

WHAT WENT WRONG?

The LTTE's pull-out from the Peace Talks –A comment

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Suspension of the peace negotiations for "the time being" by the Liberation Tigers of Tamil Eelam (LTTE) may have been a bolt from the blue for some observers of the peace process. The initial reaction to it of the head of the government's negotiating team, Minister G. L. Peiris, as told to the BBC was complete surprise. However, for those who have been following the events closely and objectively since the Oslo talks, the development is not surprising. Just before the sixth round of talks in Hakone, Japan, in my article entitled "Will the Peace Talks Collapse?" I doubted that the negotiating parties were not addressing issues with a view to find an agreeable solution. Moreover, the developments that have taken place since the sixth round of peace talks have raised problems regarding the peace process, and of the peace talks in particular.

The LTTE's decision to pull out for the time being appears to be a tactical move that will not lead to an inevitable or immediate breakdown of the ceasefire agreement already reached between the GoSL and the LTTE. In his letter to the Prime Minister, Dr Anton Balasingham has reiterated the LTTE's "commitment to seek a negotiated political solution to the ethnic question". President Kumaratunga expressed her "deep dissatisfaction" at the LTTE's unilateral suspension of negotiations with GoSL, but hoped that "better sense would prevail" and that the rebels would re-enter negotiations. The Prime Minister noncommittally stated in his letter to the rebels: "I have noted your concerns and will be responding to them in full". So far the Norwegian facilitators have not commented. Though the negotiation process may be resumed, and may deal with some of the contending issues, the final and basic question concerning the peace process would remain unresolved.

Concerns of the LTTE

What factors have led the LTTE to withdraw from the talks? The proximate cause seems to be its exclusion from the pre-donor meeting held in Washington. Dr Balasingham in his letter to the Prime Minister explained that the meeting should have been organized in another country as it was clear that the LTTE as a banned organization in the USA would not be given visas for its members to enter the country. Participation at the talks seemed less important for the LTTE than establishing its stature worldwide as a liberation movement. It is for this reason that its participation at international meetings and fora are very important. Irrespective of the outcome of such meetings, its presence at them may be an indication of its recognition by the international community, especially the Western industrial countries. Dr Balasingham

charged the GoSL with trying to 'marginalize' the LTTE in the eyes of the international community. Conscious of discriminatory treatment of the LTTE vis-à-vis the international community the LTTE has been wanting to assert itself as an equal partner of the GoSL. However, this alone may not sufficiently explain its withdrawal from the talks.

The negotiation process appears to have held four main objectives for the LTTE:

1. Gaining international recognition and revoking the proscription of the organization in the USA, UK, Canada and Australia;
2. Gaining access to government-controlled areas in Jaffna under the normalization clause of the MoU;
3. Freedom of movement at sea, without any ban on fishing;
4. Full control of rehabilitation process in the Northern and Eastern Provinces.

The peace process in the last 14 months, involving six rounds of talks between the LTTE and the GoSL, has not shown a clear progress in achieving these aims. First, the LTTE is still a banned organization in those countries, with the likelihood of its de-proscription reviewed in the light of an alteration in its conduct in the coming period. Secondly, rehabilitation of IDPs in high security zones especially in Jaffna has been postponed because of the security concerns of the GoSL security forces. This has significantly blocked the LTTE's access to Jaffna, 'the cultural capital of the Tamil people'. Thirdly, the LTTE's sea movements have been hindered; 14 LTTE sea tigers were killed, and one of its ships was destroyed in a naval confrontation with the Sri Lankan Navy. Finally, regarding the reconstruction of the North and East, the international community seems to be imposing conditions on the granting of assistance. Such a perspective appears to be incompatible with the politico-military aims of the LTTE, in regard to the enlistment of military cadres – and of children especially, resource allocation, and monopoly of power. Restoring the multi-ethnic character of the Northern and Eastern provinces through rehabilitation of Muslim IDPs might have been seen by the LTTE as a threat in this regard. All these might have disturbed the LTTE cadres as well as its leadership, although these problems seem partly to have been produced by its own strategies.

The LTTE in its peace negotiations has adopted a two-stage strategy that emphasizes humanitarian needs first, while deferring the issues relating to the Tamil national question after realizing the

humanitarian needs. This strategy is inherently illogical since the two needs are not totally exclusive. Humanitarian needs cannot be totally realized without discussion of the question of the transfer of power to the people. People cannot reap the benefits of peace (the so-called peace dividend) unless they are allowed into the process of political decision-making. The problem here is of representation. No one can be a sole and responsible or authentic representative of another; for representation to become representative, a continuous democratic engagement is essential. There is thus a convergence between immediate humanitarian needs and the political needs of the Tamils when the military confrontation comes to an end. In a non-military situation, Tamils would want other forms of intervention to realize their humanitarian needs. The LTTE either does not recognize the presence of this convergence of demands or it deliberately separates them to strengthen their negotiation strategy. Unless the LTTE recognizes the convergence and adopts an appropriate strategy, this question would become increasingly as the peace negotiations advance significantly.

Other Factors

In addition to problems arising from the LTTE strategy, there seems to be other reasons to which the stalling of talks may be attributed. The impasse may thus be attributed to (1) the faulty strategy and approach of the GoSL and (2) the unrealistic approach of the Norwegian facilitation. First, the negotiation strategy of the GoSL was a classic example of "soft" negotiation. The resolution of issues would require the parties concerned to be able to develop new options regarding the process of negotiation. Therein lies the difference between the "soft" approach and the "integrative" approach – of which there was clear evidence in the way the GoSL negotiators handled the issue of high security zones. In an earlier article, I emphasized that the problem of HSZs may be resolved if the two parties deviate from their original position and try to develop fresh alternatives that secure their mutual interests. Sweeping issues under the carpet would affect the process adversely. Secondly, for there to be positive results by way of an agreement, the process should gradually be widened and deepened. The press communiqué issued by the Royal Norwegian Government after the talks in Hakone declared that "the parties re-iterated their commitment to develop a federal system based on self-determination within a united Sri Lanka". The idea of federalism was flagged first in the

third round of talks in Oslo; the issue of gender participation was raised at the fourth round of talks in Thailand; and the issue of human rights was taken up at the fifth round of talks in Berlin.

Although these issues were taken up, it appears that no attempts were made to discuss them seriously and at depth. I wrote in February: "The way in which issues were taken up in the last three rounds of talks appears to be unsatisfactory. Of course the issues of federalism (Oslo talks), gender participation (Thai talks), human rights and child soldiers (Berlin talks) were taken up: but they were taken up not in [a] substantive manner but in a cosmetic fashion" (*The Island*, Midweek Review, February 19, 2003). This was equally evident from the report submitted by Ian Martin to the discussion in Hakone. Only Minister Rauf Hakeem wanted it to be discussed. A widening of the process involves bringing in new stakeholders and new issues to the scene, while the process of deepening include addressing the problems in their complexity. In what took place there was neither widening nor deepening, in consequence of which at Oslo there was only a sort of stagnation. Thirdly, the two parties at present seem to be serious only about foreign assistance and its allocation. The inclusion of fiscal federalism as the principal subject at the sixth round of discussion reveals a lack of seriousness in dealing with issues. The term 'fiscal federalism' is used to denote simply the allocation of foreign funds for North-East reconstruction.

The LTTE clearly has come to suspect that the GoSL has been trying to use them and the peace process in order to get foreign financial assistance – in Sinhala *'kade yema'*, and as part of a broader strategy of economic liberalization and development. "Regaining Sri Lanka", the document Dr Balasingham has criticized, demonstrates that for the GoSL peace and North-East reconstruction are part of another goal. There has been no recognition that the specific issues pertaining to the peace process are important in their own right and are not a means of realizing other goals. Finally, there is a basic flaw in the Norwegian facilitation methodology, the shallowness of which Edward Said has clearly shown a propos the Norwegian-led peace process in the Middle East. In the dark tunnel to which the Norwegian approach has taken the two parties, there is no realistic conflict resolution. I will deal with this last aspect in more detail in a separate article. ■