

PROGRESSING THE PEACE PROCESS WITH LTTE

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The People's Alliance government has commenced an unprecedented peace offensive and Prime Minister Mrs. Chandrika Kumaratunga has taken the commendable initiative to redeem her party's electoral pledge to end the so-called Northeast war which has brought about death and destruction all round. Her government is actively seeking a political solution to the long and intractable ethnic conflict.

The government lost no time in taking certain confidence building measures including the relaxation of the embargo on the transport to the North, particularly into the Jaffna peninsula, of a large number of items regarded as essential to life of the people of the areas concerned. It has promised to take steps to restore electricity supply as soon as is practicable. The LTTE responded with the release of ten policemen in their captivity and agreed to commence negotiations directly with the government.

In spite of the intervening military encounters between the government forces and the Tigers, the government's peace offensive has not been stalled. On the contrary, a four-man government delegation visited Jaffna and held the first round of talks with a delegation of the LTTE. The rapturous welcome that greeted the government delegation in Jaffna where thousands of people turned up to line the streets is a manifestation of the groundswell of support for the ending of the war and a return to peace. The government is moving even faster than many informed sections in the South had anticipated in getting ready to send another delegation shortly to Jaffna to continue further negotiations with the LTTE leadership.

The situation and the general atmosphere in the South is also quite conducive to taking the peace efforts forward. In spite of the fact that there is a raging presidential campaign in the South between the main contenders, Mrs. Chandrika Kumaratunga of the People's Alliance and Mr. Gamini Dissanayake of the United National Party, neither has indulged in racist or communal rhetoric. To the credit of Mr. Gamini Dissanayake, he has resisted the usual temptation of the party in opposition to raise the cry of the "betrayal of the Sinhala-Buddhists" by the government. For the first time in many decades, there appears to be an agreement between the two main parties, the UNP and the PA, on the need to talk to the LTTE if the conflict is to be resolved. The extreme chauvinist lobby in the South stands marginalised without either of the main political combinations advocating its cause.

In taking the peace process forward, the government is absolutely right in responding to the various issues raised on behalf of the long suffering people in the war-torn areas, particularly in regard to the alleviation of economic and material hardships to which they have been subjected. The

decision to rebuild the burnt out Jaffna Public Library is to be commended, because it will represent more than a symbol of the good intentions of the government to restore the amicable relations that once existed between the communities. What is important is that the people in the war-torn areas must begin to have increasing confidence in the *bona fides* of the government in seeking a negotiated political solution.

Talking about *bona fides*, the question of the LTTE's *bona fides* has also to be established if there is to be progress of the peace process towards a lasting settlement. In this regard, past experiences do not inspire confidence.

Having initially accepted the Indo-Sri Lanka Agreement, and in spite of the fact that LTTE was to become the predominant group in the then proposed interim administrative council for the Northeast, the LTTE leadership subsequently commenced and fought a bitter war with the Indian Peace Keeping Force.

The LTTE commenced peace negotiations with the Premadasa government in May 1989 even as they were fighting the IPKF. It is no longer a secret that President Premadasa, who was determined to ensure the departure of the IPKF as soon as possible, gave vast quantities of weapons and massive sums of money to the LTTE with which the Tigers fought the IPKF. As the IPKF voluntarily pulled out district by district in the Northeast, the LTTE took physical and military control of the entirety of the Northeast. The IPKF completed their total pullout by the end of March 1990. What did the LTTE do in return for all the favours that President Premadasa had done for them? Within two months and ten days, that is on 10th June 1990, even without a formal announcement of a breakdown of talks, the LTTE declared what is now described as Eelam War II which is continuing to this day.

In this background, the LTTE leadership has to establish its own *bona fides* in respect of the peace process that the PA government has boldly undertaken. The first and foremost thing they could do, and the government should ask them to do, is to give a public undertaking to forswear the use of violence as a means to achieve its political objectives. If a formal ceasefire is entered into, the LTTE should give a pledge that it would not seek to achieve military or territorial advantage in return for a pledge by the government in similar terms.

The LTTE has also followed a systematic strategy of carrying out political assassinations of important politicians, both Sinhala and Tamil. It was during their so-called peace talks with President Premadasa that they assassinated prominent Tamil politicians like A. Amirthalingam, V. Yogeswaran and Sam Thambimuttu, all former Members of Parliament. The

Tiger leadership must give an assurance that they would desist from carrying out such political assassinations.

The LTTE's declared aim is to establish a separate State of Eelam. However, their spokesmen have often said publicly that if the government were to offer an "alternative package which will fulfil the aspirations of our people, they would be prepared "to consider" such a package. The term "fulfil the aspirations of our people" is so indefinable, elastic and open-ended that the LTTE should be asked to put down in writing as to what they think are the proposals that they consider as fulfilling the aspirations of their people. From the days of "Sinhala Only", the so-called Sinhala position has, willingly or otherwise, substantially shifted which finds reflection in the 13th amendment to the Constitution and the establishment of the Provincial Councils system. It is not argued here that these are adequate at the present stage for a settlement of the ethnic conflict. Nevertheless, they represent a shift in the "Sinhala position". Now the time has come for the LTTE to state its position to the government as to what they regard as necessary for a settlement of the conflict.

The other important issue is the so-called administrative structures which the LTTE has built within the Jaffna peninsula. These structures have been created under conditions of war in which civilian institutions have not been permitted to exist and function. They operate under the absolute control of the Tigers. For example, the "judges" who preside in LTTE courts in Jaffna are LTTE cadres not learned in the law. Taxes

and levies are imposed and demanded arbitrarily at the pain of death. Many people are held in unacknowledged detention in secret Tiger camps to which even the ICRC has no access. People are denied the freedom of movement. A parallel Tiger network has been set up to monitor and direct as to what the Government Agent and his officers should or should not do.

Negotiations between the government and the LTTE must also seek to achieve two things. Firstly, the LTTE should undertake not to reproduce similar structures and measures elsewhere in the North and in the Eastern province. Secondly, all the institutions must be brought within the framework of the law as applying to the rest of the country. Additionally, a process of demilitarisation should be undertaken which will enable the recreation of civil institutions which are an essential pre-requisite for the re-establishment of a civil society.

In the pursuit of its military and political objectives, the LTTE has eliminated all dissent and banned the existence and functioning of all political parties or groups in the Tamil areas, particularly in the Jaffna peninsula. They have asserted their authoritarian hegemony by physically liquidating other Tamil parties and groups. Any eventual settlement of the ethnic conflict between the government and the LTTE should include a package that would guarantee political pluralism, democracy, human rights and fundamental freedoms for the people of the Northeast as much as they are enjoyed by the people in the rest of the country.

PRESIDENTIAL POLLS

We reproduce below a section from the Report on the Parliamentary Elections of August 1994 published by the Movement for Free and Fair Elections. The MFFE, with assistance from foreign observers organised by the International Human Rights Law Group, monitored both the election campaign and the events of the polling day.

VIOLENCE DURING THE CAMPAIGN

Although we have separated "campaign violence" and "use of state resources" into two distinct categories, it is important to emphasize that often the two went hand in hand. Often, we see thugs in government vehicles attacking campaign offices and individuals. Even more disturbing were the incidents of violence and intimidation carried out by provincial council candidates and officers and to a lesser degree by parliamentary candidates and sitting MPs.

Introduction

Campaign violence was widespread in the six week period leading up to the vote on August 16th, and escalated considerably on and after the deadline for nominations on July 11th.

As of August 3, police headquarters had received 1058 complaints and reports of election-related incidents between July 11 and August 3, including 9 political murders.

By the end of the first week in August, the police estimated that they were receiving at least 100 complaints every 24 hours.

By August 9, 122 violations had been reported in a 24 hour period, and the aggregate number was up to 2129.

As of 6 a.m. on August 16th, the Police Election Secretariat reported a total of 2092 incidents of some form of election-related intimidation, 1003 incidents of "simple assault", 47 incidents of "serious violence" and 12 murders. A tabulation of incidents of polls-related violence in terms of location and severity prepared by the Police Elections Secretariat is given as Annex I to this report.

MFFE and Police records reflect between twelve and twenty murders committed during this period. There were many more incidents of stabbings, shootings, stonings, beatings and abductions, as well as crimes against property including houses being burned to the ground and widespread destruc-