

## **The background of Tamil Problem in Sri Lanka**

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### **Abstract**

The conflict in Sri Lanka was one of the complex civil war happened in the modern world. The discontent of the minority community and the response of the government to it was finally resulting in the civil war. The present paper attempts to describe the background of this civil war that lasted for about three decades. Various factors that have interplayed during this period would be discussed in the study.

**Key Words:** Civil War, Ethnicity, Conflict, Sri Lanka.....

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### **I. INTRODUCTION**

The 26 years old civil war came to an end in 2009 July with the final defeat of LTTE. The civil war that began in the early 1980s is generally described as one of the long endured and long sustained civil riots in the 20<sup>th</sup> century world and beyond. The war claimed the lives of 84000 lives including the human deaths of minimum 7000 in the last phase of the Eelam war, January 2009 and May 2009. The forceful displacement and deportations of millions, large scale human rights violations, human casualties, loss of properties, rapes, destruction of public properties like hospitals, schools and other non-military institutions; attacking officially recognised 'safety zones' or 'no fire zones'; denying of food, water, and health facilities in war zones by blocking its supply, employing lethal and destructive weapons like mines, bombs and guns in a massive manner covering all spheres of air, land and water, torture and killing of the LTTE members, government officials, spies and informants, and loyalists, mutilation and disrespect to the human dead body, denying basic facilities in IDP camps, demolition of religious sites and restriction of religious freedoms, were some of the major conflict-driven human rights violations and sufferings (Permanent People's Tribunal on Sri Lanka, 2010, p.16).

#### **1. Early Years of Civil Dispute**

The origin and maturing of the civil war of Sri Lanka is closely associated to the democracy deficit in the multi-ethnic country. The root causes of the democratic crisis in the country lied on the fear of the Sinhalese majority of the domination of the Tamil speaking ethnic minorities over the bureaucratic, educational and political sphere of the country. Though this kind of an apprehension was prevalent even in the pre-independent periods, it became more concrete and rampant after the attainment of freedom from British colonial rule. Immediately after the independence attempts began to marginalise the Tamil sections by linguistically, economically, politically and culturally. Reducing the numerical strength of the minorities by targeting the migrants was also part of the grand strategy. There were attempts to limit the geographical presence of them by denying rights over land and by grabbing the existing lands. The legislature and constitution were used obviously as tool for the systematic marginalisation of the society. Various legislations, acts and amendments were crafted to the legalisation the discrimination.

The Ceylon Citizenship Act of 1948 was framed to reject citizenship to Tamils of Indian origin and the Indian and Pakistani Residents Act of 1949, was aimed to take away the citizenship rights of Tamils. Later on, the plantation Tamils were disenfranchised by Ceylon Amendment Act of 1949 in order to legalize the renunciation of their voting rights. The ultimate aim of these legislations was the lowering of the number of eligible Tamil voters to the legislature.

The major legislation on language was the "Sinhala Only" act of 1956. According to Tamils the legislation was intended to incur a grave discrimination as it makes the Sinhala as the only official language for carrying out the activities of the state. It alienates the Tamil speaking population from the official platforms including government offices. The non-Sinhalese people were denied the opportunity to compete for employment, education and other benefits ought to be enjoyed by them. The official attempts to set language barrier was seen as the most crucial form of discrimination that limit the possibilities of a section of the society.

It was equivalent to the degradation of the society. Though the government tried to pacify the situation in 1987 by recognising the Tamil too as an official language and by giving some kinds of programmes to use the mother tongue in official matters, the sense of discrimination was felt by the Tamils especially in the practical realms throughout the subsequent decades and even today. Another area where the Tamils felt insecurity was land. The land rights of the minorities were limited and the Sinhalese were given more opportunities to hold more lands through the Government irrigation and development projects in the eastern province. The government policy was seen as a state-enabled colonisation of Tamil areas. Though this had generated opposition the government carried forward its activities and resulted in huge demographic shift in the eastern Sri Lanka with a rise in the number of Sinhalese to 25 percentage from 5 percentage in 1921.

The religious discrimination of Tamils began around the same time. The Tamils believed that such attempts are patronaged by the Sinhalese dominated governments. The 1972 and 1978 constitutions gave foremost place to Buddhism. The Tamils were mainly Hindus and Christians. With such decisions the Tamils felt alienation. During the communal riots and other conflicts minority religious sites were attacked and targeted. The construction of Buddha statues and Vihars in the Tamil majority areas under government patronage was seen as a challenge to their religious faiths. The renovation and construction of Hindu temples were neglected. The physical attacks against minorities were also rampant. Communal riots were frequent in the country. There were serious revolts against the Tamils in the years of 1958, 1977, 1979, and 1981. The victims suspected that government and other mechanisms are against the true and impartial delivery of justice. The depressed communities faced severe economic marginalisation too. The standardisation processes started in the 1970s aimed at the lowering of Tamil participation in Universities. "Soon afterwards the standardisation policy was introduced in education to enable greater proportion of Sinhalese students in Universities (Behuria et.al, 2012) The 1972 constitution adopted a Sinhalese name for the country, the Sri Lanka, by replacing the name Ceylon. This constitution abrogated the section 29 of the Soulbury constitution which was a major stay of the minorities to safeguard their religious identity. All these developments gradually paved way for the emergence of Tamil extremism in the country by side lining the attempts to seek peaceful solutions. While the 1978 constitution that adopted a French model of democracy against the existing Westminster democracy, attempted to address the Tamil discontent in a nominal manner, it was inadequate.

The central issue behind all these problems is believed to be the concentration of power at the centre. The centralisation of power led to the composition of political institutions with ethnically majority people. The constitution of 1972 describes the nature of the state as unitary and the 1978 constitution reiterated this. The absence of decentralised rule was a problem since the independence. Though some agreements were reached in 1957 and 1965, they were failed due to the opposition of Sinhala Majoritarianism. Meanwhile the government has tried to address the issues even though in a cold manner. These attempts include the formation of District Development councils in 1981, the organisation of All-Party Conference to identify possible solutions to the ethnic problems in 1983, the Indo – Sri Lanka accord of 1987 and the 13th Amendment to the constitution, which introduced a system of Provincial Councils.

When Tamil resistances grew along the side, the government tightened the legal and police system with numerous legislations such as Prevention of Terrorism Act of 1979, the Emergency Regulation (ER) in 1983, Article 157A which is also known as the 6th Amendment. The PTA was more repressive as it was designed to suppress the resistances of Tamils. It raised questions of human rights as it authorises the security and police forces of the country to adopt extreme measures to tackle the activities of people believed to be anti-national and terrorist. It gives special powers to the forces which often led to the invasion into and confiscation of the Tamil properties, land and other assets without any permission of civilian government in the regions. Such things happened especially in the north and east of Sri Lanka. One of the major issues of the act was that "it did not define 'terrorism' and therefore allowed for the arrest and detention of any persons 'suspected of being involved in any unlawful activities (Deane, 2016). Though it was openly against the fundamental human and democratic rights of the people who want to raise their voice against the government, by identifying its possibilities for repressing fierce Tamil resistances, adopted it as a permanent as by an amendment of 1981.

The Tamils groups in the beginning stucked to peaceful means. In the early years they sought to solve the problems from within the framework of the unitary Sri Lanka by getting more devolved power. The agreements of 1957 and 1965 were part of such an approach. However, in the later stages they viewed a solution through only the acquisition of a separate homeland. The rationale behind such an argument is based on their belief in the historical fact that once there were Tamil ruled kingdoms in the Sri Lanka. The first organised attempt to present the Tamil demand appeared in the 1979 Vaddukodai resolution of FP which demanded a separate homeland for Tamils through peaceful means. The Thimphu meeting held in 1985 in Bhutan with the mediation of India attempted to address the concerns of Tamils. The LTTE which appeared as the main advocate to Tamil rights got a chance to present its demands. According the it, the main conditions for a settlement were the official recognition of the Tamil nationhood by conceding to their claim that the North East Sri Lanka is their historical home land and to recognise the right to self-determination for the Tamil people and the acknowledgement of the citizenship of all Tamils. This initiative failed due to the opposition of the

government. The Thimphu principles stand as the guiding light of the Tamil demand for a separate home land in the upcoming decades. It put forward for arguments. They are that “the Tamils are a distinct nationality; that they have an identifiable homeland whose territorial integrity must be guaranteed; that the Tamil nation has the inalienable right of self-determination; and that all Tamils throughout the island have the right to full citizenship and other fundamental democratic rights. (Asia Report, 2012)

## **2. Emergence of violent activities and LTTE**

It was the 1977 riots that affected the moral power of the Tamils and prompted them to support the LTTE. It ultimately led to the strengthening of LTTE as an organisation by 1979. The Jaffna library burning in 1981, 1983 May attack of LTTE on Sri Lanka n Army, 1983 July Black Friday attack of Sinhala mobs on Tamils were the other notable developments around the same time. The final result of all these was the empowerment and consolidation of the LTTE by replacing the moderate organisations and leaders and the starting of large scale internal and external of refuge flow particularly to the Indian state of Tamil Nadu

## **3. Peace Initiatives**

Another notable development was the 1987 India- Sri Lanka accord. The accord addressed the issues of devolution, ethnic problems and the law and order of the country. It was signed in 1987 between Jayewardene government and Rajiv Gandhi government. According to the provisions to the accord the 13<sup>th</sup> amendment was passed. This amendment gave birth to the provincial system in the country with the setting up of provincial councils. The governor system was introduced, the governor will be appointed by the President in provinces. As part of the devolved power the provinces, with a chief minister, would enjoy full authority over portfolios of health and education whilst acquired limited power for land, finance, law and order. There should be election to provincial councils on a five-year basis. The accord also demanded the conduct of a referendum on the merger of the North and Eastern provinces on a provisional basis. According to the accord India conceded to deploy the Indian Peace Keeping Force (IPKF) in Sri Lanka if requested. While the first election to the council was held in 1988, the accord couldn't find lasting solution. It became meaningless and failed miserably due to three reasons; the bloody violence in north perpetuated by the Sinhalese radicals of JVP, the opposition and resistance by LTTE alleging that its concerns hadn't been considered before the accord, the disinterest of the Premadasa government who succeeded Jayewardene as President in the early 1989. He demanded the withdrawal of the accord in March 1990 and finally withdrew in... the deployment of IPKF was disastrous and generated the criticisms of all parties alike. The assassination of Indian Prime Minister Rajiv Gandhi in 1991 May was generally seen as a retaliation to the activities of IPKF in Sri Lanka.

The third peace attempt started with the arrival of Chandrika Kumaratunga and her party the Sri Lanka freedom party to power in Sri Lanka in 1994. The major theme of her campaign itself was the peace and prosperity Sri Lanka. She began peace attempts **with a main focus on** the devolution of power. Change in the power devolution pattern of the country had been seen as a major democratic step to restore peace in the country. The talks started with the victory of the People's Alliance (PA) in 1994 was broken in the same year due to the discontent of LTTE and subsequent violence. “In response to a major LTTE attack on a Presidential candidate in October 1994, the government suspended peace talks with the group” (Biswas, 2006). Subsequently the LTTE announced the Eelam War III in 1995. The peace talks were renewed in 1997. As part of the peace talks, especially after the collapse of peace talks in 1994-5, she had offered certain notable actions like the ending of the executive presidency, adoption of a mixed voting system, creation of a quasi-federal Union of regions and the amalgamation of the NE provinces. It was promised that the provinces would be given adequate power over important list of subjects like finance, education, law, order and land. Later on these proposals were incorporated into the devolution bill proposed by her in 2000. The attempts of Chandrika were unprecedented and historical while considering the path way of the civil war in Sri Lanka. The earlier rulers were reluctant to give these much concessions and offers. “The author argues that Chandrika Kumaratunga's devolution package was the farthest any Sinhala leader could go to meet the Tamils' demand short of separation” (Sultana, 2013). However, these proposals were opposed by LTTE and the opposition party of UNP. According to LTTE, the offers were insufficient. It had demanded a LTTE's proposal for an Interim Self-Governing Authority (ISGA) over the north eastern region. But government could not concede to this. On the other hand, the UNP accused the Chandrika Kumaratunga of giving too much concession to the tigers. The President had no sufficient majority to pass the proposals in the parliament. Subsequently this bold initiative was abandoned in the midway and country again plunged into civil war.

## **4. Sri Lanka in 21<sup>st</sup> Century**

The major and final peace attempt was coined in the form the permanent Ceasefire Agreement (CFA) on the 22nd of February 2002, between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). This truce was enabled by the Norway with the support of the EU, USA, Japan who were the donors. The agreement that aimed a permanent solution to the problem attempted to set the ground for a comprehensive

peace talk. As part of the agreement a special agency, the Sri Lanka Monitoring Mission (SLMM), was set up to oversee and ensure that the terms and conditions of the ceasefire are maintained properly. The SLMM was composed of the experts from the Scandinavian countries of Norway, Sweden, Finland, Denmark and Iceland. Various stakeholders of the country including the Sinhalese, Tamils and neutral people had extended their hands to the CFA. The agreement generated some positive signs. The six rounds of direct peace talks between the GoSL and the LTTE, growing mutual confidence, the enabling of new opportunities to enhance the inter-community relations and political and social exchanges, the opening of the A-9 highway – the only land route linking the Jaffna peninsula with the rest of the Island – re-linking the North and the South. After a few developments the peace talks were halted and the efforts were abandoned in the mid-way. Later on, confrontations started towards the end of 2005 and later culminated into full-fledged violence by the July 2006. The government of Sri Lanka exiled the LTTE for the eastern province and continued its efforts to eradicate the tigers from north too. The government declared its official exit from the agreement on the 2nd of January 2008. It was a unilateral decision. Both the parties started the blame game by accusing each other for the collapse of the CFA. According to the LTTE the GoSL had breached the terms of agreement by destroying the confidence building mechanisms, and the guarantee given to the Tamil victims of war. The government failed to rehabilitate the victims of Tsunami and to rebuild the infrastructure and economy in the Tamil areas. They also alleged that the government had attempted to assassinate and kill their leaders. The government also levelled allegations of similar kinds. As per the government it is the LTTE which unleashed violence amidst of peace agreement. Though it failed after a few years of creation the CFA has been effective at least in some respects. In spite of minor setbacks, the initial period after the CFA marked a clear step forward with regard to decreasing acts of hostilities and achieving important breakthroughs in the direct talks. (Permanent People's Tribunal on Sri Lanka, 2010)

The failure of entire peace initiatives before and after the formation of LTTE is dependent upon multiple factors. The nature of ethnic composition of the country in which the majority community immensely outnumber the minority ethnic community, the peculiarity of the electoral politics in which the major parties are not at all dependent on the votes of minority communities, the stiff political competition between major political parties, the internal differences and animosities among the minority communities etc. Played as impediments at different points of time. At the political level both the major parties came against each other to derail the initiatives. For example, the Chandrika Kumaratunga in 2000 was unable to implement her historical proposals due to the stiff opposition from UNP. Similarly, when it comes to the CFA, the Ranil Wickremesinghe was heavily opposed and resisted by Chandrika. The experts make an observation that both the government and the LTTE are alike responsible for the collapse of peace talks and the failure to attain a pacific settlement of the dispute. "Therefore, it can be argued that progressive radicalisation of Tamil claims and constant opposition from the Sinhalese majority rendered compromise between the two sides impossible. The LTTE considered that any settlement of the conflict implied granting legitimacy to their de facto state power. In sharp contrast, the government was trying to find arrangements within the limit of the unitary constitution" (Kalegama, 2015). The Sinhala clergy stood as the main lobby behind the government. The LTTE was not ready to abandon its violent approach. "Norwegian efforts in the initial stages were failed due to opposition of Buddhist monks and Sinhala nationalists. LTTE also unleashed violence during this time". (Biswas, 2006, p.6). Interestingly in certain occasions the government and the LTTE joined hands to derail the peace process especially when such things are facilitated by the external actors. In 1989-90 there was allegation that the Premadasa had entered into secret agreement to provide military and other assistance to LTTE for thwarting the India- Sri Lanka accord and to send the IPKF back.

Finally, the LTTE fell down in 2009 by marking an end to the decades old civil war. The experts have identified certain causes of the failure of the organisation. The three factors that determined the survival of LTTE was the international support, the support of the Tamil diaspora and domestic Tamils, and the military strength of the group. Though even towards end, the diaspora and domestic supports remained more or less the same the international support had been beginning to disappear by the 2000 itself. Countries like US, Canada and EU had banned the organisation in different years. The global war on terror had been a challenge to the LTTE along with various other terror groups around the world.

Though the LTTE had considerable military strength and organisational capacity, until its end it could not succeed in capturing the hotspots like Jaffna. With the exist of the Karuna faction it faced a power and intelligence deficit. Karuna after the split became the major aide of the government. Another major turning point in the fate of LTTE was the arrival of Mahinda Rajapaksa to the power. He had the support of right-wing Sinhalese groups. Personally, he was more determinant and aggressive. He aimed the maximum weakening of the LTTE since came to the leadership as President in 2005 November. He has taken an all-out strategy against the LTTE including the attempts to creating an international opinion against the outfit, the seeking of the help of the splinter group of Karuna, Decision to shut down the A9 National highway and the strengthening of the military and other forces. He had tactically handled the issue of devolution by initiating talks on devolution of

power to the district and village authorities in the place of Provinces. He had side-lined the importance of peace talks with his objection to the increased role of Norway in the mediation talks (Mayilvaganan, 2008).

## II. CONCLUSION

The termination of civil conflict in 2009 July marked the beginning of a new era in the history of Sri Lanka. The interest groups in different quarters had looked at the new phase with optimism. It was the duty of the new government to ensure easy reconciliation in the country. However, the government led by the war time leader Mahinda Rajapaksa apparently failed to ensure the effective reconciliation and delivery of justice in the country. The major reason for such a failure is the intensity of the still remaining historical memories of the conflict.

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