

THE LTTE PROPOSALS AND SRI LANKA'S PEACE PROSPECTS

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Summary:

We can consider the LTTE's proposals either as proof of their interest in continuing the war or as a considered opening bid in the negotiation for peace. While the proposals themselves lend themselves to the former, a reading of the preamble offers reason to favour the latter view. Further, it is the latter view that allows a continued engagement between the parties to the Sri Lankan conflict, which has already been too ruinous.

There are two ways to look at the [package of proposals offered by the LTTE](#) on October 31st, 2003. The first reads into their text further proof of the LTTE's abiding unwillingness to seriously negotiate an end to the long-standing conflict with the Sri Lankan government. The second steps away from the text and reads into the presentation of the proposal proof that the peace process is alive and well.

First, let us begin by a consideration of the proposals themselves.

In essence, the LTTE has asked for an Interim Self-Governing Authority (ISGA) in eight districts of northeastern Sri Lanka, including Trincomalee and Batticaloa. The first problem encountered will be the old question of which districts should be included and which should not. That is the first of many landmines we might anticipate.

The LTTE further specifies that it should hold an absolute majority in the ISGA, although it does acknowledge the need for representatives of the Sri Lankan government and the Muslim community. This ensures that the LTTE will chair the ISGA, appoint the Chief Administrator of the Northeast and other officers, and hold the power to suspend or terminate such appointments. Given that the LTTE views itself as the sole legitimate voice of the Tamil people, and given its history with other Tamil voices, did we expect anything else?

The ISGA will hold till elections are held, and these will be held by an ISGA-appointed election commission five years after an agreement comes into force between the LTTE and the government.

The draft proposals endow the ISGA with a great deal of power in the matter of reconstruction programs and also over revenue generation. Read with earlier provisions, this means that the LTTE is endowed with such power.

The proposals also envisage a separate judiciary for northeastern Sri Lanka, whose jurisdiction is only limited by human rights regimes and in the event of a dispute between the parties to a final negotiated

settlement. In the latter event, they provide for mediation by the Norwegian government or other mutually acceptable parties. Thus, a dispute between the ISGA, LTTE or the northeastern region on the one hand and the Sri Lankan government on the other is not an internal, sub-state dispute to be resolved through an internal process, but similar to a dispute between two sovereign entities. This is hardly a suggestion likely to be palatable in a polity that has resisted federalism for forty years! The ISGA's authority to act independently in the global economy, raising funds and entering into agreements, reinforces this separateness.

There are human rights, anti-discrimination, anti-corruption provisions, and one that says, "No religion shall be given the foremost place in the NorthEast." This last recreates a phrase from the Sri Lankan constitution, substituting 'No religion' for 'Buddhism' and 'NorthEast' for 'Sri Lanka.' One might read this as a refutation of that article, but it also offers the prospect of an odd compromise: that the original constitutional provision shall simply be limited in its geographical scope. (Odd, because such propositions in a constitution seek to define the nature of the state as a whole.)

Control over land is another area covered by the proposals. Reflecting the importance of the issue of resettled lands and population movements into the northeast, the proposals categorically deny the Sri Lankan government the right to occupy lands in the northeast, and seek compensation from them for having done so in the past. The proposals also assert the ISGA's (read LTTE) rights over natural, marine and offshore resources—another assertion of rights that normally accrue to sovereign actors. It also offers a prospect of upper-lower riparian relations governed not by internal tribunals but international river-water sharing regimes.

Reading the text of the proposals themselves, one is struck by four things. First, to those following the conflict for many years, some issues and positions look very consistent and familiar. The question of which districts shall be included in such an interim agreement is one and the question of

land and maritime rights is another related one. Long-standing grievances (the traditional homelands issue and the internal colonialism issue) are reflected in both of these. Second, it is interesting that while these issues are raised and addressed in the draft, the evocative language of the traditional homelands, language rights and nationality are absent. Third, its renunciation of the separate state demand does not preclude the LTTE from seeking the substance of sovereignty. There is an arrogant assumption here that this will not be read as such—that stripping the symbols of sovereignty will hide the reality of its demands here. No doubt, this will evoke a strong negative response in many Sri Lankans. However, placed in the context of changes taking place all over the world, what the LTTE is seeking is a variation on a very common theme—regions acting independently in their own interests. India's Chandrababu Naidus courting multinational corporations, the US' umpteen state trading delegations, Spain's Catalonia are all examples of this emerging global-local connection that bypasses the nation-state. Finally, clearly, the LTTE does not expect these proposals to be accepted as such. In fact, the issues raised and positions taken flag many of the most politically sensitive questions. Whatever else we may accuse the Tigers of being in their interaction with the Sri Lankan government, 'unintelligent' is not an attribute one associates with their leadership. Therefore, these proposals are either a gauntlet intended to provoke a violent negative response, or an invitation to negotiate, beginning with issues flagged as most important to the LTTE.

That the proposals are an invitation to negotiate is a notion that merits consideration. Returning once more to the text of the proposal, one is struck by the length of the preamble—approximately 2.2 pages of an eight-page document. It has four components. First and familiar, it reminds us of broken promises in the past and holds the Sri Lankan government and elected Tamil leaders responsible. It also reminds us of state discrimination and violence directed at the Tamil people (taking no responsibility for its part in the violence, but what did we expect?). It also recites part of the Tamil litany of political grievances,

insisting that war has primarily affected the Northeast. Second, it tells us that in the 2000 general elections, “by their actions” (the Tamils in the north could not/did not vote), the Tamil people acknowledged the LTTE as their “authentic representative.” We are also told about all the things that the LTTE has done to bring peace to the Northeast, but let us gloss over that without comment. Third, in true South Asian fashion, it thanks the Norwegians for their part in facilitating the peace process. What is really interesting is the final component: a list of descriptions of the present situation that suggest that the time is right for negotiation.

First, we are told that the LTTE is determined “to bring lasting peace to all persons of the island of Sri Lanka.” Then, it is recognized that “a peaceful resolution is a real possibility, despite the challenging history of the peace process between the Tamil people and the Sinhala people.” (The introduction of the Tamil and Sinhala ‘people’ into this can be the subject of an entirely different article, but we shall ignore it for now.) We are told that the LTTE is determined to establish an interim self-governing authority to deal with the problems of the northeast while the peace is being ironed out—there is no ambiguity here about the expectation of a continuing dialogue. Interspersed with an ominous reminder about the Vaddukodai Resolution (demanding a separate state) and about the circumstances in which Tamils were left with no alternative but the gun and an account of the good deeds of the LTTE, we are told also that the Tigers take note of the “political courage of the present GOSL (Government of Sri Lanka) in reciprocating to [sic] the 2001 ceasefire.” The preamble acknowledges that reaching a settlement will take time and that any interim authority needs to be recognized by the Sri Lankan government. It also notes “the practice in international relations over the last decade of solving conflicts between Peoples through agreement between the parties to the conflict on terms of equality and through innovative and imaginative measures.” Clearly, the growing interest worldwide to resolving long-standing disputes—in the Central Europe, in Central Africa, in West Asia, in Southeast Asia and certainly, in South Asia's Kashmir case—have not gone

unnoticed, and perhaps, the willingness by states and the international community to underwrite these efforts with both force and development assistance has also been noted.

What do these prefatory remarks, usually meaningless and mostly ignored, tell us? They tell us that as the LTTE seems to read the situation, the time is right to enter into a negotiation. They have not forgotten what brought them to war, and we are not to forget either. The gun remains in the background as a weapon available for resort—lest we forget. However, that the government cannot alone sustain a peace process without political consequences is acknowledged, as is its indispensability in legitimizing even an LTTE-controlled northeast. That this negotiation will take time is recognized, and perhaps we should read into that recognition some promise of patience? Finally, the preamble acknowledges that the international community has lost patience for long-drawn out internecine wars. As globalization—and let us not follow that red herring while discussing this issue—makes abundantly clear that not one of us can prosper while the other is bleeding, no one can afford festering political sores like civil wars and insurgencies. Thus, what the LTTE seems to be telling us, rather subtly, is that it looks like we have to negotiate and so we may as well do it with patience and some recognition of each other's constraints.

To reiterate, we might respond to the LTTE's proposal as if it were a gauntlet intended to jeopardize the peace process and to restart the war, or we might respond to it as a candid statement of the LTTE's bargaining position, and an invitation to bargain.

In picking our view, we need to consider two questions. First, which view are we going to choose? Second, which view lends strength to what we want for Sri Lanka? The first one is a simple one, and in reality contingent upon our response to the more complex second question. Answering the second question requires us to define clearly to ourselves what we want to see in Sri Lanka. This depends on which of the many perspectives that animate this conflict resonate within each of us.

What I want to see in Sri Lanka is a sustainable and equitable peace. First, this means an end to conflict and to the conditions that have meant displacement, bereavement and misery to so many. Second, this means a negotiated settlement of the disputes—the many generations of issues and divergences—that have kept the conflict alive. Third, it means that the settlement should not have, like Versailles, the seeds of its own long-term destruction. The institutions that it spawns should accommodate a diversity of interests and mechanisms for disagreement and compromise. Fourth, reconstruction and rehabilitation efforts should be even-handed and not generate new feelings of discrimination and alienation.

It is too early in the peace process to consider whether the LTTE proposals contribute to the last two criteria of the peace I would like my Sri Lankan friends to enjoy. Indeed, in its emphasis on controlling the institutions of the north and separate judicial arrangements, it would as a final settlement not begin to meet the bar. Further, it ignores the reconstruction and rehabilitation needs of southern Sri Lanka, which has also paid for the war in its own way. Because the final negotiated settlement is many drafts and proposals away, however, I will choose to base my judgment on the first two criteria.

Does the draft hold out to us the prospect that violence will be at an end? After a fashion, it does. The Tigers have continued to exercise their coercive power—physically, psychologically, materially and politically—through the months that negotiations were taking place and through the months that they have been stalled. Reports of their recruitment of child soldiers and of their new military acquisition continue to surface in the press. No doubt, their adversaries, the Sri Lankan government, have done the same—with the Tigers' track record, it would not be realistic to expect anything else of the government.

Why then do I say that it does promise an end to violence after a fashion? For one, I say so because there has been no official calling off of the ceasefire. The intermittent

violence and rearming all remain illegitimate in the circumstances, and neither side seems to want to change. More important, if a party to the conflict wishes to continue the dispute, why would it go to the trouble to discuss and generate eight pages of concrete proposals for deliberation? The LTTE has no need—nor ever seen any—to present a conciliatory front, and yet the preamble to the proposals is almost that in its language. This must mean at minimum that the idea of dialogue has some value for them.

The second criterion I mentioned was a negotiated settlement of the many old and new disputes that have kept the conflict alive. Admittedly, one reads the proposals with a sense of disbelief: do they seriously think that the Sri Lankan government or any of the hard-line lobbies in the South—the Sangha and parties like Sinhala Urumaya—would buy these proposals? The answer to this is, of course not. They are not meant to. This is the LTTE's beginning bargaining position.

In terms of South Asian bazaar behaviour, so far the LTTE has been standing at the government stall, moving away, coming back, not really interested in engaging with the vendor (who until recently was not too concerned about a sale anyway). Now, they have placed an opening bid. As all of us shoppers know, the sale may not be transacted in a day or at all, but at least the shopping expedition has seriously begun.

Finally, to those who favour a pessimistic view, I would ask: what is the alternative? Can we—and can Sri Lankans particularly—afford to be pessimistic? I do not want to envisage the failure of the peace process because enough lives have been lost, and too many have been destroyed, already. Enough! The view I have spelt out, I would argue, is the only view we can afford to take of these proposals: that they are a conservative but clear bargaining position, indicating a continuing presence in the dialogue. We cannot afford to say that their uncompromising quality presages a return to war. It does not have to and our views need not make that a self-fulfilling prophecy.

South Asians loudly claim to have patience and a long historical view of politics. It is time to prove the veracity of this claim. Difficult problems are best resolved slowly, patiently over time. Quick fixes to complex problems are bound to fail. A count of how many have died in this conflict is at one level meaningless, because every life lost is a life that was precious to someone—so 6 or 600,000, all bring the same harvest of grief and vengeance. Countless others have been displaced, and had their lives disrupted beyond redemption. It is not our right or privilege to be pessimistic or precipitately hostile to these proposals, impossible as they might seem; that belongs to those most tragically affected by the war. This is still an opportunity to support the building of a desperately needed peace; let us not squander it through hasty and absolute pronouncements.