

# THE PEACE PROCESS: PROGRESS SO FAR AND CHALLENGES AHEAD

*Statement issued by Lalith Abeyasinghe, Paul Caspersz, Kumar David, Marshal Fernando, Vijaya Kumar, Menaka Phillips, Rajan Phillips, Mahinda Ratnayake, Suhadini Wickremasinghe and Ranjith Wijeyesinghe.*

Twenty three years ago, a few of us in this group of writers and many others, after the horrifying riots of 1977, came together to found the Movement for Inter-Racial Justice and Equality (MIRJE). One of the first decisions of MIRJE was to send a fact-finding delegation to Jaffna to determine the true state of affairs subsequent to the declaration of a State of Emergency by the government on 13/14 July 1979 and the abduction and killing of six Tamil youths on the same night. Three of us among those now issuing this Statement were in that delegation. The events of 13/14 July and the days following did not wipe out the menace of terrorism, as decreed by the then President, but they did let slip the dogs of war all over the land. Twenty three years and over sixty thousand lives later, this group of writers took advantage of the ceasefire conditions and made separate trips from Kandy to Batticaloa, the Vanni and Jaffna.

On the way to Jaffna, we had to pass through two check points, not more than a mile apart, in Omathai, north of Vavuniya. The two check points, one under the Army and the other under LTTE control, and the respective bureaucracies sharply symbolized the reality of two polities, if not two states, north and south of Omathai. Writing for the group after the Jaffna trip, Paul Caspersz posed the question: Is our task then not to prevent separation but to bring back into the former unity the two separated parts? It was a spontaneous question from the heart, at the end of a journey of commitment, and firmly founded on the premise of justice and equality for all Lankans. The question also provides a positive framework to critically assess the peace process: its progress so far and the challenges ahead. Contrast this to comments by the mostly unfriendly critics of the peace process, who, while being conveniently blind to the disintegration of the island's polity over the last 20 to 50 years, portray the current peace efforts not as a process of reintegration but as the path to separation from their illusions of unity.

When will the peace negotiations be held, and will they be successful? were questions we asked ourselves and that we were asked during the four days we spent in Jaffna from 16 to 20 July of 2002. The answers since then have been encouraging. Three rounds of peace negotiations were held between the Government of Sri Lanka (GOSL) and the LTTE two in Thailand and one in

Norway from September to December in 2002. The fourth round has just been concluded in Thailand. The negotiations have been successful in comparison to both the previous Sri Lankan peace efforts and contemporary experiences in other countries. After the second round, three Sub-Committees were established to address: (a) Humanitarian and Rehabilitation Needs in the North and East; (b) De-escalation and Normalization; and (c) Political Matters including constitutional, legal, political and administrative issues. At the conclusion of the third round of talks in Oslo, came the momentous announcement that the Sri Lankan Government and the LTTE agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka, and that the solution has to be acceptable to all communities. The third round also agreed on the setting up of a Sub-Committee on Women to address gender issues in the peace process. The focus shifted, in the fourth round of talks, to the humanitarian aspects of the conflict, and the parties noted that political progress must be underpinned by tangible improvements in the daily lives of the people. The talks also survived the somewhat overblown controversy over rehabilitation and the High Security Zones (HSZ) in Jaffna.

## In Support of the Peace Process

We do not agree with the inveterate sceptics that the peace talks are a smoke screen for the LTTE's preparations for the next offensive in its relentless march towards Eelam. On the contrary, the peace talks are subjecting the LTTE to national and international constraints and commitments as it has never experienced since its inception. The next Eelam War can only be prevented by strengthening and institutionalizing these constraints; prophesying the war, on the other hand, will directly contribute to its self-fulfilment.

One of the constructive criticisms of the peace process is that the process is monopolized by the UNP, the LTTE, and their immediate supporters. This has led to feelings of exclusion in the South and among the Muslims, and the fear of a totalitarian peace becoming the lot of the Tamils in the LTTE-dominated areas in the North and East. To learn from previous experience, an exclusive UNP-LTTE agreement, however grand and comprehensive, will not pass muster without a broader consensus involving other players and the people at large. But these concerns will have to be addressed by critically supporting, consolidating and expanding the current process to

make it inclusive and accountable, and not by vexatiously opposing and undermining it.

## The People's Choice

Contrary to the professions by post-1983 Sri Lankan governments, and the assertions of the LTTE and other Tamil militant groups, war was never the choice of the people, Sinhalese or Tamil. The biggest story of 2002 is that ordinary, subaltern Sri Lankans in their millions Sinhalese, Tamils and Muslims have been able to emphatically demonstrate that peace is their only choice. It is the responsibility of all Sri Lankans to ensure that our political leaders do not betray this unambiguous choice of the people.

It is worth noting that unlike the conflicts in Israel-Palestine, Northern Ireland, Kashmir etc., where neighbours fight neighbours politically and socially, the social relationship between the Sinhalese, the Tamils and the Muslims, never deteriorated to the same extent as their political relationship. Indeed, the leader of the LTTE Jaffna Branch told our group that the social relationship between the communities remained positively cordial even during the war. In Jaffna, we saw Sri Lankan government soldiers going about in bicycles, very different from the days when tanks and armoured cars terrorized unarmed civilians. In Kayts, we were told that the LTTE cadres sometimes undertake the delivery of meal parcels to soldiers at isolated army checkpoints.

The people in the South have witnessed and experienced the effects of the war for years on end: The destruction of public property, the stealthy shadow of the suicide bomber, the arrival of body bags at Ramalana, the village funerals of dead soldiers, and the social ubiquity of maimed war returnees these have been the stock experiences of the Sinhalese in the South. Who in their right minds, except those who demonically profited from the war and others who unconscionably invoke the doctrine of just war, would wish to return to those horrible days? The Sinhalese voters have endorsed the peace efforts in election after election every time the question was put to them beginning in 1994. They have also celebrated the current ceasefire by thronging the traditional Vesak and Perahara ceremonies, by congregating hugely in Madhu in LTTE-controlled Vanni, and by their incessant pilgrimages to the Naga Vihare and the Naga Dipa in Jaffna.

Our visits to Jaffna, the Vanni and Batticaloa have shown us the even more devastating war experiences of the Tamils and Muslims in those areas. Their fervent hope is not so much for peace in full regalia as it is for the current ceasefire to continue whether or not an agreement is reached. We saw not only how these areas have become separate from the rest of Sri Lanka, but also how they were separate from each other. The LTTE Police Stations and Courts in the Vanni area are not the cause of this separation but its symptoms. More damaging is the destruction of the infrastructure linkages roads, railways and electricity transmission between the Northern and Eastern provinces and the rest of the country.

The key sectors of Jaffna's economy farming, fishing and commerce are isolated and atrophied. Tens of thousands of farmers have been affected by the reckless landmining of their farmlands. About 6,000 of the 11,000 fisher households in the Peninsula, who once supplied 30% of the country's fish requirement, are now internal refugees and cut off from the sea. For over ten years, the Sri Lankan government has been banning ocean fishing by Lankan Tamil fishermen for security reasons, while doing nothing to stop Indian trawlers fishing in Sri Lankan waters. After several years electricity was restored in Jaffna in April 2002, while the first overland supply of kerosine and petrol in ten years arrived in Jaffna in July 2002. Nearly 400,000 of the (pre-1995) 900,000 people of the Jaffna Peninsula are displaced within Jaffna and on the tracts of the Vanni. The size and misery of the internally displaced has shocked even international visitors who are familiar with human tragedies elsewhere in the world.

Displaced and devastated the people of Jaffna made the most eloquent statement for peace by standing neutral when the LTTE took on the Sri Lankan army to recapture Jaffna in 2000. Even now they simply want to be left alone. What is more, no Tamil individual or group has condemned the LTTE for all but turning back on its declared goal. In earlier times, such an act would have been called a betrayal and the price of betrayal varied from the simple loss of a Parliamentary seat to the ultimate price of one's life. The LTTE itself was a past master in meting out capital punishment for perceived betrayals.

## War and Politics

War is a continuation of politics, but politics is the conclusion of the war. While peace became the experiential choice of the people, economic realities, military experiences and international developments combined to force the GOSL and the LTTE to leave the battleground for the negotiating table. The economic consequences of the separation between LTTE territories and the rest of the country exposed the non-viability of a separate state and challenged the LTTE's commitment to it. This became evident from the time the LTTE began insisting on having points of free passage between its territory and the rest of the country. The war has also exacerbated the differences between Jaffna, the Vanni and the Eastern Province, and there is no uniform solution to the challenges and issues facing the peoples of these areas not only the Muslims and the Sinhalese in the Eastern Province but also the Tamils in the three areas.

Militarily, while battles were won and lost, the war was proving to be unwinnable for either side. The LTTE inflicted crushing defeats on the army in the year 2000, including the capture of the Elephant Pass, but the army was able to hold on to Jaffna despite the LTTE throwing everything it had into what it thought would be the final battle against the army. Baulked of a victory in Jaffna, the LTTE hit back by attacking the Katunayake International Airport in August 2001. The economic meltdown and the business panic that followed

were the last straw to force the new UNF government to abandon the military approach and pursue the negotiation option.

On the international front, the implications of September 11 for Sri Lanka and the LTTE have been mixed. If nothing else, it finally confirmed to the LTTE the virtual impossibility of securing international recognition for a separate state in Sri Lanka. However, while declaring war on international terrorism and outlawing LTTE operations in their own countries which restricted LTTE's financing operations in the West, the Western governments came to recognize the LTTE as a necessary party to any settlement in Sri Lanka. There are a number of reasons for this apparent double standard. Despite its far reaching tentacles among the Tamil diaspora, the LTTE's operations have never posed a threat to the West in the way international militant Islamic movements are perceived to threaten the West. Like in Northern Ireland, Islam is not a factor in the Sri Lankan conflict, and Sri Lanka is the one instance where religion is not an issue in the conflict. Lastly, although Sri Lanka is one of the world's long standing conflict areas, it has no potential for escalating into an international or even regional crisis, unlike the Middle East, or Kashmir.

Those who insist that the GOSL should have exploited the post-September situation to defeat the LTTE with external help, also refuse to realize that the so called war on terrorism has either been unsuccessful in resolving, or simply exacerbated, the conflicts in Afghanistan, the Middle East, Chechnya and Kashmir. New flashpoints are threatening in Indonesia, the Philippines, North Korea and even parts of Africa. Even in Northern Ireland, where September 11 contributed to the IRA's decision to decommission its arms three and a half years after the Good Friday Agreement of 1998, new political roadblocks are stalling the peace process.

Prime Minister Ranil Wickremasinghe has been criticized for allegedly compromising national sovereignty by getting Norway and other governments involved in the peace process. The fact, however, is that it was President Kumaratunga who started the current foreign involvement albeit for proscribing and talking to the LTTE at the same time, and the same critics did not spare her at that time. The real question is that if it is alright for Sri Lankan sovereignty to get Western help to make war with the LTTE, why then it is not alright to get the West to mediate peace with the LTTE and insure that the LTTE will not revert to fighting again.

## The Principal Players

One of the main arguments against the current peace process is that it has been used to politically rehabilitate the LTTE. Given its past record and continuing, although highly reduced, infractions, the LTTE is one of the easiest of targets for verbal castigation. But in the context of the vicious violence that Sri Lankan politics had become enmeshed in over the last 20 years, there are few around with clean hands, and that includes Sri Lanka's big neighbour, the post-Nehru India. As the Catholic Bishop of Jaffna said after the LTTE press conference in April, 2001: he

(Prabaharan) did not express remorse, but neither has the government. The state and the LTTE are both blameworthy, even if not equally in law, but if the current peace efforts are to lead anywhere they and others have to tap on their respective transformative potentials. In a world struggling to resolve its political conflicts, the growing ethos is not one of insisting on an eye for an eye and a tooth for a tooth, but a culture of amnesty based on acceptance of responsibility.

In many respects, the current UNF-LTTE peace process is a continuation of the initiatives of the PA government. In fact, it was the PA government that brought about a paradigm shift in Sinhalese political thinking in regard to the national question. Chandrika Kumaratunga deserves all the credit for being the first Sinhalese state leader, as President or Prime Minister, to admit that the Sri Lankan state had failed in the task of genuine national unification and to articulate constitutional changes to redress that failure. This will be her historical legacy even though her ill-advised military misadventures and her inability to reach consensus across party lines in Colombo ultimately thwarted her constitutional efforts and brought down her government in the 2001 Parliamentary election. The Norwegian route to the LTTE was also opened by her, despite her failed attempt to negotiate with the LTTE in 1994/95, and despite being the target of a failed LTTE assassination attempt in 1999. She also initiated the rehabilitation program in Jaffna with the EPDP as her Tamil political ally.

According to a number of sources, the EPDP's involvement in the rehabilitation work in Jaffna, with access to state resources, was an important consideration in the LTTE's decision to pursue a counter-partnership with the UNP. The LTTE found a willing partner in Ranil Wickremasinghe, who would seem to have chosen to bet his political career on a deal with the LTTE when he and the defeated UNP were opportunistically abandoned by all Tamil parliamentarians for the new PA government in 1994. The UNP and the LTTE got their chance to strike a peace deal when Ranil Wickremasinghe was elected Prime Minister in the 2001 December election. Whatever might have been his subjective intentions, the objective results of his peace initiative are proving to be beneficial to the country. The young members of his team have brought a new generational freshness and a conciliatory approach to an old and vexed problem which had often been complicated in the past by personal prejudices and egotistical intransigence. Their new approach appears to be resonating well with most of the people. Without the fear of war and insecurity the natural openness and conviviality of the Sri Lankan people are resurfacing.

On the negative side, President Kumaratunga has been taking a tantalizing approach to the peace process. Her formal statements support the peace process, but her habitual indiscretions and the actions of her main advisors and her brother, Anura Bandaranaike are clearly aimed at undermining the peace efforts. The LSSP and the CP have dissociated themselves from the statements and protestations of Sarath Amunugama and Lakshman Kadirgamar, and the SLFP leadership's growing closeness to the JVP despite its

overt opposition to the peace process. Although, the People's Alliance might have run its course, the UNF and the LTTE should reach out to those sections of the PA - sections of the SLFP, the Left Parties, the NGOs and a large number of dedicated individuals, who are supportive of the peace efforts even though they are not included in the process.

History will repeat itself more tragically if the UNF and the LTTE do not broaden the support for the process, and at least try hard to secure the support of President Kumaratunga and the Sinhala constituency she currently represents. A rather disappointing feature of the peace process so far has been the government's lack of effort to reach out to the Sinhala people and keep them constantly informed of the unfolding process. The government should realize that its ultimate constituents are the country's people and not the diplomats in Colombo.

In the North and East, the LTTE not only has to appear to be changing but also has to change for real. There have been justifiable concerns raised about the LTTE's continuing harassment of its political opponents, uneconomic taxation practices, and violations of human rights including the recruitment of children as soldiers. It is absurd to argue that these violations constitute a failure of the peace process. They represent only a failure of the LTTE to fulfill its new obligations. The merit of the peace process is that for the first time there is a forum for raising these issues and to put pressure on the LTTE to stop its violations of human rights.

The LTTE's newness to the political process and the national and international limelight it is now enjoying are certainly conducive, if not compulsive, to the LTTE saying the right words at the right time and in the right place. But its words have to be matched by deeds at places where they matter, in the Northern and Eastern Provinces, among the Tamil people, whom it claims to represent, and in a manner that does not harm the welfare of the Muslim and Sinhalese living in these areas. Circumstances and the force of arms have made the LTTE the sole representatives of the Tamil people at the talks. But to the extent internal self-determination in political theory means consolidation of democracy based on individual rights, the LTTE should realize that ultimately sole representation without free and fair elections would be inconsistent with even the elementary norms of democracy.

We would hope that the future talks will emphasize not only self-determination but also co-determination especially in regard to dealing with issues of the peoples of the Eastern Province. Muslim representation at the talks is currently provided by the Sri Lanka Muslim Congress as part of the government delegation, and there has been agreement between the LTTE and the SLMC to work together in the East in addressing the specific concerns of the local communities.

## The Challenges Ahead

A common feature in all previous attempts at resolving the Tamil national question, from the celebrated Bandaranaike-Chehvanayakam Pact to the over-drafted Kumaratunga Constitution, has been the emphasis on reaching a grand conclusion in the form of legalistic agreements, legislative changes, or a comprehensive constitutional solution. Invariably, these end products became the targets of immediate political opposition and were either not fully implemented (e.g. the 13<sup>th</sup> Amendment) or abandoned. There was no emphasis on incremental steps, developing a normative consensus and inclusive participation, and a process that would continue notwithstanding government change. Until the 1970s, the fundamentals of the State were in place and the agreements, if successful, would have stemmed its slide into ethnic majoritarianism. At the present time, with the State disintegrated in some parts and dysfunctional for the most part, incremental reintegration and rebuilding, and inclusive participation are necessary conditions for success.

Although the four rounds of peace talks held so far have gone well, the talks appear to be taking on a globe-trotting momentum with the risk of being isolated from the issues on the ground. The people are not expecting a grand resolution of the so-called 'core issues' but tangible improvements in the economic conditions of all Sri Lankans in general, and the restoration of normalcy in the war-affected areas. Without evidence of change cynicism and disenchantment will grow in the South, while frustration and despair will engulf the peoples of the North and East. A compelling experience of change can come through opportunities to participate in the rebuilding and restorative activities. While it is impossible to ensure participation by everyone and in large numbers, the opportunities for participation should not be restricted to UNF and LTTE supporters and cadres.

The participation at the talks has been limited to UNF and LTTE representatives, but the Sub-Committees could be opened-up to other participants to include representatives of the different ethnic communities in different areas, local political organizations and NGOs. We welcome the announcement of the members of the Sub-Committee on Women, and urge that the same approach be extended to the other Sub-Committees as well. This will be the first step towards a plural democracy.

The functions of the Sub-Committees should be decentralized to deal with different issues in different areas, and provide the building blocks for a federal society. A federal state presupposes a federal society; there are plenty of federal models in the world to draw from, but it is necessary to prepare the Sri Lankan terrain to receive the preferred federal structure. The Provincial Council System and the Kumaratunga Constitution were attempts at top-down federalism. There is now an opportunity to reverse that process, without creating additional layers of bureaucracy and (unelected) political representation that duplicates efforts and wastes resources.

Already, the country is paying for multiple layers of governance with little consideration being given to streamlining and coordinating their functions.

The issues raised at the talks and assigned to the Sub-Committees are difficult issues that require complex trade-offs and a work in progress approach rather than an insistence on instant agreements. The insistence often comes from outside detractors who for whatever reason would like to demonstrate that the talks are floundering rather than suggesting constructive ways to get over manifestly difficult situations. A case in point is the issue regarding the resettlement of displaced people in the army's High Security Zones (HSZ) in Jaffna, and the decommissioning of arms by the LTTE.

Not so curiously, the first insistence was on the absolute decommissioning of arms by the LTTE, and that was how the critics greeted the Oslo announcement that the LTTE had agreed to work towards a federal solution. Then came the Sri Lankan Army's requirement that vacation of HSZ areas by the army for resettling displaced people should be linked to the LTTE's decommissioning of its heavy weapons around these areas. While there was understandable brinkmanship on the part of both the army and the LTTE, the critics resorted to self-serving interpretations and predictions that the peace process was unravelling. The Monitoring Mission clarified that it is vital to maintain the pre-ceasefire military balance till substantial progress is made and that there should be a trade-off between the withdrawal from the HSZs by the army and decommissioning by the LTTE. The fourth round of talks emphasized the humanitarian component of the crisis and the need to start resettlement outside the HSZ areas.

The LTTE's current refusal to work with the army in the Sub-Committee on De-escalation and Normalization is not a major crisis but a minor hiccup that is not unusual during a peace process. As we see it, the humanitarian aspects should take precedence while de-escalation by both parties proceed in an even manner as substantial progress is made on other issues. The LTTE's announcement that its weapons are its bargaining chips at the negotiating table is also its admission of their limitations on the battleground.

It is very unfortunate that wild and irresponsible comparisons are being made between the Sri Lankan situation and the 50 year old international problem of the Return of the Palestinian Refugees to Israel-Palestine. It is also disingenuous for the same people who criticise the LTTE for its harassment of Tamil civilians, to argue that the Sri Lankan Army should retain the High Security Zones in the Jaffna Peninsula regardless of the plight of the displaced Tamil people. There are people in refugee camps in Jaffna for more than ten years after being evacuated by the security forces. Our group

visited one such camp in Chunnakam, the occupants of which are fishermen and their families from the village of Myliddy. They have been in the camp for over ten years and cannot return to their village because it falls within the HSZ close to the Palaly military base.

It is not only the army, but the LTTE also has forced the evacuation of people of Jaffna. It forced the evacuation of the Jaffna Muslims in 1990, and, five years later, forced nearly 700,000 people to leave their homes on the eve of the military's take over of Jaffna. Not more than half of those people and a few Muslims would seem to have now returned, and the plight of the displaced in the Peninsula and the Vanni area continues. During our visit to Jaffna, there were petitions and protest marches about the resettlement of the displaced people of Chavakachcheri, the last group of people to be displaced during the 2000 battle of Jaffna. But the organizers of these protests clearly indicated that they were not demanding the total evacuation of the army from the HSZ areas, but an arrangement to reduce the area of army occupation and allow the resettlement of civilians. Curiously, the connection between the HSZ and rehabilitation was not clearly dealt with in the MoU. As a foreign diplomat in Colombo surmised to two members of our group, the LTTE appears to have paid less attention to civilian issues in the MoU, and it was the TULF Parliamentarians who kept raising the issue of the Army leaving the HSZ areas to enable the return of the displaced people to their homes. After one year of peace, the LTTE is also being forced to respond to civilian pressures in raising the issue of the displaced people.

The Sri Lanka Monitoring Mission has described 2002 as the year when the guns fell silent. By any measure, 2002 has been a remarkable year for Sri Lanka. It marked a full year of ceasefire for the first time in nearly 20 years. It is still too early for political celebrations and an economic turnaround, but the people are enjoying their new freedom from the restrictions and uncertainties of war and the fear of being raped or suicide-bombed. The people's choice is peace. The military experiences of the SL Army and the LTTE, as well as changing domestic and international circumstances have brought about a successful ceasefire. To the extent these objective conditions are likely to continue, it will be difficult for either party to return to the fighting mode. There will of course be violations and infractions but the real danger could be a state of general lawlessness and anarchy if the unwinding of the war machines on both sides is not incrementally and methodically undertaken. The other danger is in reaching agreements rather rapidly on paper at peace talks held at far flung locations around the world, without corresponding changes in the ground situation at home. The biggest challenge, however, is to open the peace process at different levels and locations to include all of the principal players and involve the people themselves.