

Chapter VI

AN ANALYSIS OF THIMPU TALKS (1985) AND THE PA-LTTE TALKS (1994-95): SOME LESSONS ON PROCESSES OF NEGOTIATIONS IN ARMED CONFLICT

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Introduction

Past negotiations on constitutional mechanisms and legislative reforms, aimed at addressing Tamil aspirations and grievances in the post-Independence period, span processes leading to the Bandaranaike-Chelvanayagam Pact of 1957, Senanayake-Chelvanayagam Pact of 1966, the District Development Councils Act of 1980, and the 13th Amendment to the Constitution.¹ The scope of this paper, however, is limited to focusing on two processes where Tamil politico-military organisations and the Sri Lankan government sat down together and parleyed on ways and means of seeking a negotiated settlement to the ethnic conflict – and, failed.

The objective of this paper is to look into two attempts at a negotiated settlement to the protracted ethnic conflict in Sri Lanka (i.e. the Thimpu Talks of mid-1985 and the PA-LTTE Talks of 1994-95) and to draw some lessons that could be utilised in the on-going Norwegian-facilitated initiative.

The main flaw in past negotiations under conditions of armed conflict was the failure to strike a balance between issues relating to Structure (i.e. constitutional, political and institutional reforms) and Process (i.e. modalities of ceasefire, confidence-building measures, legitimisation etc). However, what is of concern to us are the faults

¹ See Ketheshwaran Loganathan (1996) Sri Lanka: *Lost Opportunities-Past Attempts at Resolving Ethnic Conflict*, CEPRA, (Colombo: University of Colombo).

in processes and procedures relating to negotiations. This paper will discuss some issues relating to peace-building, legitimisation and implementation which may have a bearing on the on-going Norwegian-facilitated peace initiatives.

Thimpu Peace Talks: Doomed To Fail

A. Background

July 1983 was an event that paved the way for spiralling violence and militarisation of the ethnic conflict in Sri Lanka. Following the anti-Tamil pogrom of July 1983, which led to the exodus of Tamil refugees to Tamil Nadu and expressions of solidarity reflective of cross-border ethnic affiliations, the involvement of India was predestined. Indian Prime Minister Indira Gandhi, in a clear declaration of intent, announced in parliament that she was establishing a 'Sri Lanka Relief Fund' and called on 'fellow citizens, including those living abroad, to contribute generously to the fund and thereby express their anguish and sympathy for the unfortunate victims of this senseless violence in a tangible and positive manner.'²

What followed was not only the offer of a safe haven to Sri Lankan Tamil refugees, but also the facilitation of an external sanctuary to the various Tamil politico-military organisations. The key beneficiaries of India's moral and material support were the Liberation Tigers of Tamil Eelam (LTTE), Tamil Eelam Liberation Organisation (TELO), Eelam People's Revolutionary Liberation Front (EPRLF), EROS (Eelam Revolutionary Organisation) and PLOTE (People's Liberation Organisation of Tamil Eelam). It is the representatives of these politico-military organisations, along with the seasoned parliamentary party, the Tamil United Liberation Front (TULF), who comprised the Tamil Delegation at the Thimpu Peace Talks of 1985.

The genesis of these talks, mediated by the Government of India, can be traced to the discussions between Prime Minister Indira Gandhi

² Daily News, 13.08.83.

and the H. W. Jayewardene, the brother and personal envoy of President J. R. Jayewardene in August 1983. The latter, who was to head the Sri Lankan government delegation to the Thimpu Talks two years later, had conveyed to the Indian prime Minister that the government had intended placing before the TULF a draft constitutional reform proposal and that the process had to be put off with the July riots. Prime Minister Indira Gandhi told H. W. Jayewardene that the ethnic conflict had to be resolved through negotiations. While placing the tenor of this discussion before the Indian parliament, she said:

*"I expressed my view that these proposals may not meet the aspirations of the Tamil minority. Mr Jayewardene told me that the Sri Lankan government is willing to consider any other proposals which would give the Tamil minority their due share in the affairs of their country within the framework of a united Sri Lanka...I gave my view that discussion between the Government and the Tamil community on this broader basis would be useful and that a solution has to be sought at the conference table. I offered our good offices in whatever manner that may be needed."*³

It was an offer that J. R. Jayewardene could not refuse. And, so began the process of a two-pronged strategy by India. The first was the strengthening of the resistance capacity of the Tamil militants to demonstrate to Colombo the non-viability of a military solution. The other was a diplomatic initiative aimed at getting the two parties to the conflict to agree on a negotiated political solution. Thus began a flurry of initiatives culminating in the 'Parthasarathy Proposals' and the All Party Conference (APC) of 1984 in which the TULF grudgingly agreed to participate at the prodding from New Delhi.⁴

³ *ibid.*

⁴ For a discussion on the substantive issues relating to the 'Parthasarathy Proposals' and the APC (1984) see Ketheswaran Loganathan (1996) *Sri Lanka: Lost Opportunities*: p 86-97).

While the APC meandered its way to an inconclusive end, the Tamil militant groups were beginning to consolidate themselves. In April 1984, three organisations (i.e. EPRLF, EROS and TELO) formed an umbrella organisation – the Eelam National Liberation Front (ENLF). The following year, in April 1985, the LTTE took the decision to join the united front. The Tamil militant groups had emerged into a 'politico-military' entity with tremendous clout which clearly enjoyed the patronage of the Government of India.

Meanwhile, the assassination of Mrs. Indira Gandhi on 31st August 1984 by her Sikh bodyguards led to her son, Rajiv Gandhi, assuming the mantle of the Nehru family and the helm of the Indian polity. The perception that he was 'pro-west' and not fettered by his mother's deep-rooted suspicion of the western powers, gave fresh hopes to Colombo. J. R. Jayewardene sent his Minister of National Security, Lalith Athulathmudali, to New Delhi for discussions with the newly installed Indian Prime Minister. The Indian Foreign Secretary Romesh Bhandari, who openly spoke about his friendly relations with the J. R. Jayewardene family, was largely instrumental in thawing the strained relations between Colombo and Delhi.

The strategy of driving a wedge between Delhi and the Tamil politico-military organisations by Colombo was palpable. This was evident in the contents of the letter that J. R. Jayewardene sent to Rajiv Gandhi through his emissary and the Sri Lankan Minister of National Security, Lalith Athulathmudali:

"I ask of you very little. Let us forget the issue of training camps, the existence of Sri Lanka terrorists in South Asia; their plotting and planning. I ask you to help me to prevent them coming here with arms...If we can agree on a common scheme to do this, by some form of mutual or combined surveillance, it will enable me to withdraw the Armed Services from combat; to suspend the operation of the Terrorism Act; and to help the North and East of Sri Lanka to return to normalcy...Cross border terrorism threatens the

*very fabric of this democracy...Do please understand our position, which is now yours too, and help... ”*⁵

Further, J. R. Jayewardene, while referring to the initiatives taken by his Government at the level of the All Party Conference of 1984, placed the blame squarely on the TULF for its collapse. He gave no indication of reviving the process of negotiations.

However, at the Summit Meeting between President J. R. Jayewardene and Prime Minister Rajiv Gandhi in New Delhi in June 1985, it was decided that the time was appropriate to commence the process of negotiations. On India's part, an indication was given that pressure would be exerted on the Tamil militant organisations to agree to a ceasefire and engage in direct negotiations. And, pressure was in fact exerted when the Tamil militant organisations were told by a key official of the Government of India that 'Indian soil and sea' would no longer be available if they refused to engage in direct talks with the Sri Lankan government. An assurance was, however, given that India would not be party to any process that would undermine the self-respect of the Tamil people and the militant organisations.⁶

This paved the way for the Peace Talks of July and August of 1985 between the Sri Lankan government and the Tamil politico-military organisations, mediated by the Government of India and held at a third venue in Thimpu, the capital city of the Kingdom of Bhutan.

The above account lays out the basic politico-military and geo-political background to the holding of the Thimpu Peace Talks of 1985. We now turn to some procedural and structural issues that led to its collapse.

⁵ Cited in Rohan Gunaratne (1994) *Indian Intervention in Sri Lanka: The Role of Indian Intelligence Agencies*, (Colombo: South Asian Network on Conflict Research): p.117

⁶ Personal recollections of this writer.

B. Some Core Issues and Lessons: A Discussion

Government Proposals: Banal, Thimpu Principles: High Voltage

The 'Thimpu Talks' lasted two rounds. During the First Round, which lasted from 8th July to 13th July 1985, the Sri Lankan Government delegation put forward draft legislation for devolution of power. These proposals were only marginally different from the one which was placed before the All Party Conference of 1984 and had been rejected by the TULF. It once again demonstrated the Sri Lankan State's incapacity to place before the Tamil polity far-reaching proposals that would be seen as a viable alternative to the pitched-up demand for Tamil Eelam. Further, the proposals were presented in a drab, legalistic form by a delegation comprising mainly of lawyers and bureaucrats. This irritated the Tamil delegation, particularly the representatives of the Tamil politico-military organisations, who were driven by ideological and political fervour and whose patience was being sorely tested. The TULF representatives had already been exposed to the draft legislation in the APC of 1984 and, although quite at home with the legalistic tenor, took a decision to take a back seat.

The Tamil Delegation declined to negotiate any proposals that had already been rejected by the TULF at the APC. Further, the Tamil politico-military organisations had taken the position that the burden of presenting a broadly acceptable formula lay with Colombo, since it was solely to be blamed for the militarisation of the ethnic conflict. The Tamil Delegation, instead, subjected the Sri Lankan government delegation to a series of 'lectures' on what constituted the Ethnic Question and as to why the burden lay with Colombo to come out with a solution 'worthy of our consideration'. And, as though to drive home the point, the Tamil Delegation placed before the Government delegation a set of 'four cardinal principles' as a framework for the formulation of any proposals that the Sri Lankan Government may wish to forward to the Tamil Delegation.

These four principles are:

- a. *Recognition of the Tamils of Sri Lanka as a distinct nationality*
- b. *Recognition of an identified Tamil homeland and the guarantee of its territorial integrity*
- c. *Based on the above, recognition of the inalienable right of self-determination of the Tamil nation;*
- d. *Recognition of the right to full citizenship and other fundamental democratic rights of all Tamils, who look upon the Island as their country.*

When Round Two of the talks recommenced on 12th August, the leader of the government delegation, H. W. Jayewardene, in a prepared Statement rejected the 'Thimpu Principles', stating emphatically that:

"...if the first three principles are to be taken at their face value and given their accepted legal meaning, they are wholly unacceptable to the Government, They must be rejected for the reason that they constitute a negation of the sovereignty and territorial integrity of Sri Lanka, they are detrimental to a united Sri Lanka and are inimical to the interests of the several communities, ethnic and religious in our country."

In response, the Tamil delegation presented a Joint Memorandum that included the rationale behind the placing of the Thimpu principles:

"The four basic principles that we have set out at the Thimpu talks as the necessary framework for any rational dialogue with the Sri Lankan Government are not some mere theoretical constructs. They represent the hard existential reality of the struggle of the Tamil people for their fundamental and basic rights. It is a struggle which initially manifested itself in the demand for a federal constitution in 1950 and later in the face of continuing and

increasing oppression and discrimination, found logical expression in the demand for the independent Tamil state of Tamil Eelam."

The gap between the government's set of proposals and the Thimpu principles was not just a difference of opinion or perception, but one operating at two totally different ideological and conceptual planes. The Government's proposals while going beyond decentralisation and delegation of power, envisaged in the pre-existing District Development Councils system, was nowhere close to the devolution of powers available in the Indian constitution. Further, it failed to recognise the ethnic conflict in Sri Lanka as a National Question.

The Thimpu Principles, on the other hand, was a strident call for the recognition of the Tamil people as a nation with its inalienable right to self-determination. **The decision to forward the Thimpu Principles was not only an assertion of Tamil nationalism, but a strategic move to avoid placing concrete proposals that was seen as a pre-mature abandonment of the goal for which arms had been raised – namely, a separate state of Tamil Eelam. The Thimpu principles, therefore, could not have been anything other than an articulation of an Ideal, bereft of constitutionalism and legalism.**

In short, there simply was no meeting ground between the two sides – and, it could not have been otherwise. Such was the intractable nature of the ethnic conflict and the National Question in Sri Lanka.

However, it is important to take cognizance of the fact that an 'opening' was given by the two sides which made it possible for 'proximity talks' to commence after the collapse of the Thimpu Talks.

Firstly, a hint was dropped by the Tamil delegation that while they were embarked on a struggle for an 'independent Tamil State', 'different countries have fashioned different systems of government to ensure these principles' and that 'we are prepared to give consideration to any set of proposals in keeping with the above-

mentioned principles, that the Sri Lankan Government may place before us.'

Likewise, despite the outright rejection of the Thimpu Principles by the government delegation, the head of the delegation H. W. Jayewardene in a prepared text stated: "In so far as these ideas and concepts can be given a meaning and connotation which does not entail the creation of a separate state, we do believe that there is room for a fruitful exchange of views which can result in a settlement of the problem that beset us".

It may be noted that the 'proximity talks' that followed the collapse of the Thimpu Talks, leading to the Indo-Lanka Accord of 1987, the 13th Amendment to the Constitution, and its evolution to the present draft constitutional reform proposals, although failing to accommodate the inalienable right to self-determination, have acknowledged the Tamil people as a distinct identity with an identifiable territory. The 'territory' of course remains contentious, in addition to the concept of a Tamil 'homeland'.

It is imperative that the 'Thimpu Principles' be demystified and given a concrete constitutional form. It is also important that variants of constitutional reform proposals being discussed go beyond the hallowed notion of a unitary State and pluralist democracy that is confined to majority-minority relations. The National Question needs to be acknowledged, addressed and resolved. Herein lies the challenge and the remedy.

Confidence Building Measures: Nothing Beyond Ceasefire

It was clear from the outset that the Tamil politico-military organisations harboured extreme apprehensions about any ceasefire arrangements in the absence of a political package. In a memorandum submitted to the Government of India on the eve of the Thimpu Talks, the constituent members of the umbrella organisation ENLF (i.e. LTTE, EPRLF, TELO and EROS) proposed that:

*"...the Sri Lankan Government should present a comprehensive programme for a political settlement following the declaration of ceasefire...We wish to state categorically that the commencement of negotiations is conditional of our acceptance of this political programme. We have taken this position as a consequence of a long and bitter historical experience of deceptions and betrayals by successive Sri Lankan governments who have consistently resisted a fair and honourable settlement to the Tamil problem. It is also well known that Sri Lanka had abrogated several pacts and proposals and failed to implement agreements."*⁷

Secondly, it was also abundantly clear that Colombo's main strategy was to get India to disarm the Tamil militants. These intentions were unmasked during the course of the Thimpu Talks when the leader of the Government delegation, H. W. Jayewardene, in a prepared text rejecting the Thimpu Principles asserted:

"The implementation of any agreement reached at these talks requires as a pre-condition a complete renunciation of all forms of militant action. All militant groups in Sri Lanka must surrender their arms and equipment. All training camps whether in Sri Lanka or abroad must be closed down."

That there was hardly basis for the building of mutual confidence is obvious. The only instrument that came anywhere close to the norms of confidence-building measures in the run-up to the Thimpu Peace Talks was the cessation of hostilities document which was worked out by Indian government officials in consultation with the parties to the conflict. The document basically laid out a time frame and mutually reciprocal steps aimed at the phasing out of hostilities and eventual ceasefire.

⁷ Cited in Ketheshwaran Loganathan, *Sri Lanka: Lost Opportunities*, CEPRA, University of Colombo, 1996.

The cessation of hostilities was to be phased out over a period of 8 weeks with a ceasefire coming into effect at the end of 6 weeks. The Sri Lankan security forces were to be confined to their bases at the final stage of the phased-out cessation of hostilities. The document eventually became academic when the entire process was telescoped to expedite the holding of peace talks on substantive issues.

The ceasefire was facilitated by the Government of India with a terse message from high ranking officials of the Government of India to the leaders of the Tamil politico-military organisations that if they refused to comply then 'neither the Indian soil nor sea' would be made available to them. In short, the 'external sanctuary' would be withdrawn. At the same time, assurances were given that if Colombo remained intransigent and failed to reciprocate or come forward to negotiate a political settlement, then the 'hospitality' of India towards the Tamil politico-military organisations would continue.

The only monitoring mechanism in place were complaints made to Indian officials by the parties to the conflict as regards ceasefire violations by the 'other'. In fact, when allegations and counter-allegations on ceasefire violations at the Thimpu Talks began to relegate discussions on substantive issues to the background, Indian officials prevailed on both parties to allocate a limited time at the commencement of talks on each day for trading of allegations and counter-allegations relating to ceasefire violations.

It therefore comes as no surprise that when the talks did fail and were called-off, the straw that broke the camel's back was an incident in Trincomalee in which the armed forces were involved in a ceasefire violation. The Tamil delegation pointedly referred to ceasefire violation by the security forces as the reason for their walk-out. To quote:

"We do not seek to terminate the talks at Thimpu. But our participation at these talks has now been rendered impossible by the conduct of the Sri Lankan State which has

*acted in violation of the ceasefire agreements which constituted the fundamental basis for the Thimpu Talks."*⁸

A desperate attempt was, in fact, made by the Indian Foreign Secretary, Romesh Bhandari, to build a rapport between the Government and the Tamil Delegation when the talks were definitely turning sour. A notable achievement of Romesh Bhandari was the holding of a reception for both delegations at Thimpu, where the spouse of one of the members of the Government delegation was heard commenting, "But, I thought they were terrorists. They are perfect gentlemen."⁹ The niceties stopped there, and the mutual barraging continued at the negotiating table the following day.

One lesson one can derive from the Thimpu Peace process is that while there was an elaborate framework for cessation of hostilities and ceasefire, the mechanism for monitoring the ceasefire was absent. What was in place was the exchange of allegations and counter-allegations which was more aimed at convincing the mediator, the Government of India, that the 'other' was the perpetrator. Secondly, there was hardly any confidence building measures to speak of aimed at building mutual trust and confidence between the protagonists.

Legitimation and Public Acceptance

As regards public legitimisation, the Tamil politico-military organisations had a clear agenda, independent of the substantive issues. This was to take over the political leadership from the TULF and project themselves as the vanguard of the Tamil national movement and national liberation. Although the Tamil politico-military organisations harboured extreme apprehensions about an unacceptable 'solution' being foisted on them at the Thimpu Talks, with possible arm-twisting from India, it was also felt that the Thimpu Talks could provide a forum to establish their legitimacy. A tactical decision was taken to make a virtue out of a necessity and

⁸ Joint Statement by the Tamil Delegation on 17th August 1985, Thimpu, Bhutan.

⁹ As overheard by this writer!

gain legitimacy in the process as not just 'boys' who carry arms, but as a liberation movement engaged in a national liberation struggle.

This was manifest in a joint memorandum addressed to the Government of India by LTTE, EPRLF, EROS and TELO in the run-up to the Thimpu Talks:

"We also wish to express our disapproval over the usage of the category 'militants' in the ceasefire document to describe the united front of major Liberation Organisations, while ascribing the notion 'Tamil political leadership' to the TULF. Such categorisation may create serious misconceptions and undermine our status as authentic political organisations representing the aspirations of our people."

The Tamil militant organisations succeeded in seizing the initiative at the Thimpu Peace Talks and the TULF willingly took a backseat. The agenda, from the Tamil side, was clearly set by the umbrella organisation, the Eelam National Liberation Front (ENLF) comprising of the Liberation Tigers of Tamil Eelam (LTTE), Eelam People's Revolutionary Liberation Front (EPRLF), Tamil Eelam Liberation Organisation (TELO) and Eelam Revolutionary Organisation (EROS). Following this development, a decision was arrived by all Tamil organisations represented at the talks to speak with 'one voice' as the 'Delegation of the Tamil People'. This was also deemed necessary to project a Tamil consensus emanating from the 'authentic' representatives of the Tamil people, in the face of attempts by the Sri Lankan government to project the Tamil organisations represented at the Thimpu Talks as only, 'some representatives of the Tamil people'.

It may be pertinent to mention here that the Thimpu Talks, on the side of the Tamil Delegation, was officially launched by a representative of one of the constituent members of the umbrella organisation, who reminded the Government delegation that, 'we did

not drop from the skies'.¹⁰ And, as though to drive home this point the Tamil politico-military organisations staged a demonstration in Jaffna against the Thimpu Talks, at the same time that their delegation was parleying in Thimpu.

On the other side, it was also abundantly clear that Colombo's main strategy was to get India to disarm the Tamil militants and to drive a wedge between Delhi and the Tamil politico-military organisations. Hence, it was not surprising that no meaningful measures were taken by the Sri Lankan government to mobilise public support in the southern constituency for a just and durable solution.

Likewise, the main opposition, the Sri Lanka Freedom Party expressed apprehensions about a peace process mediated by India. The Sinhala-Buddhist lobby also issued a memorandum calling for the postponement of the Thimpu Talks until 'terrorism' had been wiped out and all Sinhalese settlers displaced from Trincomalee and Vavuniya resettled. The signatories, in addition to senior Buddhist clergy, included Mrs. Sirimavo Bandaranaike and her son Anura Bandaranaike on behalf of the SLFP and Dinesh Gunawardene, the leader of the Mahajana Eksath Peramuna.¹¹

However, following the collapse of the talks a three party alliance comprising the Sri Lanka Mahajana Pakshaya (SLMP, formed by Vijaya Kumaratunga and his wife Chandrika Kumaratunga), the Communist Party of Sri Lanka (CPSL) and the Trotskyite Lanka Samasamaja Pakshaya (LSSP) issued a statement that urged the Government to:

*"...come forward with new proposals which take account of the desire of the Tamil people to be ensured the conditions which will protect them against violence to their persons and property, discrimination, injustice and affront to the self-respect."*¹²

¹⁰ Uttered by this writer!

¹¹ Lanka Guardian, August 15, 1985.

¹² Daily News, 30.8.85.

This intervention was too late to save the Thimpu Talks from collapsing. However, it did pave the way for a visit to Jaffna and Madras by Vijaya Kumaratunga and his wife Chandrika Kumaratunga, the following year, in a bid to dialogue with the Tamil politico-military organisations. Although the contact was fruitful in providing some semblance of a secular-democratic alternative to the main political parties in the South, with its leader, Vijaya Kumaratunga, being held in high esteem by the leadership of the Tamil politico-military organisations and the Tamil people, the exchange between Chandrika Kumaratunga and Anton Balasingham in Madras did not prove to be that cordial¹³ – a matter which was to later have a bearing on the 1994-95 talks between the PA government and the LTTE. We shall return to this later.

On the question of the battle for legitimacy, a seemingly trivial episode needs to be cited to understand the importance of 'parity of status' and 'self-respect' to non-State actors in negotiations under conditions of armed conflict. On the first day of talks, the members of the Tamil Delegation were 'frisked' by the Bhutanese security at the entrance to the venue. This was in view of a request made by the Sri Lankan Government delegation which apparently harboured fears that the representatives of the Tamil politico-military organisations being 'militants' may be carrying arms! The expression of such 'fears' was clearly aimed at humiliating the Tamil Delegation. The Tamil representatives were infuriated. They in turn lodged a protest to the Indian officials, who were functioning as facilitators, and made the allegation that the Sri Lankan government delegation had brought into the venue of the talks their own armed security that included a personality notorious for brutal interrogation methods back home. The end result was a decision taken by the Bhutanese authorities, on the advice of the Indian facilitators, to frisk both delegations before the commencement of each session – including, H. W. Jayewardene, the leader of the government delegation and brother of President J. R. Jayewardene. A parity of status of sorts had been established!

¹³ See Anton Balasingham's account of the discussion in *The Politics of Duplicity*, Fairmax Publishing Ltd, 2000: pp 10-11.

To reiterate, this piece of trivia was not trivial given the context in which the Thimpu Talks was taking place. This is an issue that will keep surfacing at every stage of negotiations and needs to be addressed. **Parity of status of the two parties to the conflict at the negotiating table, as far as the non-State actors are concerned, is non-negotiable.**

India's Role As a Mediator: A Multiple Agenda

It was evident that New Delhi, particularly during Mrs Indira Gandhi's leadership was acutely averse to the involvement of Western powers, as well as Pakistan and Israel, in the militarisation of the Sri Lankan security forces. The attempts by President J. R. Jayewardene to canvass support from, what may be termed, the London-Washington-Pretoria-Tel Aviv-Islamabad axis was perceived by Delhi as an attempt to:

*"...isolate India in the region by facilitating the strategic presence of the forces inimical to India's perceived security interests...Mrs. Gandhi in her telephone conversation with President Jayewardene on 5th August also strongly disapproved of Sri Lanka seeking external military support."*¹⁴

Further, although India's direct involvement in Sri Lanka's ethnic imbroglio did serve to enhance the resistance capacity of the Tamil politico-military organisations, New Delhi also gave a guarantee to Colombo that it would not support the demand for a separate state of 'Tamil Eelam'. While Colombo realising the futility of confronting India, sought to neutralise the regional power's role by co-opting it, the Tamil Resistance saw India largely as an external sanctuary necessary to advance its armed struggle for 'national liberation'. Both parties to conflict needed India on their side, while simultaneously harbouring apprehensions and suspicions regarding her role as an 'honest broker'.

¹⁴ S. D. Muni (1993) *Pangs of Proximity* (New Delhi: Sage Publications): p 52.

And, herein, lay India's failure to mediate a just and a durable solution to the Ethnic Question, despite the fact that the Thimpu Talks was doomed to fail even before it commenced. **While the failure of the Thimpu Talks was more due to factors intrinsic to Sri Lanka's ethnic conflict and less to India's role as a mediator, suffice it to say India was always burdened by a multiple agenda and, in the process, lost focus.** Further, India was too deeply involved as a 'party to the conflict' through its policy of strengthening the Tamil resistance, on the one hand, and applying a heavy handed approach against it, on the other. Further, the perceived role of Indian Foreign Secretary Romesh Bhandari as being sympathetic towards Colombo and J. R. Jayewardene, made it nigh impossible for him to function as an 'honest broker', in the perception of the Tamil organisations. **In the process, India failed to gain the confidence of both parties to the conflict. In fact both sides saw India with deep suspicion.** Yet, both sides had to convince India of their sincerity while exposing the 'other' in a gambit to win over India, while isolating the other.

Ironically and paradoxically, it is India's multiple agenda and geopolitical interests and concerns which may ultimately bring India back on the scene with renewed vigour and changed strategy, but not necessarily as a mediator. Maybe, it is a reality that neither Colombo nor the Tamil Polity and Resistance can ignore. In any event, Norwegian facilitation has clearly factored-in India's role as a regional power through prompt consultations with New Delhi as the process evolves. This is bound to intensify in any future dispensation. As to whether it augurs well or not for the peace process – well, it is a moot point and a matter for discussion!

PA-LTTE Talks (1994-95): From Hope To Despair

A. Backdrop

The defeat of the UNP regime at the Parliamentary Election of August 1994 was predictable. The preceding 17 years under UNP rule witnessed the widening and deepening of authoritarianism. 'Political stability' was deemed to be an essential prerequisite for the

successful implementation of the 'Open Economy' package of the IMF and the World Bank. 'Stability' was however to be effected through repression and the suppressing of dissent. The iron-fist effectively used by the State in crushing the General Strike of 1980 was a precursor to what was to follow by way of repression and suppression of dissent.

The Tamil Resistance, however, was another 'ball game' altogether. It simply refused to fade away. This was despite the draconian Prevention of Terrorism Act, attempts at 'terrorising' the Tamil national movement and People into submission through state-sponsored anti-Tamil pogroms and the prosecution of a military campaign aimed at inflicting a military solution. There were of course the interludes such as the Thimpu Peace talks, the aborted Indo-Lanka Accord and the Premadasa-LTTE talks. None of these, however, succeeded in paving the way for either devolution or democratisation.

The pursuit of hegemony by the LTTE in its project to emerge as the 'sole representative' of the Tamil People and the entering into the political mainstream by the non-LTTE ex-Tamil militant groups also paved the way for more internecine conflicts within the Tamil national movement. Neither was there any democracy to speak of in the Tamil areas, irrespective of whether it was under the control of the security forces or the LTTE. The non-LTTE Tamil organisations similarly failed to effect a transformation and internal democracy and, instead, began to assume the schizophrenic character of 'legitimate' parliamentary parties and 'hated' paramilitaries.

It was in this context, the victory by the People's Alliance under the leadership of Chandrika Kumaratunga at the General Elections came as 'fresh winds' blowing across the land. Or, so it was perceived by the secular, democratic forces, including broad sections of the Tamil populace. The Tamil people felt justified in extending their support to the PA when the newly elected Prime Minister Chandrika Kumaratunga offered unconditional talks to the LTTE. This was followed by the relaxing of the economic embargo that had been in

place and which had taken a heavy toll on the Tamil people, particularly those living in LTTE-controlled areas.

This fact was recognised by the LTTE when in a press statement issued by V. Pirabhakaran on 2nd September 1994, the leader of the LTTE, observed:

"For the last four years our people have been subjected to enormous suffering without the essentials of daily existence. In this context, the positive step taken by the new Government to relax the embargo will be very much appreciated by our people."

Despite this initial enthusiasm, it later transpired that the LTTE was guarded at the on-set, as stated by Anton Balasingham in his recent book on the PA-LTTE Talks:¹⁵

"From the outset, Mr Pirabhakaran, the leader of the LTTE, was sceptical of Chandrika's gesture. He felt it was a political gimmick to win the support of the Tamils and Sinhalese for the forth-coming presidential elections."

Despite these apprehensions, the LTTE went ahead and proceeded with the release of 10 police detainees as a "gesture of goodwill and understanding" and declared that they were prepared for ceasefire and unconditional talks.

Thus, began the run-up to the direct negotiations between the PA-Government and the LTTE in Jaffna in 1994-95.¹⁶

¹⁵ Anton Balasingham (2000) *The Politics of Duplicity: Re-Visiting the Jaffna Talks* (Surrey: Fairmax Publishing Ltd)

¹⁶ There is an abundance of literature available on the LTTE-PA Talks of 1994-94. For some useful discussions see Liz Phillispon (1999) "Breaking Recurring Themes in the Cycles of War and Peace in Sri Lanka", CSGG Research Paper 3, London School of Economics; Jayadeva Uyangoda (2000) "Negotiations for Conflict Resolution", *Pravada*, Vol 6, Nos 7& 8; Anton Balsingham (2000), *Politics of Duplicity*, Fairmax Publishing Ltd.; P.Rajanayagam (1998), Govt-LTTE Negotiations 1994-95 in Kumar Rupesinghe(ed), *Negotiating Peace in Sri Lanka* and Isak Svensson (2001) *Confidence Building Measures in Intrastate Conflict*:

B. Some Core Issues and Lessons: A Discussion

Confidence Building Measures (CBMs): Source of Suspicion

In a recent study on Confidence Building Measures (CBMs), Isak Svensson argues that despite a 'reasonable, intuitive assumption' that CBMs during intrastate peace processes have a positive correlation with successful negotiated settlement, a quantitative survey of almost forty intrastate processes in the 1990s showed that some of the CBMs used had a 'counter-productive effect'.¹⁷ Let us look into the Sri Lankan case.

There was no paucity of CBMs in the 1994-95 PA-LTTE Talks. In fact there was a plethora of CBMs starting with a partial lifting of the economic embargo by the PA Government within two weeks of assuming power. This was promptly reciprocated by the LTTE through the release of 10 police detainees, the offer of ceasefire and call for unconditional peace talks. The government, once again responded by making a unilateral gesture to "restore, as far as possible, electricity, repair the major highways and part of the irrigation schemes, as further normalisation of civil life."¹⁸

However, the above measures could not be sustained in the absence of concrete measures on the ground. While the Government maintained that it was doing its utmost to ease the embargo and to ensure the smooth flow of essentials, the LTTE alleged that the military was impeding such flows. The LTTE underscored the importance of the issue of the 'economic blockade' when its leader V. Pirabhakaran in his first press statement of 2nd September 1994, officially reciprocating the government's peace initiative and the partial lifting of the embargo stressed:

Lessons from the 1994-95 Peace Process in Sri Lanka, Dept of Peace and Conflict Research, Uppsala University.

¹⁷ Isak Svensson (2001) "Confidence Building Measures in Intrastate Conflict: Lessons from the 1994-95 Peace Process in Sri Lanka", Department of Peace & Conflict Studies, Uppsala University.

¹⁸ Letter of 9th September 1994 from Prime Minister Chandrika Kumaratunga to LTTE Leader V. Pirabhakaran.

"The new government could claim to have done justice only when the essential commodities freely available to the Sinhala people are made available to our people."

This theme was to be repeatedly stressed, but in different forms and tones, right through the period of negotiations. In a letter of 8th December, 1994 addressed to Col. Anuruddha Ratwatte, the Deputy Minister for Defence, V. Pirabhakaran castigated the government for the delay in the total lifting of the embargo, as well as the continued restrictions on the flow of essentials already announced as being exempted. For the first time the LTTE openly expressed its view that the delay was determined by 'the overall strategic interests and designs of the military.'

And, when President Chandrika Kumaratunga finally expressed in her letter of 9th March 1995 to LTTE leader Pirabhakaran that the demands of the LTTE, including the total lifting of the embargo and the ban on fishing in the North and the East, 'could have serious military repercussions,' it was cited as ample proof by the LTTE of its perception that the military considerations were overweighing other considerations. The LTTE theoretician and spokesperson Anton Balasingham in his analysis of the 1994-95 Talks in fact, pointedly referred to this particular phraseology used by Chandrika Kumaratunga.

He observed:

*"Yet, it was the first time that President Kumaratunga admitted openly, without any evasions and ambiguities, that granting the LTTE's requests would trigger serious military implications and that it would amount to compromising national security"*¹⁹

The Sri Lankan Government, on its part, accused the LTTE of precisely the same thing, namely, that its demands were determined

¹⁹ Anton Balasingham, op cit: p 109.

by its own military designs. The reason cited was the insistence by the LTTE that the Pooneryn Army camp should be removed to facilitate the opening of the Pooneryn-Sangupiddy road and that its armed cadres should be allowed free movement in the Eastern Province.

One aspect of the confidence building measures which the LTTE resented were the various unilateral measures taken by the Government in 'easing the hardships of the Tamil People'. This was seen by the LTTE as a covert means of isolating and alienating it from the Tamil populace. A case in point was the initiative taken by the Government to unilaterally implement its reconstruction package. On 13th February 1995, the Government announced the appointment of a Presidential Task Force on Rehabilitation of the North-East province. The Task Force was given a period of 3 months to implement its programme that included the electrification of Jaffna, the repair of major roadways leading to Jaffna, the reconstruction of the Jaffna Public Library and repairs to the Jaffna General Hospital. The reconstruction package was very much Jaffna-centric.

The unilateral decision was communicated to the LTTE in a letter dated 16th January 1995 by President Chandrika Kumaratunga. In that letter she 'informed' the LTTE leader V. Pirabhakaran that the Government would be commencing work on the main areas of reconstruction mentioned earlier and requested the LTTE to 'make arrangements' to receive the technical officers and to 'facilitate their work.' The LTTE was not directly represented in the Task Force.

The LTTE was not impressed. The LTTE leader in his a letter of 25th February 1995 addressed to President Chandrika Kumaratunga wrote:

"...we call upon the Government to seek a negotiated settlement to these critical matters with the LTTE so that it would facilitate the practical implementation of major reconstruction projects in the war-affected areas. In this context, we wish to point out to you that our delegation, at the last round of talks, had suggested the formation of an

appropriate authority comprising Government representatives and the LTTE be constituted with adequate authority to plan and implement all reconstruction projects. This suggestion was accepted by the Government delegates."

Although the LTTE was subsequently requested to participate in the Presidential Task Force, it was more of an afterthought. And, by that time the damage had been done. **The apparent confidence building measure had become a source of suspicion.** In any event, what the LTTE had proposed was its participation in the Authority for Reconstruction and Rehabilitation as the authentic representative of the Tamil people. It may also be noted that the notion of separating 'Tamil interests' from 'Tiger interests' and the 'weaning' of the Tamil populace from the Tiger 'influence' figured prominently in the broad strategy of the Kumaratunga government. The LTTE on the other hand was firm that they constituted the sole legitimate representative and mediator of Tamil interests.

In sum, the Confidence Building Measures (CBMs) in place, rather than **building** mutual confidence, introduced a strong element of suspicion as well as contestation. As Isak Swensson has argued:

*"Drawn from the old Roman practice of divide and rule, the strategy to use positive measures to create or increase a split within an opponent, can be a powerful weapon. In this way confidence building measures could be used as, to paraphrase Clausewitz, the continuation of war by other means. This corresponds to the problem of differentiating between offensive and defensive strategies, as CBMs can be perceived as offensive."*²⁰

Rightly or wrongly, the LTTE perceived the unilateral CBMs of the PA Government to be offensive. This is not to dilute the

²⁰ Isak Svensson (2001) *Confidence Building Measures in Intrastate Conflict: Lessons from the 1994-95 Peace Process in Sri Lanka*, Dept of Peace and Conflict Research, (Uppsala University): p 26.

importance of CBMs in any peace processes. But, what needs to be factored into the on-going Norwegian facilitated peace initiative is the correct balance between unilateral and mutually reciprocated confidence building measures.

Modes of Communication or Propaganda?

The mode of communication in the 1994-95 Talks centred solely around the exchange of letters, channelled through the ICRC, and the four rounds of direct talks. And, herein, lay the ingredients for the disaster that followed.

While the initial exchanges of letters were positive, if not exuberant, the tone quickly retrogressed into propaganda. The parties to the conflict, far from talking *to* each other, were not only talking *at* each other, but also making preparations for the casting of blame on the other in the event of things going wrong. **The letters being exchanged were fast becoming instruments of propaganda.**

This was first perceived by the LTTE on receiving the letter of 7th December 1994 from Colonel Anuruddha Ratwatte. In Balasingham's words, "the letter contained all the ammunition to be used in a propaganda war in case the talks failed."²¹ What offended the LTTE leadership was the concluding paragraph of the letter which spoke of the "grave risk, politically and personally" that the Sri Lankan government had taken in continuing with the peace talks despite the assassination of UNP presidential candidate Gamini Dissanayake.

Anton Balasingham observed,

*"Mr Pirabhakaran was annoyed. He wanted to send a strongly worded letter to Ratwatte accusing Sinhala political leaders, both dead and alive, of genocide, of slaughtering sixty thousand innocent Tamils, a phenomenon still continuing under the cover of war and economic strangulation"*²²

²¹ Anton Balasingham, op cit: p 41.

²² op.cit:p45

It is interesting to note that the direct communication by Chandrika Kumaratunga, in her capacity as the Prime Minister and presidential candidate, ceased temporarily following the assassination of Gamini Dissanayake on 23rd October 1994, widely believed to have been carried out by the LTTE.

It is also interesting to note that the initial exchange of letters at the leadership level was gradually downgraded at the initiative of Colombo. For instance, seven letters were exchanged between LTTE leader V. Pirabhakaran and Chandrika Kumaratunga, in her capacity as the Prime Minister of Sri Lanka. These letters spanned the period 7th September to 21st October 1994.

Why did Chandrika Kumaratunga cease corresponding with Pirabhakaran, particularly since the exchange was cordial and friendly? Be that as it may, the direct correspondence from Prime Minister Chandrika Kumaratunga ceased and this continued after her taking oaths as the President of Sri Lanka on 12th November 1994.

The subsequent correspondences, interestingly, were between Colonel Anuruddha Ratwatte in his capacity as the Deputy Minister of Defence and the LTTE leader V. Pirabhakaran, and between Head of the LTTE's Delegation at the direct talks S. P. Thamilselvan and his counter-part K. Balapatabendi, Secretary to the President.

Direct communication between the respective apex leaderships recommenced only on 16th February 1995 when President Chandrika Kumaratunga wrote to the LTTE leader Velupillai Pirabhakaran on the commencement of reconstruction work in Jaffna. This was followed by the letter of 20th February 1995 where the President raised the need for a facilitator. The direct exchange of communication continued till the final exchange that included a desperate attempt by Chandrika Kumaratunga to salvage the talks in a situation that Pirabhakaran was clearly angered by what was perceived as deliberate delays and non-implementation of what had already been agreed.

In sum, the tone of the letters exchanged degenerated from that of expressing hope and confidence to questioning the motives and intentions of the other.

Here it may be noted that the first indication of unilaterally making public the state of negotiations was taken by the Government, when Colonel Ratwatte in his letter of 13th December 1994 stated in the final paragraph, "We believe that it is time to keep the country informed of recent developments in our dialogue, we, therefore, propose to release the relevant information to the Press after you receive this letter."

Further the absence of a facilitator was a major cause for the heavy reliance on the exchange of letters as a means of communicating the respective positions. The LTTE, perhaps, identified the problem when it sought to keep out sensitive matters from the exchange of letters, and instead to discuss them at the direct talks.

In the letter of 3rd February 1995 from S. P. Tamilchelvan, leader of the Political Wing of the LTTE and the Head of its Delegation, to K. Balapatabendi, Secretary to the President and Head of the Sri Lankan Government Delegation relating to the controversy pertaining to Foreign Monitors, the LTTE observed: "We think that it would be more appropriate that these sensitive and serious issues can be discussed and amicably resolved through direct negotiations at the next round of talks".

This raises an interesting issue as regards striking the correct balance between confidentiality and transparency. This dilemma is highlighted by Liz Philipson, thus:

"Whilst confidentiality may be crucial in the delicate pre-negotiations phase, negotiations themselves generally require transparency to allow positions and solutions to gain favour in the population at large and to enable democratic participation in the process. Nevertheless, confidentiality will still be important around certain issues

*and at certain times during negotiation. The tension between transparency and confidentiality needs careful management. It is crucial that the negotiation process manages the media and not the other way around. This means explicit ground rules and careful and joint handling of sensitive issues with equal and agreed access to the media by those most heavily involved in the process.”*²³

Structure vs. Process: ‘Parallely’ or ‘Stage by Stage’?

The 1994-95 PA-LTTE Talks perhaps is the forum when the interconnectedness between Structure and Process were discussed extensively – but, with no agreement reached on the relative importance of each at the given conjuncture.

At the first round of the talks between the two delegations on 13th and 14th October 1994, K. Balapatabendi, the Head of the Government Delegation raised the issue of political negotiations, in addition to the on-going talks on humanitarian and military issues. To quote:

*“Therefore, in terms of a negotiated political settlement, our mandate is very much of ascertaining the views of the LTTE and the people of the North in regard to the shape of national polity which they would wish to see. To that extent, we are here to listen to you, obtain clarifications, etc”*²⁴

And, again in the letter of 7th December 1994 by Anuruddha Ratwatte to V. Pirabhakaran, the following was included as one of six “fundamental issues” on which the Government wanted the views of the LTTE:

“We see a cessation of hostilities as a direct prelude to commencing negotiations between the Government and the

²³ Liz Phillipson, “*Breaking Recurring Themes in the Cycles of War and Peace in Sri Lanka*”, Research Paper 3, CSGG, (London: The London School of Economics): p 61.

²⁴ Joint Statement issued by the LTTE and the Government after the conclusion of the first round of talks on 13th and 14th October 1994.

LTTE in order to end conflict and arrive at political solutions to the problems, which caused the war."

Ratwatte once again reiterated this in the letter of 19th December:

"I would be grateful to have your assurance that immediately after a cessation of hostilities is declared, you would be ready to enter into peace negotiations aimed at 'ending the armed conflict and to arrive at a political solution for the problems which caused the war'"

However, in none of the exchange of letters immediately thereafter or in the subsequent rounds of direct talks, were the substantive issues relating to package of constitutional and political reforms raised. This was to come later in the letter of 9th March 1995 by Chandrika Kumaratunga, when the negotiations were already beginning to go awry. In that letter the President reintroduced substantive political and constitutional issues back onto the agenda. To quote:

"The government has also insistently stated that negotiations to these matters need not delay the commencement of political talks since the two could proceed parallely [sic]."

And, while accepting LTTE's suggestion that 'the negotiation process should be conducted by the accredited representatives of the Government and the LTTE', Chandrika Kumaratunga wrote:

"I accept this suggestion and now propose that the said talks regarding the political settlement of the ethnic problem should commence on any dates between 2nd to 10th April...Our package of proposals for a political settlement would be sent to you in advance."

These talks, of course never took place. The LTTE pulled out leading to the commencement of Eelam War 3.

It is a moot point as to whether the Government did in fact have a political and constitutional reform package and whether it was same that was made public in August of 1995. It is also a moot point whether the LTTE pulled out of the talks because of its reluctance to enter into political negotiations that would invariably involve presenting an alternative to its avowed goal of a separate state of 'Tamil Eelam'.

Suffice it to say, the LTTE took a position that was contrary to the "parallel" process preferred by the Government. The LTTE instead consistently placed its preference for a "stage by stage" approach that basically meant arriving at a congenial atmosphere based on agreements on humanitarian and military issues before embarking on political negotiations.

The LTTE's reluctance to commence political negotiations has been seen by many political analysts, particularly from the South, as the most deficient aspect of the negotiation process in 1994-95. Lakshman Gunasekera, a columnist and political analyst known for his progressive and secular views typifies this view in the following analysis:

*"Even in the face of persistent calls by the PA Government for the peace talks agenda to include negotiations on the 'substantive issues' – that is the basic substance of a political solution – the LTTE has refused to agree to such an agenda. The LTTE refused to do so in the first round of talks in 1994-95 and even now has not made any positive indication. The only 'substance' the Tigers have said they are prepared to talk about are to do with what they call 'normalisation' of conditions in the North East ..."*²⁵

The LTTE's perspective on this issue, also manifest in the exchange of letters, is best brought out by Anton Balasingham in his analysis of the 1994-95 talks:

²⁵ Lakshman Gunasekera, "Is the LTTE ready to share power?", Sunday Observer, May 20, 2001.

"...there was a total misreading in the government circles that the LTTE was avoiding political negotiations. That was a mistaken perception...The LTTE felt that it was crucial to create a congenial environment of peace and normalcy in Tamil areas as a necessary foundation to engage in a political dialogue...It was our concern that a permanent political settlement should satisfy the political aspirations of the Tamil people and also alleviate the apprehensions of the Sinhala masses. We knew this to be a difficult task. It would require a great deal of mutual dialogue; possible over a long period of time. It was precisely for this reason we wanted the urgent day to day problems of the people to be addressed and resolved in the initial stages of the dialogue"

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The process of resolving the 'stage by stage' approach of the LTTE and the 'parallelly' [sic] approach of the Government never took place, other than repeated statements of their respective positions.

Cessation of Hostilities and Cease-fire

In this section we shall briefly look into different perceptions as regards the procedures relating to cessation of hostilities and cease-fire.

During the initial exchange of correspondences there crept in some confusion as regards the meaning attached to 'cessation of hostilities' and 'ceasefire.'

The LTTE leader V. Pirabhakaran in his letter of 25th November 1994 observed that the LTTE was of the opinion that "temporary declarations of cease-fires would serve little purpose to promote stable peace unless modalities are worked out to ensure strict observation of cessation of hostilities".

²⁶ Anton Balasingham, op.cit 61.

Colonel Ratwatte, the Deputy Minister of Defence, in his letter of 7th December 1994, stipulated that "a cessation of hostilities should not be confused with ceasefire. The former could be a prelude for the latter. A cessation of hostilities is less formal and binding than a ceasefire. During a cessation of hostilities both sides remain frozen in their position as at present, while remaining fully armed and alert".

The LTTE eventually accepted the Government's definition for purposes of proceeding with the process, although it was evident that gaps existed in the respective conceptualisations. LTTE leader Pirabhakaran noted in his reply of 8th December 1994: "...we referred to cease-fire to mean total cessation of armed hostilities. Yet, you have explained cessation of hostilities as a process leading to ceasefire...Without entering into a conceptual debate, we have decided to proceed on the basis of your distinction".

Another problem which had a critical dimension was the varying 'ground situation' in the Northern and Eastern provinces. While in the North, the armed antagonists had clearly identifiable positions which could be 'frozen', this was not the case in the Eastern province, where the LTTE had mobile armed cadres moving across porous 'borders'. This aspect, unfortunately, was not taken cognizance of at the time of the signing of the 'Declaration of Cessation of Hostilities' on 5th January 1995.

When the actual implementation of Cessation of Hostilities Agreement brought out the lacunae mentioned above, the LTTE took up the issue with utmost seriousness – a matter that the Government construed as a case of bad faith. In the letter of 15th January by S. P. Tamilchelvan to K. Balapatabendi, the respective heads of Delegations, it was recommended that a separate document be worked out as an appendix to the declaration of cessation of hostilities. The LTTE proposed that the appendix should address the particular issue of LTTE cadres being allowed to carry arms for reasons of personal security in the districts of Amparai, Batticaloa and Trincomalee while moving from one area to another and related matters.

The Government after considerable reluctance, agreed to the suggestion of the LTTE to have an annexure to the Cessation of Hostilities Agreement in regard to the movement of armed cadres in the East. This was indicated in the letter of 12th April 1995 by President Kumaratunga in a desperate attempt to salvage the flagging peace process, which was tottering on the brink of a volcano. The volcano erupted a fortnight later.

The above issue underscores the need for the meticulous wording of any ceasefire agreement while, at the same time, permitting flexibility in pre-determined areas. Without the above procedure in place, the monitoring mechanism of the ceasefire or cessation of hostilities agreement would become near impossible. This also explains as to why the respective Monitoring Committees set up under the chairmanship of foreign delegates never got off the ground.

Some Concluding Remarks and Questions

What are the lessons that could be derived from the failure of the Thimpu Peace Talks of 1985 and the PA-UNP Talks of 1994-95? And, how could these be avoided in the on-going Norwegian-facilitated peace initiatives?

The Thimpu talks were destined to collapse since neither party to the conflict were prepared to abandon their respective rigid positions. Neither was the ground situation conducive for any serious negotiations. Interestingly and predictably, both the Sri Lankan government and the Tamil organisations were relieved that the Thimpu Talks had collapsed.

As Jayadeva Uyangoda has rightly argued, there were no favourable prerequisites for a negotiated settlement of the conflict at the time of the Thimpu Talks:

"Behind the rhetoric of negotiations and the reality of failure was indeed one important dynamic in conflict formation and conflict resolution: the Sri Lankan armed

conflict had not reached a stage of settlement that can be worked out through negotiations at all. It was too early for the Sri Lankan government to come to a compromise with Tamil militants, because the government still believed that the guerrilla war could be defeated by military means. It was too early for the Tamil militant groups too to abandon the armed struggle in favour of a negotiated settlement, because they had just begun what they perceived as a 'liberation war'." ²⁷

As far as the 1994-95 PA-UNP Talks are concerned, it is clear that there was a genuine commitment to the process by both the Government and the LTTE. However, the process itself had different meaning and connotations to the parties to the conflict.

While to the PA, the process was equated with political negotiations, to the LTTE the process was seen as an essential prerequisite for the creation of 'normalcy' for the Tamil People and a 'stable and a congenial atmosphere' on the ground. Political negotiations on substantive issues, aimed at addressing the causes of the conflict, were to come much later. In fact, to the LTTE normalisation and the removal of the 'day to day' problems of the people were the 'substantive' issues. To the PA Government, on the other hand, securing a commitment from the LTTE that it is prepared to embark on political negotiations on alternatives to a separate State of 'Tamil Eelam' was paramount. In the process both parties began to see each other with suspicion and began searching for 'hidden agendas'. And, the hidden agenda was, in fact, determined by military and strategic interests by *both* sides. Ultimately, militarism won the day and the peace process, predictably, collapsed. This was further precipitated by flaws in procedures.

If the on-going Norwegian-facilitated peace process is to move in the direction of a negotiated settlement aimed at a just and a durable solution to the Tamil National Question, then a key pre-requisite is

²⁷ Jayadeva Uyangoda, "Negotiations for Conflict Resolution: Lessons from Sri Lanka's Recent Past".

the recognition by the parties to the conflict of the futility of imposing a military solution on the other. Another pre-requisite is a change of mind-set and a genuine commitment to national reconciliation and a radical re-structuring of the State centred around a package of constitutional reforms and politico-administrative arrangements that would be a viable alternative to, both, a separate state of 'Tamil Eelam' as well as the majoritarian-unitarist model of the existing dispensation. Or, to paraphrase the parameters set by the 'international community,' as conveyed to Colombo and the LTTE by the Norwegian facilitator Erik Solheim, the framework for a negotiated solution should 'substantially meet Tamil aspirations within a united Sri Lanka.' Perhaps, given the sharp cleavage and polarisation that already exists, it may be more apt to replace 'united Sri Lanka' with 'unified Sri Lanka' as the theme of the Conference suggests.

Meanwhile, it is imperative that some questions be raised and addressed relating to processes and procedures in the on-going Norwegian initiated peace-initiative which, at the time of this paper being written, is constantly evolving and delicately poised.

On Legitimization and De-Legitimization

1. How important is the status of 'sole, legitimate representative of the Tamil people' to the LTTE? And, how important is it to the Sri Lankan State to deny that status to the LTTE? How is the contestation for legitimacy to be reconciled in the on-going process?
2. Is the status 'sole representative' consistent with democratic norms or is it a status that the LTTE seeks for the duration of the negotiations and its successful conclusion?
3. What bearing does it have on the Proscription vs. De-proscription Issue?
4. To what extent are the above determined by factors 'internal' and 'external'?

On Facilitation and Mediation

1. Are the terms third party 'facilitation' and 'involvement' used by the Government and the LTTE, respectively, a matter of semantics, procedure or a core issue?
2. How does Norway perceive itself? As a 'facilitator' in its own right or as representing the 'international community'?
3. How do the parties to the conflict view the role of India? As a critical actor within the 'international community' or as an actor with its own 'legitimate' geo-political interests in the region? If neither, what exactly is the role of India and how is it perceived by the parties to the conflict?

On Structure and Process

1. How fundamental is the difference in the 'stage by stage' approach of the LTTE and 'parallel' approach of the PA Government? Are they reconcilable? If so, how? If not, what then?
2. Is there a difference between the PA Government and the UNP opposition on this issue? If so, what are the implications in the event of a change of Government?

On Militarism

1. What is the role of the military establishment in determining the agenda for talks?
2. What is the relative importance that the LTTE attaches to its role as the 'Tamil Resistance' against armed occupation and as the political repository of 'Tamil Aspirations'?

On Public Acceptance and Risk-Taking

1. What are the relative levels of commitment by the parties to the conflict to mobilise public opinion around the peace process?
2. To what extent are they prepared to take risks and engage in 'costly signalling'?

On Confidence Building Measures

1. How important are they and how are they to be sustained?
2. What is the 'right' balance between 'unilateral' and 'bilateral' gestures and commitments?