

DEBATE

INDIA-SRI LANKA TIES: 3 YEARS AFTER THE ELIMINATION OF THE LTTE

The official Indian account of the relations between two neighbours, summarized in the brief at the Ministry of External Affairs Website, notes that India-Sri Lanka relations is “more than 2,500 years old and both sides have built upon a legacy of intellectual, cultural, religious and linguistic intercourse”. It goes on to add that “the shared cultural and civilizational heritage of the two countries and the extensive people to people interaction of their citizens provide the foundation to build a multi-faceted partnership”.

However, these links have been deeply affected and held hostage by the question of the legitimate rights and welfare of the Tamil minority in that island nation. The intransigence of the majority Sinhala community and their leaders and the resultant ‘chauvinism’, the divisions amongst the Tamils, the rise of militant forces within the Tamils – specially the re-emergence of a more militant and ruthless Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan Government’s decision to find a final military solution to the issues, further vitiated the situation. Indian efforts in assisting Sri Lanka in finding viable solutions were thwarted by lack of will and forethought amongst successive leaders on the island state.

The LTTE was decisively eliminated a little over 3 years ago. Just before the final push, the Sri Lankan President Rajapaksa was asked as to how he proposed to handle the vast rehabilitation and reconstruction programme. He said that the rehabilitation and reconstruction policy of his administration is based on ‘four ‘Ds’ – Demilitarization, Democracy, Development and Devolution.’ Three years down the line, the progress on each of the 4-Ds is abysmal! While there may have been some movement, the basic underlying problem – namely the cleavage between the Tamils and the Sinhalas, stands deepened through a combination of Sinhala Chauvinism, Tamil militancy, international apathy and mismanagement and many other factors.

The Indian view is summarized in the above quoted note of the Ministry of External Affairs that notes: “The nearly three-decade long armed conflict between Sri Lankan forces and the LTTE came to an end in May 2009. During the course of the conflict, India supported the right of the Government of Sri Lanka to act against terrorist forces. At the same time, it conveyed at

the highest levels its deep concern at the plight of the mostly Tamil civilian population, emphasizing that their rights and welfare should not get enmeshed in hostilities against the LTTE”.

“The conclusion of the armed conflict saw the emergence of a major humanitarian challenge, with nearly 300,000 Tamil civilians housed in camps for Internally Displaced Persons (IDPs). The Government of India put in place a robust programme of assistance to help these IDPs return to normal life as quickly as possible”, it adds. India has gone out of its way in extending assistance on that account.

International criticism of the behaviour of the Sri Lankan armed forces in the final hours of the defeat of the LTTE – and the subsequent citation at Geneva and the Indian vote inserted more issues. The domestic politics, especially that of Tamil Nadu and the feelings of the Indian Tamils are also factors that need to be considered.

The implementation, or otherwise, of the 13th Amendment to the Sri Lankan constitution that flowed out of the 1987 India - Sri Lanka pact and which paved the way for devolution of powers to the provinces, continues to elude real implementation. After indicating earlier that he was ready to concede more than the 13th Amendment (promising “13 Plus!”), the Sri Lankan President has clearly taken a U-turn and the reconciliation process has indeed suffered.

As if to pre-empt the United Nations’ move to appoint an experts panel on “war crimes” during the last stages of the war, the Sri Lankan President appointed a Commission on Lessons Learnt and Reconciliation (LLRC) in May 2010. There was an attempt to show case it on the model of the Truth and Reconciliation Commission of South Africa, but it failed to assist in the ‘reconciliation’.

Where would these recent developments in the past 3 years lead to? What are the chances of genuine reconciliation between the two communities? How far are the present day rulers in Sri Lanka prepared to concede? When can the devolution package be achieved? Can India help? Can the LTTE re-surface – with a different shape and form? How are they affecting the over-all bilateral relations?

Indian Foreign Affairs Journal posed these questions to four eminent scholars and policy practitioners.

R. Hariharan: Retired MI specialist on South Asia with operational experience including India-Pakistan wars in Kutch in 1965 and East Pakistan in 1971 and

who was the Head of Intelligence of the IPKF in 1987–90 recommends:

While Building Economic Linkages, also Bridge the Ethnic Divide

India will have to play a more prominent role on two fronts: to continue to build India-Sri Lanka economic linkages, particularly when the stark realities of economic downturn hit Sri Lanka hard in the near term, and to help resolve the Tamil-Sinhala ethnic divide.

Despite his strong leadership style, President Rajapaksa needs continued Indian economic and diplomatic support. He would probably take action to further improve political, economic, trade and strategic ties with India at politically opportune moments of his choosing.

He responds to only assertive action. So while being friendly, India will have to be unequivocally firm with him about what it wants.

At the same time, to politically strengthen him, India needs to take measures to remove Sri Lanka's latent fear of India's overwhelming influence subsuming its national interests. The revival of support in Tamil Nadu for Tamil separatism should be curbed by New Delhi by political strategies worked out with Tamil Nadu leaders.

N. Manoharan: Senior Fellow, Vivekananda International Foundation, New Delhi, states:

Convert Military Victory into Political Opportunity of Reconciliation

Although the LTTE is out of the picture, the ethnic issue in Sri Lanka remains an important aspect that continues to steer India-Sri Lanka relations. The LTTE, which came to the fore in the late 1970s and once ran a proto-state controlling 15,000 sq km in north-eastern Sri Lanka, has now been militarily neutralized. Chances of its revival are remote. The LTTE's top leadership, including its supremo Velupillai Prabhakaran, has been wiped out; most of its cadres are dead; over 11,000 have surrendered, and the rest are scattered. The international wing of the LTTE that took over the remnants of the LTTE after the official end of the war in May 2009 is divided on how to take the Eelam movement forward. Yet, the Sri Lankan government under Mahinda Rajapaksa is concerned about the revival of the LTTE or at least the presence of "Tigerism" in one form or another. "Tigerism" here means ideas of secession through violent means. The approach and actions of the Sri Lankan government towards the ethnic issue are determined by this perception. These have invariably impacted India-Sri Lanka relations in the post-LTTE phase.

L.L. Mehrotra: Former High Commissioner of India to Sri Lanka enumerates the factors that would govern future ties between India and Sri Lanka:

Seeds of Future Conflict Still Remain

In the final analysis, India's growing ties with Sri Lanka in the post-LTTE scenario would be governed mainly by the following factors:

1. Close historical links of Sri Lanka with India, retaining India's primacy in Sri Lanka's strategic calculus.
2. The close ethnic bond between India's state of Tamil Nadu and the North and East of Sri Lanka.
3. Restoration of normalcy in the lives of the people in Sri Lanka's North and East, considered by its Tamils as their traditional habitat, and the end of any discrimination against them as equal citizens of the land.
4. Political evolution in the direction of self-governing institutions for all the minorities in what may be a quasi-federal structure of the state of Sri Lanka, with full respect to its national sovereignty and territorial integrity.
5. Peace on the island on a continuing basis.

M. R. Narayan Swamy: Executive Editor, IANS News Agency, New Delhi, prescribes:

Sri Lanka Needs to Do a Lot More

Despite the bitterness of the Geneva vote, India has to be engaged with the Sri Lankan leadership. In the long run, nothing can replace a persuasive approach. While critical voices from Tamil Nadu need to be heard and respected, it should be remembered that the Tamil Nadu political leadership miserably failed to play a meaningful role during the years the war raged. Instead, it allowed the LTTE and its apologists to dictate the terms of political engagement. The folly continues. The DMK and AIADMK should not have boycotted the all-party Indian delegation that toured Sri Lanka in April 2012.

While Building Economic Linkages, also Bridge the Ethnic Divide

R. Hariharan*

Introduction

Sri Lanka is undergoing catharsis after a resurgent Sri Lankan army ended, on 19 May 2009, the twenty-five-year-long national ordeal at the hands of Velupillai Prabhakaran and the LTTE. Since 1983 Sri Lanka had waged war against the LTTE in three spells that ended in a stalemate. The final victory came only in the fourth episode that started in mid-2006. The victory has come at a great cost – the lives of nearly 24,000 soldiers, over 27,000 LTTE cadres and about 80,000 civilians. Millions of rupees worth of infrastructure, material and habitations were destroyed.

At the macro level, Sri Lanka's success has demonstrated how a determined national leadership can decisively defeat a strong, well-armed and globally networked insurgent group. A dynamic military leadership managed to turn a demoralised army into a winning force and regain control of over 16,000 sq km of territory in more than eight districts. The Sinhala community's ethnic pride, hurt by the LTTE's spectacular raid on Katunayake airbase in July 2001, destroying seventeen aircraft, has been regained. The victory has also given rise to triumphalism bordering on Sinhala chauvinism, and resurfacing of fundamentalist Buddhist elements in politics. This appears to be affecting the way Sri Lanka looks at the unresolved issues of ethnic minorities, and global prescriptions to resolve them.

Though the country has embarked on a huge reconstruction and rehabilitation programme in the war-torn areas of North and East and other parts, overt and covert suppression of fundamental freedoms, including media rights, through intimidation and coercive use of legal provisions and gross violation of human rights have become a part of life. Ministers and law-enforcing agencies continue to act without accountability. Corruption has become endemic. Opposition and civil society concerns on these aberrations have been ignored or given short shrift. These actions have marred some of

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the positive achievements of the government particularly in managing the economy and restoring tourist trade.

The serial war effort has drained the country's economy and hobbled growth. Over 300,000 people of the Northern Province had become destitute, losing everything – their kin, livelihood, land and housing. Billions of rupees worth of infrastructure, public service facilities and housing have been destroyed, often repeatedly. Over 90,000 women have been widowed. The trauma of the war-affected is likely to linger on for quite a few years.

Sri Lanka's performance in the three years of peace has been a mixed success. The rehabilitation effort has succeeded only partially because it has lacked transparency and sensitivity to the aspirations of the Tamil minority. The root cause of the war – the feeling of inequity among the ethnic Tamil minority population – still remains to be addressed. The visible presence of soldiers in large numbers cramps the everyday life of the citizen. If this state of affairs continues, Tamil Eelam has the potential to become a rallying call once again.

At the heart of it all is President Mahinda Rajapaksa. As the chief architect of the military victory he has emerged as the unchallenged national leader after he managed to neutralize General Sarath Fonseka, former army commander, the other focal point of national adulation. Rajapaksa used his immense popularity to get elected as President for a second six-year term in 2010. He reinforced his strength when he led the United People's Freedom Alliance (UPFA) to an unprecedented two-thirds majority in the parliamentary poll in 2011. He used this massive strength in Parliament to pass the 18th constitution amendment to remove the two-term limitation on the office of President imposed by the previous amendment.

Rajapaksa runs the country with his two brothers – Basil and Gotabaya – to execute his plans for national development and defence, with a rubber-stamp parliament. By giving berths in the cabinet for the seventeen parties of his coalition, he has pre-empted the temptation for them to gang up with the main opposition United National Party (UNP). He has also successfully neutralized the Sinhala leftist Janatha Vimukthi Peramuna (JVP) by attracting its followers to his fold. As of now he remains the unchallenged, centralized source of power, a fact which is displayed openly in the day-to-day affairs of the country. Understanding his style of politics and governance is therefore essential when assessing the future of India-Sri Lanka relations.

Rajapaksa is currently in his second term as President since 2010. In November 2005 he was elected President with a wafer-thin majority, defeating Ranil Wickremasinghe of the UNP. Wickremasinghe was deprived of Tamil votes thanks to the LTTE-sponsored boycott of the elections in areas under its control: it has been alleged that the LTTE was paid by one of Rajapaksa's friends to impose the boycott.

In his electoral campaign, Rajapaksa used to his advantage the growing public disillusionment with the 2002 peace process promoted mainly by Wickremasinghe as Prime Minister. He vowed to end the "ineffective" peace process and to tame the LTTE. His predecessors had considered the LTTE's challenge to the State's authority as an offshoot of the Tamil ethnic struggle for autonomy. So their approach wavered between military operations and peace talks aimed at addressing the broader issue of devolution of equitable powers to the Tamil minority.

After the war, Rajapaksa advanced the presidential election for the second term by one year to 2010 to take full advantage of his immense popularity. Meanwhile, there was a systematic effort to sully the image of his opponent General Sarath Fonseka, who stood as a common opposition candidate. During the election, even as the voting was ending, prosecution against him was launched on charges of corruption, meddling in politics while in service, plotting to overthrow the government and housing army deserters. The General was deprived of his rank and sentenced to two and a half years of imprisonment.

Rajapaksa has also shown that he does not tolerate criticism of his style of governance. Some of his media critics have disappeared; the high-profile editor of the *Sunday Leader*, Lasantha Wickrematunge, who took a critical stand against the government, was shot to death in January 2009. Mervyn Silva, Minister of Public Relations, gained notoriety in a number of attacks on political opponents and media persons, including an assault on Sri Lanka Rupavahini Corporation's News Director T.M.G. Chandrasekara in December 2007. Silva had publicly warned some of the journalists and human rights workers that he would "break their limbs" for taking a stand against the government at the meeting of the United Nations Human Rights Council (UNHRC) in Geneva in April 2012.

In the wake of the triumphalism triggered by the military success, there has been a steady increase in the Buddhist extremist campaign against places of worship of Christians and Muslims. There have been threats to remove Hindu temples also. The Buddhist right-wing party Jathika Hela Urumaya (JHU), a partner of the ruling coalition, has been spearheading these campaigns. The JHU was in the forefront of a Sinhala mob attack led by monks that

disrupted the Friday congregation in Dambulla mosque in May and another similar attack on a madrasa in Dehiwala in June. The administration has been handling such cases with kid gloves.

The Rajapaksa government enjoys overwhelming parliamentary majority. Pandering to religious right-wing elements cannot therefore be dismissed as “vote bank” politics. The President’s political opportunism, rather than religious fundamentalism, probably explains the soft attitude to these right-wing fulminations. As his aim is to maximize his Southern Sinhala support base, one can expect more play of religious chauvinism in politics in the coming years.

An important aspect of President Rajapaksa’s style is his steadfast stand against external interference in the country’s handling of the ethnic issue. He has repeatedly averred that Sri Lanka would depend upon home-grown solutions to its problems. He knows that such a stand appeals to the conservative Southern Sinhala voters.

Strategic Connotations

Eelam War IV has shown that the Sri Lanka armed forces have graduated from a land-bound army-dominated force to a strong multifaceted force capable of planning and executing complex operations, utilizing large sized forces on multiple axes. If they continue to hone their military skills in the coming years, they would be a first-rate force. The army is about 200,000-strong, organized in thirteen divisions and some independent brigades. The divisions are slightly smaller, with fewer supporting arms than Indian infantry divisions.

The armed forces are conscious that Rajapaksa’s leadership and the unprecedented support extended to them by the government machinery enabled their success. The President’s vindictive handling of General Sarath Fonseka caused some unrest in the army ranks, but after his handpicked officer Lt General Jagat Jayasuriya took over as army commander, personnel sympathetic to General Fonseka were retired from the army. Now President Rajapaksa is likely to continue to command the personal loyalty of commanders, who have been carefully chosen by him. This was evident in the run-up to the presidential poll when the army commander and senior officers came out in his support.

The armed forces have thus undergone subtle politicization, with the potential to emerge as an extra power centre in the country. Under ambitious

commanders such a power centre outside the democratic sphere could get involved in politics to become the deciding factor in uncertain times. The role of the armed forces in the future would very much depend upon how the President employs them in his second term. The more they are involved to buttress his regime the greater would be their politicization.

This process appears to be already taking place in the Northern Province; even three years after the war, nine out of the thirteen divisions of the army are stationed in the Northern Province. This is about 150,000 troops deployed in an area with a population of 9.97 million – roughly one soldier for every six civilians, including women and children who are recovering from the trauma of twenty-five years of war. It sends a wrong message particularly when the process of ethnic reconciliation has not started fully. The President and the Defence Secretary have justified the army's presence in such large numbers on three counts: employment of troops in mine-clearing operations; assisting development and reconstruction works; and the right of the army to be present anywhere in the country.

The way Sri Lanka waged war has a few strategic connotations for South Asia in general and India in particular. The war eliminated the LTTE as a role model to other militant groups. It also ended the LTTE's potential to be a destabilizing force in the region. Sri Lanka's victory should give confidence to those who are locked in seemingly endless battles with insurgent groups all over South Asia.

Another question is whether Sri Lanka requires such a big army. Tamil militancy in its wake brought about militarization of society, including large-scale desertions, proliferation of illegal arms, increased employment of military intelligence in the civilian domain and criminal activities using firearms. This appears to have come to stay.

The Ministry of Defence is now entrusted with urban development, presumably to justify the retention of a huge army and employing it on non-military duties. Soldiers have been deployed on civic services and law-and-order duties normally performed by the police. Naval personnel have been selling vegetables while the air force is running an air service for civilians travelling to Jaffna. To top it all, the army proposes to import 10,000 cows to produce milk for sale to the public! Employment of the military on civilian tasks seems to have become part of state strategy. This is an unhealthy trend in a democracy; it is open to misuse in times of political crisis as an instrument of power, particularly in Sri Lanka where the executive presidency is vested with enormous powers.

The army also has become an extra administrative authority keeping an eye to control the activity of the civilians in the province. Though such deployment is ostensibly to prevent revival of LTTE activity, in practice it interferes with opposition political activity. This has been brought out by the US Country Report on Human Rights in Sri Lanka 2011, released on 24 May 2012. It said:

The major human rights problems were unlawful killings by security forces and government-allied paramilitary groups, often in predominantly Tamil areas, which led many to regard them as politically motivated, and attacks on and harassment of civil society activists, persons viewed as Liberation Tigers of Tamil Eelam (LTTE) sympathizers, and journalists by persons allegedly tied to the government, which created an environment of fear and self-censorship.

International Relations

President Rajapaksa has been aggrieved about the way Sri Lanka was treated by the US and the West even before Eelam War IV started. He was peeved when the US and the European Union repeatedly took up allegations of human rights violations and aberrations of rule of law with him. After the war, he has maintained that the West has not given due recognition to his military success against LTTE terrorism, though it was probably the only success story in the global war on terror. This feeling was further exacerbated when Channel 4 videos showing custodial killing of LTTE prisoners and other atrocities by the army were aired and many Western political leaders called upon Sri Lanka to investigate them. When a UN expert advisory panel found a prima facie case for such investigation, the government took the stance that the US and Western powers in collusion with Tamil diaspora were ganging up against Sri Lanka. This conspiracy theory has found wide acceptance among the public and the media, who find the Western conduct hypocritical and selective.

Rajapaksa's abrasive relations with the US and the West – particularly UK, Canada and the EU – turned more belligerent during the war. The United States' suggestion to send US marines to evacuate the LTTE leadership trapped in a narrow strip of land in the last stages of war in April 2009 was perhaps the trigger. Though the plan was shot down (with India supporting Sri Lanka), it caused suspicion about the US agenda in Sri Lanka.

Sri Lanka's suspicions were reinforced by the US stance at the UNHRC demanding Sri Lanka's accountability for its actions in the final stages of the

war. The suspicions have been aggravated by the freedom with which Tamil Eelam sympathizers and former LTTE cadres have been allowed to operate in the US, UK, Canada and EU despite the ban on the LTTE.

In defiance, President Rajapaksa went out of the way to cultivate nations known for their strong anti-US stance: Cuba, Iran, Myanmar, Libya (during Gaddafi's time) and Venezuela. However, Sri Lanka needs the economic support of the US and the West, particularly in these times of global economic downturn. Sri Lanka cannot also afford to ignore the US for strategic reasons, as India-US strategic relations are growing in the Asia-Pacific region. The West's efforts to improve relations with Sri Lanka have also continued. Extension of favourable credit to Sri Lanka by the International Monetary Fund, the World Bank and the Asian Development Bank bear testimony to this.

China's Role in Sri Lanka

China is on an exercise to improve its footprint in South Asia. Its interest in Sri Lanka is much more due to the island's geographic location. As vanguard of the peninsular part of South Asia, Sri Lanka dominates the Indian Ocean shipping lanes vital to China's global trade. Secondly, its physical proximity to India makes it part of any activity – strategic or commerce – relating to India and offers immense trade and military potential when China deals with India. So India will have to put China's activity in Sri Lanka in the perspective of furthering its global ambitions, rather than as being India-centric.

However, as of now the Chinese naval capabilities are limited. As strategic analyst B. Raman observes:

Till now, the main driver of China's strategic interest in Gwadar, Hambantota and Chittagong has been the perceived need for refuelling, re-stocking and rest and recreation facilities for its oil/gas tankers and naval ships deputed for anti-piracy patrols in the Gulf of Aden area. China is not yet interested in an overseas naval base, but is interested in overseas logistic facilities for its oil/gas tankers and for its naval vessels.

However, increase in China's activity in Sri Lanka, just as India, is inevitable. India has to assess every Chinese action for its impact on national security. Such areas calling attention include infrastructure development, exploitation of energy resources, economic assistance, investment and military assistance. Both Sri Lanka and China will be careful not to give military

overtone to their relationship. China has emerged as India's number one trading partner. Similarly, Sri Lanka has benefited from the Free Trade Agreement with India and needs Indian investment. So one can expect both nations to calibrate the nature of growth in their relationship.

China has long enjoyed good relations with Sri Lanka. However, when the peace process 2002 started collapsing in 2005, China stepped in to provide roughly US\$ 1 billion military and financial aid annually when Sri Lanka's military budget rose by 40 per cent to expand its armed forces and equip them rapidly without overdependence upon Western aid. This has endeared China to the Sri Lankan people as a friend, in contrast to India which had internal political problems in providing military aid to Sri Lanka.

So it was natural that China got the bulk of the development projects, including port projects. China became the biggest donor to Sri Lanka in 2009, with \$1.2 billion worth of assistance in the form of grants, loans and credit, representing 54 per cent of the \$2.2 billion committed by foreign countries and multilateral agencies.

China's involvement in Sri Lanka is now colossal. China was the biggest lender in 2010, with loans amounting to \$821.4 million (India with \$483 million was in second place). China accounted for 39.8 per cent of foreign disbursement in 2010, although India can take consolation in the fact that with \$110 million it topped the investors.

China's aid comes with its own strings. For instance, buyer's credit is extended mainly to finance exports of Chinese products, technologies and services. Similarly, overseas construction projects that facilitate Chinese exports of equipment, construction machinery, materials, technical and managerial expertise, and labour services are usually considered. And Chinese projects come with inflated cost. According to columnist Namini Wijedasa: "For instance, the estimated cost per kilometre of a railway line constructed by the Indians is \$1.8 million while the Chinese are doing it for \$4 million per kilometre." India has a tremendous cost advantage in executing projects due to its proximity to Sri Lanka, which India needs to exploit.

Much has been written about the Hambantota port project aided and executed by China as a part of China's strategic "string of pearls". While this commercial port project does have strategic significance, what is missed out is that Sri Lanka offered the project to China only after India showed no interest in it. This highlights the lack of strategic integration in policymaking in India. If India is to match China it needs to rectify this weakness.

India-Sri Lanka Equation

The India-Sri Lanka relationship, described as “family” by President Rajapaksa, has had its crests and troughs. In times of crisis, whether political, military, or international, Sri Lanka has generally taken India into confidence for consultation and advice. More often than not, India has gone the extra mile to help out the smaller neighbour. Thus the unique, umbilical relationship of India and Sri Lanka due to their geographic, cultural, religious, and ethnic proximity has continued.

There used to be three hardy perennials in India’s relations with Sri Lanka – grant of citizenship to people of Indian origin in Sri Lanka; strategic security; and ethnic confrontation between the Sinhala majority and the Tamil minority. These have now been reduced to two. Thanks to the far-sightedness of the leaders of both countries, the citizenship issue has ceased to be a contentious one. Even in handling the other two issues, the leaders of the two countries have continued to show a great deal of pragmatism by not allowing the differences to override their cordial relationship. This trend is likely to continue despite periodic dissonant notes in the relations.

Despite India’s bitter experience during its military intervention in Sri Lanka from 1987 to 1990, it has built upon its close political, diplomatic, strategic, and trade relations with that country. These have become all-embracing over the years, with increased linkages in all areas of interest. So it is not surprising that India signed its first ever Free Trade Agreement with Sri Lanka, paving the way for their two-way trade to grow to \$4 billion. When Sri Lanka’s internal political environment turns favourable, it is likely to sign the Comprehensive Economic Partnership Agreement (CEPA) proposed by India to cement their trade and economic relations further.

The peace process 2002 created a dilemma of sorts for India as it provided legitimate entry for major powers – the US, Japan, EU and Norway – in the underbelly of India’s national security. However, as the LTTE – an organization banned in India – continued to remain an unpredictable quantity, India did not participate in the peace process. India lost a golden opportunity to usher in permanent peace between Sinhalas and Tamils if only it had used the Tamil Nadu leaders to prevail upon the LTTE to opt for peace rather than war, as it turned out later.

India’s influence that started eroding in 2002 stands further reduced in the strategic sphere. However, during the Eelam War, India provided some of the essential military equipment and valuable intelligence inputs that enabled the Sri Lanka Navy to track and destroy the LTTE’s logistic fleet. Indian

naval patrols minimized smuggling of essential supplies to the LTTE from Tamil Nadu. The navies of both countries worked in tandem to prevent hijacking of ships by the LTTE. These measures made a significant contribution to Sri Lanka's operational success.

More than all this, India scrupulously avoided taking a public stand on allegations of human rights violations, kidnappings, custodial killings and bombing of civilians by Sri Lanka that started piling up both during and after the war. New Delhi made every effort to control the spill-over of emotion-charged reactions in Tamil Nadu from damaging friendly relations with Sri Lanka.

However, India's unanticipated support to the US-sponsored resolution on Sri Lanka passed at the UNHRC meeting in Geneva in March 2012 has left a bitter taste in Sri Lanka. The resolution asks Sri Lanka to be accountable for human rights violations and to speedily implement the recommendations of the LLRC set up by the Sri Lankan government. Sri Lanka's disappointment is more because it was India's support to Sri Lanka that led to the defeat of a similar resolution at UNHRC meeting in May 2009. The Indian vote was largely influenced by domestic political compulsions as well as President Rajapaksa's failure to keep up his promises to India on ethnic reconciliation.

Many Sri Lankans belonging to the conservative Sinhala-Buddhist nationalist segment believe that the Tamil insurgency in their country was India's creation, after Tamil militants took refuge in Tamil Nadu following the 1983 anti-Tamil pogrom. They overlook the subsequent sacrifices India made during its military operations in Sri Lanka against the LTTE to facilitate the implementation of the India-Sri Lanka agreement. The Sri Lankan anti-India lobby, mainly supported by the JVP, construed the military intervention as an indirect bid to help create Tamil Eelam. This lobby, now joined by the right-wing JHU has been strengthened by the reassertion of Sinhala superiority at the end of the war, and as a corollary, the defeat of what they consider Indian machinations to keep Sri Lanka divided. This lobby is vociferous and enjoys some indulgence from the administration. So they cannot be ignored.

A major stumbling-block in India-Sri Lanka relations is the ethnic reconciliation issue. President Rajapaksa has not fulfilled his repeated promises made to India at the highest levels that he would implement the 13th Amendment (devolving powers to provincial councils) in full as part of the ethnic reconciliation process. Before the war he constituted the All Party Representative Committee (APRC) to evolve a framework for

devolution of powers to the minorities. However, its recommendations were put in cold storage. After the war, the government's talks with the Tamil National Alliance (TNA) have been stalled after a dozen rounds as the President wants a parliamentary select committee to evolve political consensus on the issue.

So any exercise to improve India-Sri Lanka relations now will have to be taken up as a challenge by the national political leadership rather than as a diplomatic exercise. Given the complexity of Indian coalition politics, this may be a difficult task. To move forward from this disadvantaged position, India will have to take action to control the call for revival of Tamil Eelam issue by Tamil Nadu politicians in tandem with similar efforts by pro-Eelam activists among the Tamil diaspora. Otherwise, India will not be able to create the climate of confidence required to build a win-win relationship with Sri Lanka.

Revival of the Call for Tamil Eelam

The possibility of Tamil insurgency resurfacing remains a red herring for cordial India-Sri Lanka relations in the future. However, the chances of this happening in the near future appear slim for a number of reasons. The LTTE's armed struggle, waged under Prabhakaran for decades, has failed. Sri Lanka's Tamil leaders who could have rallied the masses for the cause have been eliminated in the fratricidal struggle of the LTTE. The leaders left alive after the war have not been able to evolve a common agenda or leverage their political strength to the advantage of Tamils.

Moreover, in the last three decades the Tamils have been dispersed both within and outside Sri Lanka, which makes it difficult to unite them. An independent Tamil Eelam is far from their minds; their immediate goal is to get back to a life of dignity, and make up for the years lost in the conflict.

Elements of the Tamil diaspora who had supported the LTTE have been trying to keep alive the struggle for Tamil Eelam, but lack a foothold in Sri Lanka. There are also over 11,000 former cadres of the LTTE in Sri Lanka in addition to trained elements of the LTTE and other Tamil militant organizations among the diaspora, including India. Tamil diaspora is also a source of funding for Sri Lanka Tamil political parties, including the TNA. They are also in touch with Tamil Nadu political lobbies. However, fortunately for Sri Lanka, Tamils both at home and abroad are in disparate groups, too involved with their own personal and political agendas to evolve a concerted strategy.

Despite these limitations, the Sri Lankan Tamil diaspora, which had sustained the LTTE insurgency, are not reconciled to its defeat. They are broadly in three streams. The umbrella organization of Global Tamil Forum (GTF), formed in July 2009, and its constituent British Tamil Forum (BTF) would like to take the Sri Lanka government to task for alleged war crimes and other violations of human rights. They have been working with the Labour and Conservative Parties in UK.

The second stream is made up of members of the LTTE's overseas offices, particularly in EU, UK, Canada, and the US. In a bid to revive the LTTE they are being organized by LTTE representatives like Perinpanayagam Sivaparan alias Nedyavan of Tamil Eelam People's Alliance (TEPA) in Norway, and Sekarapillai Vinayagamoorthy alias Vinayagam, former LTTE senior intelligence leader. However, their activities have run into rough weather as the LTTE continues to be banned in thirty-two countries.

The Transnational Government of Tamil Eelam (TGTE), formed by the LTTE's overseas representative Kumaran Pathmanathan (KP) in the last days of the LTTE is perhaps the best organized body of LTTE sympathizers. Its objective is to struggle for creating an independent Tamil Eelam, ostensibly by democratic means. Led by Visvanathan Rudrakumaran, US-based legal advisor of the LTTE as "prime minister", the TGTE has offices in twelve countries, with the secretariat functioning from Geneva, Switzerland. It conducted an election among the Tamil diaspora to elect representatives for its "parliament". The TGTE "virtual government", apart from the "prime minister", has three "deputy prime ministers", seven "ministers" and a number of "deputy ministers".

The TGTE's interest in furthering its linkages in Tamil Nadu is of special significance to India. In April 2012 the TGTE nominated five persons from Tamil Nadu as "members" of TGTE "parliament". A TGTE Solidarity Centre, with Professor Saraswathi Rajendran, a TGTE "parliament" member as convener, operates in Tamil Nadu.

Despite their differences, these diaspora groups have made common cause to get the alleged Sri Lankan army war crimes investigated by an international tribunal. Their recent successes in preventing President Rajapaksa from addressing meetings in UK during his visits have emboldened them to come together on such occasions. We can expect more of such coordinated activity in the future. In this context, the joint statement issued by the GTF and the TGTE on the occasion of the "Mullivaikkal Remembrance Day" on 19 May 2012 is of special interest to India. In the statement they said they had agreed upon several areas of joint action. The GTF "intends to liaise with other

Diaspora Tamil organizations and representatives of Tamil speaking people in Sri Lanka in its efforts to build similar forms of shared understanding.” The TGTE for its part “is engaged in building a power base among the world Tamil community, particularly in Tamil Nadu, and with sections of the international civil society.”

In the light of these developments, the recent revival of Tamil Eelam issue as part of the political catfight between the two major Dravidian parties – the Dravida Munnetra Kazhagam (DMK) led by the octogenarian Karunanidhi and the All India Anna DMK led by Jayalalithaa, the chief minister of Tamil Nadu – is rather disturbing.

Support for Tamil Eelam died down in Tamil Nadu after the LTTE’s assassination in 1991 of Rajiv Gandhi, India’s former Prime Minister, who had signed the India-Sri Lanka agreement. However, public indignation over the plight of Tamils in Sri Lanka during the Eelam War and allegations of atrocities on them came in handy for Ms Jayalalithaa to espouse the Tamil Eelam cause during the parliamentary poll in 2009. She has demanded trade sanctions against Sri Lanka and for a referendum in Sri Lanka for the creation of Tamil Eelam. Smarting under the electoral debacle in Tamil Nadu assembly polls in 2010, Karunanidhi has recently announced the revival of the defunct Tamil Eelam Supporters Organization (TESO) he had formed in 1986 to pursue the Tamil Eelam agenda. The support of these leaders to the idea of Tamil Eelam might only be limited to political rhetoric at present; and they have low credibility among Sri Lanka Tamils. However, their support to the separatist cause legitimizes it and provides political space to pro-LTTE fringe parties in Tamil Nadu that deify Prabhakaran.

If the DMK seriously activates TESO, its link-up with TGTE would become a reality. This increases the risk of Tamil Nadu becoming a hothouse of Tamil extremism, with serious implications for national security. Already, Sri Lanka is seriously concerned at these developments. It would also stoke sentiments inimical to Indian interests in Sri Lanka. Thus both the Centre and Tamil Nadu will have to carefully calibrate the political moves to separate concern for Sri Lankan Tamils from pandering to Tamil extremism before it seriously affects relations between the two countries.

Policy Prescription for India

Sri Lanka has emerged as a strong and more powerful nation after the success in the Eelam War under President Rajapaksa’s leadership. He will be in power

till 2016 and possibly longer. There is no leader visible on Sri Lanka's political horizon to challenge him. The challenges he is likely to face in the next five years are from economic woes and how the unsettled aspirations of the Tamil minority are articulated in Sri Lanka politics. His continued survival at the top will depend upon how he handles these two aspects.

Both issues provide unique opportunities for India despite the challenge posed by China's ever-increasing presence in the economy. Some of the imperatives for success are as follows:

- India will have to play a more prominent role on two fronts: to continue to build India-Sri Lanka economic linkages, particularly when the stark realities of economic downturn hit Sri Lanka hard in the near term, and to help resolve the Tamil-Sinhala ethnic divide.
- Despite his strong leadership style, President Rajapaksa needs continued Indian economic and diplomatic support. He would probably take action to further improve political, economic, trade and strategic ties with India at politically opportune moments of his choosing.
- He responds to only assertive action. So while being friendly, India will have to be unequivocally firm with him about what it wants.
- At the same time, to politically strengthen him, India needs to take measures to remove Sri Lanka's latent fear of India's overwhelming influence subsuming its national interests. The revival of support in Tamil Nadu for Tamil separatism should be curbed by New Delhi by political strategies worked out with Tamil Nadu leaders.
- Thus India-Sri Lanka relations need a more integrated political-diplomatic-strategic-trade strategy evolved by the national leadership. The resources at the Ministry of External Affairs are totally inadequate to execute such a strategy, even if it is devised. Perhaps creating a special task force with its element in Chennai would be the answer. Then only India can show Sri Lanka that it is serious about strengthening its relationship as an equal partner.

Convert Military Victory into Political Opportunity of Reconciliation

N. Manoharan*

Although the LTTE is out of the picture, the ethnic issue in Sri Lanka remains an important aspect that continues to steer India-Sri Lanka relations. The LTTE, which came to the fore in the late 1970s and once ran a proto-state controlling 15,000 sq km in north-eastern Sri Lanka, has now been militarily neutralized. Chances of its revival are remote. The LTTE's top leadership, including its supremo Velupillai Prabhakaran, has been wiped out; most of its cadres are dead; over 11,000 have surrendered, and the rest are scattered. The international wing of the LTTE that took over the remnants of the LTTE after the official end of the war in May 2009 is divided on how to take the Eelam movement forward. Yet, the Sri Lankan government under Mahinda Rajapaksa is concerned about the revival of the LTTE or at least the presence of "Tigerism" in one form or another. "Tigerism" here means ideas of secession through violent means. The approach and actions of the Sri Lankan government towards the ethnic issue are determined by this perception. These have invariably impacted India-Sri Lanka relations in the post-LTTE phase.

Sri Lankan Government's Approach and Actions

After the termination of "Eelam War IV", President Rajapaksa outlined a "Four-Ds" strategy – Demilitarization, Development, Democratization, and Devolution – on the ethnic issue. In his expressed view, *demilitarization* would lay the foundation for peace and development; without *development* one cannot have democracy; *democracy* is important to know the minds of the people; and then comes *devolution*.

The government's *demilitarization* strategy was basically aimed at preventing the regrouping of the LTTE in any form in the near or distant future. Appreciably, and thanks partly due to international pressure, within months of the formal end of the violent ethnic conflict, the "National Action Plan for the Reintegration of Ex-combatants" was put in place. Described by President Rajapaksa as "Humanitarian Mission-02", the framework of reintegration covered five aspects: disarmament and demobilization,

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rehabilitation, reinsertion, social reintegration, and economic reintegration. The Tigers in custody were broadly divided into three categories: those who were forcibly recruited (mostly children), non-combatant members, and hardcore combatants. Separate “welfare centres” for each category were set up – 24 in all – in the districts of Jaffna, Batticaloa and Vavuniya to rehabilitate them. The first category – 556 child combatants – were said to be provided with catch-up education classes and allowed family visits and reunion. Nevertheless, access to specialized independent international agencies like Save the Child, UNICEF and International Committee of the Red Cross (ICRC) was limited. Also, their psycho-social problems were not given due attention.

Those identified as “hardcore” cadres were separated out to extract maximum information on the LTTE remnants, their “sleeper cells”, existing network, future plans of revival, and hidden weapons/mines. In the initial stages, there were human rights abuses in the rehabilitation process, but mellowed down later. No distinction was made between leaders and ordinary cadres in this regard. Some of these former LTTE heavyweights are now working with the Sri Lankan Military Intelligence in neutralizing the internal and external networks of the LTTE. They are expected to undergo legal proceedings after the rehabilitation process which, in turn, may depend on the “level of cooperation” they render to the government. On the non-combatant category, the government has been a bit easy.

However, despite rehabilitation and reintegration, the stigma as former Tigers remains. The government’s strategy of releasing the rehabilitated with much media hype has in fact increased the stigma factor. Also, due to their past activities, their lives are in jeopardy. There is also apprehension among the rehabilitated cadres that they are under the watchful eyes of the security forces and the chances of their being detained anytime are high. The government has ruled out absorbing them into the armed forces, but they may be a good bet as police or Home Guards. Sadly, the Plan of Action also completely ignores empowering the disabled former Tigers.

Apart from “rehabilitation” of former LTTE cadres, the “demilitarization” strategy has included creation of “high security zones” (HSZs) in the Tamil-dominated north-east to protect military camps, strategic installations, and the lifelines of the security forces. These zones comprise large chunks of territory in the Jaffna peninsula and the districts of Mullaitivu, Kilinochchi and Trincomalee. These have displaced thousands of Tamils and deprived many farmers of their livelihood, as the HSZs involve occupying large tracts of agricultural land as well. Apart from restricting the freedom of movement to people in surrounding areas, the HSZs also remain a symbol of domination,

at least in the perception of Tamils. Although the government reduced the area of occupation a little in March 2011, it looks like they will remain as a permanent feature of the region.

Overall, the government's demilitarization strategy has been one-sided: it does not apply to the state forces. This makes Sri Lanka one of the most militarized societies in the world. The government also did not bother much about effects like human rights abuses, prowling of "white van gangs", media stifling and the impact of HSZs.

On "development", the present United People's Freedom Alliance (UPFA) regime strongly believes that the existing issue is not an ethnic question, but only a problem of development. The belief, therefore, is that the ethnic issue would "wither away" if development is taken care of. After the formal end of conflict in May 2009, development programme has been undertaken in the north in the name of Uthuru Wasanthaya ("Northern Spring"). It involves reconstruction of the war-ravaged areas, resettlement of the conflict-displaced, and security. The process of development in the north has been proceeding on some logic like de-mining of areas meant for resettlement and reconstruction, and building up of basic infrastructure like houses, roads, schools, energy grid, telecommunication, etc.

A major constraint in this programme is finances. Local funds are in short supply. External sources of finance are in abundance, but Sri Lanka wants them without any strings attached, especially of human rights enquiries and monitoring. The government has also not utilized aid and development agencies fearing their help in the LTTE's revival, which is an unwarranted apprehension.

Although the "democratization" strategy has been justified by President Rajapaksa as a vehicle to give "voice to the people", it is basically intended to consolidate the power of the ruling coalition at every level: national, provincial, and local. Soon after his re-election as the Executive President in January 2010, Rajapaksa dissolved Parliament and announced elections scheduled for April 2010. For the first time in two decades there was no diktat for the Tamil voters from the LTTE. The TNA underwent a split between hard-line and moderate leaders. JVP, which surprised everyone by emerging as the third-largest party in the previous parliamentary polls, also witnessed splits. The main opposition UNP was also at its lowest point in the political history of Sri Lanka. All these factors, apart from Rajapaksa's charisma, helped the ruling UPFA to secure a landslide victory (144 out of 225 seats). This was the first time in the history of Sri Lanka that a party or coalition got a comfortable majority under the proportional representation system.

Within months after the war, the government conducted elections to local bodies of Jaffna and Vavuniya. In the polls that took place on 8 August 2009, the ruling UPFA won in the Jaffna Urban Council and the TNA, considered as an LTTE proxy, won in the Vavuniya Municipal Council. These were the first elections held in the Tamil-dominated areas after the formal end of the ethnic war in the island. Later, in July 2011 local elections in the former Tiger-held territories were held, in which the TNA won majority of seats. The elections signified that Tamils still nurture grievances and look forward to a responsible leadership. Polls for the Northern Provincial Council are expected to take place after the resettlement of all the displaced. In the electoral exercises held thus far, use of state resources and power by the ruling coalition was very much evident to the disadvantage of the opposition parties. Then there are undemocratic actions like perpetuating island-wide emergency, stifling the media, silencing the civil society, and efforts to split and intimidation of opposition parties.

Efforts at finding a long-term political settlement to the ethnic issue are nowhere in sight. In a recent interview, referring to devolution, President Rajapaksa said, “We are keen on a sustainable political settlement. But it must have wide acceptance, especially in the context of the post-conflict situation.” At the maximum, what seems to be on the cards is some arrangement revolving around the existing 13th Amendment. Through this constitution amendment, the island was divided into provinces, which were granted some powers under the Provincial List. However, the Provincial Councils have always lacked sufficient powers – especially in the matters of land, police and finance – to run their affairs efficiently enough. In addition, the Centre can overrule any Provincial decision. The present government is planning to dilute the powers of the Provincial Councils further. Rajapaksa did indeed appoint an All Party Representative Committee (APRC) in 2006 to “fashion creative options that satisfy minimum expectations as well as provide a comprehensive approach to the resolution of the national question”. However, instead of exploring “creative options”, the APRC in its interim report submitted in January 2008 advised the President to implement the 13th Amendment, which outlined devolution to the provinces in the aftermath of the Indo-Sri Lankan Accord of 1987. Even after twenty years, ideas for seeking a solution were back to square one. At last, the APRC reportedly submitted its final report to the President, who has chosen not to make it public as of now.

On reconciliation, to pre-empt the United Nations’ move to appoint an experts panel on “war crimes” during the last stages of the war, the President appointed an eight-member LLRC in May 2010. The Commission’s mandate

was, however, very limited and did not consider ethnic reconciliation seriously enough. The Commission was mandated to inquire into and report on: the facts and circumstances which led to the failure of the ceasefire agreement (CFA) operationalized in February 2002 and the sequence of events that followed thereafter up to 19 May 2009, when the war ended; whether any person, group or institutions directly or indirectly bear responsibility; lessons to learn from those events and their attendant concerns in order to ensure that there will be no recurrence; and methodology whereby restitution to any person affected by those events or their dependants or their heirs, can be effected. The assumption was that the CFA was a failure, which it was not. Although it was claimed that the LLRC was on the model of the Truth and Reconciliation Commission of South Africa, there was no mechanism in it for reconciliation in the real sense.

The LLRC report, submitted in December 2011, tried to do a balancing act containing both positive and negative aspects. On positives it talked about the need for demilitarization, investigation of disappearances, apart from acknowledging the existence of ethnic grievances; surprisingly, it supported devolution of powers to the minorities, although it did not spell out the modalities. At the same time, the report did not fix accountability for human rights abuses during Eelam War IV. It attributed the collateral damage to LTTE action and military reaction. Most importantly, the LLRC did not give any action plan on the way forward either on reconciliation or devolution.

Post-LTTE Bilateral Ties

India played a crucial role in the military defeat of the LTTE, but never claimed credit for it. Post-LTTE New Delhi's broad concerns have been resettlement and development of post-war Sri Lanka in the short term and bringing a lasting political settlement of the ethnic issue in the long run.

As the humanitarian situation unfolded in the immediate aftermath of the war, India extended massive assistance to Sri Lanka to address the crisis. This came naturally, as India has extended assistance to Sri Lanka on numerous occasions when it was hit by natural disasters. An additional factor was the concern for Tamils, induced by the Tamil Nadu factor. New Delhi immediately pledged \$100 million for relief, rehabilitation and reconstruction. The Government of Tamil Nadu gave a separate package of assistance worth \$5 million. India also sent 10,400 tonnes of galvanised steel sheets to Sri Lanka to construct shelters for families living in relief camps and also announced additional aid of 400,000 bags of cement for the construction of 50,000

houses to the internally displaced persons (IDPs). The Indian Army ran a medical centre in north-eastern Sri Lanka to treat those affected by the war. To sanitise the conflict areas for resettlement, seven Indian de-mining teams have been working tirelessly in this region. New Delhi also has supported the revival of the local economy through a wide-ranging programme for agricultural renewal, with funding worth \$6 million. It included supply of seeds for the Maha and Yala seasons in Sri Lanka in 2010–11, supply of tractors and other machinery to farmer organizations in northern Sri Lanka, and 500 tractors with four implements each (rotovator, tiller, cage-wheel and disk plough) to farmer organizations and agrarian service centres in the Northern Province. In addition, about 90,000 starter packs of agricultural implements were supplied to resettling families. Apart from genuine concern for the displaced, another motivation for the Indian assistance is to gain the lost goodwill of the Sri Lankan Tamil community and also to silence critics from Tamil Nadu that the “interests of their brethren are ignored in favour of good neighbourly relations.”

India has been extending credit to Sri Lanka, especially for infrastructure development. Apart from a credit of \$167.4 million for repair and upgradation of the tsunami-damaged Colombo–Matara rail link, India has extended a credit of \$800 million for reconstruction of Medawachchiya–Madhu, Madhu–Talaimannar and Omanthai–Pallai railway lines in northern Sri Lanka. Other important infrastructure-related projects include the 500 MW coal-based power plant in Trincomalee, inter-connectivity of the Indian and Sri Lankan electricity grids, setting up of e-learning centres (Nenasalas), provision of fishing equipment to cooperatives, supply of buses for assisting transportation in hilly and remote locations and a variety of small development projects in areas like education, health and training in many parts of the country. India is also assisting with the restoration of the Kankesanthurai Harbour and the development of the Palaly airfield as a civil airport. Part of the reason for help was that India did not wish Colombo to seek assistance from those countries that are inimical to Indian interests and partly to send a clear message to all the people of Sri Lanka that India is “a friend in deed”.

On lasting political settlement of the ethnic issue, India’s consistent position has been in favour of “a politically negotiated settlement acceptable to all sections of Sri Lankan society within the framework of an undivided Sri Lanka and consistent with democracy, pluralism and respect for human rights.” India has been pushing for the implementation of the 13th Amendment as an interim measure until a final solution is reached through the processes of the APRC. Over and again, New Delhi has conveyed to the Sri Lankan government that peace through war is not a good option and is unsustainable in the long

run. India wants Colombo “to put forward a credible devolution package at the earliest”. In this regard, New Delhi has expressed readiness to “share its constitutional experience”. Also realizing the importance of having consensus among all important political parties of the island, India has especially urged the main opposition party, UNP, and all Tamil parties to work with President Rajapaksa in finding an acceptable solution to the ethnic issue.

Prospects

Post-LTTE Sri Lanka has emerged as a far more peaceful country and the prospects of Indo-Sri Lankan relations are good. There are certain challenges in the form of the unsettled ethnic question, presence of extra-regional powers in the island, issue of fishermen and balance of trade. These are, however, manageable. There is a sincere acknowledgement in Sri Lanka that it needs India for its own peace and long-term development. For Colombo, India’s rapid growth and rising stature are worth recognition. India also knows well that its own rise as a world power depends largely on peace in its neighbourhood. It cannot afford to remain isolated as an island of stability for long when its immediate neighbourhood is in turmoil.

In resolving Sri Lanka’s ethnic issue India’s role is important. New Delhi should take periodic reviews of the needs of the conflict-displaced and must consider providing more aid as and when necessary. Disbursing the aid directly to the affected people and areas of the island instead of routing it through the government is appropriate just to make sure that it reaches the intended beneficiaries. India should also convince more countries to come forward to help, but directly, in all aspects of reconstruction of the war-ravaged north-east. This will go a long way in resettling the displaced Tamils in their place of origin. Decent resettlement of the IDPs will also take care of the hue and cry in Tamil Nadu over the humanitarian issue.

Rehabilitation of former LTTE cadre is yet another short-term role that India could take up seriously. Given the economic situation of Sri Lanka, providing suitable employment to the demobilized LTTE cadres is not going to be an easy task. In this regard, India could provide specific aid for the rehabilitation of former rebels. Indian schools and universities could be thrown open with sufficient scholarships to former child soldiers. Sri Lanka Donor Conference countries, which include the United States, the European Union, Japan and Norway, can be persuaded to invest, especially in the north-east, in manufacturing and services industries that could offer numerous job opportunities to the Tamil youth. Dignified rehabilitation of all surrendered

LTTE cadres will convert them into non-fighters once and for all. Revival of the LTTE in any form is not in the interest either of Sri Lanka or India or the rest of the world.

For lasting political settlement, India should at the outset make sure that the recent military victory over the LTTE does not result in triumphalism in the Sinhala-dominated regime vis-à-vis the Tamil minorities. It should rather be converted into a political opportunity. India has to exercise maximum leverage on Sri Lanka to deliver a meaningful devolution package to the minorities, both Tamils and Muslims. Any meaningful devolution should go beyond the present 13th Amendment framework. It is true that for the Sinhala hardliners even the 13th Amendment is unacceptable. But in reality, devolution under the 13th Amendment is not only too little and too late, but it is also unsustainable in the long run. Unless this piece of legislation is overhauled with substantial addition of powers, it will continue to remain a dead letter. The constitutional reforms must also take into consideration, at the macro level, mechanisms such as a supreme parliament, an independent judiciary, separation of powers with checks and balances, justice, freedom, equality, rights and responsibilities.

India can also play a vital role in unifying all the Tamil groups of Sri Lanka to offer a common front. India is the only actor that has immense leverage on all Sri Lankan Tamil parties, and New Delhi should not hesitate to make use of Tamil Nadu for this purpose. A suitable reconciliation method could be adopted to construct bridges among all the communities of the island. A broad and inclusive approach is required to transform from conflict to coexistence and to establish sustainable peace. Inclusiveness does not mean assimilationism, but recognizing diversity and the “worth of the other”. This is where a good interim arrangement aimed at ameliorating the sufferings of the affected populace, which could build confidence between the majority and the minority communities, is vital. The affected people should not have to wait till a lasting political solution comes about in the distant future.

India also could contribute immensely in putting the Sri Lankan economy back on track. The island has been suffering from expensive short-term foreign debt, declining foreign exchange reserves, and a high deficit. Global economic recession has added to the woes of the outward-looking Sri Lankan economy by hitting key export sectors like tea and garments. Using the FTA between the two countries, India could boost the affected sectors of Sri Lanka. It may affect India in the short term, but in the long run it will certainly help both the economies. However, both countries have to go beyond the present FTA to reap the maximum benefit of complementarities. Comprehensive Economic

Partnership Agreement (CEPA) has been on the cards for quite some time, but without much movement forward. The resistance, in this regard, is from the Sri Lankan side fearing domination of Indian goods, services and labour in the island's economy. New Delhi could allay these apprehensions by suggesting an experimental CEPA for a limited period of time; and to make it long-term as and when both sides are satisfied with the experiment. There is immense potential to achieve a win-win situation for mutual advantage in trade and business, which could be realized through serious bilateral talks. India should consider investing more in its neighbourhood by extending support and mitigation packages to investors to cover the risk and credit line to expedite the investment. India can consider jointly developing hydel and wind power resources in Sri Lanka with a buy-back arrangement. Sri Lanka is emerging as a key backyard of services sector, especially business and knowledge process outsourcing. Being a powerhouse of outsourcing itself, India can share its experience and expertise on this. It can also train Sri Lankans, especially unemployed Tamil youth, to excel in this sector.

Tourism is yet another goldmine for bilateral relations. For instance, in 2011, more than 125,000 Indian tourists visited Sri Lanka, making up nearly 20 per cent of the tourists to the island. Sri Lankan tourists too are among the top ten sources for the Indian tourism market. In 2011, nearly 200,000 visas were issued by the Indian High Commission in Colombo to facilitate travel between India and Sri Lanka. The number is expected to go up with the opening of new Indian Consulates in Jaffna and Hambantota. It is expected that two-way tourism and connectivity will get a further fillip with the commencement of ferry services between Colombo and Tuticorin, as well as Talaimannar and Rameswaram, an agreement on which has been signed between the two countries in January 2011. As the ethnic war is over now, New Delhi and Colombo can consider constructing a land bridge linking Talaimannar and Dhanushkodi, the two nearest points between the two countries. Such a link will facilitate movement of both passengers and cargo, resulting in increased economic opportunities. The land bridge will also offer tremendous scope for industrial linkage especially between southern India and Sri Lanka. To further boost Indian tourism, Sri Lanka could revive visa-on-arrival facility for those visitors who go for business and tourist purposes. On its part, India has to further liberalize its visa procedures for Sri Lankans.

The issue of straying of fishermen from both countries into the other country's territorial waters and the consequent harassment by the naval forces requires urgent attention. Despite the existence of certain practical arrangements to deal with the issue of bonafide fishermen of either side crossing the

international maritime boundary line, firings on fishermen continue. A comprehensive and humane approach, therefore, is required. To avoid shooting incidents due to “mistaken identity”, coordinated patrolling between the navies of the two countries can be considered. The Sri Lankan Navy should take greater care in handling straying Indian fishermen. Additionally, developing fish farming extensively in Indian waters would prevent India’s fishermen from venturing into other waters in search of a big catch. Until then, India can consider leasing fishing blocks, especially those identified as “surplus total available catch”, from Sri Lanka. Through this, Sri Lanka could also earn much required foreign exchange.

The Chinese presence in the guise of helping in the infrastructure development in Sri Lanka is seen as a serious strategic concern. However, instead of competing for a strategic space in the island, India and China can consider jointly developing Sri Lanka. At the same time, Colombo has to take India’s sensitivities into consideration in this regard, although India never raised this as an issue in any bilateral forum.

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Seeds of Future Conflict Still Remain

Lakhan Lal Mehrotra*

India and Sri Lanka are partners in shaping the destiny of this region together. Both geography and history link them together, and in a very positive way, given the totality of their experience from times immemorial. More than two and a half millennia ago, the Buddha himself brought his eternal message of “Karuna” and “Maitri” – compassion and universal brotherhood – to Sri Lanka and brought peace to the warring factions on the island, as Mahavamsa tells us. About three centuries after the Master, King Asoka deputed Sanghamitra to Sri Lanka to preach his doctrine. The Sinhala race in Sri Lanka traces its origins to the region south of the Himalaya in India, where the Buddha reached his enlightenment and from where hailed Prince Vijaya, the architect of the first royal dynasty in Sri Lanka. Similarly, the Tamils of Sri Lanka are linked historically by ties of blood and culture to their co-ethnics in South India and take their origin back to the Sindhu or Indus Valley culture five millennia ago. Sri Lanka’s Muslims, too, have a filial relationship with their brethren in India’s west and south. The geological and civilizational bonds between the two countries are thus ancient and intimate. In consequence, what happens in one country inevitably has implications for the other.

As President Mahinda Rajapaksa declared the end of the war with the LTTE on 20 May 2009, a wave of joy swept through Sri Lanka. The war, lasting three decades, had cost the island nation a hundred thousand lives, by the President’s own reckoning. In its final phase alone, over 20,000 civilians had perished, about 6500 troops were killed, and nearly 15,000 LTTE cadres lost their lives, not to speak of many times more injured. It left some 300,000 IDPs in cramped camps, in addition to even larger numbers from the earlier phases of the war, and about 200,000 Muslim IDPs stationed in Puttalam. The problem of rehabilitating them was of epic proportions.

However, healing the scars of war all over the country, and particularly in the North and East, which had suffered the most, was an exceptionally difficult

*Revised and expanded version of a speech delivered on 16 February 2012 at Puducherry University under the “Distinguished Lecture Series” programme of the P.D. Division of the Ministry of External Affairs. Published here with their permission.

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problem to solve. As the adage goes, it is easier to win a war: but it is far more difficult to win peace. The implications of the battle for peace in Sri Lanka are as important for India as they are for Sri Lanka. Resurgence of militancy in Sri Lanka in any region or form will be anathema to both. The end of the war offers a great opportunity to both nations to work together to bring durable peace and harmony to all the people of this land torn as under by ethnic conflict.

In his address to the United Nations on 23 September 2010, President Mahinda Rajapaksa said:

My responsibility is to the entire nation. My responsibility is to the lives of millions of men, women and children, and those yet to be born. My responsibility is to the peace and prosperity of the nation and the right to a peaceful life for all who live there.

India, as a well-wisher of all the people of Sri Lanka, whatever their origin, fully appreciates this great undertaking on the part of the Sri Lankan President. India has been willing and ready to do its mite to bring the people of Sri Lanka closer to its cherished goals of lasting peace, harmony and prosperity. Immediately as the war was over, Prime Minister Manmohan Singh offered Rs 5000 million (US\$ 105 million) to address humanitarian issues in the country's North and East. The Government of Tamil Nadu additionally gave Rs 250 million (\$5 million). India dispatched 2600 tonnes of galvanized sheets to build shelters for about 2000 families living in Sri Lankan camps. India also handed over to the Sri Lankan Government a hospital being run by the Indian military in the north-east to treat the war-injured. India's assistance to Sri Lanka since then has included de-mining and livelihood support measures for relief and settlement of IDPs, including construction of houses for them. The pilot project of building 1000 houses in the Northern Province is underway. India's reconstruction and relief effort in the predominantly Tamil areas in Sri Lanka also includes infrastructure development projects such as rehabilitation of Kankesanthurai harbour and Pallali Airport, repair and construction of hospitals and schools, establishment of Vocational Training Centres in the North and East, construction of the Cultural Centre in Jaffna, restoration of railway lines, and restoration of Duraiappah Stadium in Jaffna.

India has extended a line of credit of about \$800 million to upgrade railway infrastructure in North Sri Lanka. This includes construction work, rolling stock, and signalling and telecom equipment. India's humanitarian assistance has also extended to other parts of Sri Lanka such as the tsunami-hit areas. This includes a credit line of \$400 million for repair and up-gradation of the Colombo–Matara rail link.

India's Minister for External Affairs, S.M. Krishna, during his visit to Sri Lanka from 16 to 19 January 2012, visited Jaffna, Killinochi and Galle. He handed over material and equipment for the construction of 19 km long railway tracks, hospitals and housing for the IDPs. Five agreements were concluded during his visit pertaining to: (i) implementation of the Housing Project for 49,000 houses; (ii) cooperation in the field of agriculture; (iii) cooperation between the Telecom Regulatory authorities of the two countries; (iv) credit line worth \$380 million for restoration of the Northern Railway Service; and (v) a Buyer's Credit under National Export Insurance Account of \$60 million for Dambulla Water Supply Project. Sri Lanka on its part announced its strong support for India's permanent membership in an expanded UN Security Council.

In September, from 18 to 24, 2011, Joint Staff level talks began between the navies of the two countries at the Sri Lanka Navy Headquarters. The two navies conducted their largest-ever joint naval exercise, SLINEX II, off Trincomalee during that period. The exercise was aimed at enhancing the interoperability of the two navies. Recent visits of India's Naval and Army Chiefs to Sri Lanka have also added to India's defence profile there.

Paying a compliment to the "vibrant and substantial" relationship between the two countries, Sri Lanka's Minister of External Affairs, Prof. G.L. Peiris, has said that the threshold reached in it was "not something fleeting but to nurture, safeguard and develop throughout the passage of time". While sharing fully the sentiment expressed by Sri Lanka's Minister of External Affairs, one must underscore the fact that little progress has been achieved so far in regard to fulfilling the promises made by the Sri Lankan President and Minister of External Affairs on the evolution of a constitutional package to satisfy the aspirations of Sri Lankan Tamils.

Promises are as good as gold only when they are implemented. When the Sri Lankan President affirms, as he did in his address at the UN in September 2010, that Sri Lanka was "now at peace, a peace that was only a dream a few years ago", one is reminded that the end of the war with the LTTE resulted in the peace of the grave, at least in those parts of Sri Lanka that had suffered most from the ravages of war: and that includes the large majority of people in its North and East. For an ethnically harmonious future in Sri Lanka, it is important that the root causes of the ethnic conflict in the island nation are addressed seriously. This matter also concerns India in that it has to meet the acute concern, especially in Tamil Nadu, about the fate of Sri Lankan Tamils, the utter devastation and trauma they have suffered and the discriminatory regime against them that still persists.

In its report, Sri Lanka's LLRC has recommended various measures for healing the wounds of the conflict and fostering a process of lasting peace and reconciliation. These pertain to information on missing persons and detainees, investigation of cases of disappearances and abductions, promotion of a trilingual policy, deployment of Tamil-speaking officers in all offices, curbing the activities of illegal armed groups, reduction of high security zones (HSZs), return of private lands by the military, and demilitarization. However, the TNA has openly expressed its reservations on LLRC's report, which is long on analysis but short on policy implementation. The continuing presence of the Army in huge chunks of territory in the country's North and East at the cost of agricultural lands has been a sore point in the eyes of local Tamils. Allegations by human rights organizations of war crimes and crimes against humanity perpetrated over them also remain on board.

The Sri Lankan Tamils enjoy considerable sympathy and support amongst the Tamil diaspora. The Sri Lankan Parliament passed the Prevention of Money Laundering (Amendment) Bill and the Convention of the Suppression of Terrorist Financing (Amendment) Bill on 21 September 2011 to deal with LTTE overseas fundraising activities and money laundering. Thus, despite all claims to the total annihilation of the LTTE at home, the ghost of the LTTE still remains at large. In this context, reports about the location of a couple of LTTE sleeper cells near Mumbai recently, functioning with assistance from Lashkar-e-Toyyaba in Pakistan, must have raised an alarm in both Colombo and New Delhi.

The seeds of future conflict in Sri Lanka still remain. The centralization of power; changes envisaged in the electoral system calculated to benefit the Sinhala-majority parties rather than locally based parties such as small ethnic minority parties; continued fear that decentralization and devolution encourage separatism; the fear of the phoenix of the LTTE to rise again and repeated validation of emergency provisions. All these are pregnant with adverse possibilities as far as peace and reconciliation on the island go. As matters stand today, instead of moving towards greater devolution of power, Sri Lanka has moved in the opposite direction by abrogating provincial powers over land and police devolved under the 13th Amendment. As we know, it was the anxiety of the majority community to preserve the unitary character of the state, and consequently block constitutional evolution of Sri Lanka even in a quasi-federal direction, that led to the rise of Tamil militancy. President Rajapaksa's oft-proclaimed policy of "13th Amendment Plus" is yet to see its manifestation on the ground. Post-LTTE Sri Lanka offers fresh opportunities to the nation to give a good deal to the Tamil community, heal its wounds,

allay its fears of domination by the majority community and put an end to discrimination against it.

In the final analysis, India's growing ties with Sri Lanka in the post-LTTE scenario would be governed mainly by the following factors:

1. Close historical links of Sri Lanka with India, retaining India's primacy in Sri Lanka's strategic calculus.
2. The close ethnic bond between India's state of Tamil Nadu and the North and East of Sri Lanka.
3. Restoration of normalcy in the lives of the people in Sri Lanka's North and East, considered by its Tamils as their traditional habitat, and the end of any discrimination against them as equal citizens of the land.
4. Political evolution in the direction of self-governing institutions for all the minorities in what may be a quasi-federal structure of the state of Sri Lanka, with full respect to its national sovereignty and territorial integrity.
5. Peace on the island on a continuing basis.



Sri Lanka Needs to Do a Lot More

M.R. Narayan Swamy*

It would be tempting to say that the present turmoil in India-Sri Lanka relations has arisen mainly due to the compulsions of India's coalition politics as the government of Prime Minister Manmohan Singh leans on the DMK Party for survival. But this would be a naïve reading of a complex situation.

The Congress-led central government was under far greater pressures, and not just from political actors in Tamil Nadu, to influence Sri Lanka to go slow in the last years of its punishing war against the LTTE. The government did not succumb. It did not bend even when the pro-LTTE hysteria rose sharply after it became increasingly evident towards the end of 2008 that the Tamil Tigers could soon become history.

Ironically, the Indian parliamentary elections of 2009, held amid speculation that the Congress Party might be voted out, ended up intensifying an already brutal war. The Rajapaksa brothers and their advisors had concluded that it would be better to crush the LTTE before a possible regime change took place in New Delhi and a less sympathetic government replaced the Congress.

The Congress, however, went on to win the election in a most dramatic manner, but the LTTE met a terrible end – in an equally sensational way. But what was noteworthy was that even as one of the world's bloodiest conflicts neared its end, with terrible consequences for the mainly Tamil civilian population, the Congress leadership managed to keep the occasionally sulking DMK on board, ignored shrill protests by smaller political outfits in Tamil Nadu, and simultaneously took its covert cooperation with Colombo to new levels in an effort to see the last of the LTTE.

Such was the Congress-DMK bonhomie that when the LTTE eventually went down in May 2009, and its leadership was wiped out, the DMK's leading stars were in Delhi not expressing horror over the fate of Velupillai Prabhakaran and his family but demanding a fair share of the cabinet spoils!

The UPA government of Manmohan Singh has no such intense internal pressures to deal with now – even if the scenario has the potential to slowly change. Although the All India Anna DMK (AIADMK) government in Tamil

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Nadu has taken a far more strident stand vis-à-vis the Rajapaksa regime, demanding an economic embargo against it, and the DMK continues to indulge in competitive politics on the Tamil issue, New Delhi's relations with Colombo have hit an unprecedented low for reasons that have more to do with the Sri Lankan regime than the omnipresent Tamil Nadu shadow.

India's cooperation with the Mahinda Rajapaksa regime had a shaky beginning, soon after he took power in November 2005. Although New Delhi had quietly rooted for him earlier when he became prime minister (at the cost of party colleague Lakshman Kadirgamar), Rajapaksa was upset that a senior Indian diplomat in Colombo had told him to make New Delhi his first port of call after assuming presidency. As he complained to his aides, he very much wanted to do that but he did not like a suggestion that amounted to diplomatic bullying to all practical purposes and intents.

In the event, Rajapaksa's December 2005 journey to India turned out to be a huge disappointment for him personally. India, he felt, did not come out openly in support of him (at a time when the LTTE had begun to militarily provoke him) and did not provide him the kind of economic package he was looking for. Worse, he had to face a humiliating snub from Tamil Nadu Chief Minister J. Jayalalithaa, who refused to receive him in Chennai; taken aback, the Indian government hurriedly flew him to Kerala on his way home. Not having read accurately the mind of the Rajapaksa brothers vis-à-vis the LTTE, an organization outlawed in India, New Delhi lost a golden opportunity to play the generous host and build an abiding friendship with the new presidency.

This despite the fact that Mahinda Rajapaksa had opened up to close Indian friends even before becoming president that he was determined to achieve three things: (a) break the opposition, so as to shore up his support in parliament; (b) crush the intransigent LTTE (which foolishly played a role in his narrow electoral victory); and (c) meet the legitimate political aspirations of the Tamil community. He achieved the first without much difficulty, executed his second pledge with a display of ruthless determination that stunned the world as well as the vanquished LTTE, but failed miserably on the third front.

During the last years of the war, the Rajapaksa administration repeatedly promised to the Indian government to bring about political reforms that would satisfy vast sections of the Tamil community. It was also made clear that Colombo would never shake hands with the LTTE on the latter's terms or with those who sympathized with LTTE's aims and objectives. The

government, the point was made, also had to keep in mind the concerns of the majority Sinhalese community.

Some of this was understandable. Among large sections of the Sinhalese, “autonomy” and “federalism” had become dirty words. The interventionist and at times bossy role of international actors of all varieties was also widely detested. So Sri Lanka should not be hurried into doing anything. There was a need to evolve a national consensus. India must understand this, and convey this to the rest of the world too. So went the argument from Colombo.

These promises were made to India by Rajapaksa, his close aides as well as senior ministers at a variety of venues.

As it understood well the politics of competitive communities, India was ready to wait and watch. Sri Lanka’s stand led India to bail out the Rajapaksa regime during the years leading to the end of the war whenever Western pressure peaked on Colombo to give undue concessions to the LTTE. But even as the military made steady gains against the Tigers, contradictory signals began to emanate from Colombo.

On the one hand, Sri Lanka continued to harp on the need for a political resolution to resolve political issues while adamantly refusing to compromise with the LTTE. But it kept parroting, and with increased emphasis, that it would never be bullied into embracing any political arrangement crafted abroad – a la the 1987 India-Sri Lanka Agreement. Others high in the Rajapaksa regime argued loudly that there was only a terrorist problem in Sri Lanka and there was no political issue – a line that did not find acceptance in New Delhi. But these were overlooked as rhetoric. At the same time, keeping in mind Indian sensitivities, Sri Lanka kept New Delhi informed about its arms purchases from abroad, particularly China and Pakistan. On the ground, India went out of its way to cripple LTTE operations in its own territory. Indian security agencies made life difficult for the Tigers to use Tamil Nadu as a safe haven. India refused to lift the ban on the LTTE – imposed one year after former Prime Minister Rajiv Gandhi’s 1991 assassination and renewed every two years. New Delhi provided military cooperation – some overt, some covert. The situation became so desperate for the LTTE at one point that its leader, Prabhakaran, made half-hearted apologies for his earlier foolhardy conduct towards India, including the Gandhi murder.

It was all too late to mend fences. With Rajiv Gandhi’s widow Sonia calling the shots in the UPA regime, and the national security establishment presided over by former Intelligence Bureau chief M.K. Narayanan (who was badly tripped by the LTTE during the 1991 Gandhi killing), there was not

even an iota of sympathy for the group in New Delhi as it met a gory end. Narayanan frequently discussed the Sri Lanka situation in depth with Manmohan Singh. Details of these meetings, on rare occasions joined by others, never made their way into the media. Manmohan Singh spoke to President Rajapaksa on telephone whenever the need arose.

The decimation of the LTTE, however, had a steady but visible negative impact on India-Sri Lanka relations. This was ironic, as India had played a critical but largely quiet role in the military victory. Post-war, New Delhi poured in money for its share of relief and rehabilitation of the large numbers of civilians displaced by the war in Sri Lanka's north. India also provided shelter assistance, financial grants, medical aid, farm equipment, cement, galvanized iron, seeds, tractors, bicycles and more to contribute to civilian rebuilding in the north.

However, Colombo was now dilly-dallying over its earlier promises to come out with a political package. Initially, despite misgivings, this was attributed to the demands posed by the mammoth relief and rehabilitation work, the urgency to de-mine vast areas in the north, and the daunting task of weeding out LTTE cadres from among the Tamil civilians in Sri Lankan custody. Riding a wave of ultra-nationalism and triumphalism after the war, a "Mahinda Chintana", or a home-grown political solution (as opposed to ideas coming from abroad), came to be emphasized again and again as the need of the hour. The polite but unstated message to India was: Sorry, we don't need any more advice from you!

Unlike the West, and unlike its own follies of an earlier era, India did not use loud-hailer diplomacy over the suffering of Tamil civilians that took place during the end of the war. The Indian leadership, whatever the individual reading of the situation, was willing to accept the Sri Lankan claim that some of the human rights violations could not be helped given the inherent character of the LTTE to use civilians as a shield. But it kept conveying its concerns about civilian suffering and human rights abuses to the highest in Sri Lanka in a manner that was not seen to be intrusive.

In contrast, the intense Western pressure on Sri Lanka on human rights abuses was immense. This peaked after the leakage of videos showing Sri Lankan soldiers killing suspected and bound Tamil Tiger fighters in cold blood. This in turn led Colombo to set up the LLRC to chart a political way ahead. But it did not budge on the issue of autonomy to Tamil areas.

When the UPA government realized that the Rajapaksa regime was unwilling to implement even the recommendation of the LLRC, it concluded,

painfully, what others had been saying for some time: New Delhi had been taken for a ride.

Until then, it was thought to be prudent to either ignore the shrill anti-Colombo noises in Tamil Nadu or persuade the domestic critics to take a holistic view of Sri Lankan affairs. This was no more tenable because Sri Lanka was acting as if India no more mattered and its own promises made to the Indian leadership were no more valid. Worse, there was mounting apprehension in India that Sri Lanka was trying to play the China card to force India to stop talking about its pet themes.

In Tamil Nadu, Chief Minister J. Jayalalithaa went hammer and tongs against Sri Lanka. She even accused the Indian government of turning a blind eye to the continued killing of Tamil Nadu fishermen by the Sri Lankan Navy. The politically wounded Karunanidhi began calling for an independent Tamil Eelam. He has announced a meeting of the TESO in Tamil Nadu in August 2012. (The TESO was an active DMK-backed organization which died a natural death after the LTTE wiped out rival Tamil militants in the mid-1980s.)

A frustrated India did not have much of a choice when the US sponsored a resolution hugely critical of Sri Lanka at the nineteenth meeting of the UNHRC in Geneva in April 2012.

India was one of twenty-four countries which voted for the resolution which pulled up Sri Lanka for its poor human rights record and sought an early political resolution to overcome its ethnic divide. It was an unprecedented act. It shocked not only Sri Lanka but many even in India and the West. Even before the vote was taken, I had warned that India was inclined to back the US resolution but only after ensuring that the move did not destabilize Colombo. In the process, it moderated the resolution to read that the UN would act vis-à-vis Sri Lanka only with Colombo's consent, not unilaterally.

The Indian vote (out of sync with the rest of Asia) caused widespread dismay and anger in Sri Lanka. But as it has often happened in the past, India did not gain any friends in the process in Sri Lanka. Many among the Tamils were upset that New Delhi had watered down the original US resolution in Geneva. And those in the government felt badly betrayed. India, it was argued, was again acting like a Big Brother.

It is true that India's appeals – at times made publicly – for a political resolution of the Tamil conflict irritate many in Sri Lanka, the government included. India has often spoken about the 13th Amendment to the Sri Lankan constitution which followed the 1987 India-Sri Lanka pact and which paved the way for devolution of powers to the provinces. After indicating earlier

that he was ready to concede more than the 13th Amendment (“13 Plus!”), Mahinda Rajapaksa has since made a definitive U-turn. After a visit by Indian External Affairs Minister S.M. Krishna this year, Rajapaksa went out of his way to declare that he had given no commitment to India on the reconciliation process.

India would not have associated itself with the April 2012 Geneva resolution (it lobbied and voted for Sri Lanka the previous time in 2009) if only Colombo had taken steps to politically appease the Tamil community. The Indian vote was a clear message that New Delhi’s patience had run out. Manmohan Singh explained after the Geneva vote: “What we did was in line with our stand on Sri Lanka. We did not want to infringe on the sovereignty of Sri Lanka but our concerns should be expressed so that Tamil people can get justice and lead a life of dignity.”

Irrespective of how India voted, the allegations against the Sri Lankan military have not and would not have gone away. But it would have shown that Colombo was on the right path. This would have won for it many friends. Instead, the Sri Lankan government’s now-that-the-war-is-over-I-care-a-damn attitude ended up creating needless enemies. In the process, large sections of the Tamil population, who were relieved that the war had ended, became increasingly bitter over the overbearing attitude of the military, particularly in the north. Even after crushing the LTTE, the regime kept seeing the outfit’s shadows where there were none.

It is not India’s case that all the blame for the political mess in Sri Lanka today can be laid at the doors of the Rajapaksa regime. On the other side of the political spectrum, the TNA – which over the years became closely identified with the LTTE – has to come out of the political grips of the pro-LTTE Diaspora. Having proved its clout in repeated elections in the predominantly Tamil north, the TNA has held seventeen rounds of discussions with the Sri Lankan government in a bid to find common political ground.

But this is unlikely to happen until both sides show a genuine desire to accommodate each other’s legitimate concerns. India has to remain engaged with the TNA – but also with others in the Tamil community who may hold varying views. The need of the hour is flexibility. It was the LTTE’s adamant refusal to be flexible that led to its demise, leaving the Tamil community on bent knees, politically far less secure than even in 1983, when Tamil militancy formally leapfrogged into a separatist campaign. As an ex-LTTE guerrilla told me after the war ended in 2009: “A long time ago we (Tamils) held our heads high although we were oppressed by the Sinhalese. That is not so now. Our back has been broken.”

Sri Lanka needs to do a lot more. Its rhetoric has to mirror the fact that the war against the LTTE is over, and the LTTE is history. The Rajapaksa brothers cannot keep on counting Russia and China to bail out Sri Lanka every time it is caught in a diplomatic standoff against the West (or India). Whether it likes it or not, Colombo is under watch. It has to make a presentation to the UNHRC later this year; and the Council's report will come out at its session in March 2013.

While the LTTE without doubt brought immense suffering to the ordinary Tamils over the years it fought a brutal war in their name, Sri Lanka cannot disown responsibility for the present situation. The dominating role played by the military in Sri Lanka's north has led to widespread resentment. To take an attitude that there should be no discussion about the war because it has got over is silly, and betrays unmistakable insensitivity.

The scars of the last few years of the war – as opposed to the conflict *per se* – run deep in the country's north. Those who have shown courage to provide counselling in the former war zone say that mothers who saw their children bleed to death due to heavy shelling remain traumatized. Many others saw their elderly parents die because they could not keep pace with those fleeing for safety. Men, women and children suffer from hallucinations, nightmares and suicidal tendencies. Seemingly irreparable damage has been done to the mental health of many men in particular. According to one published account, young children in schools fall on the ground with their hands over their heads whenever they hear thunder or any loud bang.

These are people whose sole mistake was that they lived in LTTE zones either willingly or because they had no choice. The LTTE acted in their name without their consent. They did not seek the war and they were not responsible for any of the violence. In its hour of military victory, if the Sri Lankan government had shown less triumphalism and had been magnanimous in addressing political issues, the Tamils would be far less sullen now. Instead, what many ordinary Tamils see is a needless display of Sinhalese-Buddhist supremacy that could have been easily avoided.

Despite the bitterness of the Geneva vote, India has to be engaged with the Sri Lankan leadership too. In the long run, nothing can replace a persuasive approach. While critical voices from Tamil Nadu need to be heard and respected, it should be remembered that the Tamil Nadu political leadership miserably failed to play a meaningful role during the years the war raged. Instead, it allowed the LTTE and its apologists to dictate the terms of political engagement. The folly continues. The DMK and AIADMK should not have

boycotted the all-party Indian delegation that toured Sri Lanka in April 2012.

Can the LTTE return to haunt Sri Lanka? – This question is frequently posed in any discussion on the present-day situation. It is relevant too because both the pro-LTTE Tamil Diaspora and the Sri Lankan regime appear to believe so – for their own reasons. Those who saw no fault in the Tigers and believed in Prabhakaran's invincibility have been unable to come to terms with the LTTE's wholesale destruction. It suits them to float a Tamil Eelam government on the web and keep alive the myth of the LTTE. This incidentally suits the government too because it can justify its huge military budget and keep the military unleashed in Sri Lanka's north.

The reality is that the LTTE is gone – lock, stock and barrel. It can never come up again in any form or under any label. To argue that no ethnic problem has been resolved militarily is to miss the point; even when it existed, the LTTE never wanted to resolve the problem! It only wanted a Tamil Eelam state savagely controlled by it. That it achieved to a limited extent; but it only exacerbated the ethnic conflict.

Give the devil his due. For all its faults, Prabhakaran was the heart and soul of the LTTE. He is now gone. Inasmuch as no one can replace Prabhakaran, the LTTE he built brick by brick, at a certain juncture in history, cannot be rebuilt. When groups such as the LTTE emerged in the 1970s, they were seen as a legitimate answer to Sinhalese obduracy. Unfortunately, the LTTE showed during its long years of existence that Tamils could be as bloodthirsty and ruthless as the Sinhalese in the dock.

Both subjective and objective factors helped the LTTE to grow. This included a sympathetic India. These do not exist now. In any case, the LTTE did not balloon overnight. It took a long time to take birth, to stabilize and to grow – at a time when Sri Lanka did not have a military worth its name. The reality is vastly different now on this count too.

Finally, vast sections of the Tamil community will simply refuse to have anything to do with another LTTE or a clone – because of what they saw and endured over a quarter century. Rhetoric apart, the way the LTTE got crushed only proved the inefficiency of the politics of gun and gore that it preached. Minus a people willing to or desiring a fight, even God will not be able to recreate the Tamil Tigers.

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