

- Verification and Institution-building in El Salvador', *International Peacekeeping* 4/2 (Winter 1997) p.39.
62. In Mozambique the UN found that the geographical locations chosen by the parties had been chosen not for their logistical suitability, but simply 'for their importance for control over certain areas'. See *United Nations document, S25518*, 2 April 1993.
 63. Gen. Sanderson has argued that the UN's detailed reconnaissance and standard operating procedures for the cantonment and disarmament of the parties' forces made both processes achievable. However, he also acknowledged that inadequate support to the troops and their families in the cantonments, which had not been budgeted by the UN and was not a priority for the parties, would have been the most serious difficulty arising from the success of the cantonment process. The parties themselves had the responsibility for the provision of food and medical care, but none of them had the normal military logistic or medical capabilities to undertake the task. D. Cox, 'Peacekeeping and Disarmament: Peace Agreements, Security Council Mandates and the Disarmament Experience', in *Managing Arms in Peace Processes: The Issues* (Geneva: UNIDIR Publication 1996) pp.103-4.
 64. See Anstee (note 27) p.47.
 65. Cox (note 63) p.106.
 66. On the day of departure from the assembly areas each soldier received civilian clothing, a demobilization card, a cash sum equivalent to three months pay and a voucher for an additional three months subsidy to be paid in the former soldier's district of residence. In addition to this each demobilized soldier received transport subsidies, rations for two weeks and packages containing seeds and agricultural tools. Transport was provided for the demobilized soldiers, their dependents and belongings. Humanitarian assistance was also provided to the dependents who had encamped around the assembly areas during the demobilization phase. *United Nations document, S/1994/511*, 28 April 1994.
 67. *United Nations documents, S/1994/89*, 28 Jan. 1994 and *S/1994/1002*, 26 Aug. 1994.
 68. By the end of the UN's mandate the cost of the RSS was estimated at \$31.9 million. However, only \$27.6 million had been pledged by that time and as little as \$8.9 million had actually been received.
 69. Cf. Menkhaus, p.62.
 70. J. Prendergast, *The bones of our children are not yet buried* (Center for Concern, Jan. 1994), p.18.
 71. See A. De Soto and G. Del Castillo, 'Implementation of Comprehensive Peace Agreements: Staying the Course in El Salvador', *Global Governance* 1 (1995) p.195.
 72. *United Nations document, A/50/455*, 23 Oct. 1995.
 73. *United Nations document, S/24833*, 23 Nov. 1992.
 74. In Oct. 1992 the UN submitted its own proposals to kick-start the land program, which until then had remained pretty much dormant.
 75. *United Nations and El Salvador 1990-1995*, Blue Book Series Vol. IV (NY: Dept. of Public Information 1995) p.45.
 76. *United Nations document, S/1994/1212*, 31 Oct. 1994.
 77. *United Nations document, A/50/517*, 6 Oct. 1995.
 78. F.O. Hampson, *Nurturing Peace: Why Peace Settlements Succeed or Fail* (Washington DC: US Inst. of Peace Press 1996) p.169.
 79. W. Hoffman and W. Richter, 'The Proliferation of Light Weapons, Small Arms and Land-mines', *Disarmament* 19/2 (1996) p.15.
 80. Cox, (note 63) p.107.
 81. *United Nations document, A/50/455*, 23 Oct. 1995.
 82. C. Sammaruga, 'Land-mines: From Global Negotiations to National and Regional Initiatives', *Disarmament* 19/2 (1996) p.27.
 83. Cox (note 63) p.107.

The Indo-Sri Lankan Accord: An Analysis of Conflict Termination

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This article examines the attempts made to negotiate a peaceful settlement to Sri Lanka's ethnic conflict, focusing on the role of India as both the instigator and guarantor of the Indo-Sri Lankan Accord of 1987. The failure of the Accord was the result of many factors, including India's role as instigator in forcing the agreement forward, and as guarantor by deploying Indian troops as peacekeepers. Finally, the article discusses both prior and subsequent attempts to negotiate a settlement with the conclusion that India's role as a regional hegemon continues to hamper state actors and multilateral organizations from intervening to mediate a peaceful end to the conflict.

VIOLENCE AND INTERVENTION IN SRI LANKA

The island of Sri Lanka presents a set of interesting, if mortifying, dichotomies when we compare its imagery and history with the bloody ethnic conflict that has been waged over the past 16 years. At once seen as a resplendent South Asian paradise and as a place filled with suicide bombers and civilian massacres, perpetrated by both sides, Sri Lanka poses difficult questions for diplomats, conflict resolution professionals, and other well-wishers who feel that the conflict is needless and desire to aid in its resolution. In terms of conflict intervention and termination, one must ask several questions regarding what has been done and why it has not worked so far, so we may intelligently develop strategies for future interventions which will, hopefully, be more successful.

In line with these objectives, this article will look at the past attempts to negotiate a settlement between the Sinhalese and Tamils in Sri Lanka, paying close attention to the Indo-Sri Lankan accord as the example that came closest to resolving the conflict, or at least stopping the fighting. Therefore, this article starts with an overview of the conflict itself, and a brief description of the Accord and its failure. Afterward the Accord is examined in detail in an attempt to uncover its strengths, weaknesses, and

the reasons for its failure. Then the analysis surveys the attempts to negotiate a solution both before the Accord and since its failure. Finally we tie it all together with some observations on the current directions of negotiated settlement to the Sri Lankan crisis and possibly some admonitions for current intervenors.

Brief Overview of the Sinhalese-Tamil Conflict

Although there had been periodic bouts of violence between the Sinhalese and Tamil communities since Sri Lanka's independence in 1948, the current conflagration stems back to the race riots and violence of July 1983. It was during that summer that the Liberation Tigers of Tamil Eelam (LTTE) first struck a blow outside the northern Jaffna region when they ambushed a military convoy and killed 14 Sri Lankan soldiers. In retaliation members of the governmental opposition incited riots and provided voters lists bearing the names and addresses of Tamils living in the area of Colombo to mobs of angry Sinhalese and political cadres. These groups proceeded to demolish Tamil homes and businesses, murder Tamils and others who resembled Tamils, and drive several hundred thousand Tamils from the capital and other Sinhalese areas to the Tamil dominated north.

From the period between the July riots and the implementation of the Indo-Sri Lankan Accord the conflict between the Sinhalese government and the Tamil resistance movements intensified. Acts included suicide bombings by Tamil fighters in Colombo, pitched battles between LTTE forces and Sri Lankan military units, *de facto* Tamil control of the northern province and numerous massacres committed by both sides. Between 1983 and 1987 an estimated 4,000 people were killed in the fighting, with subsequent effects upon the economy and infrastructure of the north and the country as a whole. By the time the Indo-Sri Lankan Accord was signed and implemented in 1987, the internecine violence had spiraled beyond control, with many tired, but many also clinging to more extreme positions in efforts to hurt the other, if not gain victory on the battlefield.

Brief Overview of the Accord and its Failure

It was into this arena of escalating violence that India, under Prime Minister Rajiv Gandhi, stepped in to coerce both sides to accept an Indian negotiated and implemented agreement designed to resolve the conflict and expand Indian influence in Sri Lankan affairs. To be fair, India had been surreptitiously involved in the conflict for several years, reflecting the close ethnic ties between the Sri Lankan Tamils and the 55 million residents of the southern Indian state of Tamil Nadu. Given Tamil Nadu's own strong sentiments for secession and its electoral strength in Indian politics, it was

not surprising that the central government ignored the presence of training camps for Sri Lankan Tamil separatists in Tamil Nadu. Nor is it surprising that India would place a high value on supporting a peace process as a way of defusing tensions within its own borders.

The impetus for the Indian push towards agreement in 1987 stemmed from the escalating nature of the conflict itself, plus the fact that the Sri Lankan government had started a new campaign in early 1987 designed to retake Jaffna and drive the LTTE and other groups to their knees. The picture of Sri Lankan forces cutting a swathe through the northern province did not sit well with Tamils living in southern India, who complained vociferously that their government was letting their brethren get butchered. While the Indian government could not sit idly by, it also was not prepared to intervene militarily. Therefore, against the express wishes of the Sri Lankan government, India began to airdrop food and medical supplies to regions in the north.¹ Shortly afterward the Indian government announced that it and the Sri Lankan government had signed an accord which would resolve the conflict, and would be guaranteed by an Indian peacekeeping force.

The essentials of the negotiations between the Indians, Tamils, and Sri Lankan government are shrouded in a good deal of secrecy, however, some facts have been gleaned. While negotiations and suggestions for peaceful solutions had been emanating from India for years, during the early part of June 1987 India's impetus to get an accord signed increased dramatically. Increased pressure on India from southern politicians as well as increased leverage on the Sri Lankan government resulting from the Indian airdrops encouraged Delhi to press this advantage and create an Accord designed to preserve Sri Lankan sovereignty while simultaneously giving the Tamils a measure of the autonomy they demanded. This would finally clear the way for a lasting peace and calm the turbulence off India's southern shore.

The Accord was negotiated over a brief period in mid-1987 and was signed by India and Sri Lanka on 29 July 1987. The agreement attempted to resolve many of the differences separating the two sides through various provisions. These included recognizing the territorial sovereignty of Sri Lanka while also planning substantial devolution of power to a Tamil administrative unit which would most likely consist of the Northern and Eastern Provinces. Further parts of the agreement dealt with the inclusion of Tamil and English as official languages while retaining Sinhala as the national language and the disarming of the Tamil guerrillas. This was to be accomplished through the introduction of an Indian peacekeeping force (IPKF) to the northern and eastern sections of the country to oversee the implementation of the accord and to ensure stability during the transition period.²

Optimism originally generated by the Accord quickly turned sour when opposition to its implementation flared on both sides of the divide. On the government side Sri Lanka's Prime Minister Premadasa, the Minister of Defense and National Security both signaled their displeasure by refusing to attend the signing ceremonies, while one rifle-wielding naval honor guard signaled his displeasure by assaulting Prime Minister Rajiv Gandhi when the latter was leaving after the signing ceremony. However, the main problems stemmed from LTTE unwillingness to turn in their weapons resulting in pitched battles between them and the peacekeeping forces by October 1987.³

After violence broke out between the LTTE and the IPKF India's role shifted, in the eyes of the populace, from that of protector to another oppressor. Finally, after several years of increasing difficulty for everyone involved, the LTTE negotiated an agreement with the Sri Lankan government whereby the IPKF would be withdrawn and India's role in the agreement would end. The IPKF began its withdrawal in late 1989 and throughout early 1990 negotiations between the LTTE and the Sri Lankan government took place. However, by June hostilities again flared between LTTE partisans and local police, culminating in the resurgence of the conflict which continues to plague this south Asian state.⁴

STRUCTURE OF THE ACCORD: AN ANALYSIS

When we look at the failure of the Indo-Sri Lankan Accord to bring a lasting peace to the region, we need to examine each of the elements of war termination to determine the cause, or causes, of this failure. In doing so, this work examines both the negotiation stages and the implementation of the Accord, as well as examining the motives of the parties to the negotiations and the parties to the conflict. This analysis provides a clearer picture of the problems of conflict termination in general and those clearly associated with the conflict in Sri Lanka.

Elements of Analysis

The elements that this work uses to analyze the effectiveness of the Indo-Sri Lankan Accord as an example of war termination includes the pre-negotiation elements of timing and ripeness, the negotiating atmosphere, issues of secrecy and trust, and the structure of the agreement itself. The elements of the agreement to consider include which issues it deals with, how completely they are examined, and whether the agreement includes provisions for trust and confidence building with an eye towards transforming the relationship between the parties. Lastly, this section examines the plans and implementation of the agreement.

Ripeness and Pre-negotiation

Prior to the opening of negotiations between India and Sri Lanka's government in 1987, prospects for a peaceful settlement had not looked good, but neither was there a clear indication that the conflict was ripe for resolution. Regardless of which definition that one chooses to use for ripeness, certain subjective and objective conditions need to be present before a conflict can be said to be ripe. The objective conditions usually include a mutually hurting stalemate, an impending or just missed catastrophe, the ability for leaders to negotiate with the other party, and the presence of an enticing opportunity wherein each of the parties perceives that they can gain more by negotiating than by continuing to fight.⁵

The fact is, that before India's intervention into the conflict, by air-dropping medical supplies, the Sri Lankan Army had the upper hand in its efforts to retake the Jaffna peninsula and impose a military defeat on the LTTE and other Tamil groups. Although India's willingness to intervene gave the impression of impotence to Sri Lanka's military, part and parcel of a stalemate, this was misleading because of the imposed nature of the stalemate. Sri Lanka's armed forces, and the Sinhalese people in general, believed that they could have prevailed, except for the illegal and intrusive intervention by India.⁶

On the subjective side these conditions must be felt and acknowledged by the major players on both sides. While the Tamil United Liberation Front (TULF) and other Tamil groups acknowledged the necessity for a negotiated settlement and that India's intervention provided the best opportunity for this, it is doubtful that the LTTE had bought into the agreement. Even though they were at a disadvantage during the May 1987 military campaign, they remained unconvinced that the accord would do little more than enhance Indian hegemony.⁷ On the other side the Sri Lankan government was as divided over the perception that this agreement would provide a better opportunity than the military campaign they had been forced to abandon. As mentioned above the Prime Minister himself was opposed to the accord, and when the terms of the agreement were announced, including the possible merger of the Northern and Eastern provinces, rioting broke out across the southern regions of the country.⁸

It seems clear from this analysis that despite the opportunity provided by Indian intervention, which some did believe was evenhanded at first, that conditions for a valid sense of ripeness did not exist. This becomes exceptionally clear if we also look at Pruitt's definition of ripeness as requiring a 'motivational component'.⁹ From the examination of the structural conditions and, especially, the subjective perceptions of the

parties to the conflict it becomes clear that of all the parties, only the Indian government could be said to be motivated to seek a negotiated settlement to the Tamil crisis. The fact that major players on both sides did not perceive the conflict to be ripe for resolution is an important factor which contributed to the failure of this agreement, but it is not the only factor of importance.

PARTY INVOLVEMENT AND NEGOTIATIONS

History of the Negotiations

Negotiations to implement some sort of an agreement between Sri Lanka's government and the Tamil separatists had been going on fitfully for several years. The first attempt to mediate was made by Indira Gandhi shortly after the riots of summer 1983. Given Sri Lanka's poor handling of the widespread violence, it was felt that they could not refuse this offer from their powerful neighbor, thus making India the only legitimate negotiating authority for the conflict.¹⁰ From this time until the end of the Accord, India made it clear that its role of principal negotiator and protector of Tamil interests made it both a negotiator and advocate for one of the two parties.¹¹ This, of course, runs counter to traditional notions of the role of the third party in conflict resolution and has had a profound effect upon India's, and others, efforts to negotiate a settlement to the conflict.

Mrs Gandhi's choice of G. Parathasarathy as her mediator to the conflict was not fortuitous because of his background as a south Indian Tamil speaker. While this enabled him to gain the confidence of the TULF and other Tamil parties, he was immediately regarded with suspicion and hostility by the Sri Lankan government. In fact, it was with his approval that the TULF withdrew its support for the government's proposed district development councils, instead increasing its demands for a single, autonomous Tamil district comprising the Northern and Eastern Provinces.¹²

With the succession of Rajiv Gandhi as India's Prime Minister, following the assassination of Indira, Sri Lanka's government raised its hopes that he would be more impartial than his mother. A major breakthrough occurred in 1985 when the Sri Lankan government agreed to direct negotiations with Tamil separatist groups, which they had refused to do before in order to deny the armed insurgents any legitimacy. While talks continued on the manner and nature of proposed devolution of power to Tamil regions, the violence between Tamil separatists and the government continued, as did internecine warfare amongst the various Tamil groups. This was complicated by the continued use of training and support camps in Tamil Nadu by the various Tamil insurgent groups.

Despite his desire to approach the conflict in a more evenhanded

manner, Rajiv Gandhi was unable to seriously influence the activities of Tamil Nadu's state government in support of the separatist movements.¹³ However, despite continued violence by the LTTE, Sri Lankan officials, Indian officials, and members of many of the Tamil groups met in Thimpu, Bhutan for two rounds of talks in summer 1985, followed by a third round held in Delhi in August. The Thimpu talks resulted in a working paper known as the Delhi Accord that put forth a model for devolution based upon the Punjab Peace Accord. This accord, which later provided the model for the Indo-Sri Lankan Accord, was not acceptable to the LTTE who bullied moderate factions like the TULF into abandoning it by December 1985.

Subsequent negotiations held throughout 1986 focused upon the creation of an Indian federal model for Sri Lanka with more restricted powers for the districts. However, these proposals were also stillborn due to a lack of support from either the LTTE or the opposition Sri Lankan Freedom Party (SLFP).¹⁴

In early 1987 the LTTE, mistrustful of both India and Sri Lanka's governments, planned to unilaterally declare an independent state in the Northern and Eastern Provinces. When news of their plans leaked out, they softened it to mean only the establishment of an administration to supplant the collapsed official government. However, the government reacted predictably by sending troop reinforcements with instructions to clear the area of insurgents.¹⁵ During this time India was undergoing its own crisis which resulted in the replacement of its foreign minister, therefore, by the time this was complete the Sri Lankan government had managed to corner the LTTE and other Tamil insurgents in the Jaffna peninsula and had instituted an economic blockade.

Events slowly escalated throughout the spring as India demanded that Sri Lanka cease military activity and lift the blockade or else it would withdraw its services as mediator. Sri Lanka responded with three points outlining its current policies towards the LTTE and other Tamil separatists. The first was that the government remained committed to the concept of devolution within the framework of a united Sri Lanka. The second was that the government of Sri Lanka expected the Indian government to underwrite any settlement reached, and third, Tamil separatists should desist from creating a parallel administration in the north and east.¹⁶ The two points of interest here are that, for the first time, Sri Lanka explicitly pointed out that India was expected to guarantee any settlement reached, and that the LTTE's declaration that it intended to set up its own administration was intolerable to Sri Lanka's government.

Attempts to reach a compromise were made by India in March 1987, with the result being a ceasefire offer by the Sri Lankan government for the

duration of April's national holidays. Even though the LTTE failed to respond to this offer, President Junius R. Jayewardene ordered the offensive suspended and the soldiers returned to their barracks for the five day duration. The result was that there were no soldiers on patrol when the LTTE massacred 150 bus travelers on the road from Trincomalee to Colombo. Nor was the military able to prevent the LTTE's allies, the Eelam Revolutionary Organization of Students (EROS) from killing over 100 people in a bomb blast in Colombo's main bus station.¹⁷ As a result of the public outrage following these attacks the military was ordered to begin Operation 'Liberation' on 26 May, with the intention of interdicting the flow of men and material from Tamil Nadu to the Jaffna region to force the LTTE to negotiate.

The clear message sent at this time was that the LTTE faced the choices of either negotiating on the government's terms or facing a clear defeat. By 31 May the military had halted its advance and Jaffna had been sealed off.¹⁸ Many believe that this was due to the military objectives having been met, but others indicate that India, through private and diplomatic channels indicated that it would not allow Jaffna to be taken and would, if necessary, arm the LTTE with surface to air missiles.¹⁹

Despite the fact that Sri Lanka halted its advance, the Indian government was coming under increasing pressure to intervene and alleviate the suffering of Tamil civilians in the affected areas. Pressure originated both from politicians in Tamil Nadu and from Indian politicians who did not want to see the LTTE defeated militarily. This, in part, was what led to India's decision to intervene by sending assistance to the beleaguered Tamils in the Jaffna region. Although the only food shortages in Jaffna were the result of the LTTE holding up food trucks at the entry point to the peninsula, India decided that one way to increase pressure on the Sri Lankan government was to declare its intent to ship over food supplies and fuel. Although the Sri Lankan government first agreed to the Indian proposal, it later reversed its decision in response to an LTTE attack on a group of Buddhist monks on 2 June 1987. The result was that Sri Lanka called out its Navy to block the shipment in retaliation, forcing the Indians to turn back.

Not to be outdone, India next took the unprecedented step of violating international law and Sri Lankan airspace by sending transport planes, escorted by fighters, to drop 32 tons of relief supplies.²⁰ With this one act, India clearly indicated to Sri Lanka that it would not allow either Jaffna to fall, nor the Tamil insurgents to be militarily defeated. The only choice left for the Sri Lankan government was to accept Indian mediation in search of a negotiated settlement.

MOTIVATION AND INVOLVEMENT

With Indian intervention into the conflict following Sri Lanka's May 1987 offensive the impetus to find a solution, at least for India, was very strong. The reasons behind India's motivation were many of the same reasons that it had intervened in the first place. These included both retaining electoral support from the south as well as calming tensions in that region. In addition, India's concern that Sri Lanka might grant naval, or other military, bases to the United States or other foreign powers had not abated. Finally, the resolution of the Tamil crisis would reflect well on India, both as a regional power and in regard to its own internal secessionist movements.²¹

Sri Lanka was not similarly motivated, however, India's intervention into the conflict made it abundantly clear to the government that it had little choice other than to accept India as a somewhat partial mediator. Furthermore, despite the fact that India's intervention clearly contravened international law, the only country that offered political support to Sri Lanka's outrage was Pakistan. Jayewardene's government quickly realized that it was very isolated in the court of public opinion, which had mostly disapproved of Sri Lanka's military tactics in the north.²² However, despite their initial reluctance, members of the government later realized that Indian mediation, and more importantly Indian guarantees of the settlement, would force the Indians to shoulder much of the difficulty of implementing any agreement and relieve pressure on Sri Lanka's armed forces.

As for the Tamil groups, several were supportive of India's intervention in the hopes that they would finally be able to negotiate an agreement which would meet their needs and end the conflict. However, they were primarily excluded from the negotiations and when they learned about some of the terms, namely that they would be expected to give up their arms within 72 hours of signing the accord, their initial reaction was hostile.²³ This was particularly true of the LTTE, who had earlier warned the Sri Lankan government through back channels not to accept Indian mediation for fear of India's hegemonic intentions.²⁴

The motivation of the various Tamil insurgent groups to enter negotiations is actually moot, as none of them were invited to participate in the process and were all presented with a completed document that they were expected to comply with. The insurgents' reactions to the agreement varied from group to group. The more pro-Indian Tamil Eelam Liberation Organization (TELO) was generally supportive, while the Eelam Peoples' Revolutionary Liberation Front (EPRLF) and the People's Liberation Organization of Tamil Eelam (PLOTE) welcomed Indian assistance but did not want direct intervention in the form of the IPKF.²⁵

The LTTE was the most vociferous opponent to the Accord, but shortly after it was signed they executed an about-face and stated that they would support the Accord even to the point of turning in their arms. Speculation regarding their reasons for this range from the realization that they had little choice, popular sentiment in the Jaffna region supported the Accord, to the belief that their statements were merely a sham. However, several sources state that the LTTE was bought off with large monthly payments by the Indian government.²⁶ In addition the LTTE leader reportedly only agreed to support the Accord on the condition that it did not go against the interests of the Tamil people.²⁷ This was the clause that, apparently, the LTTE later used when they withdrew their support and began actions against the Indian Peacekeeping Force (IPKF).

THE AGREEMENT

The agreement itself was hammered out between India and Sri Lanka over the few weeks between the end of May and the signing of the Accord on 31 July 1987. As agreed negotiations took place only between the two governments, with India representing the interests of the Tamils, as well as its own interests. The major elements of the Accord provided for the devolution of power to provincial councils, with a combined council for the Northern and Eastern Provinces as a temporary measure pending a referendum in the Eastern Province on whether to retain unity with the north or have their own council.

In response the insurgent groups agreed to an immediate ending of hostilities and to relinquish their weapons within 72 hours of the signing of the agreement. In return, the Sri Lankan military forces were to return to their barracks and the government would grant amnesty to some 3,800 Tamil insurgents being held under the Prevention of Terrorism Act. In order to guarantee the Accord, India agreed to introduce a peacekeeping force (IPKF) to keep order and ensure that the Tamil insurgents both turned over their arms and abided by the agreement.²⁸ In addition section 2.16 of the Accord required India to (a) ensure that Indian territory was not used for activities prejudicial to Sri Lankan unity and security, (b) to use its navy or coast guard to assist in interdicting the flow of Tamil militants and weapons to Sri Lanka, (c) render military assistance when requested for implementation of the Accord, (d) repatriate Indian citizens back to India and return Tamil refugees to Sri Lanka, and (e) cooperate with Sri Lanka to ensure the physical security of the Northern and Eastern Provinces.

Further provisions of the Accord included Sri Lankan assurances of full and fair participation in the electoral process for residents of the Northern

and Eastern Provinces, and the elevation of Tamil and English to official language status along with Sinhala.²⁹

Sri Lanka was also required to make certain concessions to India as outlined in section C of the Annexure to the Accord. These confirmed India's role as regional superpower by limiting the access of Sri Lanka's naval ports to other powers 'in a manner prejudicial to India's interests'. In addition, Sri Lanka was also constrained to reach 'an early understanding' about the role of foreign military and intelligence personnel on the island and to allow India to review Sri Lanka's agreements with foreign broadcasting organizations to ensure that they were for public use and not for intelligence gathering purposes.³⁰ This last provision was aimed directly at the Voice of America, which had negotiated an agreement for a rebroadcast station on Sri Lankan territory in 1993. Finally, Sri Lanka agreed to a joint project with India to restore Trincomalee's oil tank farm to working order, a project which had earlier been awarded to foreign concerns.³¹

In all the agreement seemed to provide more for the Indian government and Sri Lanka's government than for the Tamil populace's hopes. Although their wishes to have the conflict end, and for a measure of autonomy seemed to be met, many of the details about how this would be achieved were not specified in the Accord. Indeed, Robert Peck, Deputy US Assistant Secretary of State for Near Eastern and South Asian Affairs, commented that many of the most important aspects of the agreement had been left somewhat vague and were yet to be worked out.³² These details included the size and role of India's peacekeeping force, its duration of stay in Sri Lanka, and the nature and power of the provincial councils.

ISSUES OF TRUST AND CONFIDENCE BUILDING

It is clear from this examination that there were significant problems with the Indo-Sri Lankan Accord in the areas of confidence building. The coercive nature of India's intervention into the conflict and the manner in which it imposed a stalemate among the parties did little to engender a sense of trust in its good offices by either the Sri Lankan government, nor by most of the Tamil insurgent groups. For their part, President Jayewardene's government truly felt that India's intervention, with its clear signal that India would not allow the LTTE to be broken, left Sri Lanka with little choice but to accept Indian mediation to end the conflict. The manner of Sri Lanka's approach to the talks, however, betrays the fact that it had little, if any, trust in the Tamil insurgent groups either. For Sri Lanka, the negotiation and implementation of the Accord had to be made with India, and not any

of the insurgent groups.³³ So not only were they excluded from the negotiations, they were not even signatories to the actual Accord, instead signing pledges of support for the Accord made primarily to the Indian government.

Within Sinhalese society in general there was a considerable lack of support for the Accord, along with a deep suspicion of India's role. Indian intervention into the conflict, through their airdrops, was criticized by opposition politicians and right wing insurgent groups like the Janatha Vimukthi Peramuna (JVP). The announcement of the Accord sparked massive protests around the country in late July, and the announcement that the Accord had sparked a division within Sri Lanka's cabinet was used by extra-parliamentary opponents to whip up opposition through the printing of anti-Accord news stories and pamphlets.³⁴ The JVP, which had staged an abortive coup in 1971, worked with anti-Tamil Buddhist monks (*bhikkhus*) to foment a series of demonstrations throughout the Colombo region. When the police moved in to quell the demonstrations they turned violent, requiring nearly a week for the thinly-spread security forces to subdue.³⁵

Of the Tamil insurgent groups, it can safely be said that only TELO had any level of trust for the Indian government at the beginning of the process. After the Accord was signed several Tamil groups including PLOTE, EPRLF, and the Eelam National Democratic Liberation Front (ENDLF) also extended their support. Centrist groups such as the Tamil United Liberation Front (TULF) and the Tamil Congress (TC) welcomed the Accord as a reasonable alternative to a Tamil state.³⁶ However, the acceptance of the Accord as a *fait accompli* did not mean that any of the Tamil groups trusted either the Indians or the Sri Lankan government.

In fact it is quite clear that even though the LTTE also signed onto the Accord, as noted above, they both required financial incentives to do so and warned that their support was conditional upon how the Accord was implemented. In a speech given shortly after agreed to the Accord, LTTE leader Velupillai Prabhakaran announced his acceptance of the Accord while voicing his concerns over Indian hegemonic ambitions and the fact that the Accord did not meet all of the LTTE's demands.³⁷

On the issue of trust between the Sri Lankan government and Tamil groups, it is quite clear that each side had a serious lack of trust in the other. This is clearly indicated on the government's part through its unwillingness to negotiate with the Tamil groups directly, instead insisting that any agreement be between India and Sri Lanka alone. As Wiggins put it, there was a near-total lack of trust among all of the parties. The government was usually unwilling to believe the Tamils who seemed ready to compromise and the Tamils distrusted government offers because of the history of

broken promises made by successive governments to the Tamil people. In addition, the Tamil groups had issues of mistrust amongst themselves with the more radical groups accusing the moderates of being too soft and willing to sell out the movement's principles for the sake of compromise.³⁸

One interesting element of analysis is that despite the fact that all of the parties distrusted each other, no serious attempt was made to implement a series of confidence-building measures before the agreement. This partly stems from the speed at which the agreement was scheduled to be implemented, and partly from the fact that all of the parties did not sit down together to create the Accord. Instead the Accord had a series of confidence-building measures which were supposed to be implemented as a part of the agreement. These included, for the Sinhalese, the release of Tamil political prisoners and for the Tamil insurgent groups, the decommissioning of their weapons. The latter measure, to be implemented within 72 hours of the Accord's signing, proved to be poorly designed given the fact that the Tamil groups were only slightly less distrustful of the Indians than they were of the Sri Lankan government. This meant that without prior confidence-building measures leading up to this point, the Tamil groups were unlikely to turn in all of the weapons caches. The LTTE in fact, only made a token show of turning in weapons to the IPKF, as was demonstrated later by their ability to inflict serious damage on the peacekeepers once fighting broke out between the LTTE and IPKF.

The conciliatory gestures made by the Sri Lankan government in the Accord also fell short in their job of building confidence. By their nature confidence building measures and conciliatory gestures should be irrevocable commitments that represent a major change in the giver's position.³⁹ Neither the government's offer of a ceasefire in April, nor the gestures made in the Accord by Colombo fits this definition. The first, being the release of political prisoners, was contingent upon the successful implementation of the first measures of the Accord. The second, being the merger of the Northern and Eastern Provinces was specifically not irrevocable as provisions were made for its possible reversal in a plebiscite to be held within one year.

Therefore we can see that neither side was willing, or possibly able, to make effective conciliatory gestures that would have led toward building a higher level of trust and confidence between them. India was also guilty of not paying enough attention to this important aspect of the conflict termination process, instead relying upon its ability to coerce the Tamil groups, and Jayewardene's government to a lesser extent, into following the dictates of the Accord. To be fair, there were many in the Indian camp who believed that the Accord provided a reasonable compromise between the

positions of the two parties and that it held the best chance for a peaceful resolution to the conflict. However, as the next section shows, India's willingness to guarantee the Accord did not increase its legitimacy in the eyes of most of the parties, nor did it help to build any trust between the parties themselves, or their mediator.

GUARANTEES MADE AND BROKEN

As the intervening mediator India made a substantial number of guarantees to the Sri Lankan government as a part of the Accord. These were mainly concerned with stabilizing the security situation and making sure, by force if necessary, that the Tamil insurgent groups kept their part of the bargain by ceasing military activity. On the surface these guarantees did not seem unreasonable, but the problem with implementing them stemmed from the coercive nature of the intervention and the fact that neither of the parties, either the Sri Lankan government or the Tamil insurgents, trusted India to any great degree. This was especially true of the LTTE, whose leadership had explicitly stated, both to the Tamil populace and secretly to Jayewardene's government, that they were suspicious of India's possible hegemonic intentions.

When either party does not trust the guarantor itself, then its ability to enforce their guarantees is effectively impossible. Without the parties' trust in either the guarantor or the process itself, the question of the guarantor's intentions and abilities itself becomes moot. The nature of guarantees, much like the termination process itself, is such that their success requires the buy in of most, if not all, of the parties to the process. However, arguments could be made that neither the guarantees themselves, nor India's role as guarantor, was the problem so much as the errors inherent in the design of the Accord and its implementation.

ERRORS IN IMPLEMENTATION

The problems that India had in implementing the Accord mainly stemmed from the errors in the implementation plan combined with the lack of trust felt by the parties towards India and its peacekeeping force. This lack of trust that the parties had for India as an intervener only complicated the fact that the Accord was implemented very quickly after the signing on 31 July, 1987. The timetable for implementation was to have the IPKF arrive in Jaffna and spread to all parts of the peninsula by noon on 3 August, the LTTE and other Tamil groups would surrender their weapons on 4 and 5 August, delayed two days from the original plan so that the LTTE leader

Prabhakaran could oversee the hand-over personally. Also on 5 August, President Jayewardene was to announce the decision to set up an interim administration in the newly-created North-Eastern Province until Provincial Council elections could be held, with the details being worked out in consultation with India.⁴⁰

By any standard of measure the expectation that an agreement implying such complexity and dealing with such a violent and protracted conflict could be implemented within such a short time was amazingly unrealistic. The question remains as to why India believed that it could control the situation on the ground in Jaffna to the extent that it did. This stemmed partly from India's belief that, as their clients, the Tamil insurgent groups would do as they were told, and that if they did not, the Indian military could handle them quickly and effectively. The latter assessment was the work of India's intelligence bureau, the Research Analysis Wing (RAW) who estimated that it would take only a few weeks for the IPKF to subdue the LTTE if the latter failed to comply with the terms of the Accord.⁴¹

The second major failure of the Indians was the assumption that the general populace would welcome them as liberators, which they did, without the consideration that these sentiments might change over time or that the population might prefer the LTTE to the IPKF once hostilities between the two started. This assumption, too, stemmed from India's belief that they could exercise more control over the situation than the LTTE or other Tamil groups.

The hurry with which the agreement was negotiated, signed, and implemented also meant that some of the important details, such as the reintegration of insurgents back into society and mechanisms for reconciliation and peace-building were deferred until later. Unfortunately, given the lack of trust that the parties had for their mediator, there was surprisingly little thought given to post-agreement negotiation mechanisms. Whereas this might be permissible in a situation when the parties have a modicum of trust for each other, and a good deal of trust for the intervener, in this case it only served to exacerbate suspicions about India's role and the Accord in general.

Specific problems with the implementation of the Accord resulted from the ill preparation of the IPKF and the lack of clear communication from both Sri Lanka's and India's governments to the populace and their respective security forces about the IPKF's duties and roles in implementing the Accord. One prime example was the lack of communication regarding the placement of IPKF soldiers in the northern end of the Eastern Province. Originally Jayewardene's government had envisaged that the IPKF would be limited to the Northern Province, but

instead a unit of the IPKF was dispatched to Trincomalee and Batticaloa in a somewhat *ad-hoc* fashion to 'protect' the Tamil populations residing there.⁴² Furthermore, India made the mistake of sending a primarily Tamil unit to this region, which further complicated matters when the LTTE mounted a campaign to drive Sinhalese settlers out of the region before the provincial elections and referendum could take place. The IPKF regiment had become quite close with their fellow Tamils and were implicated in the instigation, and a lack of willingness to stop, the violence. Fortunately India sidestepped this problem by replacing the unit and beginning its crackdown on LTTE activities.⁴³

The crackdown on LTTE resistance to the Accord, which some say was part of a secret agenda to replace the LTTE with more pliant Tamil groups, was the start of the IPKF's immersion into a quagmire comparable to US involvement in Vietnam. Although other elements of the Accord were either poorly planned or implemented, India's lack of preparation for LTTE resistance and the IPKF's inability to quash their resistance was a key factor in why the Accord unraveled so quickly. The LTTE massacre of Sinhalese settlers in Trincomalee took place in early October 1987. The final straw, however, was the brutal murder of five IPKF soldiers by 'necklacing' on 8 October. On 10 October, Operation 'Pawan' (wind) was launched with the objective of breaking the LTTE as a military power.⁴⁴

Shortly after this point the IPKF changed roles from being the savior of the Tamil people to just another foreign oppressor. Between the beginning of Indian operations in August 1987 and their withdrawal in 1990, the IPKF ballooned from its original 3,000 troops to over 100,000.⁴⁵ The war between the IPKF and the LTTE dragged on throughout 1989 and into 1990 with one result being the opening of negotiations between the LTTE and Sri Lanka's government under the new Premadasa administration with object of forcing Indian troops from Sri Lankan soil. To this end the Sri Lankan government actually supplied the LTTE with weapons and ammunition so that it could better wage its campaign against the IPKF.⁴⁶

After 32 months in action, the IPKF sustained roughly 4,000 casualties (killed and wounded) while inflicting an estimated 3,000 casualties on the LTTE and affiliated insurgent groups. In addition, the civilian death toll (both Tamil and Sinhalese) was estimated at between 3,000 and 4,000. When India finally agreed to withdraw the IPKF in late 1989 it was clear that the Indo-Sri Lankan Accord was dead, although many argue that it was, in fact, a still birth or that it only lasted two months before succumbing to its inherent weaknesses.

Why Did it Fail?

There are a myriad number of reasons why the Indo-Sri Lankan Accord failed to meet the expectations of India, Sri Lanka, or its other supporters. As discussed above these primarily had to do with the fact that Indian intervention into the conflict, and the Accord itself, were imposed from the outside, leaving the parties feeling as though they had little choice in the matter. Indian intervention and coercion created an atmosphere of distrust between India and the major parties to the conflict, namely Sri Lanka and the LTTE, which hampered efforts to create a settlement based upon the aspirations of both sides. This lack of trust for the mediator by both sides would be one of the key factors resulting in the failure of the Accord. Also of concern was the large number of factors that the Accord left for further negotiation without providing a framework for those negotiations to proceed. This element was exacerbated by the lack of trust in India, making these later issues more contentious than needed.

The speed with which the Accord was negotiated, signed, and implemented also had an impact upon the opposition to the Accord in both communities as did the inability of the IPKF to carry out its assigned duties. The public perception in Sinhalese areas was that both governments had connived to get something unpleasant past them, causing great anger and alarm within the Sinhalese community. Although Tamils were initially grateful for India's intervention, the heavy-handed tactics used by the IPKF in its war with the LTTE quickly disabused them of this notion, instead placing them on the same level, or lower, than Sri Lankan security forces. The IPKF, not having been warned about the difficulties it faced, was completely unprepared to operate in Sri Lanka, much less carry on a military campaign. One of the worst signs of this was the fact that IPKF maps of Sri Lanka were taken from a 1937 ordnance survey.⁴⁷

Additionally, both India and Sri Lanka ignored an important premise of conflict termination when they consciously chose to exclude the Tamil insurgent groups from the negotiating process. This was especially important in the case of the LTTE, who clearly had enough power, whether measured militarily, organizational, motivational, or in communal support, to play successfully the role of a major spoiler. The exclusion of the LTTE from the negotiating process, plus its suspicions regarding Indian motives, are the main factors which led to its rejection of the Accord and its decision to oppose the IPKF with force.

The lack of clear support on the Sinhalese side also made the implementation of the Accord difficult. Sinhalese chauvinists, led by a rejuvenated JVP, managed to wage a bloody guerilla campaign in the south

for several years until finally put down by the government.

India's decision to begin operations against the LTTE had profound consequences for the IPKF, the Tamil population, and the fate of the Accord. However, given the large number of errors inherent in the planning and implementation of the Indo-Sri Lankan Accord, especially the LTTE opposition to it, the chances of its success were very slight. The problem is not that the IPKF operation against the LTTE should not have been carried out; but that the Accord, as designed, should not have been implemented at all. The lessons here for prospective interveners are many, however we will leave those until we have examined the effects of the Accord's failure on subsequent attempts to negotiate a settlement to Sri Lanka's ethnic nightmare.

EARLIER ATTEMPTS AT NEGOTIATION

A major problem with pre-Accord agreements, and with some post accord attempts, was the danger that any agreement made between the Sinhalese dominated government and Tamil representatives was not implemented due to radical outbidding by opposition political parties. Both the Sri Lankan Freedom Party (SLFP) and the United National Party (UNP) played the role of negotiator or outbidder depending on their status as either the government or the opposition. This dynamic is best described by using the theory of institutional underdevelopment, which states that institutionalized domination of one group by another becomes inflexible and leaves those institutions unable to effectively deal with political mobilization for redress by the dominated group.⁴⁸

This pattern can be detected in both the 1957 Bandaranaike-Chelvanaykum Pact (B-C) promising regional autonomy to Tamil areas and the 1959 Tamil Language Act which provided for the equal use of Tamil in government functions.⁴⁹ The former was a UNP proposal, which never passed parliament due to SLFP opposition while the latter was passed by the SLFP but was never implemented due to UNP opposition. Both the Senanayake-Chelvanaykum Pact of 1965, which was a watered down version of the B-C Pact, and the Tamil Language Regulations of 1966, implementing the Tamil Language Act, were written so as to be nearly ineffective in an attempt to blunt SLFP opposition.⁵⁰

These attempts at reconciliation with the Tamils, however, only resulted in an overwhelming victory for Srimavo Bandaranaike of the SLFP in 1970. Mrs Bandaranaike, widow of S. W. R. D. Bandaranaike, proceeded to rewrite Sri Lanka's constitution to create a Sinhalese-Buddhist state, further estranging the communities and precipitating the formation of the LTTE and

other Tamil insurgent groups.

Jayewardene's UNP government initiated the last attempts at a negotiated solution before the outbreak of the conflict in 1983 after it swept Mrs Bandaranaike out of power in 1977. However, by this time the UNP offerings of limited autonomy within the centralized Sri Lankan state failed to meet the growing aspirations and anger of the disillusioned Tamil insurgents known as 'the boys'. Their increasing use of violence, coupled with the long-felt Tamil mistrust of the government's ability to negotiate meaningfully, stalled all negotiating efforts. This cycle of violence and mistrust burst into open flames in July 1983 with the killing of 14 security officers by the Tamil Tigers, resulting in the three-week long riots which signaled the beginning of the conflict.

SUBSEQUENT ATTEMPTS AT NEGOTIATION

Several attempts at a negotiated solution have been made since the failure of the Indo-Sri Lankan Accord. However, none of these attempts has succeeded primarily due to two factors. These are the continued distrust of the Tamils, especially the LTTE, for the Sri Lankan government, and that government's unwillingness to accept external state actors as mediators. One might expect that Sri Lankan intransigence on this factor stems from two reasons.

The first being that the Indian intervention seriously undermined the government's credibility and sovereignty, thus weakening it and exposing the party in power to outbidders seeking its ouster.

The second stems from Indian fears of foreign influence in the region and the consequent unwillingness of foreign actors to risk Indian displeasure by offering their services as third parties.

Another factor which has hampered subsequent efforts to negotiate a settlement between the LTTE and Sri Lanka's government is the unwillingness of the former to accept anything less than full statehood.⁵¹

The two rounds of negotiations that have taken place after the Accord have both ended in failure for precisely these reasons. The first round took place shortly after the exodus of the IPKF and, in fact, was the result of both parties desire to expel the Indians from Sri Lanka. These talks lasted 13 months and led to the creation of a 45-member parliamentary select committee empowered to hammer out an agreement. Unfortunately Sinhalese leaders rejected a proposal for the permanent merger of the Northern and Eastern Provinces while joint papers produced by the UNP and SLFP were rejected by Tamil groups leading to the failure of talks in December 1992.⁵²

The second round of negotiations took place between the popularly

elected government of Chandrika Bandaranaike Kumaratunge and the LTTE in 1994. Four rounds of talks were held between October 1994 and April 1995 until the outbreak of what has been termed Eelam War-III.⁵³ The reasons for the failure of this round of negotiations came from increased LTTE demands that the government dismantle a major army camp and take steps which would improve the LTTE's strategic position. When Kumaratunge refused to accede to this, the LTTE further charged that not only was the government the captive of the military, but it was also not serious about the negotiations because of the low level of the negotiators and the alleged failure of the government to deliver fully on its pledge to lift the embargo on the movement of goods to the north.⁵⁴

Following this failure the government attempted to try a two-track approach of another military campaign to take Jaffna combined with diplomatic incentives aimed at moderate Tamil groups. This too, has proved to be unsuccessful as the government, despite its capture of Jaffna, does not have the ability to defeat the LTTE on all its own ground, nor can it negotiate a successful agreement without the LTTE. Efforts since then have all fallen by the wayside as the LTTE has increased its violence, including the bombing of the Temple of the Tooth (Buddhism's holiest shrine in Sri Lanka), resulting in the outlawing of the LTTE and the dimming of peace prospects for the near future.⁵⁵

THE STATE OF THE CONFLICT: WHAT NOW?

There are currently no negotiations taking place and many obstacles to a successful settlement. The first of which is the outlawing of the LTTE, which makes it illegal and impossible for the government to enter into negotiations with the organization. This is unfortunate because the LTTE's economic strength, relative self-sufficiency, and military prowess means that any settlement proposal that does not include them as a party is doomed to failure. In addition each side's continued intransigence over matters such as pre-negotiation disarmament or other conciliatory requirements means that any negotiations often get bogged down on these elements and are unable to move towards more substantial matters.⁵⁶

The effects of the failed Indo-Sri Lankan Accord continue to reverberate through this conflict and its prospects for resolution. India's forceful intervention has created a situation wherein the Sri Lankan government has a great deal of difficulty in accepting mediation from state-centered third parties and the perception that interveners have partisan sentiments, most notably in the case of International Alert, has continued to dog the efforts of NGOs as well.⁵⁷ In addition, the Indian government's support for the LTTE

and that support's subsequent withdrawal helped to strengthen the LTTE and make it one of the most financially resourceful and self-sufficient insurgent movements in the world. The LTTE's huge portfolio of investments spread across the globe and its military prowess at home mean that it has little reason or necessity to negotiate for less than control of a fully sovereign state.

A partial prescription for this sad state of affairs is to introduce a trusted third party to mediate a resolution to the conflict. Given the immense lack of trust between the parties, and the bloody nature of the violent conflict, the best type of third party would be a powerful state actor or an international coalition. Unfortunately, Indian fears of foreign encroachment into its sphere of influence continue to hamper any efforts to bring in outsiders such as the United States or the European Union. P. L. de Silva has suggested a two-pronged approach of a compromise initiative aimed at providing palliatives to Tamil paramilitaries within the framework of an integrated rural development program. These programs should be administered by overseas agencies with ties to countries where the LTTE has investments, so as to lessen the possibility of violence being perpetrated against administrators.

Furthermore, a more comprehensive peace plan including the creation of a more inclusive security establishment, the right to free and fair media access, eradication of corruption in government practices, bringing death-squad members to justice, and the presence of a third party intervenor made up of South East Asian states is seen by de Silva as necessary for the deadlock to be broken.⁵⁸ Unfortunately, given the recent breakdown of relations following the outlawing of the LTTE, this author sees little prospect for a resumption of any peace process in the near future.

A brief postscript to this analysis has shown that during 1998–99, continued government unwillingness to accept a third party mediator, a condition now demanded by the LTTE, stifles progress on the peace initiative front. In addition to their demands for a mediator, the LTTE's other main condition is the prerequisite that both the government and the opposition agree on the substance of the peace talks before negotiations can begin.

One of very few signs of progress was the September 1999 announcement that while opposed to mediation, Sri Lanka's government would consider the assistance of an external facilitator. The difference between the two, however, was not elaborated, nor was confidence boosted by a 18 October Agence France Presse report that President Kumaratunge is 'not at all interested' in negotiations at this time. Unfortunately, prospects for a peaceful resolution continue to remain dim, as do conditions for a successful peace accord.

NOTES

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