

Making the LTTE a part of the solution

By Jehan Perera
Special to Sunday Island

THE ISLAND 4.12.94

A positive feature in Sri Lanka is the relative swiftness with which realities are recognised. For many years, governmental leaders demanded that the LTTE should lay down its arms as the pre-condition for negotiations. But today most people recognise that this is something that the LTTE will never do merely to start the negotiations. Therefore they do not object to the government's peace negotiations with an LTTE that is apparently better armed than ever before.

But while few would be so rigid to insist on the LTTE disarming prior to the negotiations, most people would probably hold that this should happen after the negotiations. In other words, a successful negotiation would only be one in which the LTTE agreed to disarm as part of the solution. On more serious reflection, however, a serious problem can be seen to arise. The LTTE's idea of a successful negotiation, as is anyone's, is likely to be one that makes them better off rather than worse off.

There is no question that President Chandrika Kumaratunga has won the affection and, more importantly, the confidence of most members of the Tamil community. Reportedly there are more Chandrika souvenirs for sale in the north than even in the south where she recently registered the most overwhelming election victory ever. Her blunt outspokenness and willingness to even take on the Sri Lankan armed forces in verbal battle have endeared her to the Tamil people.

That she has her convictions and is willing to stand by them is clear. Therefore, unlike in the case of the B-C pact of 1957, the Dudley-

Chelva pact of 1965 and the Jayewardene government's DDC law of 1981 it is most unlikely that President Kumaratunga will go back on what she puts her signature to.

However the reality is that President Kumaratunga is but an individual subject as much to impermanence as all others.



Dudley Senanayake

Whoever succeeds her may share neither her ideals nor her strength. To the Tamils, therefore, and particularly to the LTTE, any agreement with the government will have to be one that is structured in such a way that it outlives President Kumaratunga's tenure of office.

From the perspective of the LTTE, what would be a better guarantor that their interests will continue to remain secure after a settlement than the retention of their arms? The LTTE is likely to remain adamant on this issue.

Therefore to those who see a peace settlement in terms of an LTTE disarming, the LTTE will inescapably be seen as the major obstacle to peace. This belief will mount both locally and internationally as the sincerity of the new government in pursuing an honor-

able peace with the LTTE becomes more evident. But whether this will put pressure on the LTTE to change its mind is doubtful. It is reasonable to believe that where its own survival is concerned the LTTE will not budge.

The LTTE knows, as anyone of us knows, that once they

surprise attacks on the Sri Lankan forces.

In addition, they control the land. They wield absolute power over the people living in those areas. They largely control the flow of information available to the people. They have set up their own administrative system complete with taxes, police and judiciary. In terms of their own narrow interests, they have everything to lose by agreeing to a peace in which they lay down their arms which made this all possible in the first place.

There are therefore essentially two alternatives before the government. One is to force the LTTE to lay down their arms by utterly defeating them in the military battlefield. To do so the government will need to gear itself up from the present low intensity war (which still for all consumes some 20 percent of the national budget) and accept the challenge of a full scale war in which life and property are of no consequence.

But the stakes will be very high. If the government fails even after this mighty, and bloody, effort it will have lost any claim it had over the territories it failed to recapture, certainly in the eyes of the people living there who are likely to suffer enormous casualties in the event of a full scale military offensive and perhaps even internationally. The outcome of such a full scale war that fails to defeat the LTTE will almost surely be the birth of an independent state of Tamil Eelam.

Legalisation

The other alternative available to the government is the more pragmatic route of an acceptance of the ground reality but transforming it into a higher good for all concerned.

Over to page 11

The reality is that the LTTE controls the north, militarily and administratively. The question is how to change this situation from being an obstacle to peace to being an advantage.

Over the past several years of military stalemate, the LTTE has gradually been setting up a system of local government of their own which meets most of the basic needs of the people in the areas that they control. If the government so decides it can, in principle, transform Sri Lanka into a federal state by passing a law in Parliament that legalises this control by a body other than itself.

In other words, the administrative, police and judicial systems set up by the LTTE can remain in place. The essential feature of federalism is that the central government constitutionally cannot overturn certain, locally relevant decisions of the federal units.

The concessions will not all be one way from the government to the LTTE. Nego-

tiations are not only about trust-building and problem-solving, they are also about bargaining. In return for the legalisation that the government will offer it, the LTTE will need to join with the government in pledging to permanently renounce the use of violence as a solution to the ethnic conflict, and to accept the united character of Sri Lanka.

Both the LTTE and the government should also pledge not to re-arm after the agreement with a system of monitoring designed to ensure that there is no cheating. This would mean that there will be no more LTTE ships bringing arms from abroad. It will also mean that the government will be able to cut down substantially on its defence expenditures and, therefore, reduce the budget deficit that is fuelling inflation today.

There will also be several other important matters to be negotiated such as the statue of areas not under LTTE control but claimed as part of

the "Tamil Homeland," the time table for the holding of free and fair elections in the north-east unit like in the rest of the country, the absorption of the fighting units of the LTTE into an integrated Sri Lankan military command under the President and provisions for final appeal to the Supreme Court.

The legalisation approach accommodates present ground realities but seeks to transform them into a better reality, in this instance, federalism which is the optimal solution for a country like Sri Lanka in which the majority of our ethnic communities live in more or less geographically separate areas.

The advantage in this approach is that it does not call for war and killing in a high risk all-or-nothing venture as a total military solution would be. It is also a better alternative to the continuation of the present stalemate that is draining the lives and resources of the country and will

surely make it a breeding ground for social unrest in the near future.