
SRI LANKA'S CRISIS: THE PEACE PROCESS WEARS THIN

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Introduction

Sri Lanka's peace process, which began in early 2002, has escaped another major crisis. The possibility of all-out war breaking out between the Sri Lankan state and the Liberation Tigers of Tamil Eelam (LTTE) has dominated political speculation since mid-December 2005. The continuing escalation of violence between the two sides has placed the Ceasefire Agreement signed in February 2002 under unprecedented strain. An all-out war will certainly have exceedingly devastating consequences not only for the state and the LTTE, but also the Sinhalese, Tamil and Muslim communities who inhabit Sri Lanka. The people in general appear at the moment to be resigned to the inevitability of renewed civil war. The tragedy of the current crisis in Sri Lanka is that there is no independent force having the capacity to preventing the war from breaking out. Domestic civil society has no influence over either the government or the LTTE. The international community, the so-called international custodians of Sri Lanka's peace process, has found its leverage the country in limited. Only strategic considerations by both the government and the LTTE – avoiding full-scale hostilities as the best path to serve their own self-interest—can prevent them sliding back to war.

Sri Lanka's faltering peace process is only four years old. The United National Front (UNF) regime and the LTTE signed a Cease-fire Agreement (CFA) in February 2002, and they subsequently held six rounds of internationally facilitated negotiations. These negotiations did not lead to a settlement agreement. The LTTE citing reasons of 'process imbalance' withdrew from negotiations in early 2003. Since April 2003, Sri Lanka's peace-making process has been on hold pending the resumption of negotiations and a settlement agreement. In the absence of direct political engagement between the two sides, the CFA has repeatedly come under much pressure because of the micro cycles of violence. The government's military intelligence, the LTTE's military intelligence and Tamil paramilitaries opposed to the LTTE have been engaged in a shadow war that has generated most of the violence. The LTTE is accused of the largest share of

ceasefire violations including the killing of political opponents and the high-profile political assassination of Sri Lanka's Foreign Minister in August, last year. A few dozen government soldiers have been killed in December and January in the Northern province, allegedly by the paramilitaries of the LTTE. More recently, Joseph Pararajasingham, a Tamil parliamentarian allied to the LTTE, was gunned down on Christmas day inside church, soon after he received holy communion. Anti-LTTE para-military groups are suspected to have carried out this political assassination. Thus, an undeclared war is slowly shaping up in Sri Lanka.

Necessity of War

Quite interestingly, there are arguments that rationalize the need for war in Sri Lanka at the present conjuncture. Some sections of the government, of the armed forces as well as the Sinhalese nationalist intelligentsia appear to believe that return to war is the only effective way to deal with the LTTE. Their reading of the 2002-2004 peace process is that the LTTE had once again demonstrated its unwillingness to pursue the negotiation option leading to a settlement. They also believe that the peace process caused irrevocable harm to Sri Lanka's national security and sovereignty. In their reading, the LTTE's internal split occurring in 2004, and the losses suffered by the LTTE's naval wing in the tsunami of December 26, have weakened the LTTE's offensive capacity. They argue that a highly concentrated war against the LTTE, backed by the its breakaway faction in the Eastern province, is both possible and winnable. The argument from LTTE side is not very dissimilar. The LTTE believes that the 2002-2004 peace process did not produce any tangible and positive outcome. Although the LTTE made a major concession by agreeing to explore a federal solution, there was no quid pro quo from the government. They did not get the much-anticipated interim administration either. Instead, the no war-no peace situation weakened the movement through a major split. It also blurred the contradictions between the Tamil polity and the Sri Lankan state. The best way to return to negotiations is through the restoration of strategic parity and re-sharpening

contradictions between the Tamil polity and the Sri Lankan state. In this reasoning, return to war is a political necessity. Sri Lanka's parties to the conflict appear to be quite Clausewitzian: war is the conduct of politics by other means.

Three developments, which occurred after the suspension of negotiations in early 2003, have redefined the dynamics of conflict and peace processes in Sri Lanka. The electoral defeat in April 2004 of the United National Front (UNF) government, which had started the peace process with the LTTE, gave way to a regime change. The UNF's electoral defeat also marked a significant erosion of public support for the peace process. Negotiation stalemate continued under the new regime after April 2004. Meanwhile, the LTTE suffered a major split in early 2004 when its military commander in the Eastern province left the movement in rebellion. This break-up has weakened the LTTE militarily and politically. Violence in the Eastern province is largely due to the shadow war for supremacy between the two LTTE factions. Thirdly, another regime change occurred in mid-November, last year. A new President, who won the election with the support of extremist Sinhalese nationalist forces, assumed office for a term of six years on November 19, 2005. Quite interestingly, the LTTE indirectly helped the new President, Mahinda Rajapakse, to win the election with a narrow margin when they forced a large numbers of Tamil voters in the Northern province to boycott the election. There seems to be a strategic calculation behind this unusual move by the LTTE. A President backed by the Sinhalese nationalist hardliners and committed to a unitary state, would serve their agenda which does not seem to include in its priorities an early return to the negotiation table.

2002-2003 Peace Process: Opportunities and Limits

A midst setbacks, there are some important and historic gains in the peace process of 2002-2003. The suspension of the war between the Sri Lankan state and the LTTE for nearly four years is a vital achievement. The Ceasefire Agreement, despite its many shortcomings, has demonstrated that it is possible to de-link Sri Lanka's ethnic conflict from war and violence between the state and Tamil political actors. Similarly, the commitment made by the UNP government and the LTTE in Oslo in December 2002 to explore a federal solution provides the basis for the historic compromise necessary to transform Sri Lanka's civil war into peace. It is a pity that the negotiations were suspended soon after the two parties made this significant political commitment.

The role of the international community is a major dimension in the 2002-2003 peace process. The facilitation of the CFA as well as peace talks, and the promise of economic assistance for peace-making and peace-building are the key contributions made by the international actors. Even after the suspension of talks, their engagement have continued. The maintenance of the Ceasefire Agreement, particularly after the peace talks reached a stalemate, is largely due to their presence in the peace process.

The 2002-2003 peace initiative has also shown its limitations as a process. The parties failed to sign even an interim settlement agreement. When they signed an agreement to set up a joint mechanism for post-tsunami reconstruction, it met with insurmountable political and legal obstacles. In the absence of both a political agreement and political engagement, the relationship between the government and the LTTE is governed entirely by the fragile CFA. Moreover, the role of the international actors in the peace process as well as development efforts has come under severe public scrutiny and criticism. The paradox in Sri Lanka is that without international pressure, the government and the LTTE are not likely to remain politically engaged. The restoration of public confidence in international involvement in Sri Lanka's peace-making efforts is a difficult, yet necessary task.

The basis for the CFA and the negotiations was the preservation of the parties' strategic interests through a condition of no-war. This produced a limited framework of 'strategic peace' in Sri Lanka. It defined the behavior of the government and the LTTE in such a way that during negotiations, contentious issues were assessed primarily on their impact on the strategic objectives and goals. Consequently, the problem-solving and conflict-transformation approach became entirely absent. Eventually, a dynamic of unsustainability took over the negotiation process.

From a policy perspective, the role of the international community in strengthening the peace process is a relative failure. In their agenda, there was a heavy emphasis on short-term success. They approached negotiations as an exercise that should produce an early peace deal. They viewed their economic assistance programme as an instrument of persuading the government and the LTTE to reach an early compromise. This focus on short-term conflict management goals ignored the need to develop long-term conflict-sensitive strategies to address structural issues such as poverty, governance and economic development.

The liberal, free-market economic reconstruction programme, promoted by the international actors and incorporated by the UNF regime in its peace-building efforts, became an obstacle to the peace and political reform process. Instead of providing a stable and democratic peace dividend, it led to a gradual alienation of the masses of the people from the peace process. The absence of a political consensus among the main parliamentary political parties led to the erosion of political conditions favourable to advance the peace process. The return of the politics of 'ethnic outbidding' was a major political setback during the peace process. Excessive politicization of the peace process has been a negative experience in Sri Lanka's recent peace-making efforts. Politicization has occurred on partisan and electoral considerations. The two main political parties, instead of forging a coalition for peace, have engaged in an exercise in 'ethnic outbidding.' When the party in power initiated the peace process with the LTTE, the party out of power mobilized the nationalist opposition against it. Consensus within the political is an essential pre-requisite for a peace initiative to succeed in Sri Lanka.

Challenges and Opportunities

In Sri Lanka, the overall political context in the country keeps changing fast. In a rapidly changing political environment, there is no easy formula for the government and the LTTE to return to the negotiation table. The ground conditions on which the peace process was launched in 2002 have changed considerably. The condition of strategic parity on which the LTTE joined and stayed on the peace process has been altered. The trust between the government and the LTTE has eroded to a great measure. Changes in the political alignments at the level of government in Colombo have made the government's commitment to advancing the peace process quite unclear and shaky. The 'shadow war' that threatened the CFA in 2004 and 2005 has now progressed into an 'undeclared war' between the Sri Lankan state and the LTTE. Resuming the peace process in a context of an undeclared war is crucial, yet enormously difficult.

As mentioned above, Sri Lanka's incomplete and faltering peace process has repeatedly exposed the limitations of the state, the LTTE, the international community and civil society in advancing peace in Sri Lanka. It revealed the Sri Lankan government's incapacity to take the peace process forward politically, beyond the Ceasefire Agreement. The inability of the government to forge a broad political consensus for peace through a compromise with the LTTE and for

constitutional reform has frequently paralysed the regime's capacity to take forward the political process for peace. As for the LTTE, its relative inability to move in the direction of democratic transformation became regularly visible. In their desire to behave like a state, the LTTE also demonstrated a behaviour of inflexibility and paranoia. For its part, the international community could not break the negotiation deadlock after March 2003. The international actors also over-estimated their role and capacity in persuading the government and LTTE towards a peace deal. Their strategy of a two-party dialogue for peace was totally ill-conceived. Civil society, too, proved itself ineffective in building an independent social movement for peace. Learning necessary lessons from these and other failures is crucial to avoid setbacks in the next phase of Sri Lanka's peace process. In this backdrop, the 'actually existing peace' has not only remained fraught with instability and uncertainty; it is now poised to produce another phase of war.

The international community, particularly the four Co-Chairs – the USA, the EU, Norway and Japan – have been making frantic efforts to restart negotiations in order to strengthen the CFA which is being violated with impunity. Since December, there has been heightened international diplomacy in this regard. Yet, the policy options of the international community are limited by two factors. Firstly, both the Sri Lankan government and the LTTE, the two principal parties to the peace process, have learned to ignore international pressure and persuasion, whenever they perceive that their strategic interests are at risk. Secondly, the international community cannot impose peace from outside in a situation where the principal as well as secondary domestic actors are reluctant to take the peace process forward. In a context of undeclared war, the task of the international community has become doubly difficult.

Concerns

There are two types of major concerns in Sri Lanka's peace process. The first group relates to the immediate tasks of consolidating the Ceasefire Agreement and resuming of negotiations. We may call them 'peace-making' issues. The second type of concern is about long-term transformation of the conflict, in the sense of 'peace-building.'

Key among the peace-making concerns is the protection of the CFA from collapse. As demonstrated in the experience of incomplete peace-making during the past four years, Sri Lanka represents a case study of an exceedingly difficult transition from civil war to peace. The future of the peace

process will entirely depend on the stability of the ceasefire. Its protection from collapse is the most immediate challenge in preserving Sri Lanka's fragile peace process. Despite limited capacity to prevail upon the parties, the international community should redouble their efforts to bring the parties back to political engagement.

When the negotiations resume, moving forward from a somewhat unstable ceasefire to a stable settlement agreement will be at the heart of a sustainable peace-building process. Meanwhile, broadening the process while pluralizing the participation has emerged as a major aspect of re-designing Sri Lanka's current peace process. The two-party dialogue process between the government and the LTTE has exhausted its capacity to take the peace process forward. The way in which the ethnic conflict has evolved in Sri Lanka during the past two decades of war has highlighted the fact that the Muslim community in the Northern and Eastern provinces is party to the conflict as well as to a settlement. Even for de-escalating violence, the inclusion of Muslim representatives in the new talks on the CFA is quite important. Similarly, the inclusion of other parties, political and civil society actors in the process is a necessary policy challenge. It is up to the international community to make a case repeatedly and tirelessly with the government and the LTTE for an inclusive, multi-party process leading to the resumption of the peace process.

De-escalation of violence and peace within the Tamil polity has become a necessary precondition for advancing the peace process, as well as democracy and human rights in the North

and East. At present, peace, democracy and human rights in the conflict areas are threatened by the shadow war that is being fought between the LTTE and their Tamil rivals. While strengthening the CFA, constructive engagement with non-LTTE political-military groups by the government and the international community will help to restore peace in Tamil society.

Sustainable peace-building in Sri Lanka requires a vision for state reforms in the direction of advanced federalism. The present Sri Lankan President's stand for 'maximum devolution within a unitary state' is woefully inadequate even to address the Tamil national question from the perspective of an interim solution. Federalization of the state is the key to effective civil-war transition in Sri Lanka. However, to transform a federalist vision into a tangible package of constitutional reform, a broad political consensus, backed by domestic and international coalitions for peace, is essential.

Finally, the resumption of the peace process in Sri Lanka needs to be grounded on the recognition of the fact that it is not possible to mechanically resurrect the peace process which began in 2002. The CFA and the six rounds of negotiations, the achievements as well as the setbacks of that peace initiative, political and regime changes, the LTTE's split and the resultant shadow war in the Eastern province, the sharpening of contradictions between the Tamil and Muslim communities – all these have led to the re-defining of Sri Lanka's conflict and its dynamics on the peace front. A fresh breakthrough is required. And that is precisely what seems to be hard to come by. ■

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