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Straining Consensus:

Government strategies for war and peace in Sri Lanka 1994-98

The current People's Alliance (PA) coalition government came to power in Sri Lanka in August 1994 with a sweeping mandate for peace. In January 1995, the new government concluded a cessation of hostilities agreement with the Liberation Tigers of Tamil Eelam (LTTE). With the cessation, militaristic jingoism gave way to peace, democracy and reconciliation campaigns and to discussions on constitutional reform and political devolution. An end to Sri Lanka's armed conflict seemed achievable.

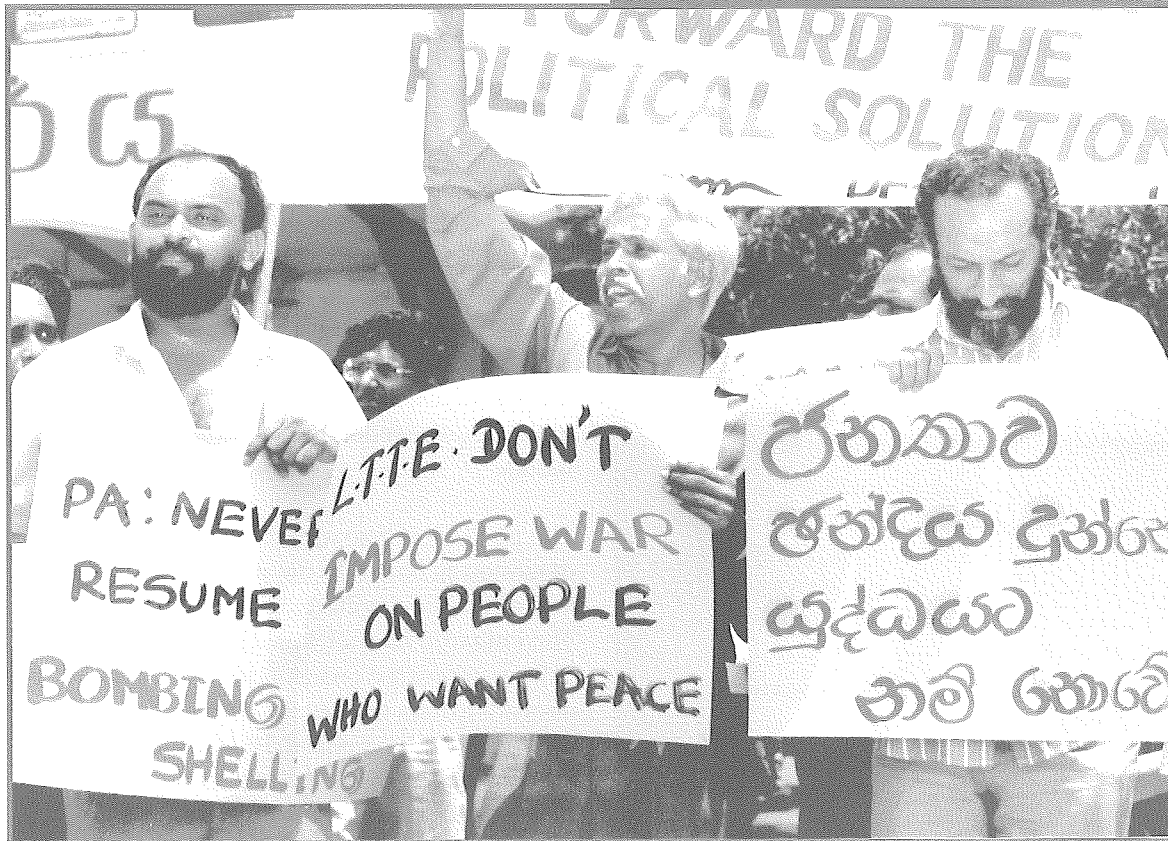
In November 1994, popular expectations of the incipient peace process were further enhanced when the PA's Chandrika Bandaranaike Kumaratunge was victorious in presidential elections. Sinhala chauvinism had been roundly marginalised while large numbers of all ethnic groups, including Tamils in some of the conflict areas, had voted overwhelmingly for the president. Civil society peace groups

were euphoric and their renewed activism culminated in December 1994 with a momentous march through the streets of Colombo and a rally at which thousands of activists appealed to both the president and the LTTE to take the peace process forward. The appeal was subsequently taken to Jaffna by a group of Sinhalese activists, and was warmly received. It was the first civic delegation to visit the peninsula since transport links were broken and the LTTE took control of the region in 1990.

The government-LTTE negotiations

In response to the conciliatory overtures of the new government, the LTTE indicated its willingness to re-enter peace negotiations for the first time since 1990.

Starting in October 1994, four rounds of talks were held in Jaffna between government teams of varying composition led by the Secretary to



the President, Mr. K. Balapatabandi and a four-member LTTE delegation led by Mr. S. P. Tamilselvan. All the talks were supplemented, and effectively driven, by an exchange of over 40 letters between the president and her representatives and the LTTE.

The first three rounds of talks yielded some results, notably the cessation of hostilities and an easing of the government's economic embargo on Jaffna. During this period, however, it soon became apparent that the government and the LTTE had fundamentally different agendas. The government wanted to negotiate simultaneously guidelines for a formal ceasefire, a programme of reconstruction and rehabilitation for the war-ravaged north and east and a political package to solve the ethnic conflict. The LTTE, meanwhile, required a step-by-step process which included a formal ceasefire and the 'normalisation' of civilian life in the north and east before political negotiations could commence. This

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The PA coalition

An alliance of several centre-left and leftist political parties, the PA entered Parliament as the largest single grouping after the 1994 general election. It is dominated by the Sri Lanka Freedom Party (SLFP) which holds 87 per cent of its parliamentary seats. To achieve a parliamentary majority and form an effective government, the PA was required to enter into coalition with the seven MPs of the Sri Lanka Muslim Congress (SLMC) and P. Chandrasekaran, the single MP of the Up-Country People's Front (UCPF), elected to Parliament as an independent. Under Chandrika Bandaranaike Kumaratunge, the PA was able to persuade the Ceylon Tamil parties in Parliament and the Ceylon Workers Congress (CWC) representing Up-country Tamils to support its initiatives for peace and constitutional reform.

Ceasefire and cessation of hostilities

The cessation of hostilities agreement signed in January 1995 by the government and the LTTE included many of the clauses of a formal ceasefire agreement covering monitoring committees, communications between forces commanders and restrictions on the position and movement of combatants. The contentious feature was the final clause under which the only condition for either side to terminate the agreement was the delivery of at least 72 hours' notice.

position called for the redressing of the consequences of war before addressing its causes.

The LTTE made the fourth round of talks dependent on the acceptance of four demands: a complete lifting of the economic embargo on Jaffna save for goods such as explosives and firearms; the lifting of the ban on sea fishing; the dismantling of the army camp at Pooneryn, on the main road link between Jaffna and the mainland; and the right for armed LTTE cadres to move unimpeded throughout eastern Sri Lanka.

The government accepted the first two LTTE demands as linked to the people's well being and indicated a willingness to compromise. The embargo on fuel was to be lifted and fishing permitted except within one kilometre of army camps on the coast. The government also promised to review the status of the Pooneryn camp within three months or with the resumption of political negotiations, whichever came first. At the same time, however, it suggested that Pooneryn, as well as the movement of LTTE cadres in the east, should be discussed in the light of the cessation of hostilities agreement which had provided for the freezing of all military positions.

While these promised concessions salvaged the fourth round of talks, the LTTE declared them evasive and non-committal and by 18 April had announced their withdrawal from the negotiation process. On 19 April, they attacked and destroyed two gunboats of the Sri Lanka navy anchored at Trincomalee, unilaterally ending the cessation of hostilities.

Many explanations have been proffered for the break-down of the negotiations: that the Sri Lankan government was not serious about restoring 'normalcy' to the civilians living in the north; that both the LTTE and the military used the period of 'peace' to re-arm and regroup; that the LTTE leadership was unwilling to countenance an openly democratic process leading to the solution of the ethnic conflict; and that the government sought merely to establish a favourable impression

among the international community to secure economic assistance. What is clear is that, in unilaterally collapsing the peace process, the LTTE damaged its own credibility and enhanced that of the government, both nationally and internationally.

A war for peace

Neither the civic peace constituency nor the president appeared prepared for the talks to fail so abruptly and there was no fall-back strategy to protect the peace process. For a time, anger in the south helped strengthen militaristic attitudes and the argument that the LTTE was an exclusivist organisation bent simply on secession. While the president continued to hold that a political solution was necessary to redress the grievances of Sri Lanka's minorities, she also decided that the LTTE had to be weakened militarily and dislodged from its stronghold in Jaffna. A new government strategy, termed 'war for peace', was born.

In December 1995, after two major offensives, the armed forces re-took Jaffna from the LTTE. Further military operations in April and May 1996 consolidated government control and a 30,000 strong army contingent was dispatched to secure and help administer the peninsula. Widespread fears that the final assault on Jaffna would cause massive death and destruction were not realised, however, largely because the LTTE retreated as the army approached, forcing almost the entire civilian population to relocate with it.

The evacuation and retreat from Jaffna was to prove a gamble that was both won and lost by the LTTE. Their actions clearly minimised civilian casualties. At the same time, however, the loss of the city undermined popular trust that the LTTE could hold firm against an 'invading' Sinhala army and severely dented the group's image of invincibility. Before they could recover, moreover, there was a further setback for the Tigers. Within months of the evacuation, a large majority of displaced civil-

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Human costs of the 'war for peace'

The war since 1995, however it is justified by the government, has so far not made way for peace, but has served to create a range of other problems. While its economic and political costs are undoubtedly massive, the war has also had a devastating impact on the day-to-day lives and livelihoods of civilians. There have been serious human rights infringements and a significant toll of death and injury among civilian communities trapped in war zones, while neither the state nor the LTTE pay much respect to humanitarian laws governing the conduct of armed conflict.

Together with renewed government restrictions on the movement of food and other items into the Vanni and LTTE-controlled areas in the east, the waves of displacement around conflict zones have further compounded civilian hardships and complicated access to external humanitarian assistance. The displaced have, at times, totalled around ten per cent of the entire Sri Lankan population.

***Sudu nellum* and the caravan for peace**

While its devolution proposals were under review and its campaign to eliminate LTTE 'terrorism' intensified, the government launched the *Sudu Nellum* (White Lotus) Movement to wage the 'battle for peace'. *Sudu Nellum* operates on two fronts. On the one hand, it offers support to the families of troops, particularly those killed or disabled through the war. On the other, it seeks to promote government proposals for a political solution to the ethnic problem through district-level seminars, discussions, meetings and workshops. *Sudu Nellum's* work has generally been limited to districts outside the north and east. By the middle of 1997, however, a series of meetings and discussions had been held in the Jaffna peninsula, boosting aspirations to island-wide coverage.

To complement the efforts of *Sudu Nellum*, the government initiated the '*Sama Thavalama*' (the Caravan for Peace). The *Sama Thavalama* uses street theatre, floats, posters and photographic exhibitions to reach workers and peasants, even in the remotest areas. It raises awareness and encourages debate and discussion among its audience as a first step towards promoting cross-cultural understanding, ethnic harmony and peace. The message of *Sama Thavalama* is that Sri Lanka is a multi-ethnic, multi-religious society whose diversity is its strength. It attempts to convince the Sinhala community that the Tamil people have legitimate historical grievances that need to be resolved politically.

While the *Sama Thavalama* and the *Sudu Nellum* initiatives raised some hopes that the peace constituency in the south could be consolidated and strengthened, they were perceived by many observers as lacklustre and amateurish. By 1998, in the context of the stalemated political package and the continued war effort, both campaigns appeared spent and ineffectual.

ians returned to Jaffna to brave life under the military, removing themselves from LTTE authority for the first time since 1990. This was clearly a statement of the community's unwillingness to live under the hardships required by the LTTE military strategy. It was also an expression of popular will to negotiate life in the peninsula with the military and the government in Colombo.

Since May 1996, the military has sought to consolidate its position in Jaffna while trying to dislodge the LTTE from its new stronghold in the Vanni jungles, immediately south of Jaffna. This operation, code-named *Jaya Sikurui* (Victory Assured) was expected to clear the main supply route to Jaffna in three months. Instead the battle continues with casualties on both sides higher than at any time in 15 years of war. In short, while re-establishing its presence in the Jaffna peninsula, the government has become deeply enmeshed in the very conflict it had previously sought to end.

The political package

While pursuing its military offensive to capture the main supply route to Jaffna and dislodge the LTTE from the Vanni, the PA government has continued to develop a constitutional framework, without LTTE participation, which might accommodate Tamil nationalist aspirations within a united Sri Lanka. This second track in its strategy to end the ethnic conflict was unveiled in August 1995, with the publication of extensive proposals for regional autonomy.

These proposals conceived a radical restructuring of the existing system of devolution introduced under the terms of the 1987 Indo-Lanka Accord. The powers of the centre and the regions were to be reconstituted, with greater autonomy ceded to new 'regional councils'. Crucially, the existing list of 'concurrent powers', which had obstructed and diluted late-80s devolution attempts, was to be abolished. Most powers on this list were to be transferred to the proposed regional councils.

The system of devolution envisaged also required fundamental amendments to the existing constitution. The most controversial amendment would be the re-formulation of the Sri Lankan state from a unitary entity to a 'united and sovereign republic with a Union of Regions'. It was stipulated that constitutional change would require the people's approval, as expressed through a referendum, as well as the usual two-thirds parliamentary majority.

By January 1996, the government had prepared a legal draft of its ideas for devolution which was submitted for discussion to the parliamentary select committee for constitutional reform. Unfortunately, this committee was unable to come to any meaningful consensus, despite nearly two years of deliberations. In an attempt to free the log-jam, the government presented a draft constitution to Parliament in October 1997, incorporating its ideas on constitutional reform, amended in the light of the select committee discussions.

Jaffna local government elections

To help wean the Jaffna population from LTTE influence, to promote the legitimacy of constitutional Tamil political parties and to relieve the military of onerous administrative responsibilities, the government announced in 1997 that it would be holding local elections in Jaffna for the first time since the early 1980s. These elections duly took place on 29 January 1998. All mainstream Tamil parties participated, including the Tamil United Liberation Front (TULF) which entered the fray just a week before polling.

Despite uncertainties about the LTTE stand on the elections, apparent voter disinterest, the LTTE slaying of nine Eelam People's Democratic Party (EPDP) cadres (including two candidates), the contesting of parties still under arms, the fielding of unknown candidates and inadequate campaigning, approximately 50 per cent of registered voters present in the peninsula voted. Of the 571,486-strong electorate, however, it was estimated that only 200,000

LTTE operations since '96

Needing military success in the wake of its retreat from Jaffna, the LTTE launched three significant attacks in July 1996. The first, in Jaffna town, was against the entourage of the minister of housing. The second was the co-ordinated assault on the Mullaitivu army camp in the northeast in which over 1,200 government troops were killed. The third was a bomb explosion on a commuter train in the suburbs of Colombo which killed about 70 civilians.

Since this first wave of reprisal attacks, the LTTE has continued to make strikes at military, economic and cultural targets throughout Sri Lanka. The bombing of the sacred Temple of the Tooth in Kandy in January 1998, during the politically sensitive run up to the country's 50th anniversary celebrations, undoubtedly did most to outrage Sinhala opinion, leading to a formal ban on the LTTE and a hardening of the government's militaristic stance. Apart from this, there have been four major strikes in Colombo in which the LTTE have bombed the Central Bank, the commercial centre, the oil refinery at Kolonnawa and a busy intersection by the Maradana railway station. Since May 1997, however, most LTTE resources have been channelled into frustrating army attempts to establish control of the main Vavuniya-Jaffna highway in the north and to destabilisation campaigns in the east.

The unit of devolution

While the 1995 devolution proposals and the 1996 legal draft dealt substantially with the extent of devolution, it was only with the publication of the draft constitution that the government issued proposals for the much-contested unit of devolution in the north and east. The proposal was that the mixed-ethnicity Trincomalee and Tamil-majority Batticaloa districts of eastern Sri Lanka would decide by public referendum whether they wished to remain merged with the districts of the north. If they decided yes, the mixed-ethnicity 'muslim homeland' of southeastern Ampara district would separate from the eastern province and decide by a further referendum whether it would become an autonomous region or else merge with the Sinhala-majority Uva Province.

The package, the *Sangha* and the Sinhala Commission

The government's 'peace package', in its various stages of development, has suffered concerted attacks from hostile parties on all sides. Among Sinhala nationalists, the most serious attempt at derailing the package was made by the Sinhala Commission, established in December 1996 to 'inquire into and report on the injustices caused to the Sinhala people and to make recommendations with a view to rectifying such injustices'.

In September 1997, pre-empting the publication of the draft constitution and after a series of public hearings in various towns in the south, the commission published an interim report focusing solely on the peace package. As expected, the report repudiated the package as 'the biggest threat faced by Sri Lanka in ... more than 2,500 years'. At the same time, however, it surprised many by accepting the principle of devolution as established in the 13th amendment of the Sri Lankan constitution.

The government, particularly Mangala Samara-weera, minister of telecommunications, condemned the Sinhala Commission report forcefully and was roundly denounced by members of the *Sangha* (the Buddhist clergy) as a consequence. In the resultant debate, however, many moderate Buddhist monks came out publicly in support of the government and the *Sangha* were seen to be divided. While subsequent developments have continued to undermine the peace package, these events illustrated the continued capacity of the government to embarrass and marginalise its Sinhala nationalist critics.

The assassination of Sarojini Yogeswaran

On 17 May 1998, Mrs Sarojini Yogeswaran, newly elected mayor of Jaffna, was shot dead at her home by an unknown gunman. She had refused military security in her belief that the political culture of Jaffna should, and could, be changed by a civil administration practising non-violent democratic politics. The LTTE are widely suspected to be responsible for the slaying of Mrs. Yogeswaran, which shocked all those who hoped for the re-establishment of democratic process in the north.

were registered and resident in the peninsula; the rest were either displaced, in exile or otherwise unable to vote.

In all, 17 councils were established through the elections. Of these, ten were secured by the EPDP, four by the Democratic People's Liberation Front (DPLF), two by the TULF, and one by the Tamil Eelam Liberation Organisation (TELO). The TULF's Mrs Sarojini Yogeswaran, widow of a TULF parliamentarian killed by the LTTE, was elected the first woman mayor of Jaffna, holding out the possibility of dialogue with the LTTE as a first step to achieving real peace.

The local elections in Jaffna were a necessary measure to re-introduce civil administration in the peninsula. While the timing and the manner in which they were imposed can be criticised, the people of Jaffna did elect civilians to local councils without coercion, indicating a will to be administered democratically by their own community. This aspiration could have been transformed into a strong base for a negotiated settlement to the ethnic conflict. The government, however, has failed to release adequate resources to help the work of the Jaffna mayoralty or the councils. This has led to widespread frustration and despair.

The demise of the PA package?

While the PA government had uncommon success in moderating southern politics between 1994 and 1997, there remained a body of majoritarian Sinhala Buddhist nationalists, both in and outside Parliament, stubbornly committed to minimising the transformation of Sri Lankan state power. This group, which views any proposals for regional autonomy as a prelude to separation, has retained considerable influence, largely due to the precarious one-vote parliamentary majority of the ruling coalition. The government's need to appease these hardliners impacted on the evolution of the draft constitution of October 1997. As a consequence, many positive and progressive features of the 1995 devolution proposals have been lost or diluted.

One of the main ways in which the draft constitution re-asserts majoritarian interests at the expense of national minorities is that it continues to give Buddhism the 'foremost' place, recognising the rights of religious minorities but according their traditions clear secondary status in Sri Lankan life. A second shortcoming which could problematise future devolution efforts is that no provisions have been made to ensure the participation of regional representatives in central government institutions. An independent proposal for the creation of a second national chamber to give regionally concentrated minorities an assured role in national decision-making was overlooked. If the constitution is ever to win cross-community support throughout Sri Lanka, these and other shortcomings will need to be rectified.

In the last months of 1997, the draft constitution stirred heated debate in southern political circles. In January 1998, however, all discussion was rendered largely academic when the United National Party (UNP), the largest opposition grouping, rejected the draft constitution and published the first installment of its own constitutional proposals. This move assured that the government would not secure the two-thirds parliamentary backing it required to pass its constitution into law, wrecking the slim chance it may have had of advancing a political settlement. With the constitutional package presently deadlocked in the parliamentary select committee and the

confrontation between the government and the LTTE as fierce and intractable as ever, the prospects for an end to the war and a politically negotiated solution to the Sri Lankan conflict look bleak.

Epilogue

While the PA government strategy of a 'war for peace' has always appeared problematic, its contradictions have recently come to the fore. In the present context of protracted political deadlock, the government appears unduly disposed to pursuing the war while abdicating its responsibility to revitalise the peace process in the face of setbacks and LTTE intransigence. The lack of government resolve in pursuit of peace is made particularly apparent by its reluctance to build a Sinhala consensus on the need for *negotiations* as well as a constitutional reform package.

If a way is to be found out of the present impasse, there needs to be an increase in political will on the part of the government, the opposition and the LTTE alike. Putting aside narrow nationalist and opportunist political interests, all parties must leave behind the mistakes of the past and take courageous choices to live and let live with dignity. To facilitate this process, it is clear that Sri Lanka now needs an honest broker to begin a process of mediation between its warring factions. ■