

# MORAL BASIS FOR NEGOTIATIONS

Ram Manikkalingam<sup>1</sup>

**T**here is broader support, on a moral basis, for a just solution to the Sri Lankan conflict, than is commonly perceived. This disjuncture between perception and reality exists for two reasons. First reasonable differences over the requirements of justice are often conflated with deep ethnic cleavages leading to an underestimation of the moral support for a just solution. Second, there is no institutional mechanism through which individuals and parties can express these reasonable differences on the ethno-national conflict outside the vicissitudes of every day politics. A careful re-examination of the different political positions espoused by Sri Lankans on the ethnic conflict - whether they appear to be for federalism or against it, for merger or against it, and for peace or for war - yields a much larger number of parties in favour of a just solution than is currently assumed.

## Reasonable Differences

**R**easonable differences over the requirements of justice, no less than deep cleavages over ethno-national identity, contribute to the continuation of violent conflict in Sri Lanka. But in the context of intense armed conflict, these reasonable differences are often conflated with more fundamental ones and mask underlying moral support for a just solution. There are at least three critical sources of reasonable differences in Sri Lanka. The first is whether or not the solution to the conflict should entail granting autonomy to Tamil-majority regions along federal or quasi-federal lines. The second is whether or not the Northern and Eastern provinces should be merged into a single unit. The third is whether a political settlement should follow a ceasefire or follow military action against either one of the two belligerents - the Tigers or the United National Party government. In a context of armed violence where one more group denies the rights of members of other ethnic communities to exist, these reasonable differences can contribute to the *continuation* of conflict.

Identifying sources of reasonable differences helps the pursuit of a just solution in two ways. It helps locate moral support where none was previously thought to exist. And it enables this support to be mobilised by indicating how negotiations can be structured to minimise the potential for reasonable differences to contribute to conflict. This section outlines how these reasonable differences contribute to conflict in Sri Lanka.

Federalism or quasi-federalism? Many groups and individuals support a political settlement based on the devolution of power to pre-dominantly Tamil regions, but disagree over whether devolution should be along federal or quasi-federal lines. This support can be discerned from the important shift in the political positions of many of the Sinhala-based and

Tamil-based parties over the past decade.<sup>2</sup> In 1983 all the Tamil-based parties demanded secession and all the Sinhala-based parties rejected any devolution of power, while today many of the Tamil-based parties call for a federal devolution of power and the Sinhala-based ones agree to a quasi-federal one.<sup>3</sup> This is a crucial convergence in the political positions of key actors in Sri Lankan politics. Nevertheless, this underlying agreement about the contours of a just solution is masked because disagreement over the most effective form of devolution persists.

This disagreement involves Tamil parties supporting a federal solution and Sinhala parties a quasi-federal one on the assumption that a federal solution will be of greater benefit to minorities. But this assumption is mistaken. For example, it is possible that a quasi-federal solution with greater autonomy for cultural issues, such as language rights, and guaranteed minority membership in parliament or a specially constituted upper house, may actually give minorities considerable influence. This influence is likely to outweigh what is gained by minorities in a constitutional arrangement based solely on federalism, where minority power at the center is diminished. Ultimately, the ability of minorities to influence the political process in Sri Lanka and preserve autonomous political/cultural spaces depends on the actual powers, laws and institutions of a new constitutional arrangement which is called "federal" or "quasi-federal."

I do not wish to add to the endless debate about whether a federal or quasi-federal solution is preferable for minorities in Sri Lanka or for Sri Lankan democracy. Instead, I want to emphasise that both arrangements - a federal as well as a quasi-federal one - are compatible with a secular democratic Sri Lanka where all citizens are treated as equals, and all ethnic communities are granted equal respect. Thus it is possible to agree on the moral basis of a just solution, while disagreeing about whether such a solution should be federal or quasi-federal. This reasonable difference has often been a source of contention, precisely because it underlies a basic agreement about the outlines of a just solution.

## Merger or De-merger?

**T**he second source of reasonable difference is the divergent positions taken by the Tamil-based and the Sinhala-based political parties with regard to the merger of the Northern and Eastern provinces. It is reasonable for the Tamil-based parties to demand that the Northern and Eastern provinces be merged as one contiguous unit, and it is also reasonable for the Sinhala-based parties to oppose such a merger.

The position of the Tamil-based parties is reasonable because a merged Northern and Eastern province with special protection for the Sinhala and Muslim populations of this province is compatible with a just solution. This protection can be ensured through different measures, such as establishing "Sinhala" and "Muslim" regional councils within a merged North-East province or allocating a minimum number of seats for minorities in the provincial assembly or empowering the central government to intervene when basic rights are violated by provincial governments. A solution based on the merger of the Northern and Eastern provinces can take into consideration the legitimate aspirations of all three communities living in those two provinces.

Opposition to merger is also reasonable because regional autonomy exercised in two separate provincial councils can satisfy the aspirations of Tamils, as well as that of the Muslims and the Sinhalese in the Eastern province. This is possible even without redemarcation of provinces or districts along ethnic lines. The concerns of Tamils in the Eastern province with regard to a Sinhala-dominated centre include personal security, cultural autonomy (especially language rights), state-sponsored colonisation and greater decentralisation. All these concerns are equally shared by Muslims of the East viz a viz the centre. And since Tamils and Muslims together constitute about 70% of the population of the Eastern province it is unlikely that Tamil and Muslim concerns in these areas will be over-ridden. Additionally since no one ethnic community alone forms a majority in the Eastern province, it is unlikely that a permanent majority that excludes other communities on an ethnic basis will ever be formed in the provincial assembly.

The debate over whether or not the Northern and Eastern Provinces should be merged into a single unit of devolution is intractable because both arrangements are compatible with a just solution.<sup>4</sup>

## War or Peace?

**T**he third reasonable difference stems from uncertainty over who is responsible for the violation of ceasefires and the continuation of the armed conflict. This uncertainty can arise among those who agree on the moral basis of a just solution because of the paucity of information about the decision-making procedures of the main belligerents-the Tigers and the UNP government-or the ground circumstances in which confrontation occurs. The difference that emerges from this uncertainty can lead those who differ to advocate violence against the Tigers or the UNP government on grounds that are compatible with a just solution.

This political position- shared by those who support a just resolution by military means-has been overlooked by most political observers of the Sri Lankan conflict. Generally, those who are for war-whether it is military action against the Tigers or against the Sri Lankan government-are thought to be hostile to a just resolution of the conflict. This is understandable, given that peace and justice usually go hand in hand, and it is difficult to view them as acting at cross-purposes.

Nevertheless, it is possible to see how support for the very claims of justice (equality of individuals and equal respect for ethnic communities) - may lead many Sri Lankans to advocate military action against one or the other parties to the conflict.

For example, there are many reasonable people (Muslims, Sinhalese and Tamils) who support a military campaign against the Tigers because they believe that the Tigers are not interested in a political solution to the conflict. These reasonable people argue that flagrant violations of past ceasefires by the Tigers, their expulsions and massacres of thousands of Muslims, and their imprisonment of thousands of dissidents make continued belief in Tiger willingness to negotiate ludicrous. These opponents of the Tigers conclude that a viable negotiation process can only take place after the military defeat of the Tigers. The individuals and parties who subscribe to this position often espouse devolution to the North and the East, even with federalism. But they are adamant in their opposition to a cease-fire with the Tigers. This position in support of a military defeat of the Tigers must be distinguished from the Sinhala chauvinist position.

Similarly, there are many reasonable Sri Lankans (Muslims, Tamils and Sinhalese) who believe that the government has dilly-dallied on negotiating a solution to the ethnic conflict. They contend that successive Sri Lankan governments have succumbed to Sinhala chauvinist opposition and failed to implement every pact granting regional autonomy to the Tamils.<sup>5</sup> These critics believe that Sri Lankan governments are either controlled by, or reluctant to stand up to, influential sections of Sinhala chauvinism. They argue that if the Tigers are defeated militarily, the government will never grant an adequate package of devolution to the Tamils.

The individuals and organisations who espouse this position do not support an outright Tiger victory, nor do they not want the Tigers to be completely defeated by the government forces. Advocates of this position are not naive. They do not think the Tigers represent the genuine interests of the Tamils. On the contrary, this position that sees the Tigers as "a last defence" is articulated by individuals who are aware of the brutality and excesses of the Tigers. This support for the Tigers must be distinguished from the Tamil chauvinist view that sees the Tigers as exemplary freedom fighters or the view that sees them as a natural response to Sinhala nationalism. Both of these positions are unreasonable and unacceptable as plausible bases of support for the Tigers. Nevertheless, given the failure of the Sri Lankan government to propose and implement an adequate package of devolution, the "last defence argument" in support of the Tigers is not unreasonable.<sup>6</sup>

These two political positions on the ethnic conflict: qualified support for military action against the Tigers (anti-Tiger), or qualified support for military action against the government (anti-government), are clearly distinguishable from the Tamil or Sinhala chauvinist proponents of war.<sup>7</sup> Their motivations for supporting military action, unlike those of the Sinhala and Tamil chauvinists are not incompatible with the moral basis for negotiations outlined above-individual equality and equal respect for ethnic communities. However, the subtlety of these two positions has been subsumed by a debate limited to two

alternatives-war or peace. Generally, those who are for war are seen as chauvinists and those who are for peace as moderates. But these categories are too simplistic and fail to capture a large segment of individuals and groups who may be amenable to a just solution to the ethno-national conflict.

The problem of disentangling these positions from the chauvinist ones is further compounded by the fact that in the heat of the war, the anti-Tiger and the anti-government positions have been politically confused with either the Sinhala or the Tamil chauvinist ones. Only a very small minority holding the anti-Tiger and the anti-government positions have tried to maintain their distinctiveness. This is of course partly due to fear, but it is also due to the absence of a political or institutional vehicle that can give voice to the subtlety of this political position without distortion.

Tamils in the North and the East who do not endorse the Tamil chauvinist position are afraid to say so, even if they support the war solely on the basis of the anti-government position outlined above. In the South, supporters of the war against the Tigers who do not endorse the Sinhala chauvinist position have not distinguished their support for the war from that of the chauvinist one. The irony of this situation is that anti-Tiger and anti-government positions outlined above are on politically opposite sides—despite the fact that they are ideologically closer to each other than to either the Sinhala or Tamil chauvinist ones; because they both support a settlement based on the equal respect for all ethnic communities. Unlike reasonable differences over federalism and the merger, this source of reasonable difference directly contributes to the continuation of violence. It leads those who disagree to advocate armed action against either the Tigers or the government.

While these three reasonable differences contribute to the continuation of conflict in Sri Lanka, such conflict does not imply opposition to a just solution which treats all individuals as equals and grants equal respect to all ethnic communities. Thus the framework of negotiations should be structured so as to give a stronger institutional voice to these nuanced political positions. This is essential in order to strengthen the political forces that support a just settlement to the ethnic conflict. What kind of strategy for negotiations will allow Sri Lankans, whether they appear to be anti-Tiger or anti-government, to simultaneously disagree about immediate politics, while agreeing on the moral basis of a just solution?

## A Strategy for Negotiations

**C**alls for a just solution to the civil war in Sri Lanka have invariably been accompanied by demands for a cessation of hostilities. Most Sri Lankans who have been for “a political solution” to the ethnic conflict have automatically assumed that such a solution will be prefigured by a ceasefire. This two-stage strategy—first a ceasefire and then negotiations—is both a humanely understandable and politically reasonable strategy for negotiations. A cease-fire is thought to be essential to lessen the cruelty inflicted daily on citizens of the North and the East by the war and to create a

climate of trust between the two warring parties that will facilitate negotiations.

However, the practical difficulties of achieving a ceasefire, the repeated breakdown of ceasefires, and the failure of past ceasefires to facilitate a viable negotiations process has led some observers to call for negotiations even without a ceasefire (one-stage strategy). Such a call for negotiations without a ceasefire is usually viewed as an undersirable, but necessary, concession either to the military power of a stronger side that is unwilling to negotiate or to the complications inherent in enforcing a ceasefire, (in other words, as a compromise of justice with power). This is because the political and humane reasons that impel the call for a cease-fire seem to have a priori desirability.<sup>8</sup>

## Desirability of Ceasefire

**T**his section of the paper questions the presumption of the political and humane desirability of a ceasefire prior to negotiations—the two-stage strategy of negotiations in the context of Sri Lanka. It argues that the two-stage strategy of negotiations is not only politically less feasible, but is also less desirable.

**Political Desirability and Feasibility.** The strongest argument for a two-stage strategy of negotiations is the humanitarian one, because there is little doubt that *ceteris paribus* the cessation of hostilities is better than their continuation. But ceasefires are not isolated military decisions to cease fighting that take place outside a political context. Instead, in most conflicts, ceasefires are manifestly political decisions made in the context of political jockeying for power.

When negotiations and ceasefires are linked, it is common to find the relative military strengths of the two conflicting parties on the ground affecting their decision whether or not to support a ceasefire. Thus, the party that is militarily gaining ground is unlikely to favour a ceasefire and *vice versa*. Under these circumstances, for a ceasefire to lead to viable negotiations, the two parties must in a strategic as well as a tactical stalemate. They must feel that neither side is likely to win the war in the long term, and that neither side can gain tactical advantage in the short-term so as to strengthen their respective bargaining position during negotiations.

This is a very unstable basis for negotiations, because if either party perceives the possibility of gaining a subsequent political advantage at the negotiating table by resorting to military action, it might do so. And since a ceasefire is considered a precondition for negotiations in the two-stage strategy, any military action by either party will result in a breakdown of negotiations. If the fact that ceasefires and negotiations are politically linked is ignored, it allows the negotiations process to be held hostage to military vicissitudes on the ground. Undisciplined soldiers, warmongering politicians, or military leaders who perceive the real or imagined possibility of a victory will be able to singlehandedly

provoke a military conflict and thus have a disproportionate ability to destabilise the negotiating process.

In addition, there are many issues that need to be worked out prior to a ceasefire and they are exclusively the subject of political negotiations. Although such issues as the extent of territory that the two parties recognise as being held by the other, the curtailment and training of new military personnel, the freedom to patrol particular areas and the exchange of prisoners are thought of as purely military ones, they have political ramifications. The interim arrangements worked out at the initial stages of negotiations, prior to a ceasefire, may have long-term political effects by structuring the manner in which subsequent negotiations take place. More importantly, making the ceasefire a precondition for negotiations automatically strengthens the influence of armed groups that can negotiate an end to the fighting. Thus, if the influence of military organisations on politics is to be inhibited, non-military organisations and political parties must have a say in the details of a ceasefire. But this transforms the negotiations over the cease-fire into political negotiations. If a ceasefire is a precondition for negotiating, then negotiating is a precondition for a ceasefire. No matter how we try, we cannot sever the close link between political negotiations and military actions.

Paradoxically, trying to buffer the negotiations process from the military conflict by making a ceasefire a precondition for talks actually has the opposite effect and creates the conditions where a small number of individuals have the potential power to undermine negotiations or to have a disproportionate influence over the outcome of the negotiations process itself. Thus from the point of view of stability as well as justice, making a ceasefire a precondition for negotiations—the two-stage strategy for negotiations—is not always politically desirable.

## Ceasefire-Sri Lankan Experience

This is apparent in the case of Sri Lanka. First, both parties—the government and the Tigers—have used the call for a cease-fire as a tactic to regroup and reorganise militarily, rather than as a basis to negotiate a political settlement. Talk about negotiations and ceasefires have generally preceded the holding of the Sri Lanka Aid Group meetings in Paris over the past few years. The government has responded to the criticisms of foreign aid donors at this crucial meeting by showing that it is attempting to initiate a dialogue with the Tigers. These negotiations have been sporadic and have lacked a real moral basis since both parties have been implicitly aware that the other was interested less in a viable solution than in a temporary respite from the travails of war. Probably the best example of this is the alliance between the Tigers and the government against the IPKF (Indian Peace-Keeping Force) from April 1989 to June 1990. This temporary truce was used by the Sri Lankan government to shore up its position in the South and by the Tigers to strengthen itself in the North. Since this truce did not have a moral basis such as the recognition of the equality

of all individual citizens and the equality of all ethnic communities, but rather was based on the temporary convergence of politico-military interests of the two warring parties, it was unstable and eventually broke down. In this instance, the two-stage strategy of a cease-fire followed by negotiations contributed neither to a viable peace, nor to a viable political solution.

The above analysis suggests that both the Sri Lankan government and the LTTE have in the past used cease-fires to their advantage to prosecute the war militarily. However, the assumption of strict symmetry between the parties with regard to their views about a political settlement is not a requirement for supporting a one-stage, instead of a two-stage, negotiating strategy. It is possible to believe that the government is amenable to a political settlement while the Tigers are against one, or that the government is against a settlement while the Tigers are for one, or that both parties are equally wary of a political settlement and still support a one-stage strategy of negotiations. The one-stage negotiations strategy allows parties, organisations and individuals to negotiate while disagreeing about the immediate causes of the conflict, such as who broke which cease-fire where and when, without disagreeing about the moral basis of negotiations. This strategy for negotiations will allow the two forces—the anti-Tiger and the anti-government to simultaneously disagree about immediate politics, while agreeing on the moral basis of a just solution. And it is this moral basis that will provide stability to any process of negotiations.

Nevertheless, the stability of the political settlement—the outcome of the process of negotiations—requires the resolution of the above disagreement between the anti-Tiger and anti-government positions about which party is more amenable to a political solution. The one-stage strategy provides a mechanism for resolving these immediate political disagreements through the negotiations process itself. Recall the disagreement that is being resolved is not between the Tamil chauvinist position and the Sinhala chauvinist one, but between the anti-government and anti-Tiger views that share the moral position that any solution should be based on “individual equality and equal respect for all ethnic communities”. It is possible that after a morally reasonable and politically viable solution is worked out, the government or the Tigers will renege on it. If the government reneges on such a political settlement and the Tigers support its implementation, then those individuals, organisations and political parties that hold the anti-Tiger position will have to re-evaluate their political opposition to the Tigers. This is because the basis on which they opposed the Tigers was not out of support for the government, per se, but out of a belief that the Tigers were not interested in the implementation of a politically just solution. Similarly, if the Tigers renege on a morally reasonable solution, then those individuals, political organisations and parties that hold the anti-government position will have to re-evaluate their opposition to the government.

The one-stage negotiations strategy permits the expression of disagreement about immediate political issues, while inhibiting its potentially disruptive effect on the functioning of a

morally desirable framework of negotiations. Ultimately, the one-stage negotiations strategy allows political forces that favour a morally just solution to the ethno-national conflict to politically unite against whichever party that will reject such an outcome.

**Humanitarian Desirability.** While the two-stage strategy for negotiations is undesirable on political grounds, it may still be desirable on humanitarian grounds. And the strength of the humanitarian argument for a two - stage strategy, vitiates the political one against it. No one disagrees that no war is better than war, if all other factors remain the same. Obviously people prefer peace and the right to go about their daily life without hindrance over the pain and suffering that inevitably accompany war. This is true even when the respites from war are only temporary, since a temporary respite from the war is better than no respite. But the issue gets complicated if the temporary respites contribute to prolonging the war because the parties use cease-fires to consolidate themselves, militarily, and intensify the armed conflict, rather than to initiate a viable process of negotiations. Respites from war that lead to its intensification may not be desirable on humanitarian grounds if the subsequent conflict results in even greater pain, suffering and loss of life. This is also true in situations where respites from war have given warring parties the breathing space to attack minorities or suppress dissidents within their own communities. In Sri Lanka, all of the above factors mitigate the argument in favour of a cease-fire on humanitarian grounds. This is especially true of the North and the East which have been the arena of the war.

In the North and the East successive ceasefires and negotiations, beginning with that enforced by the IPKF and ending with the one between the government and the LTTE, have not eased living conditions. Ceasefires have invariably been followed by conflicts that have been bloodier. The extent of pessimism among citizens of the North and the East makes it unlikely that they will cover their bunkers and welcome peace, if it arrives in the form of a sudden cease-fire. Rather, previous experience of failed cease-fires will probably make

them prepare for another bout of war. Thus, it is not unreasonable to suppose that the embattled people of the North and the East of Sri Lanka, whether Muslim, Tamil, or Sinhala, would prefer a viable political solution that permanently resolves the conflict to a short respite from the war that leads to yet another bloodier round.

Still, the humanitarian impulse that drives the call for a ceasefire is critical to the viability of a negotiated settlement. It can be channeled locally, through community, church and women's organisations, nationally, through political parties and NGOs and internationally, through organisations like the UN and SAARC, to exert pressure on the two parties to "humanise" the conflict. This should not be a pre-condition for negotiations, but must take place parallel to the actual process of negotiations. Humanising the conflict entails taking specific steps to de-escalate the war. These could include minimising civilian casualties, exchanging prisoners, relocating refugees, providing medical assistance and food to conflict-ridden areas and creating "peace zones," where the parties agree to mutually desist from carrying out military operations. The Tigers and the armed force in Sri Lanka have already worked out and honoured similar agreements, albeit on a smaller scale, under the auspices of the ICRC. Such agreements need to be expanded to include larger extents of territory and involve greater participation of community organisations. This can be done by agreeing, either to the broadening of the ICRC role, or to the monitoring of these agreements to humanise the conflict by other neutral observers. Here the UN, SAARC, or the Commonwealth may be able to play important roles. While the humanitarian argument for a ceasefire is strong, the one-stage strategy for negotiations enables this desire for humanising the conflict to be pursued by a parallel process of conflict de-escalation between the two armed parties to the conflict, without allowing this process to directly hinder or be used as a bargaining chip in a negotiated political settlement. Ultimately, the one-stage strategy may lead to a more feasible and viable peace because the political dialogue can create the trust that will either strengthen a prevailing ceasefire, or leads to one.

## Notes

1. The author would like to thank Josh Cohen, Janice Fine, L. Mahoney and Shan Manikkalingam for their comments on earlier draft drafts of this paper.

2. For an instructive discussion of this shift and the differences between the Sinhala-based and Tamil-based parties on the desirable form of devolution during the parliamentary select committee proceeding on the ethnic conflict see Radhika Coomarasamy's "The Select Committee Process....," *The Sunday Times*, 5 Oct 93.

3. Even the Tigers who claim to be holding out for a separate Tamil state occasionally express a willingness to negotiate a federal solution to the conflict.

4. One critique of federalism that is within the rubric of reasonable difference is H.L. de Silva's *An Appraisal of the Federal*

*-Alternative for Sri Lanka*, (Dehiwela, 1991). De Silva raises three kinds of objections-political, legal and moral-to federalism in Sri Lanka. The political objection is that federalism in Sri Lanka may undermine the unity of the state by aggravating separatist tendencies. The legal objection is that instituting federalism will require a referendum in Sri Lanka. And the moral objection is that federalism should not be a concession to an armed group that has flouted accords. While most discussions of de Silva's essay have focused on the political and legal objections raised by him against federalism, his strongest objection-the moral one-has not been addressed (for example see Amita Shastri, "From Devolution to Federalism", *Tamil Times*, 15 January 1992).

De Silva's argument against the coercive use of military power to obtain political concessions is compatible with the moral basis of a just solution. But his conclusion that such a moral

position militates against federalism in Sri Lanka is mistaken. It is possible to support federalism, while morally decrying the use of coercion to influence political agendas, irrespective of whether federalism is one such agenda. In short, there are many people who support federalism on a moral basis and not as a concession to an armed organisation. Though de Silva's strongest objection to federalism is the moral one, the very moral value that de Silva upholds in this objection can also lead to support for federalism.

5. These pacts include the Banadarnaike-Chelvanayakam Pact of 1957, the Chelvanayakam-Senanayake Pact of 1965 and Indo-Lanka Peace Accord of 1987.

6. "Not unreasonable" is simple an acknowledgement that many reasonable Sri Lankas hold the position that the Tigers are the "last defence" of the Tamil people. For a discussion of the three different arguments in support of the Tamil Tigers, see "A Critique of Tigers Claims", *Tamil Times*, Oct 1992 by Ram Manikkalingam.

7. The terms 'anti-government' and 'anti-Tiger' are used to describe these positions for want of better terms. To avoid confusion, these terms need clarification for the purpose of this essay. The term anti-government instead of pro-Tiger is used so as not to confuse opposition to the government with chauvinist Tamil support for the Tigers. This position is not based on what the Tigers are doing, but rather on what the government is failing to do. Similarly, the term anti-Tiger instead of pro-government is used to distinguish opposition to the Tigers from chauvinist Sinhala support for the government. This position is based on opposition to the cruelty of the Tigers rather than positive support for the government program. It is also important to point out that there are Sinhalese who hold the anti-government position and Tamils who hold the anti-Tiger position.

8. The following quote from Alvaro de Soto, the UN Secretary General's representative to the Salvadoran peace talks, illustrates the problems of a two-stage negotiations process. "It proved the virtually impossible to reach an agreement on

the terms for a ceasefire within the two-stage negotiating framework that had been adumbrated in the Geneva agreements and confirmed in the Caracas agreement. This was the case because some of the core issues of the negotiations, at least from the point of view of the FMLN (*Frente Marti para la Liberacion Nacional*)- the future of the government's army and the future of their own army- were put off until the second stage of negotiations. Because they were not in a position to know what their future was going to be as an armed apparatus, they needed to take all the necessary precautions at ceasefire time in order to guard against the possibility that the negotiations during the second stage and following the cease-fire might fail.

So the FMLN wanted terms of a cease-fire that would assure their military capability during the cease-fire. Those terms included freedom of movement, freedom to carry out military maneuvers, freedom to recruit and train combatants, and to continue to supply themselves both in terms of logistics and military supplies- and all this for an indefinite period of time, however long negotiations lasted and in large swathes of Salvadoran territory. These terms proved quite unacceptable to the government even though they flowed naturally from the logic of a two-stage negotiations in which the end result was by no means guaranteed or assured.

So the two sides agreed to reconsider the structure of the agenda and to think about compressing it into a single stage. That effort has taken up the time of the negotiations, of myself, and of Secretary-General Perez de Cuellar over the past three months or so. The problem became how to put together a package of guarantees for the re-integration of society of the FMLN: how both sides could go to the mountain-top as it were, and look at the valley on the other side and decide whether the outline that may emerge from the negotiations would satisfy the basic concerns and allow the FMLN to take the leap into society". Alvaro de Soto, "The Negotiations following the New York Agreement", in Joseph Tulchin and Gary Blau, (eds) *Is there a Transition to Democracy in El Salvador?* Lynne Rienner, London, pp. 145-146.

Ram Manikkalingam is a doctoral candidate in Political Science at the M.I.T. Boston.