and a multilateral custodian. On paper, the P-TOMS agreement was not a terribly radical one. It was to operate for an initial period of one year, subject to extension through consensus. The commit-

tees and the fund were to cover only a limited geographical area of 2 kilometers landward from the sea in the six districts in the Northern and Eastern provinces.

The MoU for the P-TOMS was signed on June 24, 2005. A few days later, the JVP challenged it before the Supreme Court through a fundamental rights application. By this time the JVP was a constituent party in the ruling UPFA coalition regime. The petitioners contended that the MoU was illegal because there was no legally valid basis for the government to enter into an MoU with the LTTE, which was "not an entity recognised by the law" and "identified with terror, violence, death and destruction." They also argued that since the powers and functions proposed for the regional committees were "governmental" in nature, they could not be delegated to any committees with LTTE membership in them. The other contentious issue concerned the disbursement of funds. The petitioners argued that the funds coming to the regional committees should be "disbursed and accounted for in the manner provided in the Constitution and the applicable laws and procedure." According to the petitioners, the provisions in the MoU for the regional fund and its management by the regional committee were inconsistent with the prevailing legal requirements.

The Supreme Court judgment was delivered on July 15, 2005. The Court's determination legally validated the P-TOMS agreement as a whole by rejecting the petitioners' main conceptual arguments. It stated that there was "no illegality" in the president of Sri Lanka entering into an MoU with the LTTE for the humanitarian objectives set out in the MoU's preamble. The Supreme Court further asserted that the president did not have to consult with or seek the prior concurrence of either Parliament or the Cabinet of Ministers for the exercise of government power. However, the Supreme Court struck down three of the MoU's features. The first concerned the location of the office of the proposed regional committee to cover six tsunami-hit districts in the Northern and Eastern provinces. In the MoU, the regional office was to be located in Kilinochchi, where the LTTE maintained its political, development, administrative, police, and judicial head offices. The Court suggested relocating the office outside Kilinochchi to ensure free access to it for all affected citizens. The second matter concerned the powers of the regional committee. The Court determined that the powers of the regional committee for "project approval and management, with respect to projects for post-tsunami relief, rehabilitation, reconstruction and development" were government functions. Therefore, they were not to be exercised by the proposed regional committee. Third, the Court decided that all monies, foreign and local, deposited in the regional fund should be "dealt with according to the provisions of

the Constitution," that is, through the government treasury. On these three counts, the Supreme Court granted the petitioners an interim stay order, advising the government to alter the relevant clauses of the MoU as instructed in the determination and return on September 12, 2005 for a final determination. When the case was taken up on that day, it was postponed. Meanwhile, the country's political agenda changed totally with the impending presidential election in November 2005. Without judicial sanction and political support, the agreement for the P-TOMS became effectively null and void. An opportunity for taking the peace process forward was thus "squandered through political intransigence" (Ferks 2006: 75).

This trend of reform negation found greater strength in the context of regime formation after the presidential election in November 2005. The UPFA government, with the JVP and Jathika Hela Urumaya (JHU, or National Sinhalese Heritage [Party]) as key coalition partners, is ideologically committed to restoring the unitary character of the Sri Lankan state. The new regime's political reform vision is limited. Its agenda for reform is captured in the formula, "Maximum devolution within a unitary state." This agenda has cast Sri Lanka's debate on power-sharing several decades back in time. The new government and its constituencies give priority to a military solution to the ethnic conflict over a negotiated political settlement. Thus reform negation seems to be an entrenched process in the Sri Lankan polity at present. Some key institutions of the state—the executive, the legislature, the judiciary, and the bureaucracy—have emerged in recent years as guardians of the unitary and centralized state. A reform-negating polity amidst an ethno-political civil war is what Sri Lanka today is actually about.

The "Muslim Question": A Complex Tripolarity

Discussing the difficult yet necessary relationship between autonomy and ethnicity, Ghai makes the intriguing point that autonomy is more likely to be negotiated and to succeed if there are "several ethnic groups rather than two" (Ghai 2000:17). In Ghai's argument, autonomy arrangements are not likely to succeed because bipolarity leaves little or no room for tradeoffs. In Ghai's assessment, tripolarity is an improvement, though still fraught with problems (Ibid.: 18). The Muslim question in Sri Lanka has both bipolar and tripolar dimensions. It is tripolar in the overall framework of Sinhalese, Tamil, and Muslim ethnic relations. It is bipolar in a regional sense, in terms of the Tamil-Muslim relations in the Eastern Province.

The Tamil-Muslim conflict continues to be a complex area in Sri Lanka's larger ethno-political conflict. The Sinhalese-Tamil dimension of the conflict has overshadowed the significance and relevance of Muslim

minority aspirations. There is, in fact, a "Muslim question" in the settlement process, although its presence in the conflict has not always been adequately acknowledged. Several dilemmas have been, and continue to be, central to the "Muslim question" in the peace process: Is the Muslim community a party to the ethnic conflict? Should the Muslims be a direct party in conflict settlement and negotiation initiatives? What is their role in a peace process? Who should represent Muslims at peace talks and in a peace agreement? What would the Muslim community get out of a peace settlement? These questions have influenced the political process so as to widen the gulf between the Tamil and Muslim communities. The Muslim community's search for answers to these questions has even intensified the political divisions within the community itself.

In the early phase of nationalist mobilization, the Tamil leaders took for granted their own conviction that the Tamil movement represented Muslim interests as well. The formulation "Tamil-speaking people in Sri Lanka" was deployed in the Tamil nationalist discourse to include both Tamil and Muslim communities, on the premise that they share the same language—Tamil. In the absence of a separate Muslim political party until the late 1980s, the Muslim community advanced its interests through Sinhalese and Tamil political parties. In the Northern and Eastern provinces, where the Muslim community lived side by side with the regional majority of the Tamil community, the Federal Party, which later became the Tamil United Liberation Front (TULF), attracted Muslim voters as well as Muslim political activists. The ethnic war radically altered this political coexistence between the two communities.

Three factors seem to have contributed to the Tamil-Muslim competition and conflict in the mid- and late 1980s:

1. The use of violence by Tamil armed groups against Muslim civilians, particularly in the Eastern Province in the early phase of their armed struggle;
2. The deliberate policy of Sinhalese political leaders to create deep divisions between the Tamil and Muslim communities in their strategy of "divide and rule" in the Eastern Province; and
3. The intense competition for land and economic opportunities between the two communities in conditions of war, particularly in situations where population displacement occurred due to violence.

Against this backdrop, a new generation of politicized Muslim youth activists emerged in the Eastern Province. They challenged the conser-

vatism of the traditional Muslim political leadership while rejecting the Tamil nationalist position that Tamil parties represented Muslim interests as well.

The formation of the Sri Lanka Muslim Congress (SLMC) in 1986 was the outcome of this emergence of Muslim identity politics on the claim that the political interests of the Sri Lankan Muslim community were fundamentally different from those of the Tamils (Knoerzer 1988). An important point that the new Muslim political leaders emphasized in this period was that an alliance with the Tamil secessionist insurgency would be utterly detrimental to Muslim interests. In this perspective, the Muslims needed to establish their own political party to serve their interests through negotiation and cooperation with the Sinhalese political leadership, rather than joining an armed struggle waged by the Tamil nationalist forces.

The increasing hostility between the Tamil and Muslim communities in the Northern and Eastern provinces during the war was marked by civilian massacres in the Eastern Province, population displacement, and "ethnic cleansing" in the Northern Province by the LTTE (Mohideen 2006). This hostility also shaped the nature of a possible political solution to the ethnic conflict, particularly in relation to the power-sharing arrangements in the Eastern Province. The proposals for the resolution of the ethnic conflict developed in the late 1980s thereafter had to grapple with the Muslim demand, articulated by the SLMC, that Muslim regional autonomy be an essential component of a negotiated political settlement. There were two occasions when the salience of the Muslim autonomy claim emerged in the efforts to find a negotiated settlement. The first was in the early 1990s, when a Parliamentary Select Committee was set up to find a framework of settlement to the ethnic conflict. The second was during the 2002 peace process. Even a brief account of how the Muslim political aspirations figured into—and clashed with—the Tamil nationalist positions on both these occasions sheds some useful light on the "Muslim question."

> *increasing hostility ...was marked by civilian massacres*

In 1991, during the tenure of President Ranasinghe Premadasa, Sri Lanka's Parliament appointed a Select Committee, headed by Mangala Moonesinghe, an opposition MP, to construct a settlement framework acceptable to all stakeholders to the conflict. President Premadasa took this initiative soon after the Indian peacekeeping forces had left Sri Lanka and hostilities between the government and the LTTE had resumed. When the Mangala Moonesinghe Select Committee began consultations

with political parties, it regenerated the debate on a political solution that had remained dormant since the 1987 Indo-Lanka Accord. The debate on devolution in the early 1990s centered on two questions, which were known at the time as the "extent of devolution" and the "unit of devolution." The question of the "extent of devolution" was about the quantum of regional autonomy that any new settlement package should consider as adequate to meet the Tamil demands. There was a broad consensus emerging at that time that any new settlement framework should expand the powers of provincial units beyond those granted to the provincial councils under the Thirteenth Amendment to Sri Lanka's 1978 Constitution. But the question of the "unit of devolution" was not so simple. It turned out to be the most intractable issue in the devolution debate in the early 1990s.

To state it briefly, the complexity concerning the "unit of devolution" arose from the competing positions held by Sinhalese, Tamil, and Muslim political parties on the nature of the "autonomy unit" in the Northern and Eastern provinces. The issue had already been complicated by the Indian government when the Indo-Lanka Accord of July 1987 had recognized the Northern and Eastern provinces as the "areas of historical habitation of Sri Lankan Tamil speaking peoples, who [had] at all times hitherto lived together in this territory with other ethnic groups." It even provided for the merger of the two provinces so that "one administrative unit, having one elected Provincial Council" could be established.[5] Thus, with the Indo-Lanka Accord of July 1987, the "merger" of Northern and Eastern provinces became a firm and "non-negotiable" position in Tamil nationalist politics.

But the Muslim and Sinhalese parties resisted the "merger" claim of the Tamils. The Muslim argument was that the merger would institutionalize Tamil dominance in the regional administration of the North and East and eventually reduce the Muslims to the position of a disempowered minority while endangering both their security and their economic interests.[6] To safeguard these, the SLMC began to formulate the demand for a separate Muslim unit that would combine administrative divisions with the Muslim majority in Amparai and Batticaloa districts. A "non-contiguous Muslim autonomy unit" in the Eastern Province was the formulation that eventually emerged in this debate. But all Tamil parties engaged in the process resisted the Muslim claim for a separate unit and reasserted the position that a "North-East merger" was "non-negotiable." The Select Committee Report proposed a compromise by way of an apex council and two provincial councils for the two provinces. But the Tamil parties rejected this on the premise that it was designed to weaken the Tamil claim to

a unified autonomy unit. Thus the question of the unit of devolution was left unresolved, and it remains unresolved to this day. It has now been further complicated by an October 2006 Supreme Court decision that the temporary merger of the two provinces, made in 1987 through a presidential declaration, is illegal and unconstitutional.

In the 2002 peace process, the Muslim question reemerged in a new form when the Muslim parties demanded a direct role in the negotiation process. The parties to the talks were the UNF government and the LTTE. The SLMC was a member of the governing UNF coalition, so the SLMC leader took part only as a member of the government delegation. The 2002 peace process had been conceived as one in which only the two principal parties—the government and the LTTE—would negotiate the ceasefire agreement and the eventual peace agreement. Muslim parties resisted this framework on the grounds that a two-party negotiation process would ignore Muslim interests and claims. The fact that by this time the SLMC had split and the Muslim polity fragmented may well have contributed to the hardening of Muslim anxieties. The Muslim parties made two major demands: (1) there should be separate Muslim representation at the peace talks so that negotiations would be a tripartite process; and (2) the negotiated settlement should be a tripartite solution jointly arrived at by the Sinhalese, Tamil, and Muslim leaders.

The position taken by the LTTE in 2002–03 indicates another political complexity of Muslim-Tamil relations that emerged during the civil war. The LTTE did not recognize the Muslim claim for separate representation at peace talks. Its argument was that the war had been between the Sri Lankan state and the Tamil community, so the settlement agreement should be between these two principal parties to the conflict. The LTTE also claimed that once it reached a peace agreement with the state, it would sign a separate peace agreement with Muslim representatives of the Northern and Eastern provinces. The LTTE's notion of two-party talks and settlement ran counter to the Muslim position of three-party talks and a tripartite settlement. Meanwhile, the LTTE and SLMC leaders attempted to arrive at a consensus position. They even signed an MoU in April 2002 to resolve the contentious issues through talks. However, this attempt failed when a series of violent protests by Muslim political groups against the peace process erupted in Muslim areas in the Eastern Province. The LTTE had apologized for previous atrocities against Muslims and seemed to be at work on what it called a "constructive approach" to the Muslim question (Balasingham 2004: 387–88). However, given the recent history of extreme violence in LTTE-Muslim relations, the LTTE's assurances did not have much credibility in the Muslim polity. During the 2002 peace process,

there in fact emerged a new wave of radicalized Muslim youth who felt excluded and marginalized from the government-LTTE negotiations.

The LTTE did not openly explain what it meant by its "constructive approach" to the Muslim question. On a few occasions during the 2002 peace process, LTTE leaders appealed to the displaced Muslim communities from the North, particularly in Jaffna and Mannar, to return to their villages, with the pledge of security and protection. They also apologized to Muslims for "past mistakes." In the Eastern Province, there were attempts to return land to the Muslim people that had been forcibly occupied by the Tamils. Despite these steps, there are deeply felt grievances among Muslims against the LTTE in particular and the Tamil community in general. Therefore, the steps the LTTE took during the peace process were not adequate.

In addition, the LTTE's approach to Tamil-Muslim reconciliation appeared to be a very cautious one. Why did the LTTE object to separate Muslim representation at peace talks? It seems that the LTTE leadership did not want a third party at the negotiations because this might interfere with and weaken its own bargaining position with the Sinhalese leadership. The LTTE may also have suspected that the Sinhalese political leadership would use the Muslim presence in the negotiation process

> *ethnic tripolarity has not made Sri Lanka's peace process less intractable*

to weaken the Tamil argument for greater regional autonomy within a unified territorial unit of the Northern and Eastern provinces. In brief, ethnic tripolarity has not made Sri Lanka's peace process less intractable.

The Dynamics of Internationalization

A key aspect of Sri Lanka's conflict from the early days of the rebellion is the dimension that can be called "internationalization." Sri Lanka's ethnic conflict has never been an "introverted" civil war (Goodhand 2006: 215). The regional and international dimensions have shaped its trajectories of intensification and, eventually, the drive for a settlement. The experience of the 2002 peace process points to the essentially complex nature and consequences of conflict internationalization. For example, when the 2002 peace process began and the CFA was signed, the LTTE was quite enthusiastic about the faciliatory and supportive role of the international community. But in early 2003, when the LTTE decided to suspend its participation in peace talks, one reason it gave was what the LTTE's Balasingham described as "excessive internationalization" of the peace

process. And with the change of government in April 2004, the Sri Lankan government also sought to reduce the role and influence of international actors in the peace process.

Is there any "acceptable" level of internationalization in a peace process? What is internationalization in an internal conflict? How do protagonists to the conflict view internationalization in different conjunctures? Examining these questions will enable us to understand the facets of the international dimension in Sri Lanka's ethnic conflict. I use the term "internationalization" here in a limited sense, to refer to the direct involvement of external actors in a conflict and peace process in which the domestic actors initially had considerable autonomy to define the trajectories involved, but later lost that autonomy to external actors.

The drive for internationalization in the early phases of Sri Lanka's armed conflict has been documented in many studies (Kodikara 1989, Ganguly 1998, de Silva 1998, Muni 1993, Krishna 1999). Zartman's insightful suggestion that asymmetry of power relations between the government and the rebels in the initial phase of civil war forces the rebels to internationalize their struggle sheds much light on the impulses for deliberately externalizing an essentially internal conflict (Zartman 1995). Until about 1987, internationalization efforts of the Tamil nationalists were focused almost exclusively on India. Their assumption was that India's political, diplomatic, and material support for the "Tamil struggle" would redress the imbalance of power between the Sri Lankan state and the nascent militant movement of the Tamils. Without repeating the well-known story of Indian involvement in the Sri Lankan conflict that led to the Indo-Lanka Accord of July 1987, we can make just one point: The LTTE resisted, even as far back as 1987, what can be termed "excessive externalization." In 1987 the Indian government believed that, by exercising leverage politics, it could bring about a political settlement acceptable to the Sinhalese and Tamil parties to the conflict. The Indo-Lanka Accord was signed on this assumption. The Accord envisaged a political solution to the ethnic conflict through creating a new political structure for regional autonomy, namely, the provincial councils. The Indian government also committed itself to backing the new political process by exercising its political and military power. India expected all political forces in Sri Lanka, including Tamil guerrilla groups, to accept the new peace process, its political structures and outcomes. This was indeed a case of "power mediation" in an intra-state conflict by a regional big power. As Krishna notes, India's

> *Tamil nationalists were focused almost exclusively on India*

Sri Lanka intervention of 1987 and the Indo-Lanka agreement "exceeded the need for counter insurgency." Indeed, India had the "desire to appear as a regional power capable of imposing its writ on a small neighbour" (Krishna 1999: 204).

Significantly, the TULF and all the militant Tamil groups except for the LTTE accepted the settlement initiated by the Indian government. Why did the LTTE refuse to accept the provincial councils, which were at the time a reasonably credible solution to the ethnic conflict? There are two explanations. First, the proposed councils were inadequate, in terms of scope of power and authority, as a credible alternative to the LTTE's secessionist goal. Second, the LTTE viewed the Accord as a settlement imposed by an external power. The fact that India at that time was the main external backer of Sri Lankan Tamil nationalism was not sufficient reason for the LTTE to accept a solution brought about by India. In this respect, the LTTE has been "thoroughly nationalist." "Internationalization, yes; but on our terms" seems to be the key idea behind the LTTE's refusal to go along with the 1987 peace-settlement process initiated by the Indian government.

This observation enables us to understand the debate on internationalization in the late 1990s and after. In the aftermath of the political crisis created by the 1987 Indo-Lanka Accord and India's military intervention in 1988–89, both the Sri Lankan government and the LTTE seem to have opted for a strategy of deinternationalization of the conflict. There was a strategic consensus between the Premadasa administration and the LTTE to push the Indian Peace Keeping Forces out of the country and neutralize the role of India in Sri Lanka. Once they achieved this common objective, they did not find any more reason to continue their own political engagement. Consequently, the war broke out in mid-1990 and continued until 1994.

The role of external assistance came into sharper focus after the PA government and the LTTE signed a Cessation of Hostilities Agreement (CHA) in early January 1995. The two parties realized that they needed external assistance to monitor the CHA. Thus a proposal emerged for a committee composed of representatives of the government, the LTTE, and foreign countries. The government and the LTTE approached the International Committee of the Red Cross (ICRC) suggesting that it chair one of the peace committees assigned the task of monitoring. But the ICRC refused on the grounds that it did not have the necessary military expertise to monitor a ceasefire. When the foreign delegates arrived in Sri Lanka in mid-January 1995 to chair the peace committees, a new controversy broke out. The LTTE alleged that the government had deployed two

of the foreign delegates to Trincomalee, Amparai, and Batticaloa districts without consulting the LTTE leadership. The LTTE insisted that, to ensure the neutrality of external peace monitors, the government should not act unilaterally (Balasingham 2004: 256–60). With the LTTE's refusal to accept the peace monitors, the external role in ceasefire monitoring in the 1995 peace process came to an end. When the peace talks between the PA government and the LTTE came to a crisis in February–March 1995, President Kumaratunga wanted to engage the assistance of a French diplomat as a "mediator," but the LTTE objected to that as well. Even after the breakdown of peace talks in April 1995, the two sides were not enthusiastic about reviving the talks through external assistance, although a number of countries offered their services.

Interestingly, in 2000–01, the People's Alliance government led by President Chandrika Kumaratunga and the LTTE demonstrated greater acceptance of external engagement, leading to the beginning of the first Norwegian peace initiative. In October 2000, a Norwegian peace delegation visited Colombo and Vanni. The Norwegian initiative of 2000 was a part of an international effort to deescalate the conflict in Sri Lanka. It needs to be recalled that the phase of war that began in December 1995 was particularly intense in terms of magnitude, combatant casualties, and human as well as humanitarian costs. The Norwegian government seems to have maintained regular contact with the Sri Lankan government and with the LTTE's London office in order to encourage the two sides to begin negotiations. Heartened by the initial positive response of both sides, the Norwegians proposed that the two parties sign an MoU on humanitarian issues. When the Norwegians began to explore the agenda for engagement between the government and the LTTE, sharp differences between the two sides became quite evident. The LTTE wanted deescalation as a precondition for talks, while the government held the view that deescalation was not necessary. Both sides obviously had strategic objectives in holding onto these positions. Eventually, the first Norwegian initiative failed, leading to the reescalation of war between the government and the LTTE.[7]

The second Norwegian initiative of 2001 was qualitatively different from the first. It began in a different domestic and global context, and this perhaps explains its relative success. By this time Sri Lanka's war had reached a military stalemate, after four years of high-intensity, high-cost military operations. The government was facing severe economic and political difficulties in further maintaining a high-intensity war. There was also a regime change in December 2001. The United National Front, which had developed a position of flexibility in negotiations with the LTTE as

well as openness to external involvement, won the parliamentary election in December 2001 and formed a government.

The UNF government and the LTTE appear to have approached the 2002 peace initiative with a view to enlarging the role of the external actors, but with specific agendas and objectives in mind. Both parties accepted a greater and wider role for the Norwegians as the facilitators of the new peace process. In fact, the Norwegians assisted the two sides in working out the Ceasefire Agreement that they signed on February 22, 2002. In the CFA, they also agreed to set up an international monitoring mission whose members were to come from Nordic countries. Norway also facilitated peace talks, five rounds of which were held before they were suspended in April 2003. All the talks were held outside Sri Lanka—in Thailand, Japan, Germany, and Norway—drawing considerable international attention. Interestingly, such novelties drew a great deal of criticism from the opposition. "Is this peace talks, or a circus?" President Chandrika Kumaratunga once rhetorically asked, referring to the holding of talks in international capitals in Asia as well as Europe.

The UNF government seems to have approached internationalization of the peace process from two perspectives—strategic and developmental. Its strategic perspective was based on the notion of an "international safety net." The UNF leaders probably thought that entering into a CFA with the LTTE and signing an eventual peace agreement was a risky course of action that necessitated international guarantees. Thus they viewed international facilitation—as well as the interest in the peace process among major global powers (the U.S., EU, Japan, Canada, and the UK)—as a safety mechanism that would enable the government to manage its relationship with a secessionist insurgent movement. In this sense, the UNF's approach was qualitatively different from the PA government's. The PA leadership has been both suspicious and uncertain about the role of external actors in Sri Lanka's peace process. They had viewed internationalization from the perspective of its possible implications for Sri Lanka's sovereignty as a small yet independent state—an approach with a definite "nationalist" flavor.

The UNF government's developmental perspective on internationalization of the peace process was, in turn, linked to the notion that peace should lead to rapid economic growth, which would change the future course of the conflict. The UNF believed that the economic dividend of peace would be enhanced through international involvement in economic reconstruction (Kelegama 2006, Bastian 2006). In this, too, the UNF differed from the PA, which was cautious about the role of international economic actors in Sri Lanka's reconstruction process.

Meanwhile, the LTTE's approach to internationalization of the 2002 peace process had some interesting dimensions. The LTTE saw the utility of the international actors in the ceasefire process as well as in negotiations, but seemed nervous about the UNF government's approach to internationalization as an international safety net. The LTTE suspected that internationalization was part of the government's agenda of establishing an alliance with powerful global states—an alliance that would be designed to force the LTTE into accepting an unfavorable and moderate power-sharing arrangement. This nervousness came into the open in April 2003, when the Sri Lankan government participated in an international donor meeting in Washington, D.C., to which the LTTE was not invited. This meeting was sponsored by the U.S. State Department, which had by this time shown a close involvement with Sri Lanka's peace process. The LTTE's statements protesting its exclusion from the conference and explaining its decision to suspend participation in peace negotiations demonstrate a crucial point: In the LTTE's analysis, the internationalization of the peace process favored the Sri Lankan state, thereby altering the balance of power between the two sides.[8]

> *internationalization of the peace process favored the Sri Lankan state*

It needs to be noted that the LTTE's protest emphasized the fact that the LTTE had joined the peace process as an equal partner with the government. Thus the LTTE expected to be treated as an equal partner in the process by the Sri Lankan government, the Norwegian facilitators, and the international community. The LTTE's notion of "equal partnership" emanated essentially from the premise that the 2002 CFA and peace process had rested on a condition of strategic equilibrium, or military power balance, between the Sri Lankan state and the LTTE. This was a position that no other party shared with the LTTE. In the reasoning of the LTTE, the international community's backing of the Sri Lankan government in economic reconstruction efforts while excluding the LTTE amounted to an attempt to alter this strategic equilibrium between the two negotiating sides.[9]

The developments in Sri Lanka since early 2003 have clearly demonstrated that the international community's role in promoting a peace agreement has actually been limited. The peace process of 2003 seems to have been built around "heavy international involvement," which was expected to "create the pre-conditions for peace negotiations" (Goodhand and Klem 2005: 88). The international actors thought that economic

development assistance would provide incentive for the government as well as the LTTE to sustain the ceasefire and work toward a peace agreement. But the LTTE defied that incentive. At the Tokyo donor conference held on June 17, 2003, donors pledged US$4.5 billion in economic assistance to Sri Lanka, spread over a four-year period from 2003 to 2007. The donors emphasized that their assistance must be closely linked to "substantial and parallel progress in the peace process." The donors believed that substantial economic assistance would be a strategic incentive for the government and the LTTE to move in the direction of a "mutually acceptable final solution" (Tokyo Declaration on Reconstruction and Development in Sri Lanka, June 2003).

Sri Lanka's experience in 2003–04 shows that international economic incentives for domestic peace have not worked. The Tokyo donor pledge was made when the negotiations remained suspended—that is, after the LTTE had decided in April 2003 to withdraw from the talks. That decision was motivated by political-strategic considerations. The LTTE viewed the international engagement in the peace process as having resulted in a new power asymmetry in favor of the Sri Lankan state. As a policy tool, international economic assistance for peace has its limitations. A recent study on the impact of economic assistance on the peace process in Sri Lanka comments that aid is "too blunt an instrument to influence the short-term dynamics and incentive systems of conflict and peace" (Goodhand and Klem 2005: 93).

> *international economic incentives for domestic peace have not worked*

From Asymmetry to Parity of Status
The LTTE's perception that the international engagement resulted in a new power asymmetry with the government allows us to further explore the question of asymmetry as it has evolved in Sri Lanka's debate on government-LTTE relations in recent years. In the literature on possibilities for negotiated peace in civil war, Zartman has observed that negotiations under conditions of asymmetry are a paradox. He holds that negotiation functions best under conditions of equality, and only takes place when the "parties have some form of a mutual veto over outcomes" (Zartman 1995: 8). This sheds light on why the LTTE entered into negotiations in 2002. Here it needs to be recalled that the LTTE decided to resume negotiations with the Sri Lankan government long before the U.S. government launched its war on terrorism in the aftermath of September 11, 2001: The LTTE's call on the government to enter into a ceasefire agreement and begin internationally facilitated negotiations was made in

October–November 2000. This was the time when the first Norwegian initiative to assist a new peace process in Sri Lanka was taking place. It was also a time when the LTTE had scored a series of major military victories, including the capture of the strategic Elephant Pass military camp in April 2000. In December 2000, the LTTE declared a unilateral ceasefire, inviting the government to reciprocate. But the People's Alliance government had a different agenda and launched a major military campaign—"Operation Fire Flame"—to regain its lost strategic advantage over the LTTE. Again, it is important to remember that during this period the government and the LTTE relied on two contrasting strategic scenarios as preconditions for negotiations. The government sought to restore strategic asymmetry in its favor via continuing military campaigns, whereas the LTTE wanted to begin negotiations on the basis of strategic parity with the government. After the Elephant Pass military victory, the LTTE seems to have thought that it had achieved some kind of strategic equilibrium with the state.

It appears that the United National Front government, which signed the CFA with the LTTE in February 2002 and engaged in negotiations, was not greatly concerned with the LTTE's claim to strategic parity. What the LTTE perceived as strategic parity, the UNF saw as military stalemate. The UNF government appeared more concerned with getting a ceasefire agreement signed in order to deescalate the conflict and then build a negotiation process on a functioning CFA. The CFA of February 2002 was, in a way, a recognition of the military realities that existed at the time, which were characterized by conditions of strategic stalemate between the state and the LTTE. The CFA can also be seen as having "formalized" those conditions. Some key elements of these "ground conditions" need to be noted. The CFA formally accepted the balance of power that existed in early 2002. It also recognized the principle that the LTTE controlled and administered specific areas in the Northern and Eastern provinces while tacitly accepting the "borders" separating areas that were controlled by the government and the LTTE, respectively. Although the UNF government did not appear much concerned about accepting these conditions as the "reality" that existed at the time, other political parties, particularly the main opposition, were strongly against the UNF's stand.

The great debate that followed revealed the sharp differences between the UNF and PA, the two main political parties, in their strategic approach to peace negotiations with the LTTE. The PA's stand was to negotiate with the LTTE only from a position of military strength and without signing a ceasefire agreement. The UNF thought that the war with the LTTE had reached a stalemate and that any new military campaign to obtain a strategic advantage was politically imprudent and economically wasteful. The

PA wanted negotiations to end within a limited time-frame, producing a settlement agreement on the core issues of the ethnic conflict by the shortest possible deadline. The UNF differed in this vital point, too, enunciating the position that "resolving" the ethnic conflict was too difficult an exercise in the short run. The UNF's strategy was to engage the LTTE in an extended ceasefire, work out a negotiated interim solution, and then let rapid economic growth take over the trajectory of the conflict. The UNF leadership also believed that rapid economic development throughout the country would mitigate the LTTE's secessionist campaign, thus creating conditions for a negotiated settlement in the long run.[10] In brief, the PA was pressing for conflict "resolution," whereas the UNF was working on conflict "mitigation."

The LTTE took its view of "strategic parity" to the extent of claiming equal status with the Sri Lankan government at negotiations. But its claim to equal partnership generated resentment and resistance among political forces that were critical of the UNF-LTTE political engagement. The PA, the JVP, and JHU consistently opposed the LTTE's claim to equality of status, arguing that the LTTE was a terrorist entity and that equating a terrorist group with a legitimate state was totally unacceptable and politically wrong. Thus the argument for negotiating with the LTTE on the basis of strategic parity has no real sponsor in Sri Lanka. Even the UNF, which began political engagement with the LTTE in 2002 without

> *negotiating with the LTTE on the basis of strategic parity has no real sponsor in Sri Lanka*

openly rejecting the LTTE's notion of balance of power, is very unlikely to accept strategic parity as a precondition for negotiation in the future. The framework of asymmetry seems to be an enduring one in the Sri Lankan government's approach to negotiations with the LTTE. This presupposes a definite role for military escalation in the future shape of the government-LTTE engagement.

The LTTE: Thinking and Acting Like a State

Why does the LTTE do what it does? Interpreting the behavior of the LTTE is one of the most challenging tasks for any observer who tries to understand the trajectories of Sri Lanka's conflict. More often than not, crucial shifts in the LTTE's behavior have been interpreted in simplistic and essentialist terms. For example, questions like "Why did the LTTE decide to sign a ceasefire agreement and begin negotiations with the UNF

government in 2001–02?" have often been answered by means of a "hidden agenda" theory. This theory suggests that the LTTE has always acted politically with military objectives in mind, and that its decisions to enter into negotiations with the government have essentially been deceptive moves designed to advance a hidden military agenda.

Is there an alternative explanation for the LTTE's decision to engage politically with the Sri Lankan state in 2001–02? The hidden agenda theory does not take into account the dynamics of the conflict, particularly the growth dynamics of an ethno-political movement like the LTTE, which is committed to establishing a state. The alternative perspective I offer of the LTTE's behavior, particularly after 2001, is that the LTTE "thinks and acts like an emerging regional, or subnational, state." It is this state-like thinking and acting that has made the post-2001 LTTE somewhat different from the LTTE of the 1990s and 1980s. The LTTE's insistence that the 2002 peace process be based on balance of power—and that it was an "equal partner" with the government in the negotiation process—makes no sense if the LTTE is seen as nothing but a terrorist entity or a guerrilla movement. The LTTE is more than an armed militant group. It controls territory and administers a civilian population. It has set up administrative structures in areas that are under its military and political control. The LTTE's administration exercises police and judicial powers and functions (Stokke 2006). The LTTE has also begun to make claims to sovereignty over the sea and skies linked to the areas under its control. In the LTTE's thinking, war-making has fundamentally been a process of state-making for the Tamil nation. The LTTE's insistence in 2002–03 on an interim administrative setup was basically governed by a strategy of state-making and the need to establish and consolidate structures of governance. Its ISGA proposals of October 2003 (discussed earlier) reflected its regional-state-like self-understanding. During the negotiations with the Kumaratunga administration in 2005 for a post-tsunami administrative structure, the LTTE initially bargained from a position reflecting this self-perception, even arousing contempt among government negotiators.

My argument is that by "thinking and acting like a state," the LTTE has become caught up in what can be called a "quasi-state trap." Following Kolsto, I describe the present LTTE as a military ruling class of an "unrecognized quasi-state" (Kolsto 2006: 725). The LTTE has not declared independence, so the LTTE-administered territory (the so-called Tamil Eelam) is neither a state or a statelet that has declared independence, nor one recognized by other states. Meanwhile, despite claims to be a separate territorial-political entity, the LTTE is banned in many countries, notably in Europe, as a terrorist entity. The LTTE seems to refrain from declaring

separate statehood for strategic reasons. In that sense, its Eelam can be described as an "undeclared quasi-state." This quasi-state is overdeveloped in terms of its military structures and underdeveloped in its civilian structures of governance. The absence of a framework of civilian governance has also hindered the emergence of autochthonous political structures for representation or legislation. In its thinking and behaving, the LTTE represents all the limitations of an essentially provincial and emerging ruling class that manages a politically and economically underdeveloped sub-state.

There are obviously limits to the LTTE's claims to be thinking and acting like a state. These limits are so great that the critics can only dismiss with contempt the LTTE's state-like behavior. The LTTE does not control the entire Northern and Eastern provinces, but only some areas. It has complete control over only two districts, Mulaithivu and Kilinochchi. Only parts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa, and Amparai districts are under the LTTE's administration. The rest of the areas in these districts are under the authority of the Sri Lankan state. The LTTE's direct control of many of the areas in the Eastern Province is at risk for being taken away by the Sri Lankan state in a conventional war. Therefore, the territorial entity of the

> *There are obviously limits to the LTTE's claims*

LTTE-run quasi-state is not stable. Even in areas where the LTTE has established its direct control, rebels do not have exclusive administrative monopoly. The public services there—health, education, social services, power and water supply—are mainly provided by the Sri Lankan state. The public servants are also employed by the Sri Lankan state. The LTTE's role is to administer the public services, in a tacit understanding with the state that the public servants also obey the LTTE's orders and instructions.

What exists in the LTTE-controlled areas may be better described as a condition of dual power. Kolsto's observation that, in a context of not being supported by international recognition, the "modal tendency" among quasi-states is "weak economy and weak state structures" (Kolsto 2006: 723) is useful for understanding the LTTE's "quasi-state trap." In terms of institution-building, the LTTE seems to be focusing entirely on strengthening two aspects of its state-like character: (1) building up of the war machine, and (2) setting up of an administrative bureaucracy. In the domain of socioeconomic development, the LTTE's focus is limited, achievements are insignificant, and the commitment is questionable. The LTTE's regional taxation policy has in fact hindered economic development in the area (Sarvananthan 2003). In brief, the LTTE as a regional

ruling "class" does not seem able to think beyond maintaining the primitive, subsistence-level living conditions of its "citizens."

The LTTE's behavior during the past four to five years, particularly during the peace process of 2002, suggests that, as a major champion of what Van Evera (1997) calls "state-seeking" minority nationalism, it has given renewed priority to a state-building agenda. As a strategic process, the LTTE has combined both war and politics; yet the war option has always received priority over the political option. This means that the LTTE's participation in peace negotiations—and its engagement with the Sri Lankan state as well as the international community—have also been defined by the movement's commitment to a parallel process of state-building primarily by military means. This tendency has been reinforced repeatedly by the Sri Lankan government's weak commitment to political reforms and negotiated settle-

> *war-making seems to be essential...*
> *to the LTTE's state-making project*

ment. Government decision-makers who are aware of the LTTE strategic path have also been taking steps to weaken and undermine the LTTE's state-building actions at the negotiation table as well as on the battlefront. The approach to the LTTE adopted by the present UPFA government since early 2006 seems to be primarily meant to counter and defeat the LTTE's state-building initiatives. Thus continuing war-making seems to be essential and integral to the LTTE's state-making project.

The Question of Agency and the Future of the Conflict

The question of agency for political reform and peace has emerged quite forcefully in all the recent attempts at peace in Sri Lanka. As this study demonstrates, a peace process between the government and the LTTE can hardly succeed without a credible state reform agenda. The unilateral and half-hearted reform agenda initiated by the government has not promoted a successful peace process, either—and has, in fact, produced a counter-reformist

> *A negotiated peace settlement...*
> *entails...bringing the LTTE back*

backlash. A negotiated peace settlement also entails the enormously challenging task of bringing the LTTE back into the fold of the Sri Lankan state, when the LTTE is a militarily undefeated secessionist movement pur-

suing an agenda of regional state-building. It appears that the only circumstances under which this might possibly occur would be if the Sri Lankan state were restructured in a framework of confederation. The LTTE would also want to define its own terms and conditions of reunion. This presupposes a very radical political agenda for any Sri Lankan government seeking negotiated peace.

Meanwhile, no government is likely to pursue a settlement process unless that process allows the government itself to define the outcome of the settlement. The governments of Sri Lanka seek veto power in defining the terms of a peace agreement just as much as the LTTE does. Meanwhile, the Sri Lankan state, unlike the LTTE, enjoys international legitimacy. Government failures in sustaining the peace process have not diminished the state's legitimacy in global politics. In dealing with the LTTE, the Sri Lankan state has the backing of the global state system. This forecloses any possibility of the LTTE enforcing a settlement on the government on the LTTE's own terms.

Even assuming that a future government and a future LTTE could agree to a settlement framework that gives a substantial measure of regional autonomy to the Tamils and Muslims, building consensus among political forces in Sinhalese society for such a "solution" would also be crucial. The politics of "ethnic outbidding" have been so strongly embedded in the democratic and electoral politics of Sri Lanka for so long (DeVotta 2006) that consensus between the two main parliamentary political formations—the PA and UNP—is an essential precondition to constitutionalizing a peace agreement. A credible peace settlement will also necessitate the government making historic and unprecedented compromises, such as (1) recognizing the "minority" right to internal self-determination, (2) constitutionalizing a substantial measure of regional autonomy untrammelled by the central government, and (3) altering the unitary clause of the Constitution. No single political party or regime can undertake such a historic task on its own. This is where the limitations of agency for peace in Sri Lanka have foundered with disquieting frequency.

In this respect, the Sinhalese political class has a crucial responsibility to be a contributing agent in settling the conflict through negotiation and political reform. In a belated recognition of this political challenge, Sri Lanka's ruling SLFP and the opposition UNP have recently agreed to work together in resolving the ethnic conflict. They signed an MoU to this effect in October 2006.

the Sinhalese political class has a crucial responsibility

However, this MoU collapsed within three months, indicating the priority that the political leaders accord to regime survival at the expense of ethnic conflict management.

Two other aspects of this situation need to be noted. The first is the growing political power of extreme Sinhalese nationalist forces, which have acquired considerable capacity to mobilize public opinion against a negotiated peace settlement. The JVP and JHU, with nearly fifty parliamentary seats between them, are influential partners in the present UPFA coalition regime. Both these parties have been campaigning for an agenda of war against the LTTE, on the argument that "separatist terrorism" should be militarily defeated. Their influence within the state institutions, the military, and the state media has also reinforced the illiberally Sinhalese nationalist character of the Sri Lankan state. This nationalist-right-wing shift of the state marks a clear retreat from even the limited pluralistic possibilities that existed in the past decade.

The second aspect is the LTTE's recent shift toward greater inflexibility in engaging with the Sri Lankan state. The LTTE's assessment of the 2002 peace process seems to be that, although it did not have any significant outcome, it nevertheless favored the Sri Lankan state. The LTTE also seems to believe that a negotiated political settlement is not possible until a new balance of power is established through a combination of war and negotiations. In brief, Sri Lanka today has greater ethnic polarization than ever before—polarization in which extreme ethnonationalism, militarism, and political authoritarianism

> *ethnic polarization [is greater] than ever before*

have acquired a greater capacity than in recent years for shaping the future path of the conflict. This makes peace, political reform, and the task of agency doubly difficult.

Finally, what is likely to happen to Sri Lanka's ethnic conflict, when its story has been one of protraction, reproduction, and renewal? It may be that this conflict has passed the stage of having the capacity to end through a negotiated settlement. The way the conflict was reconstituted through the failure of 2002–03 peace process and thereafter suggests that the dynamics of conflict resharpening have effectively replaced the possibilities for conflict mitigation and compromise. The conflict has reached a stage of "scissors crisis," in which the two main protagonists—the Sinhalese political class in the South, and the LTTE in the North—have crossed each other's paths and are now traveling in two separate directions. The task

ahead, from the perspective of conflict resolution, is to ensure that the two paths intersect again. That will require a long process of political transformation of the ethnic conflict in Sri Lanka. Such a protracted process of conflict transformation will inevitably be interspersed with outbreaks and escalation of war and violence.

Conclusion

This study began with the puzzle of why the Sri Lankan government and the LTTE have repeatedly chosen to return to war after relatively short-term political engagement seeking a settlement. The first conclusion that has emerged is that the circumstances of political engagement—and the engagement itself—have not been adequate to move the main parties to the conflict in the direction of a credible compromise. Mediation, facilitation, and negotiations have been necessary but insufficient instruments for effectively altering the trajectory of the conflict. The reason, as I have argued in this monograph, is that at the heart of this conflict-sustaining trajectory has been the non-negotiability of the central issue of contestation—namely, state power. The parties have not so far found, either through war or through talks, options for a compromise on this vital question of state power, and this has rendered the conflict both intractable and protracted.

The second conclusion is that to understand the changing and reproductive dynamics of Sri Lanka's conflict, it is necessary to distinguish its "ethnic conflict" character from the "ethnic war" process. This has led to two consequences. First, while the ethnic conflict may presuppose the possibility of bargainable compromises, Sri Lanka's ethnic war is fought on non-negotiable preferences and options because it is propelled by two contradictory and mutually exclusive state-formation agendas. Second, the war has produced two war machines, one linked to the state and the other to the LTTE, that have acquired a considerable measure of autonomy from the political processes. While the contestation for state formation has given the ethnic war a non-negotiable character, it also continues to give that war an enduring capacity for reproduction. Against this backdrop, the two main parties—the government and the LTTE—seem to realize that the issues of state power will most likely be decided not at the negotiation table, in Parliament, or in the Parliamentary Select Committee chambers, but on the battlefield. It appears that the state-seeking minority nationalism spearheaded by the LTTE and the state-reasserting majority nationalism of the Sinhalese political class possess comparable levels of bellicosity, which is a major barrier to civil war settlement and ethnic conflict resolution.

The third conclusion is that negotiations between the government of Sri Lanka and the LTTE can be effective in deescalating the war only if such negotiations aim at, and lead to, reconstituting state power along ethnic lines. Ethnicity-based reconstitution of state power is an essential precondition for negotiated termination of the ethnic war. This requires a grand ethnic compromise among Sinhalese, Tamil, and Muslim elites, backed by the people in the three main ethnic formations. Yet Sri Lanka at present does not seem to have short-term possibilities in this direction.

> *Ethnicity-based reconstitution of state power is...essential*

Does this mean that Sri Lanka's ethnic war is to continue indefinitely? This study suggests that neither early deescalation nor a long-term settlement is on the horizon of possibilities at present. But the literature on civil war termination offers some useful policy insights. Partition along ethnic lines is a dead end. It will create horrendous consequences, including ethnically motivated genocide. The parties might consider returning to the negotiation table either in a new situation of strategic equilibrium—meaning military power balance on the ground—or for tactical reasons. Strategic equilibrium is possible only as an outcome of war, while tactical considerations would only be a response to pressures on the parties from the regional and international state system. If parties return to the negotiation table on either of these grounds, a new ceasefire arrangement leading to a provisional agreement on power-sharing might be an option worth pursuing. In such a situation, security and political guarantees not only to the two main parties but also to other parties to the conflict—particularly the Muslim community and

> *transformative peace can begin only with a possible peace*

political dissidents—will be essential for stabilization of the deescalation process. As the scholarly literature and Sri Lanka's own experience suggest, to politically manage a protracted ethnic conflict which is centered on the contestation of state power, the best course of action is creating conditions for peace in a transformative process. It is impossible and unrealistic to expect that the conflict and war cycle can be ruptured or stopped by one ceasefire agreement or one peace deal because, as Sri Lanka's experience has repeatedly demonstrated, every new and failed ceasefire or negotiation has redefined and reconstituted the conflict rather than weakening its repro-

ductive capacity. A process of transformative peace can begin only with a possible peace, as was the case in 2002–03, warts and all; it cannot begin with the desirable, perfect peace. Conditions for possible peace do not emerge every day. Conjunctures for possible peace have been few and far between. Building on an imperfect yet possible peace is nevertheless the best strategy for attaining transformative peace.

Endnotes

1. Among the key literature on the Tamil nationalist politics in the early post-colonial years are Kearney 1967, Wriggins 1960, and Wilson 1988.

2. For the reader uninitiated into the eccentricities as well as complexities of government and politics of Sri Lanka, it needs to be mentioned that president and the prime minister were from the two main opposing parliamentary political camps. This happened under Sri Lanka's French-style Constitution. At the parliamentary elections held in December 2001, President Kumaratunga's People's Alliance lost the majority in Parliament to the opposition United People's Alliance.

3. Quite interestingly, in signing the CFA with the LTTE in February 2002, Prime Minister Wickramasinghe "violated" Sri Lanka's existing Constitution. In fact, he did not have the constitutional authority to sign a CFA. The authority was vested with the president.

4. Loganathan 1996: 75. Also Clause 18 (1) of the DDC Act.

5. Clauses 1.4 and 2.2, respectively, of the Indo-Sri Lanka Accord of July 1987.

6. For an extensive report of this debate, see Loganathan 1996: 168–83.

7. For a detailed account of the first Norwegian initiative, see Uyangoda 2006: 231–60.

8. For an extremely interesting account of this issue from the LTTE's perspective, see Balasingham 2004, particularly, 429–44.

9. In a recent comment, R. Rudrakumaran, one of the LTTE's legal advisors, has made the following comments about the UNF government's "international safety-net

approach": "The international community's action has given a perception that it is not a neutral player in the peace process when the Sri Lankan leadership repeatedly claim that they had established an 'international safety net' designed to surround and contain the Tamils' struggle for self-determination and the international community's failure to repudiate these claims and disassociate itself from the stated partisan goals of such a 'safety net.' The most damaging aspect of the international community's action was its insistence that a solution should be found within a unified Sri Lanka." *Tamil Canadian*, July 10, 2006.

10. The UNF leaders also thought that economic development opportunities in the North with massive international assistance would have the consequence of "embourgeoisment" of Tamil insurgents.

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Internal Conflicts and State-Building Challenges in Asia

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Rationale

Internal Conflicts and State-Building Challenges in Asia is part of a larger East-West Center project on state building and governance in Asia that investigates political legitimacy of governments, the relationship of the military to the state, the development of political and civil societies and their roles in democratic development, the role of military force in state formation, and the dynamics and management of internal conflicts arising from nation- and state-building processes. An earlier project investigating internal conflicts arising from nation- and state-building processes focused on conflicts arising from the political consciousness of minority communities in China (Tibet and Xinjiang), Indonesia (Aceh and Papua), and southern Philippines (the Moro Muslims). Funded by the Carnegie Corporation of New York, that highly successful project was completed in March 2005. The present project, which began in July 2005, investigates the causes and consequences of internal conflicts arising from state- and nation-building processes in Burma/Myanmar, southern Thailand, Nepal, northeast India, and Sri Lanka, and explores strategies and solutions for their peaceful management and eventual settlement.

Internal conflicts have been a prominent feature of the Asian political landscape since 1945. Asia has witnessed numerous civil wars, armed insurgencies, coups d'état, regional rebellions, and revolutions. Many have been protracted; several have far-reaching domestic and international consequences. The civil war in Pakistan led to the break up of that country in 1971; separatist struggles challenge the political and territorial integrity of China, India, Indonesia, Burma, the Philippines, Thailand, and Sri Lanka; political uprisings in Thailand (1973 and 1991), the Philippines (1986), South Korea (1986), Taiwan (1991) Bangladesh (1991), and Indonesia (1998) resulted in dramatic political change in those countries.

Although the political uprisings in Burma (1988) and China (1989) were suppressed, the political systems in those countries, as well as in Vietnam, continue to confront problems of legitimacy that could become acute; and radical Islam poses serious challenges to stability in Pakistan, Bangladesh, and Indonesia. The Thai military ousted the democratically-elected government of Thaksin Shinawatra in 2006. In all, millions of people have been killed in the internal conflicts, and tens of millions have been displaced. Moreover, the involvement of external powers in a competitive manner (especially during the Cold War) in several of these conflicts had negative consequences for domestic and regional security.

Internal conflicts in Asia can be traced to contestations over political legitimacy (the title to rule), national identity, state building, and distributive justice—that are often interconnected. With the bankruptcy of the socialist model and transitions to democracy in several countries, the number of internal conflicts over political legitimacy has declined in Asia. However, the legitimacy of certain governments continues to be contested from time to time, and the remaining communist and authoritarian systems are likely to confront challenges to their legitimacy in due course. Internal conflicts also arise from the process of constructing modern nation-states, and the unequal distribution of material and status benefits. Although many Asian states have made considerable progress in constructing national communities and viable states, several countries, including some major ones, still confront serious problems that have degenerated into violent conflict. By affecting the political and territorial integrity of the state as well as the physical, cultural, economic, and political security of individuals and groups, these conflicts have great potential to affect domestic and international stability.

Purpose
Internal Conflicts and State-Building Challenges in Asia examines internal conflicts arising from the political consciousness of minority communities in Burma/Myanmar, southern Thailand, northeast India, Nepal, and Sri Lanka. Except for Nepal, these states are not in danger of collapse. However, they do face serious challenges at the regional and local levels which, if not addressed, can negatively affect the vitality of the national state in these countries. Specifically, the project has a threefold purpose: (1) to develop an in-depth understanding of the domestic, transnational, and international dynamics of internal conflicts in these countries in the context of nation- and state-building strategies; (2) to examine how such conflicts have affected

the vitality of the state; and (3) to explore strategies and solutions for the peaceful management and eventual settlement of these conflicts.

Design

A study group has been organized for each of the five conflicts investigated in the study. With a principal researcher for each, the study groups comprise practitioners and scholars from the respective Asian countries, including the region or province that is the focus of the conflict, as well as from Australia, Britain, Belgium, Sweden, and the United States. The participants list that follows shows the composition of the study groups.

All five study groups met jointly for the first time in Washington, D.C., on October 30–November 3, 2005. Over a period of five days, participants engaged in intensive discussion of a wide range of issues pertaining to the conflicts investigated in the project. In addition to identifying key issues for research and publication, the meeting facilitated the development of cross-country perspectives and interaction among scholars who had not previously worked together. Based on discussion at the meeting, twenty-five policy papers were commissioned.

The study groups met separately in the summer of 2006 for the second set of meetings, which were organized in collaboration with respected policy-oriented think tanks in each host country. The Burma and southern Thailand study group meetings were held in Bangkok July 10–11 and July 12–13, respectively. These meetings were cosponsored by The Institute of Security and International Studies, Chulalongkorn University. The Nepal study group was held in Kathmandu, Nepal, July 17–19, and was cosponsored by the Social Science Baha. The northeast India study group met in New Delhi, India, August 9–10. This meeting was cosponsored by the Centre for Policy Research. The Sri Lanka meeting was held in Colombo, Sri Lanka, August 14–16, and cosponsored by the Centre for Policy Alternatives. In each of these meetings, scholars and practitioners reviewed and critiqued papers produced for the meetings and made suggestions for revision.

Publications

This project will result in twenty to twenty-five policy papers providing a detailed examination of particular aspects of each conflict. Subject to satisfactory peer review, these 18,000- to 24,000-word essays will be published in the East-West Center Washington *Policy Studies* series, and

will be circulated widely to key personnel and institutions in the policy and intellectual communities and the media in the respective Asian countries, the United States, and other relevant countries. Some studies will be published in the East-West Center Washington *Working Papers* series.

Public Forums

To engage the informed public and to disseminate the findings of the project to a wide audience, public forums have been organized in conjunction with study group meetings.

Five public forums were organized in Washington, D.C., in conjunction with the first study group meeting. The first forum, cosponsored by The Johns Hopkins University's School of Advanced International Studies, discussed the conflict in southern Thailand. The second, cosponsored by The Sigur Center for Asian Studies of The George Washington University, discussed the conflict in Burma. The conflicts in Nepal were the focus of the third forum, which was cosponsored by the Asia Program at The Woodrow Wilson International Center for Scholars. The fourth public meeting, cosponsored by the Foreign Policy Studies program at The Brookings Institution, discussed the conflicts in northeast India. The fifth forum, cosponsored by the South Asia Program of the Center for Strategic and International Studies, focused on the conflict in Sri Lanka.

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Background of Sri Lanka's Ethnic Conflict

Sri Lanka gained independence in 1948, after almost 450 years of colonial rule under the Portuguese, Dutch, and British. This history—and the country's proximity to India—helped produce a polyethnic, multireligious population consisting of Buddhists (69%), Hindus (15%), Muslims (8%), and Christians (8%). Britain's colonial policies and practices helped create fissures, especially between the majority Sinhala and the minority Tamils. Post-independence Sinhalese elites made use of this division both to pursue anti-Tamil policies that benefited their community and to build a Sinhalese Buddhist nation-state that marginalized minorities. Tamil elites, in the main, initially demanded a federal solution whereby the predominantly Tamil northeast, considered part of the Tamil homeland, could enjoy autonomy from the Sinhalese-dominated south. When such demands were disregarded, the moderate Tamil elites lost out to extremist youth, who by the early 1970s began clamoring for a separate state.

The state's discriminatory policies led to anti-Tamil riots in 1956, followed by deadlier riots in 1958, 1978, 1981, and 1983. The 1983 riot was especially gruesome and caused thousands of Tamils to flee to India and Western countries as refugees, producing a vibrant Sri Lankan Tamil diaspora. This diaspora plays a major role in financing the Tamil separatist struggle now waged by the Liberation Tigers of Tamil Eelam (LTTE). By eliminating other Tamil guerrilla organizations, the LTTE claims to be the Tamils' sole representative. The LTTE's practices of forcibly recruiting child soldiers and resorting to suicide bombings have caused a number of states and political entities—including India, the United States, Canada, Australia, and the European Union—to proscribe it as a terrorist organization.

The civil war between the Sri Lankan government and the LTTE has killed more than 70,000 people. Most agree that a political solution to the conflict is necessary, yet the two main protagonists have cast aside four attempts to reach a peace agreement. The most recent peace process began in February 2002, when the United National Front coalition government, headed by Ranil Wickremesinghe, signed a Memorandum of Understanding with the LTTE. War was avoided until June 2006, when the LTTE's intransigence and the newly elected government's uncompromising policies led to renewed conflict. Overall, the peace processes have failed mainly due to the conflicting parties' unwillingness to reconcile the LTTE's maximalist demands and various Sri Lankan governments' min-

imalist responses. Intransigent positions have also made it impossible to collaborate constructively in the wake of the devastating December 2002 tsunami.

Many argue that the LTTE has never jettisoned the quest to create a separate state and has simply used the peace processes to rearm and regroup. The LTTE says that it could agree to a federal arrangement, yet its proposals for conflict resolution are more confederal than federal in nature. It is also clear that successive Sri Lankan governments have been unable to craft a political arrangement that would allow the island's Tamils to live with dignity and self-respect. Most Sinhalese oppose federalism. They fear it would eventually lead to the country's dismemberment. In addition, radical Sinhalese and Buddhist nationalists insist that Sri Lanka be maintained as a unitary state. These radicals have adopted hostile attitudes and policies toward parliamentarians, civil society activists, diplomats, clergy, and NGOs advocating devolution or federalism as a solution to the civil war.

The LTTE, which controls large areas of territory in the Northern and Eastern provinces, suffered a split in March 2004 when its eastern commander broke away and began collaborating with elements in the military. This has weakened the LTTE, and the group has since lost strategic territory in the Eastern Province. The large Muslim population in the Eastern Province also undermines the LTTE's goal of creating a separate state for the island's Tamils. The Muslim dimension introduces a new element, further complicating the peace process and a future settlement.

In November 2005, Mahinda Rajapakse was elected president with the support of Sinhalese nationalists who demand a military solution to the ethnic conflict. Although Rajapakse has yet to follow through on all the pro-nationalist promises he made in his election manifesto, his administration and the military have been emboldened by the recent war gains in the Eastern Province. The Rajapakse government has consequently adopted a military strategy of massive retaliation against the LTTE at the expense of a political strategy that promotes conflict resolution. This has contributed to gross human rights abuses and increased the misery of the Tamils, especially those living in LTTE-controlled areas.

The LTTE's rise has also complicated India-Sri Lanka relations. India supported the Tamil rebels in the early 1980s, when Sri Lanka disregarded India's regional preferences and sought to draw close to the United States and other Western interests. This led to the Indo-Lanka Peace Accord of 1987 and the Indian Peace Keeping Force (IPKF) stationed in the northeast. For various reasons, the IPKF and LTTE ended up fighting each other in what became India's longest war. India proscribed the LTTE

in 1992 because the group had assassinated former Indian Prime Minister Rajiv Gandhi the previous year. But having done so, India is now unable to play a direct role in conflict resolution. Complicating matters further for India are Tamil Nadu's more than 60 million Tamils, who sympathize with their beleaguered cousins across the Palk Strait.

Sri Lanka has paid a massive price for civil war. At the time of independence, Sri Lanka's high literacy rate, experience with universal franchise, and relatively high socio-economic indices led many to predict that it was the most likely of the newly independent states to become a peaceful, liberal democracy. Ethnically divisive policies and subsequent civil war have undermined that promise, although this island the size of West Virginia still has vast potential, provided peace can be achieved between its two principal ethnic communities.

Map of Sri Lanka

INDIA

Tamil Nadu

Jaffna

Northern Province

Mannar

Gulf of Mannar

Kalpitiya

Anuradhapura

Aruvi Aru

Trincomalee

Mahaweli Ganga

Eastern Province

Batticaloa

Kurunegala

Kandy

Ampara

COLOMBO

Monaragala

Galle

Hambantota

B a y   o f   B e n g a l

0   50   100
Kilometers

IRAN

CHINA

PAKISTAN

NEPAL

INDIA

OMAN

BURMA / MYANMAR

THAILAND

MALDIVES

SRI LANKA

INDIAN OCEAN

INDONESIA

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About this Issue

Sri Lanka's ethnic conflict has become protracted and intractable. The twenty-five-year-old civil war has been interrupted numerous times for a negotiated peace and political settlement, yet the conflict has defied deescalation. All failed attempts at negotiated peace have propelled the civil war forward with greater vitality and intensity. Both war and "peace" appear to be mutually sustaining dimensions of a single process of conflict produced and sustained by two defining dynamics: (1) intense competition for state power between state-seeking minority nationalism and state-asserting majority nationalism; and (2) the fact that the "ethnic war" has acquired relative autonomy from the political process of the "ethnic conflict." Against this backdrop, attempts at negotiated settlement, with or without ceasefires, have not only failed but have redefined the conflict. This study suggests that early deescalation or a long-term settlement is not possible at present. A protracted conflict requires a protracted process of political transformation. Since the question of state power is at the core of the conflict, a credible short-term path to peace should begin with negotiations that aim at, and lead to, reconstituting state power along ethnic lines. This will require a grand ethnic compromise among Sinhalese, Tamil, and Muslim elites, backed by the people in the three main ethnic formations.

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