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The Politics of Transformation

The LTTE and the 2002-2006
peace process in Sri Lanka

Berghof Transitions Series
Resistance/Liberation Movements and Transition to Politics

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About this Publication Series

This case-study is one of a series produced by participants in an ongoing Berghof research project on transitions from violence to peace ('*Resistance/Liberation Movements and Transition to Politics*'). The project's overall aim is to learn from the experience of those in resistance or liberation movements who have used violence in their struggle but have also engaged politically during the conflict and in any peace process. Recent experience around the world has demonstrated that reaching political settlement in protracted social conflict always eventually needs the involvement of such movements. Our aim here is to discover how, from a non-state perspective, such political development is handled, what is the relationship between political and military strategies and tactics, and to learn more about how such movements (often sweepingly and simplistically bundled under the label of *non-state armed groups*) contribute to the transformation of conflict and to peacemaking. We can then use that experiential knowledge (1) to offer support to other movements who might be considering such a shift of strategy, and (2) to help other actors (states and international) to understand more clearly how to engage meaningfully with such movements to bring about political progress and peaceful settlement.

Political violence is a tool of both state and non-state actors, and replacing it by political methods of conflict management is essential to making sustainable peace. With this project we want to understand better how one side of that equation has been, or could be, achieved. Depending on the particular case, each study makes a strong argument for the necessary inclusion of the movement in any future settlement, or documents clearly how such a role was effectively executed.

We consciously asked participants to reflect on their experience from their own unique point of view. What we publish in this series is not presented as neutral commentary. All histories are biased histories, and there is no single truth in conflict or in peace. Rather, we believe these case-studies are significant because they reflect important voices which are usually excluded or devalued in the analysis of conflict. Increasing numbers of academics, for example, study "armed groups" from outside, but few actually engage directly with them to hear their own points of view, rationales, and understandings of their context. We are convinced that these opinions and perspectives urgently need to be heard in order to broaden our understanding of peacemaking. For exactly this reason, each case study has been produced with the very close co-operation of, and in some cases authored by, members of the movement concerned. As the results amply illustrate, these perspectives are sophisticated, intelligent, political and strategic.

The reader may or may not agree with the perspectives expressed. But, much more importantly, we hope that the reader will accept that these perspectives are valid in themselves and must be included in any attempt at comprehensive understanding of violent conflict and its transformation. We urgently need to understand in more depth the dynamics of organisations who make the transition between political violence and democratic politics, in order to improve our understanding of their role, and our practice, in making peace.

The views expressed are those of the authors and contributors, and do not necessarily reflect the opinions or views of the Berghof Foundation for Conflict Studies or any of its constituent agencies.

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Introduction

The conflict in Sri Lanka is one of the world's most protracted and multi-faceted. It has been aptly described as a conflict "where economic, political and cultural deprivation and grievances of a minority have provoked a violent rebellion against a state that has come to be seen as representative of only the majority ethnic group" (Orjuela 2003:198). Since long-simmering tensions between the island's Tamil community and the Sinhala-dominated state erupted into open confrontation between several militant groups and the Sri Lankan armed forces in the early 1980s, the conflict has grown in intensity and complexity. The Liberation Tigers of Tamil Eelam (LTTE), which emerged as the dominant Tamil protagonist following a number of early confrontations within the broader Tamil resistance movement, has since developed both a conventional military force and a substantial civil administrative apparatus in the parts of the island it has established control over. Since the conflict began, there have been five formal attempts to resolve it through negotiations. All, including the Norwegian-facilitated peace process which began in 2002, have proved abortive, with the fighting resuming with greater ferocity each time.

This study examines the substantial non-military activities of the LTTE since the internationally-backed Norwegian peace process began in 2002 against the wider foil of transition from war to peace. The possibilities for transforming or resolving a protracted conflict such as that in Sri Lanka cannot be discerned without understanding the evolving socio-political conditions in which armed political movements emerge, grow and function. For example, the label 'non-state actor' when applied to the LTTE, which controls a clear and demarcated territory and has established a substantial governance structures in these areas, obscures significant aspects of the conflict and the organisation itself. A 'state within a state' (Kingston 2004) would seem a more appropriate term in this context and one we look at more closely below. More generally, a nuanced understanding of the LTTE that goes well beyond the nondescript label of 'armed group' or 'non-state actor,' and of the wider dynamics of the conflict in Sri Lanka, are essential to promoting peace there. This principle underpins this study. Such understanding, we also argue, requires a systemic approach to analysis. Piecemeal approaches – for example, focusing solely on the efficacy of electoral processes in Sri Lanka – which do not consider the historic trajectories or overarching context of Sri Lanka's politics, or the prevailing conditions, are futile. Intractable conflicts must be studied in their entirety.

Furthermore, in examining the political transformation of armed movements, we do not take a normative approach. We examine key processes and dynamics without taking a moral stance on the use of political violence (or even specific modes or acts of violence). We seek to provide insight into the decision-making process within the LTTE and its logic in pursuing particular strategies, into how LTTE actions and policies are intertwined with those of other actors within the conflict system and how these came to reinforce each other, thus producing a destructive cycle of escalating antagonism that contributed heavily to the slide into renewed violence that followed the initial optimism generated by the Norwegian initiative.

The Berghof project on 'Resistance/liberation movements and transitions to politics', of which this study is a part, seeks to examine political processes, including 'transformation', from the perspectives of the movements whose activities are being studied. This paper aims to go beyond a historical narrative and to critically examine the ontological and epistemological bases for the inquiry. To begin with, two key assumptions underlie most definitions of the concept of 'transformation'. The first is that resistance/liberation movements begin as politico-military struggles using different degrees of violence, and then eventually transition into a purely political (i.e. non-violent) struggle. The second is that only engagement in 'mainstream' democratic politics and electoral processes can both constitute and facilitate such a transformation. The concept of

political transformation of armed non-state actors is thus embedded in the wider one of conflict transformation.

Successful peacebuilding is said to involve a 'triple transition': a security transition from war to peace; a political transition from authoritarianism to a more democratic form of government and a socio-economic transformation (De Zeeuw 2001:16). Although all are necessary ingredients for the creation of a self-sustaining peace, this study undertakes a critical analysis of the second proposition, that of transition from authoritarianism to democracy. We argue that the ethno-political[1] conflict in Sri Lanka emerged in the context of failed democratic politics of the state. In particular, as Sunil Bastian has pointed out "democracy is janus-faced" (Bastian and Luckham 2003:1)."It can empower citizens to overcome exclusion and it can contribute to good governance but it can also reinforce and legitimise societal inequalities, penalise national minorities and indeed prevent or constrain popular participation in the government" (ibid.).

Nonetheless, in recent times, conflict transformation and political transformation of armed non-state actors have come to take on specific, albeit not always explicitly stated, meanings revolving around values of democracy, non-violence, political pluralism, etc. These 'liberal' notions are, inevitably, essentially contested in meaning and practice. The Berghof research brief itself describes the stated objective of transformation as "the construction of non-violent and equitable societies." However this laudable goal has come to be operationalised elsewhere in specific ways. To begin with, the common wisdom conceptualisation of transformation turns on explicit and implicit dichotomies of violence and peace, authoritarianism and democracy, pluralism and nationalism and so on. These not only stem from the liberal concerns manifest in contemporary international politics, they are also uncritically categorised in mutually exclusive and, we argue, overly simplistic 'good versus bad' dichotomies. In particular, the terms 'political' and 'violent' especially in relation to the strategies of armed non-state actors are seen as mutually exclusive and contradictory: as the brief itself notes, 'non-state armed groups' are often portrayed as "*initially violent* organisations that eventually develop political agendas and transform themselves into non-violent, *political* actors." In other words, armed non-state actors are deemed not to be political actors. However, liberation/resistance movements are, by definition, inherently *political* actors, pursuing discernibly political goals through violent means, even though this crucial aspect is often effectively displaced today by the increasingly dominant discourse of 'terrorism'.

Furthermore, according to this interpretation of 'transformation' of armed movements, the notion of 'political' has come to mean something quite limited and specific: electoral politics. This directly creates expectations of specific behaviours and institutional changes on the part of armed movements before such normatively desirable 'transformation' can be said to be taking place. These include the renunciation of violence and direct engagement in electoral politics. However, in the case of armed movements fighting for independence from states they deem oppressive, such requirements can be deeply problematic, particularly when insisted on *prior* to the implementation of a permanent solution which resolves the structural causes of the conflict. These difficulties are heightened, moreover, if the resistance movement is already running its own civil administration in territory 'liberated' from the state. The case of Sri Lanka also challenges another key assumption on which the notion of political transformation of armed non-state actors rests: that a democratic polity and electoral process with integrity already exists, or is being formed, for armed movements to transition into. In Sri Lanka it is arguable that it was precisely

1   In the context of Sri Lanka, the term ethnic conflict is the characterisation most preferred by various scholars. However, the term 'ethnic conflict' is inadequate and misleading as it implies primordial motives and does not reveal the underlying political nature of the conflict. To conclude that ethnic conflict arises because there are distinct ethnic groups is tautological. Ethnic conflict refers to the form of the conflict not with regard to its core issues related to human rights, justice, political participation, economic distribution etc. As Gurr et al rightly point out, "the manifestation of these issues becomes ethnic only because that is the basis for exclusion and repression" (Gurr, Harff and Speca 1996).

the repeated failure of 'democratic' politics to address Tamil grievances for several decades and the concomitant lack of effective mechanisms for constitutional reform itself which, combined with heightened state violence, led to armed resistance in the first place.

This paper examines the activities and conduct of the LTTE against the foil of 'political transformation', focusing in particular on the period since 2002, when the heavily internationalised, Norwegian-led peace initiative in Sri Lanka began in earnest.[2] The LTTE's stated goal is self governance for the island's Tamils in their historical habitation in the Northeast.[3] The LTTE thus faces both issues outlined above. As a liberation movement fighting for independence, the LTTE represents a fundamental Tamil challenge to the legitimacy of the Sinhala majoritarian state. Moreover, having captured a large swathe of territory from the state, the LTTE has set up a parallel civil administration in it. Both these aspects, as noted earlier, present specific challenges to the LTTE engaging in the linear 'transformation' outlined above. Nonetheless, this paper argues, throughout the conflict and especially since 2002, the LTTE has engaged in substantive and multi-faceted non-violent political activities, whose transformative potential has been insufficiently examined and engaged with as a result an overly narrow focus on the electoral politics (with the concomitant insistence on disarmament and demobilisation).

Drawing on a review of the non-military activities of the LTTE since 2002, this paper makes two central arguments. Firstly, the popular conceptualisation of 'political transformation' is overly restrictive and prescriptive, so much so that activities outside of and beyond an armed campaign which actually embrace and operationalise the values underpinning the normative demand for political transformation, are simply not considered. Secondly, even within the commonly accepted framework of transformation, a focus on the behaviour of the armed movement alone, divorced from the (political and socio-economical) local and international environment in which it operates, fails to recognise key (structural and other) impediments to such 'transformation' and, therefore, key steps being undertaken by the movement towards this. The paper also argues that as a consequence of external actors' adopting too narrow a focus on the (lack of) specific behaviours by the armed movement, its efforts to embrace international values fail to get recognition and, more importantly, the necessary international support to sustain them. Indeed, international failure to support the LTTE's efforts to adopt and entrench international values in its administrative apparatus helped to undermine the potential for conflict transformation in Sri Lanka and, arguably, contributed to the subsequent disintegration of the Norwegian-led peace process. In short, a combination of international policies dictated by state doctrine and international actors'[4] scepticism of the LTTE's willingness to 'transform' led to a failure to recognise and support key steps by the movement, resulting in a self-fulfilling prophesy that progressively hardened attitudes in both international actors and the LTTE. We examine this crucial point in detail below, but it serves to note here that the international community has a key role in the transformation of the LTTE. As this study later elaborates, the armed conflict in Sri Lanka is a direct consequence of not only majoritarian oppression of a numerically smaller ethnic community, but also the manifest failures of internal mechanisms for resolving ethnic tensions as they emerged. In terms of Sri

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2   Low key Norwegian facilitation began in 1999. Oslo's role was formally initiated in early 2000 but, amid continuing hostilities, did not gain momentum until the change of government in Colombo in December 2001.

3   Indo-Sri Lanka Accord (July 29, 1987). The Accord, signed by India and Sri Lanka, recognised that "the Northern and Eastern Provinces have been areas of historical habitation of Sri Lankan Tamil speaking peoples" (Clause 1.4). Furthermore, given this recognition, under the terms of the Accord the North and East were merged to form a single administrative entity (Clause 2.1). The Accord was unilaterally abrogated by the Sri Lankan government in 2006 when it annulled the merger. However, in keeping with political nomenclature of the Tamil struggle, we use the term 'Northeast' to refer to the Tamil areas of the island.

4   By international actors we mean here the bilateral and multilateral donors, Norway, the peace facilitator and the other Co-Chairs (EU, Japan and the US) who together spearheaded the post-2002 peace initiative.

Lanka's transition from war to peace, therefore, the international community has a crucial role in underwriting security, especially human security[5], and in guaranteeing the stability and durability of any negotiated agreement. The LTTE, like other actors, has its own agency, but we argue that its transformation hinges very much on the relationships between the organisation and the international community and less so on its relationship with the Sri Lankan state. The focus here is therefore on the former.

We begin by examining some of the key underpinnings of the concept of political transformation. In doing so, we promote a broader interpretation that goes beyond the simple holding of and participation in elections. In particular, we argue that the LTTE's efforts to develop and entrench a substantial civil administration in its controlled areas also constitutes political transformation, both of the movement (from 'guerrillas to government'[6]) and the Tamil struggle itself, from resistance to self-rule. We refer to this process as 'state-building' albeit with an important caveat: by state-building we refer not to the construction of a Westphalian sovereign state, but to the establishment of structures of governance and civil administration that meet the daily requirements of the inhabitants of the war zones as well as providing the foundation for implementing wider Tamil aspirations for self-rule. The crucial point here is that the structures of self-governance established by the LTTE in its controlled areas are as amenable to integration into a united state as they are to form the foundations of an independent one. To begin with, effective governance, broadly defined, has been absent in the Tamil areas of the island for decades: systematic economic and social marginalisation of the Tamils by the majoritarian state has been followed by decades of conflict in which the violent suppression of the Tamil rebellion has taken clear precedence over governance, good or otherwise. Secondly, the restructuring and transformation of the Sri Lankan state, which is sine qua non to resolving the conflict, necessitate establishing autonomous structures of self-rule for the Tamils, just as the 1987 Indo-Sri Lanka Accord sought to lay the basis for. The LTTE-run governance structures are thus both a practical response to the necessity of administering daily life in its controlled areas and a concrete manifestation of the wider Tamil aspiration for self-rule. In short, the LTTE governance structures have the potential to constitute an essential foundation for conflict transformation in Sri Lanka.

Following an examination of the conceptual framework of conflict transformation, we briefly outline Sri Lanka's armed conflict before considering, in some depth, the historical antecedents to the LTTE's armed struggle. The purpose of this section, which outlines the context in which the Tamil struggle moves from peaceful agitation to armed struggle, is two-fold: to highlight the historically constituted hurdles to reversing this transition, and to outline the present-day structural impediments to transforming the Sri Lankan state and body politic so that the pursuit of Tamil political goals by electoral processes is even possible. We then examine the LTTE's non-military activities after the Norwegian peace process began in 2001 in two ways; firstly using the narrower interpretation of transformation as a shift from 'armed struggle to electoral politics', and secondly as a shift from 'armed struggle to governance'. We look at the institution-building activities of the LTTE which began in the early 1990s and have continued thereafter as a process of political transformation, i.e. from guerrillas to government. In particular we look at the structural

5   The concept of Human Security emerged in the UNDP Human Development Report of 1994. One essential characteristic is that it identifies individuals as the proper referent for security, in contrast to the 'traditional' notion of national security as state-centred security. The main aim was to "bridge the freedom from want and freedom from fear." While freedom from fear means freedom from violence, freedom from want indicates freedom from poverty. The UNDP's Human Development Report argues for expanding global security to incorporate threats in seven areas: economic security, food security, health security, environmental security, personal security, community security and political security. While this concept can be seen as a holistic understanding of the different facets of global security, it has been criticised because of its vagueness (see for instance Alkire 2003).

6   Borrowing the title of David Pool's 2001 study of the Eritrean Liberation Front.

and strategic changes effected by the LTTE since 2002 and argue that these constitute important steps towards entrenching the normative values of 'conflict transformation'. We then critically review international engagement with these efforts, and conclude with a summary of key findings.

A brief word on methodology: This case study draws on a range of sources, including official documentation and printed and verbal accounts of the conflict and peace process. In particular, the authors draw on their conversations and interviews with past or serving officials, including heads or senior officials of several LTTE departments, Tamil parliamentarians, international diplomats and some Sri Lankan government officials. Some of the material used was gathered specifically for this case study since March 2007, and the rest was collected in recent years as part of the authors' doctoral research projects.

1. The Politics of Transformation

Building on the concepts of Systemic Conflict Transformation (Wils et al. 2006), this paper argues that social and political change processes are dynamic, non-linear and are characterised by simultaneity of developments (Max Weber's *Gleichzeitigkeit der Geschehnisse*). This systemic approach to conflict/social transformation is contrary to functionalist models of transformation, which relate to linear development models of social change directed at system maintenance and the *restoring* of a previous pattern of equilibrium in which stability is the most defining characteristic. Given that deep-rooted (Burton 1990) and protracted (Azar 1990) intra-state conflicts stem from structural factors[7] and other underlying causes, 'political transformation' must be considered in the context of a complex and evolutionary past. The following are the salient features of the systemic thinking on which our argument is based:

1. Thinking in dynamic frameworks refers to the "understanding that causes and effects in social systems do not follow a simple logic, but are connected in a rather complex way and can be separated substantially by distance and time" (Ropers 2008:3).

2. Thinking in network structures relates to the existence of reinforcing 'feed-back loops' and the interdependency of actors. An example would be the 'security dilemma': while one party takes up arms out of perceived insecurity, the other party regards this as a threat which in turn contributes to escalation and increased insecurity (Ropers 2008:3).

3. Power relations between parties to the conflict are ever-changing systems located in asymmetric conflict constellations. Conflict actors are mostly unevenly equipped with resources and access to power centres, as well as to the international community, which further reinforces the conflict (Wils et al. 2006:51-58).

4. The foundations and vehicles for change processes are to be found within the systems themselves. Solutions are sustainable only when they are generated by the parties to the conflict themselves. Moreover, parties are not monolithic or homogeneous blocks but are themselves subject to change, because of both internal dynamics and external (i.e. systemic) factors (Wils et al. 2006: iv).

Using this systemic approach to examining political transformation in the Sri Lankan conflict immediately draws attention to key factors external to the LTTE: the nature and conduct of the Sri Lankan state, the international community and the dynamic relationships between all three. We take up the international dimensions later, but note here the powerful impact of 'external' logics such as the 'global war on terror' and 'preventing state failure' on complex 'internal' conflicts. Furthermore, we treat the actors involved not as monolithic and unchanging entities, but as complex webs of interconnectedness which respond to interactions with other actors, and which are flexible and adaptable to changing circumstances while pursuing interests. The LTTE, for example, cannot simply be positioned as inherently 'intransigent'. Instead, its positions and actions need to be considered in the context of the prevailing dynamics of the moment and the movement's interactions and relationships with other actors in the system. Therefore there

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[7] Building on the theories of Pierre Bourdieu, Johann Galtung has identified three different forms of violence commonly applied in ethno-political conflict constellations: cultural, physical and structural violence (1990:291).

can be no inevitability as to how the LTTE and the Tamil struggle will evolve, and the prevailing ground conditions dictate the options available at any given moment. Concomitantly, any lasting transformation must come from the internal convictions of the actors concerned and cannot be imposed from outside, especially by coercion.

We also argue that the LTTE cannot be considered a monolithic entity. This is not to say there are serious contradictions within the organisation, but that its decisions are made by careful and rational consideration, through internal advocacy and discussion and cost-benefit analysis of available options. Contrary to assertions by its detractors, this is not paradoxical, despite the LTTE's reputation for iron discipline: whilst policy decisions taken are rigorously executed, space for debate re-emerges whenever strategy is being reconsidered. For example, the LTTE's decision in 2003 to 'temporarily suspend' participation in the Norwegian-facilitated talks with the Government of Sri Lanka (GoSL) was not an arbitrary move but a considered decision taken in response to specific external developments, including the demonstrable lack of progress in implementing what the movement had repeatedly insisted were crucial agreements on humanitarian issues. Similar strategic considerations led to the LTTE's concomitant decision to then seek another line of negotiation around the notion of an 'interim administration' and, especially, to put forward concrete proposals for such negotiations, also linked to these humanitarian issues.

A key impediment to analysing conflict transformation in Sri Lanka is the abstract conception of the state and polity there as a democracy. Democracy is widely acknowledged as much more than the mere holding of regular elections. By critically reviewing contemporary democracy entitlement theories that focus on procedures, we urge a broader definition that focuses on the substantive constituting elements of democracy. The ethno-political conflict in Sri Lanka arose out of the systematic denial of Tamil identity, political power, social and cultural values and aspirations by the post-colonial Sinhala majoritarian state. Tamil resistance to this marginalisation was staged for several decades through democratic mobilisation and peaceful agitation (see Wilson 1988, Bose 1994, DeVotta 2004, Balasingham 2004). It was the failure of democratic procedures to address Tamil grievances, and the concomitant escalation of state repression, that motivated the transition to violent resistance. When examining the possible trajectories of transformation in Sri Lanka, it is of paramount importance to realise that the underlying roots of the conflict lie in the denial of the Tamils as a co-constituting nation of the post-colonial state. The Tamil quest for redress later crystallised in the form of an armed struggle for an independent state, the core issues of justice, equality, democracy, human rights and dignity. The Tamil liberation struggle, aimed at securing redress and justice, is therefore incontestably political in nature. While the nature of the struggle - from parliamentary to armed opposition - and the means - from non-violent protest to militant insurgency - changed over time, the core issue of equitable distribution of power and resources, articulated in political demands varying from federalism and confederalism to consociationalism and outright independence has remained unchanged.

Rejecting a dichotomy of violence and politics, we argue that the Tamil struggle, led today by the LTTE, is a political project pursued by both peaceful and military means with varying degrees of emphasis and intensity at any one time. Indeed both modes are pursued simultaneously, with one or the other to the fore. In considering conflict transformation, it should be borne in mind that the decision to prioritise one or other means of struggle is driven by strategic consideration and context rather than an inevitability stemming from some essential characteristic of the LTTE. This decision-making process, moreover, can be best explained by using the rational-choice theory of utility maximisation. This holds that in pursuit of their goals, actors choose the best available option to maximise gains and minimise losses (Daase 2001). A party to a conflict will only negotiate in good faith if it believes that such negotiations will yield a result better than its

BATNA (Best Alternative To a Negotiated Agreement). Otherwise, it will simply use the negotiating process to either reduce its opponents' BATNA or increase its own BATNA. Similarly, transformation from a predominantly military to a mainly political strategy happens when the actor feels that the switch will enhance the possibility of achieving its goals, tactical or strategic. When choosing the appropriate strategy, liberation movements will consider the history of their relationship with their state opponent (i.e. the question of trust), potential losses and gains and the effectiveness of the choice in achieving their long-term goal.

A key consideration in this regard is the issue of physical security (in the context of Human Security). We reiterate that the initial transition of Tamil struggle from peaceful agitation to armed struggle also has to be considered in the context of the deepening of violent state repression which began soon after independence. Sri Lanka's post colonial history has been "punctuated by bouts of annihilatory violence, often called pogroms, directed against the Tamils in 1956, 1958, 1977, 1981 and 1983" (Krishna 1999:67) in which thousands were massacred, property was destroyed, and hundreds of thousands made refugees (Balasingham 2004:9). This "physical discrimination" by the state against the Tamils, as V. Nithiyanandam puts it, stemmed not only from the use of state (military) violence; whenever anti-Tamil rioting took place, "governments in power, by and large, condoned these" (2000:300-1). This mob violence and the repression with which the state responded to Tamil satyagraha (peaceful disobedience) campaigns in 1956 and 1961 left Tamils powerless and clearly vulnerable, in a situation where the Sinhala majority and the Sinhala-dominated state retained the monopoly on violence. Brian Blodgett, notes in his detailed historical study of Sri Lanka's military, "in 1962, a policy of recruiting only from the Sinhalese Buddhist community was instituted. This was the beginning of an ethnically pure army" (2004:54). Today the Sri Lankan armed forces are overwhelmingly Sinhala. In this context, John Burton's elucidation in human needs theory on the non-negotiability of issues related to security and identity is important to understanding the different facets of the Tamil struggle; he concludes "conflicts which are of global concern involve deep issues of ethnic and cultural identity, of recognition and of participation that are usually denied to ethnic minorities in addition to issues of security and other values that are non-negotiable" (1990:5).

Thus, apart from the impossibility of the Tamils securing justice and redress through Sri Lanka's political system, the emergence of Tamil militancy is also rooted in an urgent need to resist state violence and (state-sanctioned) communal violence (Bose 1994). This is not to say that the LTTE has not undergone a process of transformation since its inception in 1976. Starting out as a shadowy militant group, the LTTE has today visibly transformed into a 'state within a state' with its own standing military and an extensive civil administrative apparatus. Moreover the extent of the LTTE's transformation 'from guerrillas to government' goes beyond mere structural changes: the movement's very ethos has transitioned from one of armed resistance to that of 'state building' i.e. the establishment of systems of administration and governance including law and order (police and judiciary), economic management (a 'Central' bank), welfare, etc. However, as Kristian Stokke (2006) has noted in his detailed study of the LTTE's institution-building efforts, this is not to say the Sri Lankan state's structures have been entirely replaced within LTTE areas – for example, there are two 'parallel' health and education systems. Thus, borrowing Amitai Etzioni's concept of active society, the LTTE can be observed to have engaged in "intensive and perpetual self-transformation" (1968:viii). This process has accelerated since the advent of the Norwegian peace process. However a conception of 'transformation' as a linear model of social change from a 'military to a political' struggle fails to capture (a) the dynamic nature of the conflict and its resolution process, (b) the simultaneity of pertinent socio-political realities and the actors' decision-making logics which are demonstrably based on rational choice and *real-politik* considerations and (c) destructive cycles of mutually reinforcing dynamics. Having said this, social and political movements are, as Ernesto

Zirakzadeh points out, "polymorphous, with multiple personalities and lines of development. They are constantly evolving yet transforming – as they are internally dialectical – and therefore bearing multiple legacies for future generations" (2006:244).

2. A Question of Democracy

Democracy is commonly accepted as an effective tool for handling conflict and enabling equal and just representation. Moreover, since the collapse of the Soviet Union, democracy has become the "touchstone of legitimacy" (Bodansky 1999). The democratic ethos, rooted in pluralist culture and norms, is even deemed to preclude the resort to violence. The causal logic of this 'democratic peace' theory is that democracies have never waged war against each other and shun the use of violence to resolve conflicts because it is morally unacceptable to do so. The theory has inevitably come under forceful criticism, not least from the school of political neo-realism (see Waltz 2000). Its applicability in intra-state conflict is also disputed. Nevertheless, since the 'end of history' (Fukuyama 1992) democracy has become a panacea for resolving disputes.

Proponents of the democratic entitlement school interpret democracy as a narrow, process-oriented concept defined by the holding of periodic elections (e.g. Schumpeter 1947, Mill 1967, Bentham 1960). However, the experience of electoral processes in Sri Lanka shows that they were largely unaccountable to their societies and politically biased in spite of the characterisation of Sri Lanka as "one of Asia's most vibrant democracies" (Coomaraswamy 2003:145). But while elections are generally regarded as the best instrument for a population to choose a more representative leadership and the best mechanism to transfer power and legitimacy, in illiberal or majoritarian democracies elections can easily become a tool for a majority community to retain power and marginalize minorities by sheer numerical strength. Elections can thus lead to what John Stuart Mill calls the 'tyranny of the majority' (1859). By way of contrast, we proceed with a sequenced model in which the values and features inherent to democracy, rather than the mere operation of electoral mechanisms, are given primacy.

2.1 Failure of democratic mechanisms in Sri Lanka

The ethno-political conflict in Sri Lanka emerged in the context of a demonstrable failure of democratic mechanisms to resolve profound disputes and sustain justice. Sri Lanka may have made a smooth initial transition following independence to electoral and parliamentary democracy, but values underpinning democracy quickly gave way to majoritarianism and ethnic supremacy. Indeed, as we detail below, democratic politics have sharpened tensions and precipitated the intractable ethno-political conflict in Sri Lanka. The Sri Lankan polity encompasses all the elements of majoritarian democracy, generally defined as those forms of government which concentrate power in the hands of executives elected by a majority of the popular vote. The institutional forms characterising majoritarianism include "a) strong presidential rule[8], b) first-past-the-post electoral systems c) unicameral legislatures, d) relatively weak constitutional divisions of powers between the branches of government and e) unitary, centralised state and administrative structures" (Bastian and Luckham 2003:43). Yet, as described earlier, countries are frequently deemed democracies when they meet the test of regular and notionally 'free and fair' elections, even though they might be deficient in other criteria that define formal democracy.

In the Sri Lankan context, it is arguably more appropriate to talk about ethnocracy than democracy, since political and civil rights are unevenly protected across ethnic, class and territorial units. The country has thus far had three constitutions, whose changes underline the transition to a majoritarian state. While the first (drafted by the British) reflected the Westminster

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8 This is particularly the case in Sri Lanka, where political accountability is weak due to an excessively powerful presidential office and relatively weak legislature.

model, the second and third enshrined Buddhism as a specially protected religion and endorsed the unitary model of governance. The constitutions were not only mono-ethnic in design, but they were instruments in the hands of the governing party of the time to produce favourable conditions to extend their rule by appealing to Sinhala majoritarian sentiments. This dynamic of 'ethnic outbidding' (DeVotta 2004) has quite rightly received considerable scholarly attention. Until the Indo-Sri Lanka accord[9] in 1987, Sinhala was the only official language,[10] sustaining the view that the island was the "special homeland"[11] of the Sinhala Buddhist majority. As Radhika Coomaraswamy concludes:

> "Many scholars have pointed to the fact that Sinhalese nationalism recognises Sri Lanka as a Sinhala Buddhist state, united under a central monarch whose duty is to protect and foster Buddhism. The politics of Sinhalese nationalism therefore required that the imperatives of majoritarianism be entrenched. Any formula that attempted to suggest a non-majoritarian approach to democracy was treated with scorn, whether it involved power sharing at the centre or at the periphery" (2003:146).

The process of post-independence state-building in Sri Lanka thus was partisan and denied the Tamil community access to the state's centres of power. The point here is that the transition from war to peace must inevitably involve a democratic transition in the fullest sense. More importantly, the transition from armed struggle to electoral politics needs to be *preceded* by such a democratic transition.

After confrontations between Tamil militants and the Sinhala-dominated armed forces broke out in the early 1980s, Tamils have lived under starkly different modes of governance to the Sinhalese. Even for Tamils living in the government-controlled parts of the Northeast, emergency regulations and military occupation have been the order of the day. Repression characterised by indiscriminate violence, human rights abuses (and institutionalised impunity for the security forces), racial profiling and arbitrary, often punitive, exercise of laws and regulations has seriously challenged the legitimacy of the Colombo-based governments. These challenges to authority normally arise when there is a lack of congruence between community, territory and government (Birch 2001:61). Such regimes, which are classified as 'failed states' or 'illiberal democracies' (Zakaria 1997), are sometimes also endowed with democratic features, usually because they have gone through an electoral process. They can thus claim some form of legitimacy. However, there is a contradiction between the claim of the majoritarian government to be democratic (and therefore legitimate) and the perception of a sizable proportion of the population in the Northeast, who

9   The Indo-Sri Lanka accord paved the way for the amendment of the 1978 constitution, which introduced the provincial council system to meet the aspirations of the Tamils (merging of the Tamil homeland in the North and East to one unit, making Tamil an official language, etc). The provincial governments lacked power (their decisions could be overridden by the parliament), influence and support by the central government. With the 2006 court ruling on the unconstitutionality of vital provisions on the merged North East province, the Indo-Sri Lanka accord has become null and void.

10   Chapter IV of the 1978 constitution accords Sinhala the place of 'Official Language' (Clause 20) whilst both Sinhala and Tamil are declared 'National Languages' (Clause 21). The crucial difference is that while a person may be educated in either 'National' language, knowledge of the 'Official' Language can be a condition of admission to 'Public Service, Judicial Service, Local Government Service, a public corporation or statutory institution' (Clause 22(5)). The thirteenth amendment to the constitution (a consequence of the Indo-Sri Lanka Accord) made Tamil an official language also, but this was never fully implemented.

11   This study does not intend to reflect on the self-legitimation myths and legends of the Sinhala community which underpin their claim as the "chosen" people of the island and the original inhabitants. This has been widely discussed in several scholarly works (e.g. Jayawardene 1985, Gunawardana 1995).

feel unrepresented and unlawfully ruled. Indeed, one of the salient features of Sri Lanka's post-independence era is that it has had to be ruled by Emergency Powers for most of the period.[12]

After John Rawls (1971) we argue for a first-principle conception of democracy embodying compliance with the consent of the governed and the exercise of power in a manner consistent with basic political freedoms and the rule of law. This would also embrace all the other constitutive elements of democracy which find their institutional expression in numerous forms of governance. Moreover, in this conception, the democratisation process in the transition period from war to peace can, whilst holding true to the ideals underlying democratic governance, nevertheless go through different phases and institutional forms *in the interim*. Following Kumar Rupesinghe's definition, democratisation is a "process through which countries develop institutions, behaviour patterns, and a political culture that contain the exercise of power" (1998:215). However, the current literature on democratisation accords much less attention to institution-building in the transition period. To elaborate the point made above, a substantial institution-building exercise, that of the LTTE's civil administration, has not been examined for its potential for democratisation, especially since this parallel 'order of violence' represents a highly institutionalised form of authority, to the degree that it controls a specific territory and the economic resources within it, and derives its legitimacy by providing security and a welfare system to the people living in that territory (see section 5 below). While rudimentary in comparison to a fully-fledged state, the LTTE's parallel governance structures in the areas under its control have established the rule of law and elements of checks and balances as well as measures towards respecting some international norms and values. The LTTE's civil administrative structures undoubtedly need substantial refinement and development to meet international expectations and standards. That, in turn, needs international expertise and support for capacity building. However, to begin with, this requires basic acknowledgement of the reality of their existence and their role in the daily lives of hundreds of thousands of people.

2.2   Considerations on legitimacy

Legitimacy is an essentially contested concept. We do not seek to resolve the contradictions among theorists, but adopt a basic conception from Max Weber (1978: 213-4), who identifies legitimacy with stable and effective political power, reducing it to a routine submission to authority. The essence of Weber's concept of legitimacy is hence the individual sense of duty, obligation, or what ought to be done according to the rules, commands and so on issued by the authority. He further argues that legitimacy existed when people believed power to be just, and outlines three types of legitimate regime: traditional/aristocratic, charismatic, or legal in nature. Traditional states were valid because they were always so, or a product of "ancient recognition". Charismatic states were deemed legitimate based on the rule of charismatic leaders who by a "gift of grace" possessed authority. Legal legitimacy was based on a belief in the validity of legal statute and functional competence based on rationally created rules.

According to this typology, the LTTE's claim to rule is based in the second and third. If legitimacy is a question of whether the political power of the leadership is stable and effective within a certain order, indicators like leadership structure, common values and principles,

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[12]   Giorgio Agamben's notion of *states of exception* (2005) is critical in this context. He argues that there is just a thin difference between dictatorship and democracy, as more and more states in times of crisis impose "exceptional laws", which eventually become "permanent". The indefinite suspension of laws is the defining moment of states of exception. Referring to the Third Reich, he points out that Hitler never abrogated the Weimar constitution but just suspended it for the whole period of the Third Reich. Sri Lanka has been ruled under this notion of perennial states of exception. These measures were supposed to be temporary and therefore exceptional. However, the state of exception has become the norm and democracy is not possible in the climate of exception and the tyranny of the state.

coherence and institutional structures reveal the nature and level of legitimacy.[13] We will later examine the LTTE's efforts to build a legitimate order based on the provision of internal (law and order) and external (protection from Sri Lankan attack) security, welfare and justice. However, we note here that a fundamental omission of the international community's peace-building initiative in Sri Lanka has been to overlook how political institutions co-shape the transition process and the decision-making process within the organisation. International efforts towards establishing democracy in post-conflict countries routinely adopt a template approach (De Zeeuw 2005:481). It is of disputed efficacy but nevertheless a good starting point. However in the case of the territories under the control of the LTTE, this approach was never attempted in a coherent manner.[14] This study argues, therefore, that the international community's reluctance to support institution-building in the areas under LTTE control limited the scope for the consolidation of effective governance and, thus, democratic accountability in those areas.

As David Held points out: "politics is about power, that is, it is about the capacity of social agents, agencies and institution to maintain or transform their environment, social or physical. It is about the resources that underpin this capacity and about the forces that shape and influence its exercise" (2005:311). This led us to look at the power-related dimensions of the 2002 peace process. A widely held belief among the conflict resolution expert community is that a strategic equilibrium is essential for a negotiated settlement. Transformation of power relations – from domination to cooperation and mutual empowerment - is generally regarded as a precondition for sustainable peace processes. As William Zartman has observed, negotiations under conditions of asymmetry are a paradox, negotiations function best under conditions of equality and only take place when the parties have mutual veto over negative outcomes (1995:8). It is generally accepted that the peace process of 2002 was enabled by the emergence of a strategic equilibrium (characterised on the battlefield by a 'hurting stalemate'). The LTTE entered the negotiation process with the Sri Lankan government because of a perceived commitment by the international community to support the emergence of a solution to the conflict. Without internationally-backed third party facilitation, for example, the LTTE would have not entered into the resolution process with the Sri Lankan state, which it perceived to be duplicitous, dishonest and intransigent.

However, the LTTE perceived the international engagement post-2002 to have deliberately altered this equilibrium in favour of the Sri Lankan state[15], citing the role of the international community in the movement's inexorable political marginalisation and the substantial re-arming of the Sri Lankan armed forces throughout the peace process. Indeed, former US Ambassador Jeffrey Lunstead (2007) acknowledges that the US deliberately and 'substantially' accelerated its military assistance to Sri Lanka from the beginning of the peace process in 2002. Interestingly, he also acknowledges that "these activities may well have contributed to a feeling by the LTTE that the international community was hemming them in and reducing their options" (Lunstead 2007:18).

13 The administrative structures in the LTTE controlled territories are not all under the sole authority of the LTTE. The public services (health, education, power and water supply) are, to a notable extent, provided by Sri Lankan state mechanisms, but are mirrored by other LTTE-developed institutions to varying degrees. For a detailed discussion, see Stokke (2006).

14 Some limited international support was extended to the LTTE Police and Judiciary towards enhancing community policing. However, these were ad-hoc and piecemeal initiatives, rather than part of a wider strategy towards supporting transformation. The Norwegian government funded the establishment of the LTTE Peace Secretariat (as well as the Government Peace Secretariat) but this was primarily in the context of coordinating the parties' participation in the peace talks.

15 The LTTE's Political Strategist and Chief Negotiator, Anton Balasingham, argues: "Unfortunately the excessive involvement of international actors and their own strategic interests and power projections, began to affect the balance of power relations between the parties to the conflict. [The government's] grand plan of an 'international safety net' as a containment strategy against the LTTE made the Tigers cautious and suspicious of international entrapment via the peace process" (2004:465).

This resulted not only from military support for the state, but also from the imposition of sanctions on the LTTE, such as its exclusion from the pre-donor aid conference in Washington (the LTTE is proscribed in the US) in April 2003[16], the travel ban on its officials imposed by European countries, and the subsequent banning of the LTTE as a terrorist entity in the EU and Canada. The inability of donor countries to channel aid, rehabilitation and reconstruction efforts to the Northeastern areas under LTTE control, ostensibly due to the lack of 'legal' mechanisms, further strengthened this perception of bias towards the state (see below in section 7).

We argue that this emerging political reality inexorably compelled the LTTE to embark on unilateral strategies to re-establish a strategic equilibrium, primarily by an accelerated military buildup. This subsequently compelled it to abandon pursuit of its stated political strategy during the peace process: the establishment of an internationally accepted interim administrative structure for the Northeast. The potential for transformation towards a fully-fledged democratic entity with accountability structures (i.e., a comprehensive civil administration in the Northeast) was superseded by the emergence of a security dilemma. By thwarting the LTTE's efforts to establish this interim *civil* administration in the Northeast, the international community missed a unique opportunity to co-shape the transformation of Sri Lanka's conflict and establish a pathway to a durable and equitable solution. Trapped in the discourses of terrorism and state sovereignty, the international community succumbed instead to the contradictions within its own goals. While it is argued that fundamental human rights are universal and indivisible, the failure to also formalise and protect fundamental group rights reveals a crucial paradox in the liberal democratic context. In Sri Lanka, this has directly led to a refusal to recognise and thereby support processes that could ensure the transformation of the protracted ethno-political conflict and the emergence of a stable and democratic polity.

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16   There was an initial agreement between the LTTE and the state that international assistance for the rehabilitation and reconstruction of the Northeast would be jointly solicited. The first international conference on November 25, 2002, was jointly attended by the two parties. However the second conference was scheduled in Washington, precluding the LTTE's attendance. The LTTE also refused to attend the third, in Tokyo on June 10, 2003, for which the Washington meeting was a preliminary.

3. Sri Lanka's Conflict

Inevitably, the origins, objectives and character of Sri Lanka's conflict are contested, not least because it "is the result of a complex mix of factors, which have changed and mutated over time" (Goodhand 2001:26-7). The LTTE argues it is spearheading an armed struggle for self-determination and political independence for the Tamil people in their homeland as a response to institutionalised racism and escalating violence against them by a Sinhala-dominated state.[17] In short, it is waging a 'national liberation struggle' (Balasingham 1983). On the other hand, describing itself as a beleaguered democracy, the Sri Lankan state denounces the LTTE's violence as a terrorist challenge to its authority, unity and territorial integrity. The state therefore asserts it is 'fighting terrorism' (an assertion, some scholars note, at least partly rooted in an ethno-religious ideology[18]). This two-protagonist view of the conflict is, despite the presence of other armed non-state actors (on both sides) and the multiplicity of positions on conflict-related issues (such as independence or secession, federalism, etc.) justifiable on the basis that the state and the LTTE are the two primary actors through which *strategically organised* violence in Sri Lanka is manifest.[19]

The war between the LTTE (which, after a series of internecine clashes, established its hegemony over the other Tamil militant groups by the mid-80s[20]) and the Sri Lankan armed forces has occurred in three phases (commonly referred to as the Eelam Wars) of increasing intensity and territorial scale: 1983-88 (Eelam War 1), 1990-94 (Eelam War 2) and 1995-2002 (Eelam War 3). In the battles of 2000 and 2001, the LTTE used a conventional military structure and captured large tracts of territory from the state. Thus, the armed struggle, "having started as a guerrilla war, by 1998, had intensified into a guerrilla-cum-semi-conventional conflict with the LTTE [controlling] large areas of the North and East" (Arunatilake et al. 2001:1484), and from 1999, to a conventional war characterised by set-piece battles with both sides fielding thousands of combatants supported by heavy weapons. In the 1990s, the LTTE's naval arm, the Sea Tigers, emerged to challenge the Sri Lanka Navy. In 2007, the LTTE unveiled a fledgling air force consisting of armed light aircraft.

Several negotiation processes have been initiated since the armed conflict began. There were talks in 1985, 1987, 1989-90, 1994-95 and 2002-03. Whilst none of these produced progress towards a lasting solution, the most recent effort, the Norwegian-facilitated peace process which began in 2001, produced the longest cessation of hostilities ever and, initially at least, provided space for the LTTE to embark on a number of non-violent activities in pursuit of its political goals.[21]

17   Although the LTTE, whilst seeking Tamil self-rule, points out that the Tamil homeland was arbitrarily merged by Colonial Britain with the Sinhala homeland before the island was given independence, the movement posits institutionalised discrimination, rather than self-rule in the past, as the rationale for its struggle.

18   Discussing the 'just war' aspects of the state's military campaign against the Tamil Tigers, Tessa Bartholomeusz notes how "the [Sri Lanka government] asks its warriors to consider their campaigns against terrorism as religious work" (2002:36).

19   Despite assertions by anti-LTTE paramilitary groups such as the TMVP/Karuna Group of their independence within the Northeast theatre, there is now extensive evidence of collaboration and coordination between these groups and the regular Sri Lankan forces (e.g. Human Rights Watch 2007, Rock 2006).

20   Although in the late 1970's the existence of 37 militant groups were recorded, only five were of significance in the ensuing conflict: the LTTE, PLOTE (People's Liberation Organisation of Tamil Eelam), TELO (Tamil Eelam Liberation Organisation), EPRLF (Eelam People's Revolutionary Liberation Front) and EROS (Eelam Revolutionary Organisation of Students). Notwithstanding their common stated goal to achieve an independent state, confrontations with the LTTE led to the collapse of the other major groups and (in the context of the Indo-Sri Lanka Accord of the late eighties) their switching allegiances to the state armed forces, leaving the LTTE as the dominant Tamil liberation movement.

21   Simmering violence in the form of a 'shadow war' between both sides' intelligence services escalated, especially after 2004, into open war in 2006 and in 2008, the government abrogated the CFA.

The closure of that space, which occurred for a number of reasons outlined later, contributed greatly to the collapse of the peace process and, eventually, the ceasefire also. The primary purpose of those negotiations, according to the LTTE, was to establish an interim administration for the Northeast which could restore normality to the war-shattered region.[22] The LTTE withdrew from the talks in April 2003, protesting the government's failure to implement agreements already reached. Efforts to restart negotiations have been unsuccessful.

3.1 Antecedents

Ceylon, as it was named by Britain, the last of the three colonial powers to rule it (after Portugal and the Netherlands), became independent in 1948, and was renamed Sri Lanka in 1972[23]. The mango-shaped island is 270 miles long and 150 miles wide at its broadest point. There are three ethnic communities: the Sinhalese (74%), Tamils (18.2%) and Muslims (7.4%). The Tamils are divided into two categories: the 'Sri Lankan' Tamils (12.6% of the population) and Indian or 'Up-Country' Tamils (5.6%) who are descendents of South Indian labourers brought to the island by the British from 1825 onwards. Sinhalese are predominantly Buddhists, and most Tamils are Hindu, but some of each are Christian. But "over the twentieth century, religion has gained in importance as a marker of ethnicity. ... Increasingly since independence in 1948, a single, discrete Sinhalese Buddhist category has been rhetorically opposed to all the rest, who then are, by reduction, not Buddhists, not Sinhala speakers and, in some eyes, not true Sri Lankans" (Winslow and Woost 2004:5). The Tamils have predominated in the northern and eastern regions while the Sinhalese majority primarily lives in the central, western and southern parts. The Muslims are found in the urban areas of the west and southwest as well as on the east coast, while the 'Up-Country' Tamils live on the central highland estates. However, since independence, several state-sponsored colonisation schemes have also located Sinhalese settlements in Tamil-speaking parts of the Northeast (Manogaran 1994).

It is arguable that whilst ethnicity is not in itself the *cause* of Sri Lanka's conflict, it is nevertheless the *primary identity* around which political tensions were mobilised even before independence and especially thereafter. As Camilla Orjuela points out, Sri Lanka's population "has through the years become polarised into relatively clearly defined ethnic groups" (2003:202). At the same time, many analysts correctly privilege the role of post-colonial state in fomenting and exacerbating ethnic divisions and tensions. Sankaran Krishna, for example, argues that "Sri Lanka's movement from a peaceful, indeed idyllic Ceylon to a synonym for macabre ethnic violence is the story of a majority community's attempt to fashion a nation in its own image through monopolisation of the state and of the consequent emergence of a secessionist ethnonational movement" (1999:31).

The erosion of the minority-protecting checks and balances incorporated into Ceylon's British-drafted constitution began almost immediately with the disenfranchisement of over 900,000 'Up-Country' Tamils[24] by the newly elected United National Party (UNP). At the same time, large-scale state-sponsored settlement of Sinhalese into Tamil areas in the Northeast, mainly

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22   Arguing that the slender majority of the then Sri Lankan government precluded its delivery of political restructuring, the LTTE leadership called for talks towards "formulating an interim administration set-up for the Northeast in which the LTTE can participate." Comments to press by LTTE leader Vellupillai Pirapaharan on April 10, 2001.

23   The Sinhala name, Sri Lanka, along with the Sinhala-Buddhist constitution passed that year, remains part of Tamil-Sinhala tensions. For convenience, Sri Lanka will largely be used here to refer to both the island and the post-independence state, irrespective of the period.

24   This was implemented through three inter-connected acts of parliament – The Ceylon Citizenship Act of 1948, The India-Pakistan Residents (Citizenship) Act of 1949 and The Ceylon Parliamentary Elections (Amendment) Act of 1949.

through irrigation schemes, began to rapidly alter ethnic demographics in the 'traditional' Tamil territories.[25] A year after independence, alarmed by the turn of events, including the shrinking of Tamil majority regions, a faction of the main Tamil party, the All Ceylon Tamil Congress (ACTC) split and formed the Federal Party (FP), advocating, as its name implied, "the demand for a Tamil majority region with a high degree of provincial autonomy in a federal, rather than unitary order" (Krishna 1999:71). And in the first major manifestation of the coming crisis, the 1956 elections "brought into power a government with a hegemonic Sinhala-Buddhist ideology, which the same year passed the Sinhala Only Act" (Goodhand 2001:31). This legislation (formally titled the 'Official Languages Act') declared Sinhala, instead of English, as the state language, at a stroke disadvantaging the Tamils, particularly in access to state employment. Notably the other Sinhala parties, including the defeated UNP, supported the Act. The ensuing Tamil protests also led to Sri Lanka's first major communal riots. The 1956 elections also saw the Federal Party "winning an overwhelming victory, obtaining a clear mandate from the Tamil people for a federal form of self-government" (Balasingham 2004:11).

There were serious economic consequences for the Tamils as a result of the Sinhala Only Act and other forms of institutional discrimination: in the following two decades, large numbers of Tamil youth saw their employment prospects curtailed, particularly in state employment. With the state then being the largest employer on the island, the exclusion had profoundly negative impacts on Tamils' prospects. Furthermore, ethnic quota-driven restrictions on university admissions, by lowering the admission standards for students from Sinhala majority areas, made it harder for Tamil students to gain university admissions (Winslow and Woost 2004:36). It is worth noting the inexorably deteriorating socio-economic conditions in which Tamil political agitation was growing. Inevitably, "there was substantial Tamil resistance and [the government] responded by using emergency powers to curtail Tamil political rights" (Ross and Savada 1990:48). Tamil resistance took the form of mass protests and civil disobedience campaigns. It was almost two decades after 'Sinhala Only' that the first wisps of violent resistance emerged.

The passing of the republican constitution in 1972 – apart from changing the name from 'Ceylon' to the Sinhala-preferred 'Sri Lanka' – removed the remaining safeguards of the previous (British-inspired) constitution, gave a pre-eminent position to Buddhism, in addition to the Sinhala language and, most importantly, concentrated power in the Sinhala-dominated legislature (Goodhand 2001:31). Amid these changes, relentless state-backed Sinhala colonisation led Tamils to fear "the infiltration of more and more Sinhalese into their areas of dominance, thereby posing a danger that they may become a minority in their own provinces" (Tambiah 1986:80). That the "demographic dilution of Tamil-majority areas would render any devolution of powers as a solution to the ethnic conflict less effective" (Herring 2001:151), was not lost on the Tamils.[26] Thus, issues such as resisting colonisation became salient, as Stanley Tambiah points out, "because they are felt to be the only guarantees of the security and integrity of the Tamil people in the future. The slogan of 'traditional homelands', whatever its objective truth, is first and foremost a *political* claim meant to ensure the security of the Tamils [and] ... is integrally connected to Tamil insistence on regional autonomy" (1986:80, emphasis added).

In May 1972, the FP, the ACTC and the Ceylon Workers' Congress united to form the Tamil United Front (TUF). It was to prove a prelude to the radicalisation of the Tamil struggle for political rights, in terms of both goals and methods. As the call for independence and statehood grew

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25   Krishna examines further the argument that "the issue of the traditional homelands of Tamils perfectly showcases the tensions underlying postcolonial nationalism" (1999:68-73). On Sinhala colonisation of Tamil areas, see Manogaran (1994) and Kearney and Miller (1987).

26   See Ronald Herring's exploration of the role of colonisation – including the massive internationally funded Mahaweli project – in the exacerbation of Tamil-Sinhala tensions (2001:147-153).

louder, Tamil militancy began stirring in the shadows (Balasingham 2004:18-21). In 1975 the TUF changed its name to the Tamil United Liberation Front (TULF) "to indicate its explicitly secessionist aim" (Krishna 1999:76) and issued the clarion call for the independent state of 'Eelam'. It was vividly enunciated in the famous Vaddukoddai Resolution of May 14, 1976. Stating that the Tamils are "a *nation* distinct and apart from the Sinhalese" and outlining an argument of systematic discrimination, the Resolution declared "the *reconstitution* of the Free, Sovereign, Secular, Socialist State of Tamil Eelam … has become inevitable in order to safeguard the very existence of the Tamil nation in this country" (cited in Balasingham 2004:28, emphasis added). This emergence of a 'Tamil national consciousness' was realised at the 1977 elections, which the TULF contested "precisely on a mandate to create an independent Tamil state" (Balasingham 2004:29). The Tamils voted overwhelmingly in favour, electing 17 TULF candidates in the Northeast. But as Anton Balasingham, the LTTE's theoretician, points out, the result also "set the stage for a confrontation: the Tamils demanding secession and separate existence as a sovereign state, the Sinhala ruling party seeking absolute state power. … The ethnic contradiction intensified, manifesting in … unprecedented [state] violence towards the Tamils" (2004:29).

There are several reasons for the inclusion in this study of this detailed examination of events since the island's independence. Firstly, it is to outline the exclusive process of post-colonial state-building which resulted by the mid-1970s in "a momentous shift in the political aspirations of the Tamils, from demands for structural changes and constitutional reform, to an assertion of the right to self-determination" (De Silva 1998:154). Secondly, it is to highlight the history of peaceful Tamil agitation prior to armed struggle: several 'peace' agreements had been reached by the Tamil political leadership with successive Sinhala leaderships, but all were abrogated by the latter, usually under the exigencies of ethnic 'out-bidding' by other Sinhala parties. Thirdly, it is to track the escalation of Tamil demands themselves: from a protected representation in the legislature, to territorial autonomy (in the form of federalism) and ultimately to outright independence. Fourthly, it is to outline the historical context in which present international expectations of the LTTE – to renounce armed struggle, engage in electoral politics and accept a federal solution within a united Sri Lanka– will inevitably be viewed: not as reasonable compromise for the Tamil struggle, but as a reversal or 'rolling back', even as capitulation.

3.2   The LTTE

The LTTE first emerged in 1972. It was founded by its present leader, Velupillai Pirapaharan. At the time, the organisation called itself the 'Tamil New Tigers', but on May 5, 1976, renamed itself as the Liberation Tigers of Tamil Eelam (LTTE). It was initially structured as an urban guerrilla force, but later restructured itself into a broad-based and "well organised armed resistance movement of the Tamils posing a serious challenge to the repressive apparatus of the state" (LTTE 1988:8). Later, it evolved into a standing army and established the Tamil Eelam civil administration. Since the 1990, the LTTE has developed a naval arm, and in 2007 unveiled a fledgling air force. The movement sees itself as the vanguard of the Tamil liberation struggle. From a perspective of 'political transformation', the LTTE's self-characterisation is significant: "the armed struggle of our organisation is only a means to achieve our political ends. … Therefore the LTTE gives primacy to politics and upholds that politics dictates the gun" (LTTE 1988:9). It argues that:

> "The emergence of the Tiger movement marked a new historical epoch in the
> Tamil national freedom struggle, extending and advancing the move of political
> struggle to popular armed struggle. Our commitment to political armed struggle

as the form of popular mass struggle was undertaken after a careful and cautious appraisal of the objective historical conditions specific to our case, with the fullest comprehension of the concrete situation in which the Tamil masses were presented with no alternative other than to resort to revolutionary resistance to advance their national cause" (LTTE 1988:8).

Responding in 1979 to the Sri Lankan government's criminalisation of the LTTE under the Prevention of Terrorism Act, the movement further declared:

"We are revolutionaries committed to revolutionary political practice. We represent the most powerful extra-parliamentary liberation movement in the Tamil nation. We represent the militant expression of the collective will of our people who are determined to fight for freedom, dignity and justice. We are the armed vanguard of the struggling masses, the freedom fighters of the oppressed. We are not in any way isolated and alienated from the popular masses, but immersed and integrated with the popular will, with the collective soul of our nation" (LTTE 1979).

Moreover, as part of its struggle for national liberation through political independence, the LTTE is engaged in a state-building project in the 'liberated' zones of the Tamil homeland. Since the 1990s, it has steadily built a civil administration structure in the areas it controls. This includes a police force, judiciary, welfare system, customs, etc. Since the late 1990s, this has been developed such that it has been described as a *de-facto* state (Wilson and Chandrakanthan 1998, Stokke 2006). Crucially for this study, the LTTE has significantly strengthened and expanded its civil administration since the advent of the Norwegian peace process in 2002. In parallel, it has used the Sri Lankan political system to both mobilise and 'demonstrate' popular support amongst the Tamils. For example in 2001, before the cessation of hostilities, Sri Lanka's four largest Tamil political parties[27] formed a coalition, Tamil National Alliance (TNA), bearing a manifesto recognising the LTTE as the 'sole representatives' of the Tamil people in future negotiations with the state. The TNA subsequently won several seats in the 2001 elections and secured most of the seats in the Northeast in 2004.[28]

27 ACTC (All Ceylon Tamil Congress), TULF (Tamil United Liberation Front), TELO (Tamil Eelam Liberation Organisation) and EPRLF – Suresh Premachandran's Wing (Eelam People's Revolutionary Liberation Front).

28 The TNA won 15 seats in 2001 and 22 in 2004. There are 25 odd seats allocated to the North and East, while the Sri Lankan parliament has a total of 225 seats.

4. The Electoral Arena

4.1 "Tyranny of the majority"

When Ceylon received its independence in 1948, it was established as a parliamentary democracy with a constitution drafted in an image of the colonial power, Britain. The Soulbury constitution incorporated safeguards for the Tamil and Muslim minorities. However, these were dropped as majoritarian politics became established as the predominant dynamic. The 'Sinhalisation' of the state culminated in the ditching of the post-independence constitution (which was, itself, weak on the protection of minority rights) and the adoption of a new majoritarian one in 1972. The central Tamil grievance of racial discrimination is thus embedded in the constitution itself. For example, it gives Buddhism, the religion of the majority, a 'first and foremost place'. This process of state capture by Sinhala nationalism in the 25 years since independence has been well documented. While some scholars have examined the dominance of mainstream political space by Sinhala nationalist discourse[29], others have highlighted the link between academia and majoritarian politics in Sri Lanka.[30]

Since the arrival of independence, Sri Lanka's electoral politics have been dominated by ethnically-constituted parties. Even by 1924, "it was virtually a foregone conclusion that the Sinhalese would ... dominate the national legislature and executive institutions" (Shastri 1994:211). In the first elections to the new Parliament, the Sinhalese captured 67 percent of the seats, a share that climbed to a steady 80 percent in later decades (Krishna 1999:67-8). Moreover, "the single member constituency system served to encourage the emergence of a highly competitive party system dominated by two Sinhala dominated parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP) [while] the Tamils ... grew increasingly marginalized politically" (Shastri 1994:211). The role of the UNP, SLFP and other political parties in sustaining Sri Lanka's divisions cannot be overstated. As Krishna observes:

> "When acquiring political power became a matter of numbers ... the temptation to mobilise three quarters of the population under the rubric of Sinhala-Buddhist identity against the Tamils was irresistible. The two main parties, the UNP and SLFP, were locked in a battle for the allegiance of the majority, and the appeal to ethnic chauvinism became a staple of everyday politics" (1999:68).

Indeed, noting how in Sri Lanka "state ideology gave prominence to the identity of the majority community", Jonathan Goodhand observes: "democracy and communalism have fed off one another. Politicians, driven by the incentives of electoral arithmetic, have mobilised

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[29] Neil DeVotta argues "the Sinhala Only Act [of 1956] and the [anti-Tamil] ethnic outbidding culture it unleashed led to widespread institutional decay in Sri Lanka and the Tamil quest for separatism, and the present bleak impasse that has made conflict resolution seem almost intractable" (2004:191).

[30] As Professor Jayadeva Uyangoda, a senior lecturer in political science at the University of Colombo, points out, "when historians and professors of literature joined the discussion on the ethnic question, identity politics and violence, the degree to which Sri Lanka's (more accurately Sinhalese) intellectual formation had become so sharply statist and ethnicised, appeared astonishingly real. History and Sinhalese literary studies are still the sites into which critical scholarship is struggling to enter. Hence their privileged position of being conscious and active agents of Sri Lanka's post-colonial, majoritarian nation-state" (1998:170). Furthermore, he notes, "a major problem associated with all leading Sri Lankan political science practitioners is that they have also been practitioners of politics, having closely aligned themselves with the state at some phase of its recent formation, though under different regimes and leaders" (1998:169).

along communal lines" (2001:32). Apart from the ethnic polarisation that inevitably ensued, the unceasing contest between the two majoritarian parties to champion 'Sinhala-ness' had another consequence for reconciliation: as Eric Meyer notes, "despite the fact that successive Sinhalese governments toyed with idea of concessions [to the Tamils], all promises came to nothing, since the opposition party of the moment, either the UNP or the SLFP, constantly raised the communalist bidding" (1984:145). Even today, as Neil DeVotta's study demonstrates, the tendency to engage in 'outbidding' continues to undermine even limited power-sharing initiatives by Sri Lankan governments and the negotiation of a lasting peace (2004)[31].

The recycling of Sinhala nationalism in contemporary Sri Lanka, along with decades of ethnic conflict, has produced ethnically constituted political parties and an ethnically polarised polity, media, university system and civil society (Orjuela 2003:199). Moreover, in the six decades since independence, the territorial demarcation of electoral contests has been repeatedly reshaped to preclude the assertion of minority power in the Northeast. As typified by the creation of the 'new' Amparai district and new local government entities in the Trincomalee district, electoral boundaries have been repeatedly redrawn in a manner to dilute the effect of block votes by minorities on the overall distribution of power at the centre. This has been supported by state-sponsored Sinhala colonisation in strategic parts of the east.

This is the backdrop to a central question that concerns the political transformation of the LTTE: why does the movement not engage directly in electoral politics within Sri Lanka? The question has added force given the participation of several Tamil parties, including the TNA – a coalition the LTTE has endorsed in the 2001 and 2004 Parliamentary elections. Participation in elections might generally be thought to serve a liberation movement seeking political independence and statehood. It could be argued that elections could, at the very least, help mobilise and reveal the extent of popular support for the movement and its policies amongst the community on whose behalf it is fighting. Representation in legislative assemblies might also help the movement engage in local or parliamentary governance, thereby providing it with control of otherwise inaccessible support-building mechanisms (e.g. developmental projects). Last, but not least, it can be argued that in an era characterised by the 'global war on terror', winning elections could allow an armed movement to gain a measure of international legitimacy. Consequently, it is worth examining the ideological and 'practical' obstacles the LTTE faces in contesting elections in Sri Lanka.

4.2   Ideological obstacles

If an electoral contest serves to identify the extent of popular support for differing opinions or values within a political system, it begins by taking a number of positions and values as comprising a common baseline. These include the political framework (whose vote is being courted, to which positions – parliament, local government, president, etc.) and the territorial demarcations (e.g. the make-up of the districts) in which elections take place. But in Sri Lanka, both these aspects of politics are inherently linked to contested issues at the centre of the conflict. To begin with, the LTTE insists that a solution to the conflict must be predicated on the acceptance of the Tamils as a distinct nation, living in an identified Tamil homeland and having the right to

31   Balasingham describes how the LTTE's ISGA proposals, "the only instrumentality that could have saved the peace talks from protracted stalemate, became the victim of the power struggle in Colombo between the two major Sinhala political parties, the UNP and the SLFP. … The power struggle within the Sinhala ruling elites, the calculated abuse of the ethnic conflict to promote and maximise their political power and influence, were cardinal causes for the failure of the negotiating process" (2004:462).

self-determination. These fundamentals were enunciated in the 'Thimpu principles' which were put forward by all major Tamil militant groups[32] in the first Indian-brokered peace talks in 1985 with the Sri Lankan state. The Thimpu Principles are:

1. That the Sri Lankan Tamils be recognised as a distinct nationality;

2. That an identified Tamil homeland and the guarantee of its territorial integrity be recognised and;

3. That the right of the Sri Lankan Tamils to self-determination be acknowledged;

4. That the citizenship rights of the Tamil plantation workers be recognised.

The Thimpu principles in themselves do not necessarily constitute a demand for independence and statehood; they can form the basis for a federal or confederal constitution, for instance. But they do run contrary to the present framing of a 'Sri Lankan' electorate as a single collective, comprising citizens of Tamil, Muslim and Sinhalese origin. The difference between the two approaches is crucial. If power-sharing between 'Tamils' and 'Sinhalese' is to form the basis for a negotiation process and a solution to the conflict, then only the notion of the 'co-existence of collectives' ('nations' as the Thimpu principles term them) can be the starting point. By contrast, the 'single Sri Lankan collective' underpinning the present unitary constitution can only provide space for a devolutionary process (i.e. localising state functions), not for power-sharing. In short, as the Sri Lankan constitution and political system do not recognise the Tamils as a nation with their own homeland (unlike, for example, British recognition of the Scottish people), it is part of the problem.

Secondly, the LTTE sees itself as representing the Tamil nation in the struggle against the Sinhala-dominated state, rather than one among several political factions of Tamils. The concept of 'sole representatives' – sometimes also framed as 'authentic representatives' – is based on a linkage between the armed conflict and negotiations i.e. who fights, negotiates. The LTTE argues it is the only armed movement confronting the 'ethnocratic' Sri Lankan state on behalf of the Tamil people. The post-colonial history of ethnic relations in the island demonstrates that if the Sri Lankan state is negotiating a power-sharing arrangement between Sinhalese and Tamils, it is only as a direct consequence of the latter's armed struggle. Tamil political parties which have abandoned the Tamil liberation struggle and instead supported and participated in the repressive policies of the Sri Lankan state, including its counter-insurgency efforts (through armed party militias) are, the LTTE argues, not entitled to represent the Tamils in these discussions.[33]

The LTTE accepts that the degree of power-sharing the Tamils need, the terms of their autonomous rule, etc. are not given (though, referring to the 1977 election result, it claims broad support for independence). However that, it deems, is a matter to be resolved amongst the Tamils (an example of which is the debate on federalism and independence which emerged within the Tamil nationalist movement after 2002). The LTTE argues that the Sri Lankan constitution and political system do not allow for a collective Tamil voice to be formed through it (see also discussion on practical difficulties below). Nonetheless, the formation of the TNA, a coalition of Sri Lanka's four largest Tamil political parties, was an effort to use the limited space these provide.

Thirdly, the LTTE also points to the history of ineffectual Tamil efforts to seek redress

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32   At the negotiations in Thimpu, held in July 1985, all six Tamil Liberation Organisations, consisting of the Eelam Peoples Revolutionary Liberation Front (EPRLF), the Eelam Revolutionary Organisation (EROS), the Liberation Tigers of Tamil Eelam (LTTE), the Peoples Liberation Organisation of Tamil Eelam (PLOTE), the Tamil Eelam Liberation Organisation (TELO), and the Parliamentary (non-militant) Tamil United Liberation Front (TULF), jointly and unanimously backed the declaration.

33   The frequently raised and separate question of a special representation of the Muslims at the negotiating table is not part of the analysis of this study, which focuses on the Tamil struggle and the LTTE.

through participation in elections and peaceful protests. The last such effort was the 1977 general election in which the TULF – a single front behind which all Tamil parties had united - swept the Tamil areas on a platform calling for independence. Despite the spectacular result, Sinhala nationalist values and control were further entrenched in the 1978 Constitution, and the newly introduced executive presidency concentrated power in an office whose occupant relies on a simple majority. Before the TULF in 1977, the Federal Party had convincingly won the Tamil vote in earlier elections. But none of these poll results, given Sri Lanka's electoral power distribution, have given the Tamils sufficient bargaining power to halt or roll back majoritarian state policies, let alone secure an equitable power-sharing arrangement. Furthermore, the few agreements reached by elected Tamil leaders with the Sinhala leaders had centred on relatively minor aspects of state discrimination. In any case, each of the agreements had soon after been abrogated by the Sinhala leadership in the face of nationalist agitation. Indeed, the LTTE argues, it was the failure of electoral politics to resolve the ethnic question and, more importantly, deteriorating physical security for Tamils due to violence from the state, which resulted in the emergence of the Tamil struggle.

There is also another important ideological point. As a movement fighting for political independence, the LTTE sees itself as a putative state rather than as a political party. Simply put, it argues that its legitimacy amongst the Tamils should be determined from the quality of its governance, rather than its electoral performance under the Sri Lankan electoral system. The LTTE's activities and strategies are therefore geared not towards building a political party, but governance-related institutions. This rationale produces practices at all levels, from strategic decision-making to every-day practicalities. For example, the Sri Lankan state's economic embargo and other restrictions on LTTE-controlled areas has resulted in considerably more efforts to build self-sufficiency in those areas, rather than to mobilise pressure from elected Tamil parliamentarians to have these lifted (though this was also done).

For these reasons, the LTTE argues, elections are today not the forum in which the Tamil national aspirations can be or, indeed, ought to be pursued in Sri Lanka. To enter that arena alone, given the ethos underpinning Sri Lanka's constitution and polity, would constitute a severe compromise of the fundamental Tamil demand for self-determination. It is therefore not possible to represent the Tamil nation through Sri Lanka's political and electoral processes, nor is it necessary to do so. Subsequently, the 'core' issues underpinning Sri Lanka's ethnic question can be resolved by direct negotiations with the Sri Lankan state and, consequently, no purpose is served by the LTTE's participation in Sri Lankan elections.

4.3 Political and constitutional obstacles

Beyond the ideological constraints to the LTTE's participation in Sri Lankan elections, there are several legal, constitutional, security and other difficulties. Assuming that the movement decided to pursue the demand for Tamil self-determination, including independence, through the electoral process, this section seeks to examine the more obvious and pressing hurdles to this, beginning with Sri Lanka's constitution. To begin with, there is the sixth amendment to the 1978 constitution, which amended clause 161 and introduces clause 157A. The latter declares:

(1)　No person shall, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka.

(2)　No political party or other association or organisation shall have as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka.

Clause 157A also states:

(4)   ... Any person may make an application to the Supreme Court for a declaration that such political party or other association or organisation has as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka.

(5)   Where the Supreme Court makes a declaration under paragraph (4) in relation to any political party or other association or organisation ... that political party or other association or organisation shall be deemed, for all purposes to be proscribed.

Clause 157A effectively makes it impossible for the LTTE (or indeed any other political party) to advocate independence. Given its history, the LTTE would have to explicitly abandon its goal of independence before even registering as a political party if it is not to be immediately challenged in the Supreme Court by any opponent. The sixth amendment therefore effectively rules out the possibility of electorally securing a mandate under Sri Lanka's constitution from the Tamils for the goal of internal and external self-determination.

Secondly, even if the LTTE were to abandon its goal of an independence state and instead seek a model of internal autonomy, say federalism, the entrenching nature of the Sri Lankan constitution (i.e. the inbuilt hurdles to amending it) make the reduced Tamil demand all but impossible to achieve anyway: the constitution requires not only a two-thirds majority in the 225 seat Parliament (in which the Tamil-speaking Northeast areas are represented by 25 seats) but also endorsement by a nation-wide referendum. The two-thirds of Parliament requirement alone concentrates power in majority Sinhala hands. In the recent past, even a change from presidential rule to solely parliamentary system (a matter which had nothing to do with the ethnic question) could not be achieved, and extra-constitutional means had to be considered. But the added requirement of an island-wide referendum further ensures Sinhala nationalists will be able to veto any agreement. As Jayadeva Uyangoda observes, "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" (2007:19). Indeed, the LTTE argues, almost every agreement reached between Tamil and Sinhala leaders has been abrogated by the latter in the face of popular Sinhala nationalist anger. For the LTTE, given that it is impossible to circumvent the entrenching provisions of the constitution, extra-parliamentary routes will inevitably have to be followed if any solution is to be implemented.

Thirdly, the constitution severely limits the extent of even devolution that is possible under it. The Supreme Court bench which ruled on the 13th amendment observed that the powers being allocated to the Provincial Councils (which the amendment established) were tantamount to the maximum devolution permitted under the present constitution.

Lastly, Articles 2, 3, 4, 75, 76 and 82 of the constitution preclude the possibility of making a 'clean break' with the present constitutional impasse by setting up a constituent assembly to draft a new constitution for Sri Lanka (Thamilmaran 2003).

With the manifest impossibility of changing the constitution, particularly on such an ethnically charged issue as power-sharing with the Tamils; the limits to the powers that could be obtained under the present centralised constitution; and the necessary pre-condition (even to contest elections) of renouncing independence as a Tamil aspiration, there is no way for the LTTE, or indeed any other Tamil actor, to pursue the goal of Tamil internal or external self-determination by contesting and winning elections in Sri Lanka. Indeed, even the TNA, which swept the Northeast in the 2004 elections on a platform seeking to have the LTTE recognised as the authentic and

sole representatives of the Tamil people, came dangerously close to being seen as violating the constitution and thus being disqualified from contesting. The LTTE thus argues that it is precisely because the LTTE is an extra-parliamentary movement that the notion of the Sri Lankan state negotiating a power-sharing arrangement with it becomes meaningful. Conversely, for the LTTE to enter into elections would in all likelihood be seen, by supporters and opponents alike, as selling out or surrendering the cause of Tamil self-determination.

Beyond these constitutional matters, there are other practical difficulties that preclude an election-based assessment of Tamil sentiments, including:

- Massive displacement of Tamils. One in four Tamils from the Northeast are either internally displaced or refugees abroad. Many have fled areas that have since been turned into High Security Zones (HSZs) by the Sri Lankan military.[34]

- Lack of security. The continuing threat posed by Army-backed paramilitaries makes campaigning for Tamil political rights inherently dangerous. Despite the Ceasefire Agreement (CFA) obliging Sri Lanka's government to disarm and either disband paramilitaries or absorb them into the armed forces, no action has resulted. Meanwhile, since 2002, hundreds of supporters and activists of the wider Tamil nationalist movement have been killed by Army-backed paramilitaries. The victims include parliamentarians, local councillors, journalists, civil society activists, students and their relatives. Several LTTE Political Wing cadres have also been assassinated in government-controlled areas.

[34] HSZs, which the 2002 Ceasefire Agreement obliged the Sri Lankan military to withdraw from, became a point of serious contradiction in the peace talks in December 2002 when the military refused to comply.

5. Overview of a State within a State[35]

Ian Spears describes 'states-within-states' as incipient political entities that "have imposed effective control over a territory within a larger state and may have an impressive array of institutional structures that, among other things, allow taxes to be collected, services to be provided, and business with other international actors to be conducted. Yet they lack the very thing that quasi-states do possess: juridical status" (2004:16). Moreover, he also notes "the only criteria for states-within-states is that they do not, or did not, receive recognition from the international community but that they do exhibit key elements of a Weberian definition of statehood" (2004:17). He emphasises that "states-within-states are often simply an empirical fact" of contemporary international politics: "first and perhaps most obviously, states-within-states offer means of protection against a hostile 'foreign' government (which may in fact be the central government itself) or alternatively, in the case of extreme state weakness or collapse, as meeting social welfare needs of individuals" (2004:27). In a policy prescription for the international community, Paul Kingston and Ian Spears argue: "finally, in rare cases where the state-within-a-state is viable and exists in an irreconcilable relationship with the formal state, or when it exists in situations of profound state collapse, the international community may have no choice but to consider some sort of recognition of states-within-states. However, in the short term, formal recognition should be kept in reserve as a means of exercising leverage to ensure good and accountable governance" (2004:191). Incidentally, Scott Pegg argues that the concept of *de-facto state* holds in instances where the end goal is secession or "sovereignty defined as constitutional independence" as distinct from entities that "exercise functional control over a piece of territory but that either didn't have political goals or had political goals different from secession and sovereign statehood" (2004:37).

Citing Cliffe and Luckham's argument that "the causes of complex political emergencies are not only to be found in the issues around which conflicts are politicised such as ethnicity … but also in the prior trend towards a failure of governance", Goodhand rightly argues that "at the heart of the Sri Lankan crisis is a crisis of the state" (2001:30). The character of this crisis, as argued above, flows from the institutionalisation and entrenchment of Sinhala majoritarian dynamics after independence. For the Tamils this had led, even by the mid-1970s, to political and economic marginalisation and significant physical insecurity. Citing Smith (2004), Stokke further posits that "to build peace translates into systematically addressing functional state failures in regard to security, welfare and representation" (2006:1025). Describing these as "the three core functions of any modern state", he argues "the state building activities of the LTTE must be understood as a *political* counter-strategy of institutionalising a ground level reality of dual state power as a precursor to future power-sharing arrangements with either internal or external self-government for northeast Sri Lanka" (2006:1026, emphasis added). The state-building project, he also argues, "is closely linked to their political project of representing the Tamil nation and delivering self-determination for it" (2006:1026).

To begin with, the LTTE's state-building project cannot be analysed from the perspective of the movement as one Tamil political actor amongst others. In effect, the LTTE sees itself as the *state apparatus* of Tamil Eelam, i.e. as the vehicle through which the Tamils' right to self-

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[35] This section is based on extensive interviews conducted in 2003-7 by the authors (both specifically for this study and as part of their doctoral theses) with individuals in leadership and non-executive positions within different arms of the LTTE and its civil administration, including the Tamil Eelam Judiciary, Police and Health Service, the LTTE Political Wing, Peace Secretariat and Military. The authors also conducted interviews with local and international Non-Governmental Organisations (NGOs) working in the Northeast.

determination is being effected, a self-conception that was frequently expressed by respondents in several arms of the administration. (In this regard, the LTTE's argument that it is the only entity capable of effectively confronting the Sri Lankan military in defence of the Tamil nation, has also been taken up by other Tamil actors.) This study expands on Stokke's argument that the LTTE's state-building project therefore constitutes a form of *political transformation*. However, while Stokke's detailed study comprises a systematic account of the LTTE's state-building efforts, we focus here on the relationship between institution-building and political transformation.

An important contextual element is that the LTTE's state-building project was initiated and has been conducted for the most part during times of intense fighting. The project began in the mid-1980s in the northern Jaffna peninsula and accelerated after much of the region came under control of the LTTE in the early nineties. The experiences and mixed results of that period have since contributed to the evolution of the LTTE civil administration which is now in place in the Vanni (the Sri Lanka military captured Jaffna in 1995). The state-building project continues today, moreover, in the context of a latent and significant external threat from the Sri Lankan military, a factor which influences all three core functions - security, welfare and representation.

From a state-building perspective, there are two elements to (state) security: external and internal. The former comprises the building of military forces capable of defending the 'liberated' territories from the Sri Lankan armed forces, including a standing army navy and air force. Given our focus on political transformation, we concentrate here on internal security aspects, of which there are two dimensions: supporting external security and the provision of law and order. Law and order is provided by the Tamil Eelam police and Tamil Eelam judiciary. Police operate through police stations opened throughout the 'liberated' territories. There are also police training schools, administrative offices and forensic laboratories. The judiciary structure comprises district courts, two high courts, a court of appeal and an apex Supreme Court. The Tamil Eelam Penal Code and the Tamil Eelam Civil Code enacted in 1994 are based on pre-existing (i.e. Sri Lankan laws), but extended to address social issues – women's rights and caste systems, for example. Judges and lawyers are schooled in a College of Law.

While the LTTE judiciary has been dismissed by the movement's critics as lacking in autonomy, others point to the legitimacy of the courts amongst the civilian population of the Northeast to the extent that many people opt to take their claims there, rather than the Sri Lankan courts (Stokke 2006:1028). The Tamil Eelam Police, set up in 1991, is tasked with orthodox police functions, including crime prevention and detection, traffic regulation, etc. The 2002 cessation of hostilities – i.e. the absence of war – produced refinements to the law and police conduct with off-duty LTTE troops also coming under the jurisdiction of domestic law and order. Like the judiciary, the police are also paid employees of the LTTE state. There is an emphasis on public relations "both to give the force legitimacy among the Tamil population and as a strategy to prevent crime", and while the LTTE cites the embeddedness of the police for the low crime rate, critics of the LTTE say it is authoritarian control rather than community policing. In either case, Stokke observes, the police and judiciary can be seen to maintain a high degree of rule of law in LTTE-controlled areas and while they undoubtedly strengthen the coercive capacity of the state in the realm of internal security, "the manner in which these institutions operate seems to give them a degree of legitimacy among the Tamil civilian population, thus also contributing to LTTE hegemony in the northeast" (2006:1028). The Tamil Eelam Police has received a limited amount of institutional and capacity-building assistance from international actors towards enhancing effective community policing. These included a study tour in 2003 for two dozen police officers to Ireland.

Social welfare has been given a 'central place' in the LTTE's state-building project, albeit a subordinate one to maintaining external and internal security (Stokke 2006:1029). Welfare is provided by a range of institutions, including, notably, NGOs providing humanitarian assistance

and social development, and the LTTE health and education departments. An interesting aspect of the LTTE's state-building effort is the incorporation of local Sri Lankan state institutions in key social sectors such as health and education into its welfare provision architecture. Indeed, throughout the struggle the LTTE has not entirely dismantled the Sri Lankan state's civil administration in its captured areas, but has incorporated it into the Tamil Eelam state and "sought to make local state institutions work to their advantage and simultaneously develop additional welfare programmes" (Stokke 2006:1030). This is in contrast to the total dismantling of the Sri Lankan state's security and law and order machinery in LTTE-controlled areas.

The LTTE's 'partnership' approach, whereby planning and coordination takes place centrally, but execution of projects is done through NGOs and others, reflects a middle ground between the command-economy and neo-liberal approaches. In essence, while international support for rehabilitation, reconstruction and development is sought, the development of the Tamil Eelam state proceeds alongside. Indeed, while the welfare-oriented LTTE institutions are characterised by active engagement with external actors (including, first and foremost, the Tamil diaspora, but also foreign donors and even Sri Lankan state institutions), these are seen as playing a supportive role to the emerging Tamil Eelam state apparatus. The rationale, Stokke argues, is "enabled by the conception of humanitarian assistance and welfare delivery as a matter of technocratic development administration, which is clearly related to but nevertheless somewhat de-linked from the conflict itself" (2006:1031). After 2002, the Tamil Eelam state sought the development of institutional capacity to address relief and rehabilitation needs and to coordinate development initiatives resulting in a substantial expansion of state capacity to provide welfare and development locally, by engaging internationally with donors, humanitarian agencies and the diaspora (Stokke 2006:1033). The establishment in 2004 of the Planning and Development Secretariat (PDS) was intended to coordinate the diaspora resources and expertise coming into LTTE-controlled areas with the advent of ceasefire. It was soon after the December 2004 tsunami, when the diaspora flow became a flood, that the PDS of the LTTE and Tamils Rehabilitation Organisation (TRO)[36] became critical vehicles not only of rehabilitation and reconstruction, but also of Tamil Eelam state coordination and 'outsourced' execution respectively.

The central criticism of the Tamil Eelam state, and one forcefully made by the LTTE's critics, is the extent to which it can serve as a platform for democratic political representation. Stokke notes that "the dominant form of governance in LTTE-controlled areas is that of a strong and centralised state with few formal institutions for democratic representation", but also points out that "this hierarchical form of governance is complemented with elements of partnership arrangements, especially in regard to social welfare and economic development" (2006:1035). Crucially, he argues, the LTTE state therefore "holds the potential for transformation towards governance based on state co-ordination and facilitation of non-state actors in the market and in civil society" (2006:1035). From the LTTE's perspective, politics within Tamil Eelam take place in the context of a latent and significant external security threat in the form of the Sri Lankan armed forces. Supporters of the LTTE argue that emergence of democratic space is conditional on the removal of this security risk, either by a comprehensive peace agreement or an interim arrangement with strong security assurances. But critics of the LTTE say further power to the movement will only result in authoritarianism rather than democracy. However, as Stokke notes, whatever the present failings of the LTTE, "they do not necessarily rule out the possibility of future political transformations" (2006:1035). The post-2002 expansion of the LTTE's Political Wing, the

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36   The TRO is registered as a non-governmental organisation under the Social Services Act of the Government of Sri Lanka. The TRO maintains that it is an impartial humanitarian agency providing rehabilitation, development and urgent relief to the people affected by war and natural disasters. It has many branch offices and project sites across the Northeast. It is headquartered in LTTE-controlled Kilinochchi.

movement's engagement with elections through the TNA, its encouragement of the formation of a human rights secretariat (NESOHR) as well as its "emerging experiments with decentralisation and community participation in the planning and implementation of reconstruction and development" (2006:1035-6) are key indicative efforts in this regard.

6. The LTTE and the 2002 Peace Process

The Norwegian peace process in Sri Lanka has been arguably the most direct, coordinated and sustained international intervention in the island's protracted conflict.[37] Oslo's initiative began covertly in 1999 as a contact process between the LTTE and the Sri Lankan government and emerged publicly as a formal facilitation effort in 2000, even as the conflict reached a new intensity. However, it was only after the slender victory of the centre-right, pro-market United National Front (UNF) coalition in the December 2001 parliamentary elections that the Norwegian peace process gathered any real momentum. Indeed, to the surprise of many, the peace process then moved at breakneck pace. Within days of the UNF victory, the LTTE announced a unilateral month-long ceasefire, which was promptly reciprocated by the new government. Both protagonists went from hostilities to a mutual ceasefire agreement (CFA) within two months (negotiations on the terms were conducted through shuttling Norwegian diplomats). There was a series of 'goodwill measures' between both sides from February, including the release of prisoners and the lifting of government blockades on LTTE-controlled areas. The government lifted the ban on the LTTE and despite bouts of acrimony (often about the lack of implementation of the wide-ranging terms of the CFA), the LTTE and GoSL entered into direct (i.e. face-to-face) Norwegian-brokered talks. Delegations met once a month for six months from September 2002 in Thailand, Norway, Germany and Japan for talks chaired by senior Norwegian officials. In December 2002, barely three months after talks began (and less than a year since the cessation of hostilities), the two sides reached a landmark agreement to 'explore' federalism as a permanent solution to the conflict.

But just as quickly, the ensuing euphoria evaporated and the momentum of the peace process dissipated. Amid deepening acrimony (in particular over the LTTE's allegations of the government's non-implementation of humanitarian aspects of the CFA and of earlier agreements on humanitarian issues), the LTTE withdrew 'temporarily' from the negotiations in April 2003 – saying, however, it was 'still committed' to the peace process. Despite the breakdown in direct talks, the peace process itself continued through Norwegian shuttle diplomacy, with the central focus shifting from federal power structures (i.e. a permanent solution) to discussions on interim ones (including the LTTE's proposals for an Interim Self-Governing Authority or ISGA) and, after the devastating tsunami of December 2004, to aid-sharing mechanisms, including the abortive Post Tsunami Operation Management Structure (PTOMS). From 2004 onwards, the Norwegian peace process disintegrated amid a relentlessly escalating cycle of violence.

We argue that the LTTE entered the Norwegian peace process with a single purpose: to establish an interim administration for the Northeast and to prepare the ground in terms of international legitimacy for it to take a preponderant role in that administration. The Norwegian peace process therefore constituted a crucial transformative initiative for the LTTE, one of transition from armed resistance movement to interim governance. To this end, apart from a substantial anticipatory expansion of its state-building capacity, as outlined in the earlier section, the LTTE engaged in a number of key political strategies, including:

(a) entering into an internationally-monitored comprehensive ceasefire agreement (CFA) with the Sri Lankan state in 2002, insisting that access for its Political Wing officials to government-controlled parts of the Northeast be enshrined in the CFA,

(b) holding high-level Norwegian-facilitated negotiations with the Sri Lankan state and

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[37] It went beyond the Indian military intervention of the late 1980s in terms of the number of actors, types and depth of engagements.

continuing with the negotiations despite the attacking and sinking of LTTE supply ships and the killing of two dozen cadres in early 2003,

(c) agreeing to joint coordinating mechanisms with the state (Sub-Committee on Immediate Humanitarian and Rehabilitation Needs – SIHRN, Sub-Committee on De-escalation and Normalisation – SDN and Sub-Committee on Gender Issues - SGI),

(d) seeking a direct decision-making role in the disbursement of internationally-backed rehabilitation and reconstruction assistance to war-torn areas of the Northeast,

(e) engaging with international criticism of its human rights and under-age recruitment record (including, for example, negotiating a human rights charter with GoSL and agreeing an Action Plan with UNICEF, establishing the North East Secretariat On Human Rights - NESOHR),

(f) agreeing to explore federalism as a possible permanent solution while pressing for an interim administration, sending a 25-person delegation to visit several European countries to examine different practical aspects of federal-style governance, and participating in monitoring elections in South Africa at the invitation of that government,

(g) actively supporting an independent initiative by Sri Lanka's four largest Tamil parties to unite on a single platform (the Tamil National Alliance) based on Tamil interests, including an interim administration and the endorsement of the LTTE as sole representatives of those interests,

(h) seeking political alliances with other minority communities, the Up Country Tamils and Muslims and engaging in a reconciliation process with the Muslim Community (these included public apologies by the top LTTE leadership and ground-level joint coordination committees comprising local Mosque federations and local LTTE officials),

(i) conducting a protracted and detailed consultative exercise amongst diaspora-based constitutional law and other experts on a proposal for an interim self-governing authority (ISGA), the first concrete proposals for a solution, interim or permanent, put forward by the LTTE,

(j) expansion of the LTTE Political Wing, including the establishment of political offices in government-held areas of the Northeast, to undertake political initiatives, which included systematically raising public awareness of the ISGA proposals, and mobilising local (village) level support for the TNA,

(k) agreeing a mechanism with the Sri Lankan state to jointly administer international post-tsunami aid for the wave-devastated Northeast (PTOMS).

6.1 A question of legitimacy

When the peace process began in 2002, the LTTE could be considered to have established strategic military parity vis-à-vis the Sri Lankan state. Not only had it captured a substantial tract of territory in which it had established a civil administration, but it had also defeated the offensive capability of the Sri Lankan armed forces. The government had conversely halted the LTTE's advance into the Jaffna peninsula, but could not recapture ground lost to the LTTE. Moreover, with

the economy now in recession, international pressure to negotiate had become unavoidable. The LTTE thus entered the peace process from a strong strategic position, but with weak international credentials, given it was perceived abroad as a ruthless and fanatical terrorist group irrationally wedded to an independent state. Thus international 'legitimacy' – i.e. being accepted as a legitimate and credible political actor by the international community – had now become a pressing, even central, issue for the LTTE. Moreover, it sought international acceptance specifically in the context of its bid to govern the Tamil areas of the island. As LTTE theoretician Anton Balasingham observed in September 2002: "We already have a massive permanent administrative structure in the areas under our control. What we need is international legitimacy so we can coordinate and work with the government of Sri Lanka and the international community."[38]

However, there was a widespread perception amongst some international actors that the LTTE was engaging in the Norwegian initiative primarily to escape the '(global) war on terror'. While there was undoubtedly an imperative for the LTTE to insulate itself from a deteriorating post-9/11 international environment for armed non-state actors, this does not capture the strategic coherence of the myriad activities undertaken by the LTTE. However, the dominant logic of international engagement came to be that the LTTE was responding to the threat of international action against terrorism, a perception reinforced by the Sri Lankan state. It is important to note the divergent expectations which the LTTE and the international community had for the Norwegian peace process: the former seeking a transition 'from guerrillas to government' (albeit in the terms of state-within-state governance) and the latter (and the Sri Lankan state) concerned with containing and constraining the LTTE on a path to disarmament and demobilisation (or, as the US put it: "renouncing terrorism in word and deed").

As noted earlier, the strategic objective of the LTTE's engagement in the Norwegian peace process was the establishment of an interim administration for the Northeast (the idea was not a novel one, with both the main Sinhala parties at one stage or other having mooted the idea of an 'Interim Council' for the Northeast). However, the LTTE envisaged a more robust and expansive structure with significant executive authority capable of undertaking the massive reconstruction and rehabilitation that the war-shattered Northeast needed. Norwegian involvement since late 1999 had not produced significant movement by either the government or the LTTE towards a peace process. But the Norwegian initiative proceeded with astonishing rapidity after the December 2001 elections, in which a coalition led by the main opposition UNP, contesting on a platform of seeking a negotiated solution with the LTTE, narrowly defeated the ruling United People's Freedom Alliance (UPFA).[39] Notably, the UNP's manifesto stated, under the section titled 'Peace Process', that "an interim administration will be set up for the northern and eastern provinces"[40], while the LTTE endorsed the UNP, resulting in Tamil votes outside the Northeast largely going to the party.[41] There is strong evidence to suggest negotiations between the UNP and the LTTE around an interim administration had begun before the former came to power.

The successful establishment of an effectively functioning interim administration for the Northeast had considerable potential for making the use of force unnecessary and problematic for the protagonists while protracted negotiations on a permanent solution continued. An interim administration in which the LTTE had a dominant role thus had much promise as a fundamental building block of a 'war to peace' transition process:

38   *The Guardian*: 'Tamil Tigers drop independence claim'. Sept 19, 2002.

39   It is significant to note, however, that despite drawing most of the Up Country Tamil and Muslim votes, as well as the Tamil votes outside the Northeast, the UNP scored only a narrow win over the SLFP-led UPFA which drew the bulk of the Sinhala vote – a point which was not lost on the UNP.

40   UNP Manifesto, September 2001, p7. See http://unp.lk/Menifestos/05_UNP%202001%20Manifito.pdf

41   See comments by LTTE leader Vellupillai Pirapaharan in his Heroes Day address on November 27, 2001.

(a) an internationally supported civil administration/governance structure subject to the principles of transparency and accountability would condition the conduct of both the LTTE and the Sri Lankan state,

(b) it would provide a transition vehicle for the LTTE, from armed resistance movement to interim government,

(c) it would provide a transition vehicle for the Sri Lankan state to begin the process of sharing (admittedly limited) power with the Tamils in the Northeast,

(d) it would unify LTTE-controlled and government-controlled territories in the war-torn Northeast in a single structure capable of undertaking much-needed major reconstruction projects,

(e) it would permit the urgent humanitarian needs of the Northeast to be addressed (the much anticipated immediate 'peace dividend' which ultimately failed to materialise) while a permanent political solution was negotiated.

But in the first rounds of the Norwegian facilitated talks of 2002 and 2003, the interim administration was rejected by the UNP-led government. Instead, a trio of Sub-Committees, including one to address the urgent humanitarian needs of the Northeast, were set up. These weak institutions ultimately proved abortive. The humanitarian crisis in the Northeast continued to fester, especially when the Sri Lankan military categorically refused to honour key requirements under the CFA comprising 'measures to restore normalcy'. Yet, with international encouragement and not a little pressure, the talks were steered towards discussions on federalism as a permanent solution to the conflict. The LTTE halted its participation in the talks in April 2003, and also boycotted a key donor conference in Tokyo in 2003, citing two key reasons: (i) agreements reached in early rounds of talks with the government were not being implemented by the latter, and (ii) the LTTE was being deliberately marginalized from the international rehabilitation and reconstruction program for the Northeast.[42]

6.2 ISGA proposals

Subsequent to its withdrawal from talks, in mid 2003 the LTTE called for the UNP-led government to put forward proposals for an interim administration for the Northeast. After rejecting the first two government proposals as inadequate, the LTTE put forward its own proposals for the ISGA in October 2003, after several months of deliberations amongst Tamil constitutional experts both within the island and across the diaspora. This was a key moment in terms of a transition process. It was the first time the LTTE had put forward proposals of its own for any structure, permanent or interim, short of an independent state. Moreover, the proposals incorporated commitments to international standards of governance. Significantly, the LTTE wanted the ISGA to form the basis of renewed Norwegian-brokered negotiations with the Sri Lankan state, implying that its proposals were open to alteration through discussion.

The LTTE's proposals produced a storm of furious controversy in the South, which was fuelled by officials loyal to Sri Lankan President Chandrika Kumaratunga. The ISGA was dismissed by its critics as a set of maximalist demands, and was criticised as going well beyond the federal model of power-sharing the two sides had agreed to explore in late 2002. However, while the ISGA could be characterised as a proposal based on a confederal notion of power-sharing (Edrisinha

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[42] In particular, the LTTE pointed to the holding on April 14, 2003 of the second of three key donor conferences in Washington, despite the LTTE being banned in the United States.

2007[43]), it was introduced in the context of the GoSL, conversely, not having put forward any proposals that were very distant from the present unitary state structure. The ISGA, therefore, was not unsuitable for renewing a negotiation process. Indeed, the proposals "clearly refrained from frontally addressing emotive issues... [and] there were no immediate red flags that could set anyone's blood boiling" (Perera 2003). Critics of the LTTE, especially Sinhala nationalists, nonetheless condemned the ISGA as a 'stepping stone' to separation and opposed negotiations with the Tigers – though, by logical extension, any power-sharing solution, temporary or permanent, could be seen as a way-station to an independent state. Pointing out that "a government that is serious about negotiated peace in Sri Lanka should also be able to see a negotiated ISGA as the prelude to re-union after years of a secessionist war", Uyangoda protested that "instead, they have substituted rhetoric for rigorous analysis [of this opportunity]" (2004).

Contrary to assertions by its critics, the ISGA, as a proposal for renewed negotiations, did not preclude further negotiations on a lasting solution once an interim administration was up and running. Indeed, given the expectation that "the interim administration that is permissible, and realistic to achieve, at this stage, will necessarily have less powers and democracy in it than the final solution" (Perera 2003), the ISGA had a proposed life span of five years, to be extended if no final settlement has been reached by that point. Moreover, there are salient aspects of the ISGA which, considered against the foil of political transformation, make the LTTE proposals a key, albeit now lost, opportunity for beginning Sri Lanka's transition from war to peace. The ISGA was a single administration for the eight districts of the Northeast, but whilst the LTTE sought a majority in the composition of the ISGA, it made explicit provisions for the Sinhalese and Muslim 'minorities' in the Northeast. The LTTE left out its long-standing insistence on being recognised as 'sole representatives' (or 'authentic representatives') of the Tamils. Moreover, the ISGA proposed that after five years (if no final settlement had been reached in that time), elections be held "in accordance with international democratic principles and standards under international observation" to choose the subsequent composition of the ISGA.

There were undoubtedly causes for concern for those committed to a united Sri Lanka: there was no explicit link between the ISGA and the Sri Lankan state, the proposals called for control of the marine and off-shore resources of the seas adjoining the Northeast, and so on. But there was no reason these issues could not be taken up in negotiations. However, the pithiest and perhaps most insightful observation came from the veteran political and military analyst Dharmeratnam Sivaram, who mocked the uproar over the ISGA's contents as ultimately 'much ado about nothing' for the simple reason that whatever was finally agreed at the table simply could not be implemented under Sri Lanka's entrenched constitution. "The ISGA, like all and sundry proposals and plans prepared and submitted by the Tamils since 1978, cannot be implemented neither in part nor in full, come what may. It has been demonstrated ad nauseam and beyond all reasonable doubt that even an iota of regional autonomy for the Tamils beyond what has been granted under the 13th Amendment to the constitution is absolutely impossible" (2004).

In any case, the ISGA proposals came to naught. In early November 2003, President Kumaratunga, who was locked in a power struggle with Prime Minister Ranil Wickremesinghe, seized three ministries from the Parliamentary government, precipitating a political crisis which continued until the April 2004 elections when the UNP was toppled from power. The UPFA was elected on a hardline platform which included the rejection of the ISGA. But the peace process rapidly began to collapse for other reasons: a 'shadow war' between Army-backed paramilitary groups and the LTTE, which had simmered since the 2002 truce, escalated sharply in early

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43   Comments by Rohan Edrisinha in the keynote speech at the conference 'Grappling with Labels or Seeking a Solution', hosted by the South Asia Peace Institution and Friedrich Ebert Stiftung, October 30, 2007, Royal Colombo Golf Club.

2004 following the rebellion against the LTTE leadership by its Batticaloa-Amparai commander, Colonel Karuna. Whilst Karuna's six-week rebellion was crushed by the LTTE in April, he and a handful of supporters escaped to Colombo where they began, with the support of the military, an assassination campaign against the LTTE and, notably, its known supporters.[44] This shadow war gradually escalated into direct confrontations between the LTTE and the armed forces after President Mahinda Rajapakse was elected in late 2005 on a hardline Sinhala-nationalist platform which insisted on a unitary state structure and rejected federalism, Norwegian facilitation and even the 2002 CFA. Despite both sides officially remaining committed to the CFA until January 2008, full scale 'undeclared' war broke out in 2006.

The creeping cycle of violence that ultimately overwhelmed the CFA is rooted in the 'shadow war' between Army-backed paramilitaries and the LTTE, which never really ended despite the 2002 agreement. A serious concern for advocates of the peace process from late 2002 was the killing of members and cadres of Tamil political parties opposed to the LTTE. Whilst the LTTE does not comment on the accusation, some officials concede military informants and agents are targeted – just as, they point out, LTTE agents are being targeted by the military. Amid the nexus of military intelligence and militias associated with Tamil political parties opposed to the LTTE, the claims and counterclaims remain unverifiable. But it is clear that the 'political killings' blamed on the LTTE led to the growth of serious concerns, especially amongst international actors, about the LTTE's commitment to the peace process.

We discuss below in section 7 how, despite there being a cycle of violence, there was a tendency amongst some international actors to blame the LTTE if not entirely, then mainly, for the deepening difficulties. Justified or not, this frustration with the LTTE turned to anger when Sri Lanka's Foreign Minister Lakshman Kadirgamar was killed by a sniper on August 12, 2005. The government blamed the LTTE, and the European Union promptly (without further investigation) imposed a travel ban on the movement and a few months later, along with Canada, proscribed the LTTE as a terrorist organisation. These proscriptions were intended as powerful censures against the LTTE, which was seen as intransigent and belligerent. However, the bans did not produce a renewed peace process. On the contrary, the international condemnation of the LTTE encouraged the hardline Sri Lankan government to step up its military offensive against the Tigers and the Tamil civilians. Privately, EU officials admit to being surprised at this outcome and some subsequently expressed regret at the ban.[45] However, as scholars of coercive diplomacy have pointed out, coercive intervention in a conflict system that targets one actor invariably affects the behaviours of others, especially their opponents, who will be emboldened to exploit this new pressure by hardening their positions and potentially worsening the situation (Burg 2003:104). Undoubtedly, therefore, a wider analysis of the prevailing conflict dynamics would have led to a more nuanced and effective strategy to promote peace (of which action against the LTTE may well have still been a part). Instead of seeing a cycle of violence in which LTTE cadres and supporters were also being targeted by paramilitary groups operating with the backing of the Sri Lankan state, there was a tendency to see the LTTE as targeting government forces and political rivals. Even when the state began to openly wage war, twice brazenly shelling the chief of the international ceasefire monitors, the international community largely remained silent.

This is aptly illustrated by international attitudes to the issue of Sri Lanka Army-backed anti-LTTE paramilitaries. Paramilitaries were a source of concern for the LTTE from the outset of

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44 From mid 2004 onwards, several LTTE Political Wing cadres stationed in government-controlled areas under the terms of the CFA were shot dead, along with Tamil parliamentarians, journalists, aid workers, civil society and political activists.

45 Authors' conversations with EU diplomats in late 2006 and early 2007.

the peace process: Clause 2.10 of the 2002 CFA obliges the government to disarm and disband the paramilitaries or incorporate them into the regular Army. The LTTE consistently protested this was not done, yet the matter was not taken seriously by international actors (especially with the killings often being viewed as the LTTE targeting political opponents and the latter retaliating). International urging of the state to disarm paramilitaries only began in late 2005, when abductions, extra-judicial killings and other rights abuses attributed to these forces became widespread.

In summary, the LTTE engaged in the Norwegian-led peace process with the objective of establishing an interim administration for the Northeast. For reasons outlined above, such a governance structure could have provided a firm foundation for Sri Lanka's transition from war to peace, providing a pathway for both the LTTE and the state to transition away from violence to a peace partnership, while at the same time addressing the urgent humanitarian crisis gripping the war-torn region. However, the early abandoning of the interim administration as a central topic for negotiation and the simultaneous move towards discussing a federal arrangement as a permanent solution not only closed off an ideal route for gradual transition from war to peace, but precipitated the taking up of fundamental issues when ground conditions (humanitarian and security) were steadily becoming less propitious for reaching an agreement on a lasting solution. In particular, the LTTE's outrage at being marginalized from international rehabilitation and developmental processes concerning the Northeast – i.e. the interests of the Tamils – exacerbated its suspicions about the international community's role in Sri Lanka. Indeed, the 'international safety net' that the UNP government often cited seemed intended more to ensnare the Tiger than 'support' the peace process. The question, then, is: why did such an internationalised peace process that started out with such promise deteriorated inexorably into a return to all-out war?

7. The International Role

With hindsight it is clear that the internationally-backed Norwegian peace process had an inherent fragility in terms of securing conflict transformation. The long series of actions and associated signals by the LTTE, Sri Lankan state and the international community in the course of the peace process were interpreted in starkly contrasting world-views. International perception of the LTTE as essentially militarist, intransigent and dogmatic, and of its engagement in the peace process as cynical and insincere (and resulting from international coercion), meant that any action by the liberation movement that appeared to deviate from its committing to a non-violent solution within a united Sri Lanka was seen as a reluctance to engage in political compromise or to consider peaceful alternative to armed struggle.

Peter Katzenstein and Robert Keohane (2006), examining 'anti-Americanisms in world politics', try to differentiate between the different degrees of international scepticism towards the United States. Their insightful findings have relevance for many situations, including that of the LTTE, where scepticism becomes ingrained and institutionalised sufficiently to undermine the potential for improved relationships and behaviours to emerge. They define three degrees of deepening scepticism: (negative) opinion, distrust and bias. Importantly, they suggest once negative ideas take root, a slide into deeper scepticism easily happens. To begin with, "the more predisposed someone is against the United States the less information is required to view US policies negatively. … The strongest predisposition – bias – implies attributing negative actions and motives to the United States *as an entity*, rather than to the situation in which it finds itself" (2006:21, emphasis added). Moreover, people who not only distrust the United States but are also biased against it will process information differently than unbiased people. Biased actors, they argue, "are also more likely to attribute bad policies to essential features of the United States, rather than merely to specific situations [in which it finds itself]" and "they will tend to discount potentially favourable information and make negative information more salient" (2006:21). One likely consequence is "a pervasive and sometimes institutionalised distrust which creates scepticism towards the US government and a predisposition to view US policy negatively" (2006:22). These dynamics are also, arguably, at play vis-à-vis international relations with the LTTE.

Like other actors in the Sri Lankan conflict system, the international community is diverse and not a monolithic bloc. The policies of international actors are driven by a variety of national interests, security considerations, economic factors, state-centric cooperation agreements and policies related to post-conflict peacebuilding. From the outset, four competing schools of thought are discernible: those of conditionality, transformative approach, counter-terrorism approach and laissez-faire policy. The conditionality approach was embraced by international actors who wanted to influence the peace process by using a 'carrots and sticks approach' in aid/development assistance. Proponents of the transformative school of thought insisted on engagement with the LTTE and, for the purpose of negotiations, on treating the parties as equals. Supporters of the counter-terrorism approach provided the Government of Sri Lanka with military assistance in the event of a resumption of hostilities. Advocates of the laissez-faire approach followed the principle of non-interference. In reality, however, all these approaches existed side-by-side without leading to major policy shifts or to significant contradictions between international actors. Frequent statements such as then US ambassador Jeffrey Lunstead's assertion that "as part of its strategy for promoting the peace process, the U.S. began to strengthen its military relationship with the Government of Sri Lanka" (2007:17) caused little stir, although the paradox is inherent in the statement. The oft-used categories of 'like-minded' and 'un-like minded' states are more confusing than useful in the Sri Lankan context. In general, a lack of coherency and complementarity, *realpolitik* constraints and the competing goals of conflict transformation and counter-terrorism in the actions, policies and strategies of the international community, led invariably to a weakening of international efforts to secure peace in Sri Lanka.

At the outset, the LTTE saw the peace process as a temporal and political space in which it could, while sustaining its military parity with the Sri Lankan state, demonstrate to the international community the extent of its practical competence and popular support for governance. The LTTE, therefore, had several inherent assumptions: (i) that by demonstrating competence in civil administration and taking gradual steps towards adopting international standards (human rights, governance, etc.), it could secure a measure of external legitimacy in its bid for interim governance, (ii) that the Norwegian peace process would allow it a concomitant process of engagement with other international actors, especially its international critics, and (iii) that the process would allow it access to the wherewithal (international aid, political access, institutional support) to demonstrate its administrative capacity.

What is of crucial importance is the lens through which international actors – particularly the United States, but other major players also – saw the LTTE: as an inherently violent and belligerent entity which was engaging in the peace process as a response to international coercion, using the space to prepare for another military campaign, or both. The consequences of this view were: major international assistance for the Sri Lankan state to re-arm and re-organise its war-weary armed forces, international efforts to curtail LTTE re-supply (including support for the Sri Lanka Navy to destroy LTTE merchant vessels which might be carrying armaments), provision of massive bilateral and multilateral aid to help stabilise and rebuild Sri Lanka's war-damaged economy, etc. Over time, the cumulative effect of these steps was simple: to tip the strategic balance that had precipitated the peace process inexorably in favour of the state. Heightened security concerns, especially amid a deteriorating cycle of 'shadow war' violence, foreclosed the possibility of meaningful negotiation on shared initiatives such as an interim administration - let alone taking up 'core issues' like a federal solution.

Despite an abstract commitment to a negotiated solution and the Norwegians' procedural observation of parity between the LTTE and the government, the international community's scepticism towards the LTTE remained palpable. Some actors, like the US, demonstrably placed the LTTE within the framework of the 'global war on terror'. The frequently negative interpretation of the LTTE's actions (and general leniency towards the state) that this engendered led, we argue, to several opportunities for securing 'war to peace' transition being ignored and, more importantly, directly to undermining key transformative dynamics which had emerged within the LTTE when it made the pursuit of an interim administration its strategic goal for the peace process.

We pointed out earlier that, like any other political actor, the LTTE is not a monolithic entity and that its decisions, while made at the apex of a hierarchy, stem from protracted internal analysis of available options. It is clear from conversations with senior LTTE officials that the (positive) initial stages of the Norwegian process generated considerable internal discussion, fuelled by interactions between LTTE officials at different levels of the organisation with international actors supportive of the peace process. Whilst the crude classification of 'doves' and 'hawks' does not represent the multiplicity of views held, it is clear that the powerful sections of the LTTE were keen to explore the possibilities afforded by the internationally-backed peace process, particularly with regards to establishing an interim administration and shifting the Tamil struggle to the global political stage. Others were sceptical of international intentions, noting, for example, how key allies of the Sri Lankan state during the preceding years of brutal conflict in which Tamil civilians bore the brunt of the military's violence were now advocating negotiations and stressing the urgency of rehabilitation needs.[46] What is clear is that this debate continued for some time, with the doves gaining strength in the early stages of the peace process as international pressure was seen to constrain powerful actors in the south opposed to the peace process. This led to the

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46 Doves and hawks, interestingly, were to be found within each of the sections, though to different degrees of dominance.

LTTE's engagement with the international community on a number of initiatives, including the federalism study tour of 2003, the action plan with UNICEF on reintegration of under-age recruits, engagement with select European governments and organisations on improving LTTE policing and judicial processes, and so on.

Swift action by key members of the international community to rebuild the Sri Lankan armed forces (amid a wider effort to bolster the economy), combined with often manifest hostility to the LTTE, undermined the doves' case. International actors' failure to ensure the state's adherence to the CFA (in particular the disarming of paramilitaries, the military's withdrawal from large swathes of Tamil residential areas, etc.) or to agreements reached in earlier rounds of talks, reinforced the hawks' arguments of a 'peace trap'. When the security situation began to deteriorate amid a cycle of violence in which LTTE cadres, especially, members of the wider Tamil nationalist movement such as parliamentarians, journalists, aid workers and civil society activists were being openly targeted by the military-backed paramilitaries, the advocates of transformative approaches were inevitably marginalized, with many of the initiatives listed above rendered moribund. Indeed, with several international actors – for example, the Co-Chairs – identified as working closely together, the multiplicity of international engagement with the peace process was often reduced in the hawks' calculations to the US led approach of the 'war on terror'. With strategic security, rather than establishing a governance structure, becoming the central concern for the LTTE, transformative initiatives were further de-prioritised.

A self-fulfilling prophecy thus unfolded. Those in the international community who were sceptical of the LTTE's willingness to transform pointed to this slowing down of LTTE transitionary activities as evidence to support their doubts. Amid the worsening security situation – blame for which was invariably put on the LTTE – powerful international actors, including the United States, urged a robust coercive response to compel the LTTE to pursue the peace process. This in turn, reduced the space for transitionary activities. For example, the EU travel ban in 2005 and the outright proscriptions of the LTTE by the EU and Canada in early 2006 drastically closed the space for engagement between the international community and the LTTE. No exception was made in these bans, for example, for engagement with the LTTE's Political Wing or civil administrative arms. If the intention was to encourage the LTTE's political transformation (as understood by the international community), the move was paradoxical, given that it had been these arms of the LTTE which had been interacting most with international actors on transitionary approaches and actions. The ban not only disrupted and foreclosed such initiatives, it also undermined advocates of these efforts within the LTTE. Interestingly, while EU countries continue to assert their commitment to a negotiated settlement and engagement with the LTTE, in practice, the EU's 2006 proscription of the movement removes the necessary space and suggests this commitment is ambiguous.

While the Sri Lankan state felt strengthened by international action against the LTTE to pursue the military option with greater vigour, the LTTE's countervailing violence has encouraged international actors to greater efforts to crackdown on the movement. Thus, from the international perspective also, the LTTE's 'unwillingness to transform' became a self-fulfilling prophecy. This is not to say that international critics of the LTTE did not have specific objections to point out. The LTTE has been criticised for its taxation of commercial activities in the Northeast (including those in government-controlled areas), recruitment of youth under the age of eighteen, political killings of members of Tamil groups opposed to it, resistance to a free press and political plurality in its controlled areas, and for running an autocratic form of administration. But these are not uncomplicated charges and, without condoning or defending such actions, we argue each of these must be considered in context. A roadmap to addressing these issues could have been agreed upon with the LTTE with benchmarks and milestones. The point here is that while these aspects have loomed large in international consciousness, in contrast the severe failings of the Sri Lankan

state, including its racially motivated and now institutionalised repression of the Tamil community, its unwillingness to concede power-sharing arrangements with the Tamil community and its deviation from negotiations to military solution are given little attention. Indeed, many aspects of this repression, such as the false arrests of hundreds of people, were reduced to negotiable items to be placed on the agenda of the talks between the LTTE and the state.

International scepticism of the LTTE's bona fides has prevented appreciation of the flexibility the LTTE exhibited during the Norwegian peace process. For example, the LTTE entered into peace talks in 2002, despite the Sri Lankan military pointedly not implementing the normalisation clauses of the CFA – the LTTE had insisted at the outset full implementation was a pre-requisite to begin direct talks with Colombo. The LTTE persisted with the direct negotiations even though its primary objective, an interim administration, was simply taken off the agenda (with low-level and inadequate Sub-Committees offered instead). The LTTE continued to observe the CFA despite the sinking of two of its ocean-going ships by the Sri Lanka Navy in 2003, with the loss of two dozen cadres' lives. Even the LTTE's agreement to explore federalism – a painful declaration for a movement which began its struggle with the goal of independent statehood, was seen as pursuit of a tactical 'stepping stone' to independence at best and a cynical ploy to buy time for rearming at worst. It was the same international scepticism that dictated the use of coercive methods as the appropriate interaction with the LTTE.

The most important consequence of international scepticism of the LTTE was the interpretation given to the movement's institution-building efforts. With disarming and demobilisation (i.e. conversion to a political party) of the LTTE as the sole criterion used to constitute the movement's political transformation, its institution building was seen as problematic, even regressive. Many international actors actively sought to avoid steps that might contribute to LTTE institutions. Some, like the US, went out of their way to avoid the LTTE altogether citing legal impediments. For example when the LTTE signed the PTOMS agreement with the government in 2005, the US promptly refused to allow any of its tsunami assistance to go through the structure – even though the European Union and others had publicly advocated strongly for joint aid-sharing mechanism. As we have argued above, state institutional structures have largely collapsed in the Northeast as a result of the conflict and marginalisation by the state. Institutional structures, especially in the war-zones, are urgently needed to effect reconstruction, rehabilitation and developmental activities. More long-term, if power sharing is to be effected, institutional structures need to be developed in the Northeast and integrated into a new constitutional arrangement (whatever it may be). To seek ways to avoid reinforcing the LTTE civil administration in the interests of preventing a return to war is therefore paradoxical – especially when substantial financial and other assistance is simultaneously being extended to the state. Interestingly, when the international donor community met in Tokyo in June 2003, a total of US\$ 4.5bn was pledged, but only a small proportion of this was designated for the Northeast. In effect, as the Tokyo Declaration makes clear, urgently needed reconstruction and rehabilitation funding was made conditional on the LTTE and the government progressing towards a federal solution. However, *other* bilateral and multilateral aid to the Sri Lankan government was not subject to this conditionality. In effect, it was only political concessions by the LTTE (which the Sri Lankan state would accept) that could unlock international aid for the Northeast.

The case of the NESOHR captures the paradox. The human rights secretariat was established in mid-2004 in the LTTE-controlled Vanni to monitor violations and implement actions to strengthen human rights in the Northeast.[47] Whilst it was clearly endorsed by the LTTE, its staff comprised religious leaders, parliamentarians, union officials and civil society activists, but not LTTE members. The LTTE gave an undertaking to cooperate with NESOHR's investigations of

47 *Tamilnet* 2004. 'HR Group meets to finalise Charter' August 1, accessed September 30, 2007 http://www. tamilnet.com/art.html?catid=13&artid=12576

allegations of rights abuses in its controlled areas, but it was mutually agreed that the body should be operationally independent. Yet NESOHR's efforts to secure international financial support to continue to function independently proved abortive. Donors refused funding on the grounds that NESOHR was part of the LTTE's civil structure and *therefore* not independent. (By contrast, the Human Rights Commission (HRC) which is also funded by the Sri Lankan government does not suffer from doubts about its neutrality on human rights issues.) Moreover, the body was staffed by non-LTTE persons with credible 'civil society' standing. The organisation is now virtually paralysed – despite having achieved credible success in addressing some rights abuses in Vanni, including the release of some under-age LTTE recruits.

These self-fulfilling prophecies can thus be seen in the case of NESOHR. To the international community, NESOHR is merely a cynical ploy to deflect criticism of human rights abuses and perhaps a way to inveigle funds out of international donors. By refusing to support NESOHR, the LTTE's ruse is thus thwarted. Meanwhile, from the LTTE's perspective, the case of NESOHR is a study of the international community's commitment to human rights[48], which appeared to be based primarily on political expediency. The argument is made that only positive outcomes could come from establishing a human rights secretariat in the Northeast. To begin with, there is no reason, if there are doubts about its partiality, why NESOHR could not have received minimal initial funding with subsequent funding conditional on its performance. Secondly, an internationally funded (and thus transparent) NESOHR, comprising credible local personalities, could have thus exerted serious pressure on the LTTE on the issue of human rights. More generally, amid many donors' declared interest in promoting human rights across Sri Lanka, NESOHR would have been one more asset and, in any case, ought to have international recognition and support based on a principled commitment to this goal.

As the conditionality attached to the international aid pledged in Tokyo and the example case of NESOHR underline, international humanitarian aid and human rights promotion was demonstrably heavily politicised in Sri Lanka. This is not to argue against conditionalities or the promotion of human rights. Rather, it is to note that donors and the wider international community could easily have had a positive impact on the peace process had they taken principled positions on humanitarian and human rights issues.

Crucially, the international community was not, as its members often suggested, an externality to Sri Lanka's conflict system. Rather it is an integral part of the conflict system, reacting to local actors and in turn causing them to react to it. The tendency to focus and act on narrow strands of the conflict system (for example proscribing the LTTE on the basis of *its* acts of violence), without consideration of the impact of these actions on the wider system, have had a seriously deleterious impact on the Norwegian peace process and, ultimately, helped precipitate a return to all-out conflict. Such narrow international focus has also suited the Sri Lankan state in its pursuit of a military solution to the conflict and permitted it to avoid making substantive political concessions to the Tamils. In short, the international refusal or inability to deviate from a framework characterised by scepticism, state-bias and legal constraints to deal with a "non-state" actor has served to reinforce the Sri Lankan state's repression of the Tamils.

48   At an address on Human Rights Day in 2005, LTTE Political Wing head, S. P. Thamilselvan observed: "Human Rights has gained prominence in the last few years as the global climate on terror has allowed states to advance their own national interests using Human Rights as an instrument." *TamilNet* 2005. 'LTTE's Human Rights engagement on constructive track – Thamilchelvan'. December 11, accessed September 30, 2007. http://www.tamilnet.com/art. html?catid=13&artid=16523

Conclusion

The complexities of the Sri Lanka conflict reveal the limitations of linear analysis and demonstrate an indisputable need for a systemic approach. Even the temporal starting point of conflict analysis, 1983, is problematic. We suggest the roots of Sri Lanka's conflict are to be found in the colonial period, including the misguided imposition of a Westminster-style parliamentary

constitutional arrangement on an ethnically and religiously fragmented set of communities. Democracy in Sri Lanka has entrenched a 'tyranny of the majority' and paved the way to the institutionalisation of the repression of the Tamils by a Sinhala-dominated state. The LTTE and other armed groups emerged in the wake of the demonstrable failure of peaceful agitation to dislodge Tamil grievances. Since independence, Tamil demands have shifted from power-sharing at the centre to autonomy (federalism) and, finally, to political independence and statehood. The mode of struggle has moved from peaceful agitation to armed resistance and finally state-within-state building. The LTTE has evolved from shadowy militant group to resistance movement to standing army and civil administration.

The Norwegian peace process which began in 2002 constituted a credible opportunity for Sri Lanka to transition from war to peace. The foundation of such a transition would have been the establishment of an interim administration dominated by the LTTE for the Northeast pending agreement on a permanent solution to the conflict: while the LTTE would have had to transition from 'state within a state' to an interim administration, the Sri Lankan state would have had to transition from unitary ethnocracy to power-sharing with the Tamils, albeit in a limited way. International engagement with the LTTE during the Norwegian peace process stimulated internal debate within the movement about options for the Tamil struggle, with 'doves' advocating greater engagement with political processes and 'hawks' cautioning against weakening the armed struggle. International engagement in the peace process was largely based on scepticism of the LTTE's bona fides. This prevented genuine opportunities to transition from war to peace from being supported. Instead, it resulted in international actions that were biased against the LTTE, and as a consequence destabilised the strategic parity between the Sri Lankan state and the LTTE which precipitated the peace process in the first place. International scepticism of the LTTE mirrored and, through actions, reinforced the scepticism of hawks within the LTTE. And vice-versa.

A definition of 'political transformation' as shifting from 'armed struggle to politics', meaning a shift from armed struggle to participation in electoral processes, is an overly narrow template, given that shifting from armed struggle to governance – from 'guerrillas to government' – is arguably also a case of political transformation which could pave the way for a war-to-peace transition. As such, the concept of an interim administration for the Northeast constituted a credible and powerful vehicle for Sri Lanka's transition from war to peace.

The key theoretical conclusions of this study of the LTTE therefore are:

- Piecemeal approaches to conflict resolution that are focused on securing peace agreements, holding elections and assisting 'democracy' will not be effective in the long term as the conflict is the result of structural and underlying contradictions. A sustainable peace process should be anchored on the fundamental transformation of structures, issues, actors, mindsets and policies based on a comprehensive approach. In short, protracted conflict requires protracted peacebuilding.

- The conflict system is protracted and non-linear, therefore the actors, the issues and the context develop in a non-linear way also. Actors, therefore, are not static and homogenous entities but diverse and are in a constant process of (self-driven) change.

- The national liberation project of the Tamils is essentially a political struggle fought by violent means. The struggle underwent a periodic transformation from a non-violent, peaceful political agitation into an armed struggle. This armed struggle has now evolved into a concomitant state-building project. The LTTE initially established governance structures as a form of institutionalising rule of law and has since developed it into an

effective civil administration. In the context of Sri Lanka, it is therefore more appropriate to talk about a 'state within a state' or a parallel or sub-national state, rather than of 'armed groups' or 'non-state actors.'

- The linear understanding of transformation processes has to be rejected. Instead, it is more productive to see transformation processes as a complex interaction of simultaneous, ambivalent and contradictory development paths. This is best exemplified in the case of Sri Lanka where (i) the LTTE, which has always been a political actor with a political vision, wages its political struggle predominantly by violent means while (ii) the Sri Lankan state, founded as a democratic state, has vested itself with legal powers to establish an exclusive Sinhala-Buddhist nation state. The notion of transformation – whether from a military to a political actor, or from an authoritarian to a democratic state – has to be fundamentally re-examined in the context of Sri Lanka's 60 years of post-colonial ethnic tension and violence.

- The strategy of the international community to support the peace process was mired in diverse and contradictory policy frameworks. An informal 'division of labour' (Lunstead 2007:7) between the different international players contributed to more confusion and unpredictability. International actors predominantly operated on two opposing paradigms, those of conflict transformation and counter-terrorism. While the first emphasises the need for constructive engagement with all conflict actors for a mutually benefiting peace process, the latter focuses on militarily weakening the 'non-state' actor. We argue that both strategies cannot be pursued simultaneously if the priority is achieving a just solution to an intractable conflict. Rather, more coherent, transparent and value- or interest-neutral support would have better served the goal of bringing peace to Sri Lanka.

Bibliography

Agamben, Georgio (2005): *State of Exception*. Chicago: The University of Chicago Press.

Alkire, Sabina (2003): *A Conceptual Framework for Human Security*. Centre for Research on

Inequality, Human Security and Ethnicity, University of Oxford, CRISE Working Paper 2.

Arunatilake, Nisha, Sisira Jayasuriya and Saman Kelegama (2001): The Economic Cost of the War in Sri Lanka. *World Development*, 29(9), 1483-500.

Azar, Edward (1990): *The Management of Protracted Social Conflict: Theory and Cases*. Hampshire: Dartmouth.

Balasingham, Anton (1983): *Liberation Tigers and Tamil Eelam Freedom Struggle*. Madras: Political Committee, Liberation Tigers of Tamil Eelam.

Balasingham, Anton (2004): *War and Peace: Armed Struggle and Peace Efforts of Liberation Tigers*. London: Fairmax Publishing.

Bartholomeusz, Tessa J. (2002): *In Defense of Dharma: Just-War Ideology in Buddhist Sri Lanka*. London: RoutledgeCurzon.

Bartholomeusz, Tessa J. and Chandra R. De Silva (Eds.) (1998): *Buddhist Fundamentalism and Minority Identities in Sri Lanka*. Albany: State University of New York Press.

Bastian, Sunil and Robin Luckham (Eds.) (2003): *Can Democracy Be Designed? The Politics of Institutional Choice in Conflict-Torn Societies*. London: Zed Books.

Bentham, Jeremy (1960): *A Fragment on Government: An Introduction to the Principles of Morals and Legislation*. Edited by Wilfried Harrison. Oxford: Blackwell.

Birch, Anthony H. (2001): *The Concepts and Theories of Modern Democracy*. Oxon: Routledge.

Blodgett, Brian (2004): *Sri Lanka's Military: The Search for a Mission*. San Diego: Aventine Press.

Bodansky, Daniel (1999): The Legitimacy of International Governance: A Coming Challenge for International Environmental Law. *American Journal of International Law*. 93, 596-599.

Bose, Sumantra (1994): *States, Nations, Sovereignty: Sri Lanka, India and the Tamil Eelam Movement*. London: Sage Publications.

British Broadcasting Corporation (2008) Timeline: Sri Lanka http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1166237.stm Accessed February 20, 2008.

Burg, Steven L. (2003): Coercive Diplomacy in the Balkans: The U.S. Use of Force in Bosnia and Kosovo, in: Art, Robert J. and Patrick M. Cronin (Eds.): *The United States and Coercive Diplomacy*. Washington: United States Institute of Peace, 57-118.

Burton, John (1990*): Conflict: Resolution and Prevention*. New York: Macmillan.

Clapham, Christopher (1998): *African Guerrillas*. London: James Currey Publishers.

Cochran, Molly (1999): *Normative Theory in International Relations*. London: Cambridge University Press.

Conciliation Resources (2008) *Chronology* http://www.c-r.org/our-work/accord/sri-lanka/chronology.php Accessed February 20, 2008

Coomaraswamy, Radhika (2003): The Politics of Institutional Design: An Overview of the Case of Sri Lanka, in: Bastian, Sunil and Robin Luckham (Eds.): *Can Democracy Be Designed? The Politics of Institutional Choice in Conflict-Torn Societies*. London: Zed Books, 145-167.

Daase, Christopher (2001): Terrorismus- Begriffe, Theorien und Gegenstrategien. Ergebnisse und Probleme Sozialwissenschaftlicher Forschung, in: *Die Friedenswarte*, 76(1),55-77.

De Silva, Kingsley M. (1998): *Reaping the Whirlwind: Ethnic Conflict, Ethnic Politics in Sri Lanka*. New Delhi: Penguin India.

DeVotta, Neil (2004): *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka*. Stanford: Stanford University Press.

De Zeeuw, Jeroen (2001): *Building Peace in War-Torn Societies: From Concept to Strategy*. The Hague: Netherlands Institute of International Relations 'Clingendael', Conflict Research

Unit.

De Zeeuw, Jeroen (2005): Projects Do Not Create Institutions: The Record of Democracy Assistance in Post-Conflict Societies. *Democratization*, 12(4), 481-504.

Etzioni, Amitai (1968): The *Active Society: A Theory of Societal and Political Processes.* New York: Free Press.

Fukuyama, Francis (1992): *The End of History and the Last Man*. New York: Free Press.

Galtung, Johann (1990): Cultural Violence. *Journal of Peace Research*, Nr.3, 291-296.

Galtung, Johann (1997): Theorien des Friedens, in: Meyer, Berthold (Ed.): *Formen der Konfliktregelung. Eine Einfuehrung mit Quellen.* (Frieden und Konfliktforschung, Bd.3) Opladen: Leske und Budrich, 55-65.

Gamage, Siri and Bruce Watson (Eds.) (1999): *Conflict and Community in Contemporary Sri Lanka*. New Delhi: Sage.

Goodhand, Jonathan, (2001): *Aid, Conflict and Peace Building in Sri Lanka*. London: The Conflict Assessments, Security and Development Group, University of London.

Goodhand, Jonathan and Bart Klem (2005): *Aid, Conflict, and Peacebuilding in Sri Lanka 2000-2005*. Colombo: The Asia Foundation.

Graevingholt, Joern, Claudia Hofmann and Stephan Klingebiel (2007): *Entwicklungszusammenarbeit im Umgang mit Nichtstaatlichen Gewaltakteuren*, Bonn: Deutsches Institut fur Entwicklungspolitik.

Gunawardana, R. A. L. H. (1995): *Historiography in a Time of Ethnic Conflict: Construction of the Past in Contemporary Sri Lanka*. Colombo: Social Scientists' Association.

Gurr, Ted Robert, Barbara Harff and Anne M. Speca (1996): *Dynamic Data for Early Warning of Ethnopolitical Conflict.* Paper presented at a conference and workshop on Risk Assessment and Crisis Early Warning Systems at the University of Maryland, November 14-16.

Held, David (2005): What should democracy mean today?, in: Held, David (Ed.): *The Polity Reader in Social Theory*. London: Polity Press, 304-312.

Herring, Ronald (2001): Making Ethnic Conflict: The Civil War in Sri Lanka, in: Esman, Milton and Ronald Herring (Eds.): *Carrots, Sticks and Ethnic Conflict: Rethinking Development Assistance*. Ann Arbor: University of Michigan Press.

Hippler, Jochen (Ed.) (2004): *Nation Building. Ein Schlüsselkonzept für Friedliche Konfliktbearbeitung?* Bonn: Dietz.

Human Rights Watch (2007): *Return to War. Human Rights Under Siege*. Volume 19, 11(c).

Jayawardene, Kumari (1985): *Ethnic and Class Conflicts in Sri Lanka: Some Aspects of Sinhala Buddhist Consciousness Over the Past 100 Years*. Dehiwala: Centre for Social Analysis.

Katzenstein, Peter J. and Robert O. Keohane (2006): Introduction: The Politics of Anti-Americanisms, in: Katzenstein, Peter J. and Robert O. Keohane (Eds.): *Anti-Americanisms in World Politics*. New York: Cornell University Press, 1-38.

Kaufmann, Chaim (1996): Possible and Impossible Solutions to Ethnic Wars. *International Security,* 20(4), 136-175.

Kearney, Robert and Barbara Miller (1987) *Internal Migration in Sri Lanka and Its Social Consequences*. Boulder: Westview Press.

Kingston, Paul (2004): States-within-States: Historical and Theoretical Perspectives, in: Kingston, Paul and Ian S. Spears (Eds.): *States-within-States: Incipient Political Entities in the Post-Cold War Era*. New York: Palgrave Macmillan, 1-14.

Kingston, Paul and Ian S. Spears (2004): Conclusions and Policy Options, in: Kingston, Paul and

Ian S. Spears (Eds.): *States-within-States: Incipient Political Entities in the Post-Cold War Era*. New York: Palgrave Macmillan, 189-192.

Krishna, Sankaran (1999): *Postcolonial Insecurities: India, Sri Lanka, and the Question of Nationhood*. Minneapolis: University of Minnesota Press.

Kukathas, Chandran and Gerald F. Gaus (2004): *Handbook of Political Theory*. London: Sage Publications.

LTTE (1979): *Letter to Prime Minister R. Premedasa.*

LTTE (1988): *Socialist Tamil Eelam: Political Programme of the LTTE.*

Lunstead, Jeffrey (2007): *The United States' Role in Sri Lanka Peace Process 2002-2006*. Colombo: The Asia Foundation.

Manogaran, Chelvadurai (1994): Colonization as Politics: Political Use of Space in Sri Lanka's Ethnic Conflict, in: Manogaran, Chelvadurai and Bryan Pfaffenberger (Eds.): *The Sri Lankan Tamils: Ethnicity and Identity*. Boulder: Westview, 84-125.

Meyer, Eric (1984): Seeking the Roots of the Tragedy, in: Manor, James (Ed.): *Sri Lanka in Change and Crisis*. London: Croom Helm, 137-52.

Mill, James (1967): *Essays on Government, Jurisprudence, Liberty of the Press and Law of Nations*. New York: Augustus M. Kelley.

Mill, John Stuart (1859): *On Liberty*. Indianapolis: Library of Liberal Arts.

Nithiyanandam, V. (2000): Ethnic Politics and Third World Development: Some Lessons from Sri Lanka's Experience. *Third World Quarterly*, 21(2), 283-311.

Orjuela, Camilla (2003): Building Peace in Sri Lanka: A Role for Civil Society? *Journal of Peace Research,* 40(2), 195-212.

Pegg, Scott (2004): From De Facto States to States-Within-States: Progress, Problems, and Prospects, in: Kingston, Paul and Ian S. Spears (Eds.): *States-within-States: Incipient Political Entities in the Post-Cold War Era*. New York: Palgrave Macmillan, 35-46.

Perera, Jehan (2003): LTTE: A Maximal Proposal. *South Asia Intelligence Review*, Weekly Assessments and Briefings, 2(16).

Pfaffenberger, Bryan and Chelvadurai Manogaran (Eds.) (1994): *The Sri Lankan Tamils: Ethnicity and Identity*. Boulder: Westview.

Ponnambalam, Satchi (1983): *Sri Lanka: National Conflict and the Tamil Liberation Struggle*. London: Zed Press.

Pool, David (2001): *From Guerrillas to Government: The Eritrean Liberation Front*. Oxford: James Currey.

Rawls, John (1971): *A Theory of Justice*. London: Oxford University Press.

Reynolds, Andrew (1999): *Electoral Systems and Democratization in Southern Africa*. Oxford: Oxford University Press.

Rock, Allan (2006): *Field Trip Report of Special Advisor to the Special Representative of the Secretary General for Children and Armed Conflict*. November 4-15.

Ropers, Norbert (2008, forthcoming): *Systemic Conflict Transformation: Reflections on the Conflict and Peace Process in Sri Lanka*. Berghof Handbook, Berlin: Berghof Research Center for Constructive Conflict Management.

Ross, Russell R. and Andrea M. Savada (Eds.) (1990): *Sri Lanka: A Country Study*. Washington: Government Printing Office for Department of the Army.

Rupesinghe, Kumar (Ed.) (1998): *Negotiating Peace in Sri Lanka: Efforts, Failures and Lessons*. London: International Alert.

Schumpeter, Joseph A. (1947): *Capitalism, Socialism and Democracy*. New York: Harper, 2nd Edition.

Shastri, Amita (1994): The Material Basis for Separation: The Tamil Eelam Movement in Sri Lanka, in: Manogaran, Chelvadurai and Bryan Pfaffenberger (Eds.): *The Sri Lankan Tamils: Ethnicity and Identity*. Boulder: Westview Press, 208–235.

Sivaram, Dharmaratnam (2004): ISGA Bashing: Much Ado About Nothing, in: *The Daily Mirror*, 25 August.

Smith, D. (2004) *Towards a Strategic Framework for Peacebuilding: Getting Their Act Together*. Oslo: Norwegian Ministry of Foreign Affairs, Evaluation Report 1/2004.

Spears, Ian S. (2004): States-within-States: An Introduction to Their Empirical Attributes, in: Kingston, Paul and Ian S. Spears (Eds.): *States-within-States: Incipient Political Entities in the Post-Cold War Era*. New York: Palgrave Macmillan, 15-34.

Stokke, Kristian (2006): Building the Tamil Eelam State: Emerging State Institutions and Forms of Governance in LTTE-Controlled Areas in Sri Lanka. *Third World Quarterly,* 27(6), 1021-1040.

Tambiah, Stanley Jeyaraja (1986): *Sri Lanka: Ethnic Fratricide and the Dismantling of Democracy*. London: IB Tauris.

Tambiah, Stanley Jeyaraja (1992): *Buddhism Betrayed? Religion, Politics, and Violence in Sri Lanka*. London: University of Chicago Press.

TamilNet (2003): Federalism Will Unite Divided Sri Lanka. January 19. http://www.tamilnet.com/art.html?catid=13&artid=8189

Uyangoda, Jayadeva (1998): Biographies of a Decaying Nation-State, in: Tiruchelvam, Mithran and Subbanarasimha Dattathreya (Eds.): *Culture and Politics of Identity in Sri Lanka*. Colombo: International Centre for Ethnic Studies.

Uyangoda, Jayadeva (2004): The Present Crisis: A Way Out, in: *The Daily Mirror*, July 9.

Uyangoda, Jayadeva (2007): *Ethnic Conflict in Sri Lanka: Changing Dynamics*. Washington: East West Center.

Waltz, Kenneth N. (2000): Structural Realism after the Cold War. *International Security*, 25(1), 5-41.

Weber, Max (1978): *Economy and Society: An Outline of Interpretive Sociology*. Edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press.

Wils, Oliver, Ulrike Hopp, Norbert Ropers, Luxhi Vimalarajah and Wolfram Zunzer (2006): *The Systemic Approach to Conflict Transformation*. Berlin: Berghof Foundation For Peace Support.

Wilson, Alfred J. (1988): *The Break-up of Sri Lanka: The Sinhalese-Tamil Conflict*. London: C. Hurst & Co.

Wilson, Alfred J. and A. Joseph Chandrakanthan (1998): Tamil Identities and Aspirations, in: Conciliation Resources (Ed.): *Demanding Sacrifice: War and Negotiation in Sri Lanka*. London: Conciliation Resources.

Winslow, Deborah and Michael D. Woost (Eds.) (2004): *Economy, Culture, and Civil War in Sri Lanka*. Bloomington: Indiana University Press.

Zakaria, Fareed (1997): The Rise of Illiberal Democracies. *Foreign Affairs,* 76(6), 22-43.

Zartman, William I. (1985): *Ripe for Resolution: Conflict and Intervention in Africa*. New York: Oxford University Press.

Zartman, William I. (1995): Dynamics and Constraints in Negotiations in Internal Conflicts, in: Zartman, William (Ed.): *Elusive Peace: Negotiating an End to Civil Wars*. Washington D.C.:

Brookings Institution Press.

Zirakzadeh, Ernesto Cyrus (2006): *Social Movements in Politics: A Comparative Study*. New York: Longman.

Annex 1:   Acronyms

ACTC   All Ceylon Tamil Congress
BATNA   Best Alternative To a Negotiated Agreement

CFA	Ceasefire Agreement
EPRLF	Eelam People's Revolutionary Liberation Front
FP	Federal Party
GoSL	Government of Sri Lanka
HRC	Human Rights Commission
HSZs	High Security Zones
ISGA	Interim Self-Governing Authority
LTTE	Liberation Tigers of Tamil Eelam
NESOHR	North East Secretariat On Human Rights
PDS	Planning and Development Secretariat
PTOMS	Post Tsunami Operation Management Structure
SDN	Sub-Committee on De-escalation and Normalisation
SGI	Sub-Committee on Gender Issues
SIHRN	Sub-Committee on Immediate Humanitarian and Rehabilitation Needs
SLFP	Sri Lanka Freedom Party
TELO	Tamil Eelam Liberation Organisation
TNA	Tamil National Alliance
TRO	Tamils Rehabilitation Organisation
TUF	Tamil United Front
TULF	Tamil United Liberation Front
UNF	United National Front
UNP	United National Party
UPFA	United People Freedom Alliance

Annex 2:   Chronology

Compiled from timelines published by Conciliation Resources (2008) and British Broadcasting Corporation (2008) and from references in bibliography, especially Bose (1994), Winslow and Woost (2004) and Goodhand and Klem (2005).

1802	Ceylon becomes a British colony.
1833	British bring entire island under a single administration for the first time in its history
1915	Ceylon's first ethnic riots: Sinhalese clash with Muslims in Kandy
1948	Ceylon gains full independence on February 4. New constitution maintains the unitary state established under colonialism. One million Upcountry Tamils stripped of citizenship
1949	Federal Party formed, led by SJV Chelvenayagam.
1956	'Sinhala Only' Act (No 33) passed by SLFP government. Tamil protests in north results in military crackdown. Over 100 people die in anti-Tamil rioting.
1958	The 'Bandaranaike- Chelvenayagam' agreement on power-sharing struck, but abrogated by the government after Sinhala nationalists protest. Anti-Tamil riots leave hundreds dead and 12,000 displaced.
1962	Policy of recruiting only Sinhalese into the military is adopted.
1965	The 'Dudley-Chelvenayagam' agreement is reached, but consequently abrogated by the government amid Sinhala nationalist anger.
1970	'Standardisation' (measures that restrict Tamils' access to higher-education) introduced.
1971	Armed uprising by the left wing, ultra- Sinhala-nationalist JVP in the south is crushed, thousands die.
1972	New Republican constitution privileging Sinhalese is passed by SLFP government which has won an election landslide. Buddhism is given primacy as country's religion and island's name changed from Ceylon to 'Sri Lanka'. Tamil parties unite to form Tamil United Front (TUF). Armed militant group Tamil New Tigers (TNT) formed.
1976	TUF renamed Tamil United Liberation Front (TULF), passes 'Vaddokoddai Resolution' calling for an independent state of Tamil Eelam. TNT becomes the Liberation Tigers of Tamil Eelam (LTTE)
1977	TULF sweeps elections in Tamil areas on one point programme seeking a mandate for an independent state of Tamil Eelam. More than 1,000 die in anti-Tamil riots.
1978	Second Republican constitution passed, creating powerful executive presidency, weakening Parliament.
1981	Militancy grows. Military repression stepped up in north, anti-Tamil rioting elsewhere. Ministers lead police in torching Jaffna public library, a key depository of documents on Tamil history and culture.
1983	LTTE's first significant attack: 13 soldiers killed in ambush. Massive anti-Tamil pogrom erupts after state funeral for soldiers. Over 3,000 people are massacred and over 150,000 flee to north. Sixth Amendment to constitution, outlawing advocacy of independence. Thousands of radicalised youth join guerrilla movements, including LTTE.
1983-85	Conflict escalates into all-out war in Northeast.
1985	India brokers peace talks in Bhutan capital, Thimpu. Tamil groups, including LTTE, form single front, put forward 'Thimpu Principles' for a solution, which government rejects. Talks collapse.

1987	India and GoSL sign agreement – Indo-Sri Lanka Accord. Indian Peace Keeping Force (IPKF) arrives to enforce treaty and disarm LTTE. Heavy fighting follows across Northeast for three years.
	JVP launches second armed insurrection. State forces respond with bloody counterinsurgency. An estimated 60,000 Sinhala youth are killed.
1988	GoSL begins peace talks with LTTE.
1990	Having crushed JVP rebellion, GoSL orders Indian troops out. Peace talks fail. LTTE begins establishing civil administration in its controlled areas.
1991	Former Indian Premier Rajiv Gandhi is killed by a suicide bomber. India blames the LTTE and bans it.
1993	President Premedasa killed in a bomb blamed on the LTTE. Military stalemate emerges in Northeast
1994	LTTE begins talks with new government.
1995	Talks break down. War resumes with new ferocity.
1996	GoSL forces capture Jaffna peninsula. LTTE moves civil administration to Vanni region on mainland. LTTE bombs central bank, killing 150 and overruns Army base at Mullaitivu
1997	United States bans LTTE.
	GoSL launches largest ever offensive, to capture Vanni. It is aborted after 18 months.
1998	Government bans LTTE after bomb blast at 'Temple of the Tooth' in Kandy
1999	Norwegian facilitation begins quietly. LTTE launches major offensive, recapturing most of Vanni.
2000	LTTE overruns largest military base at Elephant Pass. President Kumaratunga formally asks Norway to explore peace talks. GoSL rejects LTTE offer of ceasefire.
2001	Britain bans the LTTE.
	Major Army offensive in Jaffna fails. High profile LTTE attack on Sri Lanka's international airport severely damages economy.
	LTTE begins talks with opposition UNP. UNP-led coalition, contesting on a platform of talks with the LTTE, narrowly defeats SLFP-led coalition.
	Four largest Tamil parties unite to form the Tamil National Alliance (TNA) which wins several seats on a platform backing LTTE as Tamil representatives.
	LTTE offers ceasefire, new government reciprocates. Norwegian peace initiative accelerates.

Norwegian Peace Process: 2002-2005

2002	LTTE and GoSL sign Ceasefire Agreement (CFA) on February 22. GoSL lifts embargo on LTTE areas and opens A9 highway through Vanni to Jaffna.
	GoSL lifts ban on LTTE and Norwegian facilitated talks begin. GoSL rejects 'interim administration' for Northeast, but agrees to jointly solicit international reconstruction aid.
	In November, both sides participate at first of three international donor conferences.
	In December, LTTE and GoSL agree to 'explore' federalism as a solution to the conflict – the 'Oslo Declaration'.
2003	Acrimony sets into peace process. LTTE protests humanitarian crisis is being ignored by GoSL and military is refusing to implement 'normalisation' clauses in CFA, preventing resettlement of displaced Tamils.
	Navy attacks and sinks LTTE ships, saying they are carrying weapons. Low intensity cycle of violence between military-backed paramilitaries and LTTE begins.
	LTTE 'temporarily suspends' participation in talks, citing exclusion from second donor conference in Washington and continuing humanitarian crisis. LTTE also refuses to attend third and largest donor conference in Tokyo. Donors sign up to 'Tokyo Declaration' and pledge $4.5bn of aid for Sri Lanka; aid for Northeast (estimated at 15%) is made conditional on 'progress' towards federal solution.
	LTTE calls for new talks on an 'interim administration' for the Northeast and puts forward ISGA proposals. President Chandrika Kumaratunga (of the SLFP) seizes three key ministries from UNP government. Citing 'lack of clarity' on who is in charge, Norway suspends peace facilitation role.
2004	President Kumaratunga prorogues parliament and calls fresh elections. Her SLFP-led coalition defeats the UNP. The TNA contests on a platform backing the ISGA proposals and wins almost all seats in Tamil areas.
	The LTTE's eastern commander, Col. Karuna, rebels against movement's leadership. The rebellion is put down after six weeks, but Karuna defects to the Army. 'Shadow war' between LTTE and paramilitaries escalates.
	Norway resumes peace facilitation, but talks remain stalled amid disagreement on agenda.
	Indian Ocean tsunami devastates the island's northern, eastern and southern coasts. 30,000 people, ten thousand from each of Tamil, Muslim and Sinhala communities, are killed.
2005	The international community responds to tsunami with large amounts of aid. Donors call on both sides to agree an aid sharing mechanism. After six months of talks, agreement is reached on PTOMS but its validity under the constitution is successfully challenged in Supreme Court by Sinhala nationalists.
	'Shadow war' continues to escalate. Sri Lanka's Foreign Minister is assassinated. TNA Parliamentarian Joseph Pararajasingham is assassinated.
	SLFP candidate, Mahinda Rajapakse wins the Presidential elections after campaigning on a Sinhala nationalist manifesto.

Renewed conflict: 2006-2008

2006	Norway secures talks in Geneva in February. Both sides commit to CFA, but violence escalates. In April a suicide bomber wounds Army Commander. GoSL responds with a bombardment of Sampur region, displacing 43,000 more people.
	The European Union and Canada ban the LTTE.
	Heavy fighting breaks out in late July in the eastern province and spreads to the north, where both sides launch unsuccessful offensives. GoSL closes the A9 route, isolating Jaffna peninsula.
	Another round of negotiations, Geneva II fails to secure any agreement. GoSL splits the North and East provinces, which had been merged in 1987 Indo-Sri Lanka Accord.
2007	GoSL steps up offensives. In July it announces it has 'liberated' the Eastern province. The LTTE unveils Air Wing, carrying out three airstrikes on Colombo. In October LTTE attacks Air Force base at Anuradhapura. In November, the LTTE's Political Chief and Chief Negotiator, S. P. Thamilselvan, is assassinated in an Air Force air strike.
2008	The GoSL abrogates the 2002 Ceasefire Agreement. All out war continues.

About the Authors

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