

EC Conflict Assessment Mission

Sri Lanka

August 2002

Dr Rienzie Perera
Morgan MacSwiney

PUBLIC DOCUMENT

The views expressed in this report do not necessarily reflect the views of the European Commission.



EXECUTIVE SUMMARY i

REPORT..... 1

1	Introduction.....	1
2	Background	1
2.1	<i>Key Elements of The Conflict.</i>	1
2.2	<i>Past Experience at Negotiations.</i>	2
2.3	<i>The Structure and the Character of the Post Colonial State</i>	4
2.4	<i>The Development of the Modern Tamil Nation and the Demand for the Right of Self-Determination.</i>	6
3	Current State of the Conflict.....	9
3.1	<i>United National Front (UNF) Government and the Ceasefire agreement</i>	9
3.2	<i>Politics of a divided State</i>	11
4	Conflict Resolution Strategy of the National Authorities and the LTTE	13
4.1	<i>Strategy of the UNF Government</i>	13
4.2	<i>Strategy of the LTTE.</i>	15
5	Key Institutions and Actors.....	17
5.1	<i>National Level Political Institutions and Actors.</i>	17
5.2	<i>Civil Institutions and Actors</i>	19
5.2.1	Religious Institutions.....	19
5.2.2	Business Community.....	20
5.2.3	The Professional Community	21
5.2.4	Cultural Groups	22
5.2.5	Trade Unions	22
5.2.6	Media.....	23
5.3	<i>International Donor Agencies</i>	24
6	Opportunities and Risks	26
6.1	<i>The narrowing window of opportunity for peace</i>	26
6.2	<i>Opportunities for the International Community to contribute to the peace process</i>	28
6.3	<i>Failure to mobilise broad-based popular support for the peace process.</i>	30
6.4	<i>Opponents to the Peace Process</i>	32
6.4.1	Sinhala Extremism.....	32
6.4.2	The Military.....	32
6.4.3	Vested Interest.....	33
6.4.4	The Character of the LTTE.....	33
6.4.5	Lack of Security	34

6.4.6	Signs of Hope	35
7	Proposed Strategy to Support and Consolidate the Peace Process	36
7.1	<i>Broadening the support for the peace process</i>	37
7.2	<i>Fostering a non-partisan approach to the peace process</i>	38
7.3	<i>International Aid and Neutrality</i>	38
8	Recommendations for EC assistance	41
8.1	<i>Immediate Interventions</i>	41
8.2	<i>Other Projects for consideration in the immediate term</i>	43
8.2.1	Safeguarding Human Rights and Providing Protection to Returning Internally Displaced Persons and Refugees	43
8.2.2	Conflict resolution/negotiating skills training	44
8.3	<i>Medium and long term interventions</i>	44
8.3.1	Existing EC projects	44
8.3.2	Future medium and long term programmes	45
	ANNEXES	48
	Annex 1 List of interviews conducted during the mission	49
	Annex 2 Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam.....	53
	Annex 3 Opening statement made on 4th March 2002 by Hon. Prime Minister Ranil Wickremasinghe during the special debate in Parliament on the ceasefire agreement with the LTTE	63
	Annex 4 LIST OF DOCUMENTS CONSULTED.....	70

EXECUTIVE SUMMARY

1 Introduction

This is the fourth in a series of independent conflict analyses financed by the European Commission. It is based on a desk work and a mission to Sri Lanka that took place from 6-21 May 2002.

2 Background

An understanding of the conflict in Sri Lanka requires insight into a complex structure of inter-linking factors. These factors are the origin and character of the Sri Lankan State, the issue of defining the political status of the Tamil people living predominantly in the North-East, and the problem of reconciling mutually exclusive claims to nationhood and statehood. There have been four major efforts to arrive at a negotiated political settlement, which have collapsed and led to more intense and destructive violence.

The conflict in Sri Lanka cannot be simply reduced to a question of the protection of minorities as against majority rule. Nor can it be reduced to a problem of how to disarm the LTTE and bring it to the mainstream of democratic politics. Nor can it be reduced to a question of cosmetic reforms that would provide formal devolution of power to the regions. The solution to the national crisis and to the war lies in articulating a vision of a democratic pluralist social order and entrenching this vision within political institutions that respect the fundamental equality of all the national and ethnic identities and religious traditions and which provide them with dignity and justice as equal and integral partners of the state

3 Current State of the Conflict

Following some twenty two years of war and repeated efforts at reaching a negotiated political settlement, the Sri Lankan state represented by the UNF



government led by the Prime Minister Hon Ranil Wickremasinghe, has entered into political negotiations with the LTTE in order to find a peaceful resolution of the conflict. The present state of the conflict could be described as a *temporary truce*, underpinned by a cease-fire agreement (CFA) between the government and the LTTE.

The lack of a genuine bi-partisan commitment and approach by the political establishment represented mainly by the two major parties, the UNP and the SLFP has been the single-most important obstacle in achieving a negotiated political settlement. This is accounted for by the longstanding struggle for power by both parties.

4 Conflict resolution strategy of the National Authorities and the LTTE

In the face of all these mounting obstacles and opposition, the UNF government has evolved a peace strategy that simply bides for time. The UNF government appears to be consolidated behind the peace agenda as initiated by the Prime Minister. This unity at the level of leadership and of the government is, however, fragile since it does not fully reflect the genuine contradictions within the rank and file of the UNF.

On the LTTE side, the current peace process is fraught with more dangers than opportunities. Although the LTTE had consistently stood for a negotiated political settlement and had waged its armed struggle with this aim, the timing of its current bid for peace has to some extent been forced upon it by recent developments globally, regionally and locally.

The government and the LTTE have both recognized an important role for the international community in the peace process, and this too is an improvement from previous practice. The Norwegian mediation is now well established and has proven to be a most valuable asset.



5 Key Institutions and Actors

5.1 Political Actors

Political parties are the main political actors at the national level. These include the two major Parties, the UNP and the SLFP, followed by the JVP, MEP, SU,SLMC, CWC, and by the LTTE, TULF and several other Tamil political parties and organisations. These parties have had an uneven political impact at the national level, while some are losing significance.

5.2 Civil Institutions and Actors

Into the category of civil institutions and actors we incorporate religious communities, business community, professional community, cultural groups, trade unions, media and the international donor agencies. There are crucial differences among them as to how the conflict in Sri Lanka should be resolved. However, it is crucial to tap the charisma, influence and capacity of those who have taken a stand for peace to strengthen the fragile peace process.

5.3 International donor agencies

International donors have an important part to play in the peace process, both in supporting and monitoring developments. There is, however, criticism that donors are too heavily influenced by their relationships with a few Colombo-based elites.

6 Opportunities and Risks

The peace process is threatened by certain structural weaknesses, in particular the failure of the two main political parties to overcome their partisan differences, and the lack of an effective strategy to mobilize the people behind the peace process. To overcome this gap, it is necessary to forge a group of committed professionals, intellectuals, religious leaders and peace practitioners who have roots with the grassroots masses and are able to communicate and mobilize them for peace.



In addition there are a number of actors in Sri Lanka which have a direct interest in seeing the peace process fail. These include Sinhala and Tamil extremists, sections of the military, and minority populations that could become vulnerable in any shift in the balance of power.

On the positive side, the ceasefire agreement has already led to several important confidence-building measures. The menacing barricades have been removed and people are able to travel freely without being subjected to degrading searches. There is a felt sense of security and an absence of the fear psychosis. The people living in the North East and border areas are enjoying the relative truce with utmost expectation since they have endured the worst ravages of the war. There is heightened activity, including economic, social and cultural activity.

The Norwegian State has undertaken a role in facilitation and mediation between the Government and the LTTE. The Norwegian facilitation has also received broad support from the international community. There is opposition to the Norwegian role from various political forces, mainly the JVP and the Sinhala Urumaya. However, Norway is viewed as a friendly country by the masses of all communities and this agitation and opposition does not have a popular base.

7 Proposed Strategy to Support and Consolidate the Peace Process.

Sri Lanka has missed several opportunities in the past to resolve its conflict and move in the direction of lasting peace. Therefore, this opportunity must not be missed and it is important that the international community as well as the Sri Lankan Government, LTTE and other peace actors make every effort to strengthen the peace process initiated with the signing of the ceasefire agreement (CFA).

However, any international donor support for the peace process must be perceived to be genuine support as opposed to interference. Nor can it be seen to be politically partisan. International assistance has to be delivered with sensitivity to the in-built and prejudicial feelings among a cross-section of the Sinhalese in the South that the Tamils in the North have had a privilege status during and after the colonial era. On



the other hand, there is also an in built prejudice and resentment among the Tamils that although the Sinhalese have systematically marginalized and inflicted pain on them, the international donors have been too generous and bias towards the government and the South with development aid. Given that background, the existing tension among the Muslim, Tamil and Sinhala communities and the potential threats and obstacles to the peace process, it is important that the programmes of international donors, especially economic investments, should not be seen by the anti-peace groups as bias or partial towards one particular community.

A careful examination of the possibilities on a case-by-case basis rather than a simple blanket extension of EC funded projects to previously disengaged areas should therefore be the norm.

It is also important that at this crucial moment, European Commission (EC) stand in solidarity with the Sri Lankans and support the peace process. This solidarity has to come in **immediately** to support and strengthen the CFA and later focus on **medium** and **long term** strategy for peace by linking them to some of the on going EC programmes in Sri Lanka.

Immediate steps to be taken by the EC to consolidate the peace process

- To support the peace process immediately by supporting and strengthening the Ceasefire Agreement (CFA).
- To mediate/ facilitate a process to reconcile the President and the Prime Minister and to work out a memorandum of understanding (MOU) between the two.
- To support the Peace Secretariat of the Government to plan a strategy to mobilize the peace actors, grass-root constituencies and key institutions.
- To play a facilitating role to bring together local NGOs to work on a consolidated strategy for peace.



- To be engaged in the peace process in a consistent manner and act a moral force so that the Sri Lankan Government and the LTTE will become accountable to the EU and the international community at large to honour the commitments they make to achieve sustainable peace

- To make the consolidation of the peace process an explicit objective of its medium and long term development assistance in Sri Lanka;
- To maintain sufficient flexibility in its assistance programmes to be able to respond to and support new initiatives as they emerge from the peace process;

Immediate steps to be taken by the Sri Lankan Government to consolidate the peace process

- Bi- partisan commitment and approach to achieve peace.
- To come forward with a well designed peace strategy to mobilize the people for peace.
- To strengthen the Peace Secretariat.
- To draw on the capacity of civil actors and institutions to strengthen the peace process.

To take necessary steps to inform the broader population about the peace process, in order for it to be owned and sustained by the people.

Immediate steps to be taken by the International Community to consolidate the peace process

- To play a consistent and a committed role to consolidate the peace process.
- To function as a watchdog of democracy, human rights and good governance
- All economic assistance to the country must be comprehensive, need oriented and avoid as far as possible the appearance of being partisan.



- To set up a forum, in consultation with the Norwegian facilitators, where international experts can meet from time to time to consult, share and learn from one another as to how to handle the fragile peace process on a step by

Immediate steps to be taken by the LTTE consolidate the peace process

- To take steps to improve its track record on human rights, participatory governance, and accommodation of the rights of the Tamils and Muslims in North-East administrative structures.

8 Recommendations for EC Assistance

We recommend three projects keeping in mind the confidence building axes stated in the CFA; namely the flow of goods and movement of civilians, the extension of the rail service on the Batticaloa line and the vacation of schools and public buildings currently occupied by the two parties. In addition we also recommend a communication project and two others, which focus on human rights and internally displaced persons.

In the medium to long term, the government's **Framework for Relief, Rehabilitation and Reconciliation**, is a key policy document and follows a broad series of consultations between all levels of government, civil society and donors and therefore we recommend it.

Another key policy framework that EC should take into account in future programming is the **Poverty Reduction Strategy Paper**



REPORT

1 Introduction

This report is the fourth in a series of independent conflict assessments commissioned by the European Commission's Conflict Prevention and Crisis management unit as part of its policy to ensure that EC co-operation assistance is better targeted at the underlying causes of conflict. The report is based on desk research and a mission to Sri Lanka that took place from 6-21 May 2002. The mission visited Colombo, Vanni, Anuradhapura and Batticaloa. A full list of people met can be found at annex 3.

2 Background

2.1 Key Elements of The Conflict.

An understanding of the current conflict in Sri Lanka requires insight into a complex structure of inter-linking factors. These factors are the origin and character of the Sri Lankan State, the issue of defining the political status of the Tamil people living predominantly in the Northeast, and the problem of reconciling mutually exclusive claims to nationhood and statehood.

The basic issue involved in the conflict is that of reconciling two mutually exclusive demands:

- the demand for the recognition of the right of national self-determination of the Tamil people living pre-dominantly in the North-East, that is, the recognition of the Tamil people as a nation and its right to form an independent state within territorial boundaries claimed as historical homelands, on the one hand and,
- The demand for the recognition of an *exclusive* claim to constitute a nation and form an independent state by the political establishment representing the dominant Sinhala-Buddhist majority.



These two mutually exclusive claims to nationhood and statehood have their origins in the structure of the modern, post-colonial nation state. However, these competing claims derive their logic of articulation with reference to ancient history. These articulations have had a decisive political effect in forming the modern state. Therefore, it is necessary to first get a sweeping overview of the historical process of the evolution of the Sri Lankan social formation and to discuss the origin and character of the modern Sri Lankan State. It is only on this basis that it is possible to understand the ensemble of complex issues relating to the present conflict and to define the principles for a lasting political settlement.

- The discussion of possible peace strategies and interventions requires a framework of basic principles. Or else, such interventions may be reduced to mere cosmetic exercises, or worse, do more harm than good.

However, it must be borne in mind that political conflicts are not always resolved on the basis of democratic principles. They are more often resolved on the basis of political *power* and the ability to mobilize the masses or *enforce* political agendas. Any serious peace strategy must not only take account of the competing demands, but also be able to deal with the structure of political power. It must succeed in either defeating or neutralising competing political interests and agendas and, finally, mobilize the masses in support of such a settlement. Or else, the settlement must be imposed, as an act of political will through the exercise of political power.

2.2 *Past Experience at Negotiations*

There have been four major efforts to arrive at a negotiated political settlement, each of which has collapsed and led to even more intense and destructive violence.

- The first such effort was made in Thimpu in 1985 at the behest of the Indian state. All Tamil political parties and organisations were represented and presented a common platform based on what has come to be termed the Thimpu Principles. These principles enunciate the demand for the recognition of the political status of the Tamil people living predominantly in the North-East as a



nation where these areas are to be considered as historic homelands, based on which the Tamil nation articulates its right of national self-determination, including secession. The representatives of the Government of Sri Lanka (GOSL) refused to consider these principles as a basis for discussion and the talks collapsed.

- The second effort was made in 1989, when the Indian state under the initiative of Prime Minister Rajiv Gandhi had virtually imposed an agreement in the form of the Indo-Lanka Accord, in the context of deploying the Indian Peace Keeping Force (IPKF) with the mandate to disarm the militant groups. The Indo-Lanka Accord attempted to give official recognition to the Tamil nation, including the Tamil language and identified the North-East province as the territorial/ administrative unit of devolution of power to satisfy Tamil national aspirations. This round of negotiations collapsed when the Liberation Tigers of Tamil Eelam (LTTE) felt betrayed by the Sri Lankan State following the demand to transfer seventeen LTTE cadres who had been arrested by the IPKF to Colombo to face imprisonment and trial.
- The third round was between President Premadasa and the LTTE which led to a ceasefire, but failed due to lack of trust generated mainly by the inability of the government to rescind the 6th Amendment to the Constitution which made the demand for a separate state illegal.
- The fourth round of negotiations was held between the People's Alliance (PA) government led by President Chandrika Kuramanatunga Bandaranaike and the LTTE. It is reported that some 50 or more letters had been exchanged between the government and LTTE leadership and even after the embargo had been lifted, the talks collapsed.

These past efforts had failed due to lack of trust, reinforced by lack of professionalism, and fundamentally due to the inability of the state to address the demand for the recognition of the right of self-determination of the Tamil nation.



The present peace process has been designed on the basis of learning some of the lessons involved, but it too is fraught with formidable challenges and dangers and is bound to face stiff opposition. The peace process has yet to deal with the substantive issues of defining the political status of the Tamil people and the form of sharing state power. However long these issues are displaced, skirted or delayed due to tactical reasons, they have to be confronted and resolved at some time. The delay itself has the effect of losing initiative and momentum in implementing the peace agenda and provides opportunities for opposing forces to gain political space. As it is, every lapse, deviation or errors, any prevarication in honouring pledges, are being pounced upon as opportunities to mount resistance by the opposition.

- The success of the peace process will depend on whether the government is able to sustain and mobilize the will of the people for a lasting peace or whether the opposition will succeed in exploiting deep-rooted fears, distrust and insecurity of the masses and polarise society to their advantage.

Any peace strategy must, therefore, take account of these elements and work out a set of targeted inputs and interventions that can optimise and strengthen the opportunities for peace and weaken and overcome the multiplicity of barricades that stand in the way.

One of the major barricades to be overcome is the ideological polarisation in terms of historical interpretation. It is crucial to understand this polarisation if the ideological positions of the stakeholders in the conflict is to be grasped and acted upon.

2.3 The Structure and the Character of the Post Colonial State

It is a fact that the evolution of the Sri Lankan social formation goes back to several centuries in history. The intention of this thesis is not to dwell on the past but to come to terms with the present context recognising the historical background that has led to the present state of affairs. In order to grasp the present political crisis



and come to terms with we would like to reflect on the colonial and post -colonial period.

In addition to the ancient history of Sri Lanka, the evolution of the Sri Lankan social formation comes with nearly five hundred years of colonial domination and conquest, beginning with the Portuguese in 1505 and ending with the granting of formal political independence by the British in 1948.

At the time of granting formal independence, the Sinhala-Buddhists remained a dominant majority living predominantly in the South, with the Tamil nation living predominantly in the Northeast and constituting the majority in the region. The British had arbitrarily unified these nation states into a central colonial state for the sake of administrative expediency. The Moslem community lived scattered throughout the island with pockets of concentration in various areas, including in the East.

The establishment by the British of a parliamentary system of representation and majority rule in a multi-ethnic plural society introduced the dynamics of ethnic based-rivalry and communal politics. Both major political parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), resorted to over emphasise Sinhala-Buddhist claims to mobilize the majority community in order to solicit votes. These two parties fostered the evolution of a unitary, centralised and hegemonic state based on preserving the political, economic and social dominance of the preponderant Sinhala-Buddhist majority as against all other nationalities. Every successive government brought in legislation that entrenched this hegemony at the expense of marginalising other minorities. The fact that Tamils had taken advantage of the opportunities for social advancement by entering the civil service and gaining higher education compared with the Sinhalese, also provided a basis for exploiting ethnic antagonisms.

The “Sinhala Only” official language policy was introduced in the 1950s. When the Tamil people agitated for their language rights, this agitation was suppressed by armed force under emergency regulations by the state. The Bandaranaike-



Chelvanayagam Pact (BC Pact) was introduced by the SLFP-led government to give some form of limited recognition, status and autonomy to the Tamil people in the North East by the government in power, but was undermined by the UNP-led Opposition which rallied the masses, including Buddhist priests, to resist this legislation. The BC Pact was abrogated by the government in the face of this mounting pressure. When the UNP government introduced the Dudley-Chelvanayagam Pact (DC Pact) in 1965 to offer the same reforms, it was undermined by the SLFP-led Opposition, in league with the “Left” parties. Finally, the SLFP-led Coalition government introduced the Republican Constitution granting Buddhism the foremost place among the religions and State protection. Sinhala language was also re-affirmed as the official language.

During the time of elections and formation of coalition governments, several promises had been given by the Sinhala leadership to win the support of Tamil people or political parties. As the Sinhala leadership failed to honour most of these promises, the Tamils lost confidence in their leadership.

2.4 The Development of the Modern Tamil Nation and the Demand for the Right of Self-Determination.

The modern Tamil nation was forged in the heat of the struggle against this intensifying marginalisation and loss of confidence in Sinhala led leadership. At first, for decades, its leaders confined themselves to peaceful, constitutional struggle with the aim of seeking accommodation within a centralised state. All efforts at arriving at a negotiated settlement were undermined by the prevailing parliamentary opposition and marginalized by the government of the time. Beyond that, the state resorted to violent suppression of all forms of protests. These policies have led to several acts of violence against innocent Tamil civilians, which have caused hundreds of thousands to flee their homes.

The Republican Constitution adopted by the Sinhala majority in 1972 formalised this hegemony by the proclamation of the Sinhala Buddhist state and removing all previous guarantees of security provided to other communities. Further legislation,



which had the effect of fatally marginalising the Tamil community, led to the unanimous adoption of the Vaddukoddai resolution in 1976 by all major Tamil political organisations, which declared in favour of a separate Tamil state. The majority of the Tamil people who had rejected the demand for a separate Tamil state in the 1970 general elections voted overwhelmingly in favour of such a separate state in 1977. The change of attitude among the Tamil people in just seven years is due to the acute sense of marginalisation felt as a result of the Republican Constitution.

The demand for a separate state has been endorsed by all Tamil parties without exception and enshrined in the Thimpu principles. The state responded by making such a demand illegal and thereby robbed the Tamil people of their right to peacefully and constitutionally advance their struggle for dignity and equality. When the state resorted to open and violent rigging of even the District Development Councils which were offered as a sop to placate the Tamil people in 1981 and which led to the burning of the Jaffna Library, the path was paved for the armed struggle by Tamil militant youth.

The core issue behind the conflict therefore is the systematic denial and violent suppression of the national democratic rights of the Tamil nation, which has given cause to the demand for its right of national self-determination, i.e., the right to form a separate state.

The LTTE has emerged as the dominant armed power within the Tamil National Movement. It is the only organization that has consistently pursued a struggle for recognition of Tamil nationhood and an unconditional right of self-determination. It demands an acceptable alternative to a separate state and insists that it is the responsibility of the state to present such an alternative form of sharing power as a basis for negotiations. The LTTE has presented the basic constitutional framework for such an alternative. As Anton Balasingham and V. Rudrakumaran have formulated it, in its most flexible form, it demands sharing power at the centre with parity of political status as the basis for articulating a form of regional autonomy.



However, the state has persistently refused to accord the Tamil nation parity of political status. It has insisted on maintaining the principle of majoritarian domination in parliament and in denying nationhood to the Tamil people. This is the fundamental reason why all attempted negotiations have failed. Furthermore, it has lacked the political will to implement the constitutional reforms agreed upon. The practice of rigging elections and arbitrarily dissolving provincial councils, the prevailing culture of political violence have eroded confidence in the political order and produced a generalised crisis of legitimacy.

This policy of systematic and intensifying suppression of the fundamental democratic rights of the Tamil people by consecutive governments, had the effect of promoting its equal and opposite reaction in the form of Tamil nationalism and its demand for the right to form its own state. For three decades, the Tamil national movement restricted itself to the demand for regional autonomy and equality for which they had agitated peacefully and constitutionally. Successive denial of fundamental rights led to the militant demand for a separate state.

In terms of historical cause and effect, it is the development of a highly centralised, unitary Sinhala-Buddhist state and the corresponding suppression of the national democratic rights and aspirations of the Tamil people that gave birth to the armed struggle for a separate Tamil state. It is this hegemonic state and system of political representation that has to be addressed and reformed in order to provide effective equality to all the nations, communities and groups which would give positive expression to the richness of the diversity of historical traditions and identities that constitute the Sri Lankan social formation and national identity.

The tragedy of the situation lies in the fact that the elites of all communities - Sinhala, Tamil, Moslem, Burgher, Malay, Buddhist, Christian, Hindu, Islam etc- united in the peaceful struggle to gain formal political independence from Britain and expected that they would be treated justly when it came to establishing the state. In reality, the state that was constructed on the basis of the one person-one vote principle resulted in a majority dominated power structure where the Sinhala-



dominated two major political parties would systematically establish their class and national hegemony and marginalise all other communities, classes and groups through the system of parliamentary representation. It is important to mention that the failure is not due to the fact of granting one person-one vote, but the removal of statutory provisions which were in the old constitution to safe guard the rights and privileges of the minorities and the failure to introduce similar safeguards on to the new constitution.

The issue cannot be simply reduced to a question of the protection of minorities as against majority rule. Nor can it be reduced to a problem of how to disarm the LTTE and bring it to the mainstream of democratic politics. Nor can it be reduced to a question of cosmetic reforms that would provide formal devolution of power to the regions.

- Any solution to the national crisis and to the war will depend upon the ability of the parties to articulate a vision of a democratic pluralist social order, within which political institutions are entrenched that respect the fundamental equality of all the national and ethnic identities and religious traditions, and that provide them with dignity and justice as equal and integral partners of the state.

3 Current State of the Conflict

3.1 United National Front (UNF) Government and the Ceasefire agreement

Following some twenty two years of war and repeated efforts at reaching a negotiated political settlement, the Sri Lankan state represented by the UNF government led by the Prime Minister Hon Ranil Wickremasinghe, has entered into a fresh round of political negotiations with the LTTE in order to find a peaceful resolution of the conflict. The UNF government has received a popular mandate in two elections – general election and provincial council election – to pursue a peaceful settlement to the conflict. However, this mandate is unstable and contradictory. Although the UNF had campaigned on a peace platform, there is no



clear consensus on the political substance and frame in which a settlement is to be reached. Furthermore, the people voted for the UNF for varying reasons, such as the rejection of the previous (PA)- Janatha Vimukthi Peremuna (JVP) probationary government, the collapse of the economy and rising cost of living, the corruption and abuse of political power, the general moral and cultural deterioration of the social order, as well as the frustration of waging a war that could not be won. None of these reasons, by themselves, support any particular political settlement. The present state of the conflict could be described as a *temporary truce* between the government and the LTTE underpinned by a cease-fire agreement, which is being monitored by a Nordic Team.

In basic terms, the state is called upon to give up its allegiance to a unitary state and the LTTE is called upon to give up its demand for a separate state. However, this formulation is still a working framework since the basic issues of defining the political status of the Tamil ethnic formation and its right to self-determination has not been taken up. The LTTE for its part has reaffirmed its political commitment to gain recognition as a nation territorially constituted in the North-East region. It has, however, compromised its stand on self-determination where it has expressed that it would consider some form of *internal* self-determination, as opposed to a separate state.

This does not mean that they have given up on their demand for a Tamil state, but that such a state would be bound and given political expression within the territorial unity, integrity and sovereignty of the Sri Lankan state. In effect, this calls for some form of a federal solution.

The international powers, mainly the US and India, have undertaken the role of de facto observers, while applying pressure on both sides to play fair. Both powers have set the frame for a negotiated political settlement within the bounds of united Sri Lanka, which respects the territorial integrity and sovereignty of the Sri Lankan state, combined with the devolution or decentralisation of substantive political power to the Tamil people on a regional basis.



3.2 Politics of a divided State

The discussion of the conflict resolution strategy of the national authorities requires qualification and clarification of who we mean by the ‘ national authorities’. This is because there is, at present, a potentially antagonistic separation of state power between the Executive Presidency, which is held by Chandrika Bandaranaike Kumaratunga, leader of the SLFP and of the People’s Alliance which has lost majority representation in the Parliament to the United National Front government led by the UNP, in which Hon Ranil Wickremasinghe is the Prime Minister. This bifurcation of state power between the two main rival parties in terms of the Executive and the legislative branches of government has introduced a state of inherent political instability. As it is, the President and the Opposition have officially rejected both the proposal for setting up an interim council and the proposal to temporarily suspend the ban on the LTTE. The official position of the President and of the Opposition is that an interim council and the lifting of the ban should be based on an agreement on sharing political power. That is, both proposals are to be implemented in the context of an overall political settlement.

The UNF government, on the other hand, intends to establish the interim council and to temporarily suspend the proscription on the LTTE as a confidence building measure in order to build towards a permanent political settlement. The LTTE has agreed with the UNF position and with the proposal to hold talks between the UNF government and the LTTE in Thailand in order to work out the framework and details- the structure and composition- of the proposed interim council. The UNF also intends to temporarily suspend the proscription of the LTTE since the LTTE has demanded this as a condition for talks. In this context, it is misleading to speak of a unified “national authority”.

Some politicians representing the SLFP have also appeared on stage with the Janatha Vimukthi Peramune (JVP), which is virulently opposed to any form of political negotiations and insists that the LTTE should be militarily defeated as a condition for talks. The alliance between these two opposition parties may sabotage



the peace process, since together, they command a formidable section of the popular vote- around 35- 40%. Beyond that, they are together able to mobilize the Sinhala Buddhist constituency by exploiting latent fears that any sharing of political power with the LTTE will eventually result in a separate Tamil state, which remains anathema to the extreme sections of this constituency, including to powerful sections of the top hierarchy of the Buddhist priesthood- the Maha Sangha. At the same time, an important faction within the SLFP and the Opposition led by the Leader of the Opposition has taken a stand in favour of the peace process. However, this stand is being brought under pressure by the party leadership of the SLFP.

The lack of a genuine bi-partisan commitment and approach by the political establishment represented mainly by the two major parties, the UNP and the SLFP has been the single-most important obstacle in achieving a negotiated political settlement. This is accounted for by the longstanding struggle for power between both parties.

This lack of a commitment to the country and the people contrasts sharply with the experience of conflict resolution in countries like South Africa, Northern Ireland and the Philippines. In all three countries, the major political parties constituting the political establishment finally co-operated in achieving peace. The co-operation between the Conservative and Labour parties in Britain is a shining example of bi-partisan statesmanship in addressing internal conflict

The fact that the Executive President remains the Commander-in Chief of the armed forces and that there is still no unqualified support for the peace agenda by the Opposition has brought about a high degree of uncertainty and anxiety to the peace process. The peace process will remain hostage to the competition for power between the two main rival parties unless and until both decide to enter into the consensual politics of cohabitation. However, history shows that each party has worked to undermine the efforts of the other. When the previous PA government brought in legislation to work out a constitutional basis for resolving the conflict,



the UNP failed to give it support in parliament. The PA led opposition in the current context is applying the same tactics of the opposition.

At any given time, the President can declare the peace process illegal and command the armed forces to arrest those responsible for betraying the state and the country, and revert to a state of war. This remains a constitutional possibility, which hangs as the sword of Damocles on the peace process. This stage of the drama is yet to unfold and will depend on the positions taken by the various players once the cards are on the table in terms of the substantive contours of a permanent political settlement are laid bare. The cards are yet being shuffled and the trumps are yet to be played.

4 Conflict Resolution Strategy of the National Authorities and the LTTE

4.1 Strategy of the UNF Government

In the face of all the mounting obstacles and opposition referred to above, the UNF government has evolved a peace strategy that simply bides for time. The UNF government appears to be consolidated behind the peace agenda as initiated by the Prime Minister. This unity at the level of leadership and of the government is fragile since it does not fully reflect the genuine contradictions within the rank and file of the UNF. The rural constituencies of these parties have different realities and perceptions from these urbanised elites. There is a sizeable constituency within the UNF which opposes any negotiated settlement with the LTTE.

The UNF is also trying to maintain a spirit of cohabitation between the President and the Prime Minister. The main aspect of this strategy of the UNF government is to try to win over, neutralise or defeat the Opposition, mainly the SLFP leadership. It is following a carrot and stick policy with the leadership of the SLFP- either be co-opted or be decimated politically. The UNF government is exerting pressure on the leadership of the SLFP in order to co-opt it to its peace agenda.



The UNF is using the threat of criminal prosecution and impeachment of the President and her former loyal ministers as the stick. The UNF government is prosecuting leading ministers and security agents of the previous SLFP led People's Alliance government for corruption and abuse of power, including assassination of political enemies, while attempting to co-opt a section of the opposition members of parliament to join its ranks. It is intending to bring in a bill for the adoption of a conscience vote in Parliament so that members may vote according to conscience, in the form of the 18th Amendment to the Constitution. Through this, it hopes to win a majority in Parliament in case of the need to impeach the President. This move, it hopes, would persuade the President to co-operate with the UNF peace agenda, and if not, move towards impeachment.

This aspect of the strategy is dependent upon winning over at least 15-20 members of the SLFP Opposition. However, this is a tricky process since the SLFP leadership has moved to marginalise and threaten those who would think of abdicating and crossing over. This tactical process has served to strengthen the will of the SLFP leadership to oppose and destabilise the UNF and its peace agenda. Indeed, these tactics may well backfire on the UNF and Prime Minister Wickremasinghe.

At the same time, the UNF is having to keep the LTTE on track as well. For this purpose, it engages in confidence-building measures such as lifting of security restrictions on the flow of goods, travel and fishing, and overall creating a climate of goodwill. The government is also implementing major resettlement, rehabilitation and reconstruction programs in the North-East. The sequence of steps undertaken in this regard have been:

- Signing of the cease-fire agreement
- Removal of barricades
- Removal of security restrictions on the flow of goods (except for a few items), travel and fishing



- Initiating dialogue on the structure and composition of an Interim Council for the North-East
- Permitting the LTTE to conduct a major public news conference chaired by V. Prabhakaran
- Creating a climate of open debate and discussion on the peace agenda and process
- Setting up Monitoring Committees for monitoring the ceasefire and settling minor disputes.
- Sustaining dialogue with the hierarchy of the Maha Sangha

As can be seen, all of the above fall short of any time frame or agenda for reaching a permanent political settlement in terms of power sharing, which is the crux of the issue. This itself is an expression of the UNF peace strategy. As discussed, although the UNF has received an electoral mandate for its peace platform, this mandate itself is unstable and contradictory. If it is felt that any political settlement will lead to a de-grading of the political status of the Sinhala-Buddhist national identity, or it is made out that any political settlement will lead to a division of the country and the setting up of an independent Tamil state in the North-East, the majority of the Sinhala people would likely resist such a settlement. The fact of the matter is that, even if that were not the case, if it could be made out to be the case, and that would be sufficient for the broader population to change their political position.

In the context of this volatile and unpredictable environment, the UNF government has to move cautiously. Therefore, it has adopted a step-by-step approach designed as a process of biding time to neutralise its main opponents, win over potential allies, keep the LTTE on track, and maintain the hope and aspiration of the people for peace.

4.2 Strategy of the LTTE

On the LTTE side, this process is fraught with more dangers than opportunities. Although the LTTE had consistently stood for a negotiated political settlement and



had waged its armed struggle with this aim, the timing of the current bid for peace has, to some extent, been forced upon the LTTE by recent developments globally, regionally and locally. The reasons for this compulsion are:

- The implementation of the global anti-terrorist war by the US and other major powers
- The proscription of the LTTE as a terrorist organization by US, Britain, Canada and Australia.
- Renewed strategic interest of the US in the South Asian region and the pre-eminent role of India in the sub-continent of Asia.
- War-weariness of the people

For all the above reasons, the LTTE has had to demonstrate a renewed commitment to a negotiated settlement and prove its bona fide as a political organization.

The current peace process has been used skilfully by the LTTE to demonstrate a political commitment to a negotiated settlement within an undivided Sri Lanka. For the first time, in unequivocal terms, the LTTE has public announced that it could consider a viable alternative to a separate state as proposed by the state as a form of internal self-determination, but that it would have to be based on recognition of the political status of the Tamil nation as territorially constituted in the North-East.

The LTTE has also pursued a vigorous political policy of mobilising the masses. In the name of “Pongu Thamil”, the LTTE has mobilized tens of thousand participants to demonstrate support for its cause. These festivals of mobilization have been carried out in the East and in the North. The LTTE has also seized the opportunity to open offices in all the districts of the North-East. Beyond that the LTTE has welcomed the resettlement, rehabilitation and reconstruction programs of the government. Its political leadership has had meetings with officials of the World Bank, the Asian Development Bank and other international donor agencies. The LTTE unilaterally released ten military detainees and issues a statement addressing the Sinhala general population in an attempt to allay anxieties. This is a



reflection of a new political strategy and displays maturity as an organization. Through this process, the LTTE has gained much in its efforts to prove itself to be a legitimate political organization with mass base, fighting for a just cause.

However, the freedom of movement and the flow of funds to the former conflict areas also contribute to the vulnerability of the LTTE. It is aware that such freedom exposes its ranks and bases to the state. It is also aware that the free flow of goods may influence the broader population and their cadres and dull their vision and commitment to the struggle for liberation. In this sense, the peace process is felt to be an opportunity as well as a possible deadly trap.

5 Key Institutions and Actors

Key institutions and actors in the peace process are to be identified at national and local levels and distinguished between the political sphere and civil society. This identification is essential in order to draw on their capacity to mobilize the people and to marginalise the negative forces to the peace process.

5.1 National Level Political Institutions and Actors.

Political parties are the main political actors at the national level. These include the two major parties, the UNP and the SLFP, followed by the JVP, MEP, SU, SLMC, CWC, and by the LTTE, TULF and several other Tamil political parties and organisations. These parties have had an uneven political impact at the national level, while some are losing significance. Below, we shall list the spectrum of political parties in terms of political ideology and constituency, and provide a statement as to their basic political stand.

<u>United National Party (UNP)</u>	Lead party of the United Front government with majority in Parliament.
<u>Sri Lanka Freedom Party (SLFP)</u>	Lead party of the Opposition in control of the Executive Presidency.



The above two parties are the Sinhala-dominated major electoral parties, although representing a national constituency.

Janatha Vimukthi Peramune (JVP) Former insurgent party, now represented in national parliament and in some provincial and local government institutions in the Opposition.

Mahajana Eksath Peramune (MEP) Minor party represented in the Opposition

Sihala Urumaya (SU) Highly vocal but no representation in Parliament

All the above parties are narrow Sinhala-based parties. All of them oppose nationhood and statehood to the Tamils. The latter three are distinguished for rejecting any form of negotiated political settlement with the LTTE.

Sri Lanka Moslem Congress (SLMC) Represents Moslem national constituency and is represented in parliament as part of the UNF government.

Ceylon Workers Congress (CWC) Main parliamentary party of the Tamil plantation constituency represented as partner in the UNF government.

Liberation Tigers of Thamil Eelam Dominant organization representing Tamil aspiration and struggle for nationhood and statehood.

Tamil United Liberation Front (TULF) Main parliamentary party of the Ceylon Tamils represented in parliament as part of the UNF government. TULF is also one of the members of the Tamil National Alliance.(TNA).

Eelam People's Democratic Party Anti-LTTE paramilitary armed Tamil organization in Opposition, now disarmed by UNF government.



People's Liberation Organisation of Thamil Eelam (PLOTE)

Tamil organization which functioned as anti-LTTE paramilitary force, now sympathetic to LTTE and part of the TNA.

Eelam People's Revolutionary Liberation Front (EPRLF)

Anti-LTTE paramilitary Tamil group linked to India, now disarmed by UNF government.

Tamil Eelam Liberation Organisation (TELO)

Paramilitary Tamil group now disarmed and part of TNA.

Tamil National Alliance (TNA)

Formed to support the UNF government to reach a negotiated settlement, which recognizes the LTTE as representative of the Tamil people.

The TNA has moved to a position of supporting the LTTE and recognising it as the legitimate representative of the Tamil people, while the EPDP and EPRLF remain anti-LTTE, but support a negotiated political settlement without the dominance of the LTTE. Both groups are supported by India.

5.2 Civil Institutions and Actors

5.2.1 Religious Institutions

Religious Institutions play a key role in shaping public opinion in the country. All four major world religions are represented, namely, Buddhism, Christianity, Hinduism and Islam. Buddhism has a preponderant influence on some 67% of the people who are exclusively Sinhalese. This majority lives mainly in the South, that is, throughout the country, except for the Northeast, where they form a minority. Hinduism is followed by Tamils and practised by 13% of the population, including the Tamils on the tea plantations. Both Sinhala and Tamil people accounting for 7% of the population follow Christianity. The Muslims account for 7% of the



population. However, all religions exert influence on their respective constituencies.

The majority of the Buddhist priesthood is opposed to the LTTE and regards it as a terrorist organization representing a threat to the Sinhala-Buddhist nation, state and social order. A minority of vocal Buddhist priests who stand for a negotiated settlement with the LTTE are ostracized by the Maha Sangha. Within the Sangha, there are priests who virulently oppose any political settlement with the LTTE and call for a military solution. These forces are mobilized by the JVP and the Sihala Urumaya. However, the majority of priests who are anti-LTTE prefer a political settlement within a unitary state which guarantees supremacy to the Sinhala-Buddhist nation.

The Christian church is divided in its stand on the LTTE, while the majority supports a political settlement. Certain sections of the Christian church, particularly in the North and East, have been in the forefront in opposing the war and calling for a negotiated political settlement with the LTTE. The bishops of Jaffna, Mannar and Baticoloa and the National Christian Council stand as examples.

The Hindu Kovils have generally not taken an active role in politics given that they are not organized as a centralised institution. The Islamic religious community too has remained aloof from national politics, but been active in the protection of Moslem rights.

- It is of utmost importance that the peace process be under-pinned by the religious ethos of all four major faiths practised in Sri Lanka. The support of all religious institutions must, therefore, be sought by the Government and peace actors

5.2.2 Business Community.

Influential sections of the business community have been active in calling for an end to the war and in reaching a negotiated political settlement. This has been primarily due to the breakdown of the economy, which had sunk to zero growth



during the previous regime. The attack on the Katunayake air force base last year and international airport by the LTTE sent shivers down the spine of the business community. In fact, it can be said that it this attack which finally brought the state to its senses to seriously seek a political settlement. These sections of the business community are identified as those whose businesses are linked to international finance capital and foreign multi-national investment, and who stand to lose from the war. Some influential sections of this community have been in the forefront of calling for negotiations with the LTTE.

However, there is also a powerful section of the business community who are opposed to any settlement, particularly with the LTTE. These are Sinhala businessmen who face severe restrictions in expanding their operations and have sharp conflicts with Tamil entrepreneurs and merchants. These forces feel that both Tamil and Moslem businessmen stand in the way in their drive for expansion. These forces tend to be rabidly racist and seek to reinforce the unitary Sinhala-Buddhist state as a guarantee for their expansion and survival. This section is highly organized, some as distinct caste groups and is propelled by the drive for domination. They are organized as the Veera Vidhahana and promote the Sinhala Urumaya and the National Movement Against Terrorism (NMAT) as their political-ideological vehicle.

5.2.3 The Professional Community

The professional community includes doctors, lawyers, professors and teachers, managers and high level technicians etc. Tamil professionals generally support the moderate centrist TULF since it corresponds to their class interests as a privileged group. They do not aspire for separate Tamil statehood as much as for political dignity and equality within a central state. The lower level professionals, however, support the LTTE, since they are more directly oppressed by the state.

Within the Southern Sinhala community, professionals are divided on the issue of a negotiated political settlement with the LTTE. In general they stand for such a settlement, but tend to insist on a unitary state in order to protect and expand their



privileged position in society. However, there is a sizeable and vocal section of Sinhala professionals who support the JVP and the Sihala Urumaya, and call for a military solution. These groups face a conflict with the English-speaking, Western –oriented cosmopolitan ruling elites and would prefer to displace their political hegemony and establish an even more rigidly hierarchical, centralised, unitary Sinhala-Buddhist state. These groups too are well represented and tend to identify with the program and platform of the Veera Vidhahana, Sihala Urumaya, NMAT and the JVP.

- In spite of the ethnic and political differences among the professionals it is vital to tap into the capacity and influence of the moderates in the professional community to seek their support to strengthen and widen the base of the peace process.

5.2.4 Cultural Groups

Cultural activists include artists, musicians and writers and play an important role in forming public opinion. Traditional rural communities are particularly susceptible to messages from these forces since they are capable of relating to emotional feelings. Musical groups and singers are popular among these masses. These groups have legitimacy among the masses since they combine their appeal for peace and unity.

- It is crucial that the government devise a people-based strategy that can mobilize artists, musicians and writers in support of the peace process.

5.2.5 Trade Unions

Trade unions in the country have a long “Left” tradition and generally tend to support a pluralist vision and a negotiated political settlement. At present, trade unions have become highly bureaucratized and remain the preserves of a labour aristocracy who is not interested in national issues. Yet, there are powerful trade



unions that have taken a courageous political stand in favour of a negotiated political settlement with the LTTE.

- It is important that the Government recognizes their influence and capacity and mobilizes their work force, irrespective of party politics to consolidate the peace process.

5.2.6 Media

Both the electronic and print media are organized as oligarchies by big business interests. Independent and critical journalism is a thing of the past. Most criticism is limited to local issues or is driven by political partisanship. The media is highly politicised and tend to support this or that political party. In general, the major media has opposed a political settlement and favoured a military solution. The state had created this culture through some twenty -two years of waging war and using the media to justify its military program. Both major parties have had a tendency to control the independent media during their tenure of office. As a result, there is virtually no independent media in the country.

Major newspapers have consistently carried out a policy of demonizing the LTTE and calling for a military solution. They have manipulated news for this purpose. They have focused on terrorist atrocities by the LTTE and concealed those of the state and its armed forces. One reason that accounts for this development is that the major news establishments are monopolized by powerful business enterprises, some of which have direct links to the leading political parties. At present, only the government media is supporting the peace agenda. Yet these government institutions have lost mass legitimacy due to a long history of being subservient to the state and the ruling party.

- There is a real need for a free and independent media in Sri Lanka.



5.3 International Donor Agencies

International donor agencies play an important role in the peace process. This role takes many forms and is undertaken by different agencies in different ways. First of all, international donor agencies not only disburse funds but also act as monitoring agents of the development process. Agencies such as the World Bank and the IMF not only provide credit on which the country depends for its economic survival, but also act to give certification to the state of the economy. In other words, these agencies function as watchdogs of the country's economic policy and performance. As such, these agencies carry a degree of legitimacy and authority, which serves to strengthen the political will and direction of the country, and influence also the thinking of the people. In this sense, these donor agencies play a crucial role in forming public opinion.

However, other donor agencies such as NORAD, SIDA, CIDA, CARE, OXFAM, Save the Children etc play a more direct role in strengthening the peace process than the major lending organisations such as the World Bank and the International Monetary Fund. Some of these donors provide funds for both the state agencies and the non-governmental sector. In general, they have demonstrated sensitivity in understanding the ground situation and have helped many authentic organisations to undertake peace building under extremely difficult and threatening conditions. All the above donors are also sensitive to issues such as gender equity and poverty reduction and try to combine an integrated approach in their assistance. In all, these donors have trained generations of trainers in peace, good governance and development work. Together, these donors have played a key role in strengthening civil society institutions and in optimizing their role and contribution in the peace process.

Donor agencies support the peace process indirectly as well. This is through providing funds for humanitarian relief and assistance, including for resettlement, rehabilitation and reconstruction. The contribution by these international donor agencies in socially mobilising and strengthening the capacity of civil society in the



search for peace through a democratic political settlement has been crucial, particularly during times when such work had to be sustained under serious threat and intimidation by hostile forces opposed to peace, including from within the state.

However, certain negative features and weaknesses of this contribution are to be noted:

There is a strong criticism in Sri Lanka that most donor agencies and embassies maintain relationships with a few Colombo based hi-profile elites and elite organisations. The reason may be that the donor community do not speak Sinhala and Tamil and thereby lack access to and communication with more than 90% percent of the population which is rural and do not communicate in English language. This is a major handicap, which keeps the donor community confined to few local NGOs and out of touch with genuine grassroots community-based organisations. In many of these donor agencies, the project officers responsible for processing and approving applications for funding are themselves Colombo-based and English/ Western oriented professionals. The general assumption is that the ideas for projects are discussed at the corridors of cocktail parties and later followed up with proposals for funding. Very often, authentic organisations are left out due to this selection process.

This situation also results in promoting amateurishness and lack of professionalism among the NGO community, since the donor agencies themselves lack a coherent strategy and mechanism for funding and for monitoring and evaluating projects. This lapse creates the conditions for a high degree of corruption and abuse of influence among NGOs. It creates also the culture of competition among the NGOs at the expense of co-operation.

- It is important to recognize that in addition to a few Colombo based local NGOs who can articulate projects in donor terms, there are genuine and credible local NGOs who work with peace and conflict issues in rural areas. They have the capacity, creativity and the common touch with the masses. But they lack the



language skills and the influence to negotiate with International Donor Agencies to solicit necessary funds to implement projects which will have greater impact and less costly.

- Local and international NGOs need to set in motion a well- coordinated peace strategy that will have an impact on the hearts and minds of the people. We, therefore, recommend to the EC to take appropriate steps to initiate and facilitate a process to set up a viable structure solely for the purpose of bringing together the Sri Lankan NGO community to work out a consolidated peace strategy.

6 Opportunities and Risks

This section looks first at the structural weaknesses and gaps in the peace process, and the opportunities presented by a more active international community. It then considers some of the forces that are deliberately seeking to undermine the peace process.

6.1 The narrowing window of opportunity for peace

While vigorously pursuing peace both sides are also actively preparing for a possible resumption of hostilities. Both sides are strengthening their armed destructive capacity by expanding recruitment to their respective armed forces and by procuring the technology and equipment of massive retaliation

In the meantime, the UNF government appears to be trapped in a structure of contradictions. The more that the UNF government prevaricates and compromises with the Opposition and the more strength that the Opposition is able to gather, the greater the loss of confidence by the LTTE in the peace process. Equally, the more that the UNF accommodates the conditions of the LTTE, the more it is exposed to attack from the Opposition.



Two examples of the difficulties the UNF faces in balancing these political forces can be cited: The UNF has now decided to present the proposal for setting up an interim council to Parliament for a vote, in a move that is likely to complicate the process of negotiation, the Prime Minister has now told the Mahanayaka Theros of the powerful Asgiriya-Malwatte chapters of the Maha Sangha that he does not subscribe to the “theory of historic Tamil homeland”. Such pre-emptive statements generate a crisis of confidence in the process. The Prime minister could have left the government room for negotiation by saying that he is compelled to consider the reality of a predominant Tamil majority in the North, whereas adequate representation must be provided for the other communities in the East.

- *While the UNF government is now pursuing a more professional, transparent and committed approach to peace, it still falls short of a well designed peace strategy, which by definition, anticipates such obstacles and problems. There is an ad-hoc element to the process, which leaves it vulnerable to pressure from both sides.*

The ceasefire is itself a powder keg. Ceasefires stretch the limits of confidence and trust. If they are broken, the process snaps. Both sides are then compelled to blame the other and the logic is set in for mutual recrimination and renewed hostilities. protracted ceasefires also provide subversive forces to stage actions and disrupt the bonds of trust. The recent military action taken in Vakare, (an Assistant Government Agent Division in the district of Batticaloa) shows how vulnerable the ceasefire is. The LTTE at first denied that it was engaged in any offensive action in contravention to the cease-fire agreement, while the Navy held it was. The situation was salvaged when the monitoring committee later apologized that it had been notified of such a movement by the LTTE, but had failed to report it to the relevant national authority.



6.2 Opportunities for the International Community to contribute to the peace process

The government and the LTTE have both recognized an important role for the international community in the peace process, and this too is an improvement from previous practice. The Norwegian mediation is now well established and has proven to be a most valuable asset. They have done much to ease communication and to assist both parties in overcoming obstacles. Norwegians have also played a role in keeping the peace process on track by constantly helping to outline the broad parameters in which a settlement is possible given the constraints and imperatives faced by both sides.

The UNF is on record for favouring intervention from the UN, particularly in implementing its resettlement/ rehabilitation program. The US is currently assisting in clearing landmines.

In this respect, the international community is still lagging behind. The international powers, mainly the US and India, have undertaken the role of de facto observers, while applying pressure on both sides to play fair. Both powers have set the frame for a negotiated political settlement within the bounds of united Sri Lanka which respects the territorial integrity and sovereignty of the Sri Lankan state, combined with the devolution or decentralization of substantive political power to the Tamil people on a regional basis.

However, neither the US or India have come out constructively and creatively in supporting the peace process and marginalising the anti-peace opposition, which both are able to do by virtue of their pre-eminent position in relation to influencing the political process in Sri Lanka. International powers have shown such commitments as in the case of conflict resolution in Northern Ireland, South Africa, East Timor and the Philippines.



The international community should function as a watchdog of democracy, human rights and good governance if it is to gain legitimacy in any peacekeeping, conflict resolution role.

As much as it should be vehemently critical of flagrant violations of human and democratic rights by the LTTE, particularly in regard to abductions, forced child recruitment and extortion, it should also be critical of the government and hold it firmly committed to honouring pledges and commitments made to the LTTE.

The international community should influence the President and the Opposition to cooperate in the peace process and also urge the Prime Minister to engage in the task of peacemaking in partnership with the President. There is a strong desire among many Sri Lankans that the EU should initiate a process to bring together the President and the Prime Minister to come to a common understanding on the strategy to achieve peace and to achieve this goal EU should even consider sending a high powered delegation to Sri Lanka. This type of mission is crucial at this critical moment as no government can bring about lasting peace with justice without the full co-operation of the opposition. If lasting peace to be achieved in Sri Lanka it has to be a bi-partisan or coalition approach grounded on the principles of justice, human rights and democracy.

- The Sri Lankan peace process is too fragile and volatile for the Norwegians alone to have the sole monopoly and to be left in their hands. While the Norwegians spearhead the mediation/ facilitation role, there should be a reference group made up of Americans, Europeans, Africans and Asians for constant reference dialogue and clarifying of issues.
- Both the UNF government and the LTTE would appreciate a more committed role by the international community, especially the EU, that would legitimize the peace process and marginalise the opposition, while maintaining positive neutrality.



- The international community should function as a watchdog of democracy, human rights and good governance
- The EU should initiate a process to bring together the President and the Prime Minister to come to a common understanding on the strategy to achieve peace

6.3 Failure to mobilise broad-based popular support for the peace process

One of the major weaknesses in the peace process is the lack of an effective strategy to mobilize the people. This is mainly because the government is compelled to follow a cautious policy due to mounting opposition. This opposition can only be overcome through mobilising the people. However, the government does not have such a strategy of mobilization. Instead, it relies on the mass media to accomplish this task. Furthermore, this effort has been weak and run by bureaucrats who do not have the flair or creativity to communicate with the grassroots constituencies.

The wider population has not, in general, been trained to reason logically and to seek truth from facts, but have been trained to be manipulated by political forces. The vast majority of the rural population, however politically matured through bitter experiences, remain ideologically pliable and manipulated by dominant political forces. Their frame of thinking and consciousness has been determined by the politics of a communalized, militarized, polarised and highly politicised culture, where ethno-national identity has become dominant and determinant.

This is a weakness since peace is a politically explosive process involving emotionally volatile issues and there are many political forces that have an interest in de-stabilizing it. Disinformation has become a standard technique in the manipulation of the people. Beyond that, daily drumming in of potential fears and dangers and steady injections of distrust may sway mass opinion unfavourably towards the peace process. This is particularly the case when there is organized opposition by highly articulate political forces with vast resources. Sections of the combined Opposition has given notice that it would await the announcement of the



structure and composition of the proposed Interim Council and the de-proscription of the LTTE, in order to launch its mass agitation against the peace process. As it is, this opposition is conducting mass campaigns to mobilize their political base for such agitations. This may lead to violent confrontations and serve to further polarize the issues. Thus it can be seen that the peace process is moving towards a most decisive conjuncture and its victory or failure will depend on which side is able to mobilize the masses.

In general, the governments in Sri Lanka present and past, are accustomed to traditional top-down approach that they are unable to conceive of a people-driven peace process.

- It has become virtually impossible for the political elite even to consider that the people could be the architects of peace and of their social order. Even when it considers the role of the people, it is in the fashion of pawns in a chess game, to be manipulated and controlled. It is for this reason that civil society must be empowered and strengthened to reach the people and mobilize them.

This top-down, elite- centred approach is the opposite of the approach employed in countries like the Philippines, South Africa and Northern Ireland which have successfully resolved their protracted and bitter conflicts and achieved lasting peace, even though in Northern Ireland there are still major issues to be overcome. In all these countries, the top political leaders went down to the masses and raised their vision of a peaceful, democratic and prosperous future. It is the “parliament of the streets” that finally ousted Marcos and finally paved the way for Ramos to settle the Mindanao conflict.

In South Africa, the ANC formed a National Peace Accord which established citizen-based peace committees that held the peace even when it was fatally threatened by various forces. It engaged in conflict resolution at the local level and in raising awareness, which contributed towards building confidence in the process. In Northern Ireland, both the IRA and the Protestant parties appealed to the higher sense of justice and humanity of the people and so overcame their sectarian



violence. In all instances, the political leadership mobilized and relied on the people to defeat extremism and ensure a just and lasting peace.

6.4 Opponents to the Peace Process

In addition to the gaps and weaknesses in the peace process there are forces that have a direct interest in derailing the fragile peace process. Some of these are considered below.

6.4.1 Sinhala Extremism

Sinhala extremist groups are attempting to seize upon this situation as an opportunity to de-stabilise the peace process. These groups, particularly the Sihala Urumaya, have forged an alliance of some sections of members of the Opposition to campaign for the security and welfare of the Sinhala community in the East. This campaign, in appearance, appears to be a just concern, but it is aimed at mobilising the Sinhala extremist base by exploiting these anxieties. These forces have also appealed to the estranged Moslem community in the East to distance themselves from the LTTE and to join in the campaign against it.

6.4.2 The Military

As a consequence of the war, the armed forces have developed as a powerful, semi-autonomous institution of the state. The combined armed forces account for some 200,000 members. As an institution, it commands vast resources and controls some 25% of the annual budget amounting to approximately 70 billion Rupees. It is equipped with modern medium-level technology, including multi-barrel rocket launchers, Kafir jet fighters, cobra helicopters, Dvora fast attack naval craft etc. It has specially trained elite forces such as the special forces and the Special Task Force. It has grown accustomed to the exercise of power and to the enjoyment of prestige and privilege. However, the rank and file has got disillusioned by the politicisation of the armed forces and with the massive corruption within its top ranks. The armed forces are divided on the question of support or opposition to the



peace agenda and process. Officially, the armed forces are implementing the policies of the government. Yet they are divided in terms of political loyalties between the President and the Prime Minister, and between the SLFP and the UNP. The JVP too has a following among the armed forces, particularly among its lower ranks. Added to the equation is some 30,000 deserters whose political loyalties and modus operandi is potentially disruptive to the peace process.

6.4.3 Vested Interest

The major international players who have a direct stake in the process, namely, the US and India. Both powers have shown a keen interest in staking a claim in the eventual outcome of the process. Both have strategic interests in the island, particularly in gaining and consolidating access to the vital naval facilities in Trincomalee, which are crucial for the control of the vital sea-lanes of the Indian Ocean and for maintaining military dominance throughout the Asian continent. These strategic imperatives take on added significance in the context of the global war against terrorism led by the US, particularly in targeting the so-called *axis of evil* as defined by the US leadership.

The opposition by the Congress Party and the AIDMK in India to any political settlement with the LTTE leader Prabhakaran and their demand for his extradition to India to face assassination charges over the slaying of Rajiv Gandhi has provided the Opposition with added strength and resolve. Peace with the LTTE led by Prabhakaran will not be possible as long as this sword hangs over it. The only legal option would be for Prabhakaran to agree to extradition and stand trial or for the international community to pressure India to drop charges against him in the form of an amnesty.

6.4.4 The Character of the LTTE

The hegemonic features of the LTTE also stands as a barrier to achieving peace. It has a trail of assassinations of political leaders as well as the attempted assassination of the President. It also has a record of applying terrorist methods,



which constitute crimes against the people. In confronting perceived state terrorism, the LTTE has also resorted to brutal forms of terror against civilians and unarmed populations.

The LTTE has alienated the oppressed Sinhala people by deliberately targeting and massacring Sinhala communities in the most brutal manner. The LTTE has treated the Moslem community as pawns in its bid for self-determination and deliberately alienated this community which once identified with and supported it. It has condoned and promoted the politics of vengeance against other oppressed communities that have no place in the struggle for liberation. It is a Herculean task to overcome this past and to clean its image and gain the trust of the people, including the Sinhala and Moslem people and sections of the Tamil people as well.

The LTTE has also adopted an intransigent attitude in terms of reaching a settlement. It has failed to produce a framework for a democratic political settlement that provides the same security and dignity to the Moslem and Sinhala communities that live in the North-East as it demands for the Tamil community. The settlement of Sinhala communities in these areas has been aimed at changing demography and political geography by the state. However, such realities have to be accommodated within a political settlement.

6.4.5 Lack of Security

The Sinhala and Moslem communities living in the North-East are in a state of anxiety since the relative de-mobilisation of the armed forces of the state in these areas have left them vulnerable to the LTTE. The Moslem population has registered complaints with the Monitoring Committees concerning incidences of abductions and extortion by the LTTE, mostly in the Eastern Province. However, it is to be noted that the LTTE has taken steps to address these issues. The LTTE has had high level consultations with the top leadership of the Sri Lanka Moslem Congress (SLMC) to discuss ways of reducing tensions and building mutual trust and confidence. In the context of these growing insecurities and anxieties, the SLMC has insisted on being treated separately as a distinct ethnic community and its right



to be represented in the negotiation process and in any power sharing formula. It is to be noted that Eastern Tamils subscribe to a distinct identity in relation to the Northern Tamils, although Tamils of both provinces generally share a common aspiration for nationhood and stand in unity in the struggle against perceived state oppression. This tension gets sharper during peace times when separate identities are asserted more firmly when negotiating for power, status and autonomy.

6.4.6 Signs of Hope

On the positive side, the ceasefire agreement has already led to several important confidence-building measures. The menacing barricades have been removed and people are able to travel freely without being subjected to degrading searches. There is a felt sense of security and an absence of the fear psychosis. The people are experiencing a sense of peace and hope for the future, although anxious of the consequences of a resumption of hostilities, which, by all accounts, *would be far more violent and destructive than before.*

The people living in the North East and border areas are enjoying the relative truce with utmost expectation since they have endured the worst ravages of the war. There is heightened activity, including economic, social and cultural activity. Boutiques and shops are being replenished and people are moving away from the condition of sheer survival and subsistence. The government, with international donor assistance, is implementing an accelerated and comprehensive program of rehabilitation, resettlement and reconstruction. These programs address personal, public and productive needs and are aimed at resuming a degree of normalcy and well-being for the affected communities by uplifting living conditions and increasing opportunities for employment and income-generation. These programs are also aimed at promoting peace and reconciliation among and within the communities.

The Norwegian State has undertaken a role in facilitation and mediation between the Government and the LTTE. This role has been agreed upon by both sides and had been initiated by the previous government. Therefore it has a high degree of



legitimacy. It has proven to be a crucial factor in keeping the peace process on track. The Norwegian facilitation has also received broad support from the international community, including India, which remains a major stakeholder. There is opposition to the Norwegian role from various political forces, mainly the JVP and the Sihala Urumaya. However, Norway is viewed as a friendly country by the masses of all communities and this agitation and opposition does not have a popular base.

7 Proposed Strategy to Support and Consolidate the Peace Process.

This report has emphasised the unique window of opportunity that the Cease Fire Agreement has provided for a lasting political solution to the conflict. At the same time it emphasises the fragility of the peace process and its vulnerability to forces within Sri Lanka that have an interest in its failure. This vulnerability stems in large part from weaknesses in the political process in Sri Lanka, which has left decision-making in the hands of a small elite of politicians, liberation fighters and Columbo-based civil society groups.

This report, therefore, proposes a strategy to support and consolidate the peace process structured around four main axes:

- to fully engage the wider population in the peace process and to foster their ownership of the process.
- to stimulate effective co-habitation between the President and the Prime Minister, and a non-partisan approach to the peace process between the main political parties;
- a role for the international community in guaranteeing the peace process, and upholding fundamental democratic and humanitarian values. *Peace without democracy will be merely a temporary truce*



- judicious use of co-operation assistance in support of the peace process. Such assistance will have to be designed with great sensitivity in order to be perceived as non-partisan ('Do no harm' principle);

7.1 Broadening the support for the peace process

To overcome the top-down approach to peace and to make the peace process a people centred one, it is necessary to bring together a committed professionals, intellectuals, religious leaders and peace practitioners who have roots with the grassroots and are able to communicate with them.

This group must develop a discourse and debate on the issues of peace and forcefully bring out the *dividends of peace* as against the consequences of resuming war. It will be their task to articulate a popular vision of a democratic pluralist social order which alone can bring the fruits of development to the people and which can nourish the diversity of traditions which make up the common Sri Lankan heritage. Peace is much a struggle for hearts and minds as it is a struggle for defining new power relationships. Unless and until these ideological barricades are broken and new horizons are drawn of a new future, peace will remain at best a temporary truce.

Structures and mechanisms must be identified and established for citizen-based initiatives for building the bridges of peace, reconciliation and co-existence. Already a few initiatives of this nature have been undertaken and these must be strengthened. Initiatives have been undertaken for constitutional reform, building bridges, cultural exchanges among estranged communities and for strengthening and monitoring democratic rights and so on. Some inter-religious initiatives have already been started. Initiatives have been taken to build national consensus for constitutional change based on democratic pluralist principles. National Conventions have been convened to give expression to the people's aspirations for peace. International consultations have been held for bringing the major communities and players into a dialogue and discourse on peace in Sri Lanka.



These lead initiatives must be identified, coordinated and, these organisations recognized and strengthened as an immediate measure in salvaging an unstable and vulnerable peace process. The fact remains that the UNF government has not even conducted a serious study of these initiatives, let alone mobilize them.

7.2 Fostering a non-partisan approach to the peace process

The ongoing hostility and open conflict between the Executive Presidents, who represents the opposition, and the Prime Minister and some members of his cabinet, who represent the ruling party, is a clear threat to the peace process. In order to address this, a memorandum of understanding should be worked out between the President and the Prime Minister, under which the parties would agree not to instrumentalise the peace process for political ends.

7.3 International Aid and Neutrality

There is already in built and prejudicial feelings among a cross-section of the Sinhalese in the South that the Tamils in the North have had a privilege status during and after the colonial era. On the other hand, there is also an in built prejudice and resentment among the Tamils that although the Sinhalese have systematically marginalized and inflicted pain on them, the international donors have been too generous and bias towards the government and the South with development aid.

Given that background, the existing tension among the Muslim, Tamil and Sinhala communities and the potential threats and obstacles to the peace process, it is important that the programmes of international donors, especially economic investments, should not be seen by the anti-peace groups as bias or partial towards one particular community

In this connection it is important for the EC to know that its assistance to Sri Lanka has been quite compartmentalized with ECHO funding relief and rehabilitation in the north and east and traditional development co-operation and, more recently,



economic co-operation, in the South. In the case of other donors, this approach has been criticized by some observers for increasing regional imbalances and thus feeding the conflict.

The signature of the CFA does now open possibilities to extend the geographic coverage of current programmes to conflict affected areas and to explore linkages between relief, rehabilitation and development. The mission believes, however, that the EC should exercise caution and consult closely with its implementing partners, who have more local knowledge and experience in working on conflict, before deciding.

For example, in the case of the CARE dry zone project, it has been suggested that the project be extended to LTTE “controlled” or grey zone areas in Ampara and Batticaloa districts in the eastern province. CARE, who are a conflict sensitive INGO and have been following the “Do No Harm” approach since 1996, have some reservations. Apart from the fact that there is agreement with the Government on the current arrangements, they argue for maintenance of the current geographical balance to address southern grievances so that “money is not seen to be diverted from them”. To be conflict sensitivity applies equally to the perceptions of the Sinhalese in the south.

A careful examination of the possibilities on a case-by-case basis rather than a simple blanket extension of EC funded projects to previously disengaged areas should therefore be the norm.

In this regard the proposed “study of the lessons learned to date of Integrated Rural Development Projects in Sri Lanka with recommendations for future design” from the EC Programming Mission- Integrated Rural Development, should also include an analysis of the positive and negative impact of such projects on the dynamics of the conflict. The proposed “small tank rehabilitation and strengthening of farmers irrigation Management Project outside the MASL” from the recent programming mission is also an obvious project to be aware of local sensitivities and minimize



the negative impacts of disputes over water rights between the various communities.

Immediate steps to be taken by the EC to consolidate the peace process

- To support the peace process immediately by supporting and strengthening the Ceasefire Agreement (CFA).
- To mediate/ facilitate a process to reconcile the President and the Prime Minister and to work out a memorandum of understanding (MOU) between the two.
- To support the Peace Secretariat of the Government to plan a strategy to mobilize the peace actors, grass-root constituencies and key institutions.
- To play a facilitating role to bring together local NGOs to work on a consolidated strategy for peace.
- To be engaged in the peace process in a consistent manner and act a moral force so that the Sri Lankan Government and the LTTE will become accountable to the EU and the international community at large to honour the commitments they make to achieve sustainable peace
- To make the consolidation of the peace process an explicit objective of its medium and long term development assistance in Sri Lanka;
- To maintain sufficient flexibility in its assistance programmes to be able to respond to and support new initiatives as they emerge from the peace process;

Immediate steps to be taken by the Sri Lankan Government to consolidate the peace process

- Bi- partisan commitment and approach to achieve peace.
- To come forward with a well designed peace strategy to mobilize the people for peace.
- To strengthen the Peace Secretariat.



- To draw on the capacity of civil actors and institutions to strengthen the peace process.

To take necessary steps to inform the broader population about the peace process, in order for it to be owned and sustained by the people.

Immediate steps to be taken by the International Community to consolidate the peace process

- To play a consistent and a committed role by the International Community to consolidate the peace process.

- To function as a watchdog of democracy, human rights and good governance
- All economic assistance to the country must be comprehensive, need oriented and avoid as far as possible the appearance of being partisan.
- To set up a forum, in consultation with the Norwegian facilitators, where international experts can meet from time to time to consult, share and learn from one another as to how to handle the fragile peace process on a step by

Immediate steps to be taken by the LTTE consolidate the peace process

- To take steps to improve its track record on human rights, participatory governance, and accommodation of the rights of the Tamils and Muslims in North-East administrative structures.

8 Recommendations for EC assistance

8.1 Immediate Interventions

The Cease Fire Agreement (CFA) on the 22nd of February, 2002, between the Government of Sri Lanka (GOSL) and the Liberation Tigers of Tamil Eelam (LTTE) contains a list of “confidence-building measures with the aim of restoring normalcy for all inhabitants of Sri Lanka” and deadlines for their realization. It is commonly believed that any delay or slippage in the implementation of the



Agreement will have negative repercussions, and indeed difficulties in meeting the deadlines have already been pounced upon by detractors and are undermining the peace process.

Hence the mission proposes that the bulk of any immediate EC assistance to Sri Lanka in support of the peace process should be explicitly linked to the main provisions of the CFA.

The CFA refers to various measures to restore normalcy including the abstention of hostile acts against the civilian population, easing fishing restrictions and the opening of the main A9 road north to Jaffna.

The mission believes, however, that the RRM should concentrate around three of the main confidence building axes:

- *the flow of goods and movement of civilians*
- *the extension of the rail service on the Batticaloa line*
- *the vacation of schools and public buildings currently occupied by the two parties to the conflict*

Such interventions are where either the EU has a comparative advantage and where there is no over-lap with another donor. *All* have been double-checked with the Norwegian facilitators and have their full backing. The Norwegians firmly believe they will support and strengthen the process, agree with their urgent need and have even expressed a willingness to co-finance.

We also propose one software project in the shape of a changing hearts and minds campaign. This proposal, which is the only one outside the scope of the CFA, is for a Communications project as the absence of information or to counter misleading information has been identified as a priority. The recently established Peace Secretariat of the GOSL has also formally asked the Delegation of the EC for assistance in this area.



- We recommend, therefore, that the Peace Secretariat (PS) set up by the UNF government to be strengthened. This strengthening must not be cosmetic or be reduced to infusions of funds, although funding will be required. In strengthening the PS, it is necessary to ensure that a professional group of dedicated peace activists with a proven track record from all communities and sectors be brought together to work with it in a spirit of genuine co-operation. On this basis, the PS should evolve a coherent peace strategy that identifies potential dangers and obstacles and work out a series of coordinated and sustained targeted inputs and interventions to overcome them.

8.2 *Other Projects for consideration in the immediate term*

8.2.1 Safeguarding Human Rights and Providing Protection to Returning Internally Displaced Persons and Refugees

The CFA has been criticized for failing fully to address human rights issues. The role of the Sri Lankan Monitoring Mission (SLMM) set up under the CFA is limited to issues relating to the implementation of the Agreement. The SLMM is, though, increasingly being asked to adjudicate on all types of infringements. A parallel human rights monitoring has now been suggested to improve the environment on the main protection and human rights issues facing returnees such as cases of detention, child recruitment, freedom of movement, property rights, documentation (citizenship, birth and marriage certificates) and access to basic services.

A project to support such an initiative should include: Monitoring of the human rights situation of returnees and the local population, collecting information on human rights violations and related protection issues and creating a data-base, establishing a network of agencies, and human rights training to a wide range of stakeholders.



8.2.2 Conflict resolution/negotiating skills training

There may also be a need for training in conflict resolution techniques or negotiating skills for the parties to the negotiations. However, USAID will provide such to the Peace Secretariat whilst the LTTE cadres on the local committees of Sri Lankan Monitoring Mission(SLMM) refused the same offer from the Berghof Foundation for Conflict Studies on the grounds that they only wanted such assistance from those who shared their ideology.

Further along, subjects connected with the setting of an interim administrative council and technical aspects linked to the work of the SLMM, particularly communications between both sides and/or the check points, might be required but the needs are still unclear and no such requests have been made.

8.3 Medium and long term interventions

8.3.1 Existing EC projects

In the short time available, the mission was unable to carry out a comprehensive Peace and Conflict Assessment (PCIA) of all the current EC Programmes. Nevertheless, a few general remarks and some specific comments about particular projects are in order.

Apart from humanitarian assistance, which was the subject of a recent ECHO mission, the most relevant peace and conflict projects are initiatives with the UN High Commissioner for Refugees and CARE Deutschland, (€1.95 million and €1.4 million, respectively, financed from EC programme of Aid to Uprooted People in Asia and Latin America, and one project with the National Peace Council (financed under the European Initiative for Human Rights and Democratisation.

The objective of the UNHCR and CARE projects is to facilitate voluntary return and reintegration and to help Internally Displaced Persons (IDPs) find durable solutions as well as to improve living conditions and rights for conflict affected communities. The 2002 update of the Strategic Guidelines for Uprooted People



envisage three scenarios. The third scenario “assumes that a negotiated peace process is initiated and, with its setbacks and derailments-gradually gains momentum”. The indicative allocation was made on this basis in which operations increase during the first two/three years, are subsequently reduced and ultimately phased out as a larger rehabilitation package is developed in co-ordination with other bilateral and multilateral donors, the GOSL, and civil society organisations and local communities. A significant increase in the budget is recommended for 2003, with the budget being reduced in subsequent years.

The National Peace Council’s project is aimed at increasing the constructive participation of women and local peace committees in civil society and the peace process. The project was prepared before the signature of the CFA but remains relevant. However, it is recommended to conduct a closer examination of this project, in order to inform other future projects with an explicit peace focus

8.3.2 Future medium and long term programmes.

Future medium to long term programmes should be informed by two key policy documents: the *Poverty Reduction Strategy Paper*, and , the Government’s *Framework for Relief, Rehabilitation and Reconciliation*. Both have been drafted following a broad series of consultations between all levels of government, civil society and donors, and are due to be presented at the Development Forum on June 5-6.

The *Framework for Relief, Rehabilitation and Reconciliation* is particularly interesting from the point of view of designing conflict-sensitive programmes. Many of its recommendations on the restrictions on movement of persons and goods have been addressed with the coming into force of the CFA but its highlighted recommendations in the separate section on reconciliation and peace-building are worth replicating in full.

The issue of language parity



Changes be made to the existing formal structures of education in order to achieve ideals of reconciliation in the longer term

The practical implementation of language provisions in the Constitution should be considered a national priority

The need for Nation-Building

There is an urgent need to instil in society a sense of national identity transcending the separate identities based on ethnicity, religion, caste and regionalism.

All government agencies should carry out their programme with the long-term vision of national reconciliation and peace-building

Responsible and professional media are an essential component of any programme of reconciliation. Conditions should therefore be created to foster the emergence of independent and professional media.

EC programming needs to take account of the importance these policy guidelines place on the media, and the development of the next generation of Sri Lankan society. The document states “in a sense children can be seen as the vehicles for peace, whilst schools and institutions of learning are the symbols and mechanisms for peace”.

For equality in the use of Sinhala and Tamil, it is more a matter for Government to rigorously enforce existing provisions rather than a case for donor assistance. There is also little an outside agency can do to promote a sense of national identity, which is a task for Government, educational establishments, media and civil society.

Given the key role of the *media*, a separate project should also be considered for specific areas cited in the Framework such as a code of conduct, a media-training centre or programme, or enhancing the professional skills of journalists. This would also be in line with the experience of the 2001 EU Election Observation Mission to Sri Lanka, which reported that “when he (the election commissioner) appealed to



the media to voluntarily observe a code of conduct designed by themselves in order to promote unbiased and impartial reporting of news and views during the election campaign. The media failed to implement such a code”. All this underscores the highly partisan nature of the media in Sri Lanka and the need create an environment in which professional journalism is practised independently and impartially.



ANNEXES



Annex 1

List of interviews conducted during the mission

National and regional authorities, army, official opposition

Jayalath Jayawardana	Hon. Minister for Relief, Resettlement and Refugees
Mahinda Rajapakse	Leader of the Opposition
Gamini Jayawickrema Perera	Hon. Minister for Water
Faiz Mohideen	Director General, Department of External Resources
J.H.J. Jayamaha	Addl. Director General, Department of External Resources
Bernard Goonetilleke	Peace Secretariat
A.L. Abdul Azeez	Peace Secretariat
Bradman Weerakon	Secretary to the Prime Minister
K. Ganesh	District Secretary/Government Agent/D/Commissioner General of Essential Services
VavuniyaVyanthurai	Government Agent, Kilinochchi
T. Vythilinkam	Additional Government Agent, Jaffna District
E. Krishnapillai	Assistant Government Agent, Mullaitivu
Valsan K. Vethody	Special Assistant to the Prime Minister
Dr. Kunasingham	Advisor, Policy Planning Coordination Unit, Ministry for Relief, Resettlement and Refugees
Major-General Sarath Foneska	Army Commander, Jaffna Sri Lankan Army
Colonel Vasanthekumara	Chief Civil Coordinator, Jaffna
Major Modestus Fernando	Directorate of Humanitarian Laws, Sri Lanka Army
Elmo Anandarajah	Mine Officer, Mine Action Unit, Jaffna

LTTE

Puleethevan	Number 3, Political Wing
Thangaraja	NGO Coordinator
Mr. Karikalan	Political Wing, Eastern Province



European Commission

Ilkka Uusitalo	Head of Delegation, Delegation of the European Commission to Sri Lanka
Laura Auger- Perez	First Secretary, Delegation of the European Commission to Sri Lanka
Thomas Hogaard	Attache, Delegation of the European Commission to Sri Lanka
Markus Cornaro	Head of Unit, European Commission
James Gilbert	Desk officer Sri Lanka, European Commission
Alexander Mclachlan	Conflict prevention; crisis management unit
Patrick Simonnet	Conflict prevention; crisis management unit

Local NGOs/Civil Society

Ven. Madampagame assaji	Inter Religious Peace Foundation
Rev. Freddy de Alwis	Inter Religious Peace foundation
Mr. Ajith Rupasinghe	Centre for Policy Alternatives
Rohan Edrisinha	Centre for Policy Alternatives
Kelhesh Loganalham	Centre for Policy Alternatives
Paikiasothy Saravanamuttu	Habitat for Humanity
Tony Senewiratne	Habitat for Humanity
Jehan Perera	Media Director, National Peace Council
Tyrol Ferdinands	Managing Trustee, Initiative for Political and Conflict Transformation (Inpact)
Jeevan Thiagarajah	Consortium of Humanitarian Agencies
Rev. Fr. C. G. Jeyakumar	Director, Human Development Centre, Caritas Jaffna
Prof. P. Balasundarampillai	Vice Chancellor, University of Jaffna
Roshan Lyman	Executive Director, European Business Information Centre
Dr. K. Sivapalan	Secretary NGO Council, Kilinochchi
Rev. Fr. Mariampillai Xavier	Parish Priest, Mallavi Karunaratnam
Fr. A. I. Bernard	Rector, St. Patrick's College, Jaffna
S. A. C. Mubeen	President, Displaced Northern Muslims Committee, Jaffna



International NGOs

Steve Hollingworth	Country Director, CARE International
Martien Linders	Area Representative, Vanni, CARE International
Anandarajah Rajarainam	CARE, Vanni
Vladimir de Lapouge	Programme Manager, Action Contre La Faim
Jaap Boersma	Country Director, ZOA Refugee Care
Norbert Ropers	Berghof Foundation for Conflict Studies, Sri Lanka

Bilateral donors

Anders Eriksson	Embassy of Sweden
K. Romeshun	
Kazumi Endo	First Secretary (Economic Cooperation), Embassy of Japan
Peter Kuperus	Deputy Head of Mission, Royal Netherlands Embassy
Anthea Mulakala	DFID (UK)
Massimo Darchini	Italian Embassy
Christain Tardiff	Canadian Embassy
Reinhardt Bolz	GtZ (Germany)
Eddie Walker	GtZ (Germany)
Eberhard Halbach	Royal Norwegian Embassy
Tomas Stangeland	Royal Norwegian Embassy
Jan Westborg	Ambassador, Royal Norwegian Embassy
Jessica Davies	Representative, USAID

Multilaterals

John Cooney	Country Director, Asian Development Bank
T. Lankaneson	Project Director, NECORD, Trincomalee
Naresh Duraiswamy	Institutional Development Specialist, World Bank

United Nations

Neill Wright	Representative, UNHCR
Michael Lindenbauer	Senior Protection Officer, UNHCR



Ayman Gharaibeh	Senior Programme Officer, UNHCR
Veronique Ganielle	Head of Field Office – Mallavi, UNHCR
Eleonora Tasco	Head of Field Office - Jaffna, Children Affected by Armed Conflict, UNICEF
Penny Brune	Head of Field Office - Mallavi, Children Affected by Armed Conflict, UNICEF
Lorenzo Jimenez de Luis	UNDP, New York
Mitchell L. Carlson	Programme Manager, UNDP
Oenone Chadburn	Field Coordinator, UNDP

Sri Lanka Monitoring Mission

Trond Furuhoide	Head of SLMM
Perti S. Hartikainen	SLO to LTTE, Kilinochchi

International Committee of the Red Cross

Cecille D'Agostino	ICRC Delegate, Vanni
--------------------	----------------------

Others

John Earl	Director, Cynosura
-----------	--------------------



Annex 2
Agreement on a ceasefire between the Government of the Democratic Socialist Republic of Sri Lanka and the Liberation Tigers of Tamil Eelam

Preamble

The overall objective of the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as the GOSL) and the Liberation Tigers of Tamil Eelam (hereinafter referred to as the LTTE) is to find a negotiated solution to the ongoing ethnic conflict in Sri Lanka.

The GOSL and the LTTE (hereinafter referred to as the Parties) recognize the importance of bringing an end to the hostilities and improving the living conditions for all inhabitants affected by the conflict. Bringing an end to the hostilities is also seen by the Parties as a means of establishing a positive atmosphere in which further steps towards negotiations on a lasting solution can be taken.

The Parties further recognize that groups that are not directly party to the conflict are also suffering the consequences of it. This is particularly the case as regards the Muslim population. Therefore, the provisions of this Agreement regarding the security of civilians and their property apply to all inhabitants.

With reference to the above, the Parties have agreed to enter into a ceasefire, refrain from conduct that could undermine the good intentions or violate the spirit of this Agreement and implement confidence-building measures as indicated in the articles below.

Article 1: Modalities of a ceasefire :

The Parties have agreed to implement a ceasefire between their armed forces as follows:



1.1 A jointly agreed ceasefire between the GOSL and the LTTE shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs in accordance with Article 4.2 hereinafter referred to as D-day.

Military operations :

1.2 Neither Party shall engage in any offensive military operation. This require, the total cessation of all military action and includes, but is not limited to, such acts as:

- a) The firing of direct and indirect weapons, armed raids, ambushes, assassinations, abductions, destruction of civilian or military property, sabotage, suicide missions and activities by deep penetration units;
- b) Aerial bombardment;
- c) Offensive naval operations.

1.3 The Sri Lankan armed forces shall continue to perform their legitimate task of safeguarding the sovereignty and territorial integrity of Sri Lanka without engaging in offensive operations against the LTTE.

Separation of forces :

1.4 Where forward defence localities have been established, the GOSL's armed forces and the LTTE's fighting formations shall hold their ground positions, maintaining a zone of separation of a minimum of six hundred (600) metres. However, each Party reserves the right of movement within one hundred (100) metres of its own defence localities, keeping an absolute minimum distance of four hundred (400) metres between them. Where existing positions are closer than four hundred (400) metres, no such right of movement applies and the Parties agree to ensure the maximum possible distance between their personnel.

1.5 In areas where localities have not been clearly established, the status quo as regards the areas controlled by the GOSL and the LTTE, respectively, on 24



December 2001 shall continue to apply pending such demarcation as is provided in article 1.6.

1.6 The Parties shall provide information to the Sri Lanka Monitoring Mission (SLMM) regarding defence localities in all areas of contention, of Article 3. The monitoring mission shall assist the Parties in drawing up demarcation lines at the latest by D-day +30.

1.7 The Parties shall not move munitions, explosives or military equipment into the area controlled by the other Party.

1.8 Tamil paramilitary groups shall be disarmed by the GOSL by D-day +30 at the latest. The GOSL shall offer to integrate individuals in these units under the command and disciplinary structure of the GOSL armed forces for service away from the Northern and Eastern Province.

1.9 The Parties' forces shall initially stay in the areas under their respective control, as provided in Article 1.4 and Article 1.5.

1.10 Unarmed GOSL troops, shall as of D-day + 60, be permitted unlimited passage between Jaffna and Vavuniya using the Jaffna-Kandy road (A9). The modalities are to be worked out by the parties with the assistance of the SLMM.

1.11 The Parties agree that as of D-day individual combatants shall, on the recommendation of their area commander, be permitted, unarmed and in plain clothes, to visit family and friends residing in areas under the control of the other Party. Such visits shall be limited to six days every second month, not including the time of travel by the shortest applicable route. The LTTE shall facilitate the use of the Jaffna-Kandy road for this purpose. The Parties reserve the right to deny entry to specified military areas.

1.12 The Parties agree that as of D-day individual combatants shall, notwithstanding the two-month restriction, be permitted, unarmed and in plain clothes, to visit immediate family (i.e. spouses, children, grandparents, parents and



siblings) in connection with weddings or funerals. The right to deny entry to specified military areas applies.

1.13 Fifty (50) unarmed LTTE members shall as of D-day + 30, for the purpose of political work, be permitted freedom of movement in the areas of the North and the East dominated by the GOSL. Additional 100 unarmed LTTE members shall be permitted freedom of movement as of D-day + 60. As of D-day + 90, all unarmed LTTE members shall be permitted freedom of movement in the North and the East. The LTTE members shall carry identity papers. The right of the GOSL to deny entry to specified military areas applies. Article 2: Measures to restore normalcy

The Parties shall undertake the following confidence-building measures with the aim of restoring normalcy for all inhabitants of Sri Lanka:

2.1 The Parties shall in accordance with international law abstain from hostile acts against the civilian population, including such as acts as torture, intimidation, abduction, extortion and harassment.

2.2 The Parties shall refrain from engaging in activities or propagating ideas that could offend cultural or religious sensitivities. Places of worship (temples, churches, mosques and other holy sites, etc.) currently held by either of the parties shall be vacated by D-day + 30 and made accessible to the public. Places of worship which are situated in "high security zones" shall be vacated by all armed personnel and maintained in good order by civilian workers, even when they are not made accessible to the public.

2.3 Beginning on the date on which this Agreements enters into force, school buildings occupied by either party shall be vacated and returned to their intended use. This activity shall be completed by D-day +160 at the latest.

2.4 A schedule indicating the return of all other public buildings to their intended use shall be drawn up by the Parties and published at the latest by D-day + 30.



2.5 The Parties shall review the security measures and the set-up of checkpoints, particularly in densely populated cities and towns, in order to introduce systems that will prevent harassment of the civilian population. Such systems shall be in place from D-day + 60.

2.6 The Parties agree to ensure the unimpeded flow of non-military goods to and from the LTTE-dominated areas with the exception of certain items as shown in Annex A. Quantities shall be determined by market demand. The GOSL shall regularly review the matter with the aim of gradually removing any remaining restrictions on non-military goods.

2.7 In order to facilitate the flow of goods and the movement of civilians, the Parties agree to establish checkpoints on their line of control at such locations as are specified in Annex B.

2.8 The Parties shall take steps to ensure that the Trincomalee-Habarana road remains open on a 24-hour basis for passenger traffic with effect from D-day + 10.

2.9 The Parties shall facilitate the extension of the rail service on the Batticaloa-line to Welikanda. Repairs and maintenance shall be carried out by the GOSL in order to extend the service up to Batticaloa.

2.10 The Parties shall open the Kandy-Jaffna road (A9) to non-military traffic of goods and passengers. Specific modalities shall be worked out by the Parties with the assistance of the Royal Norwegian Government by D-day + 30 at the latest.

2.11 A gradual easing of the fishing restrictions shall take place starting from D-day. As of D-day + 90, all restrictions on day and night fishing shall be removed, subject to the following exceptions: (i) fishing will not be permitted, within an area of 1 nautical mile on either side along the coast and 2 nautical miles seawards from all security forces camps on the coast; (ii) fishing will not be permitted in harbours or approaches to harbours, bays and estuaries along the coast.



2.12 The Parties agree that search operations and arrests under the Prevention of Terrorism Act shall not take place. Arrests shall be conducted under due process of law in accordance with the Criminal Procedure Code.

2.13 The Parties agree to provide family members of detainees access to the detainees within D-day +30.

Article 3: The Sri Lanka Monitoring Mission :

The Parties have agreed to set up an international monitoring mission to enquire into any instance of violation of the terms and conditions of this Agreement. Both Parties shall fully cooperate to rectify any matter of conflict caused by their respective sides. The mission shall conduct international verification through on-site monitoring of the fulfilment of the commitments entered into in this Agreement as follows:

3.1 The name of the monitoring mission shall be the Sri Lanka Monitoring Mission (hereinafter referred to as the SLMM).

3.2 Subject to acceptance by the Parties, the Royal Norwegian Government (hereinafter referred to as the RNG) shall appoint the Head of the SLMM (hereinafter referred to as the HoM), who shall be the final authority regarding interpretation of this Agreement.

3.3 The SLMM shall liaise with the Parties and report to the RNG.

3.4 The HoM shall decide the date for the commencement of the SLMM's operations.

3.5 The SLMM shall be composed of representatives from Nordic countries.

3.6 The SLMM shall establish a headquarters in such place as the HoM finds appropriate. An office shall be established in Colombo and in Vanni in order to liaise with the GOSL and the LTTE, respectively. The SLMM will maintain a



presence in the districts of Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai.

3.7 A local monitoring committee shall be established in Jaffna, Mannar, Vavuniya, Trincomalee, Batticaloa and Amparai. Each committee shall consist of five members, two appointed by the GOSL, two by the LTTE and one international monitor appointed by the HoM. The international monitor shall chair the committee. The GOSL and the LTTE appointees may be selected from among retired judges, public servants, religious leaders or similar leading citizens.

3.8 The committees shall serve the SLMM in an advisory capacity and discuss issues relating to the implementation of this Agreement in their respective districts, with a view to establishing a common understanding of such issues. In particular, they will seek to resolve any dispute concerning the implementation of this Agreement at the lowest possible level.

3.9 The Parties shall be responsible for the appropriate protection of and security arrangements for all SLMM members.

3.10 The Parties agree to ensure the freedom of movement of the SLMM members in performing their tasks. The members of the SLMM shall be given immediate access to areas where violations of the Agreement are alleged to have taken place. The Parties also agree to facilitate the widest possible access to such areas for the local members of the six above-mentioned committees, of. Article 3.7.

3.11 It shall be the responsibility of the SLMM to take immediate action on any complaints made by either Party to the Agreement, and to enquire into and assist the Parties in the settlement of any dispute that might arise in connection with such complaints.

3.12 With the aim of resolving disputes at the lowest possible level, communication shall be established between commanders of the GOSL armed forces and the LTTE area leaders to enable them to resolve problems in the conflict zones.



3.13 Guidelines for the operations of the SLMM shall be established in a separate document.

Article 4: Entry into force, amendments and termination of the Agreement :

4.1 Each Party shall notify its consent to be bound by this Agreement through a letter to the Norwegian Minister of Foreign Affairs signed by Prime Minister Ranil Wickremesinghe on behalf of the GOSL and by leader Velupillai Pirabakaran on behalf of the LTTE, respectively. The Agreement shall be initialled by each Party and enclosed in the above-mentioned letter.

4.2 The Agreement shall enter into force on such date as is notified by the Norwegian Minister of Foreign Affairs.

4.3 This Agreement may be amended and modified by mutual agreement of both Parties. Such amendments shall be notified in writing to the RNG.

4.4 This Agreement shall remain in force until notice of termination is given by either Party to the RNG. Such notice shall be given fourteen (14) days in advance of the effective date of termination.

Annexes :

Annex A: List of goods

Annex B: Checkpoints

Annex A :

The Parties agree to ensure the flow of non-military goods, to and from LTTE dominated areas of the Northern and Eastern Province as well as unimpeded flow of such goods to the civilian population in these areas. Non military goods not covered by article 2.6 in the Agreement are listed below:

Non military arms/ammunition

Explosives



Remote control devices

Barbed wire

Binoculars/Telescopes

Compasses

Penlight batteries

Diesel, petrol, cement and iron rods will be restricted in accordance with the following procedures and quantities.

Diesel and petrol :

The Government Agents (GA) will register available vehicles; tractors and motorcycles in the LTTE controlled areas. The GA will calculate the required weekly amount of diesel and petrol based on the following estimate:

Trucks/Buses 250 litre/week

4 wheel tractor 310 litre/week

2 wheel tractor 40 litre/week

Petrol vehicle 30 litre/week

Motorcycles 7 litre/week

Fishing vessels 400 litre/week

Cement :

Cement required for rehabilitation and reconstruction of Government property; registered co-operatives; or approved housing projects implemented by the GOSL and international NGOs and more affluent members of the society; will be brought in directly by relevant institutions under licences issued by Government Agents. The GA shall stipulate the monthly quantities permitted for such project based upon planned and reported progress.

Cement required for individual shops/constructions/house owners rehabilitation initiatives will be made available through the co-operations on a commercial basis.

Cement required for individual shops/constructions/house owners/rehabilitation - initiatives will be made available through the co-operations on a commercial basis. The monthly import for this purpose will be limited to 5000 bags during the first



month and thereafter 10,000 bags/month. Individual sales by the co-operatives will be registered and limited to 25 bags per household.

Iron rods :

Iron rods for building constructions will be brought in to the LTTE controlled areas under licences issued by the GA.

A monthly reassessment will be made to assess the possibilities of removal of the above restrictions.

Annex B :

Checkpoints agreed in section 2.7 are as follows:

- Mandur, - Paddirupur, - Kaludaveli Ferry Point, - Anbalantivu Ferry Point, - Mamunai Ferry Point, - Vanvunateevu, - Santhiveli Boat Point, - Black Bridge, - Sitandy Boat Point, - Kiran bridge, - Kinniyadi Boat Point, - Valachenai, - Makerni, - Mahindapura, - Muttur, - Ugilankulam, - Omanthai.



Annex 3

Opening statement made on 4th March 2002 by Hon. Prime Minister Ranil Wickremasinghe during the special debate in Parliament on the ceasefire agreement with the LTTE

I thank you for having summoned this House to enable me to make a statement on the Ceasefire Agreement. It is the Government's policy to keep this House informed of each new development on our search for a political solution to the ethnic crisis. This is why I readily agreed with the request of the Leader of the Opposition for an adjournment debate.

All of us who are citizens of this country are stakeholders in the peace process. What we say and do here have an impact on 18 million people. It is the same people who gave this Government a mandate to bring a negotiated political solution to the ongoing North East conflict, while safeguarding the country's territorial integrity. It is a mandate to end the North East conflict.

Our approach to finding a political solution is based on the past experiences of negotiating with the LTTE. I have had the opportunity commencing from the Thimpu talks, to participate in or to observe all developments at close quarters either from the Government side or from the Opposition.

I have also had time to analyse and reflect on the mistakes we have all made. Therefore, this time, our approach is going to be a step-by-step process, where each step stands on its own, but in sequentially connected to the next.

The first step was to deal with humanitarian issues that concerned the Tamil people. The previous rounds of negotiations with the LTTE broke down on the humanitarian issue. We have tried a different approach. The UNF made a pledge to the electorate before the December elections to resolve the humanitarian issue. As the new UNF Government we gave priority to implementing this pledge.



Thus, when we relaxed the ban on the transportation of goods to the Vanni, there were two unilateral declarations of cessation of hostilities in place, one by the LTTE and the other by the Government. The two declarations whose terms and conditions were different have now been replaced by a mutually agreed and more stable ceasefire. The next step will be talks about talks which will lead to political negotiations. since there are crucial issues including the ban, to be addressed by both sides prior to the commencement of talks, the agreement on political negotiations has to follow a stable Ceasefire Agreement.

Otherwise, there would have been a further delay in arriving at the Ceasefire Agreement. This itself was an unhealthy situation since extending the two unilateral declarations on the cessation of hostilities created uncertainty especially in the East. In the Ceasefire Agreement, both parties have accepted as its overall objective the need to find a solution to the ongoing ethnic conflict in Sri Lanka.

Furthermore, both parties have reiterated to the Government of Norway their commitment to commence talks as soon as possible. This is why a full implementation of the Ceasefire Agreement would take three months, the period we think necessary to commence talks.

what was signed on the 22nd of February was a Ceasefire Agreement. It was not aimed at arriving at a final political solution to this important national problem. But this Agreement takes us half way down the road to not only meeting the concerns of the LTTE but also towards addressing important issues raised by the Tamil population regarding discrimination.

Humanitarian issues associated with the Ceasefire Agreement address several day-to-day problems faced by the Tamil people by ensuring free movement of people and goods throughout the country. This would present the people in the North and East with the opportunity of freely engaging in their livelihoods, be it, farming, fishing, Government service or business. This is a right that should be available to all Sri Lankans.



Therefore, we as a Government will ensure that all Sri Lankans are given access to the same quality of life regardless of race, sex, religion or where they live. When we achieved this and the people of this country believe that they can live in security without discrimination and harassment, we as a nation and society would have travelled half way down the road to peace.

What remains thereafter would be to determine a constitutional framework that would ensure equality of treatment and the extent to which powers should be devolved to the provinces so as to enable the people in these areas to determine their own social and economic future, and cultural advancement.

The Agreement is based on the recognition that civilians, who are not directly a party to the conflict, are also suffering and as such, require both parties to take confidence building measures with the aim of resorting normalcy to all inhabitants of Sri Lanka.

It also prohibits both parties from engaging in illegal and hostile actions such as abductions, extortion and harassment. This Agreement is wide enough to cover the unacceptable incidents that occurred during the period when the two unilateral declarations were in force. This includes extortion of moneys from traders - especially Muslims, and the abduction of people in the East.

The Agreement is also wide enough to cover forcible recruitment of children by the LTTE. The Police have to maintain law and order in all these areas. One of the groups who were most affected by the hostile acts against civilians, are the Muslims and this Agreement specifically refers to the Muslim population in this context.

The Government is committed to ensuring that the Muslim population can live in safety and security in their villages in the North and East. Furthermore, we have taken steps to strengthen the Police in some of the trouble areas.

Under this Agreement the free movement of armed cadres of the LTTE is limited to the areas presently dominated by the LTTE. Outside these areas, the LTTE members have to be unarmed and are to be governed by the Agreement. While the



Government is responsible for the civil administration throughout the country, we have no control over law and order on significant portions of land in the North and East. The armed units of the LTTE dominate these areas.

The armed forces have so far been unable to regain control. We all know this is the reality but we do not want to speak about it. We have been fooling the people and in the process we have fooled ourselves.

The forward defence lines in the Northern province demarcate the areas, dominated by the armed units of the LTTE. The then Government for the first time admitted to the areas in which we have no control in the Eastern Province in the Report on Census of Population in 2001.

In the Districts of Trincomalee and Batticaloa, the census was fully carried out in 12 DS divisions, partially in 8 DS Divisions and could not be carried out in 3 DS divisions.

If the writ of the Government ran in all parts of the Eastern Province, we would have been able to carry out the census without excluding any DS Division. In these provinces the two parties have to draw up lines of demarcation by D Day + 30. The monitoring mission will assist the two parties in drawing up the demarcation lines. Without such an exercise, separation of combatants in the Eastern Province, where there are no bunker lines (as in the case of the Northern Province), will not be possible.

Therefore, it is incorrect to say that the Norwegian facilitators have been given the final responsibility for demarcating. Another important aspect of this Cease-fire Agreement is that there is provision for monitoring.

The Agreement for Cessation of Hostilities signed in 1995 also made provision for monitoring though circumstances did not allow this to be implemented. The Draft Agreement to permit free movement of goods to the Vanni prepared in April 2001 also contained provision for monitoring by the Norwegian Government and this is now included in this Agreement.



The monitoring provision is important to the Sri Lanka Government, which has always complained of the LTTE having violated the previous agreements.

This is not the first time a foreign country is helping to bring the two parties together in this long drawn conflict. India did this in 1987. The Indo-Lanka Accord further provided for a Peace Keeping Force. We sent them away. What was said of India then, is now being said of Norway by the same detractors. I tell them, do not make the same mistake again.

This Agreement has been welcomed by a vast majority of people in this country. However, many are still concerned as to the true intentions and motivations of the LTTE.

Given the history of this conflict, it is not surprising that there is a high level of mistrust between the two parties. Therefore, while we go forward to implement this Agreement, we will continue to keep our armed forces on constant alert. Most Sri Lankans want us to move ahead with the peace process cautiously and a step at a time, while keeping our guard up at each stage.

With this in mind, I have spoken to our soldiers and our military leaders and explained to them our thinking and our approach. This dialogue has reaffirmed my belief, that all Sri Lankans want a lasting peace. While moving ahead on the peace process we will entrust our armed forces with the responsibility of safeguarding any threat to our national security. In this context, I will do what is necessary to strengthen, reform and re-train our armed forces.

I have already begun work on this important task. Through this process, on an incremental basis, we would be able to build confidence on a solid foundation based on mutual respect. Then we can correspondingly disengage military involvement as the ground situation improves.

I will not go into the technical details of the Agreement, the Ministers speaking after me will undertake this responsibility. However, I wish to assure the House that the best minds in this country and abroad have studied the text. In fact, the



Agreement is a continuation of the process begun by the PA Government. It has since evolved into a much more comprehensive document.

The Government has acted in a responsible and prudent manner in drafting the Agreement. It should be seen as a reasonable and practical foundation on which a political solution to this seemingly intractable problem can be built upon and not as an end in itself.

Often where one stands on an issue depends on where one sits at that particular time and this is especially the case in Sri Lankan politics, where parochial, opportunistic and divisive politics often overwhelm statesmanship and a united national outlook.

Having engaged in politics for over two decades, I realise that this attitude is an intrinsic part of the Sri Lankan political process.

This has been the very reason why this conflict has become almost impossible to solve. My intention is to seek a viable consensus for this most critical national issue bearing in mind the fact that the Government has a clear mandate from the people to search for a political solution.

We have to be mindful of the fact that this is the first instance in which the LTTE has accepted the alternative of a negotiated political solution to the crisis. That position was amply reflected in the statement made by the leader of the LTTE on November 27, last year.

We also have to be mindful of the fact that the international community has fully backed the policy of my Government at every stage. They too have called for political negotiations with a view to resolving this crisis.

Finally, Mr. Speaker, I would like to warn this House and the nation, as it has been the case with other peace processes around the world, the road to peace will have more pitfalls and setbacks than successes.

Our collective character and resolve as a nation and society will be tested and challenged at every turn. Every setback will be criticised by our detractors, with an



"I told you so" and successes, more often than not, will be trivialised or ignored. But our people yearn for peace Mr. Speaker and they plead that we unite as a nation to address this important cause ignoring political and philosophical allegiances. Today, we are living in a fractured and a fragmented country.

It is important to unite the country, which has been fragmented over the years and put it back. In the words of Abraham Lincoln, let me quote, "Let us strive on to finish the work we are in; to bind up the nation's wounds."



Annex 4

LIST OF DOCUMENTS CONSULTED

- Bush, K. (1999) *The Limits and Scope for the Use of Development Assistance Incentives and Disincentives for Influencing Conflict Situations*, Paris OECD Development Assistance Committee - Informal Task Force on Conflict, Peace and Development Cooperation.
- Bush, K. (2000) *Peace and Conflict Impact Assessment (PCIA) for Swedish Development Cooperation with Sri Lanka*, Colombo, the Division for Humanitarian Assistance and Conflict Management, SIDA, Embassy of Sweden, Colombo
- CARE Sri Lanka (2000) *The Concept and Tools of Do No Harm: Experiences of CARE Sri Lanka*
- Frerks, G. / Van Leeuwen, M. (2000) *Conflict Policy Research Project (CPRP): The Netherlands and Sri Lanka – Dutch Policies and Interventions with regard to the Conflict in Sri Lanka*, The Hague, Netherlands Institute for International Relations.
- Goodhand, J. (2000) *Aid, Conflict and Peacebuilding in Sri Lanka*, London, DFID.
- Government of Sri Lanka (2002) *Framework for Relief, Rehabilitation and Reconciliation*, Department of External Resources, Ministry of Finance and Planning, Colombo, Sri Lanka.
- Government of Sri Lanka (2002) *Poverty Reduction Strategy Paper*, Department of External Resources, Ministry of Finance and Planning, Colombo, Sri Lanka. www.erd.gov.lk
- Kuperus, P. (2000) *Conflict and Development*, Royal Netherlands Embassy, Colombo.
- World Bank (2000) *Recovering Lost Opportunities, the case of Sri Lanka*, World Bank, Washington
- United Nations (2002) *Creating the Dividends of Peace, Report of the Inter-Agency Needs Assessment Mission to Sri Lanka*, Draft Only, United Nations, New York



- Senarathne, Jagath.P. *Political Violence in Sri Lanka, 1977-1990* Amsterdam, VU University Press, 1997
- Cross, Peter, ed. *Contributing to Preventive Action*, Nomos Verlagsgesellschaft, Baden - Baden, 1999.
- Darby, John *The Effects of Violence on Peace Process*, United States Institute of Peace Press, Washington, D.C., 2001.
- Tschuy, Théo *Ethnic Conflict and Religion*, WCC Publication, Geneva, 1997.
- Thambiah, Stanley J. *Buddhism Betrayed? Religion, Politics and Violence in Sri Lanka*, The University of Chicago Press, Chicago and London, 1992.
- Nilsson, Anders *Peace in Our Times*, Department of Peace and Development Research, Gothenburg University, 1999.
- Galtung, Johan *Peace by Peaceful Means, Peace and Conflict Development and Civilization*, PRIO Publication, Oslo, 1996.
- Armon, Jeremy and Philipson, Liz, (ed.) *Demanding Sacrifice: War and Negotiation in Sri Lanka*, Accord, Issue 4/August 1998, Conciliation Resources, London.
- Philipson, Liz *Breaking recurring themes in the cycles of war and peace in Sri Lanka*, Research Paper 3, The Center for the Study of Global Governance.
- Goodhand, Jonathan with Atkinson, Philippa *Conflict and Aid: Enhancing the Peace-building Impact of International Engagement, a Synthesis of Findings from Afghanistan, Liberia and Sri Lanka*, International Alert, 2001
- Nesiah, Devanesan *Discrimination with Reason? The Policy of Reservations in the United States, India and Malaysia*, New Delhi, Oxford University Press, 1999.
- Rupesinghe, Kumar, ed. *Negotiating Peace in Sri Lanka: Efforts, Failures and Lessons*, UK, International Alert, 1998.



Filename: Report final not for publication.doc
Directory: C:\Temp\IECache
Template: C:\Program Files\Microsoft
Office\Templates\Normal.dot
Title: Basic issues of the conflict
Subject:
Author: abcom
Keywords:
Comments:
Creation Date: 06/09/02 11:24
Change Number: 4
Last Saved On: 10/09/02 19:59
Last Saved By: Alexander McLachlan
Total Editing Time: 11 Minutes
Last Printed On: 11/09/02 12:01
As of Last Complete Printing
Number of Pages: 81
Number of Words: 20.601 (approx.)
Number of Characters: 117.426 (approx.)