
PEACE WATCH - Jayadeva Uyangoda

Crisis as Opportunity

Crisis, as the cliché goes, offer opportunities for their constructive management. Exploded in the open, a crisis is first of all a wake up call. It tells us that there is something really wrong in the pre-existing state of affairs. It is an invitation to diagnostic thinking as well as corrective action. The present political crisis in Sri Lanka is no exception. Constructively handled, this crisis can be transformed into an impetus for a qualitatively new phase of Sri Lanka's political life. Handled ineptly, it has the potential of dragging Sri Lanka into a future the shape of which will be thoroughly unpredictable.

The conflict between the President and the Prime Minister came to the open in an immediate conjuncture associated with the ethnic conflict and peace negotiations. Delineation of this conjuncture is useful to understand some positive post-crisis trajectories. When the President moved into taking over the three UNF ministries, the LTTE had just unveiled its proposals for an interim political settlement to the ethnic conflict. Through these proposals, the LTTE also made a decisive intervention in the country's political process. The LTTE's message was that even an interim solution to the ethnic conflict would require a radical re-organization of the Sri Lankan state's structures of power. This in a way shocked all factions of Colombo's political establishment. They appeared to have expected the LTTE to come out with a set of proposals acceptable to them without much difficulty. The gravity of the LTTE's proposals for re-organizing Sinhalese-Tamil power relations was such that the next phase of negotiations would have simply been impossible without what one may term as 'ruling class unity' in Colombo. It is hard to imagine the UNF government alone, and facing active resistance from the SLFP, negotiating an interim settlement with the LTTE. That is where the crisis contained its first opening for opportunity.

Although the LTTE does not seem to have provoked the November crisis in Colombo, the crisis exposed the ruling class vulnerability in the face of the LTTE's political challenge. Perhaps, an unintended reward of this crisis for both the UNF and PA is that they could defer for quite some time a serious response to LTTE proposals. Both parties have been totally unprepared for any constructive engagement with the LTTE's ISGA framework. The irony of the whole episode is such that the Prime Minister should particularly thank the President for offering him a breathing space by shifting the locus of political debate from the LTTE proposals to PA-UNF conflict.

However, this deferment cannot remain too long. The ruling elite in Colombo cannot postpone the crisis by resorting to tactics of avoidance such as calling for fresh parliamentary elections. Even after the elections, in a matter of just a few months, they will be

confronted with the two issues that constitute the crux of the politics of Sri Lanka in the present moment: arriving at a negotiated settlement with the LTTE and legislating constitutional reform. These are tasks that no single faction of the Sinhalese ruling class – UNP or the SLFP -- can successfully carry out by excluding the other faction. These are also tasks that require, if one may use the Marxist language, the political unity of the ruling class.

Ruling Class Unity

The absence of ruling class political unity has been one of the major characteristics as well as consequences of Sri Lanka's intensely competitive parliamentary politics. In the past, deep divisions between the UNP and SLFP enabled subordinate social classes as well as minority ethnic communities to utilize that disunity for their advantage. The intermediate as well as working classes entered into alliances with the SLFP in 1956, 1964 and 1970 against the backdrop of space created by the factional polarization separating the SLFP from the UNP. It is the same logic that enabled in the recent past the CWC and the SLMC to bargain with the SLFP as well as the UNP to further their community interests. However, in the present stage of Sri Lanka's ethnic conflict, those traditional alignments of class and ethnic forces do not make much sense unless they are formed to advance projects of peace and state reform. What is actually called for today is not the revival of old class alliances, but forging a fundamentally new regime of class and ethnic alignments which should manifest itself at a multiplicity of levels. At the center of the new regime of alignments should be the political unity between the two leading factions of the Sinhalese ruling class, the UNP and the SLFP, for a limited period of time and on a limited and specific program. Such a historic compromise will enable the ruling elites to unify if they are to play the role of the leading class agency for taking Sri Lanka forward from its deep-rooted conflicts and crises.

The second dimension of the new alignment of forces is located in the domain of ethnic foundations of the Sri Lankan state. If the Sri Lankan state is to move forward as a nation-state, its primarily Sinhalese ethnic foundation has to be radically altered. The broadening of the ethnic foundations of the state, which is necessary to deepen the state's political quality, requires first and foremost a new charter of unity between Sinhalese, Tamil and Muslim ethnic elites, backed by the masses of their respective societies. The negotiations that began last year are a necessary starting point for such a democratic reconstitution of ethnic foundations of the Sri Lankan state. But they are not adequate. Negotiations should result in a settlement agreement that will bring about war termination as well as political-constitutional reforms. Actually, such a settlement agreement should have the quality of a fresh social contract, a new beginning and the capacity to provide qualitatively new political life for individual citizens as well as ethnic groups. The next phase

of the peace process in Sri Lanka will have to be one that culminates in such a qualitative re-organization of the ethnic bases of the Sri Lankan polity. Similarly, the new constitution should be the charter for ethnic re-unification of the polity in a framework of equality and pluralism

There is a third, and no less important, dimension of political alignments. It suggests that the democratic forces of all ethnic formations should politically unify in a broad coalition in order to push the ruling elites in the direction of a reform agenda strongly grounded on democracy, pluralism and social justice. If the democratic civil society is not politically unified, the ruling class unity which we mapped out above is very likely to transform itself into an authoritarian alliance. Actually, an organized and unified democratic civil society can play the role of the agency for a radical political change that the present crisis calls for.

Mediation

The ruling class political unity appears to be both difficult and complex at the moment. Since the UNP and SLFP are locked in a major conflict for political power, they do not see a way out even though some of their leaders may see the point in political unity. There is no political leader on either side who has the moral authority and charisma to charter such a course of unity. Actually, leaders of both the SLFP and UNP find it quite difficult to transcend short-term political calculations as well as experiences of personal betrayal and bitterness. *This has made it urgently necessary in Colombo to work out a mechanism for mediated dialogue between the leaders of the Sinhalese political elite. The inability to grasp this point is one of the major shortcomings of the role of the international community in Sri Lanka's present peace process. As some civil society political analysts have repeatedly emphasized, Sri Lanka has a dual conflict requiring mediated settlement – the ethnic conflict and the conflict at the level of the ruling elite. They are now so closely intertwined that the management of one is linked to the constructive handling of the other.*

Meanwhile, the next phase of the peace process will provide space for working out the political unity of the ethnic elites. Interestingly, the SLMC is now working out the Muslim community's proposals for an interim solution. But, a parallel political discussion is not taking place in the Sinhalese society. The UNP's minimalist proposals unveiled in June this year are grossly inadequate to grapple with the LTTE proposals. The PA devolution proposals of 1995 provide a framework that needs to be further widened and updated. What the UNP and SLFP leaders should undertake as a matter of urgency is a dialogue among themselves to work out a new body of proposals to which the Tamil and Muslim communities can respond with some respect and seriousness. The UNF leadership has a major share of that responsibility. If they fail to reformulate and update their proposals for an interim administration in the run up to the next phase of the peace process, negotiations, once revived, can hardly produce any significantly constructive outcome.

Colombo's political drama is not yet over. It can still take an unexpected turn. The two meetings between the President and the Prime Minister have introduced a considerable measure of stability to an otherwise volatile situation. For this process to move forward, it has to be linked to the twin task of taking the peace process forward and effecting constitutional reform. The best course of action available to the President and Prime Minister is to co-chair the evolving process.

From Conflict to Accommodation

The official communiqué about a recent meeting between the President and the Prime Minister, has a clinical, matter-of-fact, tone. It does not say much about the substance of their deliberations. Obviously, there is no agreement reached between the two leaders on any of the contentious political issues that have made it necessary for them to meet. One silver lining in an otherwise gloomy picture of this situation is that they have agreed to meet again to continue the 'dialogue.'

Both the President and the Prime Minister are in a crisis of their own making, although they might not perceive it that way. For months, they have been engaged in an exercise of mutual outbidding, working towards a zero-sum outcome in the conflict between the two centers of state power, the presidency and the parliament. What exploded in the open last week is the inevitable outcome of a power-struggle embedded in a multiplicity of contexts. The dynamics of inter-party competition as well as factional and personal rivalries have emerged in a large-than-life fashion against a background of constitutional impediments to accommodative governance. Somewhat unintended, yet profoundly symbolic, is the fact that the LTTE had just presented to the government its proposals for re-constituting the entire state structure. The challenge before the President and the Prime Minister now is to manage this conflict in such a way that its potentially destructive consequences are arrested and political stability restored.

Zero-Sum Gains

The dominant tendency in the two camps immediately after the November 03 showdown has been to continue to seek zero-sum outcomes from the conflict. The two leaders have also been under constant pressure from those around them to further outbid each other by opting for unilateralism. Some of the recent actions of the two leaders are also largely governed by strategies designed for unilateral gains. In her call for a patriotic grand alliance, the President kept open the option to isolate, attack and even dismiss from office an uncooperative UNF. In his call for the President to take over the responsibility of peace talks, the Prime Minister retained the option of ensuring a disastrous failure for the President. Some of the immediate aides and advisors of the two leaders might prefer continuing confrontation, leading to greater escalation. It is in this context that the commitment of the President and the Prime Minister to continue their dialogue has become

important. Indeed, there have been signs of de-escalation particularly from the PA side. The PA Executive Committee's view that the LTTE proposals, though unacceptable, were a basis for negotiations is a way forward from the earlier hard-line position adopted by the SLFP. The *Daily News* editorials under the new dispensation are not only conciliatory, but also strongly supportive of the peace process.

Meanwhile, among powerful sections of both camps, there seems to be a preference for fresh parliamentary elections. Mid-term elections under normal circumstances would have been a credible option to let a political crisis resolve itself. However, in Sri Lanka's present circumstances, an election campaign is less likely to contribute to political stability. On the contrary, it may escalate political tension amidst much violence. An election campaign will also force the main contenders to defer any serious consideration being given to the next phase of negotiations with the LTTE. Furthermore, in an election campaign defined by utmost hostility between the UNF and the SLFP, the latter is most likely to take a strongly Sinhalese nationalist stand, in alliance with the JVP, to isolate the former from the Sinhalese electorate. In such a context, the LTTE's ISGA proposals will be transformed into the main criterion of demarcation between the UNF and PA. Passion and hatred, not reason and moderation, would be summoned to make political judgment. Heightened electoral passion is highly unlikely to provide for the Sinhalese polity a constructive framework for responding to LTTE's proposals. Besides, there are no signs that there will be an electoral outcome producing a stable regime. Dissolving parliament and holding fresh parliamentary elections is more likely to prolong the present impasse than resolve it.

Opportunities

As was pointed out at a recently held civil society consultation on the present situation, the crisis also offers opportunities for its constructive management. Such an approach requires from the two sides that they find a framework of accommodation within which not only the present crisis is managed, but also the two major national issues, the peace process and constitutional reform, are effectively addressed. The centrality of the peace process, despite its intractable nature, to political stability is beyond question. Similarly, the present crisis is largely located in the constitutional framework within which the three main organs of state power – the executive, the legislature and the judiciary – have been pushed into a relationship of confrontation. In fact, both the President and the Prime Minister are products and victims of the present constitution and there is no reason for victims to fight it out till death. They should emancipate themselves from the shackle. That requires joint action.

Reforming of the present constitution is also at the heart of any meaningful attempt to resolve the ethnic conflict. In fact, almost all the political actors, specifically the UNF, PA and the LTTE, agree that a political solution to the ethnic conflict requires a radical

re-working of the 1978 constitution. The disagreements are about the extent to which one should go. Ironically, the PA and the LTTE have been most radical on this score. In fact, the differences between the LTTE's ISGA proposals and the PA's constitutional reform package of 1995 are much less than the gulf between the LTTE proposals and the UNF government's proposals for an interim administration. Meanwhile, it needs to be noted that long-term resolution of the crisis in Colombo as well as a political solution to the ethnic conflict are both intertwined with a constitutional reform agenda. This is perhaps the immediate goal to which the UNF and PA should now re-direct their energies. A joint constitutional reform committee, co-chaired by the President and the Prime Minister, would provide an excellent and creative opportunity for partnership and inclusivity.

A modality of working together for the UNF and PA should be one that does not fall into the trap of either a 'national government' or a 'grand alliance.' Without a concrete program for political reforms, neither a national government nor a grand alliance can survive its inner contradictions, particularly in a thoroughly fragmented polity like ours. What the PA and the UNF need today is a political framework of accommodation to facilitate collective initiatives for the peace process and constitutional reforms that are central to the success of the next phase of negotiations with the LTTE. Such a framework of accommodation can ideally rest on the analysis that the President's taking over of the Defense Ministry resulted in restoring, to some measure, the political equilibrium between the two rival centers of power in the absence of constructive cohabitation. Perhaps, the UNF might feel that the asymmetrical relationship that earlier existed between the two power centers is now altered in favor of the President. Yet, what would really be detrimental to the peace process is the continuing tension between the President and the Prime Minister, either propelled by the unwillingness of the UNF to accept the post-November 03 equilibrium, or by a PA desire to weaken the UNF in a prelude to a 'patriotic grand alliance' with a multiplicity of smaller allies. The President's suggestion, made in her TV address to the nation, that the Prime Minister should continue to lead the negotiation process while she takes responsibility of national security is a non-starter, because the framework it offers to the Prime Minister is responsibility without power. The UNP's preference to get the defense portfolio back to successfully carry forward the peace process has the same drawback. It accords the President constitutional responsibility for security without actual power. What the November 03 crisis suggests as an alternative is the sharing of both power and responsibility. Power-sharing, along with burden-sharing, should be the conceptual premise on which a framework of accommodation can ideally rest. Such a framework will also stabilize the newly effected power symmetry in Colombo, which is crucial to carry the peace process forward in its forthcoming phase.

Can the PA and UNF agree on a moratorium of hostilities seeking partnership in the peace and constitutional reform processes? If they can, it would be an important first step towards constructive

political engagement in the South. Because it will create an atmosphere for re-stabilization through de-escalation of tension and dialogue between two leaders who represent equally powerful and rival centers of power. The next step will involve working out the much needed framework of accommodation through dialogue. This essay has already suggested some measures necessary for such a framework. The democratic civil society as well as the international community would certainly be there to share the burden for working out creative options.

Next Phase of Negotiations: Don't Wait

Is the Southern polity ready to do serious political business with the LTTE? Unless the Sinhalese political class makes up its mind in the next few weeks to do pretty serious political business with the LTTE in the coming months, the paths of political change in the North and the South may not intersect again for some time to come. One needs to make this prognostic assertion even at the risk of being branded as alarmist.

There are indeed quite a lot of arguments still being made in the political debate to not maintain any political engagement with the LTTE. The advocates of non-political engagement with the LTTE occupy a wide political-ideological spectrum ranging from extreme Sinhalese nationalism to Tamil human rights activism in Colombo. The Sinhalese extreme nationalists advocate a line of primarily military engagement. According to the Tamil human rights activists, talks with the LTTE amount to appeasement of fascism. Such talks, as they argue, can only lead to a 'totalitarian peace.'

Alternative Perspectives

Meanwhile, there are two other perspectives that present alternative approaches for political engagement. One such perspective argues that political dealings with the LTTE should be conditional to the demonstration by the latter that its behavior concurs with the norms and standards as set out by the international community. In this 'conditionality approach,' the LTTE should rehabilitate itself and earn recognition and respectability through its words as well as deeds. The Tokyo donor conference of June, which the LTTE boycotted, exemplified this strategy of dealing with the LTTE. The second argues that political engagement with the LTTE should not be conditional, since it is the political engagement alone that would build capacities within the LTTE and Tamil society for much needed democratic transformation. In this transformatory approach, there is emphasis on the acknowledgement as well as recognition of the major concessions made by the LTTE as constituting an acceptable starting point for political engagement. The LTTE's unilateral shift from external to internal self-determination, its declared commitment to federalism, and the decision to engage with the Sri Lankan state through internationally facilitated talks in a background of the cease-fire

agreement are the major concessions which the transformationists highlight.

Indeed, in Colombo donor and intellectual circles, there still is a debate over the merits and demerits of the conditionality and transformatory approaches toward the LTTE. There now seems to be some convergence of the two emerging. When Chris Patten of the European Union addressed a gathering in Colombo before he went to Kilinochchi, he was articulating a particular, one may say hard, version of the combined conditionality-transformatory approach. The Sri Lankan journalists who questioned him on the validity of the very idea of his meeting with the LTTE leader were obviously strong critics of the political engagement approach. Their assumption was that political engagement would only legitimize a terrorist entity that has not yet demonstrated any remorse of its past deeds or even any serious evidence of self-reform. In contrast, the EU Commissioner appeared to hold the position that continuous political engagement defined as furthering dialogue with conditionality will facilitate possibilities for changes in the LTTE in the direction of norms and standards as set out by the international community.

There is also a soft version of the transformatory approach to the LTTE. It argues that the desired process of transformation cannot be externally imposed and that the change is most likely to occur over a period of transition. The key word here is 'Transition' in all sides to post-civil war reform. The external agencies should facilitate internal dynamics and potentials for reform that may require a series of interim phases. In contrast, the conditionality approach seeks reforms only in the LTTE. It has not yet seen the need for changes in the Sinhalese polity or the state as a whole. It also assumes that the changes in the North should occur and be demonstrated rapidly, in accordance with a timetable as set out by the external actors. As the Japanese government learned recently with some shock, that approach is not the most productive one in dealing with the LTTE. It appears that the donor community has been re-examining this approach, although some countries and agencies still prefer the hard-conditionality strategy.

For the Southern political class also, a strategy based on a transformatory perspective is needed to deal with LTTE in the period ahead. This has become particularly necessary in the context of emerging consensus between the UNF and the SLFP on a joint approach to the peace process. We may note in passing that the UNF-SLFP talks have generated much anxiety among minority parties. Some of them see a pan-Sinhalese alliance emerging threatening minority interests. Any reconfiguration of political forces is bound to create its own winners and losers. Those who strategize the UNF-SLFP accommodation should take steps to make that process inclusivist, addressing the ethnic minority fears.

Divergent Approaches

Although the President and the Prime Minister have a generally shared understanding that the peace process should

continue, their strategic approaches to the LTTE have been quite divergent. The SLFP approach during the past two years has been one of 'hard conditionality,' backed up by the military strength. In contrast, the UNF approach has been one of 'soft conditionality' backed by international support. In case the President and Prime Minister agree to work together in pursuing peace, what would be necessary is not a combination of their two contending approaches, but working out of a new approach that will enable them to engage the LTTE in a mutually transformative framework. What it means is that if the next phase of the peace process is to produce a significantly constructive outcome, change and transformation should occur in the North as well as in the South, and in the three main political actors who are based in Colombo and Vanni. Peace processes should best be seen as practices producing transformative outcomes for all those who are engaged in them.

This backdrop makes it necessary for the Sinhalese political leadership to quickly settle their dispute over the power struggle and begin to seriously examine the LTTE proposals for an interim administration. It is a real pity that their attention is not yet drawn to formulating a constructive response to the LTTE's ISGA proposals. The UNF had only one initial response and that even failed to seriously examine the constructive possibilities offered in the ISGA framework. The SLFP presented an ideologically informed negative response while some civil society actors in Colombo have been excessively legalistic in their understanding of the LTTE's approach to transition from its secessionist project. The limitations of liberal constitutionalism, in its unitarist as well as narrow devolutionist versions, are now quite apparent. Incidentally, the only positive development to emerge in this regard during the past few weeks is the fact that both the President and the Prime Minister have articulated the position that the ISGA proposals constitute a basis for future negotiations.

Disappointment

Meanwhile, the general sentiment among the Tamil people appears to be one of disappointment over the inability demonstrated so far by the Sinhalese leadership to offer a serious and constructive response to the LTTE proposals. As I have noticed in a recent visit to the North, they even feel slighted. In political conversations with Tamil people, one can see a sense of deep disappointment and even the possibility of being let down once again by the Sinhalese political leadership. They feel that the MOU has not been adequately implemented and that de-militarization of the civilian life in Jaffna has been conveniently forgotten by the government. This mood of disappointment was of course heightened by the political uncertainty that suddenly erupted in Colombo just a few days after the LTTE unveiled its proposals. The government does not seem to communicate with the Tamil people at all. They don't get positive political messages from the South. They get only negative signals. The President and the Prime Minister as well as the UNF government's chief negotiator need to realize that any further delay in exploring constructive engagement

with the LTTE around the ISGA proposals would undermine the confidence of the Tamil people on the peace process as well as the capacity of the Sinhalese political leadership to do serious politics with the North.

The negotiation process needs to be revived soon. The exploration of the conditions under which the next phase of talks might take place should not be delayed under the pretext of either the political negotiations between the UNF and SLFP or the budget debate. If talks do not resume soon, there should be other forms of political engagement between the LTTE leadership and the government. Otherwise, as I noticed in the North, a new process of estrangement between the Sinhalese and Tamil polities might emerge under the conditions of uncertainty created by the present process of no war-no peace.

Power-Struggle in Colombo: Implications for the Peace Process

President Kumaratunga's taking over of three key ministers of the UNF government occurred just four days after the LTTE unveiled its proposals for an interim self-governing authority. It is unfortunate that the power struggle between Prime Minister Wickremesinghe and President Kumaratunga exploded at such a crucial moment of Sri Lanka's peace process. What the two leaders could have ideally done is to consult each other as to how to respond to LTTE proposals in order to expedite the next phase of peace negotiations. Instead, President Kumaratunga has chosen a strategy of hostile confrontation. The implications of this unfolding power struggle for the peace process are yet to be seen.

The LTTE proposals for the interim administration seek re-constitution of the Sri Lankan state, within a framework of dual power, in the Northern and Eastern Provinces. This vision is conceptualized in the notion of interim 'self-governing' authority. It seeks a fairly advanced form of power-sharing, more than in a regular federal model. The framework of state as envisaged in the Tiger proposals comes closer to a confederation model.

There seem to be three crucial components in the Tiger proposals. First is the setting up of the institutions for what they call the interim self-governing authority (ISGA). The scope of powers of these institutions and their relative autonomy from the structures of the Sri Lankan state are clearly conceptualized and elaborated. The second component in the proposals is the broad political-ideological principles within which the LTTE has worked out the basic contours of a negotiated political settlement, from interim to final. These are basically the so-called Thimpu principles, namely, the Tamil nationhood, the right of the Tamil nation to self-determination and the unified political unit of the North-East within which the Tamil self rule should be territorialized. The third component suggests the course of action once the five-year interim period comes to an end.

Beyond the Constitution

As many commentators have noted, the LTTE proposals go beyond the existing constitution. This feature of the proposals has also aroused sharp reactions from many critics. But, the LTTE's approach to a settlement to the conflict, whether interim or permanent, is one that envisages re-constitution of the Sri Lankan state. From the militant Tamil nationalist perspective, a credible political alternative to secession and a separate state has to be one that is not governed by the limitations of the existing constitution. Besides, both the UNF and PA have also agreed that the existing constitution is inadequate to address the core issues of the ethnic conflict. The PA and President Kumaratunga have even gone to the extent of saying that the existing constitution is an obstacle to making any progress towards a settlement. On that point, the PA, UNF and the LTTE share a common perspective.

The confederationist dimension of the LTTE's perspective on the ISGA gives a maximalist character to the proposals. This has prompted many critics to say that the ISGA proposals are a recipe for separation. In the UNF government's initial response too it was noted that the LTTE proposals carried a fundamental divergence from the government's own proposals.

Instead of dismissing the LTTE proposals as unacceptable, there is an alternative way to look at this issue in order to advance the negotiation process. The LTTE's maximalist proposals are a response to the UNF government's minimalist proposals. Similarly, the LTTE has also addressed core issues of the ethnic conflict and how those core issues should be seen in a settlement from the Tamil nationalist perspective. At least, the LTTE can no longer be accused of avoiding the core issues. From the perspective of negotiations, the next task is to find a common ground between these two incompatible positions, the minimalist and maximalist. If the two sides are really committed to a settlement, the government cannot go down from its minimalist position as much as the LTTE hopefully cannot go beyond its maximalist position. Since the negotiation positions of the two sides are now on the table and since there is a wide gulf between the two positions, there is indeed enough room for the resumption of negotiations. There is also an enhanced role for the mediator. Mediation and negotiation are necessary not when parties agree, but when they disagree.

Power Struggle

However, the prospects for early resumption of talks are now caught up in the unfolding power struggle in Colombo. Obviously, the UNF administration, deprived of its partial control of the Defence Ministry is now a weakened entity. Its immediate future is also not stable since the President has the option either to re-constitute the regime, or even to dissolve parliament. The political uncertainty that surrounds the fate of the government makes early resumption of talks rather difficult. Actually, the power struggle between the UNF and SLFP leadership, or the rivalry

between the two ruling families and the two ruling individuals in Colombo, has now taken precedence over national priorities. This is Sri Lanka's real misfortune. Sri Lankan people have leaders who push their personal battles to the center of the national agenda precisely at a time when the process towards managing the country's ethnic conflict has entered a crucial turning point.

However, President Kumaratunga who has now emerged as the center of both the state and the government cannot ignore the negotiation process or the LTTE's ISGA proposals. Indeed, the moment she took over the three UNF ministries, the LTTE proposals also fell on her table and she cannot now pass the buck, because it has come to stay there as long as she remains committed to her new role in the structure of governance. This requires her to ignore the advice of some political friends whose company she has recently enjoyed. Working out an agenda for the resumption of political engagement with the LTTE is a crucial and immediate task. As she has already indicated, she will have to abide by the cease-fire agreement.

But the real challenge for President Kumaratunga will be about how she should respond to the LTTE's ISGA proposals. Some of her key advisors have already dismissed them as totally unacceptable. Such a negativist reaction can hardly pave the way for the resumption of talks with the LTTE. The problem with President Kumaratunga is that most of her constitutional and political advisors think and act on outdated categories concerning the state, sovereignty, devolution and group rights, although she herself has made a significant break from archaic constitutionalist thinking.

President Kumaratunga's other challenge concerning the LTTE proposals is not to let her party repeat her mother's mistake of 1972. When the Federal Party presented a federalist constitutional framework to the Constituent Assembly, the United Front government of the SLFP, LSSP and CP dismissed that federalist proposal, with no adequate discussion, branding it as a stepping-stone to separation. The lack of political categories of thinking to creatively respond to a federalist constitutional proposal was covered up by a fetishistic attachment to the notions of the unitary state and the unity of the people. Thirty one years later and after two decades of civil war, the LTTE which has waged war for a separate state has now come out with its proposals for political unification on its terms. One may disagree with them. It is also easy to dismiss them as a recipe for secession. But that will be only a repetition of the same old mistake that proved itself to be devastatingly costly. Alternatives offered by the Tamils have always been seen by Sinhalese leaders as extremist, non-negotiable and unacceptable. It is now up to President Kumaratunga, ideally in collaboration with Ranil Wickremesinghe, to alter that cycle of mistakes. That indeed presupposes a paradigm shift in political thinking and vision. Will our leaders stand that test? Events in the next few weeks will provide us an answer.

Many Negotiations to Shape the State

Sri Lanka's politics at present are in a state of flux. Observers and actors outside the political establishment in Colombo have noticed it quite clearly and stated this fact in uncertain terms, arousing ire from some quarters. The Norwegians while suspending their role of negotiation facilitators commented on the absence of a clear center of state power in Colombo. For that comment, they continue to draw, as the cliché goes, a lot of flack and that flack primarily comes from the Colombo and Chennai press. Mr. Prabhakaran in the Vanni has also commented on it in his November 27 speech, much to the annoyance of his detractors.

Colombo's politics is indeed in flux, because the Sri Lankan state at present is in a conjuncture of transition. Its defining feature is the uncertainty of the exact direction in which the state will move in the sense of its class dynamics, political alliances, ethnic relations and military character. The fact that there are four negotiation processes taking place in Sri Lanka at the moment is an indication that all the major political actors know that things are in fact in a flux. These are negotiations that seek to re-constitute the island's post-colonial state, its ethnic foundations, its class character and social bases of power, alliances of governance and, finally, the vision as well as the mission of the state. Actually, in this state of flux and transition, there are many political forces, including civil society groups, who endeavor to define the Sri Lankan state's paths of change. These projects of political change are quite understandably competing ones. That has made the state the primary site of contestation and struggle. Delineation of these contestatory projects of negotiation provides a useful key to the understanding of Sri Lanka's present state of political flux.

Re-Structuring the State

Sri Lanka's primary negotiation project has been taking place between the UNF government and the LTTE. In this negotiation process, the most radical state reform proposal has been developed by the LTTE, which has pursued a secessionist goal for over two decades. The UNF government has so far been somewhat hesitant to come out with a clear state reformist agenda. The UNF proposals for an interim administration are distinctly conservative documents in the sense that they seek to re-create the same old bureaucratic structure for the North and East. The UNF proposals ignore the fact that in the North and East an armed struggle for separate sovereignty has constituted an alternative process of post-colonial state formation. The LTTE proposals, in contrast, constitute a project of radical restructuring of the existing Sri Lankan state. They seek a future of shared sovereignty. They also seek a re-writing of the constitutional compact on which the Sri Lankan state rests. This explains why the LTTE's interim governance proposals have aroused fears and anxieties among those groups who possess the existing Sri Lankan state.

In its political engagement with the LTTE, the UNF has been sending out mixed signals about its vision for Sri Lanka's political

future. It appears that the hard core of the UNP, which has organic class links with the entrepreneurial class, is quite conscious of the fact that a negotiated outcome for the LTTE will have to be located outside the existing constitutional framework of the state. However, even the LTTE's proposals for an interim set up go beyond the conventional understanding of federalism with which the advanced sections of the UNF – they aren't very many of them, one must admit -- are comfortable. Then, the task for the UNF in the future negotiations presupposes the complex task of establishing a common ground between conventional federalism and radical confederationism.

Framework of Accommodation

The second negotiation initiative is between the President and the Prime Minister. It intends to establish a common framework of accommodation between the two main centers of governance, as represented by the two leaders. In a fundamental sense, these negotiations are about forging political unity between the two rival power blocs of the Sinhalese ruling class. Quite significantly, the day-to-day negotiations are conducted by two small committees headed by two aides who have professionally been private sector managers. These talks for ruling class unity are taking place at a time when the capacity of Sri Lanka's post-colonial state for reform is under severe test. The LTTE's negotiation turn has in a way put enormous pressure on the ruling classes to reform the state. During the war with the LTTE, particularly after 1987, the Sinhalese ruling class could successfully ignore and defer the state reform needs, under various pretexts. For example, the UNP could successfully undermine the PA's constitutional reform efforts of 1997-2000 with no good reason. Unlike the war, peace talks have brought the state reform agenda to the center of ruling class imperatives. It is in this backdrop that entering the next phase of talks as well as negotiating a compromise with the LTTE requires the political unity of the two power blocs. Ruling class political unity is fundamental to any breakthrough in future peace negotiations with the LTTE.

If successful, an UNF-SLFP working alliance will constitute a very significant realignment of class and political forces with far reaching consequences for the future shape of the Sri Lankan state. It will send signals to the emerging Tamil ruling class that a dialogue has at last become possible. Similarly, a unified Southern ruling class approach to talks with the LTTE will certainly provide the much-needed capacity of the state to reform itself in a federalist, if not post-federalist, direction. More important, it will also provide class backing as well as political legitimacy to reforms that are difficult, potentially divisive, and even prone to provoke violent reactions from the extreme nationalist sections of Sinhalese society as well as the state apparatus. At the same time, an UNF-SLFP political unity, even on a limited agenda and without a formal alliance, is likely to be seen by the ethnic minorities as a pan-Sinhalese alliance threatening their interests. As often happens in politics, any realignment of forces at the ruling class level will create significant winners as well as losers. A way forward is to view the initial UNF-

SLFP accommodation as a bilateral cohabitation that will eventually provide a strong basis for multi-lateral peace negotiations.

In the third process of negotiations, the radical nationalist JVP is attempting to forge a political alliance with the SLFP. This alliance is also being sought at a time when the Sri Lankan ruling elites are under enormous pressure to reform the state in a direction of ethnicity-based power sharing. The SLFP-JVP alliance move is primarily spearheaded by the JVP and it has a distinctly anti-reform character. Although some sections of the SLFP are passionately campaigning for this coalition, President Kumaratunga does not seem to be quite keen on it. Actually, the SLFP is torn between two future political paths, accommodation with the UNF or the alliance with the JVP. It is quite interesting that in a backdrop where significant sections of the SLFP have not been in favor of the proposed alliance, the JVP is exerting intense pressure on them to come on board. The JVP appears to be of the view that there are historical conditions ripe for the emergence of a political coalition parallel to the one of 1956 that brought Sinhalese intermediate classes to power on an essentially Sinhalese nationalist platform.

Different Goals

The coalition intentions of the SLFP and the JVP are animated by different objectives and goals. The prevailing electoral system in Sri Lanka forces parties to form broad alliances. The main parties out of power usually tend to seek alliances with minor parties in the opposition. The SLFP possesses a long history of alliances with Left or working class parties. Meanwhile, the SLFP and the JVP have maintained a working relationship for nearly four years. The present negotiations are meant to formalize and institutionalize that relationship in a programmatic coalition. Significantly, new negotiations for cohabitation arrangements for the President and the Prime Minister began while the SLFP-JVP coalition talks had been progressing. But in the SLFP, there are pressures on the leadership to ditch the talks with UNP and forge ahead in favor of the alliance with the JVP. Indeed, the hostilities among the UNP and SLFP groups at all levels are so strong that many sections of the SLFP, now out of power, think that the only way for them to return to power is through an electoral pact with the JVP.

Meanwhile, the JVP's strategic goals of a coalition with the SLFP are derived from the assessment that they could eventually emerge as the main Sinhalese nationalist political force, displacing the SLFP. Like the LTTE, the JVP has long-term strategic objectives concerning state power. In its assessment, it has the capacity to play the vanguard role of a broad coalition of the Sinhalese nationalist forces. The proposed alliance with the SLFP under its ideological leadership and programmatic direction would be the cornerstone of the new alignment of forces that the JVP is seeking to establish.

If forged, the SLFP-JVP coalition will be an alliance between one section of the Sinhalese bourgeoisie and the intermediate classes

of Sinhalese society. As such, it will have the potential of becoming a distinctly conservative and anti-reformist entity. Ideologically, it would be strongly Sinhalese nationalist. Its vision of political reforms would be one that privileges a centralized state while the provincial council system continues to remain an appendage of the central executive. In alliance with the JVP, the SLFP is most likely to lose electoral support among the ethnic and religious minorities. It also has the potential to re-polarize the Sri Lankan polity along ethnic identity lines, pushing the ethnic conflict into a qualitatively new phase of escalation. The modernist sections of the SLFP appear to be sensitive to this risk. But, their enmity towards both the UNF and the LTTE is so strong that they cannot rationally think of even a working accommodation with the Ranil Wickremesinghe administration. This is perhaps why President Kumaratunga and Ranil Wickremesinghe have asked two business executives to head the cohabitation negotiation committees.

Muslim Issue

The attempts by the Muslim political parties and groups to forge a common front among themselves in order to obtain separate representation at the next phase of peace talks constitute the fourth level of negotiations in Sri Lanka today. The Muslim parties are also negotiating with the UNP, directly and indirectly, to secure that status of separate representation in talks with the LTTE. The political risks that the Muslim parties have been facing since the UNF-LTTE negotiations began have been enormous. They feel that the Sinhalese and Tamil elites might enter into a peace deal at the expense of Muslim interests. Therefore, they have been pressing for separate Muslim representation at peace talks on the belief that the eventual political solution should be worked out through tripartite negotiations.

This Muslim assertion for separate representation at peace talks runs counter to the LTTE's strategic approach to negotiations which posits that the initial talks and agreement should be between the LTTE and the Southern polity. In their approach, the national Muslim political parties are a constituency of the Southern polity. Thus, the LTTE's approach is first to negotiate an agreement with the Southern polity and then to proceed towards separate negotiations between the LTTE and regional Muslim leaders. Indeed, these two approaches to peace talks are grounded on divergent perspectives on state power and power sharing. They seek particular combinations of state power that should emerge as the outcome of the conflict and peace processes. Because of the fragmentation of its political leadership, the Muslim polity is finding it extremely difficult to work out a consensus on how to successfully influence the emerging post-civil war process in Sri Lanka.

All these negotiations have one thing in common. They seek to shape the emerging architecture of the Sri Lankan state. For political analysis, what needs to be closely watched is the dynamics and shape of class and political alliances that are struggling to emerge at the moment.

A Costly Stalemate

The standoff between President Kumaratunga and Prime Minister Wickremesinghe goes on, even beyond the deadline of December 15 which they themselves had set to resolve it. Perhaps, the stalemate in the talks between the two leaders might continue through the New Year as well. Unless the two leaders decide to offer a New Year gift to the people of Sri Lanka in the form of a compromise, 2003 will be remembered as a wasted year.

The events after November 04, when the conflict between the President and the Prime Minister exploded in open, indicate that the center of gravity of Sri Lanka's crisis has now shifted from Kilinochchi to Colombo. In analytical terms, one may actually say that Sri Lanka's present political conjuncture is dominated by a dual conflict. One involves, in symbolic terms, Colombo and Kilinochchi and it is about the resumption of negotiations between the government and the LTTE. The other is located in Colombo and it is between the two competing centers of power personified by the President and the Prime Minister. The inability of the President and the Prime Minister to find a negotiated settlement to their conflict has pushed the issue of negotiated stalemate between the UNF government and the LTTE to the background. But sooner rather than later, the latter will rebound with greater force, forcing both the President and the Prime Minister to regret that they wasted yet another historical opportunity to manage Sri Lanka's primary crisis, the ethnic conflict.

The gravity of the conflict that has exploded open as a power struggle between the President and the Prime Minister is quite well understood by the people. Citizens of every walk of life have been appealing to the two leaders to settle their dispute in a compromise in order to take the peace process forward. But, driven by a distinct inability to share state power, they have pushed the entire country into another period of uncertainty and instability. They have also displayed a remarkable capacity to ignore enlightened public opinion. This is where Sri Lanka's ruling elite seems to be having a distinct commonality with the ruling elites in Pakistan and Bangladesh: the inability and refusal to read the writings on the wall.

Setbacks

The writings in fact are on the wall in big letters. Actually, the year 2003 is coming to an end with two crucial setbacks for Sri Lanka that have the potential to assume the character of being irreversible. The first is the erosion of the political momentum for the next phase of the peace process. The second is the diminishing space for rapid economic recovery. The progress of the peace process and the thrust for economic recovery are intertwined. If the President and the Prime Minister make their political calculations in terms of enlightened class interests, rather than unenlightened self-interest, they would have recognized the fact that once the momentum for advancing the peace process as well as rapid economic recovery is lost, it is not all that easy to recover that momentum. Investors and donors are unlikely to wait till these two individuals settle their differences as much as the LTTE is highly unlikely to stay in philosophical contemplation till the leaders of the Sinhalese ruling

elite sort out their hostilities. Neither will history forgive them for messing up a rare opportunity for taking the country out of a crisis for the creation of which their parents, uncles and family members have been singularly responsible.

Meanwhile, the lack of progress in the peace process is sure to cost Sri Lanka quite dearly in economic terms. Sri Lanka at the moment is about to lose one billion dollars of economic assistance pledged by the donors in Tokyo for the year 2003. The 4.5 billion dollars of donor commitment made in Tokyo in June this year is linked to the progress of the peace process. In the eyes of the donor community, progress of the peace process is linked to the resumption of negotiations between the government and the LTTE. That has not happened during this year.

Reconciliation

The trajectories of the politics of Sri Lanka in the coming months are hard to predict. What is clear at the moment is that the President and the Prime Minister will quite deliberately ensure that a framework for working together between them will not emerge. The experience of the past few weeks during which they explored the possibility of a common program through a committee is that more than anything else, the two leaders need to go through a process of reconciliation and peace-making. Their mutual mistrust is so great that each sees a hidden agenda in the other's proposals and initiatives. Meanwhile, both leaders appear to practice the worst aspects of the legacy of the J. R. Jayewardene school of politics, manipulation and deceit. Both President Kumaratunga and Prime Minister Wickremesinghe appear to think that manipulation and deceit make them smart and sophisticated politicians. In this backdrop, the challenge that the Samarawickrema-Tittawela committee confronts is to offer them a different and constructive mode and style of political behavior.

A behavior change between the two leaders cannot happen without reconciliation. Reconciliation, as Professor John Paul Lederach insists, is about building new relationships. It presupposes dialogue, facilitated by empathy and understanding. It also requires a capacity to deal with the past in a manner that will enable the parties to envision a collective future. The day when President Kumaratunga and Prime Minister Wickremesinghe develop such an empathic reconciliation will also be the day when they begin to forge a constructive common ground in politics.

Watching the political relations between these two leaders for many years, and knowing them a little bit, I feel that they cannot on their own move towards reconciliation. Neither can the Samarawickrema-Tittawela committee undertake such a gigantic task. Messrs. Samarawickrema and Tittawela are subordinates of the two leaders who are given a limited framework of reference. They are pragmatic negotiators coldly representing the interests of their leaders. Achieving reconciliation between the President and the Prime Minister requires an ethical framework of values as well as a person or persons with some moral authority whom they will listen to. Interestingly, these are also two leaders who seem to be able to

disregard and defy the appeals for reconciliation made by the country's moral communities. There indeed lies the difficulty in resolving the conflict in Colombo at present through reconciliation.

Post-federal vs. Pre-federal

But Sri Lanka's economic recovery and the peace process are unlikely to wait till some miracle happens to cajole the President and the Prime Minister for a hug of reconciliation. Already the gulf between the Sinhalese and Tamil polities in the vision for a future Sri Lankan state has become starkly clear. While the T.T.F. has presented a post-federal vision through its ISGA proposals, the Sinhalese polity remains within a pre-federal framework. The challenge for the Sinhalese political leaders is to bridge this gulf


between majoritarian pre-federalism and the minoritarian post-federalism. It is not an easy task. It requires a radical intellectual turn around as well as a new political self-understanding on the part of the Sinhalese ruling elites. Such a qualitative shift can only rest on a new political unity among the Sinhalese ruling strata.

Meanwhile, the delay in the negotiation process has the potential to make the political process in Tamil society once again autonomous of the politics of the South, as it happened during the twenty years of war. The peace process during the past two years brought the political processes in Sinhalese and Tamil societies to a point of intersection. A protracted stalemate in the negotiation process might push them along different paths. War is not the only push for separate political paths. An incomplete peace process can also be the instrument for crystallizing the separateness of the two political communities. ■

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