

“What Kind of Peace is Possible?”

Transition from Civil War to Peace
Challenges for Peace-building in Sri Lanka

Policy Brief

Social Scientists' Association
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Introduction

Sri Lanka's peace process, which began in early 2002, continues to remain stalled. The government and the Liberation Tigers of Tamil Eelam (LTTE) signed a cease-fire agreement (CFA) in February 2002 and subsequently held six rounds of internationally facilitated negotiations. These negotiations did not lead to a settlement agreement. The LTTE citing reasons of 'process imbalance' withdrew from negotiations in early 2003. Sri Lanka's peace-building process is on hold pending the resumption of negotiations and a settlement agreement.

Despite the absence of direct political engagement between the state and the LTTE, the cease-fire agreement continues to be operative. However, the CFA has come under much pressure because of micro cycles of violence. The government's military intelligence, the LTTE's military intelligence and Tamil paramilitaries opposed to the LTTE have been engaged in a shadow war that has generated most of the violence. The LTTE is accused of the largest share of ceasefire violations that include killing of political opponents and the high profile political assassination of Sri Lanka's Foreign Minister in August, this year.

Two developments, which occurred after the suspension of talks in early 2003, have redefined the dynamics of conflict and peace processes in Sri Lanka. The electoral defeat in April 2004 of the United National Front (UNF) government, which inaugurated the peace process with the LTTE, gave way to a regime change. The UNF's electoral defeat also marked a significant erosion of public support for the peace process. Negotiation stalemate continued under the new regime. Meanwhile, the LTTE suffered a major split in early 2004 when its military commander in the Eastern province left the movement in rebellion. This break-up has weakened the LTTE militarily and politically. Violence in the Eastern province is largely due to the shadow war for supremacy between the two LTTE factions.

Another regime change in Sri Lanka is on the cards for mid-November, this year. The Presidential election is scheduled for November 17. Its outcome will have significant implications for the future trajectories of Sri Lanka's conflict and peace processes.

2002-2003 Peace Process: Opportunities and Limits

Amidst setbacks, there are some important and historic gains in the peace process of 2002-2003.

- The suspension of the war between the Sri Lankan state and the LTTE for nearly three years is a vital achievement. The ceasefire agreement, despite its many shortcomings, has demonstrated that it is possible to de-link Sri Lanka's ethnic conflict from war and violence between the state and Tamil political actors.
- The commitment made by the government and the LTTE to explore a federal solution provides the basis for the historic compromise necessary to transform Sri Lanka's civil war to peace. It is a pity that the negotiations were suspended soon after the two parties made this significant political commitment.
- A Sub-Committee on Gender composed of women representatives of the LTTE and Southern civil society was established to address issues specifically related to women in peace-building.
- The role of the international community is a major dimension in the 2002-2003 peace process. The facilitation of the CFA as well as peace talks, and the promise of economic assistance for peace making and peace building are the key contributions made by the international actors. Even after the suspension of talks, their engagement has continued. The maintenance of the cease-fire agreement, particularly after the peace talks reached a stalemate, is largely due to their presence in the peace process.

The 2002-2003 peace initiative has also shown its limitations as a process. The parties failed to sign even an interim settlement agreement. When they signed an agreement to set up a joint mechanism for post-tsunami reconstruction, it met with insurmountable political and legal obstacles. In the absence of both a political agreement and political engagement, the relationship between the government and the LTTE is governed entirely by the fragile CFA. Moreover, the role of the international actors in the peace process as well as development efforts has come under severe public scrutiny and criticism. The paradox in Sri Lanka is that without international pressure, the government and the LTTE are not likely to remain politically engaged. The restoration of public confidence in international involvement in Sri Lanka's peace making efforts is a difficult, yet necessary task.

- The basis for the CFA and the negotiations was the preservation of parties' strategic interests through a condition of no-war. This produced a limited framework of 'strategic peace' in Sri Lanka. It defined the behavior of the government and the LTTE in such a way that during negotiations contentious issues were assessed primarily on their impact on the strategic objectives and goals. Consequently, the problem-solving and conflict transformation approach became entirely absent. Eventually, a dynamic of unsustainability took over the negotiation process.

- From a policy perspective, the role of the international community in strengthening the peace process is a relative failure. In their agenda, there was a heavy emphasis on short-term success. They approached negotiations as an exercise that should produce an early peace deal. They viewed their economic assistance program as an instrument of persuading the government and the LTTE for an early compromise. This focus on short-term conflict management goals ignored the need to develop long-term conflict sensitive strategies to address structural issues such as poverty, governance and economic development.
- The liberal, free-market economic reconstruction program, promoted by the international actors and incorporated by the UNF regime in its peace-building efforts, became an obstacle to the peace and political reform process. Instead of providing a stable and democratic peace dividend, it led to a gradual alienation of the peace process from the masses of the people.
- The absence of a political consensus in the South, particularly among the main political parties, led to the erosion of political conditions favorable to advance the peace process. The return of the politics of ‘ethnic outbidding’ was a major political setback during the peace process.

Challenges and Opportunities

In Sri Lanka, the overall political context in the country keeps changing fast. In a rapidly changing political environment, there is no easy formula in Sri Lanka for the government and the LTTE to return to the negotiation table. The ground conditions on which the peace process was launched in 2002 have changed considerably. The condition of strategic parity has been altered. The trust between the government and the LTTE has eroded to a great measure. Changes in the political alignments at the level of government in Colombo have made the government’s commitment to advancing the peace process quite unclear.

Amidst this uncertainty, public confidence in the peace process continues to remain low. The experience during the past three years has exposed not only the limitations of the 2002-2003 peace process, but also the inability of the Sri Lankan government, the LTTE, the international community, other domestic political forces and the civil society, to nurture the peace process.

This background shows that the only possible peace in Sri Lanka at present is a limited peace. The challenge of peace building, then, is about widening it towards comprehensive peace with sustainability. The transition from limited peace to comprehensive peace requires a transformative process, encompassing agents, processes and structures.

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The peace process of 2002-2003 exposed the limitations of the state, the LTTE, the international community and civil society in advancing peace in Sri Lanka. It showed the Sri Lankan government's incapacity to take the peace process forward politically, beyond the ceasefire agreement. As for the LTTE, its relative inability to move in the direction of democratic transformation became repeatedly visible. In their desire to behave like a state, the LTTE also demonstrated a behaviour of inflexibility and paranoia. For its part, the international community could not break the negotiation deadlock after March 2003. The international actors also over-estimated their role and capacity in persuading the government and LTTE towards a peace deal. Their strategy of a two-party dialogue for peace was totally ill-conceived. Civil society too, proved itself ineffective in building an independent social movement for peace. Learning necessary lessons from these and other failures is crucial to avoid setbacks in the next phase of Sri Lanka's peace process.

Concerns and Recommendations

Sri Lanka's peace process is deadlocked in a contradiction between the possible, limited peace and desirable, long-term peace. The 'actually existing peace' is fraught with instability and uncertainty. It does not enjoy the support of a strong domestic social coalition for peace. Its ardent supporters have been the international community.

The policy options of the international community are limited by two factors. Firstly, both the Sri Lankan government and the LTTE, the two principal parties to the peace process, have learned to ignore international pressure and persuasion, whenever they perceive that their strategic interests are at risk. Secondly, the international community cannot impose peace from outside in a situation where the principal as well as secondary domestic actors are reluctant to take the peace process forward.

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Excessive politicisation of the peace process has been a negative experience in Sri Lanka's recent peace making efforts. The politicisation has occurred on partisan and electoral considerations. The two main political parties, instead of forging a coalition for peace, have engaged in an exercise in 'ethnic outbidding.' When the party in power initiated the peace process with the LTTE, the party out of power mobilized the nationalist opposition to it. Consensus within the political class is an essential pre-requisite for a peace initiative to succeed in Sri Lanka.

There are two types of major concerns in Sri Lanka's peace process. The first group relates to the immediate tasks of consolidating the cease-fire agreement and resumption of negotiations. We may call them 'peace-making' issues. The second type of concern is about long-term transformation of the conflict in the sense of 'peace-building.'

The following is a summary of these immediate, process-related recommendations and long – term, substantial issues of peace-making and peace-building.

Process Related Recommendations:

- Sri Lanka at present represents a case study of difficult transition from civil war to peace. The future of the peace process will entirely depend on the stability of the ceasefire. Therefore, the protection of the cease-fire agreement from collapse is the most crucial responsibility in preserving Sri Lanka's fragile peace process. This is a priority in the peace agenda in Sri Lanka today and talks on the strengthening of the CFA should precede political negotiations. The international community should redouble their efforts to bring the parties back to political engagement.
- When the negotiations resume, moving forward from a somewhat unstable cease-fire to a stable settlement agreement is at the heart of a sustainable peace building process.
- Broadening the process while pluralizing the participation has emerged as a major aspect of re-designing Sri Lanka's current peace process. The two-party dialogue process between the government and the LTTE has exhausted its capacity to take the peace process forward. Inclusion of other parties, political and civil society actors in the process is a necessary policy challenge. It is up to the international community to make a case repeatedly and tirelessly with the government and the LTTE for an inclusive, multi-partial peace process.
- De-escalation of violence and peace within the Tamil polity has become a necessary pre-condition for advancing the peace process as well as democracy and human rights in the North and East. At present, peace, democracy and human rights in the conflict areas are threatened by the shadow war that is being fought between the LTTE and their Tamil rivals. While strengthening the CFA, constructive engagement with non-LTTE political-military groups by the government and the international community will help to restore peace in Tamil society.

Peace Building Concerns

- The question of governance in Sri Lanka's conflict resolution process is fundamentally linked to an agenda of re-organizing the state in a political-constitutional framework of advanced federalism. In other words,

federalization of the state is the key to effective civil war transition in Sri Lanka. This is a vital aspect of ‘peace building from above.’

- The mainstream policy discourse of federalist governance is essentially framed in a discourse of territorialized power sharing. The complexity of ethnic relations and the presence of regional and local minorities in the polity make it necessary for Sri Lanka to work towards an imaginative combination of territorial and non-territorial forms of federalist governance.
- Federalization of local governance is yet another issue that is closely linked to peace building from below. It should be aimed at ensuring democratic participation of local ethnic and cultural minorities in the governance process. It calls for a process of deepening the federal forms of regional governance.
- In relation to regional governance in the transition from civil war, the existing situation of dual power of the Sri Lankan state and the LTTE poses complex challenges even in an interim peace settlement. A flexible scheme of federalism will be necessary to integrate the institutions of a parallel state maintained by the LTTE, with the Sri Lankan state.
- The development question in Sri Lanka at present should be seen not as a post-conflict endeavour, but as one located in a preliminary phase of stabilizing a pre-settlement negotiation process. There is a manifest risk in conceptualising the economic reconstruction process in post-conflict and liberal, free-market terms. These are crucial lessons to be learned from the failed experiment of a liberal, free-market, post-conflict reconstruction project in 2002-2003.
- Building social bases for peace, particularly among the low-income and poor social groups, is vitally important for the democratic sustainability of the peace process. This requires economic policy strategies that can democratise and broad-base the gains of the peace process; the so-called peace dividend. Continuation of free-market economic policies, with no strategies for redistribution, in conjunction with a political reform agenda, is very likely to jeopardize the stability of the peace process.
- There is a continuing gulf between the economic visions of the government and the donor community on one hand and the LTTE on the other. While the former is committed to a project of rapid economic reconstruction in the war-torn areas through the intervention of private capital and market forces, the LTTE is quite cautious about such a development approach. A creative dialogue between these two approaches is needed for a viable development strategy in order to further facilitate Sri Lanka’s transition process.

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A narrow peace-deal approach can hardly promote peace making and peace building goals, because its objectives do not go beyond achieving short-term strategic goals of the parties to the conflict. Sustainable peace building is a process spread over a period of transition, because it is grounded in the transformation of politics in the country as a whole. Peace without transformation can best be a limited, negative peace.

The North-South Institute

The North-South Institute is a charitable corporation in Ottawa, Canada. It was established in 1976 to provide professional, policy relevant research on relations between industrialized and developing countries. The Institute is independent and cooperates with a wide range of Canadian and international organisations working in related activities.

The Social Scientists' Association

The Social Scientists' Association (SSA) was founded in Colombo in 1977. It is a non-profit organisation with a commitment to original analysis and activity around issues of peace, democracy, pluralism, gender equity, ethnic conflict resolution, social transformation, labour and human rights. Issues central to these themes have been highlighted through SSA's programmes of research, conferences and seminars.

The SSA has a publication programme which includes books, journals, and monographs. *Polity* is SSA's monthly journal which focuses on current issues on peace, democracy, gender equity, economic and social change, and South Asian politics.

The SSA also functions as a resource centre for social science and humanities research. Among the SSA's new initiatives is the post-graduate diploma programme on peace preparedness, conducted in association with Bradford University, U.K.

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