
MOU, SPOILERS AND THE INTERIM PROCESS

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Mr Vellupillai Piribaharan, on behalf of the Liberation Tigers of Tamil Eelam (LTTE) and Mr Ranil Wickramasinghe, the Prime Minister on behalf of the Government of Sri Lanka (GOSL) signed a Memorandum of Understanding (MOU) with the objectives of bringing an end to hostilities and finding a negotiated resolution to the armed conflict. All peace loving people will hail this achievement. The MOU has systematized the interim process that began with the announcement of a unilateral ceasefire by the LTTE in late December 2001. The Norwegian government played a mediator function in bringing the two parties to sign this agreement. It will also monitor the process to ensure that both parties adhere to the agreement. This is the third ceasefire agreement between the GOSL and the LTTE; the first one being the ceasefire in 1988-90 when the late President Premadasa took an initiative to find a solution to the conflict while the second was in 1994-5 when Ms Chandrika Kumaratunga came to power. The MOU that was signed last week is basically similar to the ceasefire agreement signed by President Kumaratunga and Mr Piribaharan in 1994. Of course, the current MOU is more detailed and covers additional areas. Besides the active opposition by the Janatha Vimukthi Peramuna (JVP), there has been no strong objection to the MOU and the process it intends to solidify. It in itself is a good sign. But this is again similar to the situation was in 1994-95. Opposition began when the ceasefire broke down in April 1995 and the Peoples' Alliance government announced its constitution proposals.

This article does not intend to examine the articles and clauses of the MOU, but tries to look at possible scenarios in the coming months. It appears that certain 'spoiler' factors have already surfaced. If not contained by democratic means, those factors may harm the interim process. Secondly, the process that has begun lacks necessary transformative elements, so that its progress to the next phase may be truncated. Thirdly, proactive parallel processes are weak. Unless those processes are sufficiently strengthened, the track one process may become isolated. Let me deal with those mechanisms briefly in turn.

At the moment, three 'spoiler' elements may be identified, the President, Janatha Vimukthi Peramuna (JVP) and Sihala Urumaya and other extremist groups. It seems that the first two groups have developed a synchronizing mechanism. The President and her palace advisers have been continuously looking for juristic excuses for action. In her 11-page letter to the Prime Minister, the President had suggested that certain clauses of the MOU appeared to 'be wholly inconsistent with the sovereignty of the people of Sri Lanka.' Why? She explains: 'This is the first time in the history of post-independence Sri Lanka that a foreign government is being

authorized to draw demarcation lines on the soil of Sri Lanka.' Besides the fact that her notion of sovereignty is archaic and antiquated, she forgets the simple fact of life that 'the demarcation line' was drawn a long time ago and she even in her hey-days of power did not have control over the area beyond Omathai. The article 2 of her agreement with Mr Vellupillai Piribaharan in 1994 refers to a drawing of a demarcation line. The irony is that the President's query about the MOU and the peace process is in a way good for the agreement between the UNF government and the LTTE as it introduces 'common enemy syndrome' into the process. The two parties have to stick together in order to face this 'common enemy' – Ms Chandrika Bandaranaike Kumaratunga, once upon a time an angle of peace. The President's action seems to be supplemented at the ground level by the JVP. I can see the remobilization of 1987- 88 forces at embryonic level against the peace process. JVP may be an effective spoiler since it has an enormous capacity of mobilization using innovative methods and there is a big constituency from which the JVP can draw and recruit its activists. JVP should have the democratic right to criticize and oppose the MOU and the peace process using non-violent democratic methods. The UNF government should not use its archaic tactics of the 1977- 94 period. Sihala Urumaya and other extreme chauvinistic forces seem to be weak at the moment. It's good to learn that some of the Sinhalese Buddhist *bikkhus* and media personals are finally neither 'Sinhalese' nor 'Buddhists' but the 'greens'. It is interesting to watch how these spoiler elements mobilize themselves and develop contacts and cooperation. It seems that they may not attack the process using its full potential force; but they would gather the momentum with the objective of attacking the process when it reaches difficult and hard decisions. I wish to borrow Ervin Staub's phrase, 'a continuum of destruction.' He says: 'small, seemingly insignificant acts can involve a person with a destructive system.' The spoilers will use small and seemingly insignificant acts and get the tacit support and sympathy of the bystanders and will take them gradually for big interventions.

The success of an interim process depends to a large extent on its transformative character. The process should have an internal transformative dynamic. As the Oslo Process has shown, Norwegians seem to prefer 'one at a time' methodology in third-party facilitation and/ or mediation. There is nothing wrong with this methodology if one is concerned about the dynamic and the orientation of the process and a transformative mechanism is internalized into the process. I found the process unleashed by the signing of MOU is weak in this respect. I do not mean ambiguities in the MOU. My concern is on how the process will move to the next phase and how new elements will be incorporated into the process when its progress is not internalized. Conflicts are

multilateral and have many dimensions. It is true that this multilaterality and complexity cannot be included in full in the negotiation process as negotiations are in many instances bilateral. The two contending parties will be concerned about their own interests; so the third party has an added responsibility to bring in complex issues that would affect non-contending parties that were badly affected by the conflict. Conflicts are structural; conflict transformation includes transformation of those conflict-generating structures.

My third point is about the possible scenario in the North and East. The MOU proposes that the GOSL should disarm Tamil paramilitary groups within D-day + 30 days. Personnel in those groups may be integrated into the Sri Lankan security forces, but they should be put in service outside the Northern and Eastern Provinces. It sounds like an attempt at partly decommissioning. However, these paramilitary forces are similar to the LTTE as they are politico-military organizations. So disarming them may have two repercussions. First, it may allow the LTTE to totally eliminate the leadership of these political groups, PLOTE, EPDP and EPRLF (VP). Second, it would create a monolithic structure that ensures the political monopoly of the LTTE in the North and East. One may think that this process would help the negotiation process as it reduces the number of stakeholders. However, monolithic structures do not assist negotiation in the long run and would create a basis for violent undemocratic politics. No assurance

is given under the proposed monitoring system that individuals or other groups except the LTTE and GOSL can bring to notice treaty violations by the two main contenders. This relates to my second point, i.e., the non-transformative nature of the MOU. The interim process should ensure reemergence and strengthening of democratic structures and civil society and protection of individual rights. Instead, the MOU seems to strengthen the monolithic politics in the North and East.

I wish to emphasize one final issue by reversing Staub's continuum of destruction. Staub's idea is valid and in fact his work includes the opposite mechanism, namely, continuum of construction. We, concerned and democratic citizens, who stand for non-violent negotiated settlement of the armed conflict, commends the ceasefire agreement and the peace (or 'no war process' as my friend Dr Nibert Ropers defines it) it unleashed. Nonetheless, it is necessary to note that peace processes are very feeble and vulnerable to many challenges. The two contenders have come to an agreement to put an end to hostilities. We just cannot be bystanders of the process, rather we have to play an active role. MOUs invariably have many lacunas. Parallel actions, continuous vigilance, introduction of positive processes would guarantee the success of the peace process. In the negotiation process, there are now three main parties, namely, the GOSL, the LTTE and the Norwegian Government. But conflict transformation calls for multilateral and plural participation. ■

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