
Salvaging the Fractured Sri Lankan Peace Process

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Since the ceasefire agreement was signed between the government and the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka in February 2002, the peace process has come under considerable strain. Naïve enthusiasts of peace were happy with the ceasefire, the six rounds of talks that took place between September 2002 and March 2003, and the willingness expressed by the Tamil Tigers to accept a federal solution to the problem (rather than secession). But something rang untrue in the way the talks progressed and the parties expressed their commitment to the process. The flurry of developments that followed meshed uneasily with the realities on the ground. Not surprisingly, the process came under a cloud from discerning people committed to a just and sustainable peace in the island nation.

It has been two years since the ceasefire agreement was reached. For Sri Lankans, it has certainly provided a break—the benefits of which would be reflected in increased freedom of movement and economic activity. They expressed their support of the process through the 1999 presidential elections, 2001 parliamentary elections, and the 2002 local elections. The Norwegian facilitators, who began their initiatives in 2000, are entrusted with the role of organizing the talks between the parties, monitoring the ceasefire, acting as a communication channel between the parties themselves, and informing the key stakeholder nations outside the country. There have also been two donors conferences to rehabilitate the country's social and economic infrastructure, and to attract businesses to Sri Lanka. Considerable international support for the Norway-assisted peace process exists, particularly from EU countries, India, the U.S., and Japan. Huge sums of money for development and reconstruction have been promised, which are conditional on a positive outcome for the peace process, thus putting pressure on the conflicting parties to continue and succeed.

Critical observers of the peace process, however, say that despite these achievements the ceasefire has accomplished nothing more than a negative peace or absence of large-scale overt hostilities. To explore this claim, I shall outline the background to the recent crisis in the peace process and the major hindrances to peace in Sri Lanka. Then I'll have some suggestions for making the process more inclusive and sustainable.

Following the Sri Lankan parliamentary elections in December 2001, which saw the defeat of the incumbent government, the opposition leader—Ranil Wickremesinghe—became the prime minister. Immediately following his elec-

tion, he petitioned his Norwegian counterpart to recommence the stalled peace process, which was reciprocated by a similar request by the LTTE leader, Velupillai Prabhakaran. Events moved forward fast, or rather “too fast,” according to Vidar Helgesan, the Norwegian minister who facilitated the ceasefire and the talks. Wickremesinghe had established contact with the LTTE leader even before he became the prime minister. The Tamil parties, owing allegiance to the LTTE, are also constituents of his ruling United National Front. Chandrika Kumaratunga, the President of Sri Lanka, is the leader of the defeated party as well as the main opposition in the parliament.

Although both the President and the Prime Minister were committed to the peace process, their perceptions about the peace process differed. Wickremesinghe, as opposition leader, was accused early on by the President of playing the role of spoiler in response to her proposal for the devolution of power to the Tamil areas as a solution to ethnic problems. After assuming power, Wickremesinghe also tried, unsuccessfully, to clip the wings of the Executive through a constitutional amendment that would have reduced the President to a mere figurehead, as in other parliamentary democracies. Unlike President Kumaratunga, who had laid down various conditions before talks could be initiated with the LTTE, the new government adopted an open approach without any preconditions. This paved the way for the signing of the ceasefire agreement in February 2002.

Norway, which facilitated the ceasefire, was given the additional responsibility of overseeing the work of the Sri Lanka Monitoring Mission, which was created to monitor ceasefire violations. The President claimed she was not consulted before the ceasefire was signed, although it was she who invited the Norwegians to engage in peace facilitation. She also had reservations about assigning roles, such as monitoring the ceasefire and drawing demarcation lines, to the Norwegians, since they went beyond the original mandate of facilitation that had been assigned to them. She even wrote the Prime Minister, claiming that the peace accords amounted to a compromise of the country’s sovereignty and integrity. Reports about the LTTE’s recruitment of child soldiers, ceasefire violations, enhancement of its military might, and intimidation of political opponents had pressured the President to take some corrective action.

Matters came to a head in early November when the LTTE proposed an interim administration in the northeast of the country, pending a final settlement of the Tamil problem. The proposals called for the creation of a state within the state of Sri Lanka with plenary powers. Under these circumstances, the President declared a short-term emergency and took control of three key ministries with direct implications on the peace process: namely defense, home, and media. This produced a row between her and the Prime Minister. This conflict caused Norway to suspend its involvement until it became apparent who was to be in command of the outcome of the peace process. The Prime Minister asked the President herself to take over the peace negotiations, since it would not be possible for him to continue without control over the three ministries. Although the President said that the powers relating to the three ministries would be available to the Prime Minister, the crisis could not be resolved.

The President wanted to make the government’s handling of the peace process

more transparent and accountable, and wants it to reflect the aspirations of a broad section of the Sri Lankan society. She also wants to ensure that the Norwegians confine their participation exclusively to facilitation. Apparently, the President wanted to engage in peace talks from a position of strength and patronage rather than from weakness and concession, which she felt had thus far characterized the government leadership under Prime Minister Wickremesinghe. The President was also uneasy about the equal status that had been assigned to the LTTE in the negotiations under Norwegian facilitation.

After six rounds of negotiations between September 2002 and March 2003, the LTTE broke off from the talks because the government had not transferred control of northern land to the LTTE to resettle internally displaced Tamils, and had not met LTTE demands for an interim government. Six months later, the LTTE unveiled its own plans for an interim administration. The proposal sought to create an LTTE majority Interim Self-Governing Authority (ISGA), which was expected to function for a period of five years, during which a permanent settlement to the Tamil problem would have to be established through negotiations. The LTTE sought to legitimize, through this measure, the *de facto* control it had already established in the northeast of the country. The proposal envisaged the LTTE as the “authentic representative” of the Tamils. The ISGA would be invested with the power to raise its own revenues, impose taxes, and maintain law and order. It would have plenary powers and control over land in the northeast. A separate judiciary and election machinery were also envisaged. The proposals would grant control of marine and offshore resources as well as the power to regulate access to the seas.

The proposal does not mention federalism or the linkages the ISGA would have with the central government in Colombo. Certainly, the creation of such an arrangement would require an amendment to the Sri Lankan Constitution. It also does not reflect the position taken by the Indian government that any “interim arrangement should be an integral part of the final settlement and should be in the framework of the unity and territorial integrity of Sri Lanka.” The proposals call for the immediate evacuation of the land possessed by the Sri Lankan army in the north and east as well as compensation for those who were dispossessed of their land. The ISGA would have its own Human Rights Commission. Muslims would also have representation in the Authority. The Sri Lankan government would only have the power to nominate some members to the ISGA.

While the Wickremesinghe government acknowledged that the proposals differ fundamentally from what they put forward in July 2003, it hopes to make the Tigers climb down from their maximalist position through principled negotiations. The only real point of agreement with the government proposal is that both propose an interim administration with an LTTE majority. The proposals at least have some value, since the LTTE has clarified its position and expressed its willingness to negotiate, which has been welcomed by many peace watchers in Sri Lanka. The fact that the LTTE has concretely structured their concept of internal self-determination—about which it has previously been ambivalent—is in one sense an advancement and it does provide a basis for negotiations.

Critics say that the proposals constitute only a stepping stone to the creation of a separate state. They also worry that the proposals lack a provision for pluralistic democracy, since the LTTE presents itself unilaterally as the sole representative of the Tamils. The LTTE seeks to monopolize all political space by silencing all opposition to the organization from within the Tamil community. Several instances of human rights violations by the organization have been reported even after the ceasefire, thus making the current peace process oppressive for those who refused to toe the LTTE line. If the peace process only serves to generate further grievances, it will not likely be sustained. Such issues have been relegated to the background in the context of the international euphoria that followed the ceasefire and the initiation of talks.

The international players are often deemed more interested in ending the war and creating a climate suitable for the early incorporation of the country into the global economy. The fear of the existing order being replaced by an LTTE-controlled administration with totalitarian tendencies is real. The fact that the LTTE alone has been represented in the negotiations on behalf of the Tamils suggests that if other communities, such as Muslims, would like to represent their interests, they will have to route their views through the LTTE, thus having to engage with the LTTE separately. This is one reason why the Muslims have become restive. They have even demanded a separate enclave for themselves, a prospect that looks quite impractical given their dispersed settlement. The government of Wickremesinghe and LTTE have a common interest in securing international financial assistance for rehabilitation, reconstruction, and development. Both factions see this as crucial to winning greater political support within their respective political constituencies.

While the ceasefire has remained unbroken for two years now, the need to transform the conflict into a process of building a sustainable peace is constrained by LTTE's brand of nationalism and politics. Many Sri Lankans have a difficult time believing that an organization with a record of ruthless violence and the use of suicide squads (to eliminate political rivals) has abandoned its dependency on violence. Many see the LTTE's willingness to negotiate as a tactical move rather than renunciation of violence. The ceasefire agreement grants the LTTE freedom to undertake political work in areas under the government control, while the same rights have been denied to other Tamil political groups. There is very little hope of discussing past excesses by both the LTTE and the government forces in the current peace negotiation.

Hence, many feel that the current peace process is doing little to build trust and reconciliation between the two communities. Although the LTTE leaders have changed their military appearance, adapting civilian dress, speaking like politicians, and engaging in development work, there is still considerable suspicion of the organization's commitment to peacefully resolving the conflict. There have not even been exploratory talks about the demobilization of the LTTE's military wing, which is the organization's key leverage in negotiations. The latest UNICEF (United Nations Children's Fund) report on children affected by war in Sri Lanka states that 709 children have been recruited by the LTTE during 2003 alone, and that at least 1,301 children are still active in the LTTE.

One serious snag in the peace process is the lack of involvement by civil

society groups. With the absence of associational ties cutting across the ethnic divide, civil society has not been able to play a significant role. This stems primarily from the poor activist profile of Sri Lankan civil society. Local non-governmental organizations are artificial creations of their funding agencies and have little organic linkage with the various communities. Civic pluralism is still a far cry from these groups, who are also embroiled in the ethnic conflict in one way or the other. The powerful Buddhist Sangha, instead of serving as a key constituency for peace, is seen instead as representing chauvinistic nationalism. Sinhalese nationalists have a kind of a paranoid resistance to the accommodation of Tamils within a federal arrangement.

Just as peace manned by the people alone is unreal (since they constitute an amorphous group), peace brokered by the leaders alone (which does not find support at the popular level) will cut it short. As Johan Galtung has argued, peace must take place at both of these levels as well as in the mutual interactions between them. J.P. Lederach has examined the role of middle-level leaders, who can serve the key function of bridging these two levels. For him, this intermediate level is crucial for promoting a sustainable peace. Unfortunately, the peace process in Sri Lanka focuses exclusively on the top level.

John Darby and Roger MacGinty argue that a successful peace accord should meet five criteria. The first is the willingness of the parties to negotiate in good faith. The second is the assurance that key actors are involved in the process. The third relates to whether key issues are addressed. The fourth is that the parties do not use force to pursue their objectives. And the last is a commitment to a sustained process of negotiations. Using these standards, we can see that the Sri Lankan peace process has not resulted from a stalemate or from a transformation of the conflict that has generated new actors or issues. There is still a very narrow radius of trust between the negotiating parties. The process is also not inclusive. And key issues have yet to be taken up.

The Sri Lankan peace process can be salvaged only if it is made to reflect the aspirations of all sections of society. At the moment, it reflects mainly the LTTE position. Other stakeholders such as the Muslims, LTTE opposition groups, Tamils in the south, and the Sinhalese minority in the northeast are to date effectively out of the process. While the LTTE has a key role to play and is a main actor, it must reckon with the needs of the other actors as well. This demands a change in the LTTE's intolerant attitude and a willingness to accommodate other groups.

In addition, there must be a negotiated consensus on the part of the Sinhalese political parties: namely, the United National Party (UNP) of the Prime Minister, the Sri Lanka Freedom Party (SLFP) of the President, and the Marxist cum nationalist Janata Vimukti Peramuna (JVP). The support of the powerful 50,000-strong Buddhist Sangha must also be secured, so that peace negotiations can continue without a significant spoiler on the Sinhala side.

Also, since there is no trust between the key parties in the conflict, a continued third party role is essential. While third party facilitation is workable in individualistic cultures, mediation may work best in Asia. Because mediation by outside parties is vehemently opposed by India, it is only proper that India itself play the role of a mediator at some stage in the Norwegian-facilitated peace process.

Moreover, the process can really become a peace process only if it finds its reflection at the grassroots level, among the people. It must transform its focus from negative peace to positive peace. This is a slow process, which can be accomplished only through reconciliation between the two communities and an admission—by both sides—of past mistakes. While forgiveness may be too difficult at this stage, mutual tolerance and coexistence are necessary before sustainable peace can be established.

And last, the ceasefire should be used as a starting point for negotiations and the process should move slowly instead of being rushed through. A step-by-step approach must be taken, where the thinking is in terms of not only weeks and months, but years and decades. Peace agreements must avoid creating more problems and grievances. In ethnic conflicts, the resolution of one conflict by granting autonomy is often accompanied by similar demands from groups dissatisfied with the new arrangement. Since ethnic boundaries cannot be drawn easily, this can lead to the creation of further conflicts, as it did in the former Yugoslavia. Preventing such scenarios should be of crucial concern to the peacemakers.

The President's SLFP alliance with the JVP has added a new dimension to the peace negotiations. Although both parties have expressed their support for the peace process, the JVP approach may create irritants. The LTTE is known for its expressed distrust of the President. The Prime Minister could establish a working relationship with the LTTE, whereas the President has very few contacts with the organization. The need for skilful outside facilitation will be even greater if the tension between the President and the LTTE destroys the negotiations. The failure to detach the peace process from the power struggle between the President and Prime Minister will only provide an additional reason for the LTTE to reinforce its military capabilities as a precautionary measure. The organization is unlikely to break the ceasefire agreement, since it serves a legitimating function politically, not only within its own constituency, but also outside. The challenge for the peace process is to create a constitutional arrangement that provides autonomy to the Tamils within a unified Sri Lanka. This will mean sacrifices on both sides. The nationalist paranoia against federal arrangements as well as the Tamil quest for self-determination may have to be toned down. Hatred of the LTTE and suspicion about its motivations must not be allowed to influence the content of the negotiations. Ultimately the goal is to meet the aspirations of the Tamil community, and not the LTTE. The LTTE has already gained the upper hand in the conflict, which demands a realistic assessment of the government's options in the negotiations.

The peace process in Sri Lanka has only reached an initial stage of conflict control or management, producing a lull in overt violence. Now, this must be built upon, since people's expectations have been raised considerably. We should not expect the present leaders to be able to establish lasting peace during the tenure of their leadership. But they have a crucial role in preventing a relapse into continued hostilities and in sustaining the momentum the peace process in Sri Lanka has built up so far.

RECOMMENDED READINGS

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