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Beyond the Talks in Thailand: Towards Transformative Peace in Sri Lanka

Jayadeva Uyangoda
University of Colombo
And
Social Scientists' Association
uyangoda@cmb.ac.lk

Introduction

Reports indicate that all arrangements have now been finalized for the first round of proposed talks between the United National Front (UNF) government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). Unless something drastic happens in Sri Lanka in relation to the island's political or security situation jeopardizing the process towards negotiation between the government and Tamil rebels – one cannot rule out the role of spoiler elements in subverting attempts at resolving a protracted conflict --, this first round of talks is most likely to mark a long period of political engagement which one may even call the 'new negotiation phase' of Sri Lanka's ethnic conflict.

An objective assessment of the current situation of the Sri Lankan peace process suggests that the talks on September 16 may not produce a settlement agreement between the two sides; neither would the parties be able to address, with any degree of finality, complex issues involved in the ethnic conflict or its future directions. However, the way in which both the UNF government and the LTTE have been approaching the negotiation exercise seems to suggest that they have reached a prior understanding for engagement through talks, without retreating to military action, for a considerable period of time. In this mapping out of the post-September 16 trajectories, protracted negotiation in conditions of protracted no-war seems to be the most prudent path available to both the LTTE and the UNF government. If the two sides enter into and stay on that path, they might sign a series of agreements designed to further de-escalate the conflict. In case the political engagement between the government and the LTTE develops a dynamic of continuation, the agreements between the two sides are likely to shape institutionalizing LTTE's consolidation as a political and administrative entity throughout the Northern and Eastern provinces.

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Context of Negotiation

Sri Lanka's ethnic conflict can be characterized as a protracted ethno-political conflict that has remained militarized for almost two decades. Protracted internal conflicts are not easily amenable to negotiated settlement and this point has been made in

numerous empirical studies on contemporary intrastate conflicts.ⁱ There are profoundly daunting reasons for this difficulty. Contemporary theories of conflict resolution/settlement are also replete with insights that can provide useful perspectives on the future trajectories of Sri Lanka's conflict. One point that has become repeatedly visible in Sri Lanka's conflict is that political space favorable for the settlement and termination of protracted conflict is usually produced by conjunctures of processes that are quite rare. Sri Lanka's present peace initiative should also be viewed as a consequence of a rare configuration of political and military processes. The last time such an opportunity for peace opened up was eight years ago, in 1994. When that attempt failed, the two sides went back to all out war which went on unabated for seven years. Indeed, the return to war in 1995 after breakdown of peace negotiations was a repetition of two previous instances of similar dimensions, the first in 1987 and the second in 1990. These indicate the presence of a fundamental and recurring challenge which Sri Lanka faces in moments of transitory peace; it concerns the task of establishing enduring peace through a sustainable negotiation process.

In theory in its narrow sense, and in ideal situations, negotiation in a conflict suggests that the two parties to the conflict are ready to explore bilateral, joint solutions, in place of unilateral action and outcomes. A negotiated settlement to a conflict should mean it to be a joint and shared outcome, often worked out by the parties together. It is this element of bi-laterality that gives importance to negotiation in a conflict. In militarized political conflicts it may mean that the parties in war are beginning to jointly explore non-military, political options. Against these assumptions, a question that needs some exploration is: Are the Sri Lankan government and the LTTE at present actually committed to exploring joint political outcomes? Simply put, are the two sides ready for a negotiated settlement to the conflict?

In the political debate on Sri Lanka's present peace process, many critics make the argument that while the Sri Lankan government may be genuinely, and even naively, committed to a negotiated political solution to the ethnic conflict, the LTTE is certainly not.ⁱⁱ On the question of negotiation, compromise and peace, the LTTE indeed has a great credibility deficit, primarily because of its past record of unilateral termination of the negotiation option. The LTTE's relentless commitment to a military strategy to achieve a separate state, as demonstrated throughout a continuous period of two decades, and its specialization of violence as a means of political conduct, constitute a record that gives little or no credence to any declaration by the movement's leader that he is seriously pursuing a political solution and peace. In contrast to the LTTE, Sri Lanka's governments, both of the People's Alliance (PA) and United National Party (UNP) – have a better record of pursuing political options through negotiation. A popular perception of Sri Lanka's governments in this regard is that the government leaders who have initiated negotiation with the LTTE have been simply deceived by the LTTE's political cunning and treachery.

From the Tamil nationalist side too, there is a distinctly demonized understanding of the goals, strategies and intentions of the Sinhalese political leadership in Colombo. The LTTE's explanations of past negotiation failures point to the belief held by the Tamil insurgents that government's in Colombo have not been sincere about resolving the Tamil national question in a manner that would satisfy the political aspirations of the Tamil nation. They would also point out that during past negotiations, the Sinhalese political leaders were merely using the negotiation option to destroy the LTTE by politically isolating them from the Tamil people. This 'hidden

agenda' and 'grand design' theory – a conspiracy theory of peace negotiation – to some extent explains why the LTTE has been the first party to break off the negotiation and resort to the first-strike option, as happened in June 1990 and April 1995. Even then, the point is that the LTTE leadership has not demonstrated much political trust towards Colombo governments, although they had engaged the government in talks.

When deep mistrust and mutual hostility had defined the government-LTTE relations for two decades of war, what has made it different this time around, enabling the two sides to engage in an exercise in peace and negotiations? An answer to this question becomes all the more complex when we take note of the fact that there are many, convincing arguments to debunk the belief that the two sides might not have any compelling inclination to resolve the conflict. As for the leadership of the present United National Front government, their record of blocking a political settlement during the previous People's Alliance government is a particularly dismal one. By not supporting President Chandrika Kumaratunga's constitutional reform initiative, the present Prime Minister Ranil Wickramasinghe, then the Leader of the Opposition, simply ensured the ultimate collapse of the PA government's peace project. What has made him now to be converted to a peace initiative? A similar, yet profoundly more intricate, skepticism arises with regard to the LTTE's commitment to a negotiated settlement when we take into account the fact that the Tamil nationalist rebels remain militarily unvanquished by the Sri Lankan state. The general experience of many anti-state guerilla movements is that the decision to negotiate with the state for a compromise is largely contingent on serious military defeats, grave political emergencies or an impending catastrophe. Rarely have militarily successful guerilla movements shown willingness to pursue a negotiated outcome, unless perhaps there are unendurable political costs involved in the military success itself.

Reasons for the Negotiation Option

In Sri Lanka's political debate on the peace process, the question as to why the government has initiated a peace process with the LTTE is generally viewed as unproblematic. Since 1987, all Sri Lankan governments have pursued the negotiation option with the LTTE and therefore the general belief in the country is to treat government initiatives for negotiation as a part of normal politics. Since 1989, it has also been the case that either a regime change, or a change in the political leadership, has prompted peace initiatives with positive responses from the LTTE. Meanwhile, ruling parties, when they were in the opposition, have also had a tendency to take up pro-negotiation positions. Such political conversions have mostly occurred in anticipation of parliamentary or presidential elections. As happened in 1994 and 2001, the governing parties, who have earlier held negotiation with the LTTE, tended to be conservative, rigid and rejectionist in their stand towards the LTTE. In contrast, the main opposition party, anticipating electoral victories and seeking alliances with Tamil parties and voters, has been quite open to negotiation. Since 1994, inauguration of a peace process has thus become a one of the first celebrative tasks of new regimes.

Beside the compulsions of parliamentary politics, the worsening economic crisis has provided a compelling context for the UNF regime to pursue the strategy of negotiation. In the year 2000, Sri Lanka's overall economic crisis has been characterized by negative economic growth. In the general background of global economic recession, Sri Lanka's economy suffered unprecedented setbacks in 2000 – 2001 against continuing draught, rapid decline in foreign investment due to war,

collapse of tourism industry and continuing macro –economic mismanagement. The continuation of the war could have pushed the economy to a state of collapse. Or, to put it differently, it would have been exceedingly difficult for the government to finance the war which consumes about 40 per cent of government's annual budgetary allocations.

The reasons for the LTTE to enter into negotiations are obviously different. The explanation offered by ardent critics of the LTTE is that this time too, the LTTE leaders have merely deceived a gullible Sinhalese political leadership that was in search of Tamil votes at the election. According to this school of thought, the LTTE will merely use the conditions of cease-fire to re-arm, re-group and re-organize themselves. This influential school of thought also argues that it would merely be a matter of time for the LTTE to unilaterally terminate the cease-fire agreement and launch a devastating attack on the government. The difficulty with this theory is that it totally rejects the possibility and utility of any political engagement with the LTTE. Characterizing the LTTE as a fascist entity, it treats the LTTE as inherently incapable of politically engaging itself with the government.

A widely held and popular explanation is that the changes in the global situation after September 11 have compelled the LTTE to change its strategy and pursue the cease-fire and negotiation path. The main focus of this explanation is on the possibility of the LTTE being treated as an international terrorist entity and eventually becoming a target of the global offensive against 'terrorism.' The LTTE, as the argument goes, does not want to run the risk of being hunted by the international community. In this theory, the best option available for the LTTE to survive abroad is to change tactics at home. Hence, according to this popular school of thought, their 'opportunistic' move to appear to be interested in negotiation. However, in closer analysis, one would argue that the impact of September 11 on the LTTE politics is more complex than this easily comprehensible explanation.

Nonetheless, there are two levels at which the post-September 11 world is likely to have influenced the LTTE's strategic thinking: diasporaic politics and the role of non-state actors in global politics. The LTTE's continuing commitment to a military strategy alone to serve what they call the political aspirations of the Tamil people in Sri Lanka would have reinforced the argument that the LTTE was essentially a terroristic entity, that has been operating not only in Sri Lanka, but also in a large number of Western cities. The harsh, anti-terrorist moves by the Western governments, if directed against the LTTE too, would have criminalized vast networks of Tamil diasporaic politics, spread throughout the globe and controlled by the LTTE. This is where the LTTE leadership was probably compelled to protect the interests of the Tamil diaspora abroad, by opening up a political front at home. The second point of closing up the space for non-state actors in global politics was clearly demonstrated by the US military offensive and eventual destruction of Al Queda as well as Taliban movements. The Anglo-American handling of the post-September 11 world very clearly demonstrated that the period in which non-state political movements with counter-state military agendas could operate freely and globally had effectively come to an end. The destruction of the Taliban regime in Afghanistan, brought into power and sustained by the pro-American Pakistani military-political elites, was in a way a decisive turning point in the post-Cold War global political order. What it indicated is that there is an American commitment, especially under the Republican rule, to re-constituting and managing the global nation-state system as defined in the worldview of the American Right-wing. In this particular scheme of things, 'terrorists' are primarily those non-state actors engaged in threatening or

breaking up of existing states locked into the America-led global system of nation-states. It is quite possible that the LTTE leadership understood these changing dynamics of global politics and responded with a remarkable sense of political sharpness of which their critics in Sri Lanka can only feel envious.

Another key to understand, or at least interpret, the LTTE's policy shift to negotiation and the objectives that the movement seeks to achieve through negotiation lies in the LTTE's constant emphasis on the notion of "normalizing the day-to-day life conditions of the Tamil people in the North-East." The LTTE's political agenda implied in that specific notion could be seen as unraveling a crucial domestic factor that would have compelled the LTTE leadership to politically engage with the government. It relates to the contradiction between the LTTE's strategy of protracted war and the appallingly sub-human and unbearably harsh living conditions under which have Tamil people have been living for many years in areas that are under the LTTE's direct political, military and administrative control. The standards of living among the Tamil people in the so-called 'uncleared areas' held by the LTTE have been constantly deteriorating due to the continuing ravages of the war. The tragic human dialectic of the LTTE's achievements as a counter-state insurgent movement has been that greater the military successes they have won, the harsher have been the conditions of life for the Tamil people living in the conflict zone. The continuing deprivations and material suffering of their own civilian populace should be a compelling reason for the LTTE to re-think their military strategy, despite the spectacular military gains they made in 1999-2001 against the government armed forces.

In this reading, the LTTE's dilemma at present can be seen as a profoundly serious one confronted by a politico-military movement engaged in a protracted armed conflict on the premise that that struggle represented the aspirations of a population, of an ethnic community. It constitutes a contradiction between military success and its human-political cost. The LTTE has certainly been able to demonstrate to their own people and to the world outside that they had acquired a status of parity with the state in terms of military capability. But, in inverse proportion to that success has been the failure of the LTTE and its leadership – the self-styled liberators of a community – not to be able to provide even the bare necessities of a normal, regular life to the people under their military-administrative control. Against the backdrop of extremely severe material conditions of life for the Tamil people, it is not implausible to argue that The LTTE has been compelled to re-define their relationship with their own people in Vanni and the North-East in terms of improving their life conditions.

In this context, it may be useful to recall that the LTTE leadership utilized the "normalization of civilian life" formulation during negotiations with the People's Alliance government in February-March, 1995. The specific context for this move by the LTTE was marked by the insistence by President Chandrika Kumaratunga that talks between the two sides should focus on "resolving" the ethnic conflict and finding a "permanent" solution. What became clear in the exchange of letters between the two sides during this controversy of the agenda for talks, less appreciated at that time though, was that the LTTE leadership had formulated a two-stage approach to resolution of the ethnic conflict. The approach of the PA government was to discuss the root causes of the ethnic conflict and then identify core areas of dispute so that two sides could agree on a framework for a lasting settlement while addressing those core issues. This position of the PA government may be described as a single-stage approach to conflict resolution. What happened in February, March and April 1995 in the government-LTTE controversy on talks and

the negotiation agenda was that the two sides failed to identify points of intersection between their contending approaches. The government leadership interpreted the LTTE proposal as a deliberate strategy to avoid the core issues of the conflict and thereby to protract the negotiation process in such a way that ultimately talks would not produce any outcome. The LTTE, on the other hand, saw in the government's insistence on resolving the core issues as a ploy to let the talks breakdown so that the government's plan of military invasion of Jaffna could be justified.

The LTTE's two-stage approach to conflict resolution deserves some serious examination since it has a direct bearing on the present peace process as well. Looking at it from a dispassionate perspective, it is an approach that makes greater sense than the single-stage approach of the PA government. The difficulty with the single-stage approach is that it assumes that the resolution of protracted ethnic conflicts should be a relatively unproblematic proposition. By focusing on the root causes that originally created the conflict, it ignores the dynamics of conflict re-production that have been produced by the on-going war and violence. It therefore has a strong element of naivete which is based on the premise that the resolution of a protracted ethnic conflict could be achieved with relative ease by means of a first and final agreement among parties to address the root causes of the conflict. In contrast, the LTTE's two-stage theory of conflict resolution acknowledges the immense complexity of the conflict that requires, first of all, an agreement between the parties to the war to de-escalate the conflict through initially addressing not the causes, but the consequences of the war. This approach further assumes that the elimination of the consequences of the war – in the idiom of the LTTE, the "normalization of everyday life of the people in war-torn areas" – would eventually create conditions "conducive for resolving" the ethnic conflict. If not understood in this mode, the LTTE's two-state theory is liable to be interpreted as ploy of negotiation subversion, because it contains a zone of ambiguity between the first and second stages.

The MOU and its Politics

One of the remarkable aspects of the present conflict resolution process in Sri Lanka is the wide range of negative responses that the Memorandum of Understanding (MOU), signed by Prime Minister Wickramasinghe and the LTTE leader in February this year, generated. Not only the Sinhalese nationalists and the People Alliance, but also the liberal human rights community in Colombo saw in the MOU a deeply flawed exercise. According to Sinhalese nationalists as well as ardent critics of the LTTE, the UNF government made a monumental blunder by halting its military operations against the LTTE. They also saw in the MOU an unequal exchange of military benefits favoring the LTTE. The critique of the liberal human rights community ranged from highlighting procedural flaws to wide gaps in relation to human rights protection. With regard to procedural flaws of the MOU, the argument put forward by some spokesperson of the human rights community is that the MOU violated the constitutional provisions on two major counts. Firstly, the Prime Minister had no constitutional authority to sign an agreement pertaining to war, since that authority, according to the country's Constitution, rested with the President. Secondly, the government's signing of an agreement with an organization that had been banned under the Prevention of Terrorism Act (PTA) was itself a violation of the PTA which made the MOU signed with the LTTE legally null and void.

The greater opposition to the MOU emerged from some human rights groups in Colombo was based on the assumption that it legitimized the LTTE's 'totalitarian rule'

in the Northern and Eastern provinces coinciding with the UNF government's abandoning of its responsibility towards people in these areas. This critique is linked to the possibility of the UNF government and the LTTE agreeing to establish what has been called an 'Interim Administration' in the Northern and Eastern provinces under exclusive LTTE control. Many human rights groups in Colombo expressed serious doubts about the wisdom of the very idea of an interim administration under LTTE hegemony because of its likely disastrous consequences for human rights, democracy, pluralism, accountability and the rights of the regional minorities. The University Teachers for Human Rights (UTHR - Jaffna) in their latest report have dramatically highlighted these concerns by branding this negative trajectory as 'totalitarian peace.' At the heart of this debate is a profoundly complex issue: how should the Sri Lankan state in search of peace handle the militaristic LTTE, which has also joined the peace process on its own terms?

In the current debate on the peace process, many critics continue to characterize the LTTE as a 'fascist' entity with its own uniquely unreformable qualities. They do it with good reasons. The enduring commitment to the goal of a separate state, the unwavering belief in the efficacy of the military path to achieving that goal, subjugation of political options to military objectives, ruthlessness in the deployment of violence, terror and deception as means to power, and the calculated disregard for even elementary norms of democracy, human rights and pluralism are often posited to be some key characteristics of this unique movement called the LTTE. These certainly are also some of the key features that have distinguished the LTTE from all other militant Tamil groups.

However, the question with which the Sri Lankan state is confronted at present concerns a difficult choice: continuing the war or making peace with an illiberal oppositional entity. The 'totalitarian peace' thesis describes a totally negative outcome of that peace for the people in the North-East provinces once the LTTE gains control of the region under the proposed interim administrative body. The way in which many human rights activists problematize this peace dilemma also assumed that a totalitarian peace could be the inevitable outcome of an unequal political exchange between a 'weak liberal state' and a militarily strong and counter-state "fascist" entity. It posited that the weak liberal state was on the way to capitulate before the regional fascist force and that that capitulation would mean the state abdicating its political responsibilities for the citizens living in the region.

A somewhat different trajectory might also be mapped out to theorize the outcome between the present political engagement between the Sri Lankan government and the LTTE. In that reading, that exchange could be interpreted as one between a 'relatively illiberal state' and an 'essentially illiberal' regional entity. Its worst outcome is most likely to be some form of 'illiberal peace', which may well be a transitional phase in Sri Lanka's emerging process of state formation. It also appears that there are no alternatives to this transitional phase unless there emerges a new political force in Tamil society that is not only democratic and pluralistic, but can also effectively replace the LTTE. But, there is hardly any space for such a change to occur in Sri Lankan Tamil politics as long as the Tamil society continues to be crushed under the weight of war and violence. This constitutes one aspect of Sri Lanka's present peace dilemma.

In order to contextualize the peace dilemma as outlined above, it is necessary to acknowledge that the LTTE's essentially illiberal character has been largely concretized under social and political conditions of protracted and deadly intrastate

war. The war has destroyed the social foundations of the Tamil polity and they cannot be easily repaired. In class terms, the Sri Lankan Tamil society in the North-East has been atomized and torn asunder. A total economic collapse, population displacement, out-migration and the absolute destruction of commerce, trade and manufacture have ravaged its class structure. At present, there is no class center of gravity in that society. No is there a civil society as such. If at all, it exists underground, or abroad. As some anthropological studies on the Eastern province indicate, the only pockets of community autonomy remaining in the North-Eastern society, even with a limited political space to function, are linked to the church, the *kovil* (hindu temple) and the mosque. Amidst continuous destruction of social relations of community life in the Tamil society, the religious community has survived as the only functional form of civil society. The impact of all this on the political society of Sri Lankan Tamil community has been quite harsh. Indeed, the Sri Lankan and Indian states as well as the LTTE have directly contributed to the collapse of the Tamil political society in the island's Northern and Eastern provinces.

Parallel with this continuing process of social dislocation for about two decades has also been an acute political crisis, as characterized by the collapse of the Sri Lankan state in the Northern and Eastern provinces. When the state there collapsed, the LTTE and a few other Tamil paramilitary groups began to run the bare, coercive functions of the state primarily through open violence. Professor Charles Tilly's classic characterization of the early state as a protection racket has a remarkable application to these contemporary conditions of Sri Lanka's North-East. As many recent examples from Africa, the ex-Soviet Union and Yugoslavia demonstrate, in the absence of the formal state as well as in the conditions of civil war and the collapsed state, predatory networks for taxation, extortion and protection come to replace the agencies of the state. It is quite interesting to note that the agencies of the state as well as guerilla groups, the latter claiming to represent the interests of the people, have been sharing these predatory functions, with a great deal of rivalry and competition for many years.

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Interim Processes and Limited Peace

A key implication of the above discussion of the current political engagement between the LTTE and the Government in Sri Lanka is that the two sides have developed a somewhat shared conception of 'peace' that is both pragmatic and limited. It entails political engagement to achieve what is possible, leaving aside contentious and intractable issues as constitutional reform or modes of power sharing. In other words, their negotiation agenda may not include the difficult theme of resolving the ethnic conflict, but mechanisms to manage it in a manner that is acceptable to both parties. Since the sides are in need of a 'no-war' situation for some time to come, they were quick to formalize the unilateral cease-fire with mechanisms for international monitoring. It may be surmised that both the government and the LTTE have developed a shared commitment to a cease-fire process spanning over a fairly extended period of time.

If the extended cease-fire is an immediate objective of the LTTE's political engagement with the government, what would they actually want to achieve during and through a period without war? As we have already noted, critics have been arguing that the LTTE will merely use the ceasefire as a cover to re-arm the

movement, recruit and re-train the cadres and consolidate its control over the North-East. There is however another domain of possibilities that seems to escape the attention of the critics. It entails the LTTE moving towards using the space opened up by the cease-fire to re-build and develop the North-East economically. There are signals to indicate that a whole series of new activities in the North-East, directed towards "normalization of civilian life" is likely to begin soon. This time around, the meaning of the phrase 'normalization of civilian life' would mean more than lifting the embargo on goods or fishing rights and facilitating the movement of civilians. The fact that the main access roads are de-mined and opened up for traffic by the LTTE itself is an indication that a government-LTTE joint program for rehabilitation, re-settlement, re-construction and development is feasible in the Northern and Eastern provinces. The LTTE's conception of an interim administration in the Northern and Eastern Province needs to be seen as a measure motivated by this long-term goal of economic development. It needs to be recognized that on the vision and strategies of economic development, the LTTE and the UNF government are likely to differ substantially. While the government might want to extend to the Northern and Eastern provinces the market forces for rapid economic development, the LTTE, with its economic nationalism and the ideology of welfarist self-sufficiency, is most likely to resist the government moves to link the 'Tamil homeland' to global market forces.

In any case, the recognition of the feasibility of an interim process as a prelude to conflict settlement is another area where the UNF-LTTE understanding of the trajectories of the ethnic conflict seems to coincide. The UNF thinking for many years has been that in the highly fragmented Sri Lankan polity, solving the ethnic problem through political and constitutional means is simply not possible. The UNP's strategic line of thinking, as evolved in the early 1990s, has been to manage the conflict in such a way that the government efforts could be invested in the sphere of economic growth. In this argument, there is an economic assumption: consequences of rapid economic growth involving the North-East would be more effective in handling the ethnic conflict. This perspective finds its parallel in the LTTE's apparent shift from military strategy to a developmentalist strategy. If the LTTE is committed to economic and social development of the Northern and Eastern provinces – one of the most ruined regions in the world which Sri Lankan Tamils call as their homeland --, it should in the present conjuncture halt the military campaign to achieve its separatist agenda. Gains in the military front have not enabled the LTTE leadership to feed their own people. Every military gain has indeed worsened the living conditions of the very people to whom the LTTE claims to give leadership. In a most interesting way, the perspectives of the UNP and LTTE leaderships on the options concerning the ethnic conflict appear to intersect.

Limited Peace as Transformative Peace

The discussion above suggests that the most feasible outcome Sri Lanka's present peace is likely to be de-escalation of the war. It is obviously a peace process with a limited agenda, a limited scope and limited trajectories. For both sides, containment of war has become a politically desirable goal. With this interpretation in the backdrop, how could we envisage and strategize the transition to sustainable and comprehensive peace?

One way to respond to the above question is to recognize the contribution that can be made by limited, interim processes to transformatory dynamics of protracted

conflicts. As contemporary research findings of many global conflicts tell us, protracted ethno-political conflicts, like the one we have in Sri Lanka, are 'unending conflicts.' There are marked by what Fen Osler Hampson (1996) has recently called "self-sustaining patterns of hostility and violence." Getting the parties to the negotiating table and building momentum towards an agreement are enormously difficult exercises in such conflicts. Even if one is lucky enough to secure an agreement, an even greater challenge is to translate the agreement into a concrete package of mutual commitments and undertakings aimed at ending violence while the political order is restored. This challenge is sharper and greater in ethnic conflicts where the question of state power is contested through a secessionist insurrection. Researchers now argue that 'separatist wars' are a special type of civil war that has no definite ending or termination as such. A feasible way to handle them is through interim processes that entail trial and error, so that conflict is transformed into a political mode that requires no violence and war.

In this sense, a limited peace process will have positive consequences. The most positive aspect of the present situation is that both the government and the LTTE have opened up a political front and both sides want to stay in it for some time. Then, there is the international community, with its limited resources, to make the two sides accountable concerning their behavior. If the present cease-fire extends for some time to come, with de-escalation of the war, it may generate new dynamics for conflict transformation. Normalization of civilian life, the return of the refugees and the displaced, re-construction and re-integration of the communities, people to people contacts – all these are possibilities under conditions of a sustainable cease-fire. These are possibilities that can transform the logic of the present conflict, making conflict resolution preferable to conflict management of the pragmatic kind.

Interim Administration as Interim Process

The interim administration proposal is one option available to the government and the LTTE to institutionalize the interim process of conflict transformation. But the idea still remains at the conceptual stage. However, an interim administration for the Northern and Eastern provinces, in the present circumstances, will definitely mean the LTTE taking control of the administration of the two provinces. This possibility has led to three kinds of objections. The Sinhalese nationalists argue that the creation of an interim administration under LTTE hegemony, without disarming the LTTE or without their renouncing the goal of a separate state, would merely be a stepping stone to separation. Some human rights groups present the second kind of objection arguing that setting up of an interim administration would merely legitimize and institutionalize the LTTE's totalitarian rule that would deny to the people in the two provinces democracy, pluralism and human rights. The third objection emanates from some Muslim interests and it is based on the fear that an LTTE –controlled interim administration, without safeguards, would be detrimental to the minority Muslim community.

These and other objections that have emerged much before negotiation proper began provide an opportunity for both the government and the LTTE to review their concepts of interim administration and work towards establishing an inclusive entity, ensuring accountability as well as transparency. But that will not happen unless there is continuing pressure on the government, the LTTE and the Norwegian facilitators to incorporate in the interim agreements provisions for subjecting the interim institutions to the principles of rule of law as enshrined in the existing constitution. In other words, the interim administration should not be an entity that

is trans-constitutional; on the contrary, it should be one that functions within the confines of the constitution and its limitations. This is where the political objectives of the interim administration become crucial. The interim administration proposal does have the potential to propel the Northern and Eastern provinces towards a transition to either authoritarianism or democratization. If an LTTE-led interim administration is allowed to remain isolated from further processes towards peace and democratization, it will certainly run the risk of becoming an institution of authoritarian power.

It is useful in this context to turn to a critique of the theory and experience of interim processes in another context. Agha and Malley, writing recently on the Middle East peace process argue that the interim processes idea “flies in the face of the experience” of the past decade.ⁱⁱⁱ To summarize their critique, everything the Israelis and Palestinians have tried since 1993 has been of the interim sort – the Oslo Accords, the 1995 Interim Accords, the 1997 Hebron Agreement, or the 1998 Wye Memorandum. The interim, or incremental approach, seemed sensible at the beginning, but in practice has demonstrated serious shortcomings.

Lacking a clear and distinct vision where they were heading, both sides treated the interim period not as time to prepare for an ultimate agreement but as a mere warm up to the final negotiations; not as a chance to build trust, but as an opportunity to optimize their bargaining positions. As a result, each side was determined to hold on to its assets until the endgame. Palestinians were loath to confiscate weapons or clamp down on radical groups; Israelis were reluctant to return territory or halt settlement construction. Grudging behavior by one side fueled grudging behavior by the other, leading to a vicious cycle of skirted obligations, clear cut violations, and mutual recriminations.^{iv}

As we now know from retrospective wisdom, a key context in which the Israeli-Palestinian peace process ran in to crisis was not exclusively the interim nature of the agreements signed, but the absence of broad political consensus either in Israel or among the Palestinians over the settlement. The Norwegian led back-channel process of mediation was fundamentally flawed in the sense that it did not premise itself on creating political conditions in either society conducive and necessary for peace-making with the enemy. In Israel, only the ruling Labor Party leadership was involved in, or at least knew about, the compromise deal that the Norwegians and Americans were facilitating. Once the peace deal was signed with the enemy in Washington DC, the right-wing Likhud Party turn itself into the classic spoiler, thereby totally undermining the Labor party's effort. Similar developments occurred in the Palestinian society, pushing Palestinian politics into a state of acute polarization. The Washington agreement signed by Prime Minister Rabin and Chairman Arafat was ‘peace deal’ of a pragmatic kind, an outcome of an incomplete conflict management exercise that could not sustain the peace process. Indeed, the agreements only resulted in re-defining the conflict, instead of terminating it.^v The following critique of the interim process in Agha and Malley, though slightly misplaced, can make sense only in relation to the absence of a broad political context for peace:

By multiplying the number of obligations each side agreed to, the successive interim accords increased the potential for missteps and missed deadlines. Each interim commitment became the focal point for the next dispute and a microcosm for the overall conflict, leading to endless renegotiations and

diminished respect for the text of the signed agreements themselves. Steps that might have been easy to win support for domestically if packaged as a part of a final agreement were condemned as unwarranted concessions when carried out in isolation.... Yet another interim agreement could not cure ills that are inherent in the culture of interim agreements. It would not rebuild trust, it would not lead to a durable political agreement, and it would use up considerable local and international energy in the process.^{vi}

Lessons for Sri Lanka to be drawn from the above critique of interim process are that the interim measures should constitute an integral and organic stage of a transformatory peace process. An interim measure should not be viewed as a pragmatic, conflict management exercise; neither should it be seen as a peace deal, imposed by external forces. Peace deals can hardly survive the challenges of post-agreement complexities, as Sri Lanka learned at great cost after the Indo-Lanka Accord of 1987. Interim processes should be treated as interim, only in relation to continuing and constructive political engagement between the adversaries.

ⁱ Literature on protracted intrastate conflicts and complexities involved in their resolution is quite extensive. Some selected texts are Hampson (1996), Harris and Reily (1998), Mail et al (1999), Stedman (1991), Zartman (1989 and 1995).

ⁱⁱ In Sri Lanka, a passionate debate on the merits and de-merits of the peace process has been progressing for months, primarily in the newspapers and television. Even Buddhist monks appear on television debates advocating continuous war against the 'terrorist' LTTE . The Fear of peace expressed in these debates is symptomatic of a deep-rooted civilizational crisis sustained by conditions of protracted war and violence.

ⁱⁱⁱ Agha, Hussein and Robert Malley, 2002, "The Last Negotiation: How to end the Middle East Peace Process" *Foreign Affairs*, May-June 2002, pp. 10 – 18.

^{iv} Agha and Malley, 2002, p. 11.

^v I burrow the idea of peace agreements as moments of re-defining the conflict from Raune, Joseph and Jennifer Todd, 2001, "The Politics of Transition? Explaining Political Crises in the Implementation of the Belfast Good Friday Agreement," *Political Studies*, vol. 49.

^{vi} Ibid, p. 11.