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Session 5: Process Analysis of the Peace Process

Mr.Tyrol Ferdinands
Managing Trustee Iinitiative for Political and Conflict transformation (INPACT)

Thoughts on Process

When reflecting on the processes connected to attempts at resolving the issue of power sharing it is best to start with the basis on which these engagements have taken place. In Sri Lanka it was probably the combination of a hurting stalemate (on the side of the government) and the perception that a parity of status has been achieved (for the LTTE) that seemed to move the parties into a process of exploring a peaceful engagement. However in a situation where there is no framework agreement to guide the process, one has to depend on the assumptions on which the process is based on. In Sri Lanka the peace process has almost always been based on the assumption that the attempt at redefining power relationships will be through a greater democratization of the state and that the armed insurrectionist group will enter this new and more democratic dispensation. Since so much emphasis is placed on democracy it maybe useful to briefly explore the concept and practice of democracy.

The Crisis of Democracy

Even a superficial exploration would reveal that there is a crisis of democracy. In the third world [supposedly coming to grips with history and modernity and is said to be in transition to democracy and the market] electoral democracy is marred and distorted by corruption and widespread violence. In the west [which is busy with the (very christian/colonial?) business of a normative civilising project that will deliver democracy as the final stop for humanity] democracy is marred and distorted by the ever decreasing 'public participation' as evidenced by constant low turn out at polls.
In a historical sense, for democracy to take place violence should occur in the form of constructing a state and defining the limits of its sovereignty. Democracy then becomes a form of governance within the state. [The nation provides the demos and the state for kratos.] But recent events suggest that democracy is no longer the function of the state but is becoming its underlying condition. Accordingly where the state was permitted legitimate violence, today it is democracy that legitimises violence.

The particular orientation of democracy as a final outcome means that there is an emphasis on its normative and ideological aspects rather than on its functional and utilitarian value. The preponderance of the international communities roles in driving the Sri Lankan peace process and its agenda has also meant that in the democratisation process emphasis has and is on its normative rather than functional value. This is also true of civil society interventions since NGO discourse is largely informed [and its programmes funded] by western agencies operating within a certain ideological framework.

The approach to democracy as an outcome (final destination) and not a process, the emphasis on its ideological and normative elements as the methodology of a civilising project results in a clash between democracy and identity. (democracy as a weapon to beat identity based groups)
Since peace is equated to democracy, like democracy, peace too is approached as an outcome and not as a process. This has serious implications for the sustainability of the outcome.

Conflict and Peace Process: Issues and Dynamics

Conflicts in Sri Lanka, mainly the violent ones have generally been between two parties. The JVP tried twice to capture state power, while the LTTE has through armed struggle attempted to and has partly succeeded in creating a separate state. The reform resistant state in its attempts to deal with these challenges has nevertheless been adroit enough to ensure that it doesn't have to fight on two fronts at the same time. [for instance when the second JVP insurrection commenced in 1987, the IPKF was conveniently at hand to release Sri Lankan soldiers to return South] While continuous processes of jostling for power and resources are among a multiplicity of stakeholders, violent conflicts that arose out of these struggles were between two parties [government – LTTE conflict, halted by Indo-Lanka Accord, security forces released for government - JVP conflict]. Similarly attempts at resolving conflicts through peaceful means were limited to deals between two parties, even though other stakeholders either held a veto power over the implementation of the solutions or had the capacity to spoil an outcome. [eg: near PA-UNP agreement on draft constitution with the exclusion of the LTTE (2000); UNP-LTTE engagement with marginalisation of opposition as spoilers]

The question this raises is: Can a conflict resolution process that mimics the structures and dynamic of conflict have a chance of producing an implementable and sustainable outcome?

The engagement between the former UNP government and LTTE was successful (2002) in its initial phase since both parties took a pragmatic approach reflecting ground reality [instead of polemical arguments based on a vision for a final settlement around structures and systems] and a 'Lets start with what we have, not what we want' attitude. It was good for establishing confidence, but was not enough to sustain such confidence and move towards the larger project of nation building. While the main motivation for the talks was probably economic, the resolution also seems to be couched in economic terms. There was a great attraction to the view that a 'development for peace, peace for development' synergy was the way forward.

The question this raised was: Can an economic solution be given to what was thought to be an essentially identity based crisis? This is a highly questionable theory of change.

Track I negotiations in Sri Lanka also do not seem to have fall back positions/options. Since negotiations are always seen as a deal between two parties only, choices are available only within this framework severally limiting options available. The bipolar approach ties the two parties into one of interdependency or mutual destruction. Once this logic sets in any attempts to even talk to a third party [as a way of creating options] would be perceived as undermining the mutual interdependency. Negotiators typically negotiate from positions they know. They will adjust their position to meet demands of opposing party. Any policy changes that are made are therefore of a tactical nature and are not fundamental to the sustainable resolution of the conflict. A process that will lead to a sustainable outcome can be brought about only through a paradigm shift. Space and conditions for such a paradigm shift will be possible only if the bi-partisan, bi-polar engagements that mimic the structures and process of the conflict are transformed into broader engagements both in terms of issues as well as participants. It is in such a situation that any peace process has a chance of reaching a state of irreversibility.

The Tamil people are confident that Mr Velupillai Pirapaharan in particular and the LTTE in general are the people who have the will and capacity to obtain the best arrangement for them. The Sinhalese in particular and most others in the South of Sri Lanka feel reassured and know that President Mahinda Rajapakse will not barter their core and deep rooted concerns. Almost everyone agrees that any agreement reached with a Peoples Alliance government has a better chance of both being accepted in the South as well as being implemented. So the 'who' rather than the 'what' may indeed play a crucial over the next couple of years.

The issue is how political power is to be shared and the bottom line is that the Sinhala nation has to come to terms with the Tamil nation. In this situation while unity is the crucial factor for the Tamil

community (the Muslim community being the other aggrieved party-unity is crucial for them as well, as current events show), it is inclusivity that has to be the key driving force in the rest of the country. These somewhat distinct (though not necessarily too different) process imperatives arise out of two very different ground realities. The importance of unity for the Tamil community has to be understood in the context of an armed struggle, while the importance of inclusivity in the rest of the country is best appreciated in the context of divisive electoral politics and coalition governments.

I would hazard the suggestion that advocating the federal idea is an obstacle to any meaningful and heartfelt discourse on how the Sinhala and Tamil nations will come to terms with each other. In any case it is not the heartfelt desire of the Tamils (they may simply be compelled to accept grudgingly an old form of its political imagination) and evokes countless demons among the Sinhalese.

We also cannot and should not forget that the Oslo declaration of 'exploring a federal solution' was ditched by both sides - an exploration of the political imperatives that led to this would be interesting. We may very well end up with a solution with federal features. But the background is one where the constitutional debate did not generate categories that helped to think outside a unitary midset/majoritarian approach and was framed in a post colonial setting. Neither the state, political parties nor NGOs have been able to frame [or for that matter shown willingness and political creativity to display potential to move] the debate on the merits and demerits of federalism as building consensus in a post conflict situation. In such a situation it is quite unhelpful for the process, to frame the discourse within federal terms.

Some other issues that need to be flagged:

• It is better for the process that the JVP and JHU remain alongside the government whether in times of peace or war since theses parties should take at least part responsibility for what is to be done. These two parties reflect some deep seated concerns of a significant section of the population that should be kept within the process as stakeholders. The UNP-PA bipartisan approach has in any case always collapsed in the mire of competitive politics.

• Successive governments have taken a divide and rule approach to both the Tamil and Muslim community, at times promoting 'leaders' within these communities who might be more 'amenable'. The LTTE at most times keeps out of meddling within the Sinhala polity but has nevertheless intervened quite decisively in influencing the outcome of Presidential stakes on three occasions. This meddling in each others affairs would continue as long as the engagements remain tactical and until a framework agreement can be arrived at.

• The issue of the transformation will continue to haunt the process. The state seems to be able to conceptualise transformation only in terms of its existing structures – structures that created the problem in the first place. The internationals concern appears to be that the LTTE has neither shown the willingness nor the ability to transform during four years of a ceasefire. The governments position is probably best articulated by its Foreign Ministers recent remarks in a speech in London where he posed the question " Is it only the government that has to transform during talks?, while the LTTE is to be expected to transform only at the conclusion of the process?"

• President Mahinda Rajapakse has not pursued too vigorously the 'international safety net' approach, instead concentrating for the moment on South Asia. The China vs India (+USA) nexus too may have an impact on the process.

• The motivation for the international communities support for any peace process has to be seen in the light of the larger global reform. I would contend that its motivation for engaging/supporting the peace process is simply part of its larger reform agenda (administrative, economic etc). Sri Lanka has also not been 'fortunate' enough to profit from what I would term a global moment of truth such as the end of the cold war- though attempts are being made to frame the process in the light of the global war on terror with only limited results.

• The current series of negotiations would probably not yield any appreciable results with a continuous focus on the ceasefire agreement alone. The disagreements (whether they be over the content or implementation) over this agreement could go on for years. What could probably take the process forward is parallel focus on how to establish a framework of cooperation and legitimize and operationalise an interim body for the NorthEast. When the UNP government and the LTTE embarked on a peace process in 2002 it was claimed to be a partnership for peace. That partnership collapsed when one party decided to hold a meeting on its own with the international community in a location where the other party could not possibly travel. This time there are no such pretensions and it appears to be a process of antagonists engaging in hard ball negotiations, where no quarter is given or expected. and where probably confidence building has no role or at least takes a new meaning. In this new situation it is reciprocity that can drive the process.

unity & inclusivity
reciprocity
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