
SRI LANKA: DIMENSIONS OF THE CRISIS

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Sri Lanka's peace process and Sri Lanka itself is in serious trouble. The escalating violence between the government and the LTTE has pushed the country into a major crisis. And the crisis is deepening, with an undeclared war intensifying. Its latest victim is the third highest-ranking officer in the Sri Lankan army. Neither the two main protagonists to the conflict, nor the international community, not even Sri Lanka's powerful neighbour appear to possess the capacity to arrest this sliding back to a major conflagration.

Violence

There are three aspects to the escalating violence between the government and the LTTE in Sri Lanka at present. Firstly, civilians have been targeted for attack. Each side would deny responsibility and then blame the other side. Secondly, violence, whether it is perpetrated against civilians or combatants, has a retaliatory dimension. Thirdly, each side has been targeting high value military assets, or personnel. It started in 2003 as a shadow war between the intelligence wings of the Sri Lankan army and the LTTE. Now the targets are senior cadres and officers.

Looking at the way in which civilians have been targeted for violence during the past few months, one can even say that the dirty war phase of the conflict has earnestly re-surfaced in Sri Lanka. In this backdrop, the challenge in Sri Lanka today is not about settling the ethnic conflict, but about breaking up of the vicious cycle of retaliatory violence.

Has the war really begun in Sri Lanka? This is the question that baffles not only the ordinary citizens, but also professional civil war-watchers. It is probably the case that this time, the war between the Sri Lankan state and the LTTE has new dimensions. It unfolds while the two sides remain technically committed to the cease-fire agreement of 2002. It has a low-to-middle intensity character, focussing on limited military operations, brief retaliatory attacks, targeted assassinations and the attacks on civilian communities. Major military campaigns as in the period of 1996-2000 do not seem to be in the immediate agenda of either side. But the logic of

spiralling violence ~~might change~~ sooner or later, the entire complexion of the war. What appears certain at present is the impossibility for the government and the LTTE to return to substantial political engagement.

Failed Peace Process

Why did Sri Lanka's peace process of 2002 fail? In the political debate, there are many answers to this question and they, despite where they originate from, provide useful insights. Sinhalese nationalists as well as critics of the LTTE make the point that the LTTE was never interested in a negotiated settlement and that they were merely trying to gain unilateral advantage through the cease-fire and negotiations. The LTTE turns this argument around to accuse the governments in Colombo of not being seriously interested in a political settlement. Those who view Sri Lanka's world of conflict from a non-partisan perspective see another lost opportunity for peace through compromise.

Compromise has been the most difficult outcome in all negotiations in Sri Lanka to resolve the ethnic conflict. Assessing it from the perspective of the potential for compromise, the peace process of 2002 had a truly promising beginning. The CFA, facilitated by the Norwegians, was a major compromise that froze the military ground conditions between the two sides. But that also was the compromise which irked almost all political forces in Sri Lanka except the two signatories to the cease-fire document. In the absence of a political agreement, the CFA could not sustain itself. With no will to making dramatic political compromises, the negotiations could not produce a settlement agreement.

Interestingly, negotiations ran into crisis at two crucial points that required parties to work together for historic political compromises. The first was immediately after December 2002 when in Oslo two delegations agreed to explore a federalist option within a 'united Sri Lanka.' The second was in October 2003 when both sides had put on table their proposals for an interim administration for the North and East. Even the historic opportunity offered by the Tsunami disaster was not utilized by the political forces in Sri Lanka

to move towards a sustainable framework of cooperation. It may be the case that Sri Lanka's ethnic conflict, even after twenty-years of civil war and a huge humanitarian disaster is not yet ripe for settlement.

Nationalist Projects

At the heart of the failure for compromise is the enduring incompatibility of the Sinhalese and Tamil nationalist projects. The dominant Sinhalese nationalist argument, which has regained ascendancy during the past few years, refuses to acknowledge the presence of an ethnic conflict in Sri Lanka. It views the entire conflict as a terrorist problem, or even a minority conspiracy, that requires a military solution. In the vision of Sinhalese nationalist ideologues who are quite influential now in shaping the thinking of the polity, a limited measure of power-sharing may be possible after a military-administrative unification of the 'nation.' Some argue that the Indian model, without its federal features, is best suited for a post-conflict Sri Lanka.

This limited vision of Sinhalese nationalism is matched by the secessionist objectives of Tamil nationalism as spearheaded by the LTTE. The LTTE's compromise framework is one that approximates on confederalism, a fairly advanced form of regional autonomy. The conceptual foundations of the proposal for an interim self-governing authority which the LTTE presented to the government in October 2003 was indeed confederalism, which had greater emphasis on self-rule and little on shared-rule. The negotiations begun in 2002 did not lead to a negotiation between these two qualitatively different ethno-nationalist imaginations. Quite interestingly, when the talks entered a phase of crisis, the differences between the two projects came to be re-sharpened. Now they stand their paths crossed, with no possibility of finding a meeting point in the near future. The unstated assumption shared presently in both camps seems to be a troubling one: a drastic alteration in the military balance of forces might create new conditions for a new phase of political engagement.

Geneva Talks

Meanwhile, the re-escalation of violence has been occurring in the backdrop of the recent failure of the Sri Lankan government and the LTTE to re-start the stalled peace process. The first such attempt under the government of President Mahinda Rajapakse was made in February this year in Geneva. Facilitated by the Norwegian peace brokers,

the two sides met there after an absence of direct talks for three years. The immediate context for the Geneva meeting was the increasing violations of the CFA and the threat of the resumption of full scale-war in consequent to such violations.

In Geneva the two sides agreed to renew their commitment to honour the CFA fully and take immediate steps to prevent future violations. But that was a pledge that remained valid only on paper. Within two weeks of the Geneva Accord, killings returned on a larger scale, each side blaming the other for re-escalating violence.

Meanwhile the May 29 listing of the LTTE as a terrorist entity by the European Union occurred in the backdrop of an increasing risk of full-scale hostilities breaking out. The EU statement on the listing said that this decision 'should not surprise anybody' because the LTTE had systematically ignored prior warnings. The EU seems to have been quite concerned with what they saw as the LTTE's disregard of the EU's repeated insistence that the parties in Sri Lanka 'show commitment and responsibility towards the peace process and refrain from actions that could endanger a peaceful resolution and political settlement of the conflict.'

Co-Chairs

The meeting of the Co-Chairs – the EU, USA, Norway and Japan – which took place a few days later blamed the Sri Lankan government as well as the LTTE for the crisis and insisted that both parties should take immediate steps to 'reverse the deteriorating situation and put the country back on the road to peace.' The Co-Chair statement demanded from the LTTE that it re-enter the negotiating process, renounce terrorism and violence and 'be willing to make the political compromises necessary for a political solution within a united Sri Lanka.' From the government, the Co-Chairs demanded that it must address the legitimate grievances of the Tamils, take steps to prevent acts of terrorism by armed groups and protect Tamil civilians throughout the country.

More importantly, the Co-Chairs insisted that the Sri Lankan government 'show that it is ready to make the dramatic political changes to bring about a new system of governance which will enhance the rights of all Sri Lankans.' The formulation 'dramatic political changes' meant federalist state reforms. There is an international consensus that federalism is the only alternative to Tamil separatism and Sinhalese unitarism.

If the Co-Chairs thought that by being 'tough' on both sides, they could pressurise them back to the negotiation table, it was only a short-lived hope. Responding to intense international pressure, the LTTE agreed to meet with the government delegation in Oslo on June 08. The two delegations did go to Oslo. The most unexpected happened in the morning of June 08 when the LTTE delegation, led by its head of the Political Wing, refused to meet the government delegation. The LTTE's explanation was that since the government had sent a junior official delegation, its Head of the Political Wing would not meet them.

The government responded to this unexpected move by the LTTE by recalling its team back to Colombo. Most embarrassed, the Norwegian facilitators fired a letter to the government and LTTE leaders demanding them to re-commit themselves to the CFA and ensure the security of the Sri Lanka Monitoring Mission (SLMM). As things stand now, the international actors are realizing that they have a small or no role to play in re-convening Sri Lanka's peace process. It may be the case that the internationals are looking for an honourable exit strategy.

Oslo Talks

Why did the LTTE go back on their word in Oslo by not taking part in negotiations with the Sri Lankan government delegation, when they had promised the Norwegians that their intention of coming to Oslo was to resume talks with the government?

Excuses given by the LTTE apart, it appears that the LTTE had implemented in Oslo a major political decision to terminate in their terms the peace process that began in 2002. Actually, this peace process has been in crisis for about three years and the crisis intensified particularly during the past six months in a context of regime change. Both the government and the LTTE have repeatedly expressed deep dissatisfaction with the peace process, for their own specific reasons. The present Sri Lankan government came to power six months ago on a Sinhalese nationalist platform promising the electorate that it would amend the CFA and start a new peace process. The thinking of the present government has been that the peace process, initiated in 2002 by the then United National Front government, accorded unnecessary legitimacy to the LTTE and gave them many concessions placing national security and sovereignty at risk. The LTTE's negative assessment of the peace process is based on the view that it did not produce any political outcome favourable to them.

The EU ban appears to have provided the context for the LTTE to bring the 2002 peace process to a political end, without saying it in writing or officially announcing it. The Oslo Communiqué which S. P. Thamilselvam, the LTTE's Political Head, announced on June 10 was a further step in the direction of a unilateral path that the LTTE leadership seems to explore. The LTTE's unilateralism is also a response to the EU ban. It seems to entail either separating the EU from Sri Lanka's peace process. It is now becoming clear that the LTTE is experimenting a strategy of re-internationalizing the conflict and peace processes in Sri Lanka. Normalization of relations with India would be one of its key components.

Dilemmas

It appears that in the context of the current crisis of 2002 peace process, which has now approached what may be seen as its final phase, the Sri Lankan government, the LTTE and the international community are facing three sets of dilemmas.

For the Sri Lankan government, the dilemma is to prevent a major war breaking out while succeeding in weakening the LTTE militarily and politically. The government does not want to be seen by the international community as taking any direct initiative to bring the 2002 peace process to a formal end. Meanwhile, there are groups within the government that continue to argue that the opportune time has come to defeat the LTTE militarily. The radical Sinhalese *JVP*, a key member of the ruling coalition with 39 parliamentary seats, has launched a campaign saying that 'enough is enough' and telling the government to move in the direction of defeating 'LTTE terrorism' once and for all. They and sections of the military have been making the point that war with the LTTE is necessary and winnable. But President Rajapakse appears to be cautious about a large-scale war. Politicians know that a big war will give an opportunity for the LTTE to launch massively destructive attacks on economic and infrastructure installations. Maintaining the low intensity war leading to the outcome of weakening the LTTE's offensive capacity seems to be the government's preferred option for the moment.

The LTTE's calculations seem to be quite interesting too. Although not officially stated, they have bid farewell to the 2002 peace process. The LTTE's dilemma is essentially "what next. The LTTE too does not want to be blamed for unilaterally initiating the next phase of war. But at the same time, the government's low intensity offensive has hurt the

LTTE militarily. With the defection of Karuna, the LTTE's military commander in the Eastern Province to the side of the government military in 2004, the LTTE's military strength and control of the Eastern province has suffered a considerable setback. With the assistance of the Karuna group and other armed groups, a number of LTTE's local military commanders as well as key civilian supporters have been assassinated in recent months. The LTTE's claim that it can protect the Tamil civilians is also coming under serious doubt, particularly in the context of continuing abduction and killing of pro-LTTE civilians by anti-LTTE armed groups. The government has also begun a policy of launching retaliatory air and artillery strikes against the LTTE in response to the LTTE's offensive actions.

Thus, from the LTTE's perspective too, a major war seems to be a necessity. But, as LTTE's recent official statements clearly suggest, at the centre of the LTTE's strategic preoccupations at present is the project of militarily consolidating what they view as the regional sub-state, with their own notions of shared sovereignty that include the claim to air and sea space. If war-making has been a process of state-making, the coming phase of the conflict would be seen by the LTTE as one of consolidating the state-making process. That would, if one may hazard a risky prediction, logically preclude a full-scale war.

The LTTE's new attitude towards the international community is worth studying. After the EU ban, the LTTE seems to be exploring possibilities of re-defining the role of the international community in Sri Lanka. The LTTE has also realized the limited nature of the role of Norway as peace facilitator. From the LTTE's perspective, Norway has not been able to ensure that the Sri Lankan government implemented promises made at negotiations. The LTTE might look for a bigger power, with the capacity for power mediation. Yet, there are probably no volunteers to take up this responsibility, particularly in view of the international community's frustration and disappointment with both the Sri Lankan government and the LTTE.

Verification

In this backdrop, the international custodians of Sri Lanka's peace process do not seem to have many options. In banning the LTTE and in the Tokyo statement, the international community re-asserted its role in Sri Lanka. But there are limits to what the externals can do especially when the domestic actors in Sri Lanka are not in a mood to work together for peace. The UN might be the next in line to get involved, though reluctantly, in the Sri Lankan conflict.

Meanwhile, the escalating dirty war in Sri Lanka has opened up space for a new kind of role for the international community. It entails the setting up of an international verification commission to investigate incidents of violence against civilians. Although there have been many incidents of gruesome violence against Sinhalese as well as Tamil civilians in recent months and weeks, including the recent massacre of Sinhalese bus passengers in the remote village Kebithigollewa, the SLMM does not have power or capacity to conduct thorough investigations, and positively identify the perpetrators. While the government and LTTE exchange charges and counter-charges about responsibility for such war crimes, the presence of other armed groups in the Northern and Eastern provinces has made such violence against civilians a crime with impunity. It is time now to think about an international verification commission for Sri Lanka with powers of investigation and compliance. That would be a small, but necessary step towards humanizing a conflict that looks truly intractable.

Finally, Sri Lanka's crisis tells us three fundamental lessons about settling the country's ethno-political armed conflict. Every failed peace attempt only re-defines the conflict in new terms. A protracted civil war requires a protracted peace process for its termination. A political engagement between the Sri Lankan state and the LTTE can produce a settlement process only when it is backed by a dialogue among the island's many ethno-nationalist projects. ■

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