

International Seminar: Envisioning New Trajectories for Peace in Sri Lanka

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Fact Sheet 1

**Conclusions of Christian Michelsen Institute Conference
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Bendigt Olsen, affiliated with Chr. Michelsen Institute.

Statement of the co-chairmen, Astri Suhrke and Gunnar Sorbo

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The conference was an open meeting, designed to explore ideas and mechanisms; and not an instrument of mediation or platform for partisan views. The conference was called at a time when the conflict seemed to be at a military impasse, although the government's devolution initiative demonstrated that there were still possibilities in the political arena.

To explore reactions to these developments, the Chr. Michelsen Institute had invited speakers representing the Sinhalese opposition party, UNP, and the main Tamil organisation, LTTE, as well as representatives of Sri Lankan peace organisations and academia.

The Norwegian government was represented by the Deputy Minister of Foreign Affairs, and a member of the major opposition party in the Parliament attended.

Participants

Sarath Amunugama, (Member of Parliament, United National Party, Sri Lanka), Jan Egeland, (Norwegian Deputy Minister of Foreign Affairs), Jehan Perera, (National Peace Council of Sri Lanka) V. Rudrakumaran, (Political Adviser, Liberation Tigers of Tamil Eelam, International Unit, USA) S. Sandarasegaram, (Head of Department of Social Science Education, Colombo University) Erna Solberg, (Member of Parliament, Norwegian Conservative Party) Astri Suhrke, (Senior Research Fellow, Chr. Michelsen Institute, Bergen) Gunnar M. Sorbo, (Director, Chr. Michelsen Institute, Bergen) Bryn Wolfe, (NGO's Forum on Sri Lanka, London)

Introduction

The present conflict in Sri Lanka has its origin in a long-standing, difficult relationship between the ethnic majority and the principal minority in the island state.

During the colonial period, labour importation and uneven access to power, privilege, and - more generally the modernisation process as a whole - left a problematic legacy.

The political process in post-independence Sri Lanka failed to deal with these and evolving issues of majority-minority relations.

In the early years after independence, the most controversial issues concerned citizenship rights for Indian Tamils, the status of the national language, and access to higher education. On all issues, the politically dominant Sinhalese majority pursued policies designed to promote the collective interests of the majority.

The Tamil minority increasingly came to view the Sinhalese-backed policies as exclusionary and grossly discriminatory, but was unable to effectively counter the trend within a political process that was framed by constitutional provisions for a unitary state and a Westminster model of democracy.

Efforts to forge political alignments along issues that cut across the ethnic divide did not succeed, nor did attempts to deal with the majority-minority question by devolution of power to geographic regions.

In the late 1970s, accelerating economic growth intensified ethnic divisions. While the wide coverage of basic human needs made Sri Lanka a model country with respect to some aspects of "growth with distribution", the development process also created substantial unemployment, especially among the youth, and colonisation schemes in the Eastern province produced large new settlements which changed the ethnic distribution in the area.

Under the circumstances, the resulting tensions were interpreted in ethnic terms and sharpened the conflict between communities.

International politics in the region made a difficult problem more intractable. The Tamils in Sri Lanka increasingly viewed themselves as a victimised minority in the nation, but the Sinhalese - conscious of the presence of some 50 million Tamils across the narrow Palk Strait in southern India - saw themselves as a vulnerable minority in the region.

The Indian central government reinforced the fears of the Sinhalese-dominated government by asserting its regional hegemony, including providing covert support for militant Tamil movements.

The cumulative tensions led in the 1970s to demands for a separate Tamil state, armed resistance and ultimately civil war. The Liberation Tigers of Tamil Eelam (LTTE) emerged as the main armed movement among the Tamils, gradually establishing its control over most of the Jaffna peninsula. From 1990 until the 1995 counter offensive of the Sri Lankan army, the LTTE governed Jaffna as a de facto Tamil state.

After a decade of warfare, a new pattern of politics became apparent in 1994. While the incumbent President Wijetunge declared that the Tamil question was merely a "terrorist problem", the candidate for the People's Alliance (PA) in the general elections in August 1994, Chandrika Kumaratunga, took a public stand which defied the prevailing establishment: she admitted that the Tamils had legitimate grievances and called for a political, not a military solution to the ethnic conflict.

After winning the general election, Kumaratunga entered the presidential election campaign on a similar peace platform. In November 1994, she won an overwhelming majority of 62 percent, including a substantial vote from Tamil and Muslim constituencies.

The victory of the "peace-candidate" led to a resumption of talks between the LTTE and the government, and on January 8, 1995 a cessation of hostilities was declared. Substantive political negotiations did not get underway, however, and the talks stalled after four rounds.

When the LTTE broke the truce (April 19, 1995), hostilities resumed and culminated in a massive military offensive by government forces against Jaffna. The city of Jaffna fell to the army on December 5, 1995 as the LTTE withdrew and took most of the civilians with them. In all, more than 400,000 civilians were displaced. The LTTE retaliated with terrorist bombings in Colombo that took a heavy death toll and caused much material damage.

While deciding on a military campaign against Jaffna, the government simultaneously pursued a political option. In August 1995, the government presented a long awaited plan for devolution of power to the regions. Presently discussed by the Select Committee of the Parliament, the devolution package is considered by many Tamils, Muslims and Sinhalese as the most promising avenue to negotiations and a renewed peace process. Strong opposition in influential Sinhalese circles remains, however.

Aim of the Conference

In cooperation with the Norwegian All Parties Solidarity Group for Sri Lanka, the Chr. Michelsen Institute organised on February 26, 1996 a one-day conference on the prospects for peace in Sri Lanka and the role of the international community.

The conference was an open meeting, designed to explore ideas and mechanisms; and not an instrument of mediation or platform for partisan views. The conference was called at a time when the conflict seemed to be at a military impasse, although the government's devolution initiative demonstrated that there were still possibilities in the political arena.

To explore reactions to these developments, the Chr. Michelsen Institute had invited speakers representing the Sinhalese opposition party, UNP, and the main Tamil organisation, LTTE, as well as representatives of Sri Lankan peace organisations and academia.

A total of 170 persons attended, including several persons from the Tamil diaspora in Norway. The Norwegian government was represented by the Deputy Minister of Foreign Affairs, and a member of the major opposition party in the Parliament attended. The conference was sponsored by the Norwegian Ministry of Foreign Affairs.

Conference deliberations

The discussion at the conference revealed a consensus on some important points. The issue of a separate Tamil nation - which has been the most fundamentally divisive of all - was set aside as the participants sought to define points of common interests.

Among these, probably the single most important consensus concerned the principle that negotiations must be resumed.

Secondly, there was agreement that the enormous humanitarian costs of the conflict must be alleviated, and that there is an urgent need to de-escalate the conflict.

Thirdly, there was agreement that the international community had an important role to play in encouraging and sustaining the peace process.

Finally, all parties at the conference accepted the principle of administrative decentralisation and further devolution of power as a key to a political settlement.

While the parties did agree on important principles, there was substantive disagreement over how the principles should be defined more precisely or implemented in practice. Rejecting the

government's call for the LTTE to substantially disarm as a precondition for talks, the LTTE spokesperson countered that the army must withdraw from Jaffna before negotiations could resume.

Other conference participants felt that making Jaffna a demilitarised zone was a more promising basis for negotiations than either of these two preconditions. The LTTE further reiterated its claim to be recognised as the sole representative of the Tamil people. Other conference participants pointed out that also other legitimate Tamil parties existed, among them the long-established TULF, but recognised that a measure of equality and mutual recognition between parties was essential for negotiations to succeed.

The vexing question of what decentralisation would mean in practice was the subject of considerable discussion. The contentious issue is no longer administrative decentralisation; as a Sinhalese speaker pointed out, there is a consensus that decentralisation even to the subregional levels of village and municipality is desirable.

The critical issues concern the political framework for administrative decentralisation. At the conference, the LTTE brought up the concept of asymmetry with respect to a wide range of devolution issues, particularly with respect to regional representation. For the Tamils it is important to give the North East Council a special standing so as to prevent it from becoming a permanent minority in an association with 7 similar (Sinhalese) councils. The LTTE also used the conference to reintroduce the idea of power-sharing at the centre, thus indicating its commitment to remain within the Republic. Also other conference participants found the idea merited further consideration.

Conclusions and recommendations

Given the long and bitter history of the conflict in Sri Lanka, the willingness of the parties represented at the conference to seek out commonalities in the name of restarting the peace process was in itself significant. In some respects, the admonitions of the Deputy Foreign Minister of Norway, Jan Egeland, to "forget history" and look forward seemed to be heard. Frequent and informal talks among the Tamil and Sinhalese participants during the conference contributed to a an atmosphere of frank and full exchanges of views.

Despite the polarisation and radicalisation of politics that have occurred over the years, a series of centrist positions and compromise points were aired. Indeed, on almost all the critical contentious issues discussed at the conference, compromise positions were put forth that might form the basis for future talks and an eventual settlement. Resuming negotiations

The long road towards peace must start by putting in place conditions that can encourage talks. Some seem already to be in place. The government must realise - as the President indeed seems to do - that it can win a military victory in Jaffna, but cannot completely defeat the LTTE militarily - at least not in the foreseeable future, and not without victimizing large populations, Tamils, Muslims as well as Sinhalese.

As a hardened guerrilla movement, the LTTE can simply withdraw, bide its time and resort to low-level military attacks at the time and place of its choosing. Colombo therefore needs a political solution. The LTTE, for its part, has to realise its vulnerability.

Apart from the Tamil diaspora, the movement is increasingly isolated internationally, has lost its only external patron (India), has no platform at international organisations or in the UN, and - as noted at the conference - has even poor access to international media. It is a measure of the growing realism of the LTTE that it is no longer focusing primarily on the demand for

a separate state, but, as the LTTE representative pointed out at the conference, seems willing to negotiate on a wide range of power-sharing issues.

The decision by both parties to accept a cease-fire and resume negotiations in late 1994 reflected this underlying stalemate. How, then, can talks be resumed?

Part of the answer, as noted at the conference, can be found by analyzing why the talks broke down in 1995. The LTTE violated the cease-fire. There were technicalities: poor conference preparation, it seemed, on the government side, enabled the LTTE to press its agenda; this in turn set off the wrong signals on the other side.

But after a new round of destructive military conflict, the negotiations can hardly be jump-started by improved technicalities of negotiations alone. Among the confidence-building measures discussed at the conference, three seem most important:

(1) Mutual recognition and respect between the negotiation parties.

Given the separatist nature of the original conflict, full recognition of the LTTE as representing the "Tamil nation" is not the issue. If that were accorded as a procedural issue in the negotiations, substantive negotiations would not be necessary since LTTE would have obtained its principal aim.

There are, however, numerous ways of according respect during negotiations short of formal recognition. In all civil war situations, the government starts with a major advantage in that it has the formal and, at least, initial monopoly on international recognition. In order to challenge the government, a rebel movement must close some of the gap in status and international access.

Since the LTTE in a large measure has failed to do so - and has lost some of the international sympathy it used to enjoy - the government, it seems, can afford to be generous in providing a sense of recognition for the movement so as to facilitate talks.

(2) Humanising and de-escalating the war.

It is significant that all parties at the conference stressed the need to limit the war. Both parties are suffering from the continuous violence.

The plight of the nearly half a million displaced persons in the Jaffna peninsula is a matter of immediate humanitarian concern, but is also a political matter for the government which needs to demonstrate its good faith internationally by cooperating with international aid agencies. Hence, there is a basis for continued cooperation on humanitarian issues.

Quite apart from the immediate humanitarian impact, such cooperation constitutes a kind of confidence-building measure that helps to foster a climate of negotiations. Conference participants agreed that initiation of a public discourse on means to humanise the war will further contribute to a positive atmosphere.

Another dimension relates to the proposal made by peace activists at the conference to declare parts of Jaffna a demilitarised zone.

This could be a constructive exit - perhaps the only desirable one - from the present confrontation between the LTTE and the government. The confrontation has not only military

and terrorist dimensions as the LTTE seeks to compensate for its defeat in the Jaffna peninsula by carrying the violence to Colombo.

It is also a political stand-off which blocks the resumption of talks because the LTTE formally demands army withdrawal from Jaffna as a precondition for negotiations, while the government asks the LTTE to lay down arms.

The proposal for a DMZ in Jaffna merits serious attention as an alternative option. A standard model of implementation would suggest an internationally supervised withdrawal of the army from Jaffna city. This would enable civilians to return. The city itself would be placed under joint local/national civilian administration, and security would be provided by an international peacekeeping force.

The emphasis placed by virtually all conference participants on the need to limit the violence further points to the importance of a comprehensive cease-fire. Violations of the previous cease-fire helped to sink the 1995 round of talks; a comprehensive cease-fire is clearly either a precondition for talks or must be linked to an early phase of the negotiations.

As in Northern Ireland, a cease-fire in a conflict with multiple theatres of violence must be genuinely comprehensive and apply to bomb attacks in the capital city as well as actions on the main field of battle.

(3) Devolution of power.

The government's devolution package elicited considerable interest both as a framework for concrete negotiations and as a subject of a national discourse that could promote trust and develop a consensus within and among the political parties.

The two functions need to be kept distinct since a good case could be made for secret negotiations if talks between the LTTE and the government were resumed.

A very significant item in the devolution package is the proposed annulment of Article 2 of the 1978 Constitution, which states that "The Republic of Sri Lanka is a Unitary State". Given the original separatist nature of the conflict, the proposal is a particularly courageous initiative.

It is the fear of separation that prompts the demand to retain the unitary state, as a conference participant pointed out. The decision to formally relax the unitary requirement expresses a will to create space and new parameters for negotiations.

It also symbolises the willingness of the government to seriously discuss decentralisation and devolution of power, and to subject this issue to the national referendum that is required for constitutional change. In addition, the change necessitates a two-third majority in the parliament.

Elements of a settlement

The nature of devolution will also form the centrepiece of negotiations and an eventual settlement. A criticism of the devolution package has been that it does not provide for power-sharing at the centre.

Central power-sharing, e.g. by introducing a second chamber with representation of regional interests as the Liberal Party has proposed, could be a mechanism to counter the centrifugal

forces that a regional devolution of power will institutionalise. It could also give the LTTE incentives to remain in a united Sri Lanka.

From the government's perspective, it is important to recognise this dimension of the LTTE's new demand for central power-sharing. The LTTE, in turn, needs to frame what otherwise seems a bold demand for asymmetry in the broader context of national unity. As noted at the conference, overrepresentation in the centre may enable the Tamils to participate effectively in policy-making and governance.

The claim clearly is at variance with a standard majoritarian model of democracy, but it is compatible with other models for accommodating and protecting minority interests, including so-called consociational constructs that have functioned with reasonable efficiency in some multi-ethnic states.

The principle of asymmetry as between regions was also the subject of considerable discussion. It was pointed out that other states have accepted asymmetry as a way of dealing with particular minority problems.

Thus, federal Canada has accorded a special status to Quebec, and also India - a unitary state in principle but quasi-federal in practice - has granted special rights to some of the states in the Northeast (as originally also Kashmir enjoyed). Hence, it would not be unprecedented if the Sri Lanka government gave special status or rights to a North East Council in recognition of the special characteristics of the people and the area .

Even in seemingly intractable civil wars, it is possible, to create a break-through in negotiations if the parties are willing to rethink the very framework for a settlement, as the noted American scholar William Zartman has pointed out in a recent book. In the Sri Lanka case, the principles of consociationalism and asymmetry may be necessary innovations of this kind - pillars in a stage that is reconstructed for meaningful negotiations.

Role of external parties

India's role has been significant throughout the conflict. If a settlement is to succeed, India must accept the very process and not simply acquiesce in a final agreement. A complicating issue in this regard is India's demand for extradition of LTTE leaders to face legal charges in India in connection with the assassination of the late Prime Minister Rajiv Gandhi.

The international community more generally has increasingly distanced itself from the conflict and its protagonists. A renewed peace process could serve to re-engage foreign states, as was emphasised at the conference. This might have positive consequences for the national economy and the development process. International re-engagement is also important for the LTTE, which is increasingly conscious of its isolation.

Norway has a long and close relationship with Sri Lanka and considerable expertise from international conflict resolution. The Deputy Foreign Minister made clear at the conference that Norway stands ready to facilitate the peace process if invited to do so.

The possibility of using aid to encourage the peace process was discussed at the conference. Different perspectives were put forth: the representative of the Norwegian political opposition called for all the donors to use aid in the form of concerted sanctions so as to force a settlement.

The Deputy Minister of Foreign Affairs argued that this approach might be counterproductive since much of the aid is either for humanitarian purposes or benefits needy people. Arguably, a third and more constructive alternative would be to try to identify measures of "positive conditionality": the use of additional aid to strengthen the socio-political infrastructure for peace, or to encourage the parties to engage in the peace process.

Much of the NGO work for peace has sought to strengthen structures of conciliation on the grassroot level. According to a representative for the London-based NGOs Forum on Sri Lanka, many NGOs turned to peace issues when they realised that the war made it impossible for them to carry out development projects. Apart from grass root work, NGOs also seek to promote peace by lobbying national governments and strengthen local NGOs working for peace. Lessons of peace-making

Given the bitter past and the present currents of violence and mistrust, there were few illusions about the prospects for a rapid settlement or what external parties realistically could do in this regard. But the conference took note of the lessons of peace-making which the Deputy Foreign Minister, Jan Egeland, summarised in conclusion:

- (1) Outside parties can be mediators, facilitators or technical hosts. Small states such as Norway can in some situations play all these roles except, perhaps, provide "mediation with muscle".
- (2) Secret talks are important because they shelter the process from the extremist pulls from the public and the press.
- (3) The parties to the conflict must be convinced that military victory is impossible, and that political compromise is necessary, but also that compromise will hurt.
- (4) The parties must have realistic expectations of what they can obtain in a settlement.
- (5) Securing a settlement is in part a question of "good timing" as broadly understood.
- (6) To obtain a peace agreement is only half the task and sometimes less; implementation is the most difficult of all.