

PARTITION AS AN OPTION

Sumanasiri Liyanage

The LTTE attack on Katunayake International Airport and air base has shown two things, namely, (i) the Sri Lankan security establishment cannot achieve a final military victory over the LTTE; (2) the war cannot be confined to the North and Eastern part of the island. So the positive side of the LTTE attack on Katunayake airport and air base is that it brought these two essential truths home. People in every walk of life have now realized that war, if continued, would affect the whole social fabric of the country. The Katunayake attack triggered a generalized crisis for the first time after the 1988-89 period. It has amply demonstrated that the political and military leadership in this country cannot handle the situation effectively. So the generalized crisis has a personality dimension as well. In this sense, it is different from the 1988-89 crisis. It was predicted that the GDP growth rate would be around 2 per cent this year. The drought and the unresolved problem of power supply may lower the growth rate below 2 per cent. This may be disastrous in terms of the standard of living, employment and economic development. What is the root of the crisis? It is true that monocausal explanations may not explain fully the antecedents and magnitude of the crisis. Nevertheless, I suggest that the current crisis be called "Jaffna Crisis" as I believe that the main cause of the crisis is the cost of holding Jaffna.

The lower productivity growth, politicization and militarization of institutions are associated with the cost of holding Jaffna. So the ethnic problem is at the heart of the current crisis. However, the political leadership of the country, both Sinhalese and Tamil, has time and again shown that it is not prepared to come to an amicable solution to the ethnic problem through negotiations. Negotiation, ceasefire and peace talks have become parts of the political strategy to achieve/maintain the monopoly of power. Negotiated settlement needs a different approach and demands a power-sharing perspective. It has clearly shown that the Sri Lankan government, the UNP and the LTTE lack such an approach and perspective. So the current crisis forces us to find different options that would be compatible with the approaches and perspectives of the main actors of the conflict, notwithstanding the fact that those options may not be the best and ethical solution to the problem.

In this article I examine the pros and cons of partition as an option for the solution to the ethnic conflict in Sri Lanka. I do not suggest that partition is the only available solution, but I argue that it has to be treated as a serious option.

Right of Self-Determination as a Tamil Demand

In the past, many attempts had been made in order to resolve the ethnic problem within a single state. I do not intend to

give a detailed account of those attempts here. Although some Tamil politicians raised a demand for a separate state in the past, it gained national political importance only after the Tamil United Liberation Front decided to include it in its program at the Vaddukodai Convention in 1976. The Vaddukodai Resolution justified the demand for a separate Tamil state by emphasizing that Tamils "are a nation distinct and apart from the Sinhalese" with the right to "their own territory". The distinct Tamil homeland was based on the Cleghorn Minutes, the validity of which is questioned by Sinhalese academics. In the first parliamentary election after the Vaddukodai Convention the TULF won a landslide victory in the Northern Province and significant support in the Eastern Province. With this notion of a separate Tamil nation with its own homeland, the right of Tamils for self-determination has naturally become a fundamental political demand of the Tamil political parties. The TULF manifesto emphasized the right of the Tamil nation to self-determination in the form of a separate sovereign state—Tamil Eelam. The Manifesto declared:

Hence, the TULF seeks the mandate of the Tamil nation to establish an independent, sovereign, secular, socialist state of Tamil Eelam that includes all the geographically contiguous areas that have been the traditional homeland of the Tamil-speaking people in the country.

The demand was transformed into three cardinal principles at the Thimpu discussions at which militant Tamil organizations played a major role. The right of self-determination expressed in the form of a separate, sovereign state has become the main agenda of the Tamil militant politics. Three cardinal principles unanimously approved by the TULF and the militant Tamil organizations are:

1. Recognition of Tamils of Sri Lanka as a distinct nationality;
2. Recognition of an identified Tamil homeland and the guarantee of its territorial integrity;
3. Based on the above, recognition of the inalienable right of self-determination of the Tamil nation.

A significant difference can be found between the Vaddukodai Resolution, TULF manifesto and the Thimpu principles. One is that the two terms, nationality and nation, are used in the Thimpu principles' as synonyms and interchangeably. Secondly, the 'Tamil-speaking people' in the TULF manifesto was dropped in favor of more specific 'Tamil nation.' The significance of the second difference has been indicated in the attitude of the Tamil parties towards Tamil-speaking Muslims in the Northern and Eastern Provinces. The trajectory of the Tamil nationalism from Vaddukodai

structures, which do not lead to violence and unpeacefulness. Johan Galtung, *Three Approaches to Peace, Essays in Peace Research*, vol.2. Copenhagen, Christine Ejlers, 1976, pp 282-304.

¹⁴ AJan Tidal and Andrew Heys, "The Ashes of Conflict Resolution", *The International Quarterly of World Peace*, Vol.54, 1993.

¹⁵ K.Rupesinghe, *Strategies for Conflict Resolution: The Case of South Asia*, p.164.

¹⁶ Tidwell and Heys, "The Ashes of Conflict Resolution", *The International Quarterly of World Peace*, Vol.54, '1993.

¹⁷ Liz Philipson, *Negotiation Process in Sri Lanka*, Marga Institute 2001.

¹⁸ Preamble to the UNESCO constitution.

¹⁹ According to Lederach, conflict transformation is best understood when contrasted with the traditional linear methods. In this process there is a bias towards the long term. The focus is on relationship building over time and a commitment to constructing and sustaining an infrastructure as opposed to achieving an immediate result. See John Lederach, "Conflict Transformation in Protracted Internal Conflicts: The Case for a Comprehensive Framework", in K.Rupesinghe, (ed.) *Conflict Transformation*, New York, St Martin's press, 1995.

⁷ Galtung, *Solving Conflicts: A Peace Research Perspective*, Honolulu, University Of Hawai, 1989, p.4.

⁸ J. Uyangoda, "Breakdown of Peace Talks", *Pravada* Vol 4. No.1 May/June 1995, p20.

⁹ Edward E. Azar, *The Management of Protracted Social Conflict*, Dartmouth Publishing Company Ltd, 1990, pp.73-81

¹⁰ Kumar Rupesinghe, "Mediation in Internal Conflicts: Lessons from Sri Lanka", in Jacob Becovitch, (ed.) *Resolving International Conflicts*. Colorado, Lynn Rienner Publishers, 1999, p.155.

¹¹ Galtung, "Cultural Violence", *Journal of Peace Research* 27, no.3, 1990, p292.

¹² Galtung, *The True Worlds: A Transnational Perspective*, New York, Free Press, 1980, p.140.

¹³ Peacekeeping (dissociative approach) means a third party as a peacekeeping force separates the warring parties and maintains a ceasefire. Peacekeeping is appropriate when the conflict is horizontal, that is between equals and over goals rather than interests. Peacemaking (conflict resolution approach) means resolving the underlying cause over goals, interest and need by negotiations and mediation. Peacebuiding (the associative approach) is to build over a long term economic and social relationships and

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Convention through Thimpu Principles has clearly demonstrated that Tamil demands are nationalist demands and not the demands of the minorities. This is the issue all Sri Lankan governments since 1976 have failed to recognize and refused to accept. I will address this issue presently.

Minorities and Nations

It is customary to treat the minority problem and the national problem as almost equal issues. The question on how ethnic or national minorities should be treated has been widely discussed and the international community has come to some kind of consensus. So the issue of ethnic minorities appears to be less controversial today.

Major industrialized countries of the West have agreed that no disadvantage should arise from exercising the choice of belonging to a national minority.

"They have the right

- to use their mother tongue freely in private as well as in public;
- to establish and maintain their own educational, cultural and religious institutions, organizations or associations;
- to profess and practice their religion;
- to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States;
- to disseminate, have access to and exchange information in their mother tongue;
- to establish and maintain organizations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in the community with other members of their group." (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, June 1990, US Commission on Security and Cooperation in Europe, Washington DC. US Government Printing Office, 1990. pp 16-17).

Gurr (1993) notes that many would add to this list greater equity in the distribution of economic resources and control of regional or national governments. It is true that many deviations from these principles can be found in practice and ethnic and national minorities often complain about de facto as well as de jure discrimination against them by the state and other public bodies. Nevertheless, there has been a greater understanding at national and international level on how to treat ethnic and national minorities. However, there are groups that do not want them to be treated as minority ethnic and national groups. They call themselves

"nations". Their demands and aspirations go beyond the demands and aspirations of ethnic/national minorities. And the issue is not about rights but about power. What arrangement can be made for them to exercise power as a different nation?

I propose that the issue of Tamils in Sri Lanka be viewed from this perspective. And my observation is that Sri Lankan governments invariably try to avoid looking at the problem from this perspective. This may partly explain why peace negotiations in the past have failed. The Indo-Sri Lanka agreement in 1987, at least to a limited extent, tried to address the national issue in line with the principles that were laid down by the designers of the Indian Constitution. Nevertheless, the inherent weaknesses of the 13th Amendment to the Sri Lankan Constitution and the conventional perspective of the Sinhalese elites appeared to have scuttled the successful implementation of the Provincial Council System. This cannot be attributed to misunderstanding of the problem. As Gurr notes, "[national] demands are highly threatening, because they challenge the nationalist ideologies held by most dominant groups and imply the breakup of the state. So it is safe to depict the problem as a minority problem rather than a national problem. I found the use of the term "ethnic" in Sri Lankan academic discourse rather intriguing.

Anton Balasingham to my knowledge gives the clearest explanation on the subject. He writes:

For nearly an hour, I gave a thorough theoretical exposition of the Tigers' political project arguing our case for political independence and statehood based on the right to self-determination of the Tamil people. While her husband listened politely with patience Chandrika was argumentative [sic]. Presenting a pluralistic model of Sri Lanka's social formation, comprising of different ethnic groupings, she rejected the conception of Tamil nation and Tamil homeland. Chandrika's thesis, in essence, was that the Tamil problem was a minority issue, not a nationality question and that the Tamils were not entitled to the right to self-determination and statehood. (*Politics of Duplicity: Re-visiting the Jaffna Talks*, p. 9)

There is no doubt that Chandrika Kumaratunga's position is the most far-reaching and progressive position among Sinhalese elites. But it is still trapped in the liberal political discourse and fails to go beyond it. Now one may ask: isn't it possible to meet national aspirations and demands within one state project? I may answer this question in the affirmative. But, abstract theorizing should not be substituted for concrete understanding of the problem. I do not refute the fact that some Tamil politicians and intellectuals prefer the project of meeting Tamil aspirations and demands within a single state. But Tamil politics are primarily governed by the secessionist project. This was clearly demonstrated by the assassination of Neelan Tiruchelvam by the LTTE. Some of the views of the leadership of his own party (the TULF) and semi-

public comments by Tamil academics, and their silences proved that the separatist project had now gained currency among Tamil politics.

This may lead me to question Pffenberger's notion of the defensive nationalism of Tamils. Tamil nationalism has gained support among ordinary Tamil people in the context of discriminatory policies of the successive Sri Lankan governments. But Tamil nationalism cannot be reduced to this defensive dimension. It has its own logic and has to be understood in terms of the rising wave of nationalism in the post-World War II period.

Partition as a Politically Justifiable Option

My analysis of the genesis and development of Tamil nationalism and the present state of the military conflict in Sri Lanka leads me to believe in partition through negotiation as a politically justifiable option. I emphasize the term "politically justifiable" because my belief is not based on ethical judgment or principles. Let me also add some cautionary remarks. Even though the partition may bring about a solution to some ethno-political conflicts, it is definitely not a panacea and cannot be applied as a general rule in finding solutions to ethno-political conflicts. Nonetheless, I believe it has to be considered seriously as a possible and viable alternative. Partition may pose many practical, political and social problems that have to be negotiated, taking into consideration the needs and interests of all the communities.

Here, I focus on two major problems. The first issue is the demarcation of boundaries. There is a substantial amount of writing on the issue. The extreme Tamil nationalist position is based on their reading of the boundaries of the Jaffna kingdom in the 13th century and the Tamil homeland includes some parts of the North Central, North Western and Southern Provinces. But the map that

is used widely is based on the Cleghorn Minutes. In current political discourse, the Tamil territory includes North and Eastern Provinces. In the discussion on constitutional changes, some Tamil parties agreed that the Tamil autonomous region includes Northern Province, Trincomalee and Batticaloa districts of the Eastern Province. What was the Sinhalese position? I think that Prof. Madduma Bandara's article on redemarcation of provincial boundaries throws some light on the subject. Yalpanam Province, in his map, appears to be the area that the Sinhalese could give for a separate Tamil state, if the worst-case scenario was to happen. So the boundary problem appears to be a negotiable problem, and some agreement may be reached between the two parties.

However, the second issue is more humanely problematic. Would a partition include a population transfer? Although it may involve a lot of hardship and pain, the answer to this question may be in the affirmative. When the issues of identity and security of the Tamils are addressed in terms of a separate and sovereign state, Eelam, the Sinhalese may raise the issue of security if the multi-ethnic or multi-national characteristics of Sri Lanka remain unchanged. The option of partition should satisfy the needs and interests of all the communities.

The conflict in Sri Lanka may be easily characterized, following Edward Azar, as a protracted social conflict. In many situations, protracted social conflicts are intractable and need critical surgery for their resolution. So the means of resolution may be painful. Partition may create a situation in which a husband may prefer to live in Sri Lanka while a wife prefers to live in Eelam. Nobody knows where the children can live. So those with mixed marriages would definitely suffer from this kind of solution. These are the human problems sadly associated with the partition. But we have to ask the question: When the issue of power is dominant and overarching, will humanity prevail? ■

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