

SRI LANKA 2003 – PLAYERS IN SEARCH OF SOLUTIONS

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"...a complex set of grievances left unresolved eventually festered and erupted into systematic repression and widespread violence."

E.E. Azar, *The Management of Protracted Social Conflict* p.65

"Protracted internal conflicts are not easily amenable to negotiated settlement... But, protracted conflicts may also open up rare opportunities for conflict termination and settlement. What we have in Sri Lanka at present is probably one of those rare opportunities."

Jayadeva Uyangoda, *Sri Lanka's Peace Process: Surprising Possibilities?*

Returning to My Roots

As a Sri Lankan now living in Melbourne Australia I returned to Colombo recently to study the current successes and previous failures of the peace process. This is part of a comparative project, one that will take me to Mindanao in the Philippines next year to study their peace processes as well. Like so many in the diaspora I was drawn back to my homeland by the prospect of peace.

As a part of my research programme in June-August this year, I travelled to the north and east to talk with bishops and priests, internally displaced people, fisher-folk and teachers, international NGO workers from UNHCR and the International Committee for the Red Cross, the Government Agent (GA) in Vavuniya, the political wing of the Liberation Tigers of Tamil Eelam (LTTE) in Kilinochchi, representatives of the Muslims and the Tamil community in Trincomalee, and members of the Sri Lankan Monitoring Mission (SLMM) and a peace group in Batticaloa.

Later in Colombo I spoke with parliamentary and organizational representatives of most political parties. I met leaders of the United National Front, the opposition People's Alliance (PA), the avowedly Marxist Janatha Vimukthi Peramuna (JVP), the Muslim Congress, the Tamil United Liberation Front (TULF), and the much smaller Sihala Urumaya. I interviewed editors of leading newspapers, business people, Buddhist monks, university lecturers and the heads of many local NGOs and international NGOs working around the civil conflict.

An Improbable Peace

In this essay I am interested in how we in Sri Lanka arrived at this juncture, where a ceasefire and a fragile 'limited peace' could lead us through a conflict transformation process which may allow for a negotiated settlement to this violent civil war. My focus is on the international actors in the peace process, the role they attempt to play, and the perception of that role in Sri Lanka.

Two years ago when government forces suffered a terrible defeat at Elephant Pass and bombs exploded in the airport outside Colombo few informed commentators would have dared predict an imminent end to this bloody 'civil war without mercy.' And yet, what could then only have been a hopeful dream for thousands of families caught in the crossfire of bombs and landmines, has become an astonishing reality. The major highway to the north, the A9, is open once again after twenty years, most of the army checkpoints are gone and the economy is back in the black. For the past nineteen months Sri Lankans have been experiencing an 'improbable peace.'

Internally Displaced People

The ceasefire has ended, temporarily at least, a cycle of violence and abuse that drove over 1.3 million people to flee their homes. In 2000, UNHCR estimated 500,000 Sri Lankans have taken refuge overseas and 800,000 have been internally displaced mainly in the north and east of the island. Just 26 miles across the Palk straight in Tamil Nadu some 65,000 refugees are waiting for the peace talks to bear some tangible political fruit before they receive official permission to return to their homes. A few desperate souls have been braving the Indian Ocean in small boats and canoes in a bid to return home to a more peaceful Sri Lanka.

I met some of the Tamil families who have returned to their islands across the Jaffna lagoon in the past 18 months. Their communities have been displaced up to eight times as the war raged around them. They are exhausted and adamant that they would rather die than be forced to leave their villages again. They showed me the broken shells of their once beautiful brick and concrete homes. Each house is marked with bullets and mortar shells. The crumpled silhouette of the nearby canning factory is a poignant reminder of the prosperity and hope that has been taken from these people. One man showed me the burnt skin of his legs and back, and others display scars of physical and psychological damage as we talk in the abandoned schoolhouse which is now 'home' to nine families.

Since the ceasefire, an eager flood of over 150,000 'returnees' have tried to move back into their former villages and homes. New issues of reconstruction of crucial infrastructure (hospitals, schools, water and sewage) and landmine clearance slow this movement down. Many other returning families are still in UNHCR 'welfare centres' living on government rations as they wait for the military to vacate their villages which are still considered 'High Security Zones.' There are more than 100 such army camps in the Jaffna peninsula. Hundreds of IDPs are living on the outskirts of these camps looking in at spaces they used to call their own. There is a level of frustration and resentment here that decision makers I spoke with in Colombo did not seem to comprehend.

Surprisingly some Muslims have already returned to Jaffna. About sixty brave families are trying to pick up the threads of lives interrupted by the brutal tactics of ethnic cleansing. In 1990 the LTTE warned the 90,000 Muslims in the Jaffna peninsula that they must leave immediately or face the consequences. Families were given just two hours to evacuate their homes and jewellery and other valuables were taken from them as they left. The LTTE has since apologized for this attack on Tamil-speaking Muslims in Jaffna, and its political leaders now suggest that the two communities can live together in peaceful co-existence. However, these pioneer returnees face the harsh reality of LTTE taxation policies and still have to secure their land, shops and houses lost, looted and damaged since their forced exodus over ten years ago.

Initiatives and Concessions – from Ceasefire to Peace Talks

The memorandum of understanding (MOU) signed in February 2002, which cemented the ceasefire and allowed for the peace talks, came as result of a unilateral ceasefire offered by the LTTE which was reciprocated by the new United National Front (UNF) government led by Ranil Wickramasinghe in December 2001.

In some quarters in Colombo there seems to be a view that it is the UNF government that has made all the concessions in these talks about peace. However, it must be remembered that the LTTE made the ceasefire offer and came to the negotiating table from a position of military strength and this in itself is an unusual strategy for a movement for self-determination. Guerilla groups are usually pushed to the negotiating table by a series of military defeats rather than military victories.

The second major initiative by the LTTE took everyone by surprise. At the second round of talks chief negotiator Anton Balasingham announced that the LTTE would be willing to work towards 'internal self-determination' rather than a separate state of 'Tamil Eelam.'

Thirdly, in December 2002 in Oslo, the LTTE embraced the idea of special autonomy for Tamils within a federal Sri Lankan state. These are important concessions coming from a single-minded

military force which for more than twenty years has been utterly dogmatic about their push for a separate state.

I raised this issue with the LTTE political wing in Kilinochchi. We spoke in their brand-new smoke-glassed, two-story building, complete with luxury boardroom furniture and an enormous portrait of Prabhakaran watching over us. These younger leaders admitted that they faced a difficult internal problem. It was, they said, a controversial process trying to explain this new political stance, which is more accommodating to the Sinhala south, to those militant cadres in the LTTE who have fought, and watched hundreds of their comrades die, for the dream of Tamil Eelam.

The LTTE has been a highly disciplined and hierarchical military outfit. However, it is already being forced to accept that a political settlement demands compromise and that it must have a more flexible approach to internationally monitored peace negotiations. These initiatives auger well for those who hope and believe that the LTTE can, and must over time, transform itself into a political organization which accommodates different points of view, respects human rights, and allows for democratic elections in areas under its control.

The six rounds of peace talks held so far have been reasonably amicable and cooperative, and even though the 'official talks' have been suspended since April there has been a great deal of 'unofficial' talking and negotiating taking place. The proof of this is the new proposal by the GOSL for an interim administration in the north and east. This proposal is now being studied by the LTTE hierarchy in Paris and it looks like official talks may resume in September or early October.

Optimism about this peace process must be guarded and balanced by the dismal history of several unsuccessful attempts to end the Sri Lankan armed conflict through negotiation. There is a litany of agreements abrogated (going back to the 1957 Bandaranaike/Chelvanayagam pact) and of negotiations abandoned, by all sides, as the country slipped back to war time and again. These broken agreements cast an ominous shadow over the present. The Sri Lankan government's failure to implement agreements has left many Tamils cynical about the value of negotiations with the south. Likewise the south has become dangerously cynical about the LTTE's intentions of honouring any ceasefire agreement – it is seen by critics purely as a chance for the Tigers to re-arm and recruit for a new military onslaught.

Asymmetrical Conflict and the Peace Process

Intra-state conflicts, like this one in Sri Lanka, are usually described as being 'asymmetrical.' This means that the manpower, resources, sovereignty, legitimacy and international support for the government of the state makes the oppositional forces much weaker. The peace talks begun in 2002 were only made possible by a shift in this ground reality. The LTTE had fought itself into, what is described in conflict theory as, a 'mutually

hurting stalemate.⁷ Both sides realize they cannot win militarily and there is a perception of a balance of armed force in the war zones in the north and east of the island.

In 2001 the new government of Sri Lanka faced an ever-increasing military budget, embarrassing numbers of deserters from the army and an economy in serious meltdown after the bombing of the Colombo airport. Meanwhile, the LTTE also faced the fact that its military victories had cost the Tamil community dearly. Its people were suffering disastrously from the ravages of the war, the economic boycott from the South, and the inability of this incredibly successful military organization to provide any sort of real economic dividend to the people in its areas of control. This economic dimension then brought about a convergence of interests with both parties seeking major financial support for relief, rehabilitation and reconstruction of areas under their respective tutelage.

Meanwhile dramatic shifts in the geo-political landscape after 9/11, 2001, created a new political climate in which insurgents of all shades had less room to manoeuvre. The LTTE had the opprobrium of already being labelled a terrorist organization when the US launched its 'war on terror.' The Tamil diaspora could no longer so easily continue funding the LTTE as host governments now threatened retribution and a freezing of assets.

So, this serendipitous congruence of interests meant that both the LTTE and the government of Sri Lanka were now finally ready to engage in a peace process facilitated by an independent third party from the international community.

Need for Mediation

"Thus civil wars, more than many external conflicts, need a mediator."

William Zartman, *Dynamics and Constraints*, p.21

Conflict theory stresses that in these intractable intra-state conflicts, where trust has been destroyed, a mediator is essential to assist the warring parties with a complex peace process. In 1990 under President Premadasa and again in 1994 under President Kumaratunge (who was elected with 63% of the vote on a platform of peace through devolution of power) the peace talks between the GOSL and the LTTE showed little maturity of process and did not engage any outside mediator. The difference this time is the experienced facilitation of the whole peace process by the Norwegian government and the more careful and flexible approach adopted by both the UNF government and the LTTE.

Facilitating the Peace Talks – Norway's Role

In 1998 President Chandrika Kumaratunge announced that the Norwegian government would be playing a third-party role in helping to resolve the civil conflict in Sri Lanka. One commentator suggested that:

a crucial building block in the search for permanent peace fell into place. Given the level of mistrust between the government and the LTTE... there was an indisputable need for a third party that could be trusted to carry communications between the two sides. (Jehan Perera, National Peace Council, 2003, p.1)

Norway was selected because it was a small country and could not impose its will (quite the opposite of India's role in the 1980s). But it also offered the 'capacity to give constructive assistance' and the honest motivation to make peace as it had tried to do in various conflicts around the globe. This combination of factors made Norway acceptable to both the LTTE and the government.

The MOU also made provision for independent international monitors from Scandinavia to oversee any violations of the ceasefire. The Sri Lankan Monitoring Mission (SLMM) is made up of experienced military and civilian personnel (about 56 in all) from Sweden, Finland, Denmark, Norway and Iceland. The SLMM has only a limited mandate because the ceasefire agreement signed by the government and the LTTE is a voluntary agreement. "There is no external authority that can enforce it, apart from the willingness of the parties themselves" (Jehan Perera *ibid*). And yet, the ceasefire agreement has held for 19 months now and the peace process has been moved forward by the 6 successful meetings already completed.

The Norwegian facilitators have helped to build a modicum of trust, through ongoing communication and face-to-face meetings, between the main protagonists. Both warring parties seem to believe that Norway has no hidden agenda. However, it is significant, and worrying, that in the predictably negative politics in Colombo the opposition political parties (the PA and the JVP) are increasingly critical of Norway's role and continue to question its impartiality. In fact the JVP instructed me that Norway was only a puppet of the USA, and that most of the foreign players were in thrall to the Americans.

International Dimensions of the Peace Process

On the one hand, the internationalization of the civil war in Sri Lanka may be credited with bringing the two sides to the negotiating table. The international spotlight has, at last turned to this 'forgotten war' and has consolidated the political pressure and financial support for a negotiated settlement. As we have seen, it is the mediating role played by Norway which has allowed the GOSL and the LTTE to build some level of ongoing trust in the peace process.

On the other hand, the deliberate internationalizing of the peace process by the UNF government has also shaken the equilibrium, the crucial strategic military stalemate, which existed at the beginning of these talks. This has in fact endangered the whole peace process.

The support for the Sri Lankan state by powerful players such as the USA and Japan in particular has left the LTTE feeling less than an equal partner in the peace process. This was most obvious when the USA refused permission for the LTTE, as a proscribed terrorist organisation, to attend the planning meeting in Washington for the major donor conference on Sri Lanka. As a consequence the LTTE boycotted the conference in Tokyo asserting that it would not rubber stamp programmes and 'road maps' that it had not been an equal party to.

The powerful intervention by international players seems to have supported the GOSL whilst laying down benchmarks and conditions on human rights, democracy and pluralism for the LTTE. Some commentators are suggesting that this may in fact be the other important reason why the LTTE chose to boycott the Tokyo summit on aid to Sri Lanka. By refusing to go to Tokyo the LTTE forced these major players to come to Kilinochchi and talk to the Tigers in their lair.

During earlier peace talks in 1990 and again in 1994 the combatants were determined to try and solve this conflict by themselves, without the intervention of international players. But this time we seem to be operating in a new paradigm. As this peace process gathers momentum both the LTTE and the GOSL are quite deliberately searching for political support from certain major international players and watching the others very carefully.

The LTTE has indicated that it is necessary for the international community to provide guarantees on any agreement that is negotiated with the GOSL. Too many agreements have been abrogated in the past for it to trust Colombo without some international monitoring of how this agreement will be implemented. Likewise, the GOSL does not completely trust the LTTE's commitment to a ceasefire and a negotiated peace. If the peace process breaks down and the LTTE chooses to go back to war (just two weeks notice is formally required to end this fragile peace), then the UNF government under Ranil Wickramasinghe wants some guarantees that the international community will come to its aid in pursuing the war against the 'terrorists.' The GOSL has been extremely flexible and accommodating during these high-profile talks and confidently views the international community as offering it a 'safety net.'

India's Role—A Watching Brief

Indian intervention in the Sri Lankan conflict in the late 1980s ended in disaster when the Indian Peace Keeping Force (IPKF) suffered a humiliating defeat and withdrawal. Current official Indian policy is to support the peace process, and yet, the point is made to me quite forcefully that whatever solution is reached in Sri Lanka it must not challenge the security interests of Delhi.

So, what this does is remove the possibility of secession by the Tamils as a political solution to this civil war. A separate state of

Tamil Eelam has never been acceptable to India. However, power-sharing under some federal system akin to the Indian example would be welcomed. And in fact, this option is the one gaining favour in the inner circles of politics in Colombo.

Secondly, since the assassination of Rajiv Gandhi the LTTE have burned their bridges with the Indian government. Prabakaran is a wanted man and the Indians consider that they are being diplomatic in not objecting to his central involvement in the peace talks.

Thirdly, the current Tamil Nadu government, headed by Jayalalitha also displays a strong antipathy to the LTTE.

Prime Minister Ranil Wickramasinghe has a very good personal relationship with his Indian counterpart built up from their time in opposition, and his regular visits to Delhi during these talks indicate a respect for India's hegemony in the region. This is also careful fence-mending by the PM as his party was at odds with Delhi on strategic and economic policy through the Gandhi years.

Meanwhile, what is fascinating is the way that India is being played as a political card in the hot-house of Sinhala politics in the south. There is an astonishing reversal of attitude towards Indian involvement in the peace process from certain political forces in Colombo. The JVP, which virulently attacked the coming of Indian troops to Sri Lanka in 1987 as a challenge to her sovereignty, is now calling for more involvement by 'Mother India' in Sri Lanka's peace process. Of course, the base motive here is a grab for political power. India is perceived as being anti-LTTE with stronger links to some of the other Tamil groupings now muzzled by the LTTE. Therefore India's intervention in Sri Lanka might help the opposition parties, the PA and their erstwhile partner the JVP, to derail the current peace process.

Challenges Ahead

The hiatus in the 'Track one' peace talks since April may be a blessing in disguise. It offers opportunities for re-assessment of the whole peace process. It marks the end of a successful Phase I which has achieved a 'limited peace', a cessation of hostilities, and it has thrown up many new challenges for Phase II. The first challenge is the current discussion about the shape of an Interim administration for the north and east. This has to be conducted in a way that allows for compromise and short-term solutions within the political realities of Sri Lanka's unitary constitution.

The second challenge facing the government of Sri Lanka, the LTTE and the Norwegian facilitators in the peace process is to bring together all the other players in the political arena. The opposition parties must now be included in the peace process at various levels. A truly bipartisan approach may still save the peace process from the bitter rivalries of Sinhala politics in Colombo, which are threatening to fatally undermine community support in the south.

Muslim voices, particularly in the east, must also be heard. The recent killings of Muslim men in the eastern zone has made it imperative that this community is assured that any interim administration will respect its cultural, religious, economic and civil rights. The LTTE has to work with the GOSL to provide these guarantees to a sceptical polity. The international players may once again be important arbiters and help to ensure that agreements are more than just empty promises.

This is linked to the central human rights issue which has dogged the ceasefire and the SLMM in the past year. The LTTE must stop the political assassinations of its opponents, which have undermined community support for the peace process. Figures vary but at least two dozen such extra-judicial killings have been documented and blamed on the LTTE by respected human rights organizations. Phase II has to include some stronger sanctions and mechanisms for dealing with such flagrant flouting of the ceasefire provisions.

In terms of political architecture a restructuring is necessary, with constitutional change to back it in the long-term. But in the short-term at least, it is crucially important to address the difficulties created by the political realities of cohabitation between a President and a Prime Minister from rival political groupings. As the country tries to consider, in a mature way, the strengths and weaknesses of alternative models of federalism that may be utilized in the essential rebuilding of political institutions in Sri Lanka, it must be recognized that it was the government of Chandrika Kumaratunga

which first put the 'devolution proposals' for a federal system on the negotiating table back in the mid 90s.

Therefore, the UNF government must create an inclusive space in this second phase of the peace process to encourage civil society to take the power-sharing proposals to the people and ensure the debate has the widest possible resonance in the community. A negotiated settlement to this violent civil war can only hold if the various stakeholders in the community understand and support the framework that is devised by the main players.

What is happening today in Sri Lanka is very exciting at many levels. The dynamics of the conflict are being transformed by the peace process itself. The two main protagonists and other belligerent actors must slowly come to a realization that the resolution of the conflict is only possible through normal political means. Disagreements about power—sharing, landownership, ethnic rights and economic and social justice will continue in Sri Lanka. What must change is that the 'nexus' between these conflicts and the use of violence and war be broken.

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IN MEMORIAM — EDWARD SAID

So, why do I find myself owing so much to Edward's work, his example? Short answer: like Jean-Paul Sartre, like Chinua Achebe, Said was, in the final analysis, a public intellectual. He took risks; he put himself out there in the form of words that intended in the form of manifestos, stances, critical opinions that would make him vulnerable to a whole range of responses; praise, endorsement, hagiography, rigorous critique and death threats. Like Sartre, he believed in commitment and engagement even as he enjoyed and luxuriated in the pleasure of high Western culture...

He chose to eschew methodological consistency and the card-carrying rigour of an "ist." He used Antonio Gramsci in his own way, but was not a Marxist; he used Foucault, but was no poststructuralist. Nor was he an exemplary humanist. It is quite amazing how much he has in common with Foucault till the very end; in particular, the passion to speak truth to power, and the imperative to articulate non-coercive truths. Yet he had made a decisive break with Foucault. Honestly, Said did not care how he was pigeonholed or categorised.

Extract from an article by Prof. R. Radhakrishnan
Courtesy *Frontline*