

**The 13th Fukuoka Asian Culture Prizes 2002
PUBLIC FORUM**

**South Asian History Seminar
“The Passage from Cease-fire to Sustainable Peace”**

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Date: 12:30 - 15:00 Sunday, September 22, 2002

Place: ACROS Fukuoka Event Hall (Tenjin, Chuo-ku, Fukuoka City)

Program:

Outline of the Forum and Introduction of Panelists

Professor Nakamura Hisashi (Research Institute for Social Sciences,
Ryukoku University)

Keynote Speech

Professor Kingsley Muthumuni de Silva (Academic Prize Laureate)

Speech

Professor Imagawa Yukio (Faculty of Law, Kanto Gakuen University)

Panel Discussion

Professor Kingsley Muthumuni de Silva

Professor Imagawa Yukio

Professor Nakamura Hisashi

Summary

Professor Nakamura Hisashi



Keynote Speech by Professor Kingsley Muthumuni de Silva

I

This brief talk here in Fukuoka coincides with the first set of preliminary peace-talks between representatives of the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) now being held in at the naval base of Sattahip, 260km southeast of Bangkok in Thailand. In historical perspective these are the third set of peace-talks between the two sides since 1989-90. We will deal with the two sets of previous talks later on.

In a recent book on peacemaking in various troubled parts of the world, John Darby, a scholar from Northern Ireland, described the peace process in Northern Ireland and the Arab-Israeli conflict to name just two, as exercises in mountain-climbing. It is a matter of climbing a range of mountains rather than climbing just one mountain. The peace negotiations in Sattahip, Thailand are part of what could only be a long drawn out process. The negotiations are now at the foothills and a formidable range of mountains lie ahead. When you have got over the foothills, you begin the arduous climb to the mountains. When you have begun the climb over the mountains, there is always the prospect that once you get through and over one range of mountains, yet another range will lie ahead.

II

Over the last two decades of the 20th century, Sri Lanka has been one of the most prominent trouble spots of South and South East Asia. Throughout this period its deep-rooted and increasingly violent ethnic conflict has eluded settlement. Earlier phases of this conflict, much less violent than its current form, also involved negotiations over a settlement. These negotiations too were generally unsuccessful.

They were of two types: first of all, locally among the principals in the dispute, between successive governments of Sri Lanka, and Tamil political parties; and secondly, and perhaps more important, mediation by a regional power, India. The first category of negotiations, i.e. locally among the disputants, has had several forms, beginning in the early stages with discussions and negotiations between the Sri Lankan government, and/or opposition parties seeking power, with the principal Tamil party whose representatives could be described as politically moderate. Such discussions were held in 1956-57, 1960 and 1964-65. While these generally failed, the next set of negotiations did achieve a measure of success. This was in 1979-80.

With the anti-Tamil riots and disturbances of 1983, there was both a qualitative change in the negotiations and the demands made by Tamil representatives, and the emergence of an external factor, Indian mediation, which dominated the processes of negotiations till 1990. The Indian mediation eventually made the search for a settlement more difficult than it had been before the mediation began in earnest.

The Indian mediation in Sri Lanka's ethnic conflict which began in the early 1980s and lasted eight years provides a classic study in the perils involved when a regional power seeks to negotiate and impose a settlement in an ethnic conflict in a neighbouring state. That intervention, essentially coercive and with ambiguous and eventually contradictory objectives, failed in almost all of its aims. Entering the dispute as a mediator with the avowed objective of protecting the interests of Sri Lanka's Tamil minority, the Indian army which eventually was about 100,000 strong, fought the principal representatives of Tamil separatism-the Liberation Tigers of Tamil Eelam-on Sri Lankan soil, a unique example of an external

mediator's transformation into a combatant. The failure of this enterprise aggravated the island's ethnic conflict, far from resolving it. For one thing, it left successive Sri Lankan governments from 1990 to 2001 first negotiating with the most violent and intransigent of the Tamil separatist groups, and then continuing a military struggle once the negotiations failed. Similarly, the traditionally powerful Tamil political parties had been pushed out by militant separatist groups who had entered the bargaining process on their own after 1984 or were accommodated under Indian auspices. The Sri Lankan situation provides insights into the difficulties faced by democratically elected governments in dealing with a separatist movement captured by the most violent group within it, a group which has systematically marginalised its rivals and driven the traditional democratic forces among the Tamils to the periphery of the political system. In the process it has killed the most prominent leaders of the principal group of moderate politicians, the Tamil United Liberation Front (TULF) between 1990 and 1999.

By 1986 the LTTE had secured the position of primacy among the Tamil separatist groups. Through a ruthless resort to force, the LTTE had eliminated virtually all their rivals among such groups, and had sent its mentor, the TULF, to the periphery of Tamil politics. From 1986 onwards the LTTE was a powerful influence in the negotiating processes whether in India, or in Sri Lanka (1986-87) and after the failure of the Indian intervention it became the principal if not sole representative of the Tamils in direct negotiations with the Sri Lanka government in 1989-90, and again in 1995. Between 1991 and 1993 there was a third set of discussions between the government, the principal opposition party, and Tamil parties represented in parliament. These took the form of a parliamentary select committee. The LTTE, not represented in parliament, was not party to the discussions, but its views could not be ignored either by the government and principal opposition party or the Tamil groups in parliament.

We need to return, at this point, to the Indian intervention in Sri Lanka which occurred in the early 1980s and continued till 1990 when the Indian Peace Keeping Force (IPKF) was withdrawn. The Indo-Sri Lankan Accord signed in July 1987 between the government of India-by Prime Minister Rajiv Gandhi-and the government of Sri Lanka-by President J. R. Jayewardene, the centrepiece of India's mediatory role proved to be a self-defeating exercise; indeed one could call it a pronounced failure if not an unmitigated disaster. Even as a failure it has unfortunately set part of the agenda for negotiations between Sri Lanka government, and the LTTE in a future, whether it was in 1989-90 or 1994-95, or currently. By a process of diplomatic arm twisting the Indian government compelled the Sri Lanka government to create a Tamil-dominated North-Eastern Province, by the amalgamation of the Northern and Eastern provinces, two of the nine administrative units created by the British between 1833 and 1889. The creation of the North-Eastern Province did not solve any problem; it only created new problems for which the negotiators now at work in Thailand will have to find a solution or solutions.

III

There have been two previous sets of negotiations between the government of Sri Lanka and the LTTE. The first was in 1989-90 under President Premadasa when there was a common commitment between the two parties, the Sri Lanka government and the LTTE, to expedite the departure of the Indian Peace-Keeping Force. The President himself was involved in the negotiations, along with some cabinet ministers and senior officials. The talks lasted for 14 months before they collapsed in June 1990 and there was a renewal of the conflict between the two parties. Throughout these 14 months there was no discussion on the main issues, merely a concentration on peripheral matters. The LTTE was the principal beneficiary, because it gained time to rebuild its forces, and actually persuaded the Premadasa

government to provide funds and military equipment for its struggle with the IPKF.

The second set of negotiations took place between October 1994 and April 1995. These were even less professional than the negotiations under President Premadasa. It is the general practice that negotiations with separatist groups take place either in the capital city of the country, or outside the country, never in the administrative headquarters of the separatists and in the region they controlled. The talks took place in Jaffna then under the control of the LTTE. The Sri Lanka delegations to the talks did not have a single senior politician; apart from one senior official with considerable administrative experience, the rest were a motley collection of close associates of President Kumaratunga including the newly appointed secretary to the president—a man with no previous experience of administration—and individuals like her accountant, an architect, a university academic and the Anglican Bishop of Colombo.

It is perhaps too early to draw a comparison between the organisation of the talks on this present occasion, and that of the two previous sets of talks in 1989-90, and 1994-95. The organisation on this occasion seems to be more professional, beginning with facilitation by the Norwegian government; and the creation of a peace secretariat manned by three officials, two of whom are senior Sri Lankan diplomats, and the third a diplomat recently retired. The delegation to the first of the preliminary talks is led by two senior cabinet ministers. Whether this greater professionalism will yield more positive results than the efforts of the two previous occasions is still to be seen, but it is important to emphasise this present commitment to professionalism.

The talks will continue against a background that is quite unlike those of 1989-90 and 1994-95 because international opinion is much more hostile to the LTTE today. The hostility to the LTTE comes first of all from India, and flows directly from anger at the LTTE's conflict with the IPKF, and from the assassination of Rajiv Gandhi in 1991. There was very little international concern when the LTTE assassinated President Premadasa in May 1993. There was some concern at the attempted assassination of President Kumaratunga in 1999. Today, in the context of what happened in New York and Washington on 11 September 2001 there is less or little international sympathy for organisations like the LTTE. Thus the pressure on the LTTE from the US and from India, currently is too great for LTTE to ignore.

Prime Minister Wickremesinghe has systematically built up international support for the Sri Lanka peace process by diplomatic action: in the US, in India and in Europe in the construction of what may be termed a diplomatic safety-net, something that was never thought of in 1989-90, and in 1994-95.

IV

There is a lot of confusion in the minds of people about the Interim Council that forms a core principle of the current peace process. Few people remember that it is a revival of a mechanism thought of by the Indians under Rajiv Gandhi in 1987 at the time when the Provincial Council system was introduced to Sri Lanka or, to put it differently, it is a by-product of the hard bargaining between the Indian and Sri Lankan governments in 1987. The Provincial Councils introduced in 1987-88 were controversial enough on their own, but the creation of a single council for the Northern and Eastern provinces made them all the more controversial. The Northern Province has an overwhelming majority of Tamils, but in the Eastern Province the Tamils are a minority of about 35%. Neither the Muslims who are 40% nor the Sinhalese who are around 25% want a linkage between the two provinces. The concept of a North-East or North Eastern Council was an Indian imposition on behalf of the

Tamils of Sri Lanka. The then Sri Lanka government accepted it in 1987 on condition that there would be a referendum in the Eastern Province on whether the citizens of that province would have a linkage with the Northern Province. Such a referendum has never been held. In any event relations between the Tamils and Muslims in the North-East have been severely strained since the early 1980s; in August 1990 came the butchery of nearly 300 Muslims in the Eastern Province by the LTTE in two murderous episodes, and in the latter part of October 1990, came the mass expulsion of the Muslims in the Northern Province by the LTTE, the only incident of ethnic cleansing in Sri Lanka during its two decades of trouble.

The attempt to establish such an Interim Council failed in 1987-88 not because of any concerted opposition from the Sinhalese and Muslims but because of the outbreak of war between the Indian Peace Keeping Force and the LTTE. Thereafter there was no talk of such a council subsequently till President Chandrika Kumaratunga stated in an interview with Time magazine in 1998 that she had offered the LTTE an Interim Council for the North-East, a council which the LTTE could run for 10 years. There was to be no election for such a council. This offer was part of a process of secret diplomacy, and all we could say with certainty is that the LTTE refused the offer.

The present Sri Lankan Prime Minister Ranil Wickremesinghe took up the idea of an Interim Council, and used the 1987-88 set up-which had failed at that time-as a model. What he has had in mind is a North-East council as a means of getting the LTTE into mainstream politics. If the 1987-88 system were to operate it would mean that the LTTE would have a majority of 7 out of 12 members the others being representatives of Muslims and Sinhalese, and non-LTTE Tamils. The Chief Minister would be a LTTE man, and the LTTE would also have a say in the appointment of the secretary of the council. Such a council would last for two years at most, during which the LTTE would have to cope with the problems of running a part of the country seriously affected by a prolonged conflict. The LTTE have been very successful as guerrilla fighters, but they have never had any experience as administrators.

While the concept of an interim administration has been spoken of, the outlines of such a council have yet to be settled. The structures and powers of such a council would come up for discussion with the LTTE in the present and forthcoming peace negotiations and any decision reached would have to be laid before parliament for debate and approval.

Fifteen years ago the Indians pressed for the establishment of such an Interim Council, a move that was meant to benefit the LTTE. Now the Indians are out of the picture, and the controversial decisions on the structure and powers of such a council have to be settled through negotiation between the government of Sri Lanka and the LTTE. It will be one of the key issues that will come up at the talks at Sattahip in Thailand.

V

In their attempts to understand what the LTTE leadership wants, politicians and political analysts have been coming to terms with Prabhakaran's three-hour interview of 10 April. This was his first press interview for over 10 years, and the first time most people have seen him on TV. Local and foreign journalists who flocked to the LTTE's headquarters for the interview were agreed that he and the LTTE ideologue Balasingham had fared badly in the interview; indeed, the much touted press interview was something close to a disaster for Prabhakaran. Dressed in a safari suit rather than his usual fatigues, he did not look like the feared political and military leader he is. Apart from being plump and looking middle aged there was no eloquence in him.

The LTTE's objectives as spelled out by him through his mouthpiece Balasingham, were a re-iteration of demands made since the mid-1980s. Nothing very much had changed since then-a separate state or, in the alternative, a very high degree of autonomy for a Tamil controlled region in the north and east of the island. It is too much to expect changed perspectives in the very initial stages of what looks like being a long set of negotiations. Changes are likely to come later on through negotiations and in response to the new international situation. The US embassy has already made it clear that a separate state for the Tamils is not on the cards, and that the LTTE would have to accept that fact. The Indian government is even more unsympathetic to the LTTE than the US.

Some of the key western journalists present at this interview came out strongly against the LTTE, and the LTTE leader. Thus the Time magazine in its issue of 22 April described the LTTE as a neo-fascist organisation and the LTTE leader as nothing more than a military leader unused to any form of democratic rule. The Times in London was just as critical, as was the Economist which described him as a Nazi-type leader.

The Indian press was even more vehement in their criticisms whether one looks at the Indian Express, or the Hindu. At the Prabhakaran interview, Indian journalists raised the question of Rajiv Gandhi's assassination expecting some sort of carefully worded apology. That apology did not come. As a result the Indian journalists were as hostile to Prabhakaran and the LTTE as their western counterparts.

Indian anger at Prabhakaran's failure to make any sort of apology does not bode well for the LTTE leader. Demands were made for the extradition of Prabhakaran and Pottu Amman, the two co-accused in the Rajiv Gandhi murder trial who continued to elude Indian detectives; indeed some political groups urged that if the Sri Lanka government was unable to help in the extradition, the Indian army should be sent to capture them. This is not likely to happen, but the threat itself limits Prabhakaran's and the LTTE's room for movement. Neither of these two co-accused will ever dare leave Sri Lankan soil. Even more ominous for him was the fact that the Tamil Nadu chief minister, Jayalalitha, moved a resolution in the Tamil Nadu assembly calling for the extradition of Prabhakaran and Pottu Amman to India to stand trial for the murder of Rajiv Gandhi, and the resolution was carried by a large majority in that assembly. The Tamil Nadu initiative is almost as important as Sonia Gandhi's call for Prabhakaran's extradition to India. Sonia Gandhi, the widow of Rajiv Gandhi is currently the leader of the Indian National Congress, and potentially a future Prime Minister of India.

The fact of the matter is that in what was Prabhakaran's first public appearance before foreign journalists since the assassination of Rajiv Gandhi, he had failed to understand the depth of hostility to him in India on this. Naturally, the Sri Lankan Prime Minister, Ranil Wickremesinghe was the principal beneficiary of these developments, and they are likely to strengthen his hand in the negotiations ahead-negotiations that have begun in Thailand.

VI

The first phase in the peace process was of course the ceasefire that was in effect since the current Sri Lanka government came to power after the parliamentary election of 5 December 2001. The ceasefire was consolidated through the Memorandum of Understanding (MOU) signed by the government of Sri Lanka with LTTE in February 2002. The assumption was that the two parties would adhere to the agreement, and that talks would commence on or before 2 August 2002. It became clear for some weeks before August that the talks would not commence on or before 2 August. Both sides were still committed to the MOU and treated the "deadline" of 2 August as flexible. Once the date of the commencement of the talks was announced-i.e., 16-18 September-the government declared

that it would lift the official ban on the LTTE which has prevailed since January 1998, a condition the LTTE insists upon as a prelude to the talks. The ban is scheduled for removal by 6 September.

There are at least three views on why the LTTE delayed fixing a mutually acceptable date or dates for the commencement of talks. Some analysts believe that they were not ready for talks because they were unable to secure a team of experts on legal structures and constitutions and on the economics of reconstruction, considered essential for the negotiations. Second, they were still hoping that either the Sri Lanka government or the international aid agencies could be persuaded to provide financial assistance for the LTTE to meet some of the costs of running the area they now control. The Sri Lanka government would not be tempted to issue a statement on this issue; this responsibility would only be accepted after a settlement on all substantial issues is reached, not before that happens. The international and other agencies are wary about stepping in themselves.

The third factor is that there are divisions within the LTTE. Among these divisions are rivalries and suspicions between Tamils in the north of the country and the Tamils in the east. The general assumption was that the LTTE was a tightly knit, cohesive organization under the complete control of the leader. There is increasing evidence that the LTTE is not as cohesive as it was, and that leader's views and policies are not adhered to in all parts of the territory controlled by the LTTE as they were in the past.

To these reasons a fourth, and fifth must be added: the Sri Lanka government's insistence on democratisation of the area to come under the LTTE dominated interim administration, and that Minister Rauff Hakeem, the leader of the Sri Lanka Muslim Congress, with its political base in the Eastern Province, be involved in the negotiating process, either as part of the government team or as an independent figure.

The LTTE is wary of the democratisation issue. A democratic structure is something new for a separatist/terrorist organisation, and it would mean that the LTTE would not be able to dominate the North-East as they had expected to. Apart from the Muslims, in the north and east of the island, there is the issue of the anti-LTTE dissident groups among the Tamils. Whatever difficulties the LTTE makes on the democracy issue, international opinion would make it necessary for them to accept its validity. Besides they cannot avoid dealing with Rauff Hakeem's Sri Lanka Muslim Congress in a situation where there are already serious difficulties between the Muslims and the Tamils in the Eastern Province after the signing of the MOU. Thus the Interim Administration issue is not a mere foothill in the peace process; it is a mountain to be climbed; it could even be part of a range of mountains. In that range of mountains is the most formidable one, the devolutionary process. This is not merely the extent of power to be devolved, but whole issue of the North-Eastern Province as it now stands, and the fate of its multi-ethnic, multi-religious eastern segments. Will it continue to be linked to the Northern Province, or will there be a referendum in the Eastern Province, to give the people there a choice in the matter.

VII

The first set of peace-talks between the government of Sri Lanka and the LTTE would have been completed by now. It is expected that over the next six months the two sides would meet once every three weeks or so. The two parties appear to have agreed that reconstruction and rehabilitation should proceed parallel to the negotiations. Western and Japanese funding agencies have accepted this, but all of them have expressed the view that their commitment to the reconstruction and rehabilitation process would nevertheless be dependent on the progress made at the peace-talks.

War damage in those parts of the Jaffna peninsula now under the control of the Sri Lanka government, and in the areas held by the LTTE has been severe. It would take many years before that damage is repaired. But it is important to remember that the LTTE controlled areas form part of the Vanni, historically one of the most backward parts of the country. It was so in British times; and it is so today. Reconstruction and rehabilitation are therefore formidable undertakings from which not much could be expected save in the long run-perhaps a very long run. One should not build too many hopes of quick success. Indeed the whole of the Jaffna peninsula, the heartland of Sri Lanka's Tamil population, does not have the capacity to support its population. Its economic resources are too limited for that; throughout the period of British rule it has exported its surplus population to the Sinhalese areas of the island; from about 1865 to 1920, it exported part of its surplus labour of technically qualified people to the Malay states then under British rule. While the Tamil diaspora of the present day could be treated as a product of the war and violence in the Tamil areas, the fact is that the search for security was always combined with the quest for employment.

Just as important as this issue of reconstruction, rehabilitation and employment, in this process of moving from ceasefire to sustainable peace is the question of transforming a separatist force, with a terrorist core, into a civilian force. The LTTE, lest us not forget, is one of the most feared separatist groups in South and Southeast Asia. Because of its record of violence, resort to terrorism, and its record of political assassinations of its opponents, it has been identified as a terrorist organisation in the US, in India, and in Britain. Even in Canada which has been more sympathetic to the LTTE and the Tamil diaspora than other countries, there is more prudence now in this regard, and much greater caution. The conversion of the LTTE to a civilian force will be a major undertaking and one in which the travails of the Sri Lankan political system will need careful management. It will need the sympathetic understanding of the international community.

Twice before, in 1989-90 and in 1994-95 talks with the LTTE broke down, and there was a renewal of war. Would there be a third such break down, and yet another renewal of war? Or would a combination of skilled diplomacy in the peace negotiations with the international safety net the Prime Minister has endeavoured to construct prevent a break down? There is room for cautious optimism in this regard, and for the establishment of a sustainable peace but no more than cautious optimism.

* The above text introduces the keynote speech given by Professor Kingsley Muthumuni de Silva, the Academic Prize Laureate of the 13th Fukuoka Asian Culture Prizes 2002.