

# Conceptualizing a Road Map for Peace in Sri Lanka

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## 1. Tasks and Challenges of Conflict Transformation in Sri Lanka

The first round of talks between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) between 16 and 18 September 2002 in Thailand was concluded with an explicit message from both sides that they are determined to go on using a step-by-step approach to finding a negotiated settlement to the ethnic conflict in Sri Lanka. As the next step the parties agreed on establishing two interim mechanisms (i.e. a Joint Committee and the Joint Task Force) to work jointly on issues of security, resettlement, humanitarian assistance and reconstruction. Furthermore, they approved the dates for the next three rounds of talks in Thailand. A statement issued by the Royal Norwegian Government, in its capacity as the facilitator, at the conclusion of the first round of talks on September 18 indicated that the GoSL and the LTTE had expressed their "willingness to work together towards the establishment of a provisional administrative structure for the north and east."

With these decisions it was made clear that the peace process as envisioned by the negotiating parties will comprise more than just two steps, an interim period characterized by the establishment of an interim administration for the north and east and a final settlement. It also entails an "interim-interim" period during which the solving of practical problems will first be approached in the framework of joint working groups before any joint or separate "interim" administrative structures are put in place.

From a Conflict Resolution perspective the dispute among the advocates of a single-stage and a two-stage approach always had a highly abstract and ideological character. The reality of finding sustainable solutions for ethno-political conflicts around the world is characterized by many more stages. The latest effort in Sri Lanka had already seen two distinctly different pre-negotiation phases before the Thailand talks: The de facto truce initiated through unilateral, but parallel initiatives in December 2001 and its formalization with the Ceasefire Agreement (CFA) from February 2002 which led to an unprecedented silencing of weapons for now over 9 months after two decades of war.

Sattahip 1 has currently created at least two interim processes related to a pre-settlement phase. The first is the “interim-interim” focusing on residual matters arising out of the Ceasefire Agreement (CFA) and steps leading to the restoration of normalcy and reconstruction activities in the north and east. The second is the consolidation of the “interim-interim” and the establishment of an Interim Administration for the north and east or what the Norwegian facilitators have referred to as the “provisional administrative structure for the north and east”.

Any signing of a final political settlement in the future will then most likely be followed by several transitional stages of implementation and probably some “sunset” and “sunrise” clauses (regulations which lapse after a period of time, e.g. hybrid forms of interim arrangements and features of a new constitution or will come into effect only after creating sufficient pre-conditions for their application, e.g. referenda or elections).

As regards the final political settlement, the Chief Negotiators of both the GoSL and the LTTE reiterated their commitment to seeking a solution within a united Sri Lanka, based on co-existence and the right to self-determination. There was of course the inevitable difference in emphasis with the former focusing on “the amplest degree of devolution” and the latter on “regional autonomy and self-government”. As to when and how these issues would be addressed and reconciled is complex and, at this particular juncture, out of the agenda of the peace talks between the GoSL and the LTTE.

The process becomes even more complex if one takes into account that the interactions and negotiations between the GoSL and the LTTE (with or without Norwegian facilitation) represent only one, even if strategically the most important track of conflict transformation. What about the involvement of the other stakeholders into the process including the engagement of potential spoilers of any settlement? Furthermore, while one has to look at the macro-political issues at stake and how to accommodate the grievances, which led to the conflict in the first place, other post conflict experiences tell us that addressing the consequences of the war might even be as important for a sustainable peace as addressing the causes of the war. Like in other civil wars, which went on for a long time, features of protracted conflict are deeply embedded in the Sri Lankan polity, economy, society and culture. Not only is there a majority among all stakeholders longing for peace and a peace dividend after so many years of losing out, being victimized and marginalized; but, there are also those who profited from the war and many who will have to struggle with reintegration into civilian life. The areas in the north and east mostly affected from the war have to be rehabilitated; IDPs, refugees, unsupported families, deserters and many other vulnerable groups are in need of support; the wounds of the past have to be healed; a vision has to be created to reconcile the peoples and to strengthen inter-ethnic links and loyalties.

The following points give an overview of the tasks and challenges that face a “protracted conflict transformation” process to address the “protracted conflict” in Sri Lanka:

- The first most obvious point is the challenge of creating and sustaining a **bipartisan support** for the peace process in the South.
- The second challenge is to find a constructive way of integrating the third internal party, the **Muslim community** into the structure and process of conflict transformation.

Beyond these most obvious points there are a couple of other tasks which are at least in the medium to long term perspective as important:

- The NE conflict has deeply divided the country – economically, socially, politically and psychologically . Without addressing and overcoming this **division** it will not be possible to achieve a just peace.
- The NE conflict and the **internal divisions within the South** are closely connected. Parallel endeavors are needed for conflict transformation in the NE and conflict prevention in the South.
- Two decades of war have created **vested socio-economic interests** in not losing the access to power, resources and revenues, which were created because of this war. How can these interests and interest groups be transformed?
- The violent past has traumatized large parts of the population, alienated ethnic and other groups from each other and created a **“culture of violence, impunity and mistrust”** and fears with respect to respect to the intentions of the other side. A comprehensive endeavor is necessary to address the wounds of the past (collectively and individually), to work on transitional justice, on a **“culture of peace”** and on reconciliation.
- The majoritarian political system in the South has generated a political culture of exclusiveness and confrontation which goes beyond the split between the UNF government and the PA opposition. This requires a much more **inclusive and problem solving oriented political culture** as was used so far.
- The long history of the conflict and the high level of escalation have led to a polarization between the leaderships and made it difficult to bring the **LTTE into the mainstream of democratic political decision making** (as well as some of the Sinhala Nationalist forces).

- So far the demands of the two sides were looked upon within the framework of positional bargaining (Unitary state vs Thimpu principles). This approach made it nearly impossible to reach an agreement. With the signals from Sattahip 1 the chances for working on a **new paradigm** which puts the opposing positions into a framework **of shared interests and needs** are much higher.
- The polarization between the two main actors resulted in other stakeholders being sidelined. This has to be addressed as well to work on a sound basis for a solution which is accepted by all stakeholders (**new national accord**).

In view of the above, it is clear that the peace process in Sri Lanka has not only to be envisioned as a **multi-step process** comprising many steps from facilitating and sustaining a ceasefire to a macro-political settlement and its implementation. It also has to be designed as a **multi-track process** encompassing several levels of interaction between representatives of all stakeholders concerned and addressing with a **multi-issue** approach all relevant structural challenges to transform the conflict related features of the polity, economy, society and culture.

## **2. The Road Map Program: Rationale and Scope**

The International Community and the academic world have only recently started to systematize their knowledge about how to design, organize and sustain such multi-step and multi-track processes in conflict transformation and transition from war to peace.. One way of contributing to this emerging field of knowledge is to make use of the metaphor of a “**Road Map**” and to outline in detail routes and tracks of the terrain ahead and to explore what options are available and how to assess these options.

This then is what the Centre for Policy Alternatives and the Berghof Foundation for Conflict Studies Sri Lanka Office seek to achieve with their “**Road Map Program on Negotiating a Political Settlement and Promoting Conflict Transformation in Sri Lanka**”. The aim of the Road Map Program is to support all stakeholders in Sri Lanka in their pursuit to find a just and equitable negotiated settlement to the ethno-political conflict and to demarcate in detail the steps, which are needed for sustainable conflict transformation on all relevant tracks. It is not meant to propagate one particular path of development but to enhance the knowledge about the variety of options available, generate and encourage creative solutions and raise the awareness about the implications of the different options. The target groups are decision-makers, policy-advisors and practitioners from all parties involved as well as the expert public at large.

A substantial part of the former and current debates in Sri Lanka on the peace issue can be categorized according to five sets of questions which have to be addressed in the Road Map Program:

***Firstly: How should the conflict and conflict transformation be framed?***

Two aspects are constituent for each conflict: Who are the parties and what are the issues at stake? While this question seems easy at first glance, it becomes the more difficult to answer, the more asymmetric the conflict is and the higher the level of escalation. Parties question each others legitimacy as well as their opponents interpretation of the issues at stake. This can be called the “framing” of the conflict. One of the insights from other conflict zones is that for conflict transformation to succeed it is necessary that there is a convergence among all stakeholders about the framing of the conflict.

Former peace initiatives in Sri Lanka failed not least because there was no consensus on who should participate with which status in the negotiations and how to interpret the conflict (e.g. fight against insurgency versus struggle for liberation, separation or unity etc). Accordingly the parties formulated pre-conditions to emphasize the exclusive validity of their framing.

The current peace process was made possible because of two reasons affecting the framing of the conflict: Firstly, the GoSL “leveled the playing field” (Haysom) through deproscribing the LTTE following the experience that without reducing the status asymmetry between the parties to the conflict constructive talks are highly unlikely. Secondly both sides left out a principled discussion of how to frame the new situation following a plain approach in the beginning (sustained non-war and normalization first) and emphasizing a pragmatic common frame after Sattahip 1 (joint problem solving). An open question is still, how other parties, particularly the President and the PA and the Muslim community will participate in the peace process.

There is no doubt that if the interim process gains momentum, the relationship will be reframed. An open question, however, is in how far this will be done explicitly and in how far this will be sufficient to sustain or better expand the public support and legitimacy for the peace process. Another open question is, in how far other stakeholders are included in this process of reframing the conflict. Any final and sustainable solution will in the end need a new frame, i.e. a newly (re-) constructed state and society being accepted by all stakeholders, not only by the GoSL and the LTTE. Which leads to the next set of questions:

***Secondly: What are the structures, which have to be adapted or created to move towards a settlement of the conflict?***

The majority of ethno-political conflicts are rooted in structural injustices and imbalances, particularly with respect to political, socioeconomic and cultural participation. Sustainable conflict settlement therefore needs a structural adjustment, if not a complete re-structuring of the polity, the economy as well as of educational and cultural institutions. In the case of protracted conflicts transformation will most likely also include the creation of interim structures to address the consequences of violence and destruction and to (re-) gain confidence in cooperation with the other side.

For Sri Lanka this includes questions like: How can the existing structures of the Sri Lanka Monitoring Mission (SLMM) be improved to enhance their legitimacy without endangering their consensus-building potential? How to involve other stakeholders into the negotiations without endangering the principles of accountability and effectivity? What type of interim arrangement is in accordance with the interest of all parties and fulfills the requirements of good governance? What kind of constitutional setup and reform is needed to accommodate the aspirations of all people living in Sri Lanka? How can the existing infrastructures of administration, humanitarian assistance, rehabilitation and development in the north and east be combined? Or have they to be re-constructed? What are the mechanisms and institutions needed to solve problems and settle disputes on the meso and micro level?

These questions relate to various levels and stages of conflict transformation and it is obvious that the re-structuring of a post-war Sri Lankan polity and society needs an adequate sequencing of steps, leading to the next set of questions:

***Thirdly: What are the processes needed to initiate and guide the reform, adaptation and establishment of the structures mentioned?***

In which order should confidence building measures, talks addressing practical problems and substantive issues, the signing of agreements, gestures of (re-) conciliation etc be organized? What is the right balance between confidentiality and transparency? Who has to deliver what first? Should there be a series of agreements, which can be implemented independent from each other or should there be an overall framework, which can be negotiated separately but will be agreed on only if all parts are acceptable to all parties? In how far have negotiations to be facilitated by third parties, i.e. the Norwegian government on the track-1 level, and in how far should the parties deal directly with each other? Which additional tracks should be created to involve other parties not participating in the Thailand talks? What kind of additional monitoring mechanisms should be established to support the process? How to create incentives and guarantees for the implementation and sustainability of

agreements? How can foreign actors, multilateral agencies and the diasporas contribute to the process?

If one accepts the premise that the peace process in Sri Lanka has to be envisioned as a multi-step and multi-track endeavor, then the task of sequencing the process is closely connected with the issues at stake:

***Fourthly: Which issues have to be included into the negotiations and into the overall process of conflict transformation?***

The majority of governance issues to be dealt with at one stage or the other in the negotiations are quite obvious. The challenge in this respect is mainly at what time it is appropriate to address the contentious issues. There is a common understanding that issues of humanitarian assistance, settlement, rehabilitation, reconstruction and development are key for nurturing the process. Less consensus is on other issues down the road, particularly with respect to security and how to deal with the past. What are the next steps for de-militarizing the conflict and promoting a reform of the security sector at large? How should the individual and collective traumas of the violent past be addressed? How can the principles of peace, justice, truth and forgiveness be accommodated?

Our understanding is that the Sri Lankan conflict needs a **multi-issue** approach because its protracted character as well as the consequences of the war have left marks in all sectors of the Society. The final challenge therefore is:

***Fifthly: How to link structure and process, i.e. how to elaborate a Road Map for a multi-step, multi-track and multi-issue approach towards sustainable peace in Sri Lanka?***

One of the basic insights from the past peace endeavors in Sri Lanka is that there has been an ongoing disjuncture between addressing structural issues and elaborating an adequate process of conflict transformation (see Annexure). The interaction between the two is still an ongoing issue in the peace debate. In how far can a final settlement be based on piecemeal engineering of structural issues and in how far are common principles and visions needed to guide the process towards a coherent structure? In which areas is it necessary to achieve progress before other more difficult topics can be addressed? How much ambiguity is tolerable in an agreement of whatever kind to make a step forward and when does the ambiguity become counterproductive because its different interpretation can lead to a re-escalation of the conflict? How can the concerns of stakeholders not included in the track-1 process be raised in other tracks and how can useful links be established between these tracks?

The majority of the Road Map papers will focus either on certain issues, structural aspects or process dimensions. Therefore they cannot reflect all five sets of questions. Nevertheless it would be helpful, if they inform the contextualization of each paper. The overarching questions of how to link structure and process and how to connect the sequencing of different issues will be addressed in cross-cutting and overarching papers.

The way how all questions will be tackled with in the Road Map program should reflect the experiences from the past as well as the changed environment from today. Insights from other conflict zones should be made use of whenever appropriate.

### **3. Sectors/Dimensions of the Roadmap Programme: Issue & Challenges**

Before one embarks on identifying some of the sectors and dimensions (i.e the route and contours) of the Roadmap program, it is important to take cognizance of some fundamentals, without which peace has no meaning. Or as the Norwegian Deputy Foreign Minister declared in his speech inaugurating the Thai Peace Talks by citing Mahatma Gandhi,, "Peace is not only the goal; it is also the path."

The path to peace, therefore, cannot ignore the following:

- That Peace is indivisible : The conflict is not just a North-East War that could be solved through military means, but a National Question that affects all peoples, irrespective of ethnicity, gender, religion, class, caste or creed, requiring a comprehensive, intelligent, transformative and a multi-track approach;
- That Human Rights is a birth right that is non-negotiable: Human Rights, whether individual or collective, cannot be bartered away in negotiations. It is inalienable, fundamental and universal; and, therefore, intrinsic to any peace process from the outset; and
- That women are the most vulnerable sections of the populace during times of armed conflict as heads of households with the future generation to nurture and protect: The participation of women in the peace process is, therefore, imperative and indispensable.

The above "Cross-Cutting Issues" would be dealt with in the Roadmap program as a continuum as well as the over-arching framework.

Now, let us proceed to identifying some of the key sectors/dimensions of the Roadmap program:

### 3.1. Security dimension

The Ceasefire Agreement (CFA) between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) from February 2002 has provided a unique window of opportunity for moving towards a just and sustainable peace in Sri Lanka. This development was made possible because no side could win the armed struggle and because the costs and implications of sustaining the war became unbearable. Nevertheless it needed a new government in Colombo to initiate the change.

The CFA was meant to start a process, which in the end should lead to a negotiated solution to the ethnic conflict in Sri Lanka. It went beyond the freezing of the military constellation as of December 2001 through the separation of forces and the freedom of movement for unarmed (former) combatants. It was furthermore explicitly targeted at "restoring normalcy" through various confidence-building measures like the vacation of public buildings and places of worship, the easing of security controls and the rehabilitation of the transport infrastructure in the war affected areas.

Sustaining the CFA for now over 7 months and implementing the majority of its provisions is seen by both signatories as well as by many commentators as an encouraging success. But the implementation phase was also shaped by shortcomings, difficulties and criticism. The main obstacle were and still are the reservations expressed by key sections of the opposition parties in the South concerning the overall balance of the CFA and its implications for the political legitimization of the LTTE and the unity of the country. Civil society actors criticized the lack of public participation and the marginalizing of Human Rights concerns. Violent clashes in the East demonstrated a lack of early warning and crisis management capacities and the need for enhancing human security below the level of GOSL – LTTE interaction. Particularly In the North frustration was expressed because of the reluctance of the Armed Forces to review their overall presence (in the High Security Zones) and to move towards further demilitarization of the conflict.

With respect to the Security Dimension the short term tasks are to implement fully the provisions of the CFA and to sustain its pacifying impact. To enhance its credibility and transformative character it is necessary to create opportunities for public participation with respect to monitoring and dealing with complaints. Furthermore it will be necessary to focus on two issues:

(1) the future of the High Security Zones, particularly in the North, with respect to resettlement and (2) the volatile security situation in the relations between the communities in the most affected areas, particularly in the East. While the former topic will soon be addressed in the Joint Committee initiated in Sattahip 1, the latter topic has yet not found a systematic response.

For studying both issues, the still dominant understanding of “security” as the “security of the state” respectively the security of the opposing forces has to be broadened in favor of a more comprehensive security concept including “human security”, i.e. the security of all the individuals affected. The questions to be raised in this respect are: How can graduated concepts for the transformation of the high security zones be developed? How can mechanisms of early warning and early response be established to prevent the escalation of inter-communal and other disputes? How can the law enforcement agencies be strengthened to act in a timely and de-escalatory way? What kind of action program can be envisioned on the micro, meso and macro level to enhance human security on a structural level?

*(See Road Map draft of Kumar Rupesinghe: How to enhance human security in the Eastern province of Sri Lanka for all citizens during the period of transition, 16.10.02)*

In the medium to long term a series of additional measures are needed to move towards a step-by-step demilitarization of the conflict. They should be put into the framework of a comprehensive Security Sector Reform. With the establishment of the Defence Review Committee a first step was done in this direction. But it will not be sufficient to explore and discuss these issues only among the Armed Forces and other security agencies. It is necessary to broaden the debate, to involve people from the civil society, academia and other professions. In this respect the following issues deserve particular attention:

- How to re-organize the military posture and geography in the north and east to contribute to a graduated de-escalation and de-militarization without endangering state and human security?
- How to establish effective and accountable joint police structures in regions of shared governance?
- How to design, organize and implement the demobilization and re-integration of former combatants?
- How to rehabilitate and re-integrate groups with special needs (women combatants, child soldiers etc)?
- How to design and implement the de-commissioning of weapons? How to monitor the implementation of agreements?

### 3.2. Interim Administration

*(See CPA Discussion Paper on Interim Politico-Administrative and Constitutional Arrangements in Sri Lanka's Peace Process: Some Issues and Scenarios by Ketheshwaran Loganathan and Asanga Welikala)*

The intention to establish an Interim Administration in and for the North and East raises many questions of procedural and substantive character. A most critical question on an interim administration at this stage of the peace process is as to the constitutional implications in respect of its legal validity and political legitimacy. The concerns are different this time round, in that two of the last three attempts at establishing an interim administration have been as part of a wider constitutional reform attempt, and in any event, without any participatory input from the LTTE.

Thus, the following questions are re-incarnated with fresh significance: Would an interim administration in whatever form be unconstitutional? On the other hand, is it at all necessary to consider the constitutional validity of an interim, as opposed to transitional institution, since constitutional reform and eventual structure of the administration in the North and the East would be the subject of substantive negotiations between the parties? What would be the constitutional authority of the government to enter into such an agreement with the LTTE? The answer must take into consideration the fact of co-habitation, and the questions which have been raised against the validity of the Ceasefire Agreement, because the same basis of authority would underlie any subsequent agreement between the same parties.

The point is to establish institutional arrangements for efficient and effective public service delivery for an interim period, during which the principal stakeholders will be negotiating the substantive questions of a settlement that would in turn find constitutional expression.

*(See Draft Papers submitted by Jayadeva Uyangoda and Paikiasothy Saravanamuttu at Workshop of 10.9.2002 on alternative approaches)*

Another problem is as to what should constitute the interim period. The desired period should be one which would give the LTTE-controlled interim administration sufficient time to realize for the people the dividends of peace, but it also should not be so protracted as to give rise to a situation where the substantive issues remain unaddressed. There is a risk of the interim measures becoming comfortable working arrangements, which give no incentive for the parties to begin the harder task of negotiating a settlement. This is difficult to justify, least of all due to the fact that such an administration would have no electoral mandate from the people of the North-East. A non-elected permanent administration would rob the process of legitimacy and could thereby jeopardise a final settlement.

Another issue that needs to be addressed relating to the proposed Interim Administration or the Provisional Administrative Structure for North and East is how to create a shared system for revenue collection as well as a common, joint or a shared legal system.

One of the most contentious issue facing the setting-up of an interim administration is the insecurity faced by the Muslim populace who had faced expulsion and extortion at the hands of the LTTE for more than a decade. At the time of writing this paper, the LTTE has made a self-criticism of sorts when Anton Balasingham stated at a public meeting in Pudhukudiruppu in the Vanni that the LTTE's decision to expel the Muslims from Jaffna in 1990 was a "political blunder". This has now been followed by a meeting between the leadership of the LTTE and the SLMC.

Another vexed issue would be the role of non-LTTE organisations in the interim administration. This problem may be largely resolved by the LTTE allowing the Tamil National Alliance (TNA) a prominent role in the interim administration. However, the present LTTE-TNA relationship is one based on subordination and it is an open question how it will develop in the next future. The *modus operandi* of the LTTE in the North-East further indicates that it seeks to impose a certain level of hegemony *vis-à-vis* polity and civil society. Another open question is therefore how this relationship can be developed further to enhance good governance, democracy and pluralism.

Topics which need further elaboration are the following:

- What can be learnt from experiences with interim administrations around the world (particularly Kosovo, BiH, Slovenia and East Timor)?
- What can be learnt from other interim legal arrangements around the world?
- How to secure Human Rights and minority protection in the framework of an interim administration?
- How to create a shared system for revenue collection in the NE, which supports an accountable, efficient and effective administration?
- How to create a common, joint or shared legal system in the NE?

### **3.3. Constitutional Reform**

Future constitutional arrangement is obviously the key component for finding a sustainable political solution. Many lessons can be learned from the former endeavors in Sri Lanka spanning the 13<sup>th</sup> Amendment to the Constitution, the

proposals placed before the All Party Conference of 1989-90 to the Mangala Moonesinghe Parliamentary Select Committee of 1992, the Constitutional Reform proposals of the PA Government from August 1995 to the PA-UNP dialogue of 2000 etc.

Many lessons could also be derived from a variety of genuine federal and confederal arrangements. Both the procedural and the substantive aspects have to be taken into account. Particularly useful is a comparative evaluation of various concepts of power sharing and regional autonomy within the broader context of internal self-determination.

The main emphasis for purposes of the Roadmap program would of course be the trajectories from Interim to a final political solution based on comprehensive constitutional reforms and the re-structuring of the State.

Key topics which have to be addressed are:

- Which components of federal and other power sharing constitutions from around the world are useful to be screened with respect to their applicability in Sri Lanka?
- What can be learnt from processes of federal constitution making in other countries?
- How can the international discussion on the constitutional issues mentioned in the Thimpu principles (Self-determination, homeland etc) be made use of to inspire the constitutional discussion in Sri Lanka?
- How to move from the Interim Administration to a final settlement in Sri Lanka?

### **3.4 Inclusivity, Sustainability and Effectivity of the Peace Process**

One of the deficits of all former initiatives was the lack of a coherent approach with respect to inclusivity, sustainability and effectivity of the peace process. This covers many aspects: the key issue of bipartisanship in the South, the role of the Muslim community, questions of the capacities of the parties for crisis management and effective negotiations, the design of complementary efforts on the track-1, track-2 and track-3 level and the generation of visions for (re-) constructing multi-ethnic identities, models of co-existence etc. The main point being that the establishment of an efficient track-1 process is (obviously) the most necessary condition for the peace

process, but it is not a sufficient one to sustain the process and to deal with the protracted aspects and the consequences of the conflict.

Many of the discussions on the lack of bipartisanship with respect to the peace issue in Sri Lanka have a distinctly moralistic and appeal character. It might be more useful, to analyze dispassionately how incentives and entry points for a functional alliance between the two main parties might be created in this respect and how the main opposition party could elaborate their own channels of communication with the other side.

The “Muslim factor” is primarily discussed with respect to their more or less independent and equal participation in the Thailand talks. This is obviously a key question, but equally important might be to address the grievances and fears which are behind the growing tensions between the Tamil and Muslim communities. So far, little was done to create space for both communities to share their painful memories, their present expectations and to explore common ground.

Yet another aspect relating to inclusivity is the claim of the LTTE that it is the “authentic “ representative of the Tamil people. The Tamil National Alliance (TNA) comprising the TULF and the ACTC (traditional parliamentary parties) and the TELO and EPRLF (former militant organizations) which performed well at the last General Elections did contest on the platform that the LTTE is the sole representative of the Tamil people in negotiations. However, the EPDP, PLOTE and EPRLF (Varatharajaperumal Wing) dispute this claim as being archaic and undemocratic. In addition, there are discernible sections in Tamil polity and society which project a vision and mission different from that of the LTTE. The key question, therefore, is the process through which pluralism could be introduced into the Tamil discourse and how that would shape future negotiations and conflict transformation.

While official negotiations (track-1) concentrate on settling macro-political issues in a compulsory way, actors on the level of “unofficial diplomacy” (track-2) aim to establish network of personal relationships between the parties, to improve mutual understanding and reconciliation, to analyze jointly the disputes on all levels as common problems and to explore how to generate solutions for the most difficult issues. This latter approach has been used successfully in several other ethnopolitical disputes, but not very much in Sri Lanka. The more important it seems now to outline in detail, how series of track-2 approaches can be initiated and sustained to complement and inspire the Thailand talks.

Beyond the systematic organization of dialogue processes and track-2 workshops of political practitioners, - advisors, other experts and influentials, other types of peace work concentrate on the local and grassroots level. This track-3 work consists of many different types of activities from individual initiatives to local peace

commissions, multi- and inter-ethnic community work, religious movements propagating tolerance and “unity in diversity”, psycho-social counseling etc.

Sri Lanka has seen many impressive examples of peace oriented track-3 work, but they have not accumulated to a broadly based peace movement. The vertical links between the grassroots level and the nationally organized peace lobby, mainly NGOs, have always been astonishingly weak. What are the reasons? How can this be overcome? Are there possibilities for creating a sustainable national alliance among the various civil society actors for peace?

The following topics deserve particular attention:

- How can the joint capacities for short term crisis management and de-escalation be enhanced?
- How can the existing and emerging infrastructure of the GoSL and the LTTE for planning, decision making, monitoring, implementation etc be enhanced?
- What are creative models for enhancing the participation of the President, the Peoples Alliance, the Muslim community and other parties in the peace process?
- How can the public participation in and support for the peace process be enhanced? Where exactly are the most important entry points?
- What role should the civil society play in relation to the Thailand talks? Should they establish mechanisms to accompany the talks with own proposals and help to interpret and disseminate the interim result of the talks?
- How can the track-1 talks in Thailand be complemented with a broad based infrastructure of track-2 initiatives to involve as many sections of the society into dialogues and joint endeavors of problem solving with representatives of the other communities (religious organizations, academia, professional associations, corporate sector, trade unions, educational and cultural institutions, civil society and community based organizations, local leaders etc.).
- How can the media coverage of the peace process be enhanced in a constructive way to address fears, concerns and uncertainties and to multiply good practices of relationship building, inter-ethnic understanding and problem-solving?

- How to enhance values and structures of co-existence, tolerance and dispute resolution? How to mobilize the potential of the arts and culture for peace promotion?

### **3.5 Trauma Work, Dealing with the Past & Reconciliation**

The topics of trauma work, dealing with the past and reconciliation deserve particular attention. Worldwide there is a growing consensus that peace processes have to find ways of acknowledging, accounting and mourning the painful past before any fundamentals for reconciliation can be laid. The ways in which this can be done are manifold. One of common lessons though seems to be that a public discourse is needed to enhance the likelihood that whatever is established can really contribute to a collective process of integrating what happened in the past to build the future.

One of the first tasks is the improvement of the outreach and availability of trauma counseling and psycho-social services. This in itself is already a huge task. The existing institutions in this field and their staff have developed a number of proposals how this should be done. They include questions of expanding the existing institutional infrastructure, establishing new institutions, attracting more qualified staff, improving their training and further education and organizing adequate supervision for them (to prevent "secondary traumatization").

Yet trauma work has to go beyond traditional therapeutic approaches. Two decades of war have made the integration of the painful task a collective and national task. Like all other post-violence countries Sri Lanka is now faced with the challenge of accommodating the principles of safeguarding the peace, offering opportunities of telling others what has happened, establishing some kind of restorative justice and finding ways of forgiving.

The way how this will be done is dependent from many factors. It will be necessary to identify culturally adequate methods and approaches, which can help the victims of war and violence without excluding and alienating the perpetrators. Some post war countries have established Truth Commissions and "Remembering the Past" programs to confront and record the past, others have chosen legal mechanisms to set examples against a culture of impunity or worked out plans to combine these methods.

The Sri Lankan polity and society will have to work out their own approach. Whatever the outcome is, to create a basis for a genuine process of reconciliation it will be necessary that the decisions on these approaches are rooted in a broadly based public discourse. The following topics deserve particular attention in this respect:

- How to improve the trauma and psycho-social counseling work with respect to the war and its implications?
- How to identify a balanced approach towards dealing with the past with respect to political, legal, ethical and cultural considerations?
- How to develop a National Plan for Reconciliation?
- How to integrate issues of the painful past into educational curricula and the training of teachers?

### **3.6 Rehabilitation, Reconstruction, Resettlement & Development**

Starting a promising process of reconciliation will depend largely from the amount to which genuine Reconstruction, Resettlement, Rehabilitation & Socioeconomic Development will change the mindsets of all stakeholders as well as of the affected population that a new era has begun. This will also include questions of HOW these efforts can be organized in such a way that not new cleavages are created.

Another issue is the relationship between the task of rehabilitation, reconstruction, resettlement and development and the Poverty Reduction Strategy formulated by the GoSL. This becomes crucial to neutralize any tendency towards conflict creation based on the perception of “relative deprivation” arising out of the heavily donor-driven and highly publicized nature of the above-mentioned tasks in the North-East. Further, a review of the PRS may be required to look into the criticism that the PRS is heavily urban-biased based on the neo-liberal outlook that rural-urban migration is the inevitable result of economic transformation.

The decision at Satahip 1 to establish a Joint Task Force comprising the GoSL and the LTTE in a “partnership” further raises issues relating to how this would co-relate, complement/supplement or substitute the 3`R’ Framework which comes directly under the chairmanship of the Secretary to the Prime Minister.

Overall the following questions have to be raised with respect to this dimension:

- How can the necessary new structures and processes for RRR be organized in a way that all stakeholders can collaborate in an effective, efficient and joint problemsolving promoting way?
- How to organize respectively support the resettlement in the NE in a conflict sensitive way?

- How to establish a just, conflict mitigating and preventing system of dealing with land and water conflicts in NE?
- How to organize the transformation of the Sri Lankan economy towards a peace economy?
- What options are available and feasible for the socioeconomic prosperity of a devolved NE unit in Sri Lanka?
- How to elaborate a comprehensive budget for reconstruction and rehabilitation in the NE and how to calculate the opportunity costs and the peace dividend?

### **3.7 The Role of the International Community**

One of the striking differences between the current peace and former peace initiatives is the prominent role given to the international dimension. The current process profited undoubtedly from the changed international framework after the 11<sup>th</sup> September 2001. It was most likely also inspired by the swelling expectation of the donor community that a protracted “war for peace” strategy was counterproductive for the development policy of the country. A decisive difference was after all the involvement of the Royal Norwegian Government to function as the facilitator/mediator between the GoSL and the LTTE.

In the strategic calculation of the GoSL the use of the international dimension played an important role right from the start. This was particularly visible in the endeavors, to mobilize political gestures and economic support from the USA, India, Japan, the EU and the global financial institutions. But it has also started to influence the role of the diaspora and helped the LTTE to legitimize and normalize their interaction with the international community.

Key questions in this area are:

- How can the strategic interests of India (and from within India) and the United States be accommodated with an inclusive solution of the Sri Lankan conflict?
- How can the international donor community enhance their contribution for conflict transformation?
- Which role can the transnational civil society play in this process?
- How to involve the diaspora constructively into the peace process?

## Annexure

### **On Some Lessons from Past Peace Processes: Disjuncture between Structure and Process**

Sri Lanka has embarked on a path of peace-making after 20 years of ethnic conflict and secessionist struggle and failed attempts at a negotiated settlement. It is imperative that a synthesis be drawn between the lessons of the past and the challenges for the future. The catalyst, of course, is the present -namely, the Norwegian-facilitated peace initiative and the mutual commitment by the Government and the LTTE to give peace yet another chance.

**As Ho-Won Jeong has argued, "Understanding a large map of conflict formation and conflict transformation is crucial for finding resolution strategies" ( See Conflict Resolution: Dynamics, Process and Structure, p3). The charting of a roadmap for the future cannot therefore ignore the route traversed hitherto. Hence, this focus on past peace processes.**

In this regard, this section will focus on the disjuncture between structure and process in past negotiations as well as the inadequacies in both, as the primary cause for the failure of past peace processes, and which continue to weigh heavily on the on-going peace process.

By structure, we refer to "core issues" that have a bearing on the causes that led to the conflict and proposals aimed at addressing them (i.e constitutional reforms, restructuring of the State etc). By process, we mean the terrain spanning issues such as ceasefire, legitimization, public acceptability, monitoring, third party involvement etc.

We give below an overview of the past attempts at negotiations following the militarization of the ethnic conflict in the wake of the anti-Tamil pogrom of July 1983 with special emphasis on the disjuncture between structure and process. The objective is to highlight some of the reasons for their failures, so that they may not be repeated in the on-going direct talks between the LTTE and the Government to take place in Thailand.

However, it is also important to bear in mind that the specific politico-military and geo-political context in which the talks took place differ from case to case. Their impact on the outcome of the talks cannot be underestimated.

## **1. The Thimpu Peace Talks of 1985**

### **A. The Context**

Following the collapse of the All Party Conference of 1984 in Colombo, that included the TULF, India which had assumed the role of a mediator as well as a sanctuary for the Tamil refugees and a rear base for the Tamil militant organizations, decided that the time was appropriate to commence the process of negotiations to include the Tamil militant organizations. While pressure was exerted by India on the Tamil militant organizations to engage in direct talks with the Sri Lankan Government, an assurance was, however, given that India would not be party to any process that would undermine the self-respect of the Tamil people and the militant organizations. In addition, the Tamil militant organizations which had formed themselves into an umbrella organization, the Eelam National Liberation Front (ENLF) comprising the LTTE, EPRLF, EROS and TELO formulated the broad strategy for the peace talks, while the TULF was compelled to take a back seat. This provided the Tamil militant organizations the "legitimacy" that they needed which, in a way, compensated for the deep apprehensions harboured by them that they were being forced into a situation of having to compromise. Likewise, Colombo harboured expectations that a wedge could be driven between the Tamil organizations and New Delhi by forcing the Tamil militant groups into taking an intransigent position.

This was the context in which the Thimpu Peace Talks of July and August of 1985 took place between the Sri Lankan government and the Tamil politico-military organizations, mediated by the Government of India and held at a third venue in Thimpu, the capital city of the Kingdom of Bhutan.

### **B. Structure and Process**

The Government delegation came forward with a proposal for devolution of powers which was perceived by the Tamil delegation to be grossly inadequate as well as being redundant since the TULF had already rejected those proposals at the All Party Conference which took place in Colombo in 1984. The Government's proposals while going beyond the District Development Councils system prevailing then, was nowhere close to the devolution of powers available in the Indian constitution. The proposals hardly moved beyond decentralization and delegation of powers. Further, it failed to recognize the conflict in Sri Lanka as an Ethnic or a National Question.

*In response, a framework of principles were forwarded by the Tamil delegation, which later came to be known as the Thimpu Principles, that sought recognition of the Tamil people as a distinct nationality, with an identifiable and a contiguous historical homeland, based on which they asserted the inalienable right to self-*

*determination of the Tamil nation. The Thimpu Principles were clearly substantive in that it would have required a radical restructuring of the State; however, no attempt was made by the Tamil delegation to give those principles a concrete structure. They argued that the burden lay with the Sri Lankan State to come forward with concrete proposals that reflected the Thimpu principles. Further, the decision to forward the Thimpu Principles was not only an assertion of Tamil nationalism, but a strategic move to avoid placing concrete proposals that was seen as a pre-mature abandonment of the goal for which arms had been raised – namely, a separate state of Tamil Eelam. The Thimpu principles, therefore, could not have been anything other than an articulation of an Ideal, bereft of constitutionalism and legalism.*

*The gap between the government's set of proposals and the Thimpu principles was not just a difference of opinion or perception, but one operating at two totally different ideological and conceptual planes. In short, there simply was no meeting ground between the two sides– and, it could not have been otherwise. Such was the intractable nature of the ethnic conflict and the National Question in Sri Lanka.*

### **C. Some Lessons**

- While the substantive issues at the talks ranged between the banal and the lofty, the process itself was driven by external pressure and tactical positioning, rather than on the recognition of mutual interests, however contradictory they may have been. The Thimpu talks were destined to collapse since neither party to the conflict were prepared to abandon their respective rigid positions. Neither was the ground situation conducive for any serious negotiations.
- While there was an elaborate framework for cessation of hostilities and ceasefire, the mechanism for monitoring the ceasefire was absent. What was in place was the exchange of allegations and counter-allegations which was more aimed at convincing the mediator, the Government of India, that the "other" was the perpetrator.
- There was hardly any confidence building measures to speak of aimed at building mutual trust and confidence between the protagonists.
- The third party involvement (i.e India) was itself problematic since India was perceived by Colombo as a party to the conflict in view of the moral and material support given by it to the Tamil militant organizations. The Tamil organizations, on the other hand, held apprehensions that India was

beginning to tilt towards Colombo with the demise of Prime Minister Mrs Indira Gandhi and the assuming of the mantle by her son Rajiv Gandhi.

## **2. "Proximity" Talks Leading to the Indo-Lanka Accord of 1987:**

### **A. Context**

Following the collapse of the Thimpu Peace Talks, a *Draft Framework of Terms and Understanding* was worked out by India and initialled by both Delhi and Colombo as the basis for future negotiations. This followed a meeting between H.W.Jayawardene, the head of the Sri Lankan Government delegation at the Thimpu Talks and the brother and personal emissary of President J.R.Jayawardene, and the Indian Prime Minister, Rajiv Gandhi. A Press Release issued by India's Ministry of External Affairs on 31<sup>st</sup> August declared that a "comprehensive paper has been drawn up covering all issues of importance and relevance. This detailed draft could serve as the basis for negotiations towards a mutually agreed Accord by the parties concerned". This was a clear signal from Delhi that it would persist with its role in shaping the contours of a political solution, whether the parties to the conflict liked it or not.

Further as a reminder to the Tamil militant organizations of its displeasure over their decision to walk out of Thimpu, India took the decision to deport Anton Balasingham of the LTTE, N.Satyendra, a member of the Tamil delegation at the Thimpu Talks and C.Chandrasahana, the son of S.J.V.Chelvanayagam.

### **B. Structure and Process**

The most notable feature of the Draft Framework of Terms and Understanding was that, for the first time, Colombo agreed to the Province as constituting the unit of devolution. Following the Draft Accord the "proximity talks" commenced. In view of the TULF's credentials and legitimacy as a seasoned parliamentary party and the presence of some of its key members in Colombo, it was the TULF which was given "pride of place" in these talks. But these were not direct talks. In other words, the two sides to the conflict were in contact with India as the mediator, but did not engage in direct face to face talks. However, the Government of India did also make it a point to keep the Tamil militant organizations briefed of key developments.

The recognition of the pre-eminence of the LTTE first came to be manifest in the 'Bangalore Talks' of November 1986, when the Chief Minister of Tamil Nadu and the chief patron of the LTTE, M.G.Ramachandran, prevailed on the LTTE leader, Velupillai Prabhakaran to accompany him to Bangalore, the venue of the SAARC Summit Meeting in November 1986. The entire objective was to arrange a face to face talks between Prabhakaran and the Indian Prime Minister Rajiv Gandhi in the

presence of M.G.Ramachandran, where it was felt that the LTTE leader would find it difficult to reject the proposals to be placed before him. It was indeed a naïve plan and completely ignored both the psychological profile of the LTTE leader as well as the inadequacy of a scheme of devolution that was beginning to emerge out of the "proximity talks". In the end Prabhakaran returned to Madras and soon after left for Jaffna, thereby, immunizing himself from any further pressures from India.

Colombo equally misread the situation by seeking to take advantage of the contradictions between India and the LTTE and launched a military offensive aimed at capturing Jaffna.

This was despite the formulation of what came to be termed as the "December 19 Proposals" which were shaped by two Indian cabinet ministers, P.Chidhambaram and Natwar Singh following consultations with the TULF leadership and President J.R.Jayawardene and his officials.

The tide changed and India softened its stance towards the Tamil militant organizations and stepped up its material support. In addition, a direct intervention was made by India directly violating Sri Lanka's air space in a humanitarian "food drop" which was more than symbolic. The Sri Lankan Government relented and the Indo-Lanka Accord was signed between the two Governments. However, the Tamil organizations as representatives of the Tamil people were not signatories which was a major lacuna in the entire process.

The Indo-Lanka Accord basically sought to ensure the following:

- (i) The preservation of the unity, sovereignty and integrity of Sri Lanka (clause 1.1.);
- (ii) The nurturing of the distinct cultural and linguistic identity of each ethnic group (clause 1.3), within the framework of a multi-ethnic and a multi-lingual plural society (clause 1.2), where all citizens can live in equality, safety and harmony, and prosper and fulfil their aspirations (clause 1.5);
- (iii) The recognition of the Northern and Eastern Provinces as "areas of historical habitation of Sri Lankan Tamil speaking peoples" (clause 1.4)

The Government of India was designated to "underwrite and guarantee the resolutions, and cooperate in the implementation of these proposals (clause 2.14), that included surrendering of arms by militant groups and the confinement and the confinement of the security forces to the barracks. The instrument of ensuring this was to be entrusted to an "Indian Peacekeeping Contingent".

The scheme pertaining to devolution of powers was to be largely based on the "December 19" proposals and embodied the temporary merger of the Northern and Eastern provinces, which would form one administrative unit, having one elected Provincial Council, one Governor, one Chief Minister and one Board of Ministers.

### C. Some Lessons

- **While there were discussions on the core or the substantive issues, the process itself excluded the direct participation of the Tamil organizations. The crucial factor is that the LTTE and other Tamil organizations were not co-signatories to the peace accord.**
- **Matters relating to structure was left to be legislated (i.e. the 13<sup>th</sup> amendment) after the signing of the agreement between Delhi and Colombo. The process itself relied heavily on "proximity talks" and not direct negotiations between the parties to the conflict.**
- The third party involvement (i.e India) was viewed with suspicion by both parties (i.e the Government and the LTTE), whilst both parties sought to utilize it to its own advantage. **In the process, India failed to gain the confidence of both parties to the conflict and inevitably became embroiled as the third party to the conflict.**

### 3. Premadasa-LTTE Talks of 1989-90:

#### A. Context

Following the signing of the Indo-Lanka Accord on July 29, 1987, hostilities broke-out between the LTTE and the Indian Peace-Keeping Forces in October 1987 leading to the proscription of the LTTE under Emergency Regulations by President J.R.Jayawardene. Although, it is beyond the scope of this section to go into the causes that led to the LTTE to reject the Interim Administration in which it was given "pride of place" and to revert to armed hostilities, it is pertinent to mention here that Prime Minister R.Premadasa was opposed to India's involvement from the outset. It is also relevant to mention here that the outbreak of armed hostilities and opposition from the Sinhala hardline as well as reservations from the TULF did not prevent the passage of the 13<sup>th</sup> Amendment to the Constitution which was certified on 14<sup>th</sup> November 1987.

The outbreak of armed hostilities also threw out of gear the stipulated time frame indicated in the Indo-Lanka Accord for the surrendering of arms as well as the holding of the referendum for the Eastern province as to whether the people of that

region wished to continue within a merged North-East province. Instead, a political decision was taken by Delhi and Colombo, in consultation, with the non-LTTE ex-militant Tamil organizations to hold elections for the merged North-East. The TULF declined to partake in the elections which took place on November 19, 1988. Instead, a coalition of Tamil organizations led by the EPRLF contested and formed the first elected provincial council for the North-East in the midst of allegations of voter-rigging with the backing of the IPKF.

Meanwhile, the then Prime Minister R.Premadasa known for his opposition to the Indo-Lanka Accord was elected to the office of the Executive Presidency the following month. Despite an initial period of honeymoon between President Premadasa and the Chief Minister of the NEPC, A.Varatharajaperumal, frictions arose on the implementation of the 13<sup>th</sup> amendment to the constitution which set out the scheme for devolution of power. President Premadasa interpreted the demands of the NEPC as an off-shoot of Indian intervention. Likewise, the LTTE, which had effectively been cornered in the Vanni by the IPKF and facing a contender in the form of the EPRLF-led North East Provincial Council, found the situation politically intolerable<sup>4</sup> and militarily precarious.

With this the stage was set for the peace talks between the Premadasa Government and the LTTE.

## **B. Structure and Process**

These talks completely ignored the core issues or the causes that led to the ethnic conflict and focused instead on processes aimed at the expulsion of the Indian Peace-keeping Force (IPKF), and the destabilization of the North-East Provincial Council. Although there was a formal launching of the talks by high-powered delegations on both sides, with much publicity and fanfare, the actual negotiations processes were centred around President Premadasa, Foreign Minister A.C.S.Hameed on the side of the Government and LTTE theoretician and chief negotiator, Anton Balasingham, on the other. This process included series of telephone conversations between President Premadasa in Colombo and Anton Balasingham in London.

There was no pretense of getting into talks on substantive issues. The agenda on the talks focused almost entirely on the withdrawal of the IPKF, and the dissolution of the North-East Provincial Council. This included discussions on the provision of arms and ammunition by the Premadasa Government to the LTTE in repulsing the IPKF military campaign against the LTTE. With the withdrawal of the IPKF and the collapse of the EPRLF-led N-E Provincial Council, the mutuality of interests and symbiosis that led to the peace talks collapsed and Eelam War 2 duly commenced 11 June 1990.

### C. Some Lessons

**If there were any lessons to be learnt from the Premadasa-LTTE Talks of 1989-90, it is that negotiations of a covert nature based on short-term interests can never be the basis for a durable peace process.**

#### 4. 1994-95: PA-LTTE Talks:

##### A. Context

The defeat of the UNP regime at the Parliamentary Election of August 1994 was predictable. The preceding 17 years under UNP rule witnessed the widening and deepening of authoritarianism. "Political stability" was deemed to be an essential prerequisite for the successful implementation of the "Open Economy" package of the IMF and the World Bank.. "Stability" was however to be effected through repression and the suppressing of dissent. The iron-fist effectively used by the State in crushing the General Strike of 1980 was a precursor to what was to follow by way of repression and suppression of dissent.

The Tamil Resistance, however, was another "ball game" altogether. It simply refused to fade away. This was despite the draconian Prevention of Terrorism Act, attempts at "terrorising" the Tamil national movement and People into submission through state-sponsored anti-Tamil pogroms and the prosecution of a military campaign aimed at inflicting a military solution. There were of course the interludes such as the Thimpu Peace talks, the aborted Indo-Lanka Accord and the Premadasa-LTTE talks. None of these, however, succeeded in paving the way for either devolution or democratization.

The pursuit of hegemony by the LTTE in its project to emerge as the "sole representative" of the Tamil People and the entering into the political mainstream by the non-LTTE ex-Tamil militant groups also paved the way for more internecine conflicts within the Tamil national movement. Neither was there any democracy to speak of in the Tamil areas, irrespective of whether it was under the control of the security forces or the LTTE. The non-LTTE Tamil organizations similarly failed to effect a transformation and internal democracy and, instead, began to assume the schizophrenic character of "legitimate" parliamentary parties and "hated" paramilitaries.

It was in this context, the victory by the People's Alliance under the leadership of Chandrika Kumaratunga at the General Elections came as "fresh winds" blowing across the land. Or, so it was perceived by the secular, democratic forces, including broad sections of the Tamil populace. The Tamil people felt justified in extending

their support to the PA when the newly elected Prime Minister Chandrika Kumaratunga offered unconditional talks to the LTTE. This was followed by the relaxing of the economic embargo that had been in place and which had taken a heavy toll on the Tamil people, particularly those living in LTTE-controlled areas.

## **B. Structure and Process**

As far as the 1994-95 PA-UNP Talks are concerned, it is clear that there was a genuine commitment to the process by both the Government and the LTTE. However, the process itself had different meaning and connotations to the parties to the conflict.

While to the PA, the process was equated with political negotiations, to the LTTE the process was seen as an essential prerequisite for the creation of "normalcy" for the Tamil People and a "stable and a congenial atmosphere" on the ground. Political negotiations on substantive issues, aimed at addressing the causes of the conflict, were to come much later. In fact, to the LTTE normalization and the removal of the "day to day" problems of the people were the "substantive" issues. To the PA Government, on the other hand, securing a commitment from the LTTE that it is prepared to embark on political negotiations on alternatives to a separate State of "Tamil Eelam" was paramount. In the process both parties began to see each other with suspicion and began searching for "hidden agendas". **And, the hidden agenda was, in fact, determined by military and strategic interests by both sides.**

**One aspect of the confidence building measures which the LTTE resented were the various unilateral measures taken by the Government in 'easing the hardships of the Tamil People'.** This was seen by the LTTE as a covert means of isolating and alienating it from the Tamil populace. A case in point was the initiative taken by the Government to unilaterally implement its reconstruction package. On 13<sup>th</sup> February 1995, the Government announced the appointment of a Presidential Task Force on Rehabilitation of the NorthEast province. The Task Force was given a period of 3 months to implement its programme that included the electrification of Jaffna, the repair of major roadways leading to Jaffna, the reconstruction of the Jaffna Public Library and repairs to the Jaffna General Hospital.

Although the LTTE was subsequently requested to participate in the Presidential Task Force, it was more of an after-thought. And, by that time the damage had been done. **The apparent confidence building measure had become a source of suspicion.** In any event, what the LTTE had proposed was its participation in the Authority for Reconstruction and Rehabilitation as the authentic representative of the Tamil people. It may also be noted that the notion of separating "Tamil interests" from "Tiger interests" and the "weaning" of the Tamil populace from the Tiger

“influence” figured prominently in the broad strategy of the Kumaratunga government. The LTTE on the other hand was firm that they constituted the sole legitimate representative and mediator of Tamil interests. In sum, the Confidence Building Measures in place, rather than **building** mutual confidence, introduced a strong element of suspicion as well as contestation.

### **C. Some Lessons**

- One aspect of the confidence building measures (CBMs) which the LTTE resented were the various unilateral measures taken by the Government in ‘easing the hardships of the Tamil People’ Rightly or wrongly, the LTTE perceived the unilateral CBMs of the PA Government to be offensive. This is not to dilute the importance of CBMs in any peace processes. But, what needs to be factored into the on-going Norwegian facilitated peace initiative is the correct balance between unilateral and mutually reciprocated confidence building measures.
- The mode of communication in the 1994-95 Talks centred solely around exchange of letters, channeled through the ICRC, and the four rounds of direct talks. And, herein, lay the ingredients for the disaster that followed. **The letters being exchanged were fast becoming instruments of propaganda. The absence of a facilitator was a major cause for the heavy reliance on the exchange of letters as a means of communicating the respective positions.**
- The 1994-95 PA-LTTE Talks perhaps is the forum when the interconnectedness between Structure and Process were discussed extensively – but, with no agreement reached on the relative importance of each at the given juncture.

### **5. Some Concluding Remarks**

If the on-going Norwegian-facilitated peace process is to move in the direction of a negotiated settlement aimed at a just and a durable solution to the Tamil National Question, then a key pre-requisite is the recognition by the parties to the conflict of the futility of imposing a military solution on the other. **Another pre-requisite is a change of mind-set and a genuine commitment to national reconciliation and a radical re-structuring of the State centred around a package of constitutional reforms and politico-administrative arrangements that would be a viable alternative to, both, a separate state of ‘Tamil Eelam’ as well as the existing majoritarian-unitarist constitutional model.**

Meanwhile, the process of confidence-building and restoration of normalcy should proceed alongside discussions on the core or substantive issues relating to a political solution. It should further be recognized that the destiny of the people lies not only with the LTTE and the Government, but with all democratic and peace-loving forces of this war-torn and ravaged country.