

**Breaking recurring themes in the cycles of war and
peace in Sri Lanka**

Liz Philipson

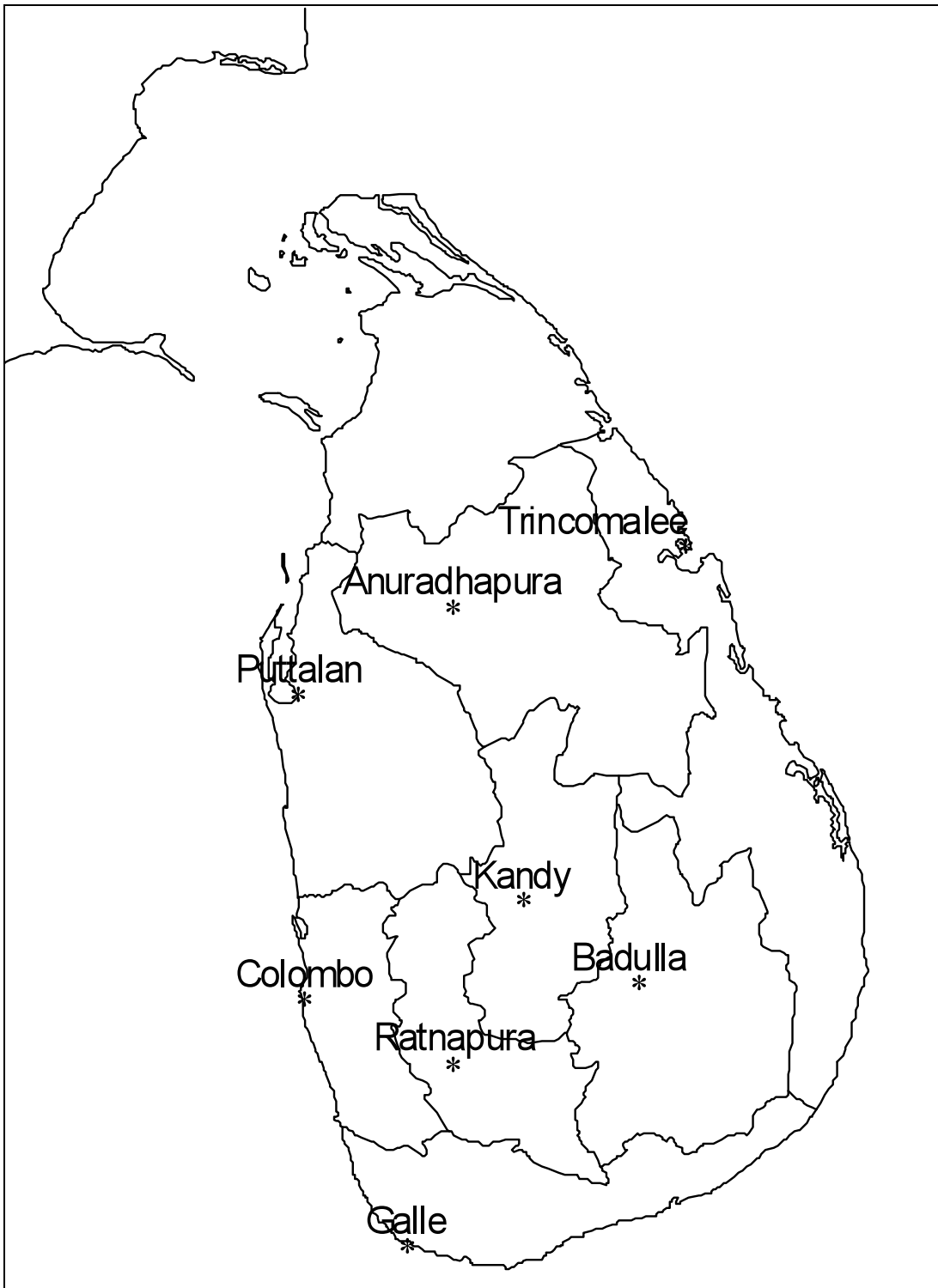
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1 Preface

This paper was written during the first half of 1999 and was published during the Sri Lankan Presidential Election Campaign at the end of that year. The campaign was a crescendo of political points scoring and squabbling in the South. Despite the rhetoric of peace and negotiation there has been little application to the hard work of preparing for constructive political engagement between the UNP and PA, let alone with the LTTE. Military activity escalated and casualties mounted. Thus, the thesis of this paper continues to be topical as new events continue to illustrate the domination of short-term thinking and lack of strategic analysis in politics and policymaking.

During the year, there was a sustained public debate on the need for international third party assistance to bring the Sri Lankan conflict towards settlement. This issue has become somewhat less controversial and even attitudes towards the UN seemed to be less harsh. The government publicly acknowledged the need for some assistance or facilitation. The LTTE continues to demand agreement to full mediation as a pre-condition to negotiation and also wants guarantors for any agreement reached. So the questions to be resolved are the nature of any third party assistance and who provides it. However, there is also a large gap between the thinking and mindset of the LTTE and the government over many major issues of the conflict and facilitation continues to be a daunting task.

The Presidential Election campaign has been influenced by severe military defeats suffered by the Sri Lanka military in the Wanni just after the election was announced. To the discomfort of the government, the war and the military defeats dominated the early campaign agendas. However, Colombo's response to the Wanni defeats reiterated a pattern established following the defeats at Mulliativu in 1996 and Killinochchi in 1998. Shock and horror were expressed in the press and by politicians. A minority of hawks recommended a greater military effort but most Sri Lankans called for political solutions and moves towards negotiation. But very quickly, the war, taking place so near geographically, yet so far experientially, was overtaken by the next news story - in this case the hyperbole of the Presidential election. The tone of the election campaign was

perceptively harder towards the ethnic issue than has been the case earlier and Tamils, carefully noting this, held a meeting in Colombo about how to handle any post-election, anti-Tamil violence. The Tamil vote, so overwhelmingly cast for President Kumaratunga in 1994, was generally disillusioned and bitter by 1999. The LTTE leader gave a very clear indication that Tamils should not vote for the President and allowed the opposition candidate, Ranil Wickremesinghe to hold a large election rally in the Eastern town of Batticaloa. The Tamil parties with armed cadres who previously entered the political mainstream endorsed President Kumaratunga but are widely viewed as having little influence on the Tamil people. The LTTE's final intervention in the campaign was in the style for which they have become infamous. Bomb explosions at the final rally of both the President and opposition candidates, almost simultaneously, showed their contempt for the democratic system and killed over 20 people severely injuring two cabinet ministers. President Kumaratunga was also injured.

However, the campaign was dogged by violence between the parties and attacks on rallies. Fears about violence and election rigging were widely expressed in the NGO and Diplomatic communities. The Civil Rights Movement of Sri Lanka, in an appeal to the police to uphold and enforce democratic norms, stated: “... *people are likely to remember not just who won but how they won.*”¹

Ranil Wickremesinghe declared that, were he elected, he would open negotiations with the LTTE and offer an interim regional council for the Northeast. This was bitterly criticised by the President and the PA who declared the election to be a referendum on their Constitutional Package, which had stuck in the parliamentary system, having failed to win the support of the opposition.

The next President of Sri Lanka, unless there is a change in approach, will face the same situation. The army will continue to be faced with massive military defeats, interspersed with assassinations in the South. The civilians of the Northeast will continue to be forced to live in refugee camps or conditions of terror and deprivation far from the sight of

¹ CRM 1999

Colombo citizens. The short-term political changes, which dominate the political discourse, are taking place against an overall trend of increasingly entrenched war and violence throughout the island. It is this long-term trend which urgently requires attention. The events of the last year serve to underline the thesis of this paper: all parties need to develop a nuanced political analysis, a longer term perspective and a strong political will for peace.

2 Introduction

The Sri Lankan conflict gradually became more violent following increased repression and human rights violations and the war is generally cited as having begun in 1983. The violence engendered by the war is permeating deeper into Northern and Southern society and the island revisits its own history with increasing frequency and fatalism as each attempt to find a settlement to the conflict erupts in a greater frenzy of violence. Military victory is not within the grasp of either side but breaking these cycles of deepening violence is an extra-ordinarily difficult and complex task in this entrenched conflict.

The genesis of the conflict precedes the end of the cold war but, though cold war considerations within the Sub Continent provided the regional context, this never developed into a proxy war. However, the Tamil claims for self-determination and national identity found resonance in the post cold war neo-nationalisms. The end of a duo-polar dominated world has resulted both in a search for new structures and solutions and new political approaches. And, though many would argue that this has simply resulted in a mono-polar domination of the international agenda, new political movements are successfully challenging the total domination of orthodox economic and social policies. At the same time new political approaches to conflict have been developed and ideas of conflict resolution and peace building are no longer on the outer fringes of academic theory or political practice.

Conflict resolution or transformation is not a formula or technique to end conflicts, it is a set of insights informing political actions. Thus it is not the technical, neutral activity characterised in some literature but rather a dynamic, interactive, creative activity-taking place firmly within the political sphere. Conflict resolution is a process which seeks to return war to the regulated processes of constitutional politics. The constitutional settlements and peace agreements which signal the end of war impact upon the visible constitutional structures and the less visible power structures within which future regulated political processes will take place. Consequently, just as politics can be radical or conserving of the status quo, so conflict resolution can be pacifying or transformatory.

This writing began as a commentary on the key documents in a dossier for presentation to representatives of the Western diplomatic community as part of the papers for a seminar in the early summer of 1999. It soon became clear that a simple short commentary bounded by the primary documentation of the conflict was insufficient to explain the complexities of contemporary political history in Sri Lanka. *The Accord Issue on Sri Lanka War and Peace Processes* provides a contemporary analysis of the conflict and illustrates some of the conflicting voices and there are other more detailed contemporary histories written from various points of view. This paper is written from a different approach.

It explores possible ways of advancing the political process towards ending the war. Failures of negotiation in Sri Lanka offer insights into alternative approaches and give a practical context to some of the elements highlighted in conflict resolution and peace literature. The bulk of the paper examines some of these elements in turn incorporating some aspects of the Sri Lankan experience and examples from other countries. Current prospects for advancing the prospects for peace are evaluated and the discussion is designed to point the way towards identifying other opportunities as they arise.

However, there is no attempt to offer a blueprint, though there are some insights for negotiators, mediators, facilitators and others interested in Sri Lanka. Ultimately the dysfunctional social and political processes of Sri Lanka can only be changed by the Sri Lankans themselves. They are the only ones with the power to find and deliver a successful Sri Lankan peace process. However, the paper was written primarily for an audience of Western Foreign Ministry Officials in the knowledge that both the Government of Sri Lanka and the LTTE have indicated that they will need foreign government assistance to re-enter negotiations, though the Sri Lankan government envisage a more limited facilitative intervention. It was also written in the knowledge that there is a wide audience of people, within and outside Sri Lanka, wanting to make their contribution positively towards a sustainable peace for the island.

3 De-escalation based on analysis and a process approach

3.1 De-escalation

Despite several attempts at negotiation between Tamil political and militant leaders and successive Sri Lankan governments, Sri Lanka has returned once again to full-scale war.² Although several agreements have been struck between Sinhala and Tamil political leaderships since independence, those which have taken place since 1983 offer more relevant insights for the current situation. Agreements and attempts at negotiation prior to 1983³ were struck within an entirely different military-political framework. They addressed one issue at a time, e.g. language or up-country Tamils and these were often symptomatic of the problems rather than attempting to deal with the power disputes at the heart of the nascent conflict. Nevertheless the historical memories of those early agreements and their abrogation continue to cast shadows over the current situation. Since 1983 negotiators have increasingly sought more complex settlements involving either fundamental changes to or the replacement of the constitution of Sri Lanka. Each failure to reach a settlement propelled the conflict to incorporate more and more issues until, like a self-fulfilling prophecy the future of the state is in issue.

Since the outbreak of war in 1983, each failed attempt at negotiation has resulted in more violence and greater intractability of the conflict. The approach towards negotiations has been given little attention, military de-escalation has been a fortunate by-product of circumstances and the space between hot war and negotiation has been short. There is a need for both political and military de-escalation before moving towards negotiations. Though this is a continuous process it is useful to view it incrementally as a series of stages. However, conflict is not linear and any analysis or intervention needs an iterative approach. Thus, though certain conflict resolution elements may be more critical at some stages than others, not only will they also be necessary at other stages, any slippage in the progress towards peace requires a swift response of returning to the earlier techniques.

² See Armon and Philipson (eds) 1998, Rupesinghe (ed) 1998 and Nissan 1996

³ See Nissan 1994 for details of agreements and their status

There are several models of conflict escalation and de-escalation⁴ elaborated in conflict and peace literature. The division into stages is somewhat arbitrary and the dividing lines between them extremely porous. Zartman suggests that the escalation of internal conflicts run through four phases distinguished by the mix of violence and politics: articulation, mobilisation, insurgency and warfare⁵. These can be distinguished in the events leading to the outbreak of war in Sri Lanka in 1983. Azar and Burton⁶ define stages of de-escalation as mutually hurting stalemate (see chapters 3.1 and 8 in this paper), pre-negotiation, direct negotiation, implementation phase. The majority of the early conflict resolution literature concentrates on the role of formal political elites, the parties to the conflict and mediation through external third party intervention. Conflict transformation literature concentrates on the roles of all sectors of society in the transformation process and the place of internal mediators in the process. The following de-escalation framework encompasses all of these.

Stage One: The total breakdown of relations

This is the stage of hot war, with both sides propagandising against each other and no communication between them. At this stage each side needs to develop a sophisticated and accurate analysis of the conflict and of other parties. They also need to be encouraged to develop an awareness of and confidence in alternative options. This encouragement is often undertaken by middle level people within each side, who have an understanding of the political positions but whose vested interest in maintaining the status quo may not be so sharp as that of the formal leadership.

Stage Two: Developing confidence in negotiation as an alternative

Though the objective ground conditions may look little different to stage one and, indeed the key elements of stage one are still crucial, but there are groups calling for negotiation which are probably missing earlier. Building up these groups and developing a constituency for peace and a supportive international framework for negotiations are additional activities that can be pursued whilst continuing with the work of stage one.

⁴ Vayrynen and Leatherman 1995 p 10, Kriesberg 1989, Zartman 1991, Sisk 1996,

⁵ Zartman 1995 pp13/14

⁶ Azar and Burton 1986

Embryo channels of communication between the parties may also begin to be created which may be within diverse sectors of the communities and which can develop into a web of support continuing throughout the later stages of the process

Stage Three: Establishing an environment for negotiations

There is a significant movement towards negotiations at this stage and the key issues for attention include reconciling issues of legitimacy of parties, establishing confidence in the process and opponents, positive signalling, indicating parameters of a settlement. The voices of the constituencies for peace increase their public advocacy to pressurise leaders and popularise the idea of a negotiation process.

Stage Four: Pre-negotiations

This is the final stage of preparation before negotiation on the substantive issues commences. This is the stage where direct contact between the parties increases (though proximate talks may continue on some issues) and they seek an agreed format for talks, begin agenda building, dealing with pre-conditions, agreeing rules on confidentiality and information and creating a human rights framework. Issues regarding the ratification of any agreements, for example by plebiscite or parliamentary vote may also be discussed here or may be left until the substantive negotiations have progressed. Channels of communications can assist in ironing out early misunderstandings and the peace constituency increases its activities to marginalise those groups seeking to undermine the process whilst beginning grass roots discussions about reconciliation.

Stage 5: Formal negotiations

The political leadership commands attention at this stage and is the focus of the media. However, informal channels continue to underpin, prepare and ensure implementation of formal agreements made and the peace constituency pressurises the media into helpful coverage.

Stage 6: Implementation

This is a much neglected and very difficult aspect of peacemaking. Implementation is about changing peoples' behaviour – a much more difficult objective than signifying an intention to do so. Again the informal channels, working at reconciliation, political reconstruction and material reconstruction make an immeasurable contribution.

3.2 Conflict Analysis

It is a central thesis of this paper that inattention to the process of resolution and negotiation has contributed to the failure of Sri Lankan negotiations and throughout the paper there are references to the need for this associated with several elements of the conflict resolution process. Attending to the process requires an understanding of the totality of the conflict. That is an understanding of the views and aspirations of all parties and an analysis which assesses these. This does not mean that anyone is required to give up his or her own position. It does mean that they should be required to examine their opponents' views seriously to understand what they mean, what has led them to that conclusion and how they are therefore likely to view proposals and changes. This also implies an understanding of how one's actions are likely to be viewed and interpreted by that opponent and an understanding of the relationships between other parties. The constraints within which each party operates and the assumptions they make about their situation and those of other parties are also part of the analysis. This has been lacking throughout the Sri Lankan conflict and is needed just as much by mediators as negotiators, or anyone else seeking to contribute to the process.

3.3 A process approach

Process encompasses the idea of an incremental approach to negotiation, the establishment of agreed procedures and mechanisms for negotiations and agreement on how and when different parties will be included. In other words if the issues in contention and agreements are the "what" then process is the "how".

The focus of debate on a settlement in Sri Lanka has been on what the final agreement will say with little attention being given to the elements necessary to pave the way to that

final agreement. This contrasts sharply with the practical experience of South Africa, Northern Ireland and also Israel-Palestine (with all its difficulties) as well contemporary thinking in bringing the violence of protracted conflicts to an end.⁷ This focus on finding the right form of words for the final agreement not only ignores the processes that help to create the climate and support for negotiations, it also excludes parties, sometimes key parties, from any ownership or responsibility for the resulting document. This is evident in the PA government's experience with the devolution package, which has been rejected by both the LTTE and the UNP.

While both the LTTE and the UNP may well have rejected the principles of 'the package' in any form the public delivery of a fully completed document by the PA left no political space for either to demonstrate any leadership to their own supporters other than in opposing it. Thus the political dynamic has become the predominant determinant - not the merit or demerit of the contents of the package.

Conversely, it should be noted that the Tamil militant groups have always insisted that it is up to the government to produce a proposal. This was asserted at Thimpu by all of the groups in their Joint Response of 17th August 1985:

It is also essential that the government comes forward with new proposals which take account of the desire of the Tamil people to be ensured conditions which will protect them against violence to their persons and property, discrimination, injustice and affronts to their self-respect.⁸

This has been reiterated since by the LTTE but the international community, frustrated by the LTTE's silence on the PA Government constitutional proposals, pressured them to articulate a position. The LTTE, anxious to be seen as relevant political players by the international community, have been more illuminating about the shape of the settlement short of an independent state that they might consider. For example, Rudrakumaran has made several speeches outlining a form of confederalism and this is also the core of a

⁷ Zartman 1995, Bercovitch & Rubin (ed) 1992, Sandole & Van der Merve 1993, Zartman & Rasmussen (ed) 1997, Lederach 1997, Burton and Dukes 1990, Banks & Mitchell 1996 Crocker & Hampson (ed) 1996, Galtung 1996

⁸ Loganathan 1996 p210

document issued by London lawyers working with Tamils close to the LTTE.⁹ Nevertheless, the LTTE have not explicitly stated what form "Eelam" might take; though it is believed that they have developed some plans. It seems that these are unlikely to be revealed until the LTTE are engaged in a process of negotiation which they have confidence will deliver a worthwhile result from their point of view.

The public presentation of documents intended to be tabled for political negotiation can only be seen as undermining by other parties but public debate of the issues and potential solutions can be educative and help communities understand each other better. The public debates in the south around the PA devolution package were influential in developing the public awareness of the need for genuine devolution. Similarly, it could be argued that, though the 13th amendment to the constitution was a practical failure, it moved thinking forward among Sinhalese to such an extent that the Sinhala Commission in 1998¹⁰ gave it qualified support. So the value of canvassing support for ideas of devolution, as opposed to public presentation of documents for negotiation, should not be under-rated.

The PA's proposals for constitutional amendments illustrate the development in understanding of the Tamil issues that the war has engendered in southern Sri Lankan politicians. The conclusions of the 1984 All Party Conference (APC) were dropped because even the TULF was unable to support them. The TULF leader Mr Amirthalingam, stated:

*We are constrained to state that the two bills before this conference do not embody any scheme of autonomy which could be accepted by the Tamil people or their accredited representatives the Tamil United Liberation Front.*¹¹

The discussion has moved from one bounded by the *basic and inflexible principle that the District Council is the only sub-national unit at structural level*¹² to a discussion of a union of regions in the 1995 proposals. Both of these proposals were drafted in the south

⁹ Armon and Philipson 1998 p58, Christian Michelson Institute Conference Paper 1996

¹⁰ National Joint Committee 1997

¹¹ "Weekend" of 23rd December 1984. See Dossier Section for further details of 1984 APC

¹² page 54 of Hansard (Sri Lanka) 20th February 1985 containing the report of the 1984 APC

by southern politicians and the documents they have produced show the change ten years of cruel war have made to their views. The conclusion the LTTE are likely to have made from this, unfortunately, is that only through war can they make progress. It is therefore important that future negotiations are held on a visibly different basis to persuade them that results can be obtained through political debate. The period before negotiations begin is the time to do this.

A carefully worked out process approach could provide the conditions in which both parties could begin developing better understandings of the needs of the other. Peace building is much more than a legal or technical exercise of documentation and a purely text focused approach with selective participation is bound to fail. At the end of a successful pre-negotiation and negotiation, both parties will have to invest in the substantive and shared activity of constitution making and design but it is not a good starting point, though parties may find it useful to explore ways of finding legal language and norms to express their aspirations at an early stage.

The argument is not that the drafting of the settlement or that the issues in contention is irrelevant but that process and process design are also relevant. The empirical evidence is that negotiations which have underestimated process have failed in Sri Lanka and it is a missing but vital ingredient which should be included. The parties will not fail to address content but they may need more encouragement to give the same attention to the process. "Talks about talks" is a phrase, which has entered the Sri Lankan vocabulary from South Africa and Northern Ireland in recent years. This is understood as covering administrative agreements on basic rules and procedures, which is very necessary. However, preparation can and should be much more extensive to include the incremental and participative approach. The following chapters look at some of the specific issues that can be addressed at the pre-negotiation phase within a process approach.

3.4 Coerced negotiations and coerced agreements

India expended a great deal of diplomatic energy on consultation prior to negotiations in the 1980's but this was primarily directed at negotiations between the Sri Lankan

Government and the traditional, constitutional Tamil parties.¹³ Indeed, it could be argued that all the Indian initiatives excluded the Tamil militant groups, coerced them to the table, as in Thimpu in 1985, or forced an agreement on them, as with the Indo Lanka Accord in 1987. Ketishwaran, a participant at Thimpu, wrote

*The Thimpu talks, in sum, was destined to collapse, since neither parties to the conflict were prepared to abandon their respective rigid positions. Neither was the ground conducive for any serious negotiations. Interestingly and predictably, both the Sri Lankan Government and the Tamil Organisations were relieved that the Thimpu talks had collapsed*¹⁴.

Naked coercion in negotiations is rarely successful, unless accompanied by total military victory, and, even then, the conflict has a habit of emerging in a new form - the obvious example being WW2 after the Treaty of Versailles in 1918. Currently the Dayton Accord and Kosovo Process are the subject of external enforcement but it is much too early to suggest that either of these are sustainable peace processes which will be implemented and supported by the communities in the absence of external military might. In the Sri Lankan situation India tried and failed to enforce the Indo-Lanka Accord through military might and the Sri Lankan government failed to fully implement the thirteenth amendment to the constitution – which was the legal basis for the devolution agreed with India. The Indians were anxious that there should be a political solution favourable to the Tamils and, though they severely misjudged the LTTE, their carrot and stick approach successfully removed all other Tamil groups from armed opposition to supporting the Sri Lankan government.¹⁵ Furthermore, they pushed the Sri Lankan government towards greater devolution than they had previously contemplated. So, it could be argued that, although the coerced negotiations at Thimpu failed and the coerced Indo Lanka Accord failed, both of these increased the participants' awareness of the issues.

Negotiations between Sri Lankan Governments and the LTTE in 1989/90 and 1994/5 did not involve any external coercion or intervention but they were characterised by the hasty convening of talks followed by low level peace activity, with little energy having been directed at preparations. The vision and energy of the President, President Premadasa in

¹³ See Muni 1993, Loganathan 1996, deSilva and Wriggins 1994

¹⁴ Ketishwaran Loganathan 1996 p106

¹⁵ See K. Loganathan 1996 and Swamy 1994

1989/90 and President Kumaratunga in 1994/5, fuelled each of these initiatives. Their powerful personalities led both to believe that their charisma and political drive could forge peace in the way they wanted. Such a thin thread of contact alone cannot sustain the strain and reverberations of the robust environment of negotiation, whatever the intention or political will of the parties. Both A.J.V. Chandrakanthan and Dayan Jayatilleke, writers of very different political persuasions, comment on this regarding the 1989/90 negotiations, and both are writing after seeing the 1994/5 negotiations also fail:

... other Sinhala forces could have been involved in the talks.....These, and most important of all, senior representatives of the armed forces, should have been brought into the negotiating process in order to give it the character of a dialogue between the LTTE and the democratic southern forces and the state as a whole, instead of a bilateral deal between the Tigers and the Premadasa administration.¹⁶

As for the process employed, it can be argued that the frailty of direct negotiations often tend to identify the person and the problem together and once that is done the complexity becomes intractable. Had Premadasa employed a multi-track approach with some form of corridor diplomacy, the results might have been far more productive.¹⁷

¹⁶ Jayatilleke in Rupesinghe (Ed) 1998 page 177

¹⁷ Chandrakanthan in Rupesinghe (Ed) 1998 page170

4 Recognising opportunities

4.1 Stalemates

In Sri Lanka both sides have acknowledged that the war will have to end with a negotiated settlement. However, both have prevaricated about actually negotiating stating that the time is not right for a variety of reasons. The reality has been a dramatic military escalation as both sides seek military advantage. This either eclipses progress towards negotiation or is perceived as useful in positioning for leverage in ultimate negotiations.

Prior to the last round of negotiations in 1994 there was a very low-level war in Sri Lanka. The LTTE were running a relatively undisturbed de facto separate state in the Northern Province¹⁸ and the Eastern war front had quieted after the intense activity following the breakdown of negotiations with President Premadasa in June 1990. The LTTE was taking pride in the fact that they had opposed the Indian Peace Keeping Force and seen them leave the island. The Sri Lankan military, though they had routed the JVP insurrection in the south of the island, were under the intense scrutiny of international human rights monitoring. The military prowess of the LTTE was widely accepted. However, there was little political will to negotiate a peace settlement on the part of the government and this situation had persisted for some time without any sign of change. It could be argued that there was a stalemate. However the LTTE were content to control Jaffna and pursue military skirmishes in the east whilst the Sri Lankan government were happy to rule a relatively prosperous south, not challenge the citadel of the LTTE in the north, and also engage in the East. This was not the “hurting stalemate” of conflict literature and it took the entry of Bandaranaike- Kumaratunga into Sri Lanka politics with a manifesto for peace to provide the opportunity for negotiation.

Military stalemates are often cited as the most common opportunity for peace in internal conflicts. Zartman states:

¹⁸ Armon & Philipson 1998 pp 73-75

*Ripe moments are composed of a structural element, a party element and a potential alternative outcome - that is, a mutually hurting stalemate, the presence of valid spokespersons, and a formula for a way out*¹⁹

In Sri Lanka the war has moved in ever deepening cycles of fighting and whilst the external observer may see what appears to be a mutually hurting stalemate, the parties fight on. They are able to continue fighting and seeking the military advantage which it is not possible for them to achieve other than temporarily. The close relationship between the military and the political requires us to look to the political arena to find the possibility of a Sri Lankan stalemate. Zartman suggests why this might be so:

*Stalemates are precluded by asymmetry, valid spokespersons are weakened by the internal dynamics of the insurgency on one hand and on the other, solutions are characteristically either too little or too early in terms of the evolution of the conflict*²⁰

The issues of asymmetry are fully covered in Chapter 8 and here the focus is the slipperiness of a perceived stalemate in an asymmetric conflict. The Sri Lankan conflict is asymmetric: it is between unequal protagonists and issues of legitimacy of representation have bedevilled Tamil politics. Nevertheless solutions have usually been characterised as too little, but too late in Sri Lanka.²¹ The classic stalemate is a painful impasse between two equal partners, balanced by each other's power and each contemplating an unacceptable deterioration in their position. In Sri Lanka, in the unequal power situation the transforming of a tacit acceptance of a no-win situation into a resolve that there is nothing to be gained by going further must be the goal and this requires a turning point in perceptions. To quote Zartman again:

In sum, a perception of unpromising ambiguity is traded for a perception of promising ambiguity.....Because of the inherent softness of the perceived

¹⁹ Zartman 1995 p 18

²⁰ Zartman 1995 p 333

²¹ For example, it is often stated that had the 1987 Provincial Council System been offered in 1983 then the war would have never escalated in the way it did. Zartman would attest that the militant movement was not developed enough, nor was the governments' understanding of the conflict mature enough for any solution to have held at that time.

*stalemate, turning points are likely to be transient and uncertain, a matter of interpretation at best.*²²

Such potential turning points can be catalysed by internal political changes, a military defeat, victory or bloody stand off, or a change in international diplomatic attitudes or policy changes of foreign governments.

Currently the LTTE, and more particularly the Tamil people in the north, are in need of a rest after the last two years of heightened military action. The PA government is politically beleaguered in the south and the subject of international criticism for their handling of recent elections. That combination could result in both becoming interested in opening negotiations: the LTTE for a rest and the government to distract from their political problems internally and to redeem their democratic image internationally. This could be interpreted as the “soft stalemate” characterised by Zartman and it illustrates the elusive and volatile nature of this opening. Indeed the election may harden attitudes and it could become a “war” election rather than a “peace” election. The opportunity afforded by “soft stalemates” has to be very carefully handled. It must not be lost but the temptation push for a cease-fire and rush the parties to the negotiation table must be resisted for all the reasons outlined in this paper.

4.2 New leaders, new opportunities?

The catalyst for the last round of negotiations in 1994 was the coming to power of the PA administration led by Chandrika Bandaranaike Kumaratunga. President Kumaratunga, came to office with a reputation for political integrity. After a short time in Europe following the assassination of her husband, Vijay Kumaratunga, she returned to Sri Lanka and joined the mainstream SLFP, the party which both her father and mother have led. Previously she had been politically active in left of centre politics and had a strong following, particularly from the younger generation. She became Chief Minister of the Western Province and consolidated a more moderate liberal approach within the SLFP. This, and personal experiences of violence having lost both her husband and father through political killing, resonated in the south of the country which was still reeling from the violence of the JVP insurrection and the gross excesses of the state’s counter

²² Zartman 1995 p 18/19

insurgency techniques. Vijay Kumaratunga was a popular leftist politician who had visited Jaffna at a difficult time and, as a result, was held in some regard by the LTTE. This background delivered an unprecedented personal victory for her at the presidential polls following the general election in 1994 and left President Kumaratunga excellently placed to enter negotiations with support from all communities in Sri Lanka.

As Prime Minister, President Kumaratunga offered unconditional negotiations just as President Premadasa had done during his inaugural speech. Just as the LTTE had established the initial communication with President Premadasa by letter delivered through the good offices of the ICRC so President Kumaratunga began a dialogue of upwards of forty letters exchanged in the same way.

New governments in 1994 in the UK and the Irish Republic gave new dynamism and energy in a process that was beginning to stall. In South Africa President De Klerk's succession to President Botha moved the process forward. So new leaders seem to offer new opportunities, or rather their supporters give them more freedom of movement in the honeymoon period just after election. It is that freedom of movement which enables the blend of creativity and risk taking necessary to enter negotiations that is so often absent later in their term of office. This is not to suggest that there has to be a new leader to initiate a peace process but to acknowledge that a leader is under much greater pressure from their closest supporters to act more conservatively later in office. Thus those seeking to catalyse opportunities for peace must recognise this – blaming a mature administration for conservatism is unlikely to make a difference unless moves are made to assist in creating political space which give it confidence to act.

The leadership in non-democratic groups is not subject to the constraints of a democratic system and thus cyclical changes associated with terms of office do not apply to it. Whilst it is undoubtedly true that the LTTE leadership have more freedom of action than the Sri Lankan Government and that V.Pirabhakaran has fewer constraints than President Kumaratunga he cannot take decisions in a vacuum. There has to be a level of consultation with the second tier leadership, despite his considerable prestige within the

LTTE. In 1987 there was considerable discussion within the LTTE about the merits of engaging in war with the Indian army. Some cadres were in favour, some against and some simply not very sure. Though the decision was taken to fight, some cadres, who were not convinced by this strategy, left the LTTE and it is understood were allowed to make that choice by the leadership.²³ The years of fighting have fashioned the thinking of the LTTE and there are surely influential cadres who are “hawkish”. When considering any moves towards peace V.Pirabhakaran will have to take these into account, though there is little doubt that his stature as Leader would carry the day. Conversely, the LTTE has also dealt harshly with cadres who have been inclined towards reconciliation at the height of war. Mahatiyar, a close comrade of the Leader from the early days of the struggle, was executed by the LTTE after a long period of incarceration for becoming too friendly with the Indians early in the 1990s.

4.3 Peace advocacy

In the recent polarised atmosphere, the Sinhala nationalists, marginalised by the earlier peace process, began to re-emerge. The impact of the polarisation has spanned the political and social spheres and it is very difficult for Sri Lankans of any community to advocate a return to unconditional negotiations. Whereas earlier, progressive bhikkus had demonstrated for peace and for the governmental package, in 1998 they demonstrated outside the British High Commission in favour of the Sri Lankan government's anti terrorist campaign against the LTTE. However, after the battle for Killinochchi some of those Bhikkus showed considerable independence in joining a delegation to the Wannu to meet the LTTE. Despite this manipulation, anti-government demonstrations do occur in the South, unlike the North where it is not possible for people to publicly demonstrate against the LTTE. In 1994 Tamils in Jaffna joyfully mobbed the government peace delegation when they arrived for negotiations; in 1998, they staged demonstrations against the government in LTTE areas of the Wannu. Tamil demonstrations are often shrugged off as being simply people manipulated by the LTTE, and it is true that some demonstrations are organised by the LTTE, but this should not be allowed to negate valid claims for assistance. Political demonstrations are also organised by political parties in the south, and political patronage and vestiges of feudalism also

²³ Conversations between LTTE cadres and ex-cadres and the author

distort the democracy of the south, although freedom of speech and democratic opposition are the accepted political norm there – despite infringements of this norm from time to time.

Sectors of society are manipulated on both sides to support the rhetoric of war and the projects of their rulers. Thus the mobilisation of independent voices throughout the island is crucially important to support politicians who are prepared to oppose the war and support the negotiations option. In 1998, after the shocking losses at Killinochchi were reported in Sri Lanka, the business community announced an initiative to encourage a bi-partisan approach between the government and LTTE in Sri Lanka. At the same time, the General Secretary of the Sri Lanka Muslim Congress, who is also a Deputy Speaker in Parliament, made a public statement offering to give any assistance in mediating or facilitating talks between the government and the LTTE. The timing of this statement, from someone who has consistently supported the government but is also from the Muslim community who are caught between the warring factions, particularly in the East, is encouraging. Thus the military disaster has opened political space within both civil society and the polity.

4.4 *International initiatives*

Decisive and timely interventions from the international community can create windows of opportunity. Anwar Sadat's address to the Israeli Parliament in 1977 and the interventions in Northern Ireland are examples from other processes. The non-interventionist climate of the international community results in a reluctance on the part of members of the UN Security Council to engage in interventions which pose the real possibility of loss of lives. Governments operating on the traditional diplomatic basis of non-intervention and neutrality, combined with the non-strategic position of Sri Lanka and its excellent record of economic growth despite the war²⁴, has resulted in the international community largely leaving the warring parties to their own devices. Nevertheless continued bilateral and multilateral aid to the government of Sri Lanka

²⁴ The Sri Lankan Government announced an average growth rate of 5.2% between 1994 to 1998 (Sri Lanka News, Sri Lanka High Commission, London 7th December 1998). However, this optimism at the macro level was not echoed within the country where both the middle and lower classes struggled to maintain their standard of living.

without any conditionality regarding human rights abuses or negotiations enables the government to utilise a greater percentage of its GDP on the pursuit of war than might otherwise be the case. Furthermore, the drive towards the return of refugees from Europe has tended towards a premature enthusiasm for declaring the situation to be "normal" or "safe" and this trend often masks the reality for example of daily life for Tamils in Colombo²⁵.

Various governments have made public offers of mediation "if requested to do so by the parties". The reality is that no resources have been directly invested by any government (with the possible exception of Norway) in mediation or in any real analysis of how mediation or negotiation might occur. This public relations rhetoric by foreign governments leaves the space for the Sri Lankan Government and the LTTE to engage in an unchallenged rhetoric of negotiation with little pressure to actually begin a process with a view to constructive political engagement.

4.5 When not to talk

An essential element of all stages of the process is continuous assessment and analysis that enables all parties to make informed decisions about the appropriate time to move the process forward. And to creatively engage to do so when they are confident that there is an opportunity and a will to enter into meaningful negotiations. But that in itself is not a guarantee of success. In 1994/5 there was political will on both sides and the opportunity for dialogue was clearly there but the negotiations failed.

A complex confluence of factors moves parties into negotiation and the humanitarian incentive to move at all costs towards negotiations can be detrimental to the prospects of a lasting or sustainable settlement. It is obvious to even the most casual observer of the Sri Lankan conflict that the ending of negotiations has always resulted in a renewed and deeper cycle of violence. Each cycle of negotiations has heralded the commencement of a more barbarous war but, more than that, every failure to negotiate potentially prejudices future negotiations and builds up greater resentment, polarisation and investment in the war and its outcomes. Talking at the wrong time or without adequate preparation and

²⁵ See US Committee for Refugees 1991&97, The Refugee Council 1997, Tamil Information Centre 1999

analysis may only achieve a further spin downwards in the spiral of violence and mistrust.

5 Bolstering confidence and encouraging flexibility

5.1 *Reliable information and analysis*

The importance of establishing trust between the parties is highlighted in peace building literature.²⁶ Yet there is an obvious contradiction. People who have been killing each other for years do not trust each other simply because they have sat down together. Adequate trust and confidence are built slowly in stages, both in the process itself and between the representatives of the parties. A working confidence begins with self confidence which can be bolstered by both inter and intra party factors. A large political majority, the unequivocal support of the collective political leadership and a large popular movement for a negotiated peace would all boost the confidence of a political leader in a democracy. Though such a powerful leader would need to be particularly sensitive to the effect his/her power may have on opponents. Negotiators with clear agendas and strategies represent a more confident presence at the negotiating table and this engenders more confidence in the process and with their opposite numbers. However, the most important factor in self-confidence is likely to be a reliable assessment and analysis of the situation and the other party and confidence in the process itself.

A transparent process enables the negotiators to know what point they have reached and what exactly are the issues in contention at that moment. Without a reliable political assessment any party in a negotiations process will be liable to damage themselves and the process. If they are proceeding on the basis of little better than wild guesses as to the strategy and outlook of their opponents they cannot do their cause any service, furthermore, the unstableness of their decision making is likely to damage the process and possibly relationships underpinning the process.

V. Pirabhakaran has led the LTTE since inception and members of both the Indian and Sri Lankan military and intelligence sources have often speculated that if they could kill V. Pirabhakaran then that would in effect finish the LTTE. That claim should be

²⁶ see Harris & Reilly (ed) 1998 p 63, Ryan in Rupesinghe 1995

weighed against the nature of the LTTE in 1999. They are not only the determined fighting force which the army meet on the battlefield. The LTTE have an extensive international diplomatic operation, an international Tamil community network and international business interests. The death of V.Pirabhakaran would undoubtedly be a great blow to the LTTE but it would carry on and a new leader would emerge, as Pirabhakaran would become the most valuable martyr of the movement.

As a result of the scarcity of interviews given by Vellupillai Pirabhakaran and the impenetrable nature of the LTTE decision making hierarchy there is much speculation about the nature of the organisation and its leader. The use of cyanide capsules and suicide cadres, particularly among the women, also excites the political imagination of their opponents. In addition, rumour and gossip endemic throughout Sinhala society. These have resulted in myths and rumours being circulated as fact. There appears to be very little known and very little research or analysis into the actions or motivations of the LTTE either militarily or politically. President Kumaratunga, being interviewed some weeks after the publication of V. Pirabhakaran's Heroes Day speech of November 1998²⁷ appeared to have no knowledge of its contents and on part of it being quoted to her she asked where and when the speech had been made.²⁸ As the society of the south is so much more open, there is greater opportunity for the LTTE to analyse the political situation as well as the military, and they do not neglect to do so. The lack of analysis in the south leaves the political establishment and population vulnerable to see-sawing between hope and despair. Thus small gestures of hope are elevated to heralding the opening of talks, and when nothing happens, the mood of the populace plunges back into despair and cynicism. P. Saravanamuttu, writing from Colombo, states:

*We are in a surrealist situation, the rumour of war and about war has greater credence than the reporting of the war. We are blundering, vainly hopeful, whilst the other side has a better grip on its agenda.*²⁹

The consistent, quiet, relentless work of peace building requires continual objective analysis based on reliable information within short term, medium term and longer-term

²⁷ See www.eelam.com for text of speech

²⁸ Interview with N.Ram Frontline Jan 1999

²⁹ Sunday Leader October 4th 1998 page 13

frameworks. This applies to negotiators, political leaders and popular leaders as well as any potential mediators.

5.2 Confidence building in Sri Lanka

5.2.1 President Premadasa

The need for confidence building was not entirely neglected by President Premadasa or President Kumaratunga. The activities engaged in by President Premadasa were most controversial. During the negotiations in 1989/90 President Premadasa arranged for a consignment of arms and large sums of money to be transported North to the LTTE. Although the arms were for use against the by then joint-enemy, the Indian Peace Keeping Force, Sri Lankan army officers were loath to see their old adversary armed by the President. Few officers were entrusted with the task of transportation though it became widely known quite quickly. However, other confidence building initiatives during that time also infuriated the military. General Cyril Ranatunga was more bitter about conceding the military camps:

The President made generous concessions to win the confidence of the LTTE. One of the worst was to give away vital strategic army camps established by the military. I was not consulted when the President, with the Foreign Minister and the Inspector General of Police, handed over the vital military base of Velvettithurai.³⁰

President Premadasa met with the LTTE on many occasions at his residence, though formal negotiations were led by the Foreign Minister, Mr Hameed, who is trilingual. Other measures which underpinned government-LTTE negotiations, such as housing the LTTE delegation in a 5 star Colombo Hotel and flying in from abroad LTTE delegates and their families, have been overshadowed by the dramatic gesture of giving arms and money. Until recently the supply of arms has simply been regarded as evidence of the eccentricity of Premadasa and yet another paradox in the Sri Lankan puzzle. The recent hardening of the war policy in Colombo has resulted in a Presidential Inquiry into the supply of money and weapons to the LTTE in 1989/90.

The LTTE broke off negotiations in June 1990 which suggests that these confidence building measures and the trust that President Premadasa felt was developing in the direct

discussions were in vain and overestimated. However, soon after that the LTTE, through the EROS MPs, not only supported President Premadasa over impeachment but these MPs also visited the President and made it clear in advance that he could count on their support. President Premadasa was assassinated soon afterwards and the LTTE are widely held responsible, which, if true, leaves many unanswered questions about their support for him over impeachment. President Premadasa, though clearly very anxious to impress the LTTE with his confidence building gestures, appears to have required very little in return. This could be attributed to over confidence on his part - either through enthusiastic naiveté or over confidence in his personal charisma and ability.

5.2.2 President Kumaratunga

The newly elected PA government announced in August 1994 that the economic embargo of the Jaffna peninsular would be relaxed and commenced a written dialogue with the LTTE. The LTTE responded by releasing ten policemen who had been in custody since 1990 and welcomed the election of Chandrika Bandaranaike-Kumaratunga. The cordiality of the correspondence at this stage is evidenced by the letter from V. Pirabhakaran dated 9th September 1994.³¹ The first round of talks was scheduled for 13th October 1994. On 19th September the LTTE sank the Sri Lankan naval vessel "Sagarawardene". The captain, his deputy and 16 sailors were rescued and 24 sailors perished. There was an immediate retaliation by security forces. On 9th October the LTTE sank "Ocean Trader", a cargo ship carrying supplies to the north. The government announced that the peace process would not be disturbed and talks went ahead in Jaffna on 13th October. The almost hysterically positive reception of the people of Jaffna to the Government peace delegation in itself buoyed confidence in the process throughout the south. Though there was a little dismay in some quarters at photographs of the two delegations sitting at the table with the Tiger as well as the Lion flag on the table.

The assassination of the Leader of the Opposition, Gamani Dissanayake and over fifty others did result in the postponement of the second round of talks, though the government

³⁰ Rupesinghe (Ed) 1998 p 136

³¹ See longer list of letters in the web version of Armon and Philipson (eds) 1998 www.c-r.org

was careful not to publicly accuse the LTTE and the correspondence between them continued. The letters became a little terse towards the end of the year, nevertheless a cessation of hostilities was agreed, the government allocated Rs 39 billion (£500,000) towards the reconstruction of Jaffna and the LTTE released four Sinhalese policemen. Thereafter the talks and correspondence went downhill. However, on 15th January 1995 the largest circulation Tamil language paper, Virakesari, published an article by Mathorupahan which stated

*In this respect the consensus reached on the cessation of hostilities is a forward step in trust and understanding between both the parties. The proposal for a cease-fire was put forward by the LTTE for the past four months.....People are no doubt happy with the cessation of hostilities but it can be substantial only when there is a permanent cease-fire.*³²

Confidence building had been limited to gestures which, though useful in themselves, were not underpinned by building trust in the process itself. Also, though the correspondence will provide wonderful material for scholars,³³ it is not a medium through which personal chemistry can build contacts which could have been useful when negotiations became bogged down. The letters and statements appeared to be about testing the reliability of the other party. Although there were several civilian and religious delegations to Jaffna by Southern groups during the 1994/5 period, there was no serious building of interconnected channels of communications. Support between the north and south that might have provided alternative voices and new insights into the perceptions of the LTTE and government. If the parties had been willing to act on such insights, the return to war may have been avoided.

5.3 Broken agreements

The legacy of abrogated, broken and non-implemented agreements saps confidence on both sides. The Tamils can point to a history of abandoned and dishonoured agreements from independence to the present day³⁴. In June 1995, EPRLF, EROS, TELO and the LTTE submitted a joint memorandum to the government of India in which they state:

We have taken this position as a consequence of a long and bitter historical experience of deceptions and betrayals by successive Sri Lankan governments who have consistently

³² Summary translation into English by Civil Rights Movement of Sri Lanka

³³ President Kumranatunga has stated she will publish them shortly (Frontline January 1999)

³⁴ See Liz Nissan Nov 1994

*resisted a fair and honourable settlement to the Tamil problem. It is also well known that Sri Lanka had abrogated several pacts and proposals and failed to implement agreements.*³⁵

On 1st January 1995 Pirabhakaran wrote to Col Ratwatte:
Such a process of reconciliation is also necessary to build trust and confidence among the Tamil Community which has been embittered by non-fulfilment of pledges and promises for decades

Even the 13th Amendment has not been properly implemented and the Northeast provincial council lies suspended whilst the referendum on the province has not been attempted. Of course it is also true that for much of the time since the passing of 13th amendment, conditions in the Northeast have not allowed the structures outlined in the 13th amendment to function, and the conditions have not been conducive to free and fair elections. There were also problems of implementation during the '94/5 talks as there were complaints by the LTTE that, though President Kumaratunga had announced the relaxing of the embargo, goods were failing to reach Jaffna. This caused considerable controversy, and the army were cited as delaying supplies through the land route to Jaffna. This controversy was fuel for hawks on the Tamil side seeking to undermine popular confidence in the talks, as they were able to stir the collective memory of abrogated agreements.

Similarly, the record of the LTTE in recent years in ending cease-fire agreements fuels the view in the south that the LTTE will never negotiate for a lasting peace, but only to create the opportunity to re-group militarily. Each failure of negotiations stokes the evidence for this view.

*The army has questioned the LTTE's approach to peace based on the historical experience of dishonouring agreements - Prabhakaran-Rajiv Gandhi verbal agreement in New Delhi (1987), Mahattaya - Hardap Puri written agreement in Palaly (1987), Premadasa - Prabhakaran verbal agreement (1989). There were also numerous other assurances and written agreements dishonoured by the LTTE.*³⁶

³⁵ Ketishwaran Loganathan 1996 p101

³⁶ Sunday Times 1st Jan 95 "Money Makes War Look a Necessity"

5.4 Flexibility and creativity

Elected governments are often constrained by the political structures and the need to ensure public support for their actions. Overcoming these takes time and considerable effort. Yet, there are times when quick responses are crucial because guerrilla groups have different timetables and priorities. The LTTE's timetable for their overall project is very long term, whereas government timetables tend to be decided by four or five year election cycles. However, on day-to-day issues the LTTE leadership has little or no constraint either from the political structure or the need to garner support and so they expect to move quickly

Premadasa himself was beginning to use the same strategy [delaying tactics] ...this was not only unacceptable to the LTTE, but angered them, given the fact they were used to quick action in their game of war as well as in politics³⁷

The LTTE have proven themselves to be infinitely adaptable. In war they have moved from rural guerrilla warfare to conventional positional warfare. They have perfected the gruesome art of suicide killing. They have created opportunities out of setbacks on numerous occasions. They ran local government in Jaffna for five years in the face of constant bombing and shelling and an economic embargo. They implemented policies from tree preservation to a new judicial system and legal code. They have shown some flexibility in policymaking whilst their totalitarian practises have shown them to be adept at removing opposition and assists them in enforcing changes in practise.

Guerrillas are rarely constrained by democratic concerns whereas governments usually are. Guerrillas do experience other constraints which may discourage them from pursuing possibilities of peaceful settlements. In the case of the LTTE, much of their leadership and prominent fighting cadres have been engaged in the war within the Northeast of Sri Lanka. They have not had the opportunity to travel and interact with political thinkers internationally for several years. Though the LTTE have ensured that they have followed international events and political thought from afar, as V.Pirabhakaran's 1998 Heroes Day speech suggests³⁸, this is no substitute for the interaction of direct political debate. Similarly there has been some effort to follow

³⁷ AJV Chandrakanthan in Rupesinghe (Ed) 1998 pages165

³⁸ See www.eelam.com

developments in conflict resolution, Rudrakumaran demonstrated that at Chatham House, and peace processes from other countries are watched with interest. However, MPs, scholars and peace activists from the south of Sri Lanka regularly travel abroad to meet those who have been directly involved in such processes and have the opportunity to clarify exactly what happened. They can assess appropriate methodologies whilst in dialogue with those who have practical experience of utilising them. This is not only a geographical problem for the LTTE, or any other guerrilla organisation, their main focus is the war itself and there are limited resources of both finance and personnel to study, especially to study peace, whilst war is perceived as their primary purpose.

Challenging a government which is accepted as a legitimate democratic government by the international community excludes the LTTE from direct access to international fora to which the government may belong. They are also excluded from bi-lateral relationships with other governments and are categorised as an illegitimate or terrorist organisation. It is not realistic nor proper to suggest that the LTTE should currently be given membership of international organisations or the diplomatic recognition that bilateral relations would accord, but it is important to understand the disadvantage of this in persuading a guerrilla organisation to trust such bodies and enter a peace process. These factors engender a defensiveness which mitigates against making the changes needed to end the war.

So there are constraints for both the warring parties and all groups entitled to be represented in a process will have to grapple with their own constraints. Everyone needs to have developed an analysis which enables them to understand each other's constraints. There is little point in making demands which other parties simply cannot meet unless it is for the purpose of frustrating the negotiation process. A creative approach will seek solutions which recognise all constraints and whilst meeting the needs of the parties.

6 Third party assistance

6.1 *The need for mediation or facilitation*

After years of debate and controversy, both the Sri Lankan government and the LTTE have each unilaterally acknowledged the need for an external assistance to reach a settlement. Indeed the LTTE have made external mediation one of their pre-conditions whereas President Kumaratunga has rather more reluctantly acknowledged the need for facilitation. This has generated fierce debates both within and outside Sri Lanka as to which country might serve in this role. There is little debate about the qualities a mediator may need, how information will be provided or how will the mediator gain the confidence of both parties, although the merits and demerits of power-backed mediation are debated. Whilst it is important to recognise that Third party mediators will have their own interests³⁹, the qualities and skills needed for the tasks of mediation must not be neglected. Third party assistance can include a range of activities from conciliation, facilitation, arbitration, mediation to power mediation and then guarantor as well as resource and development inputs to underwrite the costs of a settlement⁴⁰. Different activities may be required separately or in combination during the process and may be provided by individuals, organisations or governments or any of those in combination.⁴¹ Successful intervention will require a team of people, each with defined roles, and this team will include foreigners and Sri Lankans. The role of Sri Lankans within the process is referred to more fully in Chapter 6.1. Defining the tasks, parameters and qualities required for mediation is a major and crucial task in itself.

Individuals, groups or governments offering assistance also need to ensure they acquire the knowledge, analytical skills and creativity essential for a successful negotiation. According to Mark Hoffman:

...the modalities of third party initiatives need to be open to change at any given point in the process. Third party intervention needs to be viewed as an

³⁹ See Mitchell 1988

⁴⁰ For a typology of mediation strategies see Touval & Zartman 1985

⁴¹ Hoffman 1992

*experiential process which leads to modifications both in the approaches and techniques adopted, as well as in the nature and contents of the agreements which are reached.*⁴²

Both the Sri Lankan government and the LTTE have made it clear that they want to see any mediation or facilitation to be from the government level. Who or what country or combination of countries to choose to mediate or facilitate will have to be decided between them, an exercise which in itself will require some third party assistance. Any mediator or facilitator will need to gain the confidence of the parties and, as with the parties themselves, a deep and reliable political analysis of the parties is essential, as is a thorough knowledge of the country and the conflict.

6.2 India - power-mediator and protagonist

The government of India sought to mediate the Sri Lankan conflict as a power mediator, through traditional diplomatic channels with the Sri Lankan Government and constitutional parties and through a range of other channels, including its Research and Analysis Wing (RAW)⁴³, with the LTTE and other Tamil militant groups. In addition the Tamil Nadu state government had independent links with the Tamil groups, most of whom had bases and training camps in Tamil Nadu in the early 1980s. Using all of these channels, India was able to coerce both sides to negotiations in Thimpu in 1985 but they were not able to force an agreement and showed their displeasure to both sides following the breakdown of the talks. Representatives of some of the Tamil parties were subsequently expelled from India and diplomatic channels were used to admonish the government. The Indians had failed to engage either side in a commitment to the process of negotiation, neither side went to Thimpu to seek an agreement and it was clear, even at the time, that the negotiations were doomed from the beginning.⁴⁴ Despite this, the Tamil militant groups achieved the legitimacy of being included in direct negotiations with the

⁴² Hoffman 1992 p278

⁴³ Swamy (1994 p143) refers to the ENLF as a "RAW baby" and, more controversially, Thomas Abraham questions the involvement of the Indian Agencies in massacres of Sinhala civilians (Rupesinghe (Ed) 1998 p23)

⁴⁴ For a full account see Ketishwaran Loganathan 1996, Kumar Rupesinghe (Ed) 1998, deSilva and Wriggins 1994

Sri Lankan government for the first time and established a united front which put forward the Thimpu principles⁴⁵

India continued to maintain a very high level of activity, primarily with the TULF and the Sri Lankan Government, and this interaction resulted in Annexure "C" being presented to the Sri Lankan All Party Conference and the so-called Delhi Accord⁴⁶. India is the regional power in South Asia, though challenged by Pakistan, and sees the Sri Lankan conflict as potentially domestically destabilising. In 1987, somewhat frustrated by the lack of progress and dismayed by the latest military campaign of the Sri Lankan government, India tried to send rations to displaced Tamils within the Jaffna peninsula. Their ships were turned back by the Sri Lankan navy and so they air-dropped the supplies to Jaffna, violating Sri Lanka's airspace and sovereignty⁴⁷. This dramatic act, which was tacitly supported by the world powers,⁴⁸ resulted in the negotiations which led to the Indo Lanka Accord of 1987. Though the outcome of the Accord was detrimental for India and for the Sri Lankan Tamils, it served the interests of the Sri Lankan government at the time and appeared to promise an end to the war. India continues to be closely interested in events in Sri Lanka, but has been careful to distance herself from any suggestion of direct involvement.

India's protestation of not being involved in Sri Lanka has publicly persisted. However, India has been active in three areas throughout the period of PA governance in Sri Lanka. The first is in diplomatic exchanges through which they were kept up to date regarding the negotiations in the 1994/5 period. Indeed, President Kumaratunga's visit to India during the negotiation period became quite controversial to the LTTE. Once hostilities resumed, India was extremely active internationally in promoting the Sri Lankan anti terrorist agenda against the LTTE, and in advising the Sri Lankan government militarily. Their advice was based on their own experience in India, where the practice has been to militarily bombard dissident groups into submission, whilst branding the dissidents as

⁴⁵ See V.Dharmalingam *Tamil Demands at Thimpu* Tamil Times Sept 1985

⁴⁶ See Nissan 1994 p18

⁴⁷ See Dixit 1998

⁴⁸ De Silva and Wriggens (1994 p571) describe the US and the UK recognising India's "right" to mediate.

terrorists internationally, and then agree a "settlement" with a second tier leader if this cannot be achieved with the main leader. This was the Indian strategy, for example, in dealing with the Punjab. India has also continued her security surveillance within Sri Lanka and through the thousands of Sri Lankan refugees currently resident in India.

The election of the BJP government, perceived as fundamentalist Hindu caused consternation to many liberals throughout the subcontinent. The Sri Lankan government feared that their good relationship with Delhi might be prejudiced by the war, since the majority of Tamils are Hindus both in India and Sri Lanka. In addition the new Indian government included some known LTTE sympathisers, for example the defence minister, George Fernandes. The Tamil Nadu coalition partner of the BJP, prior to the 1999 election, was led by Jayalalitha. Previously she was implacably anti-LTTE but her position changed radically after her election as a BJP partner. The LTTE, sensitive to the potential opportunities, sent envoys to Delhi and Madras immediately after the elections and were hopeful of a change of attitude. The LTTE needed very little from India. They needed India to scale down the international diplomatic anti-terrorist campaign against the Tigers, they needed the Indian navy to be less rigorous in their patrolling of the Palk Straits and they wanted the security forces to be less assiduous in identifying LTTE members moving through India. They would have welcomed public changes of policy but did not need them. In fact they appear to have achieved these limited objectives and there has been some public activity, particularly from Madras. From there letters and delegations have been sent to Delhi about the plight of Sri Lankan Tamils.

The BJP government was a fragile coalition which outlasted the forecasts of many political commentators who thought that opposing demands from regional parties involved in the coalition would bring the government down at an early stage. Jayalalitha did so after one year in office. Nevertheless this regional dimension will continue to work to the advantage of the LTTE, whichever government is in power in India. This is so, despite the fact that India has an extradition order in force for Pirabhakaran for the killing of Rajiv Gandhi and his widow, now the leader of Congress, is likely to want to pursue this emotionally and notwithstanding the historic ties of friendship between the

two ancient ruling families of Gandhi and Bandaranaike, which will naturally influence Congress towards support for the Sri Lankan government. Despite these influences, any contemporary Indian government is likely to be sensitive and responsive to the politics of the south as coalitions incorporating regional parties are going to be a continuing feature of the Indian political landscape. In addition, India would welcome the resolution of the war in Sri Lanka. If they were assured that a settlement was otherwise in place, it is quite conceivable that even Congress would remove any barriers to that settlement in the interest of regional security, which would be to their advantage.

Sri Lanka is not usually a major issue for the current or any other Indian government. Economic and internal issues, particularly in recent years, have been far more pressing. However, all have been sensitive to the fact that calls for mediation or facilitation in Sri Lanka may mean another government becoming involved in regional politics. For that reason, it has consistently opposed any "interference" in Sri Lanka. Thus, any outside interest in the situation immediately raises Sri Lanka from near the bottom towards the top of India's agenda.

India was relentlessly active in pursuing a settlement of the Sri Lankan conflict between 1983 and 1989. The Indians were knowledgeable about the details of Sri Lankan politics and sensitivities, and had direct channels of communication with all the parties. Despite all these advantages, India's endeavours failed. Much of the activity seems to have centred on content with little attention to process, though the government of Bhutan was careful to accord equal protocol to all the parties at Thimpu⁴⁹ and sensitivity was demonstrated towards the militant Tamil groups' thirst for legitimacy. The lack of attention to process left only force to bring the parties to the table, where each presented positions and documents that the other side was neither ready nor willing to consider. Politically, the Sri Lankan government was not ready to contemplate any settlement that may have even been the basis of serious negotiation with any of the Tamil parties, and it could be argued that they were constrained by the norms of Sinhala politics, though the Jayewardene government also bolstered those norms. President Jayewardene totally

⁴⁹ Ketishwaran Loganathan 1996 page 102

underestimated the military strength of the Tamil groups and misunderstood the determination of their struggle.

By 1987, when India's exasperation with traditional diplomacy resulted in it grasping the opportunity to force relief supplies into northern Sri Lanka, President Jayewardene had begun to take a more realistic military and political view. He accepted the terms of the Indo-Lanka Accord, despite much public opposition and opposition from within his own cabinet. President Jayewardene was heavily influenced in this by the burgeoning insurrection in the south of the island by the JVP which was bringing the security forces under much pressure. Thus the Indo Lanka Accord⁵⁰ was born and India became a direct party to that agreement and very soon was in military contention with the LTTE in Sri Lanka. India had never been an independent mediator - India had its own interests and agenda with regard to Sri Lanka - but once the peacekeeping had changed into an offensive operation,⁵¹ the possibility of its playing a mediation role was scuppered. Why did it turn to war? On a simple level, the Indians over-estimated the power it held over the LTTE, despite the very strong signals that were there to show that the LTTE would not comply with its will. Pirabhakaran's speech⁵² to the people when he returned to Jaffna in 1987 from Delhi was one such clear indicator.

6.3 Foreign peace monitors

On 6th January 1995, it was announced that the cessation of hostilities would begin on 8th January, and that the cessation agreement would be monitored by five peace committees. Each committee would have two government nominees, two LTTE nominees and a foreign chairperson. Four people arrived in January to chair the committees; two Norwegians, a Netherlander and a Canadian, but they were never able to carry out their assignment. After arrival in Colombo, they were briefed by the Government, and then scheduled by the government to take up their duties. However, the LTTE also wanted to brief the foreign delegates, this took time to arrange, and the government began to accuse

⁵⁰ For text see Loganathan 1996 p215

⁵¹ For a discussion on peacekeeping and military intervention from the perspective of the UN see White 1997

⁵² For text see Bullion 1995 p186

the LTTE of delaying. In letters dated 3rd February, 13th February, 25th February the LTTE vehemently rejected the claim.⁵³ The LTTE later accused the government of delays and the foreign monitors became tired of cooling their heels in Colombo and went home.

The general view of a successful cessation with only minor infringements on each side begs the question as to why it was not possible to convene the peace committees. There are three issues for consideration. The first is that the LTTE, publicly pressuring the government for a full cease fire, apparently to signify the ending of warfare, did not want the half measure of a cessation (with its clauses for notice of return to war) legitimised by the international community. The second is that the LTTE, always mindful of their own status, reacted at not being accorded equal status and access to the foreigners. The third is that the LTTE is rather ambivalent about foreign mediation. In a very polite letter dated 25th February 1995, the LTTE leader rejected a suggestion from President Kumaratunga that they should seek the good offices of a neutral intermediary stating

...we are of the opinion that the negotiating process should be conducted by accredited representatives of the government and the LTTE. Your representatives can convey your ideas and proposals for our consideration in open dialogue. Since the talks have evoked local and international interest and concern, we feel that the issues discussed and the progress made in the political negotiations be made public.

6.4 Foreign mediation or facilitation

Since then the LTTE have changed their view and third party mediation is a pre-condition for talks as far as they are concerned. The LTTE want a government to mediate, and in particular to guarantee any agreement, yet they are acutely aware that almost any country which would be acceptable to the Sri Lankan government is likely to have some prejudice against the LTTE. It is clear that any liberal democratic government is likely to understand the pressures and positions of the government more easily than those of the LTTE.

Towards the end of 1998, the Sri Lankan and expatriate press, operating in Western cities with a high number of Tamil refugees, began to feature articles about South African

⁵³ See www.c-r.org

involvement with Tamils and with Sri Lanka. This has led to much speculation about the role that South Africa, and particularly President Mandela, may play in future negotiations in Sri Lanka. This is not only significant because of the stature of President Mandela. The LTTE may well be attracted to a government with a party in power which has itself recently experienced taking up arms to establish its legitimacy. In addition, it is believed in political circles in Sri Lanka that the Indian government has indicated that they have no objection to an initiative coming from South Africa. This latter point is crucially important, as a settlement in Sri Lanka can only be sustainable if India allows it to be implemented without political interference. Both the Foreign Minister and President of Sri Lanka have publicly denied the possibility of South Africa's involvement, yet speculation continues.⁵⁴

The UK, the ex-colonial power, whilst largely joining the rest of the international community in its inactivity, did attempt to persuade the Sri Lankan government and opposition to adopt a similar bi-partisan approach to the war as that adopted by the British Labour and Conservative Parties over Northern Ireland. Liam Fox, then Minister of State in the British Foreign Office, saw an opportunity during a visit to Sri Lanka and shuttled between the PA and UNP leaderships in Colombo in 1996 and a document⁵⁵ was signed by both leaders. However, there is little evidence that the Fox initiative is anything more than the piece of paper and Britain has not so far followed this up. Despite the limited nature of this agreement, the Indian government, which had not been consulted, became concerned and almost immediately after it was signed the Sri Lankan Foreign Minister flew to Delhi and their made public assurances that it was not of great consequence, which rather undermined the exercise.

Many countries have offered their services since the breakdown of talks in 1995 but many of these offers have appeared rather glib and rhetorical and most are considered unacceptable by one side or the other. The countries which have made offers include the United States, Britain, Australia, Canada, France and Norway.

⁵⁴ Frontline Jan 99

⁵⁵ For details and text of letters see Sunday Times, Colombo 6th April 1997

6.5 International NGOs and IGOs⁵⁶

There have been several attempts by international NGOs to foster channels between the parties. The Quakers relentlessly made regular journeys between Colombo and Jaffna throughout the 1980s. They met southern politicians and members of the LTTE political leadership and developed a strong understanding of the parties but were unable to establish a communication channel upon which the parties were prepared to depend. Norwegian NGOs undertook similar work and were funded by their government to do so. However, neither of these initiatives was revived after the ending of the cessation of hostilities in April 1995. Other NGOs, such as International Alert, gave a more public profile to their work during the mid 1990s and were exposed to a press battering in Sri Lanka as a result. Of course, international humanitarian NGOs have continued their humanitarian work in government and LTTE controlled areas throughout the conflict. Though they are usually extremely careful not to get involved in "politics" on the ground, they do gain much information in the course of working which is often shared with their own governments.

The activities of international NGOs undertaking work at the humanitarian, human rights and peace building levels have all come under fire at times from the Sri Lanka media as foreign interference. The UN has suffered from political attacks in the media. After a public suggestion that the UN Secretary General should consider using his Good Offices function in Sri Lanka the headlines of national newspapers included "The Globocop", "UN - the Unwanted Negotiators" and "A Western Conspiracy" and the following quote appeared in a major independent daily:

There is nothing in our NE conflict that calls for international participation, assistance or intervention of any kind - not even that of the UN.....No foreign body could understand the problem which has been given several facets in the past decade by antagonistically interested parties, locally and abroad, nor could foreign logic be applied to find a solution.....We must emphatically state that the

⁵⁶ For a discussion about NGO activity and their involvement in peace processes in Sri Lanka see Goodhand and Lewer 1999 and Goodhand and Hulme 1999

international community has nothing to offer us that we do not already have to help us in this problem, except to give military assistance by way of arms. ⁵⁷.

To some extent, it is inevitable within polarised societies that organisations that are "not on our side" are seen to be "on the other side" and this is exacerbated by the pervasive Sinhala view that Tamil lobbying has prejudiced international organisations - both NGOs and Intergovernmental. Thus it is questionable whether UN peacekeeping, the Good Offices function of the Secretary General, or the Commonwealth Secretariat could play a useful role in the Sri Lankan conflict. The politicisation of their work terrifies many NGOs, whose response is to stick as rigidly and narrowly to their mandate as possible in an effort to avoid government, LTTE and media criticism. This tactic results in little or no evaluation of how or whether the NGO may be contributing to the conflict or its resolution through the delivery of its mandate, even when the NGO may be working directly in the conflict areas.

The ICRC has made a uniquely useful contribution to humanitarian work in Sri Lanka. The ICRC policy of communicating only to governments has meant that, though they have worked at the very thrust of the conflict since 1987, they have managed to avoid total media politicisation of their role (though there have been occasional potentially damaging articles) which must have been the fate of any other organisation attempting to fulfil their mandate. Their presence provides international witnesses to the conflict, though they do not report publicly other than in extreme situations such as in November 1998 when they published the numbers of Sri Lankan army bodies they were receiving from the LTTE after the battle at Killinochchi. Until recently, they have been the only body which has been raising compliance with the Geneva conventions and the conduct of the war and in connection with this have regularly visited the few declared prisoners held on either side. At the level of political negotiations, their most important contribution has been to provide the conduit for letters between the LTTE and President Kumaratunga and earlier they provided the same service for President Premadasa.

⁵⁷ Island Newspaper 3rd September 1993

7 Participation in the Process

7.1 Talking with the enemy

*You don't make peace by talking with your friends; you have to talk to your enemies*⁵⁸

The politics of exclusion often leads to the creation of violent conflicts and to fuelling increasing demands. Such an approach is detrimental to any peace process. In Sri Lanka the reluctance of past governments to move into direct negotiation with the LTTE led to the abortive attempt to force a solution through the Indo Lanka Accord and more recently resulted in the failure to have the PA constitutional package adopted. Well-intentioned attempts at conciliation such as the Mangala Moonesinghe Select Committee were doomed to failure because they excluded the LTTE and were operating within the party political system in which the ethnic issue has been a political football since independence. . The costs of the exclusion of the LTTE from the process of creating the PA government's constitutional package have been covered in an earlier chapter.

So inclusion of all interests and parties is the key to successful sustainable negotiation. Interested parties, with the power to disturb any outcome, have to be included in the negotiation process at one level or another. In Northern Ireland considerable effort was expended in ensuring that the Official Unionists and Sinn Fein did sit together at the table. However, the DUP, led by Ian Paisley, itself declined to take a seat and the calculation that they were not strong enough to disrupt the process proved correct, at least in the short term. It is also important to include all the “small” players for rather different reasons – they can oil the wheels of negotiation precisely because they are not perceived as a threat by the other parties. In Northern Ireland the Womens' Coalition, a tiny party formed just six months before elections, is acknowledged to have played a key role of conciliation during the process. Barbara McCabe, who represented the Coalition in Strand 2 negotiations, said:

*Our advantage was that we had no end in sight. We simply entered the negotiations with a set of principles. Every other party in the process had a goal they wanted to reach*⁵⁹.

⁵⁸ Nelson Mandela

⁵⁹ Interview with the author 15th November 1998

7.2 A plethora of people and parties

First it is necessary to identify all those groups with an interest or a potential role and consider their relative relationships. Thus in Sri Lanka that would include Muslim parties, Non-LTTE Tamil parties, the Sanga, the left parties, the progressive liberals, India, the diplomatic community and so on. Some will not allow themselves to be marginalised in a peace process. Ashraff, leader of the SLMC and Minister of Shipping, Ports, Rehabilitation and Reconstruction, stated

*The Muslim Community was "not prepared to sacrifice its identity and self respect in the quest for peace"*⁶⁰

This identification of parties and relationships, *conflict mapping* in conflict resolution literature⁶¹, often produces a confusing plethora of parties but each has a role to play in the negotiation process, though not all will sit at the political negotiation table. In South Africa over 20 parties were represented in the process.⁶² The ownership of the process cannot just be the warring parties and informal and formal inclusion should be as wide as possible to create alliances of those who wish to support the process, even if they want that process to deliver very different things.

Lederach argues that sustainability of any peace process dictates that people from within the conflicting society must be promoted as the main catalysts of a peace constituency to advocate peace, to sustain the process and ensure implementation of the settlement.

*In sum, these three principles - indigenous empowerment, cultural relevance and long term commitment - undergird the idea of building a peace constituency from within the setting that can promote and sustain the long-term transformative process*⁶³

Multi-track⁶⁴ and contingent third party⁶⁵ approaches to peacemaking emphasise that all sectors of society can make a contribution to peacemaking and the creation of political

⁶⁰ Daily News 1st April 1995

⁶¹ Sparks 1994 p 197

⁶² Sparks 1994 p 197

⁶³ Lederach in Rupesinghe (ed) 1995

⁶⁴ MacDonald & Diamond 1996

⁶⁵ Fisher and Keashley 1991

will to negotiate. The media, religious groups, academia, professional organisations, peace activists, NGOs and the diplomatic community are frequently cited in addition to politicians and political leaders. There is often a confusion that this perspective on peacemaking requires each sector to re-orientate its activities to actively include peacemaking. With reason, sectoral leaders point out that they are not skilled or equipped to become involved in the business of making peace or politics, though there are exceptional people who transcend sectoral identification and can make unique contributions to the transformation of their societies. However, the everyday activities of any organisation may inadvertently be making a contribution to the conflict and a peacebuilding perspective encourages an appreciation of this and encourages the development of positive peacemaking activities within the existing activities and role of the organisation. Confusion in identifying roles can also lead to a misreading of the actions of another party. Successful peace-building requires an appreciation of the different roles that others can and may play in order to build up the different tracks towards the settlement process.

7.3 The politics of inclusion

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives⁶⁶

Inclusion also means that people, through the representation of key groups, feel that their opinion has been taken into account in the final settlement. This does not necessarily require a seat at the "top table" of negotiation. Creativity, persuasion, tact and sensitivity are required to work out how all can be included in the process. For some consultation at leadership level, quiet or public, may be sufficient. It is clear that the violence can only be stopped by the government and the LTTE making an agreement but some of the non-LTTE Tamil parties will not allow that to happen unless they have a place in the process. Should they be at the negotiating table as a separate party or as part of the government delegation? Can there be parallel or related but separate negotiations creating multiple forums? The Muslims have a special historical relationship with the Tamils and have suffered at the hands of the LTTE. How can their special needs and aspirations be met?

In Guatemala a series of peace accords covering different aspects were separately negotiated, though each formed part of the whole. Sri Lanka needs to find its own formula.

To strive for maximum inclusion in the process and the settlement is not only a liberal ideal. There is a very practical reason for doing so. The wider the domestic base of those involved in and committed to the settlement the harder it is to overturn and the more viable it is to sustain. Furthermore, the narrower the base of participation then the greater the likelihood of any agreement requiring enforcement and intervention to coerce a settlement.

⁶⁶ Article 21(1) of the Universal Declaration of Human Rights

8 Preconditions and barriers

Both the 1989/90 and the 1994/5 negotiations began without any preconditions. Currently the preconditions to negotiation in Sri Lanka are articulated by the government as the need for the LTTE to disarm and give up violence and by the LTTE as the need for the government to withdraw from the North. The fact is that neither of these is achievable without negotiations. Overcoming such obstacles is part of the pre-negotiation process as is identifying other barriers that have arisen and anticipating those that may arise.

The disarmament of guerrillas is a routine early demand in conflicts but it is difficult to recall any negotiation taking place after guerrillas have surrendered their weapons except in those cases where they have been defeated. Various devices to overcome the issue and give the negotiating government political cover to negotiate without requiring the surrender of weapons have been utilised, the latest in Northern Ireland with the Mitchell Principles and the International De-commissioning Body. Similarly the MNLF in their 1996 agreement with the Ramos government of the Philippines were not required to part with their weapons. Though the levels of violence, inevitable whilst weapons are in circulation in the absence of a cease-fire, also generate difficult dynamics for negotiators.

8.1 Cease-fires

This is the first time that weapons de-commissioning has featured as a pre-negotiations condition in Sri Lanka, though they were a condition of the Indo Lanka Accord to which the LTTE reluctantly gave agreement and did symbolically hand over a few weapons before fighting re-commenced. Previous negotiations have, however, concentrated on cease-fires as an early, if not the first, item on the negotiating agenda. Short cease-fires, outside the negotiation process, have occurred fairly regularly in the Sri Lankan conflict. The LTTE unilaterally declared short cease-fires during the early part of both the Premadasa and Kumaratunga rounds. There have also routinely been humanitarian cease-fires called to facilitate school and university examinations and the inoculation of

children. However, attempts to develop these short-term agreements into a bigger process have failed.

The negotiation of a permanent cease-fire became a major issue of contention during the 1994-5 talks. It was one of the issues highlighted by Virakesari when they published the following on 29th November 1994, during the LTTE commemoration of National Heroes Week.

*Prabhakaran's conditions for peace*⁶⁷

Velupillai Prabhakaran, the Tiger Leader, spelt out the conditions for a peace settlement when he addressed the people in the North for over 15 minutes over the Organisation's clandestine broadcasting station. He said that while the government and the LTTE were for peace, the armed forces were obstructing the peace process. The main point made by him were:

- 1. Complete Provincial/Regional self government*
- 2. Rehabilitation of all refugees*
- 3. Opening a safe land route*
- 4. Total removal of the embargo*
- 5. Unrestricted fishing*
- 6. Declaration of a cease-fire*

Cease-fires give immediate satisfaction for humanitarian concerns and are therefore a desirable first objective. However, they may not be an advisable first objective, though a less formal de-escalation of fighting will always be helpful whilst going part of the way towards a cease-fire. A negotiation process may have to be strongly established in order to deal with the sensitivities, vulnerabilities and suspicions generated by such a subject. The difficulties in negotiating a formal cease-fire were illustrated in 1994/5 in Sri Lanka.

Despite the lack of peace monitors and the difficulties in placing them, the cessation of hostilities largely worked. The use of the cessation enabled aggressive actions to be ended for several months, enforced at local level in the field by direct contact between field commanders with major breaches being dealt with at the highest levels. This seems to show that both sides are capable of controlling their forces when they wish to. There has been little doubt about this in respect of the LTTE but the Sri Lankan armed forces have rarely shown this level of discipline. Indeed, at the same time as the cessation was

⁶⁷ Summary translation from Tamil by Civil Rights Movement of Sri Lanka

in force, the army was apparently frustrating the ending of the embargo on goods to Jaffna at check points and in clearing ships to leave Colombo for the North. So does this mean that the army can be disciplined when the commanders ensure this, or was it that the men on the ground were convinced of the need of the cessation but less convinced of the need to allow goods freely into Jaffna? It should be borne in mind that throughout the embargo anything could be bought in Jaffna at a price and there must have been some collusion at the checkpoints with some members of the army to allow this to happen. So perhaps it was simply those members of the army who were fearful that a lucrative income may be ended with the embargo who sought to uphold it after it was lifted by the President.

Once formal total cease-fires are in place monitoring is a heavy responsibility as malcontents on either side are then given the opportunity to disturb the process by the smallest individual incident. It will require trust at least in the process, if not in the other party, for a leadership to be prepared to ignore many such incidents without introducing them into the negotiating agenda.

8.2 *Status quo politics*

One of the greatest obstacles to a creative settlement paving the way for a societal transformation is always the status quo, and often it is also the politics and politicians of the status quo. It is not only politicians who may have gained power as a result of fighting who can be a problem. Those politicians for whom a change in the overall political terrain may be threatening can also be an obstacle. For example, in Northern Ireland it was "mid Ulster", the respectable middle classes who were largely untouched by the conflict and whose political leaders had held power without responsibility under direct rule for so long, who were most resistant to change. They held up their hands and denounced "the men of violence" long after "the men of violence" had begun to seek more creative alternatives to war or the surrender demanded by putting down their weapons.

The creativity of the process of inclusion combined with the tenacity of enough of the parties was successful in Northern Ireland. They were able to take advantage of the fact that, despite the existence of the conflict, they were able to hold elections to the negotiating body. This enabled the British and Irish governments to work to include "terrorists" whom they had been previously politically precluded from giving any public encouragement, and the agreement was subsequently endorsed by a plebiscite. This model of a qualifying election is an option that will be available in few other conflicts, which by their nature drive out democratic politics, but creativity calls for unique processes, not just replication.

8.3 *Negotiating barriers to a settlement*

Barriers to a settlement are not necessarily barriers to negotiation and the pre-negotiation process is not the time to begin tackling these. That is for the negotiation process itself and for implementation through political processes and institutions agreed in negotiations. Nevertheless, major difficult issues, such as the bifurcation of the Northeast province in Sri Lanka, will be well known to the parties and the process should not be planned without an awareness that it will have to cope with perceived barriers. It is in the interests of all parties and mediators that they should begin accurately informing themselves about the views and rationale of the others on difficult questions. Only by an appreciation of the reasons why an opponent is making apparently unreasonable demands can a party, or mediator, begin to help construct viable alternative solutions. Unreasonableness can be an indication of lack of commitment to the process, but it can also be the perception of others through limited information and understanding. It is very important to establish patiently which is the case.

Parties need to have a sense that an acceptable outcome is possible, and work has to be done in developing an awareness of that possibility. In most settlements, the parameters of the eventual settlement are clear at the start of negotiations, and have been made clear through position statements of the parties and previous attempted negotiations. These may be controversial or even discredited at the time, yet still be steps in the collective understanding of where a solution might lie. For instance, in the Northern Ireland case the Downing Street Declaration and Framework Agreements. In Sri Lanka the Indo-

Lanka Accord, the Government Political Proposals and the Framework Document from the firm of London Lawyers⁶⁸ might prove to be such examples.

⁶⁸ See Armon and Philipson (eds) 1998 p58

9 Asymmetrical relationships

9.1 Asymmetry in the conflict

Power asymmetry, compensating commitment by rebels, and narrowed possibilities for negotiation are structural characteristics of internal conflict and negotiation. They combine so clearly to indicate protracted and insoluble struggle that a search by the parties for structural change in the situation is inevitable⁶⁹

Zartman continues by stating that the search for structural change usually results in military escalation by the government and a search for external support and internationalisation by the rebels. In Sri Lanka, the escalation of the military response after negotiations: by President Jayewardene resulting in the Vaddamarachchi operations; by President Premadasa in the Eastern Province in 1990; and President Kumaratunga in the push to open the A9 road, satisfy one side of Zartman's assertion. The Tamil nationalists, including the LTTE, sought external support from India during the 1980s and when the LTTE's relationship with India turned sour, much effort was expended in developing contacts in the international arena by the LTTE. In the Sri Lankan situation, both sides seek to secure action from the international community which could result in structural change. The Sri Lankan government wants the LTTE banned everywhere and curbs imposed on remittances reaching the LTTE from abroad, whilst the LTTE wants the international community to cease aid and military assistance to Sri Lanka in order to force the government to negotiate on their terms.

The role of India is key in any consideration of Sri Lankan asymmetry. The Tamils are an oppressed minority in Sri Lanka but the Sinhalese, who are the majority, are acutely aware that the Tamils in the subcontinent significantly outnumber them. Thus the Sinhalese are particularly sensitive to Indian diplomacy. India's close interest and involvement with the Sri Lankan Tamil groups in the 1980s inflamed these fears. The Indian support for President Kumaratunga helped to alleviate some of these fears, but the election of the BJP government in 1998 has shaken any confidence in the Indian position, particularly as the LTTE have been courting the new BJP government, which contains known LTTE supporters.

The asymmetrical nature of the conflict is weighted against governments - commitment and guerrilla tactics undermines conventional military capability. As Henry Kissinger stated: *The guerilla wins if he does not lose; the conventional army loses if it does not win.*⁷⁰ However, asymmetry in negotiations is weighted in favour of governments who have access to international organisations, experts and the support of a sophisticated political system not normally available to guerrilla groups. Thus it is important that negotiations preparations are sensitive to asymmetrical considerations. Guerilla organisations may be tempted to the negotiating table to establish their legitimacy but the temptation for them to return to the conflict where they have a known competitive advantage and where they are familiar with the rules and outcomes may be overwhelming.

9.2 Asymmetry in negotiations

Processes should promote equitable treatment. This may mean creating "equality of opportunity" and not just "a level playing field" but this must be done with sensitivity or it will quickly lead to accusations of partiality.

Legitimacy is always essential for guerrillas and in Ireland it was referred to as "parity of esteem". In Sri Lanka all Tamil groups sought legitimacy in Thimpu in 1985 as evidenced in their Joint Memorandum⁷¹ where they state

We also wish to express our disapproval over the usage of the category "militants" in the cease-fire document to describe the united front of major Liberation Organisations, while ascribing the notion "Tamil political leadership" to the TULF. Such categorisation may create serious misconceptions and undermine our status as authentic political organisations representing the aspirations of our people.

The search for legitimacy was continued by the LTTE in subsequent negotiations. In April 1994 Balasingham issued a statement on behalf of the LTTE which clearly stated legitimacy, nationally, regionally and internationally as being their goal. Since then this

⁶⁹ Zartman (Ed) 1995 p11

⁷⁰ Henry A. Kissinger *The Viet Nam Negotiations* Foreign Affairs vol.47 no 2. (2nd January 1969) p 214

⁷¹ For full text see Lognathan 1996 p 210

has been echoed in various other documents and on October 15th 1998 Visuvanathan Rudrakumaran, directly referred to legitimacy in the context of asymmetry:

*In this regard the legitimisation of the Tamils' right to self-determination by the international community will help the Sinhala political elite to marshal public support for the above proposition which will also reduce the asymmetrical relationship ...*⁷²

The benefits of this international recognition and legitimacy are obviously myriad- real and symbolic. However, equity extends beyond the trappings of recognition of the other as an appropriate negotiating partner. Each party must feel empowered within a process which it feels it owns and is committed to. Access to information, expert personnel and financial resources for negotiation and adequate preparation with mediators and facilitators are central to creating an equitable atmosphere. Non-government parties to a conflict are entering a whole new world of rules, personalities, accepted behaviour and unspoken norms, often with few trusted relationships to bolster them at the critical early stages. They are likely to need extended preparatory meetings with facilitation teams to give them confidence that they will be given a fair hearing and that they do own the process along with other parties.

⁷² Hot Spring, London November 1998 p21

10 Public information and inter party communication

10.1 Censorship and propaganda

In a conflict situation, knowledge and access to information become transformed into tools of war as censorship and propaganda replace public information and free expression. None of the communities of Sri Lanka currently enjoys access to accurate information about the conflict or about "the other side". Censorship of information in one country in the age of the internet cannot be absolute, at least for the elites, and so information, censored in Sri Lanka, is freely available to those with access to the internet. The battle at Killinochchi was reported in Colombo but known casualties were initially stated as being fairly low. After the ICRC stated it had received the bodies of 600 soldiers, the international press reported it and international concern began to be registered, then the government's whole military strategy began to be questioned. This led to the temporary strengthening of those voices advocating negotiation with the LTTE. Minister Kadirgamar, speaking at Chatham House in London, was followed some months later by an LTTE spokesman at the same venue and the texts of these speeches circulate in Sri Lanka in the North and South and thus an essential "internal" debate is mediated through external channels.

However, the information age does not bring freedom of information and expression to the mass of Sri Lankans whose views are still largely formed through information from the press and media of Sri Lanka, separately in the North and South. Gossip and rumour are rampant in Sri Lankan society, perhaps even more in political circles and incidents and people in the conflict become the subject of rumour rather than fact in the face of the censorship of both communities.

In the south, where there is a highly developed press and media, there have been intermittent government censorship and self-censorship. However, there are some excellent professional journalists in Sri Lanka and their voices do continue to be heard. Some of the press is privately owned, some government owned, there are pro and anti-government papers and radio and TV stations but the majority are pro-Sinhala to some

degree. In the North the LTTE broadcast "Voice of Tigers" Radio, and control the press within their areas where they also show tiger videos, including "tele-dramas" and fortnightly news broadcasts on huge screens in the villages. A Tamil language paper has been independently published in Jaffna following the army taking over there.

Sri Lanka propaganda, from both the LTTE and the government, has become increasingly professional, and the PA administration has beefed up its Foreign Ministry information teams. Internally, propaganda is still typical of any country at war but, although occasionally it is tailored to fit the old prejudices, the PA have been careful to maintain an anti-communal profile with the international community in Colombo and been careful to constrain any sign of rampant anti-communalism among the population. The LTTE's material is overtly propagandist, though it has also carefully delineated between its references to the Sinhala state and the Sinhala people in more recent years, at least in the English language translations they produce. Tamil speakers aver that the LTTE Tamil publications are subtly different in tone which can affect the political message. There are also some leaflets produced by PA ministers in Sinhala which contradict the non-communalist image of the government. However, it is also true that both Sinhala and Tamil require a different linguistic style to English. Both are much more indirect and embellished than the English language and this, in a literal translation, could be misconstrued.

Both sides are careful of their international image and propaganda in the international arena has tended to focus on human rights violations of the Sri Lankan State contending with the Terrorist offences of the LTTE. However, both sides have articulated a desire to engage in negotiations for propaganda purposes at different times. Both seek to portray themselves as the victims, not the aggressors, pressing for negotiations at times when it is clear the other party is going to avoid them. Stating that negotiations are necessary but the time is not ripe has become part of the propagandists' tool kit.

The arrival of Anton Balasingham in London in the summer of 1999 may indicate a shift in this policy. The LTTE have announced that he is there to seek a country to mediate in

the Sri Lankan conflict. Time will prove whether this is simply another salvo in the propaganda war or a genuine attempt to move the process forward.

10.2 Signalling

Public declarations and actions during the conflict and the negotiation process will be carefully scrutinised and analysed by all sides. Thus, governments must ensure that all important ministers are properly briefed and "on message. Similarly both sides will need to consider all their public statements carefully - based on their assessments of how these will be perceived and impact on all parties - allies, their own supporters and the opposition. Signalling is the conscious sending of positive and reassuring messages indirectly to the other side. This requires confidence and considerable analysis.

In Sri Lanka there are several examples of negative signalling, perhaps unconscious or maybe arrogant. President Premadasa's failure to deliver the dissolution of the Northeast Provincial Council or the repeal of the 6th amendment to the constitution were causal in the breakdown of negotiations in 1990⁷³. These are substantial issues. In 1994/5 some causal factors of the breakdown of talks were substantial but some were based on the LTTE interpretation of Government behaviour. The LTTE came to believe that President Kumaratunga's approach to negotiation was intended to give her access to and a platform among the Tamil people to undermine the LTTE, not to engage in sincere negotiation with them. The dropping of leaflets in Jaffna by the government during the first round of talks has been cited as a factor contributing to this view, as has President Kumaratunga's visit to India⁷⁴ as the following quotations show:

*The hidden plan was to seek ways of isolating the Tiger leadership from the Tamil masses so that the military could corner them and defeat them. In fact this was not a new strategy. The military establishment together with most Sinhala intellectuals and politicians have been preaching this for some time.*⁷⁵

⁷³ Bradman Weerakoon in Rupesinghe (Ed) 1998 pp 152-156

⁷⁴ *Delhi, Deadlock and Dilemma*, Sunday Times 2nd April 1995

*She did not want any wrong signals to emanate from the Indian capital giving the LTTE leadership an excuse to scuttle the peace process which is gathering momentum*⁷⁶

Positive signalling through public statements and actions can be particularly useful in trying to move towards negotiations whilst channels are being established but there has to be some confidence that these will be properly interpreted and/or they should be reinforced through a reliable channel. This "signalling" was a crucial part in communication between the ANC and Nationalist Government in South Africa⁷⁷

10.3 Public information during negotiations

Whilst confidentiality may be crucial in the delicate pre-negotiation phase, negotiations themselves generally require transparency to allow positions and solutions to gain favour in the population at large and to enable democratic participation in the process. Nevertheless, confidentiality will still be important around certain issues and at certain times during negotiation. The tension between transparency and confidentiality needs careful management. It is crucial that the negotiation process manages the media and not the other way around. This means explicitly agreed ground rules and careful and joint handling of sensitive issues with equal and agreed access to the media by those most heavily involved in the process.

If one party starts leaking delicate suggested compromises to the press it becomes very difficult for the process to continue on a basis of trust. Manoharan, writing about the 1994/5 talks, states that Pirabhakaran

*expressed his disappointment over the composition of the negotiating team and the release of confidential information to the press, while talks were conducted in secret.*⁷⁸

⁷⁵ Publicity material from a "Convention and Rally of Eelam Tamils in Great Britain" 9th September 1995

⁷⁶ Frontline on April 21st 1995

⁷⁷ Pravin Gordhan, ANC MP and Co-Chair of CODESA 11 described this in detail during a seminar for Sri Lankan Parliamentarians 29th Jan - 2nd February 1996

⁷⁸ Rupesinghe (Ed) 1998

Since then both the government and the LTTE have published extracts and some letters exchanged between them to suit their own propaganda purposes at the time. However, President Kumaratunga has recently stated that she will shortly publish all of them.⁷⁹

Both President Premadasa and President Kumaratunga were elected on manifestos pledging their commitment to peace. However the holding of negotiating meetings 1994/5 was much more transparent than were those of President Premadasa who began negotiating whilst the IPKF were still fighting the LTTE. The volatility of Sri Lankan politics and the media suggests that preliminary talks, and certainly much of the pre-negotiation "talks about talks", should be held confidentially. However the nature of the Sri Lankan polity, where confidentiality has a very short shelf life, would make this very difficult.

To try to keep proceedings totally confidential would be counter productive if they leaked into the public domain through a web of media hype, rather than the media being properly managed through planned announcements and interviews. So the key is to manage, not to exclude the press. It is also important that necessary confidentiality is not extended to the point where popular participation is excluded from any influence on the process. An atmosphere of total secrecy can lead to one of public distrust. Thus, there has to be agreement on how, when and who gives the media information so that they can disseminate this in a manner that counters any build up in anti-negotiations sentiment. Despite the generally poor record of the media during conflict, when their search for scoops and shocking stories can be counterproductive to embryo negotiation processes, the media have frequently been very supportive during actual negotiations. That has been the experience in several countries, including Sri Lanka in 1994 when they did much to buoy up the mood of hope engendered by the new government. It is also important that people have enough information to affirm the settlement. So confidentiality is crucially important at certain point but militates against democratic participation and endorsement of the process and this is the tension which has to be gauged correctly and managed accordingly.

⁷⁹ See Interview Frontline Jan 99

11 Broad principles of negotiation

11.1 Needs, position and interests

Negotiation is often perceived as compromise and protagonists in a conflict want victory - which is frequently characterised as peace by combatants and their supporters. Thus the preparation period is about convincing the parties that negotiation does not have to be about bargaining their interests away. Leadership on both sides cannot afford to publicly embrace compromise (as negotiation is frequently characterised by the “hawkish” elements in a conflict) whilst they are exhorting their supporters to make huge sacrifices in the name of the nation or cause. They will have to be persuaded that there is more gain in negotiation than carrying on fighting and that there is a body of support for this view among their people.

In traditional, positional bargaining the protagonists take up positions and try to hold on to them in the bargaining process. They usually establish "a bottom line" which is often gauged in accordance with how far they think they can push the other side and a compromise is sought. Much work has been done in the conflict resolution field looking at positions and interests and developing interest based bargaining. This approach suggests very simply that positions are taken up because of underlying interests and that a creative exploration of interests, rather than positions, will throw up interests in common between the parties and thus open the door to a wider option of solutions that positional bargaining could ever generate. Interest based bargaining draws on basic human needs theory, originated by John Burton.⁸⁰ This states that the need for individual and group identity is ever-present in human beings just as is the need for food, water, air and sleep. Unlike resource conflicts, which can be amenable to bargaining and compromise, but like basic physical needs, identity cannot be bargained or compromised. . Which is one reason that identity conflicts are so intractable and why, however hard they are forcibly suppressed, such conflicts invariably re-emerge in one way or another.

⁸⁰ see Burton 1990, Burton 1979,

Various scholars, drawing on basic human needs theory and ideas of interest based negotiation, have developed workshop and dialogue models intended to assist participants in resolving their conflict. Fisher⁸¹ refers to these as interactive conflict resolution and cites the problem solving workshops⁸², group training workshops⁸³ and inter-active workshops⁸⁴. All of these enlist a third party scholar/practitioner(s) as facilitators in workshops which work on the basis of varying models designed to move the participants towards a new way of thinking about their conflict and its issues. Such workshops, if fully understood, carefully prepared, and properly handled – particularly with regard to preparing participants for re-entry to the “real world” where nothing has changed – can make a useful contribution either preparatory to negotiations or even as a means of moving a particular sticking point during the formal negotiations.

11.2 Self determination and the position of Eelam

Tamil Eelam (a Tamil homeland) is a position of the Tamil national movement. The LTTE have articulated the Tamil claim to Eelam in terms of self determination but have not elaborated beyond that what Eelam might mean in reality. It is commonly interpreted as a demand for an independent state which places it in an opposing position to the sovereign unity of the State of Sri Lanka which has been upheld by successive Sri Lankan governments. Yet both the government and the LTTE have indicated a willingness to look at solutions which would not totally satisfy either of these positions but which may satisfy their needs.⁸⁵ President Kumaratunga recently agreed with N.Ram, Editor of the Hindu, that

...the tragic part of the history of Sri Lanka ...can be summed up in these phrases: the Sinhala Only trap and, in reaction to it and retaliation against it, the Eelam trap⁸⁶

Positional bargaining poses the claim for Tamil Eelam against the claim for Sinhala Only and demands compromise in the face of the inevitable deadlock. In an interest based bargaining environment, looking at the needs of all people, including Muslims, for

⁸¹ Fisher 1997

⁸² Burton 1968, 1987, Banks 1984

⁸³ Doob 1970, 1981

⁸⁴ Kelman 1965

⁸⁵ See ICES 1996 for a discussion on PA constitutional proposals and Christian Michelson Institute for Rudrakumaran's speech which examines confederalism

⁸⁶ Frontline Interview Jan 1999

dignity, legitimacy, acknowledgement, security, safety etc, it may be possible to come to an agreement which would satisfy the needs of all communities. Acceptance by the Tamil people of such an agreement could constitute the exercise of self-determination.

Jehan Perera, writing from Colombo soon after war broke out again in 1995, said:

*If the LTTE demands are reformulated into the language of principles there can be, hopefully, even at this very late stage, a resumption of dialogue on a genuine basis of give and take.*⁸⁷

Though he talks about principles, rather than interests or needs, he is clearly seeking a means to broaden the debate and thus the possible solutions in the minds of the negotiators.

11.3 Human rights and democracy

11.3.1 Human Rights in Wartime

Human rights and democracy are almost always the first casualties of war. Indeed a rapid escalation in human rights violations is now recognised as one of the clear early warning signals of the outbreak of internal armed conflict. During wars human rights violations are often used by protagonists as propaganda material against the other side, whilst such violations on their side may be tolerated as necessary or unavoidable. The dynamics of “patriotism” encroach upon the rights and political space of dissenters whilst censorship impedes access to information. As democracy has become a portmanteau word in contemporary political circles, human rights norms are perhaps a more useful basis as they include the right of a person to participate in the governance of their country (see quote at the head of Chapter 6.3).

The role of campaigning human rights organisations, particularly indigenous groups, in keeping violations and encroachments in the public eye is very important throughout the periods of war and negotiations. They provide a beacon of humanity and humanitarian standards in the dark times of war which assists in providing a basis for the whole negotiations process and a firm foundation for the formal, political negotiations. It may not be appropriate for those seeking to establish communication with the parties and

⁸⁷ The Island 14th May 1995

build channels between them to enter into routine public condemnations (though this will not necessarily always be so). However, it is important that those seeking to assist in this way should always be clear that they are doing so in order to establish basic human rights norms and a basis of democracy. They must be prepared to indicate their dissent from excessive violations in any direct communication they enter into with the parties.

11.3.2 Human Rights during the Sri Lankan Conflict

The destruction of culture and social norms in Northern Tamil society as a result of the war has been noted by several Tamils but violence is corrosive to all societies and the communities in the south are far from immune. Militarisation and political violence have undermined the culture and the politics of all communities of Sri Lanka and democratic values are in question throughout the island. In the South both the government and opposition parties in the south have resorted to violence in election campaigns in recent years. In the North politics is run along military lines, often violently enforced. Thus in a country where people have traditionally voted with far more enthusiasm than in western countries, violence is being demonstrated as more effective - even by political leaders. Confidence in achieving a democratic solution is being undermined, fuelling the cynicism which failed negotiations breed and sapping the will for creative change.

In Sri Lanka there has been separate development of the Tamils in the Northeast and the rest of the island since the late 1970's. Thus a second generation is now being born who have grown up in this separate culture. In the Northeast, the youth have been radicalised by war and the society overturned socially by the struggle for Eelam. The rigid social structure of pre-war Jaffna might have taken many generations to change and, though the impact of LTTE rules against caste and in favour of gender equality may not have been totally observed, they have accelerated change away from such rigidity. However, the LTTE are, of necessity, a military organisation not a democratic organisation, and this imposes different rigidities and these are rigorously enforced within Tamil society and Tamils have been killed by order of LTTE. Nor can the LTTE be excused from criticism for the expulsion of Muslims from Jaffna in 1990 or the killing of Muslims at prayer in Batticaloa. (The LTTE has belatedly recognised that their treatment of the Muslims was

incorrect). Similarly the deliberate killing of impoverished, unarmed Sinhala border villagers shows scant regard for human life. Nevertheless, during 1990-1995 the LTTE undertook and ran a civilian administration in Jaffna. Although initially there were many complaints about the manner the LTTE approached this, they quickly began to solicit the co-operation of sections of the Tamil community in Jaffna. Chandrakanthan records some of their successful activities during that time.⁸⁸ Thus it is possible that the LTTE may confound the fears of liberal democrats that the LTTE's real objective is to run a totalitarian regime along militaristic lines in post war Tamil society. Discussions around principle may reveal that Tamil people in the Northeast have their own ideas about what democracy is and how it will best be achieved within their society and that the LTTE will assist in implementing their choice. The challenge for a negotiation process is to allow the space for the LTTE to have the chance to do this whilst providing some guarantees of basic human rights to people living in the northeast.

People throughout the island need similar guarantees because Sri Lankan governments, who could be expected to be more responsible than an organisation which has evolved from a guerrilla group, have a bad human rights record in relation to their treatment of both Tamils and Sinhalese. The LTTE has grown up as a result of the often brutally repressive and unequal treatment of Tamils in Sri Lanka by successive governments. Sri Lanka has quite good institutions and human rights organisations on paper, implementation has failed and there has been a failure to inculcate a culture of human rights in the island. Sri Lanka has generally followed the standard liberal-democratic model since independence though this has been threatened by two insurrections and a pre-empted coup. However, much more insidious has been the gradual erosion of democratic practise by successive administrations through the subversion of the legal system, political violence, and patronage and cronyism. Elections to the Wayamba Provincial Councils in January 1999 attracted international condemnation for the violence of the campaign and intimidation and ballot rigging on election day. In 1983 it was not only the Tamils whose representatives were excluded from Parliament. In attempt to blame them for the July anti Tamil pogrom, President Jayewardene outlawed several

⁸⁸ Armon & Philipson (eds) 1998 p 74

parties of the left' including the JVP who were subsequently responsible for the 1988/90 insurrection. Sri Lanka's methods of "counter terrorism" in response to Sinhalese insurrections and war with the LTTE have been brutal and civilians have suffered cruelly at the hands of security forces there.

11.3.3 The "No Mercy" War

Although a culture of human rights is lacking within Sri Lanka, indigenous human rights organisations have done effective work in illuminating the worst abuses within the country and as a result an understanding of the rights at the core of the universal declaration has been established. However, humanitarian law and the laws of war have had little publicity and practise on the battlefield is far from that advocated in the Geneva Conventions, which both parties have agreed they will observe. Out of 10 estimated casualties in Sri Lanka only one survives as wounded compared to the accepted average of seven surviving as wounded.⁸⁹ On both sides the numbers of prisoners taken is minimal, despite the long years of war. These statistics tell their own tale.

The International Working Group on Sri Lanka, an independent network of organisations and individuals concerned with human rights, development and peace in Sri Lanka, is advocating greater pressure for compliance with Common Article 3 of the Geneva Conventions in Sri Lanka as a platform for peace-building.

11.3.4 Human Rights in negotiations

The perceptions and goals of the north and south at leadership and civil society level have been shaped by different events, experiences, needs and aspirations for the last twenty years. It is to be expected that there would need to be long discussions before there could be an appreciation of each other's position and points of view, let alone an agreement on the shape of the future. The culture of blame for past human rights abuses needs to be transformed into a collective will to shape a future in which people can rely on securing basic human rights, including the rights to participate in their own governance, throughout the island.

⁸⁹ The International Working Group on Sri Lanka 1999

The damage and injustices of those years cannot, unfortunately, be undone or forgotten. What is important is that there is a reckoning in which all parties are able to participate and in which the maximum number of affected people feel represented in some way. A reckoning, which is a combination of a judgement and a reconciliation, is an identifiable moment when the societies agree that they will strive to put the past behind them and move forward to a better future based on human rights. Every conflict requires a reckoning nuanced to the unique experiences of the communities caught up in that particular conflict. Several countries e.g. El Salvador, Argentina, South Africa have adopted Truth Commissions⁹⁰ as part of their reckoning, Northern Ireland did not. Some countries include amnesty for participants in the war, only pursuing the most culpable leaders.

It is in designing the reckoning that practical politics merges with human rights. It is not possible, or even desirable, to bring to justice every single person who has committed a wrong during the course of a war. However, the purpose of the reckoning is two fold. Firstly to assist people to forgive and put the past behind them which may require public acknowledgement of wrongs and suffering. Secondly to move society securely towards a new political system which may require the public trial of those perceived as being the most culpable human rights abusers (or “war criminals”) to signal a clear end to impunity. Such a reckoning will not bring to justice for every group or individual who has suffered as they are finding in Northern Ireland where the release of prisoners is also releasing the pain of the families of their victims. It is perhaps inevitable that some victims may feel ignored in a settlement but their individual pain cannot be allowed to hold back progress for society as a whole.

The application of practical politics, as described in the previous paragraph, is sometimes criticised as “dirty dealing” and “selling out” human rights. The “neutral” role of the international community has been severely criticised by Victoria Brittain regarding

⁹⁰ Mendez 199, Sarkin 1997, Krtis (Ed) 1995, Index 5/1996, CIIR 1999

Angola and Ed Vulliamy in respect of the former Yugoslavia⁹¹. They both assert that neutrality ignored the ethical and humanitarian considerations in both cases and subsequent events could be argued to have proved them correct. If the compromises are made to deliver an agreement for the future which is fudged on the principle of human rights, or when it is clear that there is no real agreement on the principles, then that agreement would be a betrayal of human rights. However, an agreement which, in drawing a line on the past, effectively gives amnesty to some human rights abusers, whilst delivering an implementable agreement introducing future safeguards is a mix of practical politics and human rights norms which needs to be seen as building for the future rather than a betrayal of the past.

⁹¹ see Brittain 1998, Vulliamy

12 The anatomy of negotiations

12.1 The format of meetings

Care and planning are required for informal as well as formal contact. Careful diplomacy, shuttle diplomacy, proximate talks, facilitated intra-party talks and "talks about talks" can all form part of a carefully planned process moving from non-negotiation to pre-negotiation and from there into a durable negotiation process. The form of negotiations will also need to be carefully constructed and imaginatively designed. In South Africa, the secret talks gave way to full scale formal conferences and subcommittees. In Ireland, separate series of themed meetings, which the Irish referred to as negotiation strands, provided the required form. In Guatemala, dialogue between the government and armed opposition was prefaced by separate fora between the armed opposition and sectors (business, religious, NGO, armed forces). Recent peace processes are rich with examples which merit further study on the part of the parties to the Sri Lankan war

In Ireland the main venue was in Stormont, the historic castle from which both British rule and earlier Unionist governance had taken place. This had two major disadvantages. The first was that it is associated with unionism and Britain and therefore more at home for the unionists. Thus it was not perceived as a neutral venue and there was some resentment at this. The second problem was associated with the facilities themselves - there is little informal space and virtually no nooks and crannies for quick informal encounters within Stormont. Thus the scope for unobserved, informal "corridor talks" was very limited, particularly as there was no residential aspect to the process in Ireland. At least one participant has commented on the eased atmosphere when the talks moved to London for a week, primarily because it was much easier for informal encounters to take place. In Ireland the use of Stormont was criticised by the nationalists

In 1994 the LTTE were administering the Jaffna peninsula and there was in force *a de facto* separate state. There is an apocryphal story that when the LTTE Leader was in Delhi Rajiv Gandhi offered him the governorship of the Northeast. Pirabhakaran's response was to inform Gandhi that he already was governor of the Northeast of Sri

Lanka. Now the LTTE are in the Wanni jungles and, though they are administering part of the North and sectors of the East and it could be argued that militarily they have demonstrated themselves to be stronger than ever since vacating Jaffna town in 1995, they do not have the trappings of state to which they had access there. They hosted the 1994/5 negotiations whereas Colombo hosted the 1989/90 negotiations. A more imaginative approach to venues (domestic and international) may have to be sought for future formal negotiations.

12.2 Agenda building and decision making

In 1994/5 one of the most heated issues was whether the negotiations should begin with the major political issues dividing the parties or the immediate day to day problems and issues confronting citizens and the LTTE in Jaffna. The LTTE, anxious to show the Tamil civilians and their own hawks that they could deliver and wishing to test out the PA's will to implement agreements, insisted that the latter was of the utmost urgency. The PA government, worried that the LTTE may be intent on seizing as much short term advantage as possible before returning to war, were determined to begin complex political talks in the hope of enmeshing the LTTE into longer term negotiations.

Setting joint agendas is part of the "talks about talks" prior to beginning full political negotiations:

Joint decisions about the substance and sequence of a negotiating agenda are regularly left until the start of formal talks. This is a primary reason talks often stall, particularly when conflicts are deeply rooted in identity issues.⁹²

How decisions are made and what constitutes a final decision needs to be decided in the abstract and not around a heated issue. Previously in Sri Lanka agreement has been between the representatives of the President and the Leader of the LTTE, or earlier agreements also involving India and other Tamil parties. Decision making impacts directly on representation and so levels of involvement and consultation will also form part of judging when a decision has been taken. For example, how will Muslims, non-LTTE Tamil groups, Buddhists, farmers, shopkeepers and liberal, secular democrats be represented (assuming that the Government and LTTE are already at the table) and to

what extent should such groups be included in decision making? Again consideration of other peace processes is a territory rich with examples of mechanisms which have been adopted to address similar dilemmas

In South Africa, having sent a comprehensive representation of groups to the negotiations table, they developed their own version of "sufficient consensus" The objective was to strive for consensus around the table but, if that was not achieved it was agreed that once a pre-determined level of agreement was reached then "sufficient consensus" had been achieved. In South Africa this meant in reality that if the ANC and National Party agreed then it was "sufficient consensus" in recognition of the de-facto power of these parties and to guard against very small groups having a total power of veto over the majority. This was copied in Northern Ireland.

Unlike South Africa, in Northern Ireland it was agreed that nothing was agreed until everything was agreed. So each decision was conditional on the total agreement being agreed. That has probably been implicit in previous Sri Lankan negotiations and it was the special circumstances in Ireland that led to it becoming explicit there. It may be that this and other implicit assumptions would be better explicitly stated in Sri Lanka. Validating the final agreement was done via a plebiscite in both South Africa and Ireland

Society in Sri Lanka is still partially organised within feudal relationships and therefore political and social leaders to some extent transcend the democratic processes - though the impact of globalisation is lessening this in the urban centres. Despite the politicised nature of Sri Lankan society, its feudal aspects mitigate against societal change taking place on a wave of mass action, as it did in the Philippines. Though, as discussed in earlier chapters, there is some democratic space in the south which can usefully be utilised by people based movements for negotiation, it is unlikely that there will be mass support for negotiation until political leaders indicate their inclination to meet the LTTE. So support will be delivered for negotiations partly through democratic processes and partly through the relations of feudal patronage which will require high level leadership.

⁹² Rothman 1997 p 71

Nevertheless, the start of a return to peace requires maximum participation and any settlement needs to be validated as widely as possible. If there are real fears about the fate of an agreement in parliament or at the polls, then there should be total pessimism about that agreement's ability to deliver any form of peace, even transiently, let alone to transform society. The manner of validation will be the subject of the negotiation process. Negotiations will be approached from within a constitutional framework by the government and from outside such a framework by the LTTE but the objective of the settlement must be to ensure that all political organisations, including Muslims and other minorities, are accommodated within a constitutional process which is acceptable to them. Thus the *de facto* administrations will be a thing of the past and government will become *de jure* throughout the island.

12.3 Timetable and deadlines

In Northern Ireland the whole process was very long and began to lose dynamism. The use of deadlines forced the pace and a tight timetable was a spur to the delivery of a workable agreement and illustrates a positive use of timelines. A timetable can also produce shallow and unworkable agreements and must be used judiciously. The Sri Lankan experience has not previously included timetables other than negatively. The use of deadlines by the LTTE during the last round of negotiations was an effective mechanism for increasing pressure on the government whose failure to respond was used by the LTTE to justify their breaching of the cessation of hostilities. Nevertheless, the lack of timetable did encourage a drift in the negotiations and Dr Neelan Thiruchelvam MP urged adopting a timetable when it became clear that the negotiations had begun to be bogged down:

*I think that what needs to be done is for the two sides to come to an understanding with regard to the actual agenda for discussion and the sequence with which that agenda will be pursued also whether it will be possible to work out some specific timeframe for addressing the various issues.*⁹³

There comes a point in every successful negotiation where the leaders of the warring factions become so tied into the process that their mutual political future depends upon its

⁹³ Tamil Times 15th April 1994

success. A South African journalist described Mandela and De Klerk in the latter stage of negotiations as being like two drunken men, occasionally throwing punches, but each having to hang on to each other to stand up. It could be argued that in Sri Lanka in 1995, when the LTTE broke the cessation so dramatically, the PA government, who had invested so much political capital in negotiations, would not have survived had it not been for the weakness of the opposition. Thus, the mutuality of dependency is important, particularly as the approach to such vulnerability is terrifying for those who have been adversaries for so long.

There is another factor which may be crucial. The advantage a guerrilla army holds over a conventional army is commitment. Commitment and recruitment begin to wane unless they are stimulated by the activity of war. Guerrilla armies generally cannot put their troops into barracks, and bring them out at some long date in the future for renewed fighting. Suicide cadres do not wait through long months of total inactivity and remain primed for their terrible task. So there is a finite amount of time that a guerrilla army, especially the LTTE, can be militarily inactive before they begin to move towards the dependency described in the previous paragraph. They will not allow this dependency to develop unless they are confident that the negotiation process in which they are engaged is going to deliver for them and they will simply return to the familiar ground of war. The length of that finite amount of time is unknown but around six months is the longest respite they have taken to date. Pirabhakaran, in an interview with the BBC in the autumn of 1994, stated:

*Militarily a cease-fire is not advantageous to us. Our growth and strength depends primarily on our ability to seize or destroy the enemies' weapons. This is only possible by military operations. Therefore it is wrong to assume that a cease-fire would help strengthen us.*⁹⁴

12.4 Recording the proceedings

Informal encounters are unlikely to generate any record, though planned informal meetings, especially if they are arranged with third party assistance, often have confidential notes of the discussion. However, it is normal good practice to record the discussion and agreements reached in formal political negotiations – though the records

⁹⁴ Tamil Eelam Newsletter, LTTE Secretariat, London November 1984

are almost always held confidentially, even when agreed statements about their content have been released.

In Sri Lanka the recording of meetings has been assiduously undertaken by the LTTE. In 1990 Adele Balasingham took notes throughout the negotiations with President Premadasa and his officials. In 1994/5 the LTTE not only took notes but recorded the proceedings, frequently on video. However, the government has not systematically taken notes of any of the negotiations, which puts it at a grave disadvantage in reviewing and reflecting on the past experiences. Furthermore, this lack of disciplined recording gives free rein to the speculation which fuels many overviews of the contemporary history of this period. Thus clear analysis is the casualty.

13 Political will and settlement

The forgoing chapters have concentrated on aspects of the process of negotiation as they might apply in Sri Lanka. However, good the process there will be no transition from war into constitutional politics unless the warring parties have the political will and opportunities to enter into and sustain a peace process. However, political will alone is not sufficient.

In 1990 President Premadasa and the LTTE had a shared goal of expelling the IPKF from Sri Lanka. Once that was achieved the talks began to break down. Many analysts argue that these negotiations were never more than a means to remove India for either side. However, others argue that there may have been a greater rapport established than this analysis allows, citing President Premadasa's caste origin and the affinity that may have provided between the President and the LTTE. An examination of those negotiations suggests that the dynamism of the President's personality was a substitute for process and that the political will to overcome obstacles did evaporate once the IPKF was removed.

In 1994/5 both sides showed considerable investment in the talks in different ways. The LTTE, until late December 1994, were emphasising the Jaffna civil administration, rather than battlefield exploits, to their own supporters. They invested considerable intellectual and technical resources, which were at a premium in LTTE held Jaffna, in preparing and writing the development plan for the north which they presented to a government team of experts. The facilities and protocol at the talks were carefully constructed. On the other hand the government agreed that the talks could take place in Jaffna and showed considerable political determination in not allowing the assassination of the opposition presidential candidate and many of his supporters to derail the process. These talks apparently began with considerable political will on both sides but mistrust overtook that political will in the absence of a process which could provide a web of support to sustain it.

In a conflict which neither side can win militarily re-engendering the political will to enter a process of negotiation is critical. However, it is also important that political will encompasses the patience and determination to painstakingly build a process from and between each side which can deliver peace and which can sustain throughout that long process.

Sri Lankans hold the keys to their own future. Only they can create the political will within their societies and within their parties and amongst their leadership to end the carnage. Whilst the international community can and should do more, the conflict is the product of dysfunction in the societies of Sri Lanka and only they can decide to move towards well-functioning societies. That resolve should predate, for example, the writing of constitutions or even the creation of the formula for a Sri Lankan "sufficient consensus". Both of these are the stuff of process between the parties. However, political will is required at every stage of the process. Not least at the implementation stage, which has so often proved an insurmountable hurdle in Sri Lanka.

A functioning society should mean that violent actions are totally marginalised but it will not mean the end of conflict. Personal and political struggle will carry on. Ideas are refined and developed through struggling with others views and assertions. To disagree is not a problem as long as there is a political structure established within which it is possible to express dissent and be respected for that. Thus, if a settlement of the current violent conflict is achieved, there may still be Tamils who choose politically to pursue Eelam. This was articulated by V. Pirabhakaran in the Sri Lankan context as follows:

*Basically the fight for Tamil Eelam is a politico-military exercise. A time will come for us to fight for Tamil Eelam politically. Our goal has not ceased*⁹⁵

An agreement which settles a conflict is a basis upon which societies can build. An agreement which incorporates a rigid framework can only generate further conflict. A settlement does not freeze social and political development and any agreement should seek to provide a clear but flexible framework within which societies can develop and

strengthen political inclusivity and continuously evolve institutions to support social development. Zartman comments:

In the long run, all solutions are only experiments. Because solution does not mean a definitive settlement of specific issues (however prominent specific grievances may be among the causes of conflict) but rather a restoration of normal politics, and because settlement does not mean elimination of the parties, but rather their incorporation as actors in a new regime.⁹⁶

⁹⁵ LTTE resorts to cloak and dagger exercises - Sunday Times 22nd January 1995

⁹⁶ Zartman (ed) 1995 p24

14 Conclusion

The Sri Lankan conflict is not easily amenable to negotiation. The negotiation process itself will be fraught with danger and implementation will require the development of a strong process that demands an agreed resolution. However, conflict analysis, conflict resolution and peace building literature all offer insights and identify elements which can illuminate the process and its development.

Important pre-requisites to negotiation preparations are an understanding of the important role of process, the development of a nuanced political analysis and the development of a strong political will for peace. This all assumes a move away from the short-term responses based on immediate political advantage and investment in longer-term, more stable policymaking. Insights from conflict resolution literature can usefully inform the process as it unfolds and help the understanding of the situation and in identifying what actions may be helpful. All conflicts are extra-ordinarily complex political situations and rarely, if ever, proceed in a linear fashion. Thus solutions need to be creatively pursued by negotiators, mediators and facilitators.

Sri Lanka experiences themselves may offer the richest source of information and analysis for future negotiations, unfortunately much of the nuanced details of previous attempts may only be available from one perspective. However, this learning can be deepened by understandings from other processes.

The parties themselves need to deepen and broaden their understandings of the conflict and anyone offering assistance needs to ensure they have a nuanced understanding of the conflict from all aspects. In Sri Lanka it is likely that some external assistance will be needed to establish a strong process. Facilitation or mediation is a team exercise. Members of the team may each have their own interest in intervention but they must collectively include the knowledge, skills, sensitivities and resilience required to mediate intractable conflicts. The team can include both indigenous people and foreigners.

A negotiated agreement is just the preparatory plan for change. Both the substance and the process of implementation are at the heart of moving towards a more peaceful society. Implementation of substance is obviously important but the manner in which implementation takes place sets the barometer for future societal relations and requires the same level of attention as the process of formal negotiations. Much work is now being done on post conflict re-construction. This should not only be the reconstruction of the visible fabric of the towns and countryside, or even the reconciliation of peoples, it should also include the construction of new robust inclusive political structures.

15 Calender of Events in the ethnic conflict in Sri Lanka

- 1931 The first elections by universal suffrage to the National Assembly created by the Soulsby Constitution
- 1948 Independence under the Donoughmore majoritarian constitution
Ceylon Citizenship Act denies citizenship to Upcountry Tamils
- 1949 Federal Party formed
- 1950 SLFP formed
- 1956 SLFP form government after winning general election
Official Language Act makes Sinhala the sole official and national language
- 1957 Bandaranaike-Chelvanayam Pact (covering colonisation, Tamil language, and devolution of state power)
- 1958 Tamil Language (Special Provisions) Act
- 1960 Prime Minister SWRD Bandaranaike assassinated by a Buddhist monk
- 1965 General election returns UNP to power
Senanyake-Chelvanayakam Pact is signed (covering establishment of District Councils, colonisation, Tamil language)
- 1970 First assassination attempts (unsuccessful) by Tamil militants against government representatives in Jaffna District
- 1970 SLFP alliance win general election
- 1971 Educational standardisation leads to higher university entrance requirements for Tamil Speakers. The JVP stage an unsuccessful armed insurrection in the South of Sri Lanka
- 1972 Republican constitution is adopted which gives Buddhism “foremost place”
- 1975 Alfred Duraiyappa, Tamil mayor of Jaffna, is assassinated by Tamil militants
- 1976 TULF passes “Vaddukodai Resolution” calling for a separate state of Tamil Eelam
- 1977 UNP wins general election with a two-thirds majority.
TULF become official opposition
- 1978 LTTE and “other similar organisations” proscribed by Sri Lankan government
- 1980 SLMC established
- 1981 District Development Council elections won by TULF in Jaffna but the elections generate violence in the North
- 1982 J.R. Jayawardene becomes the first Executive President of Sri Lanka and the life of Parliament is extended by 6 years by a one-question referendum.
- 1983 Anti Tamil riots shock the country and the international community. Tamils escape as refugees to India and Europe. Recruitment to the Tamil militant movement soars. India begins an intense diplomatic offensive that lasts until 1989 to secure rights for Tamils within the unitary state. The 6th amendment to the constitution outlaws secessionism and TULF MPs are forced to vacate their seats.
- 1984 President Jayewardene convenes an All Party Conference to address Tamil grievances
- 1985 The LTTE massacre 150 Sinhalese civilians at Anuradhapura. Under pressure from India the first face to face negotiations take place between the Government of Sri Lanka and militant Tamil organisations with the TULF at Thimpu. The negotiations fail but the “Thimpu Principles” articulated by the Tamil organisations continue to be quoted by the LTTE throughout the 1990s. Muslim villagers are

- killed, accused of collusion with Sri Lankan security forces, and the cease-fire agreed prior to the Thimpu talks breaks down
- 1986 Internecine killing between the various Tamil groups weakens the Tamil resistance to the army
- 1987 India increases the pressure on Sri Lanka and the Tamil militant groups and the Indo-Lanka Accord is signed resulting in the immediate deployment of the Indian Peacekeeping Force in the Northeast of Sri Lanka. The JVP revolts in the south of Sri Lanka.
- 1988 The terror of the JVP insurrection is met with chilling counter insurgency measures by the Sri Lankan security forces. The LTTE break their coerced agreement with the Indian government and fierce fighting breaks out with the IPKF resulting in many civilian casualties in the Northeast. The 13th amendment to the constitution creates the Northeast Provincial Council controlled by the EPRLF. Ranasinghe Premadasa is elected president of Sri Lanka.
- 1989 A cease-fire is agreed and negotiations commence between the Government of Sri Lanka and the LTTE and the government gives arms and money to the LTTE, who are still fighting the IPKF. Relations between the Sri Lankan and Indian government sour as the IPKF are ordered out of Sri Lanka by the Sri Lankan President. The LTTE are held responsible for the killing of Jaffna University lecturer, TULF leaders and an EPRLF MP.
- 1990 The IPKF finally leave Sri Lanka followed by many of the EPRLF who, frustrated by the lack of implementation of powers to the Northeast Provincial Council, unilaterally declare Eelam before leaving the island. President Premadasa sets up an All Party Conference to which the LTTE send observers from their newly created political wing PLFT. The cease-fire between the Sri Lankan government and LTTE breaks down in June. One hundred and forty Muslims are slaughtered whilst at prayer by the LTTE in the Eastern Province and the LTTE give the Muslims forty-eight hours to leave the North.
- 1991 The LTTE assassinate Defence Minister Ranjan Wijeratne and Rajiv Gandhi. The government convenes a Parliamentary Select Committee to seek a solution to the war.
- 1993 Former Minister Lalith Adulathmudali is assassinated by the LTTE. President Premadasa is also assassinated and succeeded by President Wijetunge.
- 1994 The PA win the general election and their leader Chandrika Bandaranaike-Kumaratunga wins the Presidential election. The Opposition Presidential candidate and over 50 others are assassinated by the LTTE at an election rally. A cease-fire is declared by the LTTE and talks between the LTTE and the government commence.
- 1995 Although a formal cessation of hostilities is agreed the talks break down and the LTTE begin to launch attacks. The government responds with a sustained military offensive and the announcement of a substantial proposal for devolution of power. The Sri Lankan army gains control of the town of Jaffna and much of the peninsular.
- 1996 The war continues with the army continuing to hold Jaffna but the LTTE stages a massive and successful attack at Mulliativu killing over 1,200 soldiers and places a bomb which destroys Colombo's Central Bank. The government places amended constitutional devolution proposals before a Parliamentary Select Committee.

- 1997 The military offensives escalate as the army tries to secure the main supply route to the north. The Parliamentary Select Committee fails to reach consensus on constitutional reform. The United States bans the LTTE, listing it as a terrorist organisation.
- 1998 The military pressure to gain the main highway to the north continues and casualties mount on both sides. The LTTE explodes bombs in Colombo but the LTTE bomb that outrages the south is that planted at the Buddhist Temple of the Tooth in Kandy. This latter explosion casts a shadow over celebration of the 50th anniversary of independence. The LTTE are formally banned in Sri Lanka. The LTTE assassinate a Brigadier in Jaffna and the newly elected Mayor. A ferocious attack by the LTTE on the Sri Lankan army at Killinochchi results in approximately 1000 casualties.
- 1999 The Sri Lankan military changes tactics and abandons the frontal assault on the A9 highway but the intensity of military engagement continues. In a major battle the LTTE regain large amounts of ground painfully taken by the Sri Lankan military over the last two years. There are local and provincial council elections and a presidential election (due in November 2000) is called in December.

16 Acronyms

APC	All Party Conference
BJP	Bharatiya Janata Party
CEPRA	Centre for Policy research and Analysis
CWC	Ceylon Workers Congress
CIIR	Catholic Institute for International Relations
DDCs	District Development Councils
DPLF	Democratic People's Liberation front
DUP	Democratic Unionist Party
EPDP	Eelam People's Democratic Party
EPRLF	Eelam people's Revolutionary Liberation front
EROS	Eelam Revolutionary Organisation of Students
FP	Federal Party
GDP	Gross Domestic Product
IATR	International Association of Tamil Research
ICES	International Centre for Ethnic Studies
ICRC	International Committee of the Red Cross
IGO	Inter Government Organisation
IWG	International Working Group on Sri Lanka
IPKF	Indian Peace Keeping Force
JVP	Janatha Vimukthi Peramuna
LTTE	Liberation Tigers of Tamil Eelam
MEP	Mahajana Eksath Peramuna (Peoples United Front)
MNLF	Moro Nationalist Liberation Front
NEPC	North East Provincial Council
NGO	Non Government Organisation
NPC	National Peace Council
PA	Peoples Alliance
PFLT	People's Front of Liberation Tigers
PLOTE	People's Liberation Organisation of Tamil Eelam
RAW	Research and Analysis Wing (Indian Government)
SAARC	South Asian Association for Regional Co-operation
SLFP	Sri Lanka Freedom Party
SLMC	Sri Lanka Muslim Congress
SSA	Social Scientists Association
TEEDOR	Tamil Eelam Economic Development Organisation
TELO	Tamil Eelam Liberation Organisation
TIC	Tamil Information Centre
TNA	Tamil National Army
TUF	Tamil United Front
TULF	Tamil United Liberation Front
UCPF	Upcountry Peoples Front
UN	United Nations
UNP	United National Party
USIP	United States Institute of Peace

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