

International Seminar: Envisioning New Trajectories for Peace in Sri Lanka

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Session 8: Re-envisioning Sri Lanka – Lessons learned & Challenges and Opportunities

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New Trajectories for Peace in Sri Lanka - Re-Envisioning Sri Lanka

Preliminary Remarks:

Today we witness an increasing internationalization of problems and issues in practically all matters that previously were the sole concern of national states and their respective governments based and legitimized as it were on those two fundamental pillars of international relations, national sovereignty and non-intervention in internal affairs. Such external influences make themselves felt in the economic, social, political, and diplomatic sphere and range from systemic-structural imperatives via the world market over military intervention by big powers or UN contingents to political pressure and diplomatic advice. Apart from governments, transnational companies and Non-Governmental Organizations play an increasingly important role in the globalization process. These developments cannot be undone, they have become a force to be reckoned with. Still, it can not be emphasized too strongly that it is in the end up to the peoples of Sri Lanka to decide on their future.

I. Causes of the Conflict

The manifestations and causes of conflicts between the various communities in multicultural multiethnic Sri Lanka are well known and require no detailed enumeration:

- (1) Ethnic conflicts involving Muslims, 'Malayalees', Tamils, have a long history going back at least to the late 19th century.
- (2) Based on its electoral majority different governments have since independence instrumentalized the state to advance the interests of the Sinhala Buddhist majority at the expense of the minorities.
- (3) The disenfranchisement of the Indian Tamils was followed by making Sinhala the sole official language, by standardization in education, the policy of settling Sinhalese peasants in the East, the Sinhalization of the state administration and the constitution ('Buddhification').
- (4) After decades of futile attempts to peacefully change the policy of discrimination, having suffered from repeated violence, including pogroms, at times aided and abetted by the parties in power, Tamils rose in revolt leading to civil war in 1983.
- (5) Repeated cease-fires and negotiations as in 1985 (Thimpu) or in 1995 led nowhere, not least because the government was not prepared to go beyond token concessions on power sharing.
- (6) Since February 2002 an ever more fragile cease-fire facilitated by Norway has been in place followed by negotiations at different international venues to reach a settlement based on internal self-determination. It is conditioned on important territorial gains by the LTTE and the realization that no side can gain on the battlefield.
- (7) Since the middle of 2003 these talks have stalled because the LTTE was left out of international meetings where important decisions on the future of the country were to be taken. Moreover, whatever

political concessions were made to the Tamils in the past, all fell victim to the power struggle within the Sinhalese political class.

II. Intervening Factors

1. The international agenda has dramatically changed in the aftermath of the attack on the World Trade Centre in New York in September 2001. Liberation struggles figure no longer on the international agenda. This is partly due to the success movements fighting for an end to Western colonialism (e.g. Zimbabwe, Namibia) or foreign occupation (Indonesia in East Timor) or to abolish apartheid (South Africa) have met with, with the very important exception of Palestine. Moreover, the implosion of real socialism has dissolved the earlier confrontation between East and West which structured the whole international system with the result that internal conflicts which had been submerged under this dichotomy have come to the surface.

Such internal conflicts and civil war have largely replaced the armed confrontation between states. It is in this context, that the question of 'liberation' and its reverse, collective oppression, has gained new currency. However, the international system based as it were on the nation-state has been slow to recognize and to adequately deal with conflicts involving non-state actors. On the contrary, every group engaged in armed struggle against the government is denounced as 'terrorist'. Dispensing with the necessary differentiation as to the particular causes, evolution, methods and possible solution of the individual case, all these movements are simply criminalized. To suppress the insurgents police and military action is considered the appropriate response instead of a political approach based on negotiations aiming at a just settlement. In reverse, all governments are a priori exculpated whatever their past policies and human rights record. They are not only given *carte blanche* in the pursuit of re establishing law and order but are entitled to international assistance and cooperation in the accomplishment of this task.

2. Concepts of *state terrorism* or *internal colonialism* have not yet entered the international discourse except when it suits the policies of individual (big) powers ('rogue states'). Despite the growing number of ethno-nationalist movements, 'territorial integrity' remains one of the basic norms and principles of the world system, while the right to external self-determination has principally been reserved for the former Western (salt-water) colonies. With that period coming to an end, this right has consequently largely been assigned to history. In other words, while international law allows for secession that has been mutually agreed upon by the parties directly involved, in other instances internal self-determination or internal autonomy is left as primary, if not only realistic option for oppressed peoples to find redress.
3. Whatever resistance against neoliberal globalization is mobilized, no government, no movement and no enterprise can ignore the increasingly interconnected economies, cultures, systems of transport, communication and action. This holds not least for countries small in terms of an internal market, poorly endowed in resources, with a low standard of living and a negligible industrial and research base. This holds in particular for most countries of the Third World. In other words, however successful on the battlefield, every liberation movement must take into consideration that without some sort of international recognition allowing for legitimate international exchange, including trade relations, foreign investments and aid, the task of nation-building and socio-economic development is faced with almost insurmountable obstacles. Again this holds in particular for the countries of the South given that they are vitally dependent on the triad as major markets in the world system.
4. In the context of today's pre-dominance of the international system the parties to any conflict whether between states or within a country have to fight on two fronts: the one on the ground, the other in the field of world public opinion. Despite national news agencies and increasingly powerful regional media, such as Al Jazeera, it remains so far essentially Western. A war can be won on the battlefield by force of arms, and still be lost on the second front, when it is not presented (and considered) as just and worthy of backing, including financial and military support,

by the Western media (and their public). Whether or not, the LTTE agreed to pursue internal self-determination merely as a ploy to turn world public opinion in its favour betting that the GOSL would never consent to any meaningful compromise: the strategy has failed, even though the basic assumptions proved absolutely correct. Yet, despite continued intransigence on the part of Colombo, neither the Western media nor their public nor the occidental governments have changed sides. On the contrary, after initial sympathy, governments have not only simply taken this major concession for granted, but have sharpened their criticism of the LTTE. The USA designated the Tigers as ‘terrorists’ in October 2003, the UK followed in 2005, Canada in April 2006; as to the EU, it switched from impartial encouragement of the peace process to denunciation of the LTTE by imposing a travel ban in the autumn of 2005 coupled with a threat to proscribe them. To what extent such policies will be affected in the long run through organizations of civil society remains to be seen. The support of an initiative of mostly European scholars for a more even-handed approach towards the LTTE backed by well-known human rights organization accredited to the UN Human Rights Commission is certainly encouraging.¹

5. The LTTE as all other such movements are faced with a double challenge: The hope for a better life on the part of the population directly implicated in the fighting whether as civilians or as combatants can not forever be relegated to a distant future. Fatigue sets in. This may become even more pronounced when the original aims of the struggle are lowered, when a cease-fire is prolonged without any apparent timeframe to usher into a lasting settlement or when the fruits of peace remain insufficiently forthcoming. The second challenge concerns the expatriate community. Its willingness to materially support the armed struggle will sooner or later be exhausted. The longer a struggle lasts, the more the willingness to make sacrifices diminishes even among those who have had direct experience of the struggle. It holds even more for the younger generation: far removed from the country of its ancestors, it typically develops an identity in line with the customs, tastes and outlook of its immediate age group in the adopted country. In sum, the LTTE (potentially) operates under different time constraints than the government.
6. As to the GOSL it illustrates that politics is basically motivated by class interests. Against the background of the economic crisis caused by the ‘war for peace’, the 80.000 soldiers who deserted their ranks with their weapons, the continuing heavy unproductive outlay for armements that a country with a high unemployment rate can ill afford, the high crime and suicide rate, the break-down of the judicial system, the high indebtedness to foreign and national creditors, the unstable political situation that hampers the tourist industry and foreign investment, all should lead a representative democratic government to seek a settlement of the conflict. But, in reality, the war is not for everyone a disaster: the South, including Colombo, has largely been spared the destruction of war. The well-to-do could escape from having their sons recruited to the army, business interests (and power brokers) related to the arms industry, including those involved in lucrative arms contracts and foreign trade, flourished. Politically, the war served to cement the social cohesion among the majority community, pitting ethnic groups instead of classes against one another. By contrast, public opinion became deviated from the corruption and power struggle among politicians. In this sense, the political class in Colombo appears less inclined and in need of peace; on the contrary, the continuation of war may rather serve their interests.

III. Trajectories for Peace

1. So far there are no signs that the GOSL –nor the major currents among the Sinhalese Buddhist public- would consent to a negotiated secession of an independent Tamil Eelam, not even if other battles were to be lost and the material and human cost of the war were to rise further. A vision of separate but eventually for both sides fruitful cooperative development is difficult to foresee.
2. Unless international public opinion changes, other liberation movements gain ground (Hamas, Kurds, Kashmiris, etc.) and force a shift in international law recognizing their right to self-determination, internal autonomy appears the only feasible option at least in the foreseeable future.

¹ See: www.negotiatedpeace.com

For it to succeed, the following aspects will have to be addressed:

- All efforts must be undertaken to convince the international community, here in particular the Quartet composed of the US, the EU, Japan, and Norway, and also India as regional super-power, that a negotiated settlement of the conflict is the best guarantee for regional stability. For a such a vision to be realized, an equi-distant approach to the warring parties is a condition sine qua non. Contrary to the present policy which rewards the perpetrator, punishes the victim and only serves to prolong the war, a deproscription of the LTTE is imperative and pressure on the GOSL to seriously negotiate on the basis of the 2003 Oslo formula of a federal structure is absolutely necessary. The policy adopted by some states to accompany progress on the ground with aid, investment and preferential trade conditions should be generalized and followed through; however, it is vital that *both parties* to the conflict must from the beginning be *equally* involved in the process. In such a context, India and SAARC may find it useful to enlarge their economic role and create eventually even a new mandate with a multi-national peacekeeping force.
 - Security: There will be no peace without a water-tight and reliable security guarantee for the Tamils. This may take different forms, ranging from the LTTE retaining an own army to an international armed contingent stationed on Sri Lankan soil for an extended interim period. At the moment, it is inconceivable (and totally unreasonable to demand) that the LTTE disarm and/or that the Sri Lankan army will turn from an occupation into a protective force in the Northeast.
 - Not only a process of (truth and) reconciliation between the communities will have to be started (e.g. South Africa), but the culture of impunity must be stamped out, the culprits of massive human rights violations be tried in court.
 - The Sinhalized administration and public services, including the security forces would have to be 'de-ethnicized' in terms of recruitment, career patterns, and also language policy. Starting in school both Tamil and Sinhala must be obligatory for everyone.
 - A disproportionate amount of investment must go to the underdeveloped regions, not least to the North and East as principal war-theaters. The long-standing regional imbalance in industrialization, job opportunities and standard of living that pre-dates the civil war must be levelled.
 - The centralized unitary state must go along with the presidential system. Only a federal, if not a con-federal system with comprehensive powers attributed to the regions with a weak centre can eventually provide a framework for a lasting peace. A two-tier (chamber) system with veto powers at least on essential issues must constitutionally be accorded to the different communities. In addition, the minorities must have recognized collective rights, and political representation in the various regions.
3. For a variety of reasons such a dramatic reversal of policies that have been pursued over half a century is difficult to envisage. (a) Any change in the constitution requires a two third majority in parliament to be followed by a positive vote in a popular referendum. Given the (proportional) electoral system yielding only very slim majorities, the principal Sinhalese parties, the SLFP and the UNP, would have to bury their policy of ethnic outbidding and agree beforehand on a new constitution. (b) After years of ever increasing mutual alienation, if not demonization of the other community two mutually exclusive nationalisms have evolved. This has been reinforced by –with the exception of Colombo- increasing physical separation of the two communities not least as a result of the Tamils' flight from the South in the course of almost twenty years of civil war. To bridge the dichotomy in collective consciousness, to transform the mutual distrust and enmity that does not permit a Tamil to be elected in a Sinhalese electorate and vice versa, so much so that a majority at a referendum appears possible, will take a long time indeed. (c) Finally, to effect the huge disproportional financial transfers towards the reconstruction of the war-torn Northeast, to

make the country truly bi-lingual starting from school, to employ large numbers of Tamils in all public services, to invest in the Tamil areas much more than in the Sinhalese South, apart from accepting for a quite a time period an independent Tamil security force, would require a total U-turn on the part of the Sinhala Buddhist population, the sangha and the ruling class. More than a fundamental change in mentality and perception is involved, but a long-term policy of redistribution of jobs, of funds, of enterprises, at the expense of the majority! Already to advocate such a policy appears politically close to suicidal. If any proof were needed, the politicization of international aid in the aftermath of the tsunami catastrophe, the fact that Colombo faced with a disaster of unprecedented proportion renounced foreign assistance rather than channeling it to the most affected Eastern and Northern coast, shows that there is simply no basis to hope for the required reorientation.

IV . For a Democratic Sri Lanka in a Globalized Economy

The controversy over a solution has so far largely been confined to the problem of political power sharing with the Sinhalese resisting any kind of dilution of the centralized unitary state. Apart from the fact, that de facto two independent, even though partly intertwined, and therefore hybrid administrative structures with their own legal, administrative, and security apparatuses exist, the question may be asked where the true interests of the Sinhalese lie. All parties have demanded an abolition of the executive presidency because of its authoritarian undemocratic character. Moreover, the country has lived the greater part of its independence under emergency rule with broad powers arrogated to the army, and the police both of which are guilty of numerous massive human rights violations for which they have never been called upon to answer in a court of law.

Apart from the ‘pervasive climate of impunity’, the state has failed in another most basic function, i.e. to provide security to its citizens, and to treat all equally. Appropriated by the majority, instrumentalized for the particularistic interests of the ruling elite, it has lost its legitimacy. Faced with a long standing ethnic armed confrontation, the society has further been split along ethnic lines in as much as now the Muslims and the Plantation Tamils, tomorrow perhaps the Christians will constitute themselves as minorities demanding their share in power and resources. To regain legitimacy, the plural character of the country consisting of two nations (Sri Lankan Tamils and Sinhalese) and a number of minorities (Muslims, Christians, Indian Tamils) will have to be recognized and relevant constitutional changes be made. They must go beyond the traditional charter of civil and political human rights which pertain to the individual, and extend to collective rights.

The Sinhalese intelligentsia, true democrats, conscious of the evils of colonialism for both the colonized as much as the colonizer, will realize that such constitutional changes are in their own best interest, that a refoundation of the state which has degenerated into a repressive regime, is vital. However important, and however democratic in principle, a constitution is but a juridic framework embodying a certain vision of society and defining the basic parameters for policies. The reality on the ground in terms of heterogeneity of class and gender, caste and ethnic inequality remain as do the social antagonisms, the balance of forces, and the problems of underdevelopment. A peaceful environment and the rule of law are but basic preconditions for socio-economic development. The latter is more than ever determined by external influences from the international system and the world market. Moreover, not only has the relation between internal and external or national and international determinants been shifted in favour of global economic imperatives, the primordial and perennial problematique of the relation between politics and economics has changed at the expense of politics and the state.

Against this background and in order to establish a framework for a long-term peace, democracy and development on the island, it is hypothesized that instead of trying to defeat by force of arms the LTTE, the GOSL may rather want to accept as perennial the existing self-governing entity (embryonic state ‘Tamil Eelam’). Leaving aside the question of its final status, it eventually appears the best precondition for a better future for all the peoples on the island, including and not least the Sinhalese nation itself.

- It would not only spare the country another costly war that cannot be won but also allow the urgent redirection of resources to productive investment and employment. It would also liberate the Sri Lankan state and society from the burden to make the necessary sacrifices to compensate for past discriminations, to reconstruct the respective war-torn areas, and to establish equal opportunities everywhere; a task which it has been unwilling and politically unable to shoulder.
- Freed from civil war, and ethnic confrontation, the transformation of the security state can be started, a refoundation of Sri Lanka as a democracy be attempted.
- And, finally, with the end of the armed conflict resources could be devoted to development, common long-term economic projects be undertaken. After all, the two economies are interwoven, and share the same currency. Moreover, in a globalized economy with a small (and highly fragmented) internal market, weak capital accumulation, and reduced intervening powers of the state, together they would be much better able to face a competitive world market and to construct a common future.

The exercise of building a secular all-encompassing democratic nation for all the island's communities may have failed. Still, the constitution of a single post-colonial nation-state defined anyhow only the institutional framework for the pursuit of larger societal goals. Constitutions or even political boundaries may change, the purpose to construct a society able to guarantee everyone a life free from want, and free from oppression, to provide equal opportunities for everybody and to participate fully in decision-making processes, remains.

History and geography have destined Tamils, Muslims, and Sinhalese to live in proximity, if not in mutual interdependence. Europe trying to integrate a great number of states in a single union which differ not only in size, in wealth, and in culture, proves that in today's highly unequal world of countries and a market dominated by multinational companies national sovereignty is no longer an absolute value. Only the pooling of resources holds the promise of maintaining and improving wealth and status. The example of France and Germany illustrate in particular that centuries of warfare and enmity can be overcome, that integration and cooperation is the best guarantee for each to survive precisely as a nation. It is an experience the peoples of the island may want to contemplate.