

THREE YEARS AFTER THE CEASE FIRE

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Sri Lanka has now entered the fourth year of cease-fire agreement (CFA) which the LTTE Leader, V. Prabhakaran, and the then Prime Minister, Ranil Wickramasinghe, signed on February 21-22, 2002. This essay is a belated attempt to do some retrospective assessment of the CFA and the subsequent negotiation process between the UNP government and the LTTE.

Indo-Lanka Accord

In terms of its long-term impact on the conflict and peace processes in Sri Lanka, the CFA of February 2002 is second only to the Indo-Sri Lanka agreement of July 1987, signed by India's Prime Minister Rajiv Gandhi and Sri Lanka's President, J. R. Jayewardene. Both these documents, although they have not led to the cessation of Sri Lanka's ethnic war, in a very fundamental way redefined some major dimensions of the conflict and pointed towards possible trajectories of settlement. The Indo-Lanka Accord, to begin with, postulated that the Tamil ethnic rebellion was not just a terrorist endeavour as many in Sri Lanka believed at the time, but the manifestation of legitimate political grievances and aspirations of a minority ethnic community. It acknowledged that the Sri Lankan Tamil community constituted a nationality with the right to internal self-determination in the form of regional autonomy within a clearly demarcated territorial space. The Accord was premised on the fundamental assumption that the ethnic conflict did not have a military solution and it necessitated a political settlement involving the state and the insurgent movements. It also introduced the idea of devolution and the institution of provincial councils. All these were radical deviations from the views firmly held by the UNP and many Sri Lankan political parties. The Indian intervention of July 1987 radically altered these positions.

However, the Indo-Lanka Accord did not terminate the ethnic war. Yet, it altered its dynamics and dimensions. No solution to the ethnic conflict can be perceived outside the framework suggested by the Accord. It has indeed re-defined in an enduring way the terms of Sri Lanka's political debate on the ethnic conflict as well as alternatives to it.

CFA's Significance

What is the significance of the CFA of February 2002 for Sri Lankan politics? To begin with, it brought the LTTE into a process of political engagement with the state as an equal partner. Subsequent negotiations demonstrated that negotiations based on conditions of power symmetry could produce constructive outcomes. It is the CFA that gave impetus to this possibility in

2002. In fact, the CFA formalised what many politicians in Colombo would have conceded in private, but never dared admit in public: that there had developed by 2000-2001, a strategic symmetry of power between the Sri Lankan state and the LTTE. In fact, the CFA gave expression to a military-ground reality that slowly had developed during the People's Alliance regime's war for peace campaign. That ground reality was characterised by a condition of power equilibrium between the state as well as the rebels and a decisive military stalemate in which neither side could proceed towards achieving a military victory resulting in the defeat of the other side. Ranil Wickramasinghe acknowledged this ground reality and the CFA translated it into a bilateral agreement between the state and the LTTE.

This was an extremely courageous step taken by Wickramasinghe who is usually portrayed even by his own admirers as a timid, lacklustre and unimaginative political leader. Chandrika Kumaratunga and Lakshman Kadirgamar, who are always represented in the media as brave and heroic figures in the island's contemporary politics, would not have dared to sign the CFA of February 2002 in its existing form. They would have rejected it outright, or dillydallied with it until the text became obsolete. It is a pity, not surprising though, that even the pro-UNP press has not given Ranil Wickramasinghe the credit to which he is legitimately entitled for his courage in signing this document that brought Sri Lanka its longest period of no-war and relative peace since 1983.

The CFA was in a sense not a 'legal', but essentially a 'political', document in that it gave concrete expression to an existing political reality. Under the Constitution, the Prime Minister had no legal authority to sign an agreement with the LTTE which was waging war against the state. Besides, the CFA had some key clauses that stood outside the pale of the Constitution. Nevertheless, Wickramasinghe went ahead with the CFA, signed and initiated negotiations on the basis of it. Some influential analysts in Colombo called it an act of treason and even suggested criminal proceedings against Wickramasinghe. Why did Wickramasinghe take such a huge political risk?

Part of the answer to this difficult question lies in the way a section of the Sri Lankan ruling class that the UNP had come to represent, appeared to have viewed the ethnic conflict. This stratum of the Sinhalese ruling elite is linked to global capital and it no longer views the state from the outdated paradigm of national sovereignty. It saw negotiated peace as the only way forward for Sri Lanka's further integration with the global economy, a process the UNP had inaugurated as far back as 1978. It had also abandoned the small-trader mentality that the Sinhalese ruling-class had possessed

for many years and the SLFP continues to cherish. Neither does it look at political problems from the perspective of obsolete nationalist ideology. Not being an ideological party and not being blinded by the immediate enmity with the LTTE – an advantage of being in the opposition since 1994 – the UNP leadership could assess the politics of the ethnic conflict in a pragmatic manner and reach its conclusions. One such key conclusion that the UNP leadership seems to have reached in 2001 was that the Sri Lankan state had no other option but to politically engage with the LTTE on the basis of strategic equilibrium. The CFA was nothing but a formalisation of this ground situation.

The UNP also relied on the global state system to provide a safety net in case the cease-fire and negotiations went wrong. The third-party monitoring of the cease-fire, international facilitation and mediation in talks, and the internationalisation of the peace process were indeed novel features that only the UNP could bring in without much hesitation—even as parts of a deliberate strategy. Wickramasinghe also took the pragmatic decision to keep the Foreign Ministry, the ultimate repository of Sri Lanka's small-trader political mentality, in its institutionalised form, somewhat away from this process.

The negotiations that followed the CFA of February 2002 demonstrated the strength as well as the weaknesses of this process that UNP initiated. It is noteworthy that the UNP had maintained a line of communication with the LTTE while in opposition and making preparations to come to power. That is why the signing of the CFA within two months in forming a government appeared a spectacular achievement for the UNP. The initial success of the negotiations in 2002 was also outcome of a certain understanding that the UNP and the LTTE had built up. The single-most important contribution made by the negotiations of 2002 was the LTTE's public acknowledgement that it was ready to review the secessionist goal and explore federalist political options. Here lies the basic parallel of the post-CFA process with the Indo-Lanka Accord of 1987. Indeed, the fundamental failure of UNP's political strategy for peace in 2003 was its inability to build on this achievement and work on an interim peace agreement with the LTTE to take forward the federalist discussion.

Limitations

The limitations of the UNP political imagination concerning institutionalising a peace settlement became quite clear when the LTTE challenged them to come out with proposals for an interim administration to the Northern and Eastern provinces. The two proposals that the UNP developed in mid-2003 even fell short of the spirit of the Oslo understanding the two parties had reached in December 2002. The LTTE's ISGA proposals submitted to the government in November 2003 constituted a step further from the Oslo understanding. They were in a way based on the LTTE's own

interpretation of the Oslo wording of exploring federalism on the principle of internal self-determination. But the Sinhalese political class by that time had stretched its political imagination to outer limits. All, including the UNP, had relapsed to the small-trader mentality of defending an old, outdated idea of state sovereignty and unity.

Wickramasinghe and his UNP could not travel beyond Oslo of December 2003, literally and metaphorically, because talks beyond Oslo required them to elaborate the federalist formula in a confederal mould. The UNP was not intellectually ready to move in that direction. And that created the space for the SLFP and the JVP to seize the initiative to re-shape the terms of the political debate. In fact, the period after October 2003 can be described as one that pushed the political debate on Sri Lanka's ethnic conflict resolution many steps backward. Even today, there are no signs of the Sinhalese political class attempting to emerge out of the debilitating limits that were reinforced in 2003-2004. President Kumaratunga's recent statement on federalism, though it appeared quite a radical intervention, has not so far inspired much positive response.

The post-CFA events also demonstrated that the role of the international community in Sri Lanka's peace process was quite limited. The UPFA government as well as the LTTE have acquired a remarkable ability to resist international pressure, even in this age of excessive globalisation. This has made it extremely necessary for the domestic stakeholders – Sinhalese, Tamil and Muslim political classes – to find a new framework of engagement, although it may not be forthcoming in the foreseeable future.

War and Violence

What has three years of cease-fire added to the progress of Sri Lanka's politics? It has made returning to war quite difficult for both the state and the LTTE, although there may be some temptation in both camps to unilaterally break the cease-fire agreement. It has also demonstrated that the Sri Lankan ethnic conflict has reached a qualitatively new phase in which violence and war are no longer necessary to mediate the relations between the state and the Tamil community. But paradoxically, three years of relative peace also proved that Tamil society ran the risk of turning violence inwards, against itself, as the events after the LTTE split in March 2004 have tragically demonstrated. The challenge ahead for Sri Lanka is to contain the spreading violence and prevent it undermining the CFA. There are signs that on all sides the commitment to protect the CFA has been weakening. The CFA gave the Sinhalese political class the necessary breathing space to resolve the conflict in partnership with the LTTE, but they seemed to have squandered the opportunity. Not even the unprecedented natural disaster of the December tsunami has moved them in a constructive direction. ■