

Will war lead to peace in Sri Lanka?

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Sri Lanka's ceasefire is over. By formally abrogating the Ceasefire Agreement (CFA) with the Liberation Tigers of Tamil Eelam, the Sri Lankan government has finally proclaimed what has been a reality for two years – the effective end of the ceasefire brokered by the Norwegians six years ago. Nevertheless, the death toll has increased further with the abrogation of the Ceasefire Agreement with hundreds of civilians and combatants being killed. The Government of Sri Lanka and the Tamil Tigers have decided that war is not only inevitable but also required, before any fresh political process can emerge.

President Mahinda Rajapaksa has promised to eradicate terrorism. Scouting victory, the Sri Lankan military is pressing in on the Tiger heartland of the north on several fronts, while targeting Tiger leaders for assassination. Meanwhile, the LTTE leader has proclaimed that only military force will work to change the government's policy. He has directed attacks against hard military targets such as Air Force bases and soft political targets like ministers and civil guardsmen. The Tamil Tigers are using a combination of hit and run attacks, bombings and assassinations to deter and delay the government's impending assault.

The Sri Lankan government has newly acquired armaments – multi-barrel rocket launchers, heavier artillery, and bunker busters – and has recruited 30,000 new troops into its armed forces. The Tamil Tigers have developed an air wing, an effective sea wing, and have heavily infiltrated population centres in the Sinhala-dominated South. This next round of violence will lead to the deaths of thousands, the displacement of hundreds of thousands, and the destruction of property on a much larger scale.

With the ceasefire over and the Sri Lankan military pressing in on the LTTE's northern heartland, three distinct scenarios are possible. What role can friends of Sri Lanka, in the region and outside, play in this situation to move the country towards a more peaceful future?

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The Tamil Tigers can emerge defeated, weakened, or emboldened from this fighting. The Tigers will be defeated if the government succeeds in ejecting them from territory they control and in eliminating their leadership. They will be weakened if the government ejects the Tigers from territory they control, but they can still continue as an insurgent organisation capable of guerrilla operations and terrorist attacks. The Tigers will be emboldened, if they succeed in staving off the government offensive. Each of these scenarios can lead to an outcome that either favours a just peace or disfavors it. While these three scenarios are very different, the role that friends of Sri Lanka, in the region and outside, can play in helping to move the country towards a just and stable peace is the same in all of them.

Defeated Tigers

In the first scenario the government deals a decisive blow to the Tigers – ejecting them from territory they control and eliminating their leadership. The armed forces of Sri Lanka have been pressuring the LTTE on six fronts. They have focused most of their effort on pushing in from the west in Mannar. The purpose is four-fold: to secure the coastal areas closest to the Indian land mass, to probe the Tiger ground defences, to open a land route to the Jaffna peninsula, and to get within striking distance of the main Tiger head quarters in Killinochchi. The government has also been exerting pressure on other military fronts – from the North in Muhamalai, from the East in Manal-Aru and from the South near Vavuniya.

At the same time, the Government has been carrying out aerial bombardment of Tiger targets, as well as ambushes of high level Tiger leaders with deep penetration units infiltrating territory the Tigers control. While its conventional efforts at pushing the Tamil Tigers back have not had significant success yet – for example fighting in the Mannar area has been taking place for several months with advances of only a few kilometres – the Government's less conventional methods, like the ambushes, have been more effective in weakening the Tigers by targeting several of their senior leaders. The objective of the Government is to destabilise and eventually eliminate the Tigers' capacity for command and control, while simultaneously pressuring them militarily on the ground. The Government believes that this combination will lead to the elimination of the Tiger leadership and the ejection of Tigers from territory they control. Without a leadership to organise and regroup, the government believes that it can mop up the remnants of Tiger forces with ease. This scenario can lead to two possibilities – a hopeful one and a less hopeful one.

The hope, in this scenario, is that a Sri Lanka liberated from war will find the will to seek peace. Sinhala hardliners fearful of Tamil autonomy in Tamil Tiger hands will be less opposed to granting it after their defeat. Tamil hardliners seeking a separate state will stop doing so. This will create the opportunity for a new politics of co-existence among all communities on the island. The Government will have to take the lead in using this opportunity. They will have to re-activate moribund proposals – such as the forgotten majority report of the All Party Representative Committee which laid out a possible basis for a solution – and encourage a national dialogue that will lead to a decent solution to the ethnic conflict that all communities in Sri Lanka – Muslim, Tamil and Sinhala – can live with. Such an effort will require political wisdom on the part

of the government of Sri Lanka to act in the absence of military pressure, and magnanimity on the part of key political and social actors, particularly in the South of the country.

The less hopeful scenario is that military victory may instead embolden Sinhala hardliners to reject any concession to the minority nationalities – Tamil and Muslim – compelling them to live at the sufferance of the majority. Hardliners will argue that the war was only about terrorism and not about ethnicity. Therefore once terrorism has been defeated there will be no need for political concessions to any community or group. Furthermore such concessions, in this view, will only further strengthen recalcitrant groups. In this scenario, war will give way, not to peace and reconciliation, but to bitterness and recrimination. Sri Lanka may not have war but neither will it have a just peace.

Weakened Tigers

The second scenario points to a weakened, though not defeated, Tamil Tigers. Here they are ejected from territory they control, but Government efforts to eliminate the leadership fail. Since the Tiger command and control remain intact, they regroup and continue as an insurgent organisation capable of guerrilla operations and terrorist attacks. The Tigers will have mobile bases in the jungles of the North and continue to use hit and run tactics in the East and parts of the North. They will make it hard for the government to use the land routes, as well as the sea routes to replenish the stocks and numbers of the troops holed up in the Jaffna Peninsula. While the Tigers will not control territory they will make it difficult for the government to do so, as well.

Meanwhile, the Tigers will also resort to terrorist attacks in other parts of the country. This will include bomb blasts, assassinations and an occasional landmine ambush in areas that are said to be under the control of the government. The aim of these twin forms of attack will be to destabilise the government and weaken its claim to having scored a significant military victory by ejecting the Tamil Tigers from territory they control. Despite the persistence of the Tamil Tigers as a guerrilla force in this scenario, it would be hard for them to mask the fact that they have been weakened by having to give up control over territory.

Again there is a hopeful and a fearful possibility in this military scenario. The hope here is that both parties will declare victory and call a truce. The government will view further efforts at defeating the Tigers as too costly, and the Tigers will accept that they cannot get what they want by military means alone. Each side will give up on their preferred political objective. The government will give up on centralising all power in Colombo and the Tigers will give up on the establishment of a separate state. The result will be the classic federal compromise that many people see as a potential solution. The fear is that neither party will stop at a partial victory or defeat. Rather the Sri Lankan government will press on in the hope of eliminating the Tigers permanently. And the Tamil Tigers will refuse to accept a new balance of power where they do not control territory and administer populations. Each side will seek to continue the war. Neither will prevail. The stalemate will continue, albeit with a new military balance.

Emboldened Tigers

The final scenario is where the government fails to eject the Tamil Tigers from the territory they control. The government will unleash all it has, but the Tigers will succeed in clinging onto territory through a two pronged counter strategy. They will use anti-personnel mines extensively in their defence lines, making ground progress on the part of the Government forces painstakingly slow. The current challenge the Government faces in moving in from the West in Mannar is illustrative of this. At the same time, the Tigers will use terrorist attacks and occasional ambushes to compel the government to disperse its forces. The government advance will become slow, awkward and ultimately grind to a halt. Meanwhile, the Tamil Tigers hold firm onto significant parts of the territory they control, but fail to expand their hold on either territory or population.

The result will be a stalemate, but after spilling a lot of blood. Nevertheless, it will be a stalemate where the Tigers will emerge emboldened, having proved that they are a conventional force to be reckoned with.

The hope in this scenario is that after much cost to the people of the country the government and the Tamil Tigers will have relearned the lesson that war alone will not alter the political dynamic of the country. They will initiate a political process that will keep the strengths and redress the weaknesses of the previous one. This process, with a combination of internal acceptance and external support, will get somewhere. The fear in this scenario is that a combination of Sinhala extremism and political rivalry in the South and Tamil extremism and militarism in the North will prevent the parties from seizing the opportunity to move forward toward a fresh process. Instead, they will continue seeking military breakthroughs only to be further mired in a bloodier stalemate.

While these three scenarios are distinct, the role friends of Sri Lanka, in the region and outside, can play in helping to move the country towards the more hopeful scenarios over the short and medium term does not change.

The Sri Lankan government as a responsible state in the international system has good defence, economic and diplomatic ties with several countries. This provides an opportunity for constructive engagement between these governments and Sri Lanka. The Tamil Tigers - banned as a terrorist organisation in the European Union, the United States, India and several other countries – do not have such ties. Rather their links are primarily with the illicit world of arms smugglers and money launderers. This makes it easier to communicate with and influence the Sri Lankan government. It also makes it harder to influence and communicate with the Tamil Tigers, except primarily through means of law enforcement. Despite these challenges both the Sri Lankan government and the Tamil Tigers are acutely aware of international opinion. They value it not only as a means of having an impact on the material resources they may acquire, but also as an important source of symbolic recognition in the political conflict. This suggests Sri Lanka's friends can use points of contact to urge parties to behave better during war and to move towards creating a climate where peace is possible.

In the short term, both parties may be urged to respect International Humanitarian Law (IHL). This law applies to both state and non-state actors. It does not confer legal status or recognition on one party or another, nor does it alter their legal status. Getting parties to accept and uphold IHL in no way indicates either endorsement of or opposition to particular policies of either party, including the policy of whether or not to fight a war. IHL is a purely humanitarian measure pursued to ease, if not minimise, the suffering caused by war. The government of Sri Lanka has basic obligations even while fighting an insurgency. These include: upholding the human rights of all its citizens, irrespective of their ethnic affiliation; respecting IHL; providing humanitarian assistance to those affected by the conflict, including the displaced; and ensuring access to humanitarian organisations, local and international, seeking to assist those affected by the armed violence. At the moment, government hospitals, administrative officials, the United Nations High Commission for Refugees (UNHCR), the International Committee of the Red Cross (ICRC), the World Food Programme, and the United Nations Children's Fund (UNICEF) provide assistance and relief on a daily basis to Sri Lankans in the war affected areas. Humanitarian access to displaced Sri Lankans, and medical and humanitarian assistance to those hurt in the fight is vital. Sri Lanka's friends can help it fulfil these responsibilities. India, Pakistan and China provide important defence related assistance to the Government of Sri Lanka. India's assistance is primarily in the form of officer training, border security, and non-lethal defensive equipment such as radars. China and Pakistan provide more direct military assistance such as small arms and light weapons, and other larger calibre offensive weapons. These countries have important defence relations with the Government of Sri Lanka. As friends, they can constructively engage with the Government of Sri Lanka in a way that helps it understand its humanitarian responsibilities.

At the same time, it is important to impress upon the Tamil Tigers that while they are no state, they must still respect the laws of war as an armed group engaged in a conflict. These include, but are not limited to, refraining from deliberately targeting civilians, ensuring humanitarian access to those affected by war, and refraining from recruiting children. Apart from humanitarian actors active on the ground in the war affected North and East of Sri Lanka, governments such as Japan, Switzerland, and Norway, where the Tigers are not legally banned, can seek to influence their actions. They must emphasise that the future role of the Tamil Tigers as serious political interlocutors in a peace settlement will depend on how they conduct themselves during war.

Sri Lanka's friends, particularly the "co-chairs" of the peace and reconstruction process - Norway, the European Union, the United States and Japan - can also prod the two parties to lay out their respective visions of a political settlement without evading it. Here India, as an influential and concerned neighbour can play an important role. These must not be the

reiteration of tired old positions by both sides – where the Tigers repeat their call for an interim administration that only it controls, and the Sri Lankan government reiterates its commitment to a unitary state that only it controls. Rather it must be an imaginative effort to describe both an end goal – where they would like to see the country end up - and a pathway for getting there – how they would like to set about achieving it. This will invariably involve a permanent political settlement, an interim structure for getting there, a process for disarmament on the part of the Tigers and demilitarisation on the part of the state, and a mechanism for post-war reconstruction that can rebuild the shattered lives of all communities.

Finally, the world can also help amplify Sri Lankan voices that support a solution that respects the concerns of all communities equally within an undivided country. These include the Muslims, the upcountry Tamils, the left-liberal political actors, and a silent majority of the Tamils and Sinhalese, whose significant presence has been ignored, precisely because they have not been obstacles to peace.

While none of these steps are easy, they are also not impossible. But the window of opportunity for initiating them will be very brief, immediately after the next round of fighting ends, and just before both parties forget about the bloody futility of war. While the belligerents make war, those who are seeking peace in Sri Lanka from within and those who wish to help from without must begin their plans for making peace. The people of Sri Lanka deserve another chance.

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