

## Third World Avoidable Crisis: Mismanaging National Legitimate Grievances

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### INTRODUCTION

Wars and insurgencies of various types and sizes shaped the history of human kind. War, being the most destructive activity in human behavior, has been principally the benchmark of changes in almost all political systems in history. As such, one can assert that war, or armed conflicts, have been primarily the point of reference throughout history.

This paper will demonstrate that two types of insurgency initiated the civil war in Sri Lanka: Reformist and Preservationist. Both inadvertently led to the quest for Secessionism by the Tamils. This paper will demonstrate that the Tamil community were initially Reformist and then became Secessionist as a direct result of the intransigence of the Sinhalese that led to the marginalization of the Tamils. In addition, the prospect of peace between both groups will be analysed in a society polarized and filled with mistrust of each other. However, an overview of civil wars and insurgency must be

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provided to offer the groundwork and demonstrate the correlation between both activities.

Civil war, a type of armed conflict or war, which involves fighting among two or more factions within a state,<sup>(1)</sup> has plagued societies since the inception of the modern state system albeit to various intensity. To a large extent, war has been a means by which society's objectives are achieved, goals are attained and which settles grievances. There are varying discourses surrounding the validity of Clausewitzian principle of war as "*continuation of politics by other means*".<sup>(2)</sup> However, in reality, civil wars are still fought over a perceived grievance, injustice that are based on but not limited to political power (marginalization), culture, ethnic status and language, and as such civil wars are continuation of politics by other means.

Donald Horowitz describes "status conflict" as being at the core of civil wars. Status, including ethnic status, is expressed through institutions. That is, conflict fought over position, rank, culture and class standing in a multi ethnic society. Harvey Waterman asserts "whatever else they may be, civil wars are conflicts over political order".<sup>(3)</sup> He continues by stating that such wars may arise when an existing order is challenged and their termination is dependent on the agreement of a new one. Hence, violence or war is used as means to an end. The end is often then pursued in order to rearrange the political setting and tilt the power balance in their favour, which is reminiscent of the realist doctrine of international politics.

Equally, insurgency more or less falls within the same parameters of civil war, which is to alter in whatever degree the basis of legitimacy and power structure of a political order. Bard O'Neil defines insurgency as a "struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources (e.g., organizational expertise, propaganda, and demonstrations) and violence to destroy, reformulate, or sustain the basis of legitimacy of one or more aspects of politics".<sup>(4)</sup>

Not all insurgencies lead to civil war. In fact, most insurgencies are based on changing the political and economic system based on one they subscribed to, e.g., changing democracy to Marxism to create an egalitarian society as

evident by the Malayan Community Party, the New People's Army in the Philippines, the Shining Path in Peru. However, there are those that led to civil war such as the Bolshevik Revolution in Russia, the confederacy in the American Civil War, the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka, and the short lived Biafara Republic in South East Nigeria. The type of insurgency that might lead to civil war depends of the category and type, the ultimate goals of insurgent movements and the type of politics they focus on.<sup>(5)</sup>

### **CORRELATION BETWEEN INSURGENCY AND CIVIL WAR**

The correlation between insurgency and civil war will be discussed here in the context of scholarly theory. Bard O'Neil and Gen. Edwards Meyer, two of the world's foremost authority on Insurgency and Terrorism, assert that there are seven types of insurgencies: anarchist, egalitarian, traditionalist, pluralist, secessionist, reformist and preservationist.<sup>(6)</sup> Only secessionist, reformist and preservationist will be discussed here as the others fall outside the scope of this paper.

Secessionist insurgents renounce the political community of which they are formally a part. Bard O'Neil asserts, "They seek to withdraw from it and constitute a new independent political community".<sup>(7)</sup> He explains that the political system that secessionist would establish varies between groups. O'Neil notes that, "whatever the type of system they favour; the primary goal that inspires their efforts is secession". Examples include Eritrean and Afar liberation organizations in Ethiopia, South-West African People's Organization in Namibia, Kurdish insurgents in Iraq under the the Baath party, radical Sikhs of Kkalistan Liberation Front in India; and the Vietnamese and Algerian wars of independence. It is evident that among the different groups fighting for independence or for secession, there exist different types and reasons for these secessionist movements. Some in the pre-independence era fought to be free from foreign rule of influence; other movements in the post- independence period in the newly created political entities have fought for their own interest, incompatible goals and opposing

and often irreconcilable ends. Others who do not fall into these categories, like the Russian and American civil wars, have often fought over different political ideas and economic goals. In more recent times, the Sudanese Liberation Army in Christian Southern part of the country tries to secede from the Northern Islamic dominated government due to the incompatibility of their political goals and directions driven by two sets of irreconcilable religious systems.

O'Neil believes that the Reformist insurgency is by far the least ambitious of all. He notes that reformists are primarily concerned with the existing allocation of political and material sources as well as the other cultural attributes, which they consider discriminatory and illegitimate.<sup>(8)</sup> O'Neil points out that essentially they demand autonomy as opposed to separation. The Preservationists are essentially oriented towards maintaining the status quo because of the relative political, economic, and social privileges they derive from it.<sup>(9)</sup> O'Neil summarizes this type of insurgent by stressing that, they seek to maintain the existing political system and policies by engaging in illegal acts of violence against non-ruling groups and authorities who are trying to effect change. Examples of these include the Afrikaner Resistance Movement in South Africa, Ulster Volunteer Force and the Ulster Defence Association who have used political tactics and violence to retain a political system and policies that they believe threatened by the IRA, Catholic moderates, the Irish Republic, and the "British capitulationists".

In light of the above definitions and explanations of the three types of insurgency and warfare, it will be demonstrated, in this paper, that the conflict in Sri Lanka clearly falls within these parameters. In addition, using theoretical constructs of experts in the field of conflict management, in particular, when dealing with the causes of civil and ethnic tensions, one will get a better picture of the complexity and difficulty in achieving a sustainable peace. This paper will also argue that for peace to fully work, the attitudes, perception and insecurities of both parties must be addressed and resolved.

## ANALYSIS OF THE CAUSES OF SRI LANKA'S CIVIL WAR

This section will analyse the causes of the Sri Lanka civil war as well as the complex interplay of state and individual level of analysis in the context of Bard O'Neil's concepts.

From observation, it is evident that the relationship between rulers and the ruled has been an important deciding factor in the healthy functioning of any given society. Specifically, the complex interactions between divergent cultures, their socio-economic and politico-ethnic relations to each other, and juxtaposing that with their relations and interactions with the legitimate authority or the state, one can argue, is undoubtedly a critical ingredient in maintaining peaceful relations in non homogeneous country. When the relation between the ruling group, class, or elite and the nonruling group loses its legitimacy, the propensity for violence and insurrection increases significantly. When legitimacy is lacking, the resulting effect is the high propensity of these societies to rebel, jockey for power –or to replace that illegitimate figure with a more legitimate structure often through armed insurrection

Sri Lanka received its independence from Great Britain in 1948 and for decades after independence communal rivalry was kept within bounds due to the seemingly pluralistic political society and egalitarian laws.<sup>(10)</sup> However, on the ground the proportion of the Sinhalese in State education and higher education was considerably low compared to the population demographics of Sri Lanka. Thus, the Sinhalese, from the onset after independence, were actually underprivileged and to some degree marginalized within the State apparatus. The Tamils were the ethnic group who were favoured by the British, heavily educated in English and as such had a disproportionate amount of its people in higher education institutions and in State employment. Edgar O'Ballance succinctly puts it by stating,

Ceylonese political development had been slow under British colonial administration, the majority Sinhalese standing aside in silent non-cooperation, while their 'chiefs', who owed their positions to the British Governors, did nothing to upset the ruling power if

they could help it. On the other hand, the Tamil minority in general had tended to cooperate with the British administration, was more trusted by it and, accordingly, had gradually been brought into government service within their educational limits.<sup>(11)</sup>

The consequence of this was that upon independence English was supposed to be the official language of the country. If English was to be the official language and the majority of the population who are Sinhalese spoke little or no English, but were fluent and highly literate in Sinhalese, then this would put the Tamils at a position of advantage and the Sinhala at a disadvantage. Dennis Austin et al. portraying the imbalance relationship between both groups write, “there was a large following to be assembled from an electorate (enfranchised as early as 1931) which was highly literate in Sinhala but under-privileged in respect of higher education and State employment”<sup>(12)</sup>

Given this imbalance it can be argued that the Sinhalese population being the majority felt marginalized. By looking at the population distribution of the communities, Sinhalese made up of 71-74% of the population, Sri Lanka Tamils 12.6%; Muslim (Tamils) 7.1%; Indian Tamils 5.6%, and Burghers 0.3%,<sup>(13)</sup> it is evident that the Sinhalese were in a position of economic and educational weakness due to the constraints of English Language. What happened over the next couple of years paved the way for an unprecedented attempt to address this imbalance by the stroke of a pen and making Sinhala the sole official language. This was made possible, of course, by the sheer majority of the Sinhalese community voting power, and as such was able to use the institutions and instruments of power to legally change their laws to redress the imbalance by instituting the Sinhala Only Act. In addition, to empower themselves the Sinhalese government carried a very controversial program policy of Sinhalasation where Indian Tamils were made stateless, and Tamils were phased out of all public and government institutions, including the armed forces.

This is a classic security dilemma. The act by which the Sinhalese provided security, and empowerment to its own by addressing their

insecurity, gave rise to insecurity and a perceived sense of marginalization among the Tamils. However, the issue here is more important. In fact, the act of instituting a Sinhalese Only Act did not take into account the regional differences of the Tamils. Had the government in Colombo given the Tamils their language and political autonomy in Jaffna, their main province, and then concerns on both sides might have been addressed. But that was not the case. Attempts by the government in Colombo to accommodate the Tamils were often met with violent opposition by powerful Sinhalese interest groups due to interplay of ethno geopolitical forces and conditions, namely the Tamil Nadu State in India.

The effect of the Sinhala Language Act and policy of Sinhalaisation were devastating and widespread. It not only set the stage for violent confrontations, marginalization of the Tamils, abuse, riots, rebellion and assassinations. It also set the stage for further abuse of power by the Sinhalese majority that pushed the Tamils from demanding autonomy and language rights to outwards secession. It encouraged or made it possible for insurgent groups to spring up across the Jaffna peninsula and made it possible for Prabhakaran, to form the Liberation Tigers of Tamil Eelam, a very radical and dangerous insurgent group that successfully waged a bloody civil war and created a state within a state in Sri Lanka by using a combination of hit and run tactics, guerrilla warfare and terrorism.

M.R. Swamy, one of the world's foremost experts on the Tamil insurgency movement in *Tigers of Lanka*, analysis the domestic interplay and factors that led to the discontent of the Tamils. He distinctly shows the slow transformation among the Tamil from one of reforming the system to becoming openly hostile and moving towards secession. For example, he points out that first and foremost, the beginning of the grievance was the passage of the "Sinhala Only Act" following independence by Prime Minister Bandaranaike that effectively made Sinhalese the sole legal official language in the country. Consequently, this broke the agreement signed with the British to maintain English as the official language so that no group will be marginalized.<sup>(14)</sup> Allan J. Bullion laments "the Official Language Act Number 33 of 1956 served to consolidate and symbolize the emerging ethnic

strife. ‘Sinhala Only’ and ‘in 24 hours’ were the populist slogans adopted to galvanize Sinhalese parochialism and chauvinism, feeding off a sense of grievance and discrimination, which was to germinate into a ‘definitive image of Sinhalese-Buddhist hegemony’.<sup>(15)</sup>

If one can remember from earlier theoretical assertion by the practitioners of Managing Civil Wars-there is a strong casual linkage between the perceived injustice on the Tamils part, the grievances of the Tamils and the radicalization of the Tamil communities across Sri Lanka. Although a strong positive correlation does not necessarily mean causation, in the case of Sri Lanka, the contrary applies. For reason had given way to passion, and paraphrasing Waltz since “war begins in the hearts of men”, it was clearly evident that war had begun in the hearts and minds of the Tamils. Thus, if the hearts of the Tamils were set on war, then that was the only option. But to what degree did the Tamils feel marginalized and threatened due to the imposition of Sinhala on them? Also to what impact, if any at all, did the policy of Sinhalasation have on the Tamils?

Edgar O’Ballance writes, “During Mrs. Bandaranaike’s first period (1960-1965) she steadily phased out Tamils from the armed forces, civil service and all forms of government employment.”<sup>(16)</sup> In addition, the Sinhalese brought in “The Citizenship Act” which defined Tamils in two categories. One was ‘Ceylon Tamils’, meaning those who were indigenous, and the other was ‘Indian Tamils’, often referred to as plantation Tamils as they and their forbearers had come to Ceylon in the 19<sup>th</sup> and 20<sup>th</sup> Centuries to work on the plantations that developed in that period. By creating this definition, the government in Colombo essentially dis-empowered and divided the Tamil community so as to deport the Indian Tamils back to India where their ancestors came from. In illustrating the severity of the magnitude and the harsh policies of the Colombo government and how it created such anguish and a feeling of helplessness among the Tamils, O’Ballance writes, “The Citizenship Act virtually made Indian Tamils stateless, and there was a considerable Sinhalese opposition to granting them Ceylonese citizenship.”<sup>(17)</sup>

Further, to highlight the negative effects of the Colombo government and how it adversely affected the lives of Tamils as well as how it further marginalized them from the political process M.R Swamy points out that,

Bandaranaike was, however living in a different world. Her government went about enforcing the “Sinhala Only Act”, forcing even courts to conduct their business in Sinhala. Tamils were given birth and tax certificates, passports and land titles in Sinhala. In the universities and government offices in the northeast, all forms were in Sinhala...Sinhala were to be taught in Tamil schools and the government further noticed that job seekers should be proficient in Sinhala...Several Tamils government employees were dismissed...<sup>(18)</sup>

Using the realist theory first image analysis, Kenneth Waltz (1958) asserts that the locus of the important causes of war is found in the nature and behavior of man.<sup>(19)</sup> He asserts that war begins in the minds and emotions of men. Thus, if this is the case can these minds and emotions be changed? In the case of the Tamils, it will be demonstrated that their minds were changed due to their grievances.

Communities often fight over political power in order to achieve an end. Some will use war to achieve their means in the face of an unyielding and uncompromising ruling group. According to Seyom Brown (1994) there are several conditions explaining why communities may resort to war. These conditions usually revolve around the following issues: coveted resources, defending and spreading ways of life and culture, power rivalries, and challenging established political regimes.<sup>(20)</sup> In recalling Bard O’Neil’s seven types of insurrections, one can see a positive correlation between the causes of war listed by Seyom Brown (defending and spreading ways of life and culture, power rivalries, and challenging established political regimes) and the three areas of focus for this essay namely, preservationist, reformist and secessionist.

Indeed the events that occurred undoubtedly led to militancy and war. The hearts and minds of the Tamils were grieving and they felt that their

only recourse to protect their rights, freedom, culture and existence was to secede. As evidence of this, and of the things and violence to come, Swamy quotes Leslie Goonewardene. A moderate Sinhalese MP who 15 years earlier was concerned about the Tamil injustice, she argued, “if a minority felt that a grave and irreparable injustice was being done to them, there is a possibility of their deciding to break away from the rest of the country”.<sup>(21)</sup> Given such circumstances, one can ask, what can the minority do if the tyranny of the majority cannot be checked? On many occasions that the Tamil tried to protest peacefully or to legally challenge their loss of language privileges, they were often attacked brutally and suppressed by members of the Sinhalese society especially the Buddhist monks and government officials. Two examples of such incidence of violence:

... Buddhist monks in support of the legislation punched on the protestors and trashed them. The police stood watch as the Tamils were kicked, beating and spat upon.<sup>(22)</sup> On another event, the Tamils came under marauding attacks all over the Pollonaruwa, Batticaloa as well as Colombo and its suburbs, precipitating a massive exodus of Tamils to the North, After four days by which time hundreds of Tamils has been killed or wounded, Governor-General Sir Oliver Goonetilleke proclaimed a state of emergency. More that 20,000 Tamils had to be sheltered in refugee camps in the Sri Lankan capital.<sup>(23)</sup>

M.S Kulandaswamy looking at this from the viewpoint of being a Sinhalese writes,

According to official sources the number of dead was 400 and 100,000 were rendered homeless. Outside Colombo there were 175,500 refugees...Mobs beat to death Tamils who strayed from the security of the refugee camps or their homes...<sup>(24)</sup>

It is common knowledge that it is the responsibility of the government to ensure the security and safety of all its citizens, and that they are free from harm from any mob, group or gangs wishing to supplant them or violate

their inalienable rights. Rather than to offer aid and support to the Tamils, instead President Jayewardene blamed the Tamils for the mayhem for demanding a separate state. Kulandaswamy writes, “He neither condemned the rioters nor offered consolation to the victims. He laid blame for the mayhem on the Tamils for demanding a separate state; he further announced a constitutional amendment banning separatism would be put into effect”<sup>(25)</sup> Since the relationship between rulers and the ruled had been an important deciding factor in the healthy functioning of any given society, the behavior of the President undoubtedly not only aroused the anger of the Tamils, but the Colombo government lost its legitimacy; and when legitimacy is lacking, the resulting effect is the high propensity of these societies to rebel and jockey for power. This was one of the incidents that further eroded the legitimacy of the Colombo government and forced the Tamils to come to the realization that they can only be free and at peace in an independent state.

William Zartman argues that in internal conflict the rebels seek to redress grievances within the rules established in the government. When people are unable to receive adequate satisfaction from their political institutions, their rebellion evolves into a new form of violence. Despite several attempts by the Tamil communities to pursue change through legitimate and peaceful means, nothing occurred. In fact, after several years of pressure and negotiations between Colombo and the Tamil leadership over the need to revise the constitution to be inclusive and secular, the Prime Minister Bandaranaike nonetheless “brought forward her promised Republican constitution that sanctified Sinhala’s official status and gave Buddhism a pre-eminent status in Sri Lanka in 1972. One needs to remember that the Tamils are Hindu but during the quest for independence the country agreed to have a secular state. The move by the government in Colombo to declare the religion of the Sinhalese as the state religion further alienated moderate Tamil political parties (Federal Party and the Tamil Congress) who wanted reform.

In response to all of the changes, the Tamil parties united to form one party called the Tamil United Front (TUF) and they effectively proclaimed that the new constitution brought about “a new situation”.<sup>(26)</sup> Consequently,

the Tamils placed demands on the government in Colombo and the following interaction took place,

The TUF placed six demands before the government: a defined place for decentralization of the administration; fundamental rights of the minorities should be written into the constitution; abolition of caste system; and citizenship to all those who seek it. The government was in no mood to listen. The new constitution declared that the “Republic of Sri Lanka shall give Buddhism the foremost place and accordingly it shall be the duty of the state to protect and foster Buddhism”. On the language front it, said: “The Official Languages Act of 1956...that all laws shall be made or enacted in Sinhala...that the language of the courts and tribunals shall be Sinhala throughout Sri Lanka and accordingly, their reports, pleadings, proceedings, judgments, orders and so on shall be in Sinhala.”<sup>(27)</sup>

In addition, observers and political experts that after the adoption of the new constitution many Tamils in Jaffna took to the streets waving black flags, while the Tamil leaders warned that the Tamils were being pushed to the wall declared it. In his own analysis Swamy simply writes, “The ethnic divide, which would bleed Sri Lanka within a decade, had reached a breaking point”.<sup>(28)</sup> Also, in 1973 the government announced a new university admission policy in Colombo called ‘Standardization’. Accordingly, a Tamil average student had to obtain a higher total of marks than a student of Sinhala average to enter university, especially the medical, engineering and sciences faculties.<sup>(29)</sup>

It is undoubtedly irresponsible for any ruling class to act in such a manner over a period of time and believe that there will be no consequences. Many wars have been fought over religion, language and other cultural attributes. An individual’s culture is the very identity of a particular person or group. It tells them who they are, their history and their place in society. It is the foundation of any community and civilization and, as such, wars have been fought to preserve or advance one’s culture. Even in the developed world, case point Canada, Quebec a francophone minority felt marginalized.

While many other issues were at the forefront, marginalization was primarily due to linguistic challenges that prompted Ottawa, under the government of Pierre Eliot Trudeau, to implement bilingualism and allow the protection of the French language and culture in Quebec.

In addition, another example can be highlighted, in the developing world. In Sudan, the attempts by the Northern government in Khartoum to implement Shari'a all over the country and make the sole language Arabic, resulted in a 30 year civil war between the Christian/animist black Africans in the South and the Arabs in the North.<sup>(30)</sup> As such, it was only a matter of time before the Tamil's redressed their grievances forcefully if they cannot be achieved peacefully.

Can one accurately say that by making Sinhalese the sole official language of the country this jeopardized the internal cohesion and national integration of all groups in the country? Also, can the adoption of one religion over the others as the state religion in a purportedly secular state create strong grievances that would lead to militancy in the Tamil areas? In fact, one can argue that the answer to above questions is 'yes.' Essentially, no matter how one looks at the above issues, all of them combined to marginalization and the loss of one's culture and Heritage. According to Seyom Brown (1994) there are several reasons why communities may resort to war. These conditions usually revolve around the following issues: coveted resources, defending and spreading ways of life and culture, power rivalries, and challenging established political regimes.<sup>(31)</sup>

Several attempts were made by the Tamil community for decades to try to bring about change peacefully and legally, that is, within the parameters of legitimate legal norms and parliamentary reforms. When a marginalized group is not being given a chance to peacefully address their grievances, or when the government institutions are not amenable to objectively redressing an aggrieved group, then radical steps, including the possible use of violence will be taken to bring about change. When a government is indifferent to a minority in its community and subsequently to their grievance then it is inevitable for radicalism on all sides to use this opportunity to further their cause, violently. Several anti Tamil riots occurred in Sinhalese dominated

regions and in the capital of Colombo often perpetrated and led by Buddhist monks and other political groups to intimidate the government so they would not give concessions to the Tamils. In response, the Tamils began to attack Sinhalese minorities in retaliation and soon events deteriorated into insurrection, and then Civil War. Allan J. Bullion in his own analysis of the Sri Lankan conflict and on the genesis of the Tamil Liberation Struggle comes to the viewpoint that years of the Tamils being marginalized and oppressed by the hands of the Sinhalese undoubtedly led the demands for secession. Hence, Allan J. Bullion puts it simply by stating:

Since independence was attained in 1948, it has been argued that there has been a systematic and steady erosion of the powers that Sri Lankan Tamils once enjoyed under the British Colonial Structure. As a result of this, it is furthermore argued that that this downward spiral has led to increasing political alienation and polarization, with the resultant violent and seemingly intractable impasse of the 1980s. Thirty years of Tamil political moderation and accommodation were supplanted after 1976 by secessionist demands for a new separatist state called 'Tamil Eelam', carved from the north and east of the islands, regarded as the traditional 'Tamil Homelands', established by the 'Cleghorn Minute' of 1799.<sup>(32)</sup>

Hitherto, the Tamils were still willing to make change peacefully and they still saw themselves as part of Sri Lanka. But the more Colombo was hostile and insensitive to their demands, the more they became radicalized. Edgar O'Ballance writes, "A number of Tamil resistance groups began to appear in the early and mid-1970s...For convenience these can be known as the 'Tamil Five' groups. The first of them to surface, in 1974, was the 'Tamil Eelam Liberation Organization' (TELO), led by S. Thangathurai, which developed as a paramilitary body dedicated to the armed struggle".<sup>(33)</sup> To understand how deep the Tamil culture was threatened Swamy states,

Bandaranaike had in the meanwhile begun to take a hard line towards Tamils, cutting off foreign exchange for Tamil students

going to India for higher studies, banning the import of Tamil films, books and magazines from Tamil Nadu and proscribing the small Dravida Munnetra Kazhagam (DMK) party in Jaffna. The “Sinhala Only” legislation, which virtually turned Tamils into official illiterates, was beginning to have its effect on Tamil psyche.<sup>(34)</sup>

The first sign of the changing tides that led to the demand for outright secession appeared in the 1970s. One cannot blame the Tamils since after decades of prolonged legal and constitutional challenges to the government of Colombo on the need to respect their culture, nothing was done. In fact, they were even further repressed on each attempt. Thus, in the 1975 election, M.R. Swamy observed something never heard off among the Tamil populace:

“It was this election campaign which threw up the idea of Tamil Eelam”, Amirthalingham said later. “While electioneering in the constituency of Kankesanthurai, we found our audience demanding a separate state for Tamils. Our audiences used to ask us amidst our speeches why we were begging for our legitimate rights, why we did not seek to establish our own state for the Tamil People” (Pg. 20).

Until then, never before had the people of Tamil publicly demanded and encouraged their political leaders of the need to fight for their own state. Sad to say, at this time there was nothing stopping the events that were about to unfold and plunge Sri Lanka into a civil war as a direct result of the intransigence of the Sinhalese. Even if one is to argue that the political elite saw no need for separation, it was only a matter of time, 5 years to be exact, before the political leadership demanded separation from the government in Colombo if autonomy was not given to them. Dennis Austin and Anirudha Gupta highlight this point by writing, “...and on this basis its leaders began, in the early 1980s to argue that Sri Lanka should be reconstituted as a Union of (two) States, each with substantial autonomy. When this was rejected, the demand grew for outright separation-Eelam as a sovereign entity.”<sup>(35)</sup>

One can argue that the Tamil's only recourse was then to use violence to achieve their objectives since attempts to protect their culture and tradition through peaceful means failed. Many analysts have argued that it is almost impossible to set a date for the origins of Tamil militancy in Sri Lanka but this much is true, that the five militant groups that openly launched insurgency warfare to achieve an independent state all started around 1974-1976: the Tamil Eelam Liberation Organisation (TELO) was established in 1974, the Eelam Revolutionary Organisation of Students (EROS) was established in 1975, People's Liberation Organisation of Tamil Eelam (PLOTE) was established in 1979, the Eelam People's Revolutionary Liberation Front (EPLF) was established in 1980 and the Liberation Tigers of Tamil Eelam (LTTE) or the Tamil Tigers, was formed in 1976.<sup>(36)</sup>

The LTTE led and founded by Velupillai Prabhakaran is the most important resistant group that still garners worldwide attention and is crucial to any peace deal. In fact, due to the Tigers fratricide of other militant groups, it is now the sole voice of the Tamils in their quest for independence and is the only significant players in any peace deal or treaty that might come about one day. This paper will not dwell on the insurgency methods, modes and tactics of attack as it is beyond the scope of this work.

With the entire negative activities done by the Sinhalese majority through the government in Colombo, can their actions and policies of marginalizing the Tamils be simply based on pure indifference, prejudice and racism? Or is there a more complex factor affecting the perception of Colombo and the Sinhalese community?

The creation of the state system in its current structure is a European based institution derived from the experiences, cultures and thinking of Europe. Throughout the developing world, the prevalence of civil wars are attributes of the legacies of colonial times where boundaries were arbitrarily drawn without regard for local ethnic communities. In other cases, the colonial masters often choose one group over the other as favourites. What resulted is the exaltation of whichever group that is subservient to the colonizers over other groups and which places them in position of political and economic dominance of the polity. A result of this might be ethnic

tensions simmering towards the ruling group, as this ruling group might feel that it is their divine right or legal right to rule the society. Case in point is the coups and counter coups in Nigeria that have dominated the political structure for decades as the Northern Clique feel that it is their divine right to rule the country.<sup>(37)</sup> Although a minority, they believe since the British handed them power, that is tantamount to divine right. This is not to say that the same situation occurred in Sri Lanka in its totality, but the British indeed favoured the Tamils over the Sinhalese during colonization.

However, what happens when due to the advent of democracy the non-favoured group uses its sheer majority voting power to totally redress the imbalances in an unfair and vindictive manner? Sri Lanka is the result. Undoubtedly some adjustments had to be made to empower the Sinhalese community, but it is evident that the government went too far. In its process of empowering the Sinhalese, the government completely disempowered, marginalized and intruded on the cultural livelihoods of the Tamil minorities. But what can explain such behaviour when several attempts were made by all Tamil groups to make change peacefully and legally? The Centre for Security and Conflict Studies in the United Kingdom sheds light on another factor at play, namely, the historical factor and State level of analysis.

The historical factor and the state level of analysis are different but intertwined in this respect. The Sinhalese perceived Tamils in the context of the regional construct. In spite of an artificial European creation, of what we call a state, it does not mean that societies thousands of years old suddenly view race relations within this limited scope or artificial construct. The Sinhalese saw the Tamils as part of the Tamils in the greater Indian context and as such felt that they were indeed a minority and not a majority in the sub-Indian proper. Dennis Austin and Anirudha Gupta in *The Cyanide War* bring forth their viewpoint to explain the domestic and external (international) context, when they write, “The political geography of the island has compounded its woes. If Sri Lanka were not so close to India, its troubles might be fewer.”<sup>(38)</sup>

In their analysis, Dennis Austin and Anirudha Gupta argue that based on the history of the region between India and Sri Lanka and given that there is an Indian Tamil Nadu State of 50 million Tamils just across the lagoon, Sinhalese in Sri Lanka acted in a manner to protect themselves as minorities from the bigger state of Tamil Nadu of over 50 million Tamils and also from India's influence. Particularly, this involved the introduction of the 'Sinhalese Only Act' and the adoption of Buddhism as the sole official state religion despite the fact that it contravened the independence agreement of having a secular state and using English as the sole official language. Dennis Austin and Anirudha Gupta point out that the Sinhalese saw themselves in the context of 12 million of Sinhalese against 50 million Tamils. In explaining their viewpoint they write,

But Sri Lanka is not an island in mid ocean. Nor are the Sinhalese leaders at ease in their own country. They are a majority, bemused and beset with fears more appropriate of a minority. And that, indeed, is how they see themselves in the wider context of the sub continent. For when India is added to the equation, the 14 million Sinhalese cease to be a majority. Across the narrow stretch of water lies the Indian State of Tamil Nadu with 50 million Tamil inhabitants who are understandably concerned with the plight of the beleaguered 800,000 Tamils in Sri Lanka.<sup>(39)</sup>

As a consequence, one can argue that from the Sinhalese perspective they were the minority. Given this, one can better understand the complex interplay of ethnic and anthropological factors that affected the distribution of power in Sri Lanka.

Further, on the State level of analysis, Colombo was always suspicious of New Delhi and was resentful of the Aryan dominance in the past. It has been argued that loss of culture and subsequent marginalization are one of the causes of civil wars. Thus, it is understandable that the Sinhalese feared the loss of their own culture. This was further strengthened by the fact that across the Palk Strait there was the Tamil Nadu state of 50 million, with the central government in New Delhi using the Tamil minority as an excuse to

keep a tight watch over Colombo affairs. Dennis Austin and Anirudha Gupta respond to this by illustrating the following:

Into this delicate pattern of large and small power relationship has to be placed in the complicated position of the Indian State of Tamil Nadu. Like its neighbours, Kerala and Karnataka, the State is wary of the central government in New Delhi, and its inhabitants resent the past record of Aryan dominance. Sinhalese linguistic nationalism in Sri Lanka in the 1950s actually had its counterpart among the Tamil-speaking populations of Tamil Nadu and was partly in answer to its growth.<sup>(40)</sup>

In addition, Alan J. Bullion, in his analysis, argues that the Sinhalese always viewed the Tamils in the context of history and religion, and he points out that the Sinhalese felt insecure of their minority status in the sub Indian region due to these factors. Allan J. Bullion succinctly sums of his viewpoint by writing:

Thus the modern Sinhalese have increasingly regarded themselves as the protectors of the true Thereveda Buddhist home of the *Dharma* 'righteousness', in the face of the perceived threat from fifty-five million Tamils across the Palk Strait in Tamil Nadu as well as from the Sri Lankan and Indian 'brethren' in Sri Lanka, who collectively comprise some 18.2 per cent of the population.<sup>(41)</sup>

Hence, one can see that according to the Sinhalese, there were in fact protecting their heritage and culture from the mighty weight of India.

Given all the above developments and the differences in perception of both groups as to what constitutes marginalization, one can ask what are the prospects of peace in Sri Lanka and how can this be achieved? In spite all that has occurred over the years and the years of war crimes committed by both sides, can they ever learn to trust each other again and exists together under the same European political construct called Sri Lanka? The next section will attempt to address these question more succinctly using theoretical analysis and conclude with the discussion that the best solution

might be a power sharing agreement, albeit on different levels, but under the concept of consociationism. It will also be argued that only by granting the Tamils significant autonomy, that is to create a federation, will lasting peace truly hold. In addition, the maxim “the past is the key to the future” is often used among geologists to illustrate the importance of understanding and reconciling past events to the present, in order to have a clear picture of the future. As such, it will be argued that it is of outmost significance that for peace to truly flourish in Sri Lanka, a Truth and Reconciliation commission must established to reveal atrocities committed by both sides.

### **PROSPECTS FOR PEACE**

Regardless of all the horrors of war, for all the destructive behaviour humans engage in during armed conflicts, and no matter the duration of any war, this much is fact; peace eventually comes to societies driven by war. This logic also applies to the conflict in Sri Lanka in the sense that eventually, the civil war will end one way or another. The war can either end when the stronger side destroys the weaker side, when both sides are at a stalemate, when both sides are tired of war, or by a concerted effort through a negotiated peace settlement. Given the history of Sri Lanka and the tumultuous years of conflict coupled with all the human rights abuses on both sides, the prospect for peace nonetheless is an achievable outcome. Indeed, there have been attempts in the past to come up with a negotiated settlement, but such attempts fell short due to spoilers on both sides as well as other societal impediments. However, as mentioned in the preceding paragraph, the most feasible achievable peace is through a political configuration of a federal system or consociation. Further, due to the horrendous experiences of the war before peace can be achieved some sort of truth and reconciliation commission must be established to shed light in past abuses and allow society to heal.

There is no doubt that there are sceptics on both sides who believe that peace is unattainable. Especially among the Sinhalese community who would not agree to any form of empowerment for the Tamils based on

cultural, ideological and religious reasons that was discussed earlier. These interest groups acted as spoilers to disrupt past peace initiatives in the late 1980s and in the 1990s.

German political theorist Johannes Althusius first used the term consociation in 1603. However, it was the eminently influential Arend Lijphart who made detailed analysis of the concept in the late 1960s when he did a comparative research of a number of European countries.<sup>(42)</sup> Lijphart has four defining features of consociational democracy, and they are as follows: a grand coalition of leaders of all significant groups; mutual veto in decision making; proportional distribution of offices and resources; and segmental autonomy expressed through federal arrangement.<sup>(43)</sup> These four features are important in multi ethnic societies. Using the realist theory first image analysis, Kenneth Waltz (1958) asserts that the locus of the important causes of war is found in the nature and behavior of man.<sup>(44)</sup> He asserts that war begins in the minds and emotions of men. Thus, if this is the case can these minds and emotions be changed? It can be argued that minds can be changed if the belligerent's feel satisfied that their grievances are met.

After years of marginalization and unaddressed grievances the Sri Lanka Tamils fought over political power in order to achieve an end, and thus used war as means. As such, it is logical to conclude that power sharing is the best and only way to ensure that their conflicts and grievances are addressed.

The reason why consociation is the best method of preventing conflict or settling disputes can be seen in the nature of domestic politics. Democracy is often viewed as majoritarian rule (fifty plus one percent), but in many multi-ethnic communities in the developing world, especially Africa, democracy is often based on a winner takes all principle to governance. This often means that the minorities are left out of the political processes. Thus, simple majority rule results in minimum winning coalitions that tend to exclude a significant minority; when minority preferences are intense and there is little chance of the minority becoming a majority, a recipe for conflicts exists. Since simple majoritarianism in a deeply divided society leads to zero-sum politics, one group's gain is another's loss.<sup>(45)</sup> This was the case of Sri Lanka when the Sinhalese used their overwhelming majority to control all aspects

of the state institutions and power to the detriment of other minorities. Allan J. Bullion writes,

Thus Sri Lankan politics after 1977 became increasingly polarized, with the United National Party (UNP) government using their overwhelming parliamentary majority in order to consolidate their powers against the legitimated elected opposition parties. This can be seen in the creation of the Executive or Gaulist Presidency in 1978, which further concentrated power in the hands J.R. Jayewardene and increased the possibility of the abuse of this power. The TULF and LTTE increasingly resorted to extra-parliamentary struggle to achieve their goals, particularly after the Sixth Amendment (illegal to support a separate Tamil state) if 1983 deprived them of legitimate parliamentary representation.<sup>(46)</sup>

The significance of this is that it is during this period that the Tamils began to pursue a very hard line policy. The J.R Jayewardene government used its majority to exclude or marginalize other elected groups namely the Tamils from parliament. Allan J. Bullion goes on further to denote the significance of the election and its impact on the onset of civil war by writing, “the policies of the UNP (United National Party) government under the leadership of J.R. Jayewardene between its elections in July 1977 and the Colombo anti-Tamil riots of July 1983 marked the onset of the civil war. It was under this regime that Tamil politics became radicalized, with the militancy of the LTTE increasingly gaining ascendancy in the struggle with the Sri Lankan armed forces”.<sup>(47)</sup>

Advocates of power sharing in divided communities agree on the dangers of majoritarianism. In particular, the following have been cited: the potential distortions in vote-to-seat outcomes, the inability of geographical dispersed minority parties to achieve representation and, in the context of an ethnic party system, the likelihood that a single ethnic group or coalition of ethnic groups will govern exclusively to the detriment of the others.<sup>(48)</sup>

Relating this to Sri Lanka, in the 1952 election, Indian Tamils were stripped of their citizenship. In the 1956 election the Sinhalese used their

majority to introduce the ‘Sinhalese Only Act’, and in 1972, the constitution change brought in Buddhism as Sri Lanka’s foremost and only state religion. Hence, it is evident that simple majority rule to the detriment of the minority occurred in Sri Lanka.

In addition, Horowitz and Rae note that simple majority rule may be the fairest means of governance from a theoretical point of view, but it can often lead to the equal exclusion of other minority groups.<sup>(49)</sup> Timothy Sisk furthers this line of thought by asserting that minorities, particularly, equate democracy not with freedom or partition but with the structured dominance of adversarial majority groups. Permanent minorities such as the Tamils in Sri Lanka, the Catholics in Northern Ireland, the whites in South Africa and Southern Rhodesia have feared the consequence of electoral competition, especially when the expected consequence of majority is discrimination against them.<sup>(50)</sup> Thus, for minority groups, losing an election is a matter of not simply losing office, but of losing the means for protecting the survival of the group. This is the reason why during the peace deal in South Africa whites were given certain guaranteed rights as well as veto protection to ensure and allay their insecurity. It does not mean that the blacks cannot still change the deal forcefully to better suit their needs, but it might result in political and societal tensions that could lead to violence. Hence, if properly negotiated, one can see no reason why the Tamils will not agree to a peace deal provided that they have a veto regarding issues pertaining to their own future and culture.

Therefore, given that consociationalism tries to address the issue area of concerns to various ethnic groups in multi-ethnic communities it best serves as the means to manage and control civil wars. Timothy Sisk argues that power sharing involves the beliefs in the prospect for political engineering to mitigate conflicts in divided societies. That is, to contain the destructive tendencies, and to pre-empt the centrifugal thrust created by ethnic politics.<sup>(51)</sup>

As a result of this, consociation above all relies on elite cooperation as the principal characteristics of successful conflict management in deeply divided societies. Consociationalists suggest that even if there are deep

communal differences, overarching integrative elite cooperation is a necessary and sufficient condition to assuage conflict. Based on the engineering of power sharing, it can be seen that it results in proportional representation where no group would be excluded by assuring minority support for the minority. Moreover, it perfects majoritarian democracy that is compatible with political dominion of some group by others.<sup>(52)</sup>

Consociationalism attempts to address and solve different grievances that arouse the passions and emotions that propel segments in a multi-ethnic community to resort to violence to achieve an end. By allowing every ethnic group to have some self-autonomy, to be part of the political process thus having political power, and access to other amenities that seem out of reach, this would alleviate the propensity to resort to violence.

Throughout the conflict or crisis, the Tamils have demanded an independent state. However, given that current world order is based on a Westphalian principle of non-interference in internal issues of state as well as maintaining the territorial integrity of states, it would be difficult for the Colombo government to agree to the partition of Sri Lanka. In fact, the 1987 peace accord failed even when some semblance of autonomy was given to the Tamils. This occurred because the Sinhalese were against granting autonomy and the Tamils wanted outright secession or felt that the range of autonomy was not far enough. But given the current political climate and the desire for both sides to achieve peace and renounce war, a power sharing arrangement or a decentralized federal system will be the most plausible choice in Sri Lanka. Canada, with its federated political units (provinces) and style of government could serve as a very suitable example for Sri Lanka as most of the Tamils are concentrated and in effect control Jaffna, Northern regions and Batticaloa in the East.<sup>(53)</sup>

However, there are several impediments to the establishment of peace in Sri Lanka due to the activities of spoilers in the past. The Indo-Sri Peace Accord of 1987 revealed such problems that existed on both sides. The accord first and foremost called for unity and recognized the territorial integrity of the Sri Lanka state. This led to the LTTE opposition, in the sense that they felt they had fought all their lives and made too many sacrifices to

fully give up on the dream of a Tamil homeland.<sup>(54)</sup> The basic tenets of the first accord: The union of the Northern and Eastern Provinces into a single administrative council and the Reparation of 150,000 Tamil refugees from India to Sri Lanka, Equal official language status for Tamil and English, with Sinhalese as the Official language,<sup>(55)</sup> proved to be problematic for both sides. While this did not go far enough for the Tamils it went too far for the Sinhalese opposition forces. The language issue once again was not resolved and the Sinhalese were given primacy in the state. As such, it was evident that the peace deal was to fail. What made matters worse was the fact that India used its position and influence as the regional super power to broker and impose the deal on both parties. Given the Sinhalese distrust and hatred of the Indians, and given the Tamils feelings of betrayal by the Indians, both sides did everything in their power to annul the peace deal and as a consequence used any event as an excuse to reject it.

Any peace effort must involve at least three elements: the military contest between the government and its militant Tamil adversaries, principally the LTTE; the negotiation of constitutional and other arrangements with the minority communities; and the consensus on these same arrangements within the Sinhala community, writes Teresita C. Schaffer.<sup>(56)</sup>

The 1994-95 President Chandrika Kumaratunga's peace initiative addressed these three elements and went further than any other initiatives of any previous governments.<sup>(57)</sup> Yet it still failed because several goodwill gestures like the elimination of embargo on most goods being transported to Jaffna by the Sri Lankan government failed due to organization failures.<sup>(58)</sup> And most important of all, intra-Sinhalese politics poisoned the process due to the opposition in Colombo and spoilers among the Sinhalese. In addition due to electoral arrangements, the near impossibility for any party to secure two-thirds majority needed to amend the constitution.<sup>(59)</sup> Nonetheless, this was the farthest any government has come and almost succeeded in producing peace. Hence, there is no reason why peace cannot be attained if mistakes from the past peace processes can be learned from and if electoral reforms can be carried out.

Several attempts have been made by the political elites of both sides over the last 40 years to try to solve the situation. However, each time a deal was made that placated the fears and concerns of the Tamil minority, violence often ensued by the opposed Sinhalese community, especially the ultra radical and religious Buddhist monks. The Buddhist monks assassinated PM Bandaranaike on September 25, 1959 to thwart the implementation of the Bandaranaike-Chelvanayakam agreement that gave Tamils some autonomy.<sup>(60)</sup> In 1962, an Anti-Government plot by hardliners to overthrow the government by senior military and police officials because the military establishment was disturbed by the government's overtures to the Tamils.<sup>(61)</sup> In short, most of the large scale events of ethnic violence since 1977 have occurred against a backdrop of various kinds of political moves that were attempts to begin a process of dialogue and discussion.<sup>(62)</sup> Many commentators and analysts of the Sri Lankan crisis have all asserted that the Sinhalese chauvinism among very influential segments of society have been responsible for the opposition to the peace deal with the Tamil.

The attempts to deal with this behavior have to be addressed, but it is beyond the scope of this paper. However, one can infer that with proper education, enlightenment, and confidence building measures across both communities, the two groups may realize that they have nothing to fear of each other. Moreover, this may allow them to appreciate the differences in their culture and to embrace them, and most crucially, allow them to realize that war will only lead to further ruin in the long run.

Further, due to India's mistrust by Colombo both the Sinhalese and the Tamils must conduct any peace process under the auspices of an outside power that is viewed differently. Peace can be attained. However, it might require an international force that temporarily separates both sides in order to make it possible for confidence building measures, which can be achieved through a truth and reconciliation commission.

But one can ask why is a Truth and Reconciliation Commission required? The response: if there is 'No Justice, no peace.' According to Chandra Sriram, there is a widespread intuition that justice and peace are inextricably linked.<sup>(63)</sup> Victims of war, prosecution, repression and the like have often

demanding justice as a way to deal with the past and bring closure to often traumatizing aspects of war.

As war begins in the minds of men, so too does peace, forgiveness and reconciliation begin in the minds of men. In the case of Sri Lanka, it was demonstrated that the war began in the minds of men due to the grievances and injustice of the Tamils. As a consequence, war ensued to address the grievance and make change forcefully. One needs to remember that war being the most destructive human behavior, creates so much destruction and misery that at times especially in wars among family members (civil wars), the worst types of offences often occurs. Activities such as genocide, repression, torture, arbitrary execution and disappearances of non-combatants are the norm. As such, it is important that for peace to last, a community must address, the atrocities committed by both sides. Chandra Sriram, understanding the significance of this, argues that societies victimized by war experience the following:

Having suffered vast human losses through conflict, repression, torture and disappearances, they desire peace, or at least an end to the condition that led to these losses. They will also, however, desire some type of justice or accountability for the losses they sustained.<sup>(64)</sup>

However, it was also noted that a delicate line must be threaded or a delicate balance must be struck between justice and peace. For in some cases the attempts to pursue justice might bring certain elements to rebel in their desire to avoid prosecution. In other words, the attempt to pursue justice might undermine peace attempts for fear of being held to justice. Thus, Chandra Sriram points out that several options exist with regard to justice and accountability: the parties can pursue selective prosecutions, purges and even commission of inquiry that lay bare the legacy of the past.<sup>(65)</sup> Therefore, the Truth and Reconciliation will work more or less as a commission of inquiry that lay bare the legacy of the past. This will be important in Sri Lanka as both sides committed many unspeakable horrific atrocities during the Civil War. By understanding and dealing with the past, it is hope that this

will allow the victims of war to heal together as a community, enabling them to forgive each other and move on with their lives.

Overall, the Sri Lanka civil war is a conflict that one can sadly say could have been avoided. The Tamils were initially reformist but were forced to become radicalized and resort to violence to address their grievances due to the intransigence of the Sinhalese. Once civil war starts, it is sometimes very difficult to stop as bitter memories of the losses incurred and the atrocities committed remains in the 'minds of men'. No matter how the conflict is viewed, it is perceived that one group's loss of power is another's gain. However, the civil war in Sri Lanka can be solved but it is unrealistic to expect any peace deal without substantial autonomy given to the Tamils in a federal arrangement given that the Tamils already have a de facto state system in the North and East of Sri Lanka. ❖

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