

# POLITY

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## DIFFICULT TIMES

Sri Lanka is once again going through a difficult time. There is uncertainty as to who is in charge of governance. The President and the Prime Minister, the two highest office holders in the system of governance, have been at loggerheads with each other for several months on this question of who is in charge. They continue to engage in bickering and back stage manipulation meant for one-upmanship. It is quite clear that a President and a Prime Minister, who have successfully defied the pressure coming from many sources to work in consensus to advance the processes of peace, conflict transformation and economic development, have taken Sri Lanka's political process hostage.

The unresolved conflict between the President and the Prime Minister is also affecting the peace process in a negative manner. When the LTTE presented its proposals for an interim administration, the stalled negotiations could have been resumed in order to find a common ground on a short and medium term process of post-conflict development in the North-East. On November 03, just three days after these proposals were unveiled, the power struggle between the President and the Prime Minister broke open. The President's move to sack the Wickremesinghe administration did not succeed. Yet, her taking over of three key ministries of the UNF regime, including the defense portfolio, remains the main stumbling block in the way to the normalization of relations between the two sides. Since then, all the energies of the Southern political society are being wasted on the fruitless exercise of finding for them a framework of cohabitation.

There are three fundamentally negative consequences of this protracted dispute between the two rival power centers in Colombo. Firstly, it has stalled the negotiation process. The Norwegians suspended their role of facilitators and went home, on the argument that after November 03 there was no clarity as to who was really in charge in Colombo. The Prime Minister refused to lead the peace

process on the argument that he was no longer in control of the defense apparatus while the President wanted him to continue with the peace process. It appears that the stalemate in the peace front, which began in April last year when the LTTE withdrew from negotiations, is going to continue for some time. In the meanwhile, Sri Lanka is certainly losing the momentum in the peace process. Someday, later rather than sooner, the Prime Minister and the President might find a way out from their dispute only to find that the initiative for peace with the LTTE has slipped past them.

The second negative outcome of this stalemate is the loss of momentum for economic recovery. After its disastrous crisis in 1999-2001, the Sri Lankan economy showed signs of recovery in 2002, primarily in the context of the cease-fire agreement between the government and the LTTE and the internationally facilitated peace negotiations. With the initial progress in peace talks, the international community pledged significant economic assistance to Sri Lanka for reconstruction and development. But, that assistance is linked to the progress in peace talks. The year 2003 went wasted with little advance in Sri Lanka's economic recovery program. The Sri Lankan economy may not collapse; yet without political stability in Colombo or stabilization of the peace process, it will certainly not take off for rapid growth. In fact, this period constitutes another lost opportunity for economic recovery and accelerated growth in Sri Lanka.

The third dimension is the decay in the institutions of governance. While the executive and the legislature are in conflict, the two leaders and their camp followers have also been working to undermine the authority of institutions occupied by each other. In this process, public confidence in the political leadership has also significantly eroded. When the essentially political question of who was in charge of defence responsibilities was brought before the judiciary, the judges also

gave the impression that the judiciary was not above politics. And indeed, all the three main institutions of governance – the executive, the legislature and the judiciary – have suffered an enormous deficit in public legitimacy, although their incumbents might not be aware of it.

This unresolved crisis of governance has also created space for new forces of destruction and destabilization to emerge in Sri Lankan society. The newly emerged anti-Christian movement, led by extreme Sinhalese-Buddhist political groups, is using violence

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and intimidation against the Christian minority. During the past two years, there have been over one hundred incidents of attacks on and intimidation of Christian and catholic places of worship. During the past few weeks, particularly after December, there has been a marked increase in these attacks particularly in Homagama and Kalutara. Yet the government and the law enforcement machinery have so far been both so ineffective and apathetic to these incidents of anti-minority violence that the perpetrators appear to act with courage and impunity. While the war and violence on ethnic identity lines have shown signs of abating, extreme groups in Sinhalese society have now moved into inflaming religious violence. This, coupled with the political and

governmental apathy towards preventive action, has the potential to push Sri Lanka into yet another phase of bloodshed.

These, indeed, are difficult times. They are particularly difficult because Sri Lanka is in a period of transition from a protracted civil war. Managing this transition is a challenge from which the political leadership cannot escape. It requires an innovative vision as well as a program of change grounded on the idea that the Sri Lankan polity needs to be re-built. If the political leadership fails in this task, the impetus for peace and rapid economic development is quite likely to be weakened in the midst of the re-emergence of forces for disintegration from within the Sinhalese polity. **P**

## ANTI-CONVERSION LAW SHOULD NOT BE PURSUED danger of encouraging lawless elements

The adoption of legislation to regulate a change of religious belief or faith is not, in the view of the Civil Rights Movement (CRM), a measure the government should take in response to the issues that have recently been raised regarding "unethical conversions".

It is neither practicable nor desirable to try to legislatively define conversions by "unethical" means, while protecting the constitutional right to manifest one's religion or belief. Such a law must necessarily be imprecisely defined. The right to abandon the religion one is born into and the right to adopt a religion of one's choice has always been recognized in our society. People change their religions for a multiplicity of reasons, sometimes very personal; in the sphere of thought and belief the law cannot delve into people's minds. Legislative definition cannot hope to deal with the diversity of situations in which conversions may take place. Conversion

may at times be comparatively sudden, in other instances it may be a process that takes place over a considerable length of time. It may be prompted by a wide variety of motivations, and by a combination of them. Conversions in certain contexts have long been known to, and treated with tolerance by, society. One example is a change of religion on marriage, which can be due to various factors. Another is where a religion change coincides with engagement in electoral politics. Is the law now to probe into and possibly criminalize such actions too?

Another factor is that persons subject to the alleged "unethical" conversions are frequently from amongst the more disadvantaged groups in society. Is the law to bar them from obtaining solace where they can find it? In fact in some countries people disadvantaged by a cruel caste system have converted to other religions - including to Buddhism - to gain acceptance into a community where their basic human worth and dignity is accepted. Are we to say that they are unfairly induced to abandon their religion of birth?

One has only to contemplate the diversity of situations that arise to highlight the complexity of the subject and the impracticability of state intervention.

Attempts to make people change their views on various subjects are part of the normal interaction of members of society. Support for this political party or that, the open economy versus protectionist measures, the consumption of alcohol as against teetotalism, and many other issues are constantly canvassed with passion and even aggression. At election time in particular, tremendous efforts are made to influence people to adopt certain views, with varying degrees of success. This is a manifestation of the freedom of expression and freedom of belief. People are free to campaign for various causes, though this may often serve as an irritant to those committed to other loyalties. Persons who try to convince others that their particular brand of faith is the true religion must be accorded the same freedom and tolerance by society. The fact that the right to manifest one's religion can be subject to restrictions as may be prescribed by law in the interests of public order, or for the purpose of securing due recognition and respect for the rights or freedoms of others, should not lead to hasty laws that can harm the peaceful existence of religions in the country.

There is also the real danger that for the government to now make "unethical" conversion an offence will be seen as appeasement of, and encouragement to, the lawless elements which have been engaged in deplorable acts of violence and intimidation against Christians and places of Christian worship in recent times. It might result in not less, but more, attacks, using the excuse that the offenders are only intervening to prevent activity

that the state has now deemed unlawful. It could appear to legitimize the lawless acts already perpetrated. The likely result of an "anti-conversion" law will be arbitrary arrests and prosecutions, and the harassment of believers of minority religions.

It is preferable that groups in society, if they have complaints of this nature against the practices of other groups, should seek to tackle such issues amongst themselves, with the assistance of civic-minded citizens, rather than seeking the intervention of the law. Harmony achieved in this

manner is more likely to be lasting, whereas court proceedings produce acrimony, bitterness and a sense of persecution. In this regard CRM notes that a serious effort is being made to set up an inter-religious body that can take meaningful steps to address the question of conversions. This is a responsible approach towards defusing tensions; tensions which in our already fragile and fragmented society would only be exacerbated by the passage of hasty and ill-considered laws.

Suriya Wickremasinghe  
Secretary

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# PEACE WATCH - Jayadeva Uyangoda

## Crisis as Opportunity

Crisis, as the cliché goes, offer opportunities for their constructive management. Exploded in the open, a crisis is first of all a wake up call. It tells us that there is something really wrong in the pre-existing state of affairs. It is an invitation to diagnostic thinking as well as corrective action. The present political crisis in Sri Lanka is no exception. Constructively handled, this crisis can be transformed into an impetus for a qualitatively new phase of Sri Lanka's political life. Handled ineptly, it has the potential of dragging Sri Lanka into a future the shape of which will be thoroughly unpredictable.

The conflict between the President and the Prime Minister came to the open in an immediate conjuncture associated with the ethnic conflict and peace negotiations. Delineation of this conjuncture is useful to understand some positive post-crisis trajectories. When the President moved into taking over the three UNF ministries, the LTTE had just unveiled its proposals for an interim political settlement to the ethnic conflict. Through these proposals, the LTTE also made a decisive intervention in the country's political process. The LTTE's message was that even an interim solution to the ethnic conflict would require a radical re-organization of the Sri Lankan state's structures of power. This in a way shocked all factions of Colombo's political establishment. They appeared to have expected the LTTE to come out with a set of proposals acceptable to them without much difficulty. The gravity of the LTTE's proposals for re-organizing Sinhalese-Tamil power relations was such that the next phase of negotiations would have simply been impossible without what one may term as 'ruling class unity' in Colombo. It is hard to imagine the UNF government alone, and facing active resistance from the SLFP, negotiating an interim settlement with the LTTE. That is where the crisis contained its first opening for opportunity.

Although the LTTE does not seem to have provoked the November crisis in Colombo, the crisis exposed the ruling class vulnerability in the face of the LTTE's political challenge. Perhaps, an unintended reward of this crisis for both the UNF and PA is that they could defer for quite some time a serious response to LTTE proposals. Both parties have been totally unprepared for any constructive engagement with the LTTE's ISGA framework. The irony of the whole episode is such that the Prime Minister should particularly thank the President for offering him a breathing space by shifting the locus of political debate from the LTTE proposals to PA-UNF conflict.

However, this deferment cannot remain too long. The ruling elite in Colombo cannot postpone the crisis by resorting to tactics of avoidance such as calling for fresh parliamentary elections. Even after the elections, in a matter of just a few months, they will be

confronted with the two issues that constitute the crux of the politics of Sri Lanka in the present moment: arriving at a negotiated settlement with the LTTE and legislating constitutional reform. These are tasks that no single faction of the Sinhalese ruling class – UNP or the SLFP -- can successfully carry out by excluding the other faction. These are also tasks that require, if one may use the Marxist language, the political unity of the ruling class.

## Ruling Class Unity

The absence of ruling class political unity has been one of the major characteristics as well as consequences of Sri Lanka's intensely competitive parliamentary politics. In the past, deep divisions between the UNP and SLFP enabled subordinate social classes as well as minority ethnic communities to utilize that disunity for their advantage. The intermediate as well as working classes entered into alliances with the SLFP in 1956, 1964 and 1970 against the backdrop of space created by the factional polarization separating the SLFP from the UNP. It is the same logic that enabled in the recent past the CWC and the SLMC to bargain with the SLFP as well as the UNP to further their community interests. However, in the present stage of Sri Lanka's ethnic conflict, those traditional alignments of class and ethnic forces do not make much sense unless they are formed to advance projects of peace and state reform. What is actually called for today is not the revival of old class alliances, but forging a fundamentally new regime of class and ethnic alignments which should manifest itself at a multiplicity of levels. At the center of the new regime of alignments should be the political unity between the two leading factions of the Sinhalese ruling class, the UNP and the SLFP, for a limited period of time and on a limited and specific program. Such a historic compromise will enable the ruling elites to unify if they are to play the role of the leading class agency for taking Sri Lanka forward from its deep-rooted conflicts and crises.

The second dimension of the new alignment of forces is located in the domain of ethnic foundations of the Sri Lankan state. If the Sri Lankan state is to move forward as a nation-state, its primarily Sinhalese ethnic foundation has to be radically altered. The broadening of the ethnic foundations of the state, which is necessary to deepen the state's political quality, requires first and foremost a new charter of unity between Sinhalese, Tamil and Muslim ethnic elites, backed by the masses of their respective societies. The negotiations that began last year are a necessary starting point for such a democratic reconstitution of ethnic foundations of the Sri Lankan state. But they are not adequate. Negotiations should result in a settlement agreement that will bring about war termination as well as political-constitutional reforms. Actually, such a settlement agreement should have the quality of a fresh social contract, a new beginning and the capacity to provide qualitatively new political life for individual citizens as well as ethnic groups. The next phase



of the peace process in Sri Lanka will have to be one that culminates in such a qualitative re-organization of the ethnic bases of the Sri Lankan polity. Similarly, the new constitution should be the charter for ethnic re-unification of the polity in a framework of equality and pluralism

There is a third, and no less important, dimension of political alignments. It suggests that the democratic forces of all ethnic formations should politically unify in a broad coalition in order to push the ruling elites in the direction of a reform agenda strongly grounded on democracy, pluralism and social justice. If the democratic civil society is not politically unified, the ruling class unity which we mapped out above is very likely to transform itself into an authoritarian alliance. Actually, an organized and unified democratic civil society can play the role of the agency for a radical political change that the present crisis calls for.

## Mediation

**T**he ruling class political unity appears to be both difficult and complex at the moment. Since the UNP and SLFP are locked in a major conflict for political power, they do not see a way out even though some of their leaders may see the point in political unity. There is no political leader on either side who has the moral authority and charisma to charter such a course of unity. Actually, leaders of both the SLFP and UNP find it quite difficult to transcend short-term political calculations as well as experiences of personal betrayal and bitterness. *This has made it urgently necessary in Colombo to work out a mechanism for mediated dialogue between the leaders of the Sinhalese political elite. The inability to grasp this point is one of the major shortcomings of the role of the international community in Sri Lanka's present peace process. As some civil society political analysts have repeatedly emphasized, Sri Lanka has a dual conflict requiring mediated settlement – the ethnic conflict and the conflict at the level of the ruling elite. They are now so closely intertwined that the management of one is linked to the constructive handling of the other.*

Meanwhile, the next phase of the peace process will provide space for working out the political unity of the ethnic elites. Interestingly, the SLMC is now working out the Muslim community's proposals for an interim solution. But, a parallel political discussion is not taking place in the Sinhalese society. The UNP's minimalist proposals unveiled in June this year are grossly inadequate to grapple with the LTTE proposals. The PA devolution proposals of 1995 provide a framework that needs to be further widened and updated. What the UNP and SLFP leaders should undertake as a matter of urgency is a dialogue among themselves to work out a new body of proposals to which the Tamil and Muslim communities can respond with some respect and seriousness. The UNF leadership has a major share of that responsibility. If they fail to reformulate and update their proposals for an interim administration in the run up to the next phase of the peace process, negotiations, once revived, can hardly produce any significantly constructive outcome.

Colombo's political drama is not yet over. It can still take an unexpected turn. The two meetings between the President and the Prime Minister have introduced a considerable measure of stability to an otherwise volatile situation. For this process to move forward, it has to be linked to the twin task of taking the peace process forward and effecting constitutional reform. The best course of action available to the President and Prime Minister is to co-chair the evolving process.

## From Conflict to Accommodation

**T**he official communiqué about a recent meeting between the President and the Prime Minister, has a clinical, matter-of-fact, tone. It does not say much about the substance of their deliberations. Obviously, there is no agreement reached between the two leaders on any of the contentious political issues that have made it necessary for them to meet. One silver lining in an otherwise gloomy picture of this situation is that they have agreed to meet again to continue the 'dialogue.'

Both the President and the Prime Minister are in a crisis of their own making, although they might not perceive it that way. For months, they have been engaged in an exercise of mutual outbidding, working towards a zero-sum outcome in the conflict between the two centers of state power, the presidency and the parliament. What exploded in the open last week is the inevitable outcome of a power-struggle embedded in a multiplicity of contexts. The dynamics of inter-party competition as well as factional and personal rivalries have emerged in a large-than-life fashion against a background of constitutional impediments to accommodative governance. Somewhat unintended, yet profoundly symbolic, is the fact that the LTTE had just presented to the government its proposals for re-constituting the entire state structure. The challenge before the President and the Prime Minister now is to manage this conflict in such a way that its potentially destructive consequences are arrested and political stability restored.

## Zero-Sum Gains

**T**he dominant tendency in the two camps immediately after the November 03 showdown has been to continue to seek zero-sum outcomes from the conflict. The two leaders have also been under constant pressure from those around them to further outbid each other by opting for unilateralism. Some of the recent actions of the two leaders are also largely governed by strategies designed for unilateral gains. In her call for a patriotic grand alliance, the President kept open the option to isolate, attack and even dismiss from office an uncooperative UNF. In his call for the President to take over the responsibility of peace talks, the Prime Minister retained the option of ensuring a disastrous failure for the President. Some of the immediate aides and advisors of the two leaders might prefer continuing confrontation, leading to greater escalation. It is in this context that the commitment of the President and the Prime Minister to continue their dialogue has become

important. Indeed, there have been signs of de-escalation particularly from the PA side. The PA Executive Committee's view that the LTTE proposals, though unacceptable, were a basis for negotiations is a way forward from the earlier hard-line position adopted by the SLFP. The *Daily News* editorials under the new dispensation are not only conciliatory, but also strongly supportive of the peace process.

Meanwhile, among powerful sections of both camps, there seems to be a preference for fresh parliamentary elections. Mid-term elections under normal circumstances would have been a credible option to let a political crisis resolve itself. However, in Sri Lanka's present circumstances, an election campaign is less likely to contribute to political stability. On the contrary, it may escalate political tension amidst much violence. An election campaign will also force the main contenders to defer any serious consideration being given to the next phase of negotiations with the LTTE. Furthermore, in an election campaign defined by utmost hostility between the UNF and the SLFP, the latter is most likely to take a strongly Sinhalese nationalist stand, in alliance with the JVP, to isolate the former from the Sinhalese electorate. In such a context, the LTTE's ISGA proposals will be transformed into the main criterion of demarcation between the UNF and PA. Passion and hatred, not reason and moderation, would be summoned to make political judgment. Heightened electoral passion is highly unlikely to provide for the Sinhalese polity a constructive framework for responding to LTTE's proposals. Besides, there are no signs that there will be an electoral outcome producing a stable regime. Dissolving parliament and holding fresh parliamentary elections is more likely to prolong the present impasse than resolve it.

## Opportunities

As was pointed out at a recently held civil society consultation on the present situation, the crisis also offers opportunities for its constructive management. Such an approach requires from the two sides that they find a framework of accommodation within which not only the present crisis is managed, but also the two major national issues, the peace process and constitutional reform, are effectively addressed. The centrality of the peace process, despite its intractable nature, to political stability is beyond question. Similarly, the present crisis is largely located in the constitutional framework within which the three main organs of state power – the executive, the legislature and the judiciary – have been pushed into a relationship of confrontation. In fact, both the President and the Prime Minister are products and victims of the present constitution and there is no reason for victims to fight it out till death. They should emancipate themselves from the shackle. That requires joint action.

Reforming of the present constitution is also at the heart of any meaningful attempt to resolve the ethnic conflict. In fact, almost all the political actors, specifically the UNF, PA and the LTTE, agree that a political solution to the ethnic conflict requires a radical

re-working of the 1978 constitution. The disagreements are about the extent to which one should go. Ironically, the PA and the LTTE have been most radical on this score. In fact, the differences between the LTTE's ISGA proposals and the PA's constitutional reform package of 1995 are much less than the gulf between the LTTE proposals and the UNF government's proposals for an interim administration. Meanwhile, it needs to be noted that long-term resolution of the crisis in Colombo as well as a political solution to the ethnic conflict are both intertwined with a constitutional reform agenda. This is perhaps the immediate goal to which the UNF and PA should now re-direct their energies. A joint constitutional reform committee, co-chaired by the President and the Prime Minister, would provide an excellent and creative opportunity for partnership and inclusivity.

A modality of working together for the UNF and PA should be one that does not fall into the trap of either a 'national government' or a 'grand alliance.' Without a concrete program for political reforms, neither a national government nor a grand alliance can survive its inner contradictions, particularly in a thoroughly fragmented polity like ours. What the PA and the UNF need today is a political framework of accommodation to facilitate collective initiatives for the peace process and constitutional reforms that are central to the success of the next phase of negotiations with the LTTE. Such a framework of accommodation can ideally rest on the analysis that the President's taking over of the Defense Ministry resulted in restoring, to some measure, the political equilibrium between the two rival centers of power in the absence of constructive cohabitation. Perhaps, the UNF might feel that the asymmetrical relationship that earlier existed between the two power centers is now altered in favor of the President. Yet, what would really be detrimental to the peace process is the continuing tension between the President and the Prime Minister, either propelled by the unwillingness of the UNF to accept the post-November 03 equilibrium, or by a PA desire to weaken the UNF in a prelude to a 'patriotic grand alliance' with a multiplicity of smaller allies. The President's suggestion, made in her TV address to the nation, that the Prime Minister should continue to lead the negotiation process while she takes responsibility of national security is a non-starter, because the framework it offers to the Prime Minister is responsibility without power. The UNP's preference to get the defense portfolio back to successfully carry forward the peace process has the same drawback. It accords the President constitutional responsibility for security without actual power. What the November 03 crisis suggests as an alternative is the sharing of both power and responsibility. Power-sharing, along with burden-sharing, should be the conceptual premise on which a framework of accommodation can ideally rest. Such a framework will also stabilize the newly effected power symmetry in Colombo, which is crucial to carry the peace process forward in its forthcoming phase.

Can the PA and UNF agree on a moratorium of hostilities seeking partnership in the peace and constitutional reform processes? If they can, it would be an important first step towards constructive

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political engagement in the South. Because it will create an atmosphere for re-stabilization through de-escalation of tension and dialogue between two leaders who represent equally powerful and rival centers of power. The next step will involve working out the much needed framework of accommodation through dialogue. This essay has already suggested some measures necessary for such a framework. The democratic civil society as well as the international community would certainly be there to share the burden for working out creative options.

### Next Phase of Negotiations: Don't Wait

**I**s the Southern polity ready to do serious political business with the LTTE? Unless the Sinhalese political class makes up its mind in the next few weeks to do pretty serious political business with the LTTE in the coming months, the paths of political change in the North and the South may not intersect again for some time to come. One needs to make this prognostic assertion even at the risk of being branded as alarmist.

There are indeed quite a lot of arguments still being made in the political debate to not maintain any political engagement with the LTTE. The advocates of non-political engagement with the LTTE occupy a wide political-ideological spectrum ranging from extreme Sinhalese nationalism to Tamil human rights activism in Colombo. The Sinhalese extreme nationalists advocate a line of primarily military engagement. According to the Tamil human rights activists, talks with the LTTE amount to appeasement of fascism. Such talks, as they argue, can only lead to a 'totalitarian peace.'

### Alternative Perspectives

**M**eanwhile, there are two other perspectives that present alternative approaches for political engagement. One such perspective argues that political dealings with the LTTE should be conditional to the demonstration by the latter that its behavior concurs with the norms and standards as set out by the international community. In this 'conditionality approach,' the LTTE should rehabilitate itself and earn recognition and respectability through its words as well as deeds. The Tokyo donor conference of June, which the LTTE boycotted, exemplified this strategy of dealing with the LTTE. The second argues that political engagement with the LTTE should not be conditional, since it is the political engagement alone that would build capacities within the LTTE and Tamil society for much needed democratic transformation. In this transformatory approach, there is emphasis on the acknowledgement as well as recognition of the major concessions made by the LTTE as constituting an acceptable starting point for political engagement. The LTTE's unilateral shift from external to internal self-determination, its declared commitment to federalism, and the decision to engage with the Sri Lankan state through internationally facilitated talks in a background of the cease-fire

agreement are the major concessions which the transformationists highlight.

Indeed, in Colombo donor and intellectual circles, there still is a debate over the merits and demerits of the conditionality and transformatory approaches toward the LTTE. There now seems to be some convergence of the two emerging. When Chris Patten of the European Union addressed a gathering in Colombo before he went to Kilinochchi, he was articulating a particular, one may say hard, version of the combined conditionality-transformatory approach. The Sri Lankan journalists who questioned him on the validity of the very idea of his meeting with the LTTE leader were obviously strong critics of the political engagement approach. Their assumption was that political engagement would only legitimize a terrorist entity that has not yet demonstrated any remorse of its past deeds or even any serious evidence of self-reform. In contrast, the EU Commissioner appeared to hold the position that continuous political engagement defined as furthering dialogue with conditionality will facilitate possibilities for changes in the LTTE in the direction of norms and standards as set out by the international community.

There is also a soft version of the transformatory approach to the LTTE. It argues that the desired process of transformation cannot be externally imposed and that the change is most likely to occur over a period of transition. The key word here is 'Transition' in all sides to post-civil war reform. The external agencies should facilitate internal dynamics and potentials for reform that may require a series of interim phases. In contrast, the conditionality approach seeks reforms only in the LTTE. It has not yet seen the need for changes in the Sinhalese polity or the state as a whole. It also assumes that the changes in the North should occur and be demonstrated rapidly, in accordance with a timetable as set out by the external actors. As the Japanese government learned recently with some shock, that approach is not the most productive one in dealing with the LTTE. It appears that the donor community has been re-examining this approach, although some countries and agencies still prefer the hard-conditionality strategy.

For the Southern political class also, a strategy based on a transformatory perspective is needed to deal with LTTE in the period ahead. This has become particularly necessary in the context of emerging consensus between the UNF and the SLFP on a joint approach to the peace process. We may note in passing that the UNF-SLFP talks have generated much anxiety among minority parties. Some of them see a pan-Sinhalese alliance emerging threatening minority interests. Any reconfiguration of political forces is bound to create its own winners and losers. Those who strategize the UNF-SLFP accommodation should take steps to make that process inclusivist, addressing the ethnic minority fears.

### Divergent Approaches

**A**lthough the President and the Prime Minister have a generally shared understanding that the peace process should



continue, their strategic approaches to the LTTE have been quite divergent. The SLFP approach during the past two years has been one of 'hard conditionality,' backed up by the military strength. In contrast, the UNF approach has been one of 'soft conditionality' backed by international support. In case the President and Prime Minister agree to work together in pursuing peace, what would be necessary is not a combination of their two contending approaches, but working out of a new approach that will enable them to engage the LTTE in a mutually transformative framework. What it means is that if the next phase of the peace process is to produce a significantly constructive outcome, change and transformation should occur in the North as well as in the South, and in the three main political actors who are based in Colombo and Vanni. Peace processes should best be seen as practices producing transformative outcomes for all those who are engaged in them.

This backdrop makes it necessary for the Sinhalese political leadership to quickly settle their dispute over the power struggle and begin to seriously examine the LTTE proposals for an interim administration. It is a real pity that their attention is not yet drawn to formulating a constructive response to the LTTE's ISGA proposals. The UNF had only one initial response and that even failed to seriously examine the constructive possibilities offered in the ISGA framework. The SLFP presented an ideologically informed negative response while some civil society actors in Colombo have been excessively legalistic in their understanding of the LTTE's approach to transition from its secessionist project. The limitations of liberal constitutionalism, in its unitarist as well as narrow devolutionist versions, are now quite apparent. Incidentally, the only positive development to emerge in this regard during the past few weeks is the fact that both the President and the Prime Minister have articulated the position that the ISGA proposals constitute a basis for future negotiations.

### Disappointment

Meanwhile, the general sentiment among the Tamil people appears to be one of disappointment over the inability demonstrated so far by the Sinhalese leadership to offer a serious and constructive response to the LTTE proposals. As I have noticed in a recent visit to the North, they even feel slighted. In political conversations with Tamil people, one can see a sense of deep disappointment and even the possibility of being let down once again by the Sinhalese political leadership. They feel that the MOU has not been adequately implemented and that de-militarization of the civilian life in Jaffna has been conveniently forgotten by the government. This mood of disappointment was of course heightened by the political uncertainty that suddenly erupted in Colombo just a few days after the LTTE unveiled its proposals. The government does not seem to communicate with the Tamil people at all. They don't get positive political messages from the South. They get only negative signals. The President and the Prime Minister as well as the UNF government's chief negotiator need to realize that any further delay in exploring constructive engagement

with the LTTE around the ISGA proposals would undermine the confidence of the Tamil people on the peace process as well as the capacity of the Sinhalese political leadership to do serious politics with the North.

The negotiation process needs to be revived soon. The exploration of the conditions under which the next phase of talks might take place should not be delayed under the pretext of either the political negotiations between the UNF and SLFP or the budget debate. If talks do not resume soon, there should be other forms of political engagement between the LTTE leadership and the government. Otherwise, as I noticed in the North, a new process of estrangement between the Sinhalese and Tamil polities might emerge under the conditions of uncertainty created by the present process of no war-no peace.

### Power-Struggle in Colombo: Implications for the Peace Process

President Kumaratunga's taking over of three key ministers of the UNF government occurred just four days after the LTTE unveiled its proposals for an interim self-governing authority. It is unfortunate that the power struggle between Prime Minister Wickremesinghe and President Kumaratunga exploded at such a crucial moment of Sri Lanka's peace process. What the two leaders could have ideally done is to consult each other as to how to respond to LTTE proposals in order to expedite the next phase of peace negotiations. Instead, President Kumaratunga has chosen a strategy of hostile confrontation. The implications of this unfolding power struggle for the peace process are yet to be seen.

The LTTE proposals for the interim administration seek re-constitution of the Sri Lankan state, within a framework of dual power, in the Northern and Eastern Provinces. This vision is conceptualized in the notion of interim 'self-governing' authority. It seeks a fairly advanced form of power-sharing, more than in a regular federal model. The framework of state as envisaged in the Tiger proposals comes closer to a confederation model.

There seem to be three crucial components in the Tiger proposals. First is the setting up of the institutions for what they call the interim self-governing authority (ISGA). The scope of powers of these institutions and their relative autonomy from the structures of the Sri Lankan state are clearly conceptualized and elaborated. The second component in the proposals is the broad political-ideological principles within which the LTTE has worked out the basic contours of a negotiated political settlement, from interim to final. These are basically the so-called Thimpu principles, namely, the Tamil nationhood, the right of the Tamil nation to self-determination and the unified political unit of the North-East within which the Tamil self rule should be territorialized. The third component suggests the course of action once the five-year interim period comes to an end.



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## Beyond the Constitution

As many commentators have noted, the LTTE proposals go beyond the existing constitution. This feature of the proposals has also aroused sharp reactions from many critics. But, the LTTE's approach to a settlement to the conflict, whether interim or permanent, is one that envisages re-constitution of the Sri Lankan state. From the militant Tamil nationalist perspective, a credible political alternative to secession and a separate state has to be one that is not governed by the limitations of the existing constitution. Besides, both the UNF and PA have also agreed that the existing constitution is inadequate to address the core issues of the ethnic conflict. The PA and President Kumaratunga have even gone to the extent of saying that the existing constitution is an obstacle to making any progress towards a settlement. On that point, the PA, UNF and the LTTE share a common perspective.

The confederationist dimension of the LTTE's perspective on the ISGA gives a maximalist character to the proposals. This has prompted many critics to say that the ISGA proposals are a recipe for separation. In the UNF government's initial response too it was noted that the LTTE proposals carried a fundamental divergence from the government's own proposals.

Instead of dismissing the LTTE proposals as unacceptable, there is an alternative way to look at this issue in order to advance the negotiation process. The LTTE's maximalist proposals are a response to the UNF government's minimalist proposals. Similarly, the LTTE has also addressed core issues of the ethnic conflict and how those core issues should be seen in a settlement from the Tamil nationalist perspective. At least, the LTTE can no longer be accused of avoiding the core issues. From the perspective of negotiations, the next task is to find a common ground between these two incompatible positions, the minimalist and maximalist. If the two sides are really committed to a settlement, the government cannot go down from its minimalist position as much as the LTTE hopefully cannot go beyond its maximalist position. Since the negotiation positions of the two sides are now on the table and since there is a wide gulf between the two positions, there is indeed enough room for the resumption of negotiations. There is also an enhanced role for the mediator. Mediation and negotiation are necessary not when parties agree, but when they disagree.

## Power Struggle

However, the prospects for early resumption of talks are now caught up in the unfolding power struggle in Colombo. Obviously, the UNF administration, deprived of its partial control of the Defence Ministry is now a weakened entity. Its immediate future is also not stable since the President has the option either to re-constitute the regime, or even to dissolve parliament. The political uncertainty that surrounds the fate of the government makes early resumption of talks rather difficult. Actually, the power struggle between the UNF and SLFP leadership, or the rivalry

between the two ruling families and the two ruling individuals in Colombo, has now taken precedence over national priorities. This is Sri Lanka's real misfortune. Sri Lankan people have leaders who push their personal battles to the center of the national agenda precisely at a time when the process towards managing the country's ethnic conflict has entered a crucial turning point.

However, President Kumaratunga who has now emerged as the center of both the state and the government cannot ignore the negotiation process or the LTTE's ISGA proposals. Indeed, the moment she took over the three UNF ministries, the LTTE proposals also fell on her table and she cannot now pass the buck, because it has come to stay there as long as she remains committed to her new role in the structure of governance. This requires her to ignore the advice of some political friends whose company she has recently enjoyed. Working out an agenda for the resumption of political engagement with the LTTE is a crucial and immediate task. As she has already indicated, she will have to abide by the cease-fire agreement.

But the real challenge for President Kumaratunga will be about how she should respond to the LTTE's ISGA proposals. Some of her key advisors have already dismissed them as totally unacceptable. Such a negativist reaction can hardly pave the way for the resumption of talks with the LTTE. The problem with President Kumaratunga is that most of her constitutional and political advisors think and act on outdated categories concerning the state, sovereignty, devolution and group rights, although she herself has made a significant break from archaic constitutionalist thinking.

President Kumaratunga's other challenge concerning the LTTE proposals is not to let her party repeat her mother's mistake of 1972. When the Federal Party presented a federalist constitutional framework to the Constituent Assembly, the United Front government of the SLFP, LSSP and CP dismissed that federalist proposal, with no adequate discussion, branding it as a stepping-stone to separation. The lack of political categories of thinking to creatively respond to a federalist constitutional proposal was covered up by a fetishistic attachment to the notions of the unitary state and the unity of the people. Thirty one years later and after two decades of civil war, the LTTE which has waged war for a separate state has now come out with its proposals for political unification on its terms. One may disagree with them. It is also easy to dismiss them as a recipe for secession. But that will be only a repetition of the same old mistake that proved itself to be devastatingly costly. Alternatives offered by the Tamils have always been seen by Sinhalese leaders as extremist, non-negotiable and unacceptable. It is now up to President Kumaratunga, ideally in collaboration with Ranil Wickremesinghe, to alter that cycle of mistakes. That indeed presupposes a paradigm shift in political thinking and vision. Will our leaders stand that test? Events in the next few weeks will provide us an answer.

## Many Negotiations to Shape the State

Sri Lanka's politics at present are in a state of flux. Observers and actors outside the political establishment in Colombo have noticed it quite clearly and stated this fact in uncertain terms, arousing ire from some quarters. The Norwegians while suspending their role of negotiation facilitators commented on the absence of a clear center of state power in Colombo. For that comment, they continue to draw, as the cliché goes, a lot of flack and that flack primarily comes from the Colombo and Chennai press. Mr. Prabhakaran in the Vanni has also commented on it in his November 27 speech, much to the annoyance of his detractors.

Colombo's politics is indeed in flux, because the Sri Lankan state at present is in a conjuncture of transition. Its defining feature is the uncertainty of the exact direction in which the state will move in the sense of its class dynamics, political alliances, ethnic relations and military character. The fact that there are four negotiation processes taking place in Sri Lanka at the moment is an indication that all the major political actors know that things are in fact in a flux. These are negotiations that seek to re-constitute the island's post-colonial state, its ethnic foundations, its class character and social bases of power, alliances of governance and, finally, the vision as well as the mission of the state. Actually, in this state of flux and transition, there are many political forces, including civil society groups, who endeavor to define the Sri Lankan state's paths of change. These projects of political change are quite understandably competing ones. That has made the state the primary site of contestation and struggle. Delineation of these contestatory projects of negotiation provides a useful key to the understanding of Sri Lanka's present state of political flux.

## Re-Structuring the State

Sri Lanka's primary negotiation project has been taking place between the UNF government and the LTTE. In this negotiation process, the most radical state reform proposal has been developed by the LTTE, which has pursued a secessionist goal for over two decades. The UNF government has so far been somewhat hesitant to come out with a clear state reformist agenda. The UNF proposals for an interim administration are distinctly conservative documents in the sense that they seek to re-create the same old bureaucratic structure for the North and East. The UNF proposals ignore the fact that in the North and East an armed struggle for separate sovereignty has constituted an alternative process of post-colonial state formation. The LTTE proposals, in contrast, constitute a project of radical restructuring of the existing Sri Lankan state. They seek a future of shared sovereignty. They also seek a re-writing of the constitutional compact on which the Sri Lankan state rests. This explains why the LTTE's interim governance proposals have aroused fears and anxieties among those groups who possess the existing Sri Lankan state.

In its political engagement with the LTTE, the UNF has been sending out mixed signals about its vision for Sri Lanka's political

future. It appears that the hard core of the UNP, which has organic class links with the entrepreneurial class, is quite conscious of the fact that a negotiated outcome for the LTTE will have to be located outside the existing constitutional framework of the state. However, even the LTTE's proposals for an interim set up go beyond the conventional understanding of federalism with which the advanced sections of the UNF – they aren't very many of them, one must admit -- are comfortable. Then, the task for the UNF in the future negotiations presupposes the complex task of establishing a common ground between conventional federalism and radical confederationism.

## Framework of Accommodation

The second negotiation initiative is between the President and the Prime Minister. It intends to establish a common framework of accommodation between the two main centers of governance, as represented by the two leaders. In a fundamental sense, these negotiations are about forging political unity between the two rival power blocs of the Sinhalese ruling class. Quite significantly, the day-to-day negotiations are conducted by two small committees headed by two aides who have professionally been private sector managers. These talks for ruling class unity are taking place at a time when the capacity of Sri Lanka's post-colonial state for reform is under severe test. The LTTE's negotiation turn has in a way put enormous pressure on the ruling classes to reform the state. During the war with the LTTE, particularly after 1987, the Sinhalese ruling class could successfully ignore and defer the state reform needs, under various pretexts. For example, the UNP could successfully undermine the PA's constitutional reform efforts of 1997-2000 with no good reason. Unlike the war, peace talks have brought the state reform agenda to the center of ruling class imperatives. It is in this backdrop that entering the next phase of talks as well as negotiating a compromise with the LTTE requires the political unity of the two power blocs. Ruling class political unity is fundamental to any breakthrough in future peace negotiations with the LTTE.

If successful, an UNF-SLFP working alliance will constitute a very significant realignment of class and political forces with far reaching consequences for the future shape of the Sri Lankan state. It will send signals to the emerging Tamil ruling class that a dialogue has at last become possible. Similarly, a unified Southern ruling class approach to talks with the LTTE will certainly provide the much-needed capacity of the state to reform itself in a federalist, if not post-federalist, direction. More important, it will also provide class backing as well as political legitimacy to reforms that are difficult, potentially divisive, and even prone to provoke violent reactions from the extreme nationalist sections of Sinhalese society as well as the state apparatus. At the same time, an UNF-SLFP political unity, even on a limited agenda and without a formal alliance, is likely to be seen by the ethnic minorities as a pan-Sinhalese alliance threatening their interests. As often happens in politics, any realignment of forces at the ruling class level will create significant winners as well as losers. A way forward is to view the initial UNF-



SLFP accommodation as a bilateral cohabitation that will eventually provide a strong basis for multi-lateral peace negotiations.

In the third process of negotiations, the radical nationalist JVP is attempting to forge a political alliance with the SLFP. This alliance is also being sought at a time when the Sri Lankan ruling elites are under enormous pressure to reform the state in a direction of ethnicity-based power sharing. The SLFP-JVP alliance move is primarily spearheaded by the JVP and it has a distinctly anti-reform character. Although some sections of the SLFP are passionately campaigning for this coalition, President Kumaratunga does not seem to be quite keen on it. Actually, the SLFP is torn between two future political paths, accommodation with the UNF or the alliance with the JVP. It is quite interesting that in a backdrop where significant sections of the SLFP have not been in favor of the proposed alliance, the JVP is exerting intense pressure on them to come on board. The JVP appears to be of the view that there are historical conditions ripe for the emergence of a political coalition parallel to the one of 1956 that brought Sinhalese intermediate classes to power on an essentially Sinhalese nationalist platform.

### Different Goals

The coalition intentions of the SLFP and the JVP are animated by different objectives and goals. The prevailing electoral system in Sri Lanka forces parties to form broad alliances. The main parties out of power usually tend to seek alliances with minor parties in the opposition. The SLFP possesses a long history of alliances with Left or working class parties. Meanwhile, the SLFP and the JVP have maintained a working relationship for nearly four years. The present negotiations are meant to formalize and institutionalize that relationship in a programmatic coalition. Significantly, new negotiations for cohabitation arrangements for the President and the Prime Minister began while the SLFP-JVP coalition talks had been progressing. But in the SLFP, there are pressures on the leadership to ditch the talks with UNP and forge ahead in favor of the alliance with the JVP. Indeed, the hostilities among the UNP and SLFP groups at all levels are so strong that many sections of the SLFP, now out of power, think that the only way for them to return to power is through an electoral pact with the JVP.

Meanwhile, the JVP's strategic goals of a coalition with the SLFP are derived from the assessment that they could eventually emerge as the main Sinhalese nationalist political force, displacing the SLFP. Like the LTTE, the JVP has long-term strategic objectives concerning state power. In its assessment, it has the capacity to play the vanguard role of a broad coalition of the Sinhalese nationalist forces. The proposed alliance with the SLFP under its ideological leadership and programmatic direction would be the cornerstone of the new alignment of forces that the JVP is seeking to establish.

If forged, the SLFP-JVP coalition will be an alliance between one section of the Sinhalese bourgeoisie and the intermediate classes

of Sinhalese society. As such, it will have the potential of becoming a distinctly conservative and anti-reformist entity. Ideologically, it would be strongly Sinhalese nationalist. Its vision of political reforms would be one that privileges a centralized state while the provincial council system continues to remain an appendage of the central executive. In alliance with the JVP, the SLFP is most likely to lose electoral support among the ethnic and religious minorities. It also has the potential to re-polarize the Sri Lankan polity along ethnic identity lines, pushing the ethnic conflict into a qualitatively new phase of escalation. The modernist sections of the SLFP appear to be sensitive to this risk. But, their enmity towards both the UNF and the LTTE is so strong that they cannot rationally think of even a working accommodation with the Ranil Wickremesinghe administration. This is perhaps why President Kumaratunga and Ranil Wickremesinghe have asked two business executives to head the cohabitation negotiation committees.

### Muslim Issue

The attempts by the Muslim political parties and groups to forge a common front among themselves in order to obtain separate representation at the next phase of peace talks constitute the fourth level of negotiations in Sri Lanka today. The Muslim parties are also negotiating with the UNP, directly and indirectly, to secure that status of separate representation in talks with the LTTE. The political risks that the Muslim parties have been facing since the UNF-LTTE negotiations began have been enormous. They feel that the Sinhalese and Tamil elites might enter into a peace deal at the expense of Muslim interests. Therefore, they have been pressing for separate Muslim representation at peace talks on the belief that the eventual political solution should be worked out through tripartite negotiations.

This Muslim assertion for separate representation at peace talks runs counter to the LTTE's strategic approach to negotiations which posits that the initial talks and agreement should be between the LTTE and the Southern polity. In their approach, the national Muslim political parties are a constituency of the Southern polity. Thus, the LTTE's approach is first to negotiate an agreement with the Southern polity and then to proceed towards separate negotiations between the LTTE and regional Muslim leaders. Indeed, these two approaches to peace talks are grounded on divergent perspectives on state power and power sharing. They seek particular combinations of state power that should emerge as the outcome of the conflict and peace processes. Because of the fragmentation of its political leadership, the Muslim polity is finding it extremely difficult to work out a consensus on how to successfully influence the emerging post-civil war process in Sri Lanka.

All these negotiations have one thing in common. They seek to shape the emerging architecture of the Sri Lankan state. For political analysis, what needs to be closely watched is the dynamics and shape of class and political alliances that are struggling to emerge at the moment.

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## A Costly Stalemate

The standoff between President Kumaratunga and Prime Minister Wickremesinghe goes on, even beyond the deadline of December 15 which they themselves had set to resolve it. Perhaps, the stalemate in the talks between the two leaders might continue through the New Year as well. Unless the two leaders decide to offer a New Year gift to the people of Sri Lanka in the form of a compromise, 2003 will be remembered as a wasted year.

The events after November 04, when the conflict between the President and the Prime Minister exploded in open, indicate that the center of gravity of Sri Lanka's crisis has now shifted from Kilinochchi to Colombo. In analytical terms, one may actually say that Sri Lanka's present political conjuncture is dominated by a dual conflict. One involves, in symbolic terms, Colombo and Kilinochchi and it is about the resumption of negotiations between the government and the LTTE. The other is located in Colombo and it is between the two competing centers of power personified by the President and the Prime Minister. The inability of the President and the Prime Minister to find a negotiated settlement to their conflict has pushed the issue of negotiated stalemate between the UNF government and the LTTE to the background. But sooner rather than later, the latter will rebound with greater force, forcing both the President and the Prime Minister to regret that they wasted yet another historical opportunity to manage Sri Lanka's primary crisis, the ethnic conflict.

The gravity of the conflict that has exploded open as a power struggle between the President and the Prime Minister is quite well understood by the people. Citizens of every walk of life have been appealing to the two leaders to settle their dispute in a compromise in order to take the peace process forward. But, driven by a distinct inability to share state power, they have pushed the entire country into another period of uncertainty and instability. They have also displayed a remarkable capacity to ignore enlightened public opinion. This is where Sri Lanka's ruling elite seems to be having a distinct commonality with the ruling elites in Pakistan and Bangladesh: the inability and refusal to read the writings on the wall.

### Setbacks

The writings in fact are on the wall in big letters. Actually, the year 2003 is coming to an end with two crucial setbacks for Sri Lanka that have the potential to assume the character of being irreversible. The first is the erosion of the political momentum for the next phase of the peace process. The second is the diminishing space for rapid economic recovery. The progress of the peace process and the thrust for economic recovery are intertwined. If the President and the Prime Minister make their political calculations in terms of enlightened class interests, rather than unenlightened self-interest, they would have recognized the fact that once the momentum for advancing the peace process as well as rapid economic recovery is lost, it is not all that easy to recover that momentum. Investors and donors are unlikely to wait till these two individuals settle their differences as much as the LTTE is highly unlikely to stay in philosophical contemplation till the leaders of the Sinhalese ruling

elite sort out their hostilities. Neither will history forgive them for messing up a rare opportunity for taking the country out of a crisis for the creation of which their parents, uncles and family members have been singularly responsible.

Meanwhile, the lack of progress in the peace process is sure to cost Sri Lanka quite dearly in economic terms. Sri Lanka at the moment is about to lose one billion dollars of economic assistance pledged by the donors in Tokyo for the year 2003. The 4.5 billion dollars of donor commitment made in Tokyo in June this year is linked to the progress of the peace process. In the eyes of the donor community, progress of the peace process is linked to the resumption of negotiations between the government and the LTTE. That has not happened during this year.

### Reconciliation

The trajectories of the politics of Sri Lanka in the coming months are hard to predict. What is clear at the moment is that the President and the Prime Minister will quite deliberately ensure that a framework for working together between them will not emerge. The experience of the past few weeks during which they explored the possibility of a common program through a committee is that more than anything else, the two leaders need to go through a process of reconciliation and peace-making. Their mutual mistrust is so great that each sees a hidden agenda in the other's proposals and initiatives. Meanwhile, both leaders appear to practice the worst aspects of the legacy of the J. R. Jayewardene school of politics, manipulation and deceit. Both President Kumaratunga and Prime Minister Wickremesinghe appear to think that manipulation and deceit make them smart and sophisticated politicians. In this backdrop, the challenge that the Samarawickrema-Tittawela committee confronts is to offer them a different and constructive mode and style of political behavior.

A behavior change between the two leaders cannot happen without reconciliation. Reconciliation, as Professor John Paul Lederach insists, is about building new relationships. It presupposes dialogue, facilitated by empathy and understanding. It also requires a capacity to deal with the past in a manner that will enable the parties to envision a collective future. The day when President Kumaratunga and Prime Minister Wickremesinghe develop such an empathic reconciliation will also be the day when they begin to forge a constructive common ground in politics.

Watching the political relations between these two leaders for many years, and knowing them a little bit, I feel that they cannot on their own move towards reconciliation. Neither can the Samarawickrema-Tittawela committee undertake such a gigantic task. Messrs. Samarawickrema and Tittawela are subordinates of the two leaders who are given a limited framework of reference. They are pragmatic negotiators coldly representing the interests of their leaders. Achieving reconciliation between the President and the Prime Minister requires an ethical framework of values as well as a person or persons with some moral authority whom they will listen to. Interestingly, these are also two leaders who seem to be able to



disregard and defy the appeals for reconciliation made by the country's moral communities. There indeed lies the difficulty in resolving the conflict in Colombo at present through reconciliation.

### Post-federal vs. Pre-federal

**B**ut Sri Lanka's economic recovery and the peace process are unlikely to wait till some miracle happens to cajole the President and the Prime Minister for a hug of reconciliation. Already the gulf between the Sinhalese and Tamil polities in the vision for a future Sri Lankan state has become starkly clear. While the T.T.T. has presented a post-federal vision through its ISGA proposals, the Sinhalese polity remains within a pre-federal framework. The challenge for the Sinhalese political leaders is to bridge this gulf


between majoritarian pre-federalism and the minoritarian post-federalism. It is not an easy task. It requires a radical intellectual turn around as well as a new political self-understanding on the part of the Sinhalese ruling elites. Such a qualitative shift can only rest on a new political unity among the Sinhalese ruling strata.

Meanwhile, the delay in the negotiation process has the potential to make the political process in Tamil society once again autonomous of the politics of the South, as it happened during the twenty years of war. The peace process during the past two years brought the political processes in Sinhalese and Tamil societies to a point of intersection. A protracted stalemate in the negotiation process might push them along different paths. War is not the only push for separate political paths. An incomplete peace process can also be the instrument for crystallizing the separateness of the two political communities. ■

சென்னைப் பல்கலைக்கழகம்  
தமிழ்நாடு ஆய்விதழ்

**சூழி**

சனவரி-செப்டம்பர் 2002 • காலம் 21



இ. அனாத் சந்திரசேகரன் தாமிரவள்ளி மலர்ச்சித் தலைவர்  
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*The following are the summary and recommendations extracted from a recent study on Sri Lanka's peace process entitled The Sri Lankan Peace Process at the Crossroads-Lessons, Opportunities and Ideas for Principled Negotiations and Conflict Transformation (January 2004)*

## **SRI LANKA'S PEACE PROCESS: TOWARDS PHASE II**

**Tyrol Ferdinands, Kumar Rupesinghe, Paikiasothy Saravanamuttu, Jayadeva Uyangoda, Norbert Ropers**

**T**he Sri Lankan peace process is at crossroads. Seven months after it withdrew from talks the LTTE presented its proposal for an 'Interim Self-Governing Authority' (ISGA) for the North-East on 1 November 2003, and has expressed its preparedness to resume negotiations with the Government of Sri Lanka (GoSL). The southern polity however is once again entangled in a power struggle between the United National Party (UNP) and People's Alliance (PA) and their respective leaders; both sides nevertheless have also expressed their willingness for the resumption of talks. The differences between them with respect to the substance of the peace negotiations are small. The actual problems are about who should take over the main responsibilities for the peace negotiations and how they should be pursued. Therefore, the resolutions of the ethnic conflict and of the inter-party political conflict in the South is inter-twined.

The Ceasefire Agreement (CFA) has lasted for nearly two years, much longer than any previous agreements, and it has created a unique opportunity for achieving a lasting peace. The vast majority of the people of this country don't want to risk any re-escalation of the ethnic conflict; they long for a concerted effort of all the parties to sustain the ceasefire and to work towards a just settlement.

The first phase of negotiations, between September 2002 and March 2003, demonstrated that the parties were able to engage in discussions, identify common ground, manage critical incidents and agree on exploring 'a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka' (Oslo Communiqué, December 2002).

There is significant goodwill among all principal stakeholders to proceed with the peace process. However, the country needs more than a mere agreement. All of them must review their efforts critically and do their utmost to develop a common strategic framework that overcomes the serious shortcomings of the first phase of the peace process.

The most fundamental shortcoming of this period was the lack of a clear, transparent and common strategic framework which could have guided and structured the negotiations as well as helped to mobilise public support for the peace process. Instead, all principal stakeholders had their particular strategies on how to maximize

power and influence through their attitude towards the peace process. These were often linked to their own goals of maximizing their power and influence. The net effect was a pragmatic and ad hoc muddling through of the negotiation process, which made it difficult to address the crucial contentious issues and move towards inclusivity.

A clear, transparent and common strategic framework is needed not only for the negotiations between the GoSL and the LTTE but also for transforming the dual power structures in the South as well as in the North-East. The main protagonists in the South, the UNF and the PA, have to overcome the legacy of confrontational politics and to work towards an effective and fair mechanism of cohabitation and power sharing for the sake of the peace process.

Another consensual power-sharing arrangement is needed in the North-East to transform the de facto dual regimes of the LTTE and the GoSL/Sri Lanka Armed Forces (SLAF) from hostile to peaceful coexistence and towards an effective and democratic regional administration. Finally, the Muslim community, the Up-country Tamils and the other minorities need to be brought into a strategic framework to become co-owners of the next phase of the peace process as well as of the interim power-sharing agreements.

The essence of the ethnic conflict concerns equal individual as well as group rights of all communities and citizens, and that those communities share the right to co-constitute the political system of Sri Lanka. The essence of conflict resolution is therefore a fundamental restructuring of the Sri Lankan state. The Oslo Communiqué has to be translated into a Road Map for a genuine federal Sri Lankan state.

Nearly two decades of war have generated a situation of multiple human rights violations in which both sides blame each other for the worst atrocities. Human rights violations have continued throughout the ceasefire period and threaten to erode public support and legitimacy for the peace process. Therefore, it will be crucial that any progress in the negotiations is closely linked to improvements in the human rights record. Otherwise, public support and legitimacy of the peace process is in danger.

The resumption of talks at the beginning of 2004 will offer a unique opportunity for reviewing the peace processes, for elaborating an inclusive, transparent and common strategic framework for the



future peace negotiations, and for moving towards a comprehensive set of conflict transformation processes.

## Recommendations in Brief

### To All Parties

(1) Develop a comprehensive and common strategic framework of multiple peace negotiations and peace building which: (a) ensures that all parties become co-owners of the peace process (principle of inclusivity); (b) is based on an explicit understanding of organizing the processes of negotiations (principle of transparency); (c) utilises various levels and channels of bi- and multilateral problem-solving methodologies (principle of multi-track diplomacy); and integrates international human and humanitarian rights standards through a holistic MoU.

(2) Imbue the next phase of peace talks with the concept of 'principled negotiations..'. This is comprised of four basic principles: (a) the conflict issues (e.g. the Interim Administration) as well as the relationship between the parties (e.g. the trust building between the LTTE and the parties in the South) have to be addressed; (b) the talks should try to identify the enlightened and common interests of the parties and overcome bargaining from adversarial positions; (c) these discussions should be framed and organized in such a way that mutual gain is achieved, and agreements should be based on jointly accepted principles (e.g. principles of fairness, justice, equality, democracy, good governance and pluralism).

(3) Consider an early Framework of Principles Agreement that outlines the contours of the final agreement between the main stakeholders. A similar agreement should be formulated for an Interim Constitution, which is based on a multi-stakeholder consensus.

(4) Ensure representation of women at all levels of the peace process. Consider the gender-specific needs, interests and roles of women, men and children in the peace process. Implement the UN Security Council Resolution 1325 on Women, Peace and Security, and develop benchmarks for its meaningful implementation in Sri Lanka. Support and integrate women's peace-building activities on all levels of engagement and ensure that women's concerns are reflected in all programmes for relief, reconstruction and rehabilitation. Help to develop benchmarks for a meaningful implementation of UNSCR 1325 in Sri Lanka.

(5) Clarify the third-party role of Norway and identify the most suitable combination of facilitation (organizing and supporting the communication and interaction between the parties according to their requests) and mediation (structuring the process pro-actively according to the concept of principled negotiations). Encourage Norway to assist in the coordination of the multiple international efforts for promoting the peace processes.

### To the President/PA and the Prime Minister/GoSL/UNP

(6) Utilize the historic opportunity for a paradigm shift in the southern polity and establish an interim power-sharing arrangement between the President/PA and the Prime Minister/UNF-led GoSL, with joint ownership in the peace processes. Negotiate an MoU outlining in detail the principles, norms, rules and procedures for cohabitation as well as sharing the responsibility, the credit and the blame for the course of the peace processes. Develop a 'Framework for Peace in the South,' in collaboration with the other parties, civil society and the corporate sector, to establish an overall conceptual as well as institutional framework for the interim arrangement.

(7) Exhibit exemplary and joint leadership with respect to the national mission of bringing an immediate, just and sustainable peace to the country. Leaders of various stakeholder groups should consider possible gestures of conciliation towards acknowledging past wrongs, moving towards a new inclusive nation-building process. For example, the two main political parties that constitute the 'Sinhala state' could extend a joint statement of apology to the minority communities for past human rights violations, such as the attacks on places of worship and on schools where civilians had taken refuge, and the burning of the Jaffna Library. (Similarly, the LTTE leadership could extend apologies for attacks on civilian villages, places of worship including the Temple of the Tooth.)

(8) Initiate a comprehensive programme of reforming and restructuring of the Sri Lankan state based on equal participation of all communities in the country. The conceptual basis of this initiative could be a combination of the Oslo Communiqué between the UNF-government and the LTTE from December 2002 and the PA proposals for constitutional reform from 1995.

### To the LTTE

(9) Accommodate the request for a balanced self-rule and shared-rule without the loss of the internal self-determination principle for the Tamil people. Express a clear commitment to the mutually agreed-upon Oslo Communiqué and negotiate a framework agreement or an Interim Constitution based on the concept of a federal multi-ethnic Sri Lankan state that should give expression to the rightful claims of all minorities in the North-East and in the South.

(10) Elaborate further on the proposal for the ISGA to accommodate concerns of the Muslims and the Sinhalese in the North-East through a 'Framework for Peace in the North-East' and explicit power-sharing mechanisms, while taking into account upcoming proposals from the Muslim community. Support adequate participation of a Muslim delegation in the peace talks.

(11) State explicitly the commitment of the LTTE to establish a representative and pluralist democratic system in the North-East,

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and elaborate on the mechanisms for guaranteeing human rights and the rule-of-law.

#### **To the Muslim Polity**

(12) Elaborate a common framework for pursuing Muslim interests in the peace process, and enhance the capacities of Muslim experts to contribute to the discourse and the negotiations on restructuring the state. Identify multiple tracks to promote the interests of the Muslim community through participation in the negotiation process as well as through direct negotiations with the LTTE and the UNF/PA.

#### **To Norway as Facilitator**

(13) Provide more capacities for facilitation and engagement with other stakeholders within and outside the country. Expand the knowledge base for principled negotiations among all stakeholders. Take the lead function for burden sharing among national and international agencies that might help in disseminating this knowledge.

(14) Make use of 'single-text procedures' when negotiating agreements, i.e. generate drafts of common papers and use them as the main basis for consensus building rather than allow the parties to stick to formulations because they came out of 'their' drafts.

(15) Address the conceptual and human security shortcomings of the CFA, and elaborate on it further together with the parties towards a Consolidated Ceasefire Agreement (CCFA) including a set of Confidence and Security-Building Measures (CSBMs). Explore together with the parties how the leadership of the Sri Lanka Monitoring Mission (SLMM) could be handed over to another country without endangering the stability of the truce in order to ensure no conflicts of interest between the roles of the facilitator and of the monitor.

#### **To the International Community**

(16) Facilitate a comprehensive framework for a pro-active and complementary support of the peace process among the co-chairs as well as India and all like-minded countries in favour of an inclusive peace process. Elaborate a clear structure of burden-sharing including the support of frameworks for peace and human rights in the South as well as in the North-East.

(17) Establish an International Support Group of eminent personages who, in their personal capacities, can assist the principal parties. They would undertake public actions and engage in quiet lobbying, particularly at critical junctures when internal capacities

for peace appear inadequate. In addition, they can provide support in understanding the dispute in the wider framework of the on-going changes in the international arena.

#### **To the Donor Community**

(18) Encourage and support a strategic framework for transition among all stakeholders for a comprehensive reconstruction and development process in the country, particularly the war-affected North-East. As a first step, assistance should be provided to facilitate a new mechanism for the delivery and implementation of short-term reconstruction and development aid to the North-East. Encourage and assist inclusive dialogues on medium- to long-term priorities for institutional and structural reform of the state, as well as on human rights capacity building, while exploring how the donors can support these reforms.

#### **To Civil Society**

(19) Expand the political space that was created by the peace processes, to take the role of critical supporter and multiplier within the overall society. What the country needs now is a highly diversified and broad-based peace movement with links and leverage in all communities. Strategic alliances should be formed to engage with all political actors and for building up a critical mass of agents of change within the civil society. Insiders representing all stakeholders should form networks of close cooperation with outsiders from trans-national civil society to make the international support of the peace process as multi-partial and pro-active as possible. The citizens of the country have to be prepared for re-constituting Sri Lanka as a multi-national federal state.

#### **To the Diaspora, the International Community and the Sri Lankan State**

(20) Involve the Tamil, Sinhalese and Muslim men and women of the diaspora in a meaningful way in the reconstruction and development of the war-affected areas in Sri Lanka. Accept that the majority of the diaspora will not return, but rather will participate in this process on the basis of circulation. It is unlikely that most members of the diaspora will return to the homeland on a permanent basis; rather, they will circulate between both their host and home countries. To support their involvement, the host countries as well as the Sri Lankan state should reformulate their citizenship, migration and development policies in the direction of dual citizenship; grant legal status to non-resident Sri Lankans; improve consular services; and establish a comprehensive infrastructure for mobilizing the skills and investment potential of the diaspora. ■



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# SOMA THERO: SIGNIFICANCE OF HIS LIFE AND DEATH

Jayadeva Uyangoda

The year 2003 ended with a huge public controversy in Sinhalese society about the sudden death of Gangodawila Soma Thero. Many of his colleagues and lay disciples thought that he did not die a natural death. The fact that he suddenly took ill on a visit to St. Petersburg in Russia to accept an honorary degree and passed away there has led to many speculations and conspiracy theories. Many of Soma Thero's disciples and admirers believe that his death was a deliberate killing occurring as a result of a conspiracy hatched by Christian evangelical groups. Posters appeared in Colombo suggesting that missionary groups as well as Christian NGOs and a prominent businessman were responsible for the monk's mysterious death.

After his funeral, an agitation was launched by a group of Thero's colleagues demanding the government ban what many Buddhists believe is the "unethical conversion" carried out by Christian evangelical groups. Soma Thero was a severe critic of Christianity as well as Christian religion conversion. He was also a strong critic of Muslim politics in Sri Lanka. At the time of his death, he was the leader of a small political party which he founded about a year ago. He publicly announced that he would contest the next presidential election on a platform of Sinhalese-Buddhist political interests as well a moral re-generation of the country.

## Funeral

The funeral of Soma Thero, which took place on December 24, was one of the biggest public events in Sri Lanka in recent years. The organizers of the event were reported to have wanted the funeral to be held on December 25, as a mark of Buddhist assertion vis-à-vis the Christians. A truly huge crowd attended his funeral, obviously to pay homage to a religious personality whom they admired, worshipped and even identified themselves with. Banners, posters and funeral decorations appeared in almost every town and street. Traders and three-wheeler drivers were most active in putting up funeral decorations. In many small towns and street junctions, recorded sermons of the Thero were played on loudspeakers. In some places, videotapes of his sermons were played on wide screen to the mourning crowds. There were also extremist Sinhalese political groups who turned the death and funeral of Soma Thero into a great political spectacle. In his political beliefs and practices, Soma Thero's loyalties and associations were with Sinhalese nationalist groups of the extreme fringe. They used the funeral of the Thero as an occasion for political mobilization as well as anti-Christian agitation.

Soma Thero's life as well as the message was a colorful one, interspersed with controversy, innovation, fearlessness and

immense public attraction. Unlike the vast majority of Sri Lanka's Buddhist monks, he was ordained not as an under-aged boy, but as a mature man, at the age of twenty-five. The legend has it that he decided to renounce the lay life after repeated failures of his business attempts. Having become a monk at such a comparatively late age, Rev. Soma did not have a formal *pirivena* or university education. He did not have such formal academic titles as *Panditha* or *Shastravedi* or *Shastrapathi*. Neither did he have a position in the *Bhikku* hierarchy. He appeared almost a self-made intellectual, enjoying a considerable measure of personal autonomy from the established Buddhist church. That personal autonomy at times appeared as an excessive liberty for self-indulgence, quite uncharacteristic of a Buddhist monk who appeared erudite and at the same time a symbol of piety.

## Media and the Message

Nonetheless, Rev. Soma seems to have obtained an excellent and rigorous training in the Buddhist doctrine at the Maharakgama monastery, run by erudite elder monks of the Sri Dharmarakshita branch of the Amarapura sect. Even without a formal *pirivena* education, he seemed to possess a working knowledge of the Pali language, but not much Sanskrit. More than anything else, he possessed extremely effective communication skills. He obviously knew the magic of the color TV. He demonstrated a keen sensitivity to the effects of the colour and light on the television screen. Having spent some time in Australia engaging in missionary work, Soma Thero had also acquired good communication skills in the English language. Bilingual, articulate and charismatic, his image on the TV screen was tremendously attractive. Without any doubt, he had mastered the art of communication on color television. If Pelene Vajiragnana Maha Thero, the founder of the Vajiraramaya temple in Bambalapitiya, was the first Buddhist monk to master the radio medium for preaching, the Soma Thero was the first Sri Lankan Buddhist monk to successfully conquer the TV medium.

Soma Thero's message as a Buddhist missionary in Sri Lanka was a complex one. He began his public religious career in Sri Lanka through a weekly discussion series on the ITN. That was towards the end of mid-1990s. His sermons initially drew much attention because of his relentless critique of what some Buddhists view as corrupt practices that practical Buddhism had incorporated from

Hinduism. In that sense, he had a reformist project, to reform Buddhism from within. It was a kind of Buddhist purism attractive to the lay intellectuals who were disillusioned with the entire institution of the contemporary Buddhist Sangha which many lay people believe to be corrupt, politicized and decadent. Hence, many Buddhists in Sri Lanka saw in Soma Thero the image of an exemplary pious Bhikku, an alternative Sangha leadership and a fearless religious reformer.

Although Soma Thero's initiation to Sri Lanka's public culture was through the ITN, later on, the government-owned ITN decided to cancel this program in a context where the Thero's political message had taken a clear ethnic bias directed against Tamil and Muslim business communities. That was the time when the PA was in power and the PA's information minister was also leading a public campaign for ethnic harmony and peace. A distraught woman listener went to the Supreme Court, although unsuccessfully, claiming that the ITN violated her fundamental rights. The ITN's loss was the rival TNL's gain. The TNL, a lackluster TV channel at the time owned by the present Prime Minister's brother, immediately offered the Thero generous TV time. The TNL of course knew the commodity value of the monk and his message. The rest is of course history.

## Political Vision

It is the political message of Soma Thero that is most problematic. In a gentle voice, clever turn of phrase, sardonic smile and carefully chosen language, Rev. Soma was devastating in his critique and even denunciation of what he believed as the cunning and manipulation of Tamil and Muslim traders at the expense of hapless Sinhalese Buddhists. One point he repeatedly emphasized in his sermons was that the Sinhalese-Buddhist economic interests were directly threatened by Tamil and Muslim traders who he thought were well-organized and socially cohesive entities. He appealed to Sinhalese-Buddhist traders to be more active and assertive and chided them for not facing the challenge of the traders and industrialists belonging to ethnic minorities.

Soma Thero also propagated the amazing theory that by the year 2025, the majority Sinhalese-Buddhists would become a demographic minority. In propagating this theory, Rev. Soma was critical of the Muslim community even to the extent of going beyond the limits of irrationality. His basic argument was that while the Sinhalese Buddhists were practicing family planning and birth control, the Muslims were breeding freely. Incidentally, the extreme Hinduthva ideologists in India also have a similar demographic argument against Indian Muslims. The ideology of

Sinhalathva has the same framework of irrationality on which the ideology of Hinduthva in India has based itself. If we analyze this phenomenon sociologically, we could see that Soma Thero was giving expression to the fears, anxieties and insecurities of the class of small Sinhalese traders whose interests are threatened not only by Tamil and Muslim traders in Colombo, but also by globalization.

In sociological terms, the appeal of Soma Thero was primarily among the communities of small traders, middle-level wage earners, the self-employed, women and youth. The Colombo-based bourgeois and professional sections of the Sinhalese-Buddhist society were not attracted to him. They were indeed devotees of a more powerful living saviour, Sai Baba of Bangalore. Rev. Soma's constituencies were basically the middle and lower-middle classes in the urban and semi-urban milieu. Women were attracted to his message for the main reason that he discussed quite openly the widespread problem of male alcoholism and drug addiction which so often leads to household and family violence. His moral message against alcohol and narcotic drugs also had a socially cathartic dimension. Those are issues that politicians in Sri Lanka never take up as real social problems. Rev. Soma in a way provided the voice for the suffering women caught up in the prison house of Sinhalese-Buddhist patriarchy. Paradoxically, his project was to reinforce a nationalist-moralistic practice of Buddhist patriarchy. The media reported after his death that one of the public engagements he had planned on his return from Russia was to felicitate Sinhalese-Buddhist women who had given birth to more than ten children. This event was going to be in Galle, the capital of the Southern Province which many think quite erroneously as a citadel of militant Sinhalese-Buddhist nationalism. Soma Thero was socially and politically conservative. That conservatism had an appeal in the Sinhalese society which is going through a painful process of change and transformation.

## Limits of Nationalism

Soma Thero was like a comet in the night. He appeared in the public sphere in the most dramatic manner and he disappeared suddenly leaving room for more dramatic interpretations and theories about his departure. He also encapsulated many contradictions of Sri Lanka's Sinhalese-Buddhist society today. Primary among them is the inability of the Sinhalese-Buddhist political ideologues to constructively engage with diversity, pluralist democracy and multi-culturalism. Charismatic and articulate, Soma Thero had a limited social and political vision that was outdated and irrelevant to any democratic reform agenda today. His memory is most likely to be utilized by small political and ideological groups in Sinhalese society who seek to thrive on all varieties of minority-phobia. ■



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# THE PROPOSED INTERIM SELF-GOVERNING AUTHORITY

Devanesan Nesiah

**T**he peace process has come up against a wall of obstruction. The arithmetic of party affiliation of Members of Parliament (even allowing for a degree of fluidity in party loyalties) plus the lack of UNF – PA cooperation has ensured that no solution to the constitutional crisis is imminent. It appears that the PA considers that it would be political suicide to offer parliamentary cooperation that would enable the UNF to gain from any required constitutional amendment – as did the UNP when it was in the opposition. Thus, in terms of a legislative breakthrough, the UNF has no credible offer, and the LTTE has nothing to look forward to in the near future, unless the latest developments lead to a national government or other transformation of UNF-PA relations; if that happens, some sections of this paper would need to be re-written.

Granted that no dramatic breakthrough is imminent, do the LTTE proposals indicate possibilities of such developments in the future? There have been conflicting interpretations of the Thimpu Principles (do they favour internal or external self-determination?), but the developments in Oslo and Tokyo are less ambiguous in their focus. The Tokyo Declaration “commends both parties for their commitment to a lasting and negotiated peace based on a federal structure within a united Sri Lanka.” Earlier, in Oslo, “The parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka. The parties acknowledged that the solution had to be acceptable to all communities.” The Oslo Agreement goes further to renounce violence and to affirm respect for human rights, democracy, rule of law and ethnic harmony. Do the LTTE proposals fall within those parameters, or do they signal a departure? What would be the best approach to the proposals? Many of the clauses permit multiple interpretations. These could be seen as obstacles with dangerous potential, or as openings facilitating re-definition and progress towards sustainable peace.

If the assumption is made that the LTTE is unreformably fascist, negotiations would be meaningless and war may be inevitable. But if a return to war is ruled out as unacceptable, there is no alternative to re-activating the stalled peace process. Significantly, for the first time, the LTTE has gone beyond rhetorically re-affirming general principles to formulating and submitting specific proposals. On the extent of the territory to be administered by the interim authority and the duration of the interim period there seem to be no fundamental conflicts between the UNF and LTTE proposals, but on other issues the UNF proposals are predictably minimalist and the LTTE proposals maximalist. This is certainly

so in respect of the powers to be devolved and the LTTE role within the Authority. The most positive approach would be to see these as the first bids in what would inevitably be a long, hard bargain.

## Status-Quo

**I**t is possible that the present no war-no peace situation, with UNF-PA maneuvering for political advantage, and the armed forces-LTTE maneuvering for military advantage may continue. This could be tolerable to the UNF since it currently enjoys the advantages of holding office. It could also be tolerable to the PA in that it could possibly be entertaining hopes of coming into office through engineering a collapse of the UNF government. But for the LTTE, a long extension of the status quo would be intolerable. On the one hand, its resources and the capacity and will of its cadres to successfully resume battle may erode. On the other, the long suffering population of the North and East are anxious that physical security should be guaranteed through a secure peace agreement and, further, that they too should be able to access a share of the socio-economic development that may become available to those elsewhere if the no war situation continues. A necessary (though not sufficient) condition for these aspirations is that a workable, mutually agreed interim administration is installed. Thus, in the absence of a satisfactory interim administration, the no war-no peace situation is likely to become increasingly unstable – hence the urgency.

Apart from the transient perspectives arising from the fact that currently the UNF holds office and the PA is in the opposition, the differences between the perceptions of the UNF and the PA leadership on either the interim administration or the eventual solution may be marginal in comparison either to internal differences within the UNF and the PA, or to the perceptions of the LTTE. The UNF government made certain proposals in July August in respect of the interim administration, and the LTTE made counter-proposals in October. Resolving the LTTE-UNF differences will be very difficult, more so because of the internal differences within the UNF, and also because the PA holds an effective veto on the solution. Thus negotiating an agreement on this issue, i.e., on the Interim Self-Governing Authority (ISGA), will have no assurance of a successful outcome.

Hopefully, at some stage in the negotiations the UNF and the PA may be motivated to cooperate at least to the extent of agreeing on broad principles governing negotiations with the LTTE on the ISGA and other critical issues. Even if this happens, progress will not be

easy. Several components in the current proposals will be clearly unacceptable to both the UNF and the PA. But do they give a clue as to whether eventual compromise and consensus is possible? We need to examine the proposals, item by item, after first looking at the (UNF) government proposals.

## The government proposals

**The Sri Lanka Government's Interim Administration Proposals, July/August 2003**, to which the LTTE responded in October 2003, are more general and much less detailed than the LTTE proposals. The differences in scope and detailed modalities, which "shall be subject to discussion between the Parties," relate to the areas of police and security, land, and revenue.

The government proposal refers to "the understanding between the Parties during plenary sessions of negotiations that a Muslim delegation should be accommodated when issues of concern to the Muslim population are being deliberated," and goes on to specify that, "A Muslim delegation must participate in the discussions relating to the establishment of a provisional administrative structure for the Northern and Eastern Provinces; and that it should be open to the SLMC to submit a separate proposal pertaining to the establishment of the above mentioned structure."

The government proposal is for "a Provisional Administrative Council" composed of nominees of the government, LTTE and SLMC, with a majority for the LTTE but with weighted representation for the Muslims and Sinhalese.

There will either be two Chairpersons, one nominated by the LTTE and the other by the Government from among the Members of the Council, both holding veto powers; or one elected Chairperson with the support of a majority of the representatives of the Muslim and Sinhalese communities needed for decisions affecting their communities.

The Chief Executive will be a Special Commissioner appointed by the government with the consent of the majority of the Council.

Eight District Committees appointed by the Council are proposed, each reflecting the ethnic composition of the District and chaired by a Council Member, with the District Secretary (Government Agent) as the Secretary and Chief Executive Officer. District Sub-Committees, appointed by the District Committees with the concurrence of the Council, are also proposed for sub-divisions of the Districts.

Three special subject-specific Committees, each with not more than Four Council Members of whom one will chair, are also proposed, as follows:

- a) An Economic Affairs Committee
- b) An Infrastructure Committee
- c) An Essential Services Committee

The arrangement is envisaged to "be in operation for a limited period as agreed by the parties, however, subject to the arrangement being reviewed by the parties every six months."

## The LTTE's Proposals for an Interim Self-Governing Authority

### Preamble

This is mostly well drafted and broadly acceptable except in the following respects:

- i) There is no reference to the concerns of the Muslims of the North and East, or to the need to engage their leaders in working out the structure of the ISGA – unless "the right to participate in the formulation of their role in the ISGA" is interpreted broadly to include the above.
- ii) There is no reference to the need to engage the PA in working out the structure of the ISGA.
- iii) The underlying assumption that "the Ceasefire Agreement, including the role of the Sri Lanka Monitoring Mission (SLMM), and the establishment of SIHRN and the North East Reconstruction Fund (NERF)" may override the Constitution in establishing the ISGA is flawed. Though the Sri Lankan Tamils, who were virtually excluded from the drafting of the 1972 and 1978 Constitution may be justified in rejecting them, the Government of Sri Lanka cannot disregard constitutional provisions. That this dilemma cannot be resolved without the concurrence of at least the PA has not been acknowledged.

### 1. Interim Self-Governing Authority

The proposal envisages ISGA control of the entirety of the five Northern and three Eastern districts till a final negotiated settlement is reached.

Perhaps this is as it should be, subject to the understanding that it is an interim arrangement, the participation of the Muslims is interpreted broadly as indicated above, and also adequate space is provided for the participation of the Sinhalese of the North and East. Any re-grouping of the districts and divisions or other re-demarcation of the boundaries will require extensive, politically sensitive negotiations, and the establishment of the ISGA cannot await the completion of such negotiations. A time frame (contained within the life time of the ISGA) could be set for these negotiations which could be conducted by a team selected by consensus from among the Tamil, Muslim and Sinhalese leaders of the North and East.

### 2. Composition of the ISGA

The proposal is for the LTTE to have an absolute majority but for Muslims and Sinhalese also to be represented; and for the ISGA to



elect a Chairperson/Chief Executive who will have unfettered power to appoint (and to revoke the appointment of) a Chief Administrator.

Tamils constitute over two-thirds of the proposed ISGA territory, and are entitled to have an absolute majority in the body (as conceded in the central government proposal), but it will help if the Muslims and Sinhalese are overrepresented in proportion to their numbers (as suggested in the central government proposal). Further, there should be appropriate geographical distribution. For the system to work, the Tamil members should be acceptable to the LTTE, the Muslim members to the SLMC (this is conceded by the central government but the LTTE nearly refers to appointment by "the Muslim community in the North East") and there should be UNF-PA concurrence on the Sinhalese members (this is not conceded by either centre or the LTTE). It might be possible to negotiate a consensus on this basis.

Regarding the appointment of the Chief Executive and deputies, it may be best for the appointments to be subject to endorsement by consensus within the ISGA so as to ensure that the Muslims and Sinhalese have a say; if there are differences of opinion, a compromise should be sought. The central government proposal is for the appointment to be made by the centre with the concurrence of the ISGA, but so long as consensus within the ISGA is prescribed, there should be no objection to the appointment being made by the ISGA. In line with the central government proposal, consensus within the ISGA may be interpreted as requiring not only an absolute majority but also a majority among the Muslim and Sinhalese members.

The administrative cadres at every level, in the region, districts and localities, should reflect the ethnic composition of the population served. The central government too should accept this principle.

All ISGA decisions including appointments should be by consensus, with an institutional mechanism in place to resolve differences if a compromise cannot be reached. On most matters a consensus should be possible. It is on this understanding that the following comments are formulated.

### **3. Elections**

The proposal is for the ISGA to function till an Agreement is reached or till the expiry of five years, whichever is earlier, and for elections to be held thereafter.

The proposal is unexceptionable, subject to the assumption that the Election Commission is appointed by consensus within the ISGA.

### **4. Human Rights**

These rights are asserted with commendable clarity.

What could be suspect is the implementation mechanism, which hinges on a Human Rights Commission appointed by the ISGA. However, this proposal is welcome, subject to the Human Rights Commission being appointed by consensus within the ISGA, with the further provision for appeals to the Human Rights Commission of Sri Lanka.

### **5. Secularism**

This is asserted as applicable to the North East.

This is commendable.

### **6. Prohibition against Discrimination**

It is sought to entrust this task to the ISGA.

There should be express provision for complaints that cannot be resolved at a lower level to ultimately reach the Human Rights Commission of Sri Lanka.

### **7. Prevention of Bribery and Corruption**

It is sought to entrust this task to the ISGA.

Perhaps there should be a Commission to Investigate Allegations of Bribery and Corruption appointed by the ISGA, with provision for appeals to the Sri Lanka Commission to Investigate Allegations of Bribery and Corruption.

### **8. Protection of All Communities**

This principle is asserted.

This is commendable, with the proviso that the relevant laws, regulations, rules, orders and decisions should be subject to action in courts of law.

### **9. Jurisdiction of the ISGA**

It is sought to establish ISGA control of governance in the North and East.

The legal and administrative authority conferred on the ISGA will be time bound within the interim period, unless duly revalidated before the expiry of that period. As proposed, these should be negotiated with the central government. They should also be subject to the various reservations specified above.

### **10. Separation of Powers**

It is sought to establish special institutions for the administration of justice.

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Provided the regional courts come under the jurisdiction of the Sri Lankan courts at the apex, the proposal is broadly acceptable, subject to negotiations with the central government on the details, and the various reservations specified above.

### **11. Finance**

It is sought to establish ISGA control over Finance.

The proposal is broadly acceptable, subject to negotiations with the central government, which has a legitimate monitoring interest.

### **12. Powers to Borrow, Receive Aid and Trade**

It is sought to assign these powers to the ISGA.

The proposal is broadly acceptable, subject to negotiations with the central government, which has a legitimate monitoring interest.

### **13. Accounting and Auditing of Funds**

It is sought to establish ISGA control over accounting and auditing.

The proposals are broadly acceptable, subject to negotiations with the central government, which has a legitimate monitoring interest.

### **14. District Committees**

It is sought to establish District Committees under ISGA leadership and direction.

The proposal is broadly acceptable, subject to the requirement that the membership of each District Committee should (as proposed by the central government) broadly reflect the ethnic composition of the population of that district. It should be helpful to accept the central government proposal that the Principal Executive Officer and the Secretary at the district level should be, ex-officio, the District Secretary (Government Agent). In turn, the ISGA should be consulted in respect of all appointments and transfers of District Secretaries, Divisional Secretaries and Grama Niladharies in the North and East.

### **15. Administration**

It is sought to establish ISGA control over the administration.

This is acceptable, subject to the requirement set out in 2. above that the administrative cadres at every district and locality should reflect the ethnic composition of the population served.

### **16. Administration of Land**

It is sought to establish ISGA control over all land that is not privately owned.

This should be negotiated with the central government, and guidelines worked out covering the entirety of the island, with particular attention to the need to protect various reservations, to replant destroyed forests, and to ensure that settlement/ resettlement schemes do not adversely affect the security, identity and welfare of the local population.

### **17. Resettlement of Occupied Lands**

It is sought to reclaim, for the local population, the lands occupied by the armed forces of the centre, and to secure compensation for past dispossession.

There is a good case for adequate compensation, but there are security constraints that may inhibit a total evacuation by the armed forces. This should be negotiated with the central government with a view to securing a compromise.

### **18. Marine and Off-Shore Resources**

It is sought to establish ISGA control over these resources.

This should be negotiated with the central government with a view to reaching a compromise that would take account of both equity and environmental considerations.

### **19. Natural Resources**

It is sought to establish ISGA control over these and the benefits derived from them.

This should be negotiated with the central government with a view to reaching a compromise that would take account of both equity and environmental considerations.

### **20. Water Use**

It is urged that the centre and the ISGA should ensure that the river waters are equitably shared in terms of internationally recognized principles.

This proposal is unexceptionable.

### **21. Agreements and Contracts**

It is suggested that future agreements falling within the jurisdiction of the ISGA should be with the ISGA, which should be consulted on any changes to existing agreements.

This is unexceptionable.

### **22. Settlement of Disputes**

It is suggested that to resolve disputes that cannot be resolved by any other means, a three-person Arbitration Tribunal should be

established, with one nominee from the centre, one from the LTTE, and the Chairperson jointly appointed by the two Parties or by the President of the International Court of Justice.

This is essential and acceptable, subject to the qualification that the nominee of the LTTE to the Arbitration Tribunal should receive endorsement by consensus within the ISGA.

### 23. Operational Period

It is suggested that this will extend till a government for the North-East, pursuant to a permanent negotiated settlement, is established in terms of this Agreement. However, if no settlement is reached by the end of four years, the negotiations will continue and extend

to “adding, clarifying and strengthening the terms of this Agreement.”

This is unexceptionable.

### Conclusion

The gap between the UNF and LTTE proposals in respect of the interim administration is large but not inherently unbridgeable. But vital pre-conditions are two more difficult divides, viz. UNF-PA and LTTE-SLMC. In effect, the two-party agreement will have to progressively transform into a four-party agreement. This cannot be achieved instantaneously, but the no war-no peace situation cannot hold indefinitely. Time is of the essence. ■

Dr. Devanesan Nesiiah is the Director of Marga Institute

New

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# JAFFNA'S FISHING COMMUNITIES: PERSISTENT CRISIS AND POSSIBLE SOLUTIONS

N. Shanmugaratnam

I read Champika Liyanaarachchi's report captioned 'Sri Lankan Army on Collision Course With Fishermen' with concern. Indeed the damage caused to coral reefs due to the construction of landing sites has to be taken seriously. However, it is not fair at all to stop at the most proximate cause of the problem and impose a quick fix in the name of saving the environment. That may not be a solution and it could well become yet another problem aggravating an already complicated situation. The fishermen of Jaffna, like their counterparts elsewhere, are quite aware of the importance of conserving the coral reefs in their fishing grounds. The construction of landing sites in prohibited areas by the fishermen is a reflection of the desperate situation of a community, which is among the worst hit civilian victims of the protracted war in Lanka. Their right to livelihood and personal security has been continuously violated. However, their plight did not draw the attention of human rights activists for a long time. These fishermen have not only been denied access to their traditional fishing grounds and landing sites because of the High Security Zones but are also being subject to a host of spatial and temporal restrictions on their mobility in the sea around the peninsula and in its lagoons. In the more restricted areas, they have to use fixed points of entry and exit. The coastline in these areas is fenced with barbed wire. Moreover, the pass system enforced by the Lankan Navy restricts their movement to particular areas while not permitting them to return to the coast with their catch before six in the morning. With such restrictions, it is not so easy for hundreds of fishermen to share existing landing sites or to choose environmentally safe areas to construct new ones. In the light of this, I would like to pose two simple questions. What does the Ministry of Defence expect the fishermen to do when it is unable to handle a problem that is causally linked to its own policies and practices in the name of security? Is it wrong on the part of the fishermen to expect the Ministry to adopt a more enlightened approach that enables reconciliation and livelihood construction?

## Sensitive Responses

The situation calls for more sensitive, more creative and more humane ways of enabling the fishing communities to rebuild their lives and livelihoods. The Ceasefire Agreement (CFA), the opening up of the A9 highway and the improved communication links between Jaffna and the rest of the country provide a favourable environment for interventions that facilitate individual and collective initiatives by fishermen to rebuild their lives and revive fishery in Jaffna. However, the government has not been able to frame a creative and sensitive policy to enable the

fishing communities to take advantage of the favourable environment. By failing to do this, the government is also missing an opportunity to win the confidence of these communities. I have been to various parts of the coastal regions of Jaffna and have had discussions with many fishermen and office bearers of Fishermen's Cooperatives. Everywhere, the main grievance aired was the denial of the fishermen's fundamental right to fish without harassment. They told me that the pass system, restrictions on mobility and harassment in the name of security checks by Navy personnel make them feel like aliens and poachers in their own fishing areas. Is this an acceptable state of affairs in the North today, more than 20 months after the CFA?

Years of ban and restrictions on fishing in the Northern waters have helped a progressive expansion of the resource stock and hence a significant growth in harvestable surpluses. This should provide a favourable situation for a quicker recovery of the livelihoods of the fishing families (while benefiting the regional and national economies). Indeed the accumulated harvestable surpluses are rightfully theirs. However, the much-needed interventions, which include more socially sensitive and development-oriented policies and material support, have yet to be made. Fishing by local fishermen seems to be one activity that remains more or less completely subordinated to the security considerations and priorities of the government in the North. The security concerns are understandable but the policies and practices should not be counterproductive at a time when rehabilitation of the war-torn communities is an absolutely necessary condition for peace building. More unfortunately, foreign fishermen, including big companies using capital intensive technology, are illegally capturing the benefits of the large stocks of high value resources available in our northern sea at the expense of the local fishing communities and the Lankan economy. Moreover, the danger of the resource stock being depleted due to overfishing by these big time poachers looms large.

## Indian Fishermen

It was reported (*Sunday Times*, 17 August 2003) that 34 to 36-foot Indian trawlers with 90-120 horsepower (hp) engines were illegally operating in Sri Lankan waters off Jaffna regularly and the Sri Lankan navy had turned a blind eye to poaching by Indians while strictly enforcing the pass system on Jaffna's fishermen. The fishermen of Jaffna are not permitted to use larger than 15 hp engines. In fact, most of them use small second-hand boats with 8 hp engines. Obviously these small-scale

fishermen are not capable of competing with the poachers who use powerful trawlers, which have on occasions toppled the small boats of the former and also cut through the fishing nets laid by them. We have also heard from local fishermen that the trawlers caused damage to corals and breeding grounds.

Currently, fishing remains banned along some 81 km of the 379 km of the northern coastline. In the early 1980s, around 22,500 families depended on fishing for their livelihood in the peninsula. The majority of these families were displaced during the war. Many of them were displaced more than once and a considerable number sought refuge in India. Displaced fisher families began to return to Jaffna since mid-1996 and by 1998 some 8600 families had returned. This trend accelerated after the CFA. Today, more than 60% of the peninsula's displaced fishing families are back although not all of them are living in their own original homes or villages. Many of the displaced families are still living in welfare camps 'like fish out of water' as an elderly displaced woman in a camp in Uduvil told me in August 2003. The same woman also said that for her peace meant being able to return with her family and others to their native village of Myliddy and revive their lives as a fishing community. The vast majority of Jaffna's fishermen lack the means to rebuild their basic capital stock. A considerable number (probably about a quarter of the total number of fishermen) is unable to do any fishing at all as they are displaced and pauperised. This group also includes female-headed households. The recently concluded

Needs Assessment Survey reported that more than 90% of the boats, engines and gear might have been lost or rendered unusable in Jaffna.

### **A summary of the main problems and some possible measures to enable livelihood and regional economic revival in Jaffna's fishery sector**

The North, which once produced over 25% of the country's fresh fish and 57% of the dry fish output and was an exporter of high-value sea food to East Asia, continues to face serious constraints to the revival of its fisheries even 20 months after the signing of the CFA. The deprivations and violations suffered by the fishing communities in Jaffna call for urgent action to enable these victims of the war to rebuild their livelihoods and regain their human dignity.

The matrix below gives an overview of the main problems and some ideas regarding short and medium term solutions. It should be evident that there are some choices for the government in the current phase if it is really keen to ease the hardships of the fishing communities. The government may choose a combination of measures without seriously compromising its security priorities. A deeper exploration of the possibilities may help find more innovative alternatives. The LTTE also has a role to play. It should

<b>Main problem</b>	<b>Possible short and medium-term solutions</b>
Heavy restrictions on fishing, harassment by security personnel; insecurity felt by fishermen	Review the current situation in consultation with representatives of fishermen's cooperatives and District fisheries officials. Consider removing or reducing spatial and temporal restrictions on fishermen's mobility in lagoon and sea. Permit the use of larger than 15 hp engines (raise the upper limit on hp). Permit fishermen to return to shore after finishing fishing without having to wait till 6 am. Practice a more dignified enforcement of the pass system. Reorient and conscientise the security forces that today their role also involves assisting the fishermen to rebuild their lives. Develop better public relations with the fishermen and make them feel that the government is doing its best to support the reconstruction of their livelihoods.
Lack of fishing boats and equipment. Many fishermen depend on old second-hand boats with inefficient 8 hp engines and inadequate equipment. Jaffna had more than 550 3.5t trawlers in 1990 but it has none at present. OBM boats, vallams and catamarans have also been reduced.	Revive/strengthen Fishermen's Cooperatives (FCs). Mobilise funds to provide grants and to set up revolving funds to extend credit to needy fishermen to rebuild their capital stock through FCs; revive the boat building and fishing net industry in Jaffna.
Lack of cold storage Loss of marketable surplus due to lack of	Provide cold storage facilities; improve collection.

storage and timely collection by traders → loss of income	
Lack of efficient marketing facilities (see above)	Improve marketing facilities; improve collection by introducing more trucks with cold storage facilities. Consult leaders of the FCs Federation, Jaffna Chamber of Commerce and marketing agencies in Colombo.
Lack of processing facilities	Develop processing facilities; revive export of high value seafood, assist FCs Federation
Lack of efficient transport facilities	Related to above.
Lack of landing sites	Remove/reduce restrictions on mobility (time and distance); facilitate sharing of existing landing sites; assist construction of new sites in environmentally safer areas.
LTTE's taxes	Remove taxation of small fishermen; Provide loan facilities to fishermen and local traders through TRO, etc.
Poaching by Indian and other foreign fishermen/ big companies	Take immediate action; dispel widespread perception in the North that SL Navy is colluding with the poachers (especially the Indian) against local fishermen and against national interest.
Displaced fisher families living in welfare centres for many years without alternative livelihoods	Address this as an urgent problem; assist them to find alternative livelihood.

not tax the small fishermen and fish vendors. It should encourage its development agencies to play a more active role in assisting the fishermen to rebuild their livelihoods.

It should be evident from the above that much can be done within the existing security constraints. What is needed is a special livelihood construction package for the fishing communities of the

North in the current and interim phases. Such a package should be designed with due consideration to the peculiarities of the security situations in different parts of the peninsula and the needs of the fishermen to practice lagoon and sea fishing. The authorities will do well not to forget that the environment and people's livelihoods are inseparable and the former cannot be protected as long as the latter is not seriously addressed. ■

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Articles by Vasuki Nesiah, Nanthikesan, Ahilan Kadirgamar, Yasmin Tambiah, Sophia Elek, Muttukrishna Sarvananthan, Jean Dreze, C.R.de Silva, Pradeep Jeganathan



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# THE OTHER HALF

## The road to the top

Kalpana Sharma

**T**HEY adorn the covers of magazines, the front pages of newspapers. The Teen Deviyaan Sheila Dikshit, Vasundhara Raje and Uma Bharati, the three new women chief ministers are being heralded as the symbol of a new day for women in India. Following their election, we now have five women chief ministers in India. So sisters, we should celebrate. But should we?

Increasing the number of women chief ministers by over 100 per cent is a bit like having more women on the boards of major corporations. The latter usually get there because they are members of families that own the companies, the former because politics has become a family business. At least two of the five women chief ministers fall into the latter category.

As a result, they represent nothing more or less than the fact that dynastic politics and keeping business within the family are still established norms in this country. Certainly in terms of assessing an increase in opportunities for women in politics or in business such statistics represent very little, in fact nothing.

Even as there is much talk about "women power" in politics and the "women's vote," it is useful to consider what happens to women who enter business, not just family business. An interesting study by Ujvala Rajadhyaksha, a former Indian Institute of Management (Ahmedabad) graduate, on three corporations in India and the career paths of their women managers throws up some important issues.

Rajadhyaksha studied one financial company and two fast-moving consumer goods (FMCG) companies, both subsidiaries of multinationals. She looked not just at the number of women in top management but conducted qualitative research by speaking to the women who worked within these organisations to see how they perceived the work atmosphere and whether they felt they had a chance of moving ahead in their careers.

The results provide us with interesting insights into the complexities of women's progress, something that is not achieved by having a few symbolic women at the top. What we really need are systemic changes. In the long run, such changes benefit everyone, not just women.

A survey done by Catalyst, a non-profit research organisation committed to the advancement of women in business, reveals that of the Fortune 500 companies worldwide, women constituted only 13.6 per cent of directors. But this was an improvement on 1995, when the percentage was 9.5 per cent. Only one Indian company appears on the Fortune 500 list. Even without equivalent data for

the top 500 companies in India, one can safely conclude that the percentage of women at the very top would be insubstantial.

Predictably, the media projects the few women who do make it to the top, making us believe that there is a sustainable change in the gender equations within corporations and businesses.

The real story is somewhat different. It begins at business school where the percentage of women students remains in the region of 10 per cent. So compared to the number of men entering the market each year, women remain a very small minority.

Then, as Rajadhyaksha found in her study, some companies continue to function in ways that are specifically unhelpful to women. One of the FMCG companies she studied, for instance, had an in-house training programme that made no concessions to the specific difficulties that women might face. For women managers to survive the initiation, they had to set aside all personal choices, such as marriage and children, and essentially become one of the guys. If they got through this early period, they might be noticed for a higher position. But once again, the nature of the company, its orientation towards marketing and sales, meant that women had to be prepared to be transferred and to work in smaller towns. This necessitated separation from families.

For younger women, often recently married with small children, such transfers forced them to resign. The company did not try and work out alternatives for women caught in this bind. As a result, this company had no women in the senior most strata of managers and certainly no women on its board of directors.

By way of contrast, the financial company that Rajadhyaksha studied accommodated the particular needs of women without making it a specific company policy. The nature of work allowed women with very young children to do some of the work from their homes. The company allowed for a zigzag rather than a linear route to the top. In other words, there was not just one way to get to the top. You could take a break, even a change and still make it to the top.

Such flexibility encouraged women to stick it out. As a result the company has been noted as being "woman-friendly."

What does it mean to have a "woman-friendly" policy? According to the women working in this particular company, this meant that women were not made self-conscious about being women, they were not discriminated against for developmental opportunities,

there were no compulsory transfers, there were multiple growth opportunities and there were flexible routes to get to the top.

As a result, 23 per cent of the senior managers in this company were women. On the other hand, in the FMCG company, only eight per cent of all managers were women, only 10 per cent of junior managers, and only one per cent of middle-level managers. There were no women on the board.

The larger lessons of this study suggest that there have to be systemic changes if companies are serious about bringing in greater diversity in their management and encouraging competent women to overcome the hurdles that society places in their career paths.

By the same criteria, more women in politics will be the result of an honest belief that politics must be representative of the electorate. Thus political parties have to introspect and think what it is in their culture that works against women's participation and progress. Can women not come up on their own merit within politics? Must they always have a godfather, or a godmother or a family member to underwrite their journey to the top?

So, even as we say shabaash to Sheila, Vasundhara and Uma, unfortunately their victory does not herald a new dawn for millions of women in India. ■

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# A VISION FOR SUSTAINABLE PEACE IN SRI LANKA

Darini Rajasingham-Senanayake, Fara Haniffa, Devanesan Nesiah

## 1. Preamble

Sri Lanka was long famous for its rich social diversity and the harmonious co-existence of its various communities. Since independence, however, there has been a failure to define and realize an inclusive national vision from the perspective of this distinctive heritage. Instead, divisive politics and policies have fostered deep social, cultural, political and economic schisms and engendered violent armed conflict.

The struggle in the north (with primary focus on ethno-linguistic difference) and the uprising in the south (with primary focus on class disparity) reflect an inadequate post-colonial national vision and strategy. As a result political discrimination in governance, a lack of equitable development policies, and failure to preserve and respect local and cultural knowledge have become endemic.

Competitive ethnic politics became institutionalized in post-colonial Sri Lanka. Democracy came to represent the “tyranny of the majority,” while a political culture premised on the notion that “might is right” became entrenched in the various regions of the island. Politicians and others who claim to represent majority interests both in the North and the South have frequently undermined the rights of minorities. Sri Lanka no longer upholds the true sign of civilization and social democracy that consists of protecting the vulnerable; those with the least access to power; the poor and the homeless.

Anticipating peace after decades of armed conflict, we propose a renewed inclusive multicultural vision for the country based on the principles of security and dignity for all groups and persons, and respect for cultural diversity. Our attempt is to address the causes of the conflict while recognizing the deep scars that the violence of the last decades has rendered upon a multicultural society. The need of the hour is for power-sharing to promote trust building and co-existence between diverse communities in order to forge a common future.

While the conflict in the North and East has a major ethnic component, the war is not reducible to ethnicity. Poverty, inequality, and intra-ethnic divisions played a part in fuelling the conflicts in the North and South alike. A just and sustainable peace will require understanding the complexity of Sri Lanka’s two post-colonial conflicts, as well as transcending competitive ethnic politics.

Our vision encompasses a post-conflict reconstruction and development program that recognizes the need for equity, democracy, respect for human rights and broad-based human

development in a globalized economy that has enabled growth but also generated deep regional, economic, and social inequalities. We note that profound inequalities and poverty render societies vulnerable to cycles of conflict and violence and as such development trajectories that exacerbate inequality and poverty are to be avoided.

The proposed vision for Sri Lanka is then based on and builds from an acknowledgement and appreciation of the island’s historic, largely pacific and multi-cultural past with due recognition of its more violent and divided present.

## 2. Recognition of Multiculturalism, Respect for All Identities, and Regional and Local Minorities

Sri Lanka is a plural and multicultural land. Multiculturalism refers to the island’s cultural diversity inclusive of three overlapping linguistic categories (speaking Sinhala, Tamil and English, and regional dialects including Veddha languages); four great world religions (Buddhism, Hinduism, Islam and Christianity, and their sects, as well as indigenous deities and spirit beliefs); more than six ethnic groups recognized in the National Census; and a number of overlapping and cross cutting castes and sub-castes.

Various ethno-national groups based on linguistic, ethnic, regional and religious elements, such as the Burghers (Dutch and Portugese), Sinhalese (Kandyan and Low Country), Tamils (Sri Lankan and Malaiyaha), Muslims (Moor and Malay), Parsis, Colombo Chetties, Vannialatto (Veddah) and several others have emerged as significant identities; several of these categories are composed of distinct sub-categories. Additionally, the island’s population may be sub-divided according to gender, class, and regional cultures depending on the rationale for classification.<sup>1</sup>

Sri Lanka’s cultural diversity and complex mix of identities is not unique. Most modern nations are plural, diverse and complex. However, in the post-colonial period diversity has been perceived as a threat rather than a gift. The result has been marginalization and discrimination against smaller and less powerful groups on linguistic, ethnic, religious, caste and/or class basis, giving rise to various forms of violent political conflicts. In turn, many of these conflicts have resulted in riots, attacks, forced displacement and/or colonization of regions occupied by one community by another and the building of enclaves and territories dominated by one ethnic group or another.

Acknowledgement of Sri Lanka’s mixed cultural geography and ancient multiculturalism entails recognition that a majority group



in a region is bound to respect and protect those who are in the minority in that particular region. Every group or individual is in a minority outside his/her own territory, region, or neighborhood. A balance of power between regional majorities in different parts of the country with regard to respect and protection for the persons and property of regional minorities is a sine qua non for sustainable peace. It is also necessary to reverse the pattern of ethnic ghettoization and ethnic cleansing of regional and local minorities that occurred during the twenty years of armed conflict and the riots prior to it in the north and south of the country.

Several multi-religious sites attest to a history of peaceful coexistence among the various religious communities in the island. These sites of multi-religious significance are especially to be celebrated in the aftermath of a polarizing conflict. We propose that sites such as Siripada, Kataragama, and Madhu shrine, with their diverse traditions be recognized and celebrated as multi-religious zones of peace and amity.

### 3. Acknowledging the Root Causes and Legacy of Violence and Division

1. Any vision for sustainable peace in Sri Lanka must first acknowledge fully the complexity of the conflicts and their historical roots. It must start from an acknowledgement of the human and material consequences of the conflict and its multi-faceted multi-layered causes.
2. While all communities suffered during the two decades of violence, the people of the North and East of the country bore the brunt of the violence, displacement, and destruction. Forced displacement and the bitterness it generated in turn fuelled the civil war. During the two decades of civil war the predominantly Tamil speaking North and East emerged as a region with special concerns that need to be urgently addressed.
3. The consequent political reality is that, without prejudice to the integrity of Sri Lanka, the region in the North and East has acquired a special claim to a large measure of devolution. Only then will it be possible to adequately address other equally important concerns in order to build an inclusive, sustainable and peaceful future.
4. During this long conflict, a political culture premised on the manipulation of ethnic, caste, and class ties, including the practice of colonization for political ends, spread across all parts of the country, and entrenched a culture of violence. This in turn saw the emergence of para-military outfits and the settling of scores with opponents through force rather than dialogue. Targeted violence against civilian populations reduced many communities to a state of despair and

destroyed the social fabric. In many regions there are marginalised communities currently living in a state of insecurity. In this process there have been victims and perpetrators among all the major communities.

5. The 1987 July uprising of the JVP and the manner of its suppression brought about one of the most violent periods in our recent history with thousands of deaths and disappearances still unaccounted for. While the underlying causes of the two arenas of violence - the North and East, and the South - and their consequences are different, it should nevertheless be remembered that there were many similarities that speak to a common malaise. The poverty and inequality that motivated the uprisings against the state and the role of the military and other armed groups in their suppression the break down of due process and the rule of law, and the disappearances are factors in common. The still simmering consequences of the Southern violence - where sixty thousand persons are said to have lost their lives in the space of three years are still to be adequately dealt with.

6. While some women were engaged in the conflict, larger numbers of women were also targeted for degrading and violent abuse. Women-headed households have become a social reality due to conflict-related death and displacement. Consequently women have had to face loss of income, psychological trauma, the insensitivity of the state apparatus, and sexual harassment. In addition women have had to take on the dual burden of motherhood and being the primary earner. During the conflict many women also actively agitated for peace, both in the North and East, and in the South.

7. Along with women, children from all communities can be considered to be those most affected by the violence and brutalization of the conflict. Both as combatants and as bystanders, children have been victimized and deprived of their rights as instituted in the UN Convention on the Rights of the Child (CRC) to which Sri Lanka is a signatory. Over 270,000 children are internally displaced by war in Sri Lanka. Many have lost at least one parent in the fighting; a high proportion are orphans. Up to 50 per cent of displaced children have lost their birth certificates, causing problems with their schooling. One in five displaced children is malnourished.<sup>2</sup> Measures have to be taken to deal with children affected by armed conflict. Further measures should also be instituted to ensure that children's rights are safeguarded in keeping with the CRC.

8. In the current political culture, there is rampant institutionalized corruption and a lack of accountability. Politicians of all hues use violence with impunity, instrumentalize the general public in their pursuit of power,

and have contributed to the proliferation of small arms, to a decline in respect for the rule of law, and to a deterioration of faith in public institutions.

9. During and prior to the war years, in many localities, entire populations from one or more ethnic groups fled or were evicted from their ancestral lands and habitats, and are as yet unable to return and resettle there. Many fled due to riots, fear, and insecurity. Very large numbers of people were forcibly displaced as a result of riots and ethnic cleansing. In this context, commitment to preserve the country's mixed social geography is needed to ensure the return of forcibly displaced persons with security and dignity.

#### 4. Identifying a Sound Basis for Constitutional and Institutional Design

1. A just and lasting solution to the conflict lies in recognizing the strength of ethno-national consciousness developed in the past twenty years of conflict, the need for power sharing under a federal system, and equally the need to balance the claims of diverse groups.

2. A lasting solution to the violence among ethno-religious and ethno-linguistic communities requires recognition that individual and group identities are historically complex and shifting and often politically constituted. Regional majority groups are by that very fact internally diverse, and each of the regions includes citizens of linguistic, religious and ethnic groups who constitute regional, local and non-territorial minorities.

3. Certain regions have no clear majority community, and majority/minority status often depends on the manner in which regional units are conceived.<sup>3</sup> We must then seek to transcend the tyranny of majoritarianism – nationally, regionally and locally.

4. Power sharing should reflect the county's multi-ethnic, multi-religious and multi-lingual society and mixed cultural geography, and the center needs to better reflect this rich diversity. Therefore we need to evolve a political tradition of inter-ethnic consultation. It may help to revert to a bicameral legislature, with the second chamber re-designed as a "chamber of communities"; in the context of devolution, we would need bicameral legislatures at the regional level too, with regional chambers of communities.

5. A political culture and social acceptance of diversity and inclusiveness is needed at all levels – from the center to the periphery. Whereas there should be no politically motivated colonization, whether by the centre or by the region, no territory should be regarded as ethnically

exclusive. The concept of traditional habitations is legitimate (e.g. for cultural purposes), but there should be no concept of a mono-ethnic homeland. Every citizen of Sri Lanka should be free to live and work in any part of the island.

6. The centre currently has virtually unfettered powers to override the periphery, and to even dissolve the elected regional or local assemblies and substitute its own officers to attend to the regional or local administration. We need constitutional barriers to such abuse of central power together with the strengthening of administrative and financial autonomy of local bodies (e.g. through changes in the taxation system all over the country).

7. Capacities for local level planning should be promoted, combined with democratic principles that ensure sufficient and constructive space for people's participation.<sup>4</sup>

8. Since those most vulnerable to forced displacement are minorities (national and regional), the preservation of the island's multicultural social fabric and its culturally diverse communities is both the prerequisite for and guarantor of secure and sustainable peace in the island. Recognizing, respecting and balancing the rights of majorities with those of minorities in all regions, and recognizing the need to formulate mechanisms to address community aspirations in regions without a clear majority are essential for the return of displaced regional, local and non-territorial minorities and to enable a durable peace.

9. Women may be seen as constituting a minority within every cultural group. This is particularly the case where strong patriarchal traditions, norms, and cultural practices prevail. As such, special measures are required to enable inter- and intra-cultural gender equality and equity.<sup>5</sup>

10. The post-conflict constitution and institutional design must contend with and overcome the legacy of a bureaucratic system and political culture that resisted meaningful devolution of power to regions and self-determination for communities throughout the country. Such devolution need not be uniform – there is a good case for asymmetric devolution in the North and East, together with special institutional arrangements to meet the concerns of local minorities within multi-ethnic regions.

11. The Provincial Council model that was attempted to overcome these ills was a failure. It denied autonomy and self-determination for local communities and also contributed to the politicized construction of ethnic majority enclaves at regional and local levels through the capture of local governance institutions. Any federal model should be guided by the principles of internal self-determination and maximum devolution. There is no right to unilateral

secession, but each region, sub-region and local government area should enjoy maximum autonomy.

## 5. Identifying a Sound Basis for Post-conflict Reconstruction and Economic and Social Justice

i. The UN World Conference against Racism 2000 affirmed that intolerance and discrimination breed in economic and social conditions that are inequitable, and that genuine equality of opportunity for development for all individuals and groups is fundamental for sustainable peace. We recognize that in Sri Lanka inequitable socio economic conditions and short sighted political decisions had much to do with the ethnic polarization that led to the war and continue to perpetuate feelings of ethnic animosity between all communities in the North and in the South. We reaffirm, therefore, the need for an equitable social system to generate sustainable peace.

ii. Post-conflict development must also go beyond ethnic discourses and recognize the role of intra-ethnic factors, such as poverty, unemployment, landlessness, and caste discrimination in fuelling the war. The civil war in the North and East is primarily rooted in ethnicity, but there are also other social and economic conflicts everywhere in the island, mostly localized but occasionally, as in the case of the JVP uprising, acquiring a national dimension. Sometimes, such socioeconomic conflicts acquire an ethnic dimension, as has been the case in the sporadic Sinhala-Muslim or Sinhala-Malayiyaha Tamil clashes that have occurred in the south in recent years. A recognition of the diverse aspects of poverty, social exclusion, psychosocial distress and other forms of marginalization (based on socio-economic, political, cultural or ecological determinants) is necessary.

iii. While globalization in today's context appears to be inevitable, it is likely to bring many social problems in its wake. Therefore corrective mechanisms need to be instituted to address such problems. The emphasis on growth must be balanced by mechanisms to ensure fair distribution. Economic policies should focus more on the rural poor and on the plantation workers, and a consistent agricultural policy should be pursued. A social welfare system that includes free health and education must be instituted to counter the rampant economic inequality that is prevalent. Given the stark differences in lifestyles that are evident within the populace today it is essential that remedial measures are speedily instituted to avoid future conflict based on economic inequities.

iv. Poverty eradication programs should be based on a holistic perception of poverty to avoid the exclusion of certain categories, such as plantation workers. Although

their per capita income is very low, since two or more members of the household may be employed, their household income may be above the cut-off point for relief. Moreover, they are totally dependent on wages from a single source. The failure to take a holistic view of poverty has led to its persistence in the plantation sector.

v. Steps should be taken to redress concerns specific to women. It is necessary to ensure equal participation of women in planning implementation and monitoring infrastructure development programs that facilitate access to safe drinking water, sanitation, roads, transport services, energy and thereby employment, markets, services and inclusive development. There should be bilateral agreements between the Sri Lankan government and countries that employ Sri Lankan migrant workers to safeguard their rights and welfare in their workplaces. The private sector must be sensitized to the need for gender equality in socio-economic development.

vi. The elimination of gender role stereotypes in secondary and tertiary curriculum materials, and introducing materials that promote gender equality and the empowerment of women is necessary. Law reform that addresses discriminatory practices - particularly in the area of personal law - must be considered. Measures should also be in place to enhance the capacity of women candidates to secure election and to participate effectively under the proposed quota provision. Legislation to deal with domestic violence must also be introduced.

vii. Food security and preservation of bio-diversity should be priorities and development policy should be formulated and implemented based on conflict impact assessments and community participation. Access to information on development policies is a prerequisite for economic and social justice and equitable development.

viii. One consequence of the conflict has been the devastation of the environment. Since 24% of the population lives below the poverty line (as defined in the Household Income and Expenditure Survey -2002), environmental concerns have long been considered a luxury issue for the country. But such a view is shortsighted. For equitable and sustainable post-conflict development, natural resources must be creatively and equitably used, and the environment protected and held in trust for future generations. Policies have to be formulated to combat air pollution, deforestation, land degradation and unregulated exploitation of natural resources. Eco-tourism needs to be regulated in the light of analysis of its benefits and ill effects.

ix. Bio-diversity conservation should be conducted not through a species protection-based approach but through a holistic "eco-system" approach that recognizes the



interconnection between species. Resources should be protected from the adverse effects of globalization; for instance, bio-piracy should be prevented through appropriate eco-friendly patenting laws.

x. There should be transparency in government and donor agreements and dealings on environmental issues. Local communities and knowledge should be utilized in eco-projects and conservation. Policy making on ecological considerations should be in keeping with a countrywide policy. People's right to have access to natural resources like water should be recognized.

xi. As indicated in the Youth Commission Report youth have long felt that their needs and aspirations were not adequately considered in the making of policy. Given that Sri Lanka within the last twenty years experienced two youth uprisings in two regions of the island it is timely that the ongoing peace process makes certain that youth get adequate space to present their interests and perspectives. As a first measure policy makers and all stakeholders should make sure that universities and other tertiary institutions are part of the consultation around the peace process.

xii. A major problem in the transition from war to peace is to find or create productive uses for the services of ex-combatants of all categories. This needs to be done to ensure the welfare of the ex-combatants, to mobilize their skills for national development, and also to reduce the likelihood that they may revert to war or divert to violent criminal activities. It is in everyone's interest that ex-combatants on both sides are successfully integrated into civil society as quickly as possible.

## 6. Dealing with the Past

i. No community has a monopoly on suffering, and all communities have experienced violence. However, there is a tendency for each community to dwell exclusively on its own sufferings. This tunnel vision is of course a consequence of the trauma that has been suffered but which must be transcended for true healing and reconciliation. It is therefore important to look beyond one's own group and recognize the suffering of all communities.

ii. There can be no enduring and comprehensive reconstruction, physical or social, economic or political, local or national, without reconciliation; and there can be no true reconciliation without all sections of the population collectively examining, diagnosing and working out remedies to eliminate the cancers that have eaten into our society. The nature of these wounds is such that healing will not occur with the mere passage of time; rather, they will continue to fester if unattended.

iii. The exercise in healing could be led by a post-conflict Truth and Reconciliation Commission established with an appropriate mandate. Such a process would be time bound, but its prescription could include the institution of commemorative processes and memorials countrywide to help us to address the causes and consequences, and to prevent the recurrence of those ills. These could cover an annual programme of Remembrance and Reconciliation of the pogrom of the last week of July 1983, as well as common memorials of collective mourning and reconciliation at the sites of the massacres, ethnic cleansing and other ethnic violence/attacks on major non-military institutions.<sup>6</sup>

iv. There are also several battle sites, which mark the death of large numbers of combatants, from the Sri Lankan armed services and the LTTE. There has also been much ethnic cleansing. Irrespective of the ethnic affiliations of the perpetrators and the victims, each of these outrages diminishes us collectively. The manner in which these deaths and disasters should be commemorated can be decided after peace is established and the proposed Truth and Reconciliation Commission sets out its proposals.

v. The many tragedies of the conflict need to be addressed collectively on an all-island basis with a view to healing and reconciliation. However, this should be done without prejudice to any steps that may be taken to secure justice. There should be no blanket amnesty. Rather, a balance needs to be struck between what Bishop Tutu, in his foreword to the report of the South African Truth Commission, referred to as 'retributive and punitive justice' and 'restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships, healing, harmony and reconciliation.'<sup>7</sup>

vi. The decades of violence have not only left lasting social and psychological scars but also caused material destruction. While healing and memorializing must be emphasized, institutional mechanisms must also be provided for the victims of violence to be heard and for recompense and restitution.

## 7. Aspirations of the National Vision: Human Security, the Right to Development and Protection of all Sri Lankan Citizens and Residents

The proposed National Vision for Sri Lanka would be based on the following to enable all groups and citizens to achieve their full human potential.

(i) Local, regional, indigenous and non-territorial minorities will have the right to internal self-determination within a commonly accepted and consensually determined federal institutional and constitutional structure based on a united Sri Lanka. The appropriate degree of self-determination

may vary according to the special needs, circumstances and aspirations of the various communities in their respective locations.

(ii) All citizens will have the right to live without fear where they choose. The historically multicultural social fabric will be enshrined and protected via national legislation and the promotion of multilingualism.

(iv) The customary rights of regional minorities, including those local minorities who have been displaced and/or discriminated against on the basis of caste, and aboriginal and landless peoples, will be protected and their security guaranteed.

(v) Individual rights, dignity and freedoms will be protected. All citizens will have constitutionally guaranteed equal opportunities for education and self-realization and a level playing field irrespective of gender, sexuality, caste, class, ethnicity, language, religion or region.

(vi) Local knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles will be respected, preserved and maintained, in accordance with international norms and conventions. Sanctuaries shall be set aside for the preservation of lifestyles and practices of indigenous peoples and traditional communities.

(vii) The right to development of all citizens and communities will be recognized, enabling them to achieve a decent life, with social and economic justice.

(viii) Through provision of adequate educational facilities in the national languages, and the effective implementation of the Official Languages Act, the right of every Sinhala, Tamil & English speaking person to be educated and to transact official business in that language will be protected. Multilingualism will be encouraged. Given the power that facility in English language has in determining people's access to information and employment it is necessary that measures are taken countrywide to ensure that all students have adequate access to English language instruction.

## 8. Developing Policies and Practices to Engender the National Vision

It is necessary to develop further this vision of Sri Lanka as a plural multicultural, multiethnic and mixed society that recognizes diversity as a source of strength and richness, and the right of all groups to equitable development. The specific policy and practice changes required to engender this vision must be debated and framed through a process of inclusive dialogue and consensus building. Thereafter, these policy recommendations must be implemented

through concrete actions, programmes and legislation in order to bring alive this vision across the country.

In the first instance, a combination of specialized seminars and open discussion fora that involve policy makers, journalists, professionals, academics, educators and community leaders and the concerned public at all levels, would be required to permit full open and inclusive debate of the key elements of the vision and the policies, legislation and programmes required to realize the vision.

Some of the specific policy and practice changes to enable the vision for peace and equitable development described above include:

1. Constitutional provision to enable the return of displaced persons and local minorities and to guarantee protection of their persons and property. These regional minorities have been displaced forcibly or through fear of those claiming to act in the interest of national / regional majorities. Communities should be encouraged to work together in reconstruction and rehabilitation activities as a means of rebuilding local level ethnic and community relationships.

2. Peace and conflict impact assessments of macro-economic policy, sector development policies and all development projects to ensure equitable and sustainable development and post/conflict reconstruction. Full acknowledgement of existing expertise and use of the capacity that exists within the country (and in the diaspora) in planning development policy is necessary.

3. Multicultural educational material and textbooks including history textbooks should be mainstreamed. Texts should be carefully screened to delete any ethnocentric propaganda or flavor. The government should recognize and work closely with national experts in multicultural policy formulation.

4. The Equal Opportunities Bill should be revised, updated and steered through Parliament.

5. Affirmative action programs should be undertaken as an interim measure within a time frame in order to right historical wrongs and enable marginalized and under-represented groups and those living in under-developed areas to secure adequate representation pending other steps to level the playing field for all groups to compete equally.

6. Good governance and accountable and transparent public institutions, leaders and politicians are necessary to ensure that the right to development and economic and social justice for all groups and citizens becomes a reality. As a first measure a code of conduct for politicians should be developed.

7. A bill to render the incitement and instigation of ethnic, linguistic, and religious intolerance and hatred by politicians, religious leaders, opinion makers, and the media unlawful should be crafted.<sup>7</sup> An independent media culture needs to be fostered.

8. A feature of the system of majoritarian democracy practiced in Sri Lanka is that decision-making is based on debate and vote along party affiliation, and not on consultations and consensus. This system has permitted the development of political fiefdoms. We need to move away from the “winner takes all” Westminster parliamentary model into a system in which political minorities are involved in government at all levels – national, regional and local.

9. The census needs to be recalibrated and pluralized in order to accommodate those with mixed ethnicities and multiple identities.

10. Material destruction from the recent decades of conflict includes the destruction of sites of historical and archeological significance that are a treasure not just of Sri Lanka but the world. Steps should be taken to ensure their renovation and preservation and respect for such sites should be fostered in future generations.

11. Sites of religious, historic, cultural or environmental importance that are of value to all citizens should be designated by law as Zones of Peace. Such Zones of Peace should not merely be “Demilitarized Zones,” but sanctuaries protected and preserved by local communities free from weapons, acts of violence, injustice and environmental degradation. A Zone of Peace may be regarded as nurseries from which peaceful thoughts and acts may grow and spread into the surrounding social environment. As training grounds for new generations of responsible citizens, Zones of Peace have the potential to revitalize Sri Lanka’s traditional culture of peace.

The most sacred shrines of the four world religions operating in this country, World Heritage sites and other areas of Multi-Religious sanctity or of Environmental importance can be designated Zones of Peace. Such Zones should be so designated by law, with codes of conduct. In determining such codes of conduct and in determining administrative mechanisms of such places, the local residents should be involved. Their traditions or techniques of non-violent conflict resolution should be preserved, promoted and taught to youth including people from other communities. Tree-felling and/or hunting (for Vannialatto/Adi vasi communities of ancestral hunters), when allowed, should be restricted and conducted according to agreed norms designed to protect the sanctuary’s bio-diversity, tree cover and

sustainable carrying capacity. Provision should be made to recognize and protect indigenous intellectual property rights through legal channels as required.

## 8. Conclusion

There is a temptation after the end of bitter and long-drawn conflict to return to the familiar, to maintain the status quo ante. Yet the end of conflict and the transition to peace provides ‘a watershed opportunity for societies to achieve greater justice while building peace.’<sup>8</sup> ‘The insights and lessons learned from crisis provide opportunities for constructive change and future reform. They are new points of departure on the path of innovation and sustainable development. Emergencies are often springboards for progress.’<sup>9</sup>

This is our challenge in Sri Lanka. We believe that it is possible to overcome the violence of conflict, and the divisiveness entrenched since colonial times, and to build together a vision of a country that is united in its cultural and religious diversity, and just and inclusive in its economy and polity. We believe that the Sri Lanka that once symbolized a land where all peoples and faiths were welcomed and prospered, is once again near at hand. This is the vision that we seek to regenerate from the ashes of war.

## Notes

1 “Multiculturalism” as a term has been the cause of much debate. It is said to not adequately recognize the multiple identities that people occupy, as well as not adequately account for the unequal relationships and hierarchies that exist between communities that it defines. In the present context we self-consciously use the term as descriptive of the island’s cultural plurality that has to be recognized as a national asset, with awareness of the need to avoid the faults associated with multiculturalism as policy in some countries in the west.

2 “War Brought Us Here: protecting children displaced within their own countries by conflict,” Save the Children, 2000.

3 For example, while the combined North and East is predominantly a Tamil ethnic majority area, the East taken on its own is clearly multi-ethnic with Muslims constituting over two fifths of the population, the Tamils about a third, and the Sinhalese a fourth, and with other ethnic groups in smaller but significant numbers.

4 The case of the South Indian state of Kerala’s “People’s Campaign for Decentralized Planning” would be worthwhile to study as a means of conflict transformation for Sri Lanka. Such reform ideas could be an important means to make constitutional reform ideas attractive for the Southern parts of Sri Lanka as well.

5 Women constitute a minority not in terms of numbers but in relation to access to power and resources.





6 Below are some of the major incidents of attacks on civilian targets and killings of noncombatants and events of ethnic cleansing. Mawattagama, Anuradhapura Railway Station and many other places (August 1977), Jaffna (August 1979), Jaffna Public Library (31 May 1981), Jaffna (23 & 24 July 1983), Kent and Dollar Farms (November 1984), Murunkan (04 December 1984), Valvettithurai Public Library (09 March 1985), Akkaraipattu (May 1985), Anuradhapura Sri Maha Bodhiya (14 May 1985), Pullumalai (November 1986), Kituloothuwa (14 April 1987), Pettah (April 1987), Aranthalawa (February 1987), Aranthalawa (June 1987), Jaffna Hospital (21 October 1987), Valvettithurai (02 August 1989), Rufuskulam, Thirukkivil (11 June 1990), Veeramunai Pillaiyar Temple Refugee Camp (12 July 1990), Kurukkal Madam (12 July 1990), Kaththankudy Mosque (03 August 1990), Eravur (12 August 1990), Eastern University (05 September 1990), Sathurukondan (09 September 1990), Mannar (28 October 1990), Jaffna (30

October 1990), Mailanthanai (09 August 1992), St. James Church Refugee Camp, Jaffna (November 1993), Navali RC Church (09 July 1995), Nagarkovil (21 September 1995), Ampara (October 1995), Central Bank (January 1996), Kilivetti (11 February 1996), Jaffna (July & August 1996), Jaffna (January 1997), Dalada Maligawa (early 1998), Gonagala (September 1999), and Katunayake International Airport (July 2001).

7 See British law on prevention of the incitement to racial hatred, and EU laws on political hate speech.

8 Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Cambridge, Polity, 2002), p.22.

9 UNDP, 'Working for Solutions to Crisis: the Development Response' (New York, UNDP, July 1998). ■

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