

SRI LANKA'S CRISIS: IDENTIFYING ITS COMPLEXITIES

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Introduction

A defining characteristic of the present stage of Sri Lanka's ethnic conflict is the extreme determination displayed by both parties in seeking a decisive breakthrough on the military front. In terms of the commitment to war and intensity of the military activity demonstrated by the state as well as by the LTTE, there is hardly another parallel anywhere in the world at the moment. Their determination is such that, unless a miracle happens, the war is likely to continue for some years to come.

Against such a backdrop, a solution guaranteeing the minimum conditions for peace and reconstruction would require the successful working out of the following two measures:

- i. Termination of the present war between the state and the LTTE through an agreement between them.
- ii. A political agreement on the nature of ethnicity-based power sharing and its satisfactory implementation.

However, given the present nature of the conflict, achieving these two goals would be exceedingly difficult. The post- April 1995 phase of the conflict has been characterized by an unrelenting propensity to escalate violence. Violence has not only bred further violence; it has also reinforced the belief, equally shared by both parties to the conflict, that a decisive outcome in the battle field, making the adversary's military capabilities ineffective, might have a direct bearing on the inner political logic of the conflict settlement process. Maintaining a parity in offensive capabilities, gaining control of new or lost territory and inflicting on the adversary maximum possible human and material losses have thus become immediate strategic objectives of both the Sri Lankan state and the LTTE. There is no evidence presently available to suggest that the two parties have reached, or are even likely to enter in the period ahead, a stage of 'hurting stalemate', however much the present stage of the war may have hurt the parties themselves as well as the civilian communities.

Understandably, the implications of such a reading of the Sri Lankan conflict are quite devastating. On the other hand, a false optimism on the capacity of the Sri Lankan state and the LTTE to arrive at a mutually acceptable compromise would also be equally calamitous. In discussions on the conflict in Sri Lanka, particularly among peace constituencies, specific peculiarities are seldom acknowledged. One would be that the conflict has moved far from the causes that originally produced it; rather, it is the consequences that carry the conflict forward. The consequences of the fourteen year war have been so overwhelming that some influential forces in both

Sinhala and Tamil polities appear to believe that the continuation of the war would be less of an evil than a settlement. The fear of a settlement — compromise seen as both evil and politically immoral — felt by direct as well as indirect parties to the conflict has thus become an active psychological factor in Sri Lanka's crisis. And this to some extent defines the atypicality as well as the intractability of the Sri Lankan crisis.

Impediments to a Settlement

A rmed conflicts are usually not settled with ease, and ethnic conflicts within a nation-state are particularly predisposed to lasting over a long period. This is because contemporary ethnic conflicts are not settled through ethnic solutions alone; rather, their solutions are inexorably linked to how the distribution of state power would be re-organized. A solution to an ethnic question like the one in Sri Lanka would invariably presuppose that the state enters a new phase in its formation and evolution. Unlike in revolutionary conflicts, any solution in Sri Lanka, if it is to be worked out rationally, has to be a compromise concerning state power, and not a winner-takes-all situation because the conflict does not seem to end in victory for one party and capitulation of the other.

Overcoming impediments to a settlement is the greatest challenge confronting advocates of a negotiated peace in Sri Lanka. Negotiating peace between the state and the Tamil nationalist rebels appears to be as difficult and unrealistic as visualizing the least feasible of the scenarios: negotiated separation. It is perhaps a peculiar case where peace may never be achieved by means of a negotiated compromise, unless the conditions for continuous reproduction of war are effectively managed. The paradox here is the absence of a force powerful enough to prevail on the two parties to change the conditions that makes the war rational, necessary and morally justified. Therefore, however bitter and unpleasant it may seem, it needs to be recognized that, at this historical moment, a thick pall of darkness has settled on the crisis. This darkness is not the making of this or that individual; it is a structural darkness, born of the historical moment. Looking at this darkness stoically, we ought to think that history does not unfold itself in the gloom alone; as Hannah Arendt would have said, it is in the darkness that a little flicker of light can survive and shine brighter.

First, then, about the momentary darkness. Concerning the nature of the political settlement, there has been no dialogue whatsoever between the two sides, although 'talks' have been held even as recently as 1994 - 1995. Governments in Colombo have from time to time developed their own political proposals and the system of Regional Councils proposed by the PA government is the latest and the most far reaching of them all. However, the political process has

so far been a one-sided affair, with no responses or proposals emanating from the LTTE, whose publicly stated position has been that an alternative to a separate state would be considered and indeed they have placed the burden of formulating such an alternative on the Colombo government.

There is no certainty that the political package prepared by the PA government would meet the LTTE's own criteria for an acceptable settlement. A probable LTTE response is likely to be based on three issues that the LTTE might find unacceptable:

i. The Package lays down a system of enhanced devolution, equally applicable to all provinces in Sri Lanka. This does not recognize the specificity of the ethnic issue and therefore does not meet the legitimate political aspirations of the Tamil people. Based on the 'Thimpu principles', the LTTE's own framework formula posits that a solution should ensure the status of Tamils as a separate nation. This notion of separate nationhood, translated into constitutional principles, would require greater political and administrative powers guaranteed to the Tamil region as compared to those granted to Sinhalese regions. The notion of asymmetrical devolution/federalism might approximate to the likely position of the LTTE.

ii. The solution proposed in the Package to the difficult issue of the unit of devolution in the North-East provinces amounts to the rejection of a position strongly held by all Tamil nationalist parties. It has been a consistent demand by militant as well as parliamentary Tamil parties that the Northern and Eastern provinces, as they are administratively constituted at present, should be merged on a permanent basis as a Tamil linguistic unit. The government proposals envisage the setting up of a political unit for the Muslim population in the Eastern province as well as the excising of the Sinhala majority Ampara district from the Eastern province. It is highly unlikely that the LTTE would abandon its long-held position on the non-negotiability of the issue of North-East merger.

iii. Being an elaborate constitutional document, with detailed enumeration of powers to be exercised by the proposed Regional Councils and of relations between the center and the regions, the Package leaves virtually no room for the LTTE to make its own inputs. The LTTE will have all the reasons to argue that the Package is a unilateral proposal worked out in every detail by the government. From the psychological perspective of a nationalist guerilla organization, the LTTE may very well be reluctant to accept a solution formulated in detail by the 'enemy.' Nationalist guerrillas usually prefer winning a settlement through direct action (negotiations, pressure, manipulation, threats etc) to merely accepting one in the designing of which they have had no say at all.

The Military Dimension

Sri Lanka's ethnic conflict has repeatedly demonstrated one peculiar characteristic throughout the past fourteen years: the sheer capacity of the war for intense re-escalation. Although it may have appeared on some occasions that the parties would reconsider the continuation of a military course of action, such 'intervals' have been followed by wars greater in scale, intensity and human cost. It is not incorrect to conclude that the military process has assumed a considerable measure of autonomy from the political process. The two sides have also demonstrated a distinct resilience even in the face of substantial military reverses in both human and material terms. At least in the military sense, the conflict does not seem to have yet reached a stage of exhaustion, although the political process appears to be running the risk of reaching such a stage.

The termination, or at least the de-escalation of such an intense military conflict, characterized by its enormous capacity to reproduce itself, is the most challenging goal of conflict settlement in Sri Lanka. Past experience has been that temporary cessations of hostilities have been effective to a limited extent, yet they have been fundamentally fragile. Once hostilities resumed, there ensues a total breakdown of communication between the two parties; this has been the regular pattern. In such instances, the parties, despite the political rhetoric of returning to talks, have consistently accorded primacy to a military course of action in shaping the political process.

Challenges for the Political Process

As noted earlier, Sri Lanka's conflict is at a stage where both parties await the outcome of the military campaign before taking tangible steps towards political negotiations. During the early stages of the conflict, the position shared by both sides was to negotiate from a position of military strength. What this effectively meant was that each party viewed any commitment to negotiations as an admission of its own military weakness. The position of military strength also meant in quite simple terms one party's ability to deliver a crushing military blow on the other so that the adversary would not have any option but to compromise at the negotiation table. But this scenario has not worked at all, because both parties suffered, yet withstood, serious military setbacks. Given the capacity of the two sides to recover quickly from setbacks on the battle front, it is difficult to envisage a situation where one party would gain a decisive military victory over the other in a manner that could propel the political process over the military option.

Assuming that ground conditions might change in favor of political negotiations, the question that needs to be immediately addressed concerns the basic framework of a settlement which could provide a positive starting point for the two sides to work jointly towards a common ground. As things stand today, this would not be an easy exercise, precisely because of the mutually exclusive political outcomes to which the two sides presently appear to be committed. For the LTTE, a negotiated settlement would be unacceptable unless it results in a confederation arrangement, encompassing the present

Northern and Eastern provinces; the devolution of power in other provinces would not be their concern. In a confederation-type settlement, the LTTE is likely to insist on a separate legislature for the North-East so that their national ideal of politically autonomous Tamil nationhood could be concretized. It is extremely difficult to envisage a situation where a Colombo government could agree to such a proposal; neither would such a settlement be acceptable to most of the Sinhalese community. A Colombo government could perhaps agree to a confederation arrangement only at the risk of greater political instability in the South, and perhaps of its own downfall.

A solution acceptable to Tamil nationalist forces may not necessarily be acceptable to Sinhala nationalist forces and the Sinhalese masses in general. This constitutes the profound dilemma which peace-seekers in Sri Lanka will have to confront. This dilemma also represents yet another dimension of the intractability of the Sri Lankan crisis. Conflict resolution and peace-making through compromise in situations of heightened ethnic conflict within a nation-state are infinitely more complex and more difficult of resolution than class-based political conflicts or inter-state conflicts. Class-based conflicts for state power, especially when they have a socialist ideological base, can have a greater potential for compromise, because power-sharing along class lines is less likely to generate passionate resistance from classes that exercise political power. Or else, for class-based political movements, it is acutely difficult, in the contemporary historical circumstances, to sustain an armed struggle without confronting the dilemma of self-destruction at the hands of the state, unless the latter is a positively rotten entity. The Sri Lankan experience of the *Janatha Vimukthi Peramauna* (JVP - People's Liberation Front) of 1971 and 1987-89 illustrates the self-destructive possibility of class-based insurgent movements while the experience of NDLF of El Salvador demonstrates the compromising potential of more socialist-oriented rebellions.

This is perhaps the opportune moment to discuss some of the complexities of compromise-making involving minority nationalist insurgencies within the nation-state, as demonstrated in the Sri Lankan case. Extreme nationalists, both minoritarian and majoritarian, are hardly prepared for compromise. The reason is obvious. The immediate political goal of extreme minoritarian nationalists is usually defined in maximalist terms — a separate state, as in the case of the LTTE in Sri Lanka — and this typically evokes extreme and passionate resistance from majoritarian nationalists. Maximalist minority nationalism provokes extreme responses from the state as well, because no ruling class can tolerate the dismemberment of the state which it governs. This makes compromise doubly difficult, because the compromise has to be made at two levels, among nationalists of the two sides and between two projects of state power.

Incomplete Shift Towards a Compromise

Developments since 1987, meanwhile, point to some movement towards compromise, although no lasting outcome has yet set in. This change has occurred at three levels. Firstly, with Tamil nationalism experiencing a significant transition from within,

a number of Tamil militant groups have begun to re-define the political goal of Tamil nationalism in federalist terms, thereby retreating from the original position of a separate state. This has left the LTTE as the sole Tamil nationalist force to advocate and struggle towards separate sovereignty. But the significance of this change need not be overstated, because of the hegemony that the LTTE commands over the politics of Sri Lankan Tamils, living in Sri Lanka as well as abroad. The second is the space opened up within the Sri Lankan state for political and constitutional reforms, moving away from the unitary state model. While India's political and diplomatic intervention in Sri Lanka 1987 compelled the Sinhalese ruling class — or least a section of it — to accommodate Tamil political demands by reforming the political structures in an idiom of devolution of power, the state has consistently demonstrated a definite capacity for further political reforms. The fact that this capacity is restrained by the political dynamics of Sinhalese society is discussed elsewhere in this paper. Third is the shift of international public opinion in favor of a negotiated compromise. The international community is extremely unlikely to support, even morally, the setting up of a new state in Sri Lanka; their continuously repeated position is that the government and the LTTE should work towards a negotiated settlement.

The thoroughly negative consequences of the LTTE's outmoded strategy of totally relying on military means in conducting politics have further reduced the space for an approach of equidistance on the part of the international community. This factor and the government's readiness to consider further reform has actually won for it the support and sympathy of international opinion. The implications can perhaps be contradictory: international coercion and isolation might compel the LTTE to seek a compromise; or else in the face of international coercion and isolation, the LTTE might totally reject any compromise.

International Mediation: Feasibility and Problems

Calling for a mediated settlement in an armed conflict, in its pure form, is a cry of desperation. But, a call for mediation can have implications other than a desire for conflict settlement. Since conflict resolution models rarely work in real life in their purest form, a conflict party might want to change the course of the conflict in its favor by calling for, for example, international mediation. Establishing of, or winning back, international legitimacy can very well be the political goal of such a call. Recovering lost ground in the battle field, through a temporary respite, can be another short term objective of a mediation move. Undermining the legitimacy of the opponent's propaganda — for example, party A might have portrayed party B as stridently opposed to a peaceful resolution of the conflict — can also be on the list of short-term political objectives of a mediation call. Incidentally, all these three 'theoretical' possibilities have been present in the Sri Lankan context.

It is therefore absolutely essential for any one committed to peace-making to make a clear distinction between (i) mediation, (ii) calls for mediation and (iii) mediated settlement. Mediation per se is not likely to result in a peace-making settlement, if parties to the

conflict do not have the will to work towards genuine conflict resolution. Mediation, if it does not lead to a settlement, is always liable to be manipulated and abused, and it may even re-escalate the dimensions of the conflict. A fundamental precaution which any one advocating mediation should learn, at least in the light of the Sri Lankan conflict, is that the parties to the conflict operate on a highly self-centric matrix of morality. They are not babies who can be persuaded by moralistic preaching of elders or lay priests; they are hard-hearted and calculating bargainers. For them, mediation is not an idealistic option; nor is it a morally binding precept. The reason is quite simple: at the heart of Sri Lanka's conflict is the question of state power. This simple fact makes mediation an infinitely complex exercise.

Mediation and the Common Ground

Mediation, as a strategy of conflict resolution, is grounded on a fundamentally important assumption: the eventual desire of conflicting parties to accommodate and accept a common ground, worked out by a third party. It is a strategic fallacy to believe that a mediator can take the conflicting parties by hand to a common ground, carved out by the mediator herself. The mediator can perhaps push the parties to a common ground, only if the parties have the desire and political commitment to seek a common ground. That pre-supposes a significant change of the dynamics of the conflict as well as a deep-seated political realization that a common ground is a political necessity. This is one meaning of Zartman's concept of 'conflict ripeness', a situation where "unilateral solutions are blocked and joint solutions become conceivable." The ripeness realization may also emanate from a realistic political assessment of global, regional, country situations that makes settlement historically feasible.

A common ground among adversaries, after a period of intense conflict based on mutually-unacceptable goals, would also mean a decisive retreat from the 'original position.' This retreat from the original position is one that can rarely be imposed from outside. If the retreat is to be meaningful, lasting and credible, it has to come along with a rational choice of compromise. A common ground among adversaries, by definition, is a rational choice of compromise. The commonness in a common ground emanates from a realization of at least the need to work with the enemy in seeking a mutually acceptable and of course new outcome, fundamentally different from the outcome associated with the original position. Seeking a common ground, as Simha Flapan once said in the context of Israeli-PLO peace prospects, is 'recognition of the enemy as a potential ally.'

Mediation is a Process

There is a belief, often expressed by believers of mediation in the Sri Lankan conflict, that third party mediation can quickly and dramatically bring the conflict to an end. One can sympathize with this belief while recognizing its thoroughly idealistic underpinnings. Mediation is not a surgical intervention, as it may be in the case of a decisive military intervention. Rather it is a stage in conflict transformation. The notion of 'conflict ripeness' to

some extent implies this essential dimension of conflict transformation. The notion of conflict ripeness presupposes that a conflict may not be resolved by the subjective wishes of its victims or on-lookers; for resolution, a conflict should have already produced the dynamics of its transformation. It is in the presence of such transformatory dynamics that mediation can find productive space.

A question that needs to be asked at this stage is: why should a mediator get herself involved in bringing to an end a seemingly hopeless conflict like the one in Sri Lanka? What are the mediator's motives in conflict resolution? Would a mediator have the resolve, determination and will to suffer setbacks, frustrations and disappointments in the face an indeterminant, arduous and difficult process of bringing the two conflicting parties together?

Many advocates of mediation in Sri Lanka's ethnic conflict appear to believe that outside, third party mediators have an altruistic motive in bringing this conflict to an end. This altruistic model in the Sri Lankan context has competing expectations, as articulated from time to time by the LTTE and the government. The LTTE's belief appears to be that the international community has a moral obligation to enable the Sri Lankan Tamil community to achieve the status of nationhood. Therefore, the commitment of an international mediator should emanate from a political commitment to the right of self-determination of an oppressed nation. The government, meanwhile, appears to believe that since it has made an honest attempt at meeting Tamil political aspirations, the international community should mediate in the conflict in order to make the LTTE accept that political offer.

These are expectations that have little actual relevance to conflict mediation in Sri Lanka. It is highly unlikely that altruistic, or even purely humanitarian, motives would compel the international community to mediate in Sri Lanka. If altruism is a compelling motive, the Bosnian conflict would not have been as painfully protracted as it was. Conflict mediation, in the final analysis, is conflict intervention. Therefore, economic or geo-political interests would provide a stronger basis for a mediator to intervene with long term commitment and with an awareness of the risks involved. Is Sri Lanka a site attractive enough for a 'peace rush' among international mediators, as presently believed in some quarters?

When mediation is talked about as a strategy of resolving internal armed conflicts, it is usually assumed that the mediator should be (i) an outsider, and (ii) an influential state. Occasionally, the notion of a grouping of states, SAARC or the Commonwealth, has also figured in the discussion. Meanwhile, quite a number of countries have also offered their services to play a mediatory role in the Sri Lankan conflict. However, the Identification and selection of the mediator can be a complex issue, given the possibility of one party to the conflict perceiving the mediator as partial to the adversary, or even liable to be influenced by the adversary. A clear case of this nature occurred in 1995 when the Sri Lankan government had made arrangements to obtain the services of a French mediator, at a time when the talks between the government and the LTTE were reaching a crisis point. Quite apart from the question of timing involved in that mediatory effort, the LTTE objected to that particular

mediator on the ground that he was partial towards the government. The point the LTTE raised would interest students of mediation: when a mediator is selected, the selection process should involve both parties to the conflict. And indeed, when the process of mediator-selection leaves room for objections, there is also the likelihood of a party to the conflict using that incomplete process as an excuse to withdraw from negotiations.

There is yet another meaning of the collectiveness of the mediation process. Chris Mitchell has recently drawn attention to the difficulties associated with the role of a single intermediary actor in complex conflict situations. Mitchell suggests that "such a complex process might be more effective if it were contributed to by a number of intermediary parties rather than carried out by a single entity." In this 'mediation-as-process' model, mediation is treated as a complex exercise to which "many entities might contribute, simultaneously or consecutively, rather than as the behavior of a single, intermediary actor."

In the Sri Lankan context, the single-mediator model may face a somewhat unique problem. If the mediator is a particular country such as USA, UK, Australia, Canada, or Norway, Sinhalese nationalist forces are likely to oppose such a selection on the ground that these countries have a hidden agenda to favor the LTTE or Tamils in the negotiation process and in the outcome. The fact that many Tamil expatriates live in these countries where the LTTE has also been quite active has made Sinhala nationalists quite suspicious of their mediation motives.

To return to Mitchell's mediation-as-process model, it recognizes different functional stages that can fruitfully be looked after by a number of mediators. Mitchell has identified thirteen roles for mediators in a complex conflict situation. They are explorer, convener, disengager, unifier, enskiller, envisioner, guarantor, facilitator, legitimizer, enhancer, monitor, enforcer, and reconciler. The functions implied in these roles need not to be compartmentalized, or performed by thirteen different mediatory actors. In practice, there can be collapsing of two or more of the functions in this inventory of roles. The important point, though, is that a consortium of mediators might provide greater opportunities for conflict de-escalation in Sri Lanka than the involvement of a single mediator.

Reflections on the Political Culture

Now it is time to turn to another theme, "the salience of political culture." No political culture would evolve, or shape itself, in isolation from society's deeply felt crisis experiences. Since the early eighties, the every day experience in Sri Lanka has centered on violence, destruction, hatred and moral commitment to enmity. An overbearing sense of uncertainty and anxiety prevails in society which translates into violence as well as fear of violence. Engulfed in so much violence, Sri Lanka is not a normal society; it is a shell-shocked society where reason and

considered judgement in ethnic politics has given way to the politics of anxieties. When extremist positions of a few receive newspaper headlines and moderation is condemned or ridiculed, there is no reason to find other yardsticks to measure the degree to which the basics of the democratic political culture are incapacitated.

I have argued in this paper that in Sri Lanka, reconstruction of the state, its structural alteration, is a paramount necessity for conflict settlement. In an ideal-typical situation, this would necessitate a futuristic political vision of an ethnically heterogeneous political association called the state, a vision that should be shared by the three main ethnic groups, Sinhalese, Tamils and Muslims. Such a shared vision still remains a distant possibility. Perhaps, the idea of sharing political power, particularly among the ethnic groups, has been the least accepted, and of course the most resisted, approach in Sri Lankan politics. The resistance to sharing of state power has been emphatically seen as a virtue among the elites and ethnopolitical cadres (Sinhalese as well as Tamil), and to a considerable extent among the masses too. The democratic political culture with which Sri Lanka has been so intimately associated, strangely enough, excludes power sharing on the principle of ethnicity. In this society, indigenization and domestication of democratic institutions and practices has occurred in such a way that they are presupposed to serve exclusive sectional interests. This is the discursive *raison d'être* of majoritarian unitarism as well as minoritarian separatism.

One key problem with contemporary Sri Lanka is the absence of strong defenses against ethnic exclusivity in politics. The post-colonial nation-state has destroyed all those defenses in its own style. Re-building these defenses invariably involves building of a new political culture that can accept and yet transcend ethnicity in politics. But, there is a massive problem: there is no political ideology historically capable of providing such a vision. At least in Sri Lanka's case, there have been only two ideological strands that were capable of providing conceptual underpinnings for a non-ethnicized political order, Marxism and liberal humanism. With the historical decline of Marxism as well liberal humanism, Sri Lanka's problem has become infinitely complex. We don't have theoretical categories to envision the future politics. And in this historical predicament, Sri Lankans can find solace in the fact that they are not alone.

The realization of this predicament will hopefully lead us to our next task; imagining new forms of political association to replace the present historical form of the nation-state. This, nothing less, is the real task of re-construction.

To conclude in one sentence, let us re-imagine the Sri Lankan state before reforming or reconstructing it. This task, one may emphasize, remains totally outside the will and capacity of the parties involved in the present conflict. ■