

**The Art of Protracted Peace Making**  
Strategic Dimensions of Conflict Transformation  
in Sri Lanka

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## Introduction

Since mankind is faced with war, politicians, diplomats and philosophers struggle with the task of how to end wars and how to make peace. The traditional "realpolitik" recommendation for restoring and maintaining peace runs as follows "Si vis pacem, para bellum": "If you want peace, prepare for war". Conflicts are phrased as zero-sum-games: Either "we" or "they" are the winners (or losers). Hence peace making is rarely conducted without vigilance to and balance or dominance of mainly militarily defined power. Notwithstanding all civilizing efforts in the international system since the establishment of the United Nations, this still seems to be (or to become again) the basic rationale of the International System.

There are good reasons, why maintaining security, equality and justice within as well as between states need power politics and sometimes also enforcement. But the problem with this "realpolitik" guideline is the inherent danger that security for one side means insecurity for the other side (security dilemma) and that applying the means of war and violence do destroy the very social fabric of human dignity, mutual trust and solidarity on which just peace has to be established.

This is why we have to complement "realpolitik" with another guideline: "Si vis pacem, para pacem": "If you want peace, prepare for peace". It means: no peace without addressing the underlying causes for conflict and unrest; no peace without envisioning common futures and common values; no peace without creating space for peacefully settling disputes and dissent; no peace without incentives for change and learning and acknowledging mistakes of the past; no peace without a peace dividend; no peace without justice; no peace without truth and healing the wounds of the past; no peace without gaining (or regaining) humanity. A difficult approach. An ambitious program. In some cases perhaps an impossible program. Sometimes pityingly smiled at as "idealpolitik", but much better phrased as "transformative". An approach which takes into account that long enduring bloody conflicts do not only take lives, destroy livelihoods and deteriorate relationships, they also undermine the overall social capital of the society. Opponents become enemies, victims become perpetrators, cultures of violence permeate many sectors of society, people are forced to identify with either "them" or "us".

Peace making under these conditions is therefore not only about rehabilitation and reconstruction, not only about negotiating power sharing arrangements, settling issue centered disputes or eventually "striking deals". It is also about regaining social capital and creating new social capital. It is not only a task for the political leaders to regulate the conflict, but also a task for many other strategic actors to support in nearly all sectors of the society.

I would like to argue that what is now called the peace process in Sri Lanka, needs for its revitalization, its sustainability and success (1) an intelligent combination of both approaches, the "realpolitik" and the "transformative" ones and (2) a genuine and fundamental recognition of the need for a comprehensive transformation of the Sri Lankan

state and society including all stakeholders to the conflict. This approach can be called "Protracted Peace Making" (Uyangoda Jayadeva).

I would like to outline the key characteristics of "Protracted Peace Making" in four points with reference to the current situation in Sri Lanka and then summarize six key strategic guidelines and dimensions of conflict transformation, which follow from the perspective of "para pacem" = "preparing for peace".

### Protracted Peace Making

This term refers to the concept of "protracted social conflict", which was first coined by the conflict researcher Edward Azar in the late 70' s. It is now used widely to describe common features of long enduring ethnopolitical conflicts around the world. According to the scholarly debate "protracted social conflicts" have four basic characteristics:

- They are conflicts between identity groups, of which at least one feels that their basic needs for equality, security and political participation are not properly respected.
- The conflicts are essentially about access to state related power
- and they cannot be understood without various types of international linkages affecting the course of events (kinstates, diasporas, economic dependencies, military networks, globalization).
- Finally, protracted social conflicts are often based on deeply rooted antagonistic group histories and tend to lead to long enduring bloody conflicts, which can generate additional cycles of grievances, mistrust and revenge.

Sri Lanka is unfortunately one of the most famous cases, which scholars from around the world selected to be a kind of "ideatype" of a protracted social conflict. In which way can the four characteristics also be used to identify an ideatype of "protracted peace making" in Sri Lanka? To make my arguments as straightforward as possible, I would like to formulate them in a series of recommendations.

- (1) Acknowledge the legitimacy of the Tamil demands for co -constituting the political system of Sri Lanka and encourage legitimate ways of reducing the asymmetry between the parties.

The basic characteristic of nearly all protracted conflicts is its asymmetry: There is a strong party, normally represented by the government, and a weak party, primarily represented by a group of "insurgents". The former has often and/or nearly everything: sovereignty, legitimacy, regular armed forces, access to the international community and legalized resources. The latter has to struggle for this. Another important difference is that the "insurgents" are primarily focused on the conflict, while the government has many other interests and a much broader agenda. A key component of the struggle is the official recognition of the people in a numerical minority position as equal partners in constituting or re-constituting the common state.

In Sri Lanka the Tamil demands were clearly stated in the Thimpu principles of 1985 and reframed 17 years later, after the third round of negotiations in Oslo in December 2002 with the formula of “Responding to a proposal by the leadership of the LTTE, the parties agreed to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka”.

This is an important achievement in the peace process, but it has not changed the overall asymmetry between the parties, particularly as seen from the perspective of the LTTE. They still have to struggle for international recognition and de-proscription in a couple of key countries. They complain about the lack of co-ownership with respect to most of the plans for rehabilitation and reconstruction of the NorthEast. And they are concerned that the government and their allies might draw them into a “peace trap”, where their “security net” of military power, which brought them to the negotiation table in the first place, might be undermined.

The problem is that according to various experiences from elsewhere and to textbook knowledge, negotiations are the more difficult and less likely leading to a sustainable settlement, the more asymmetric the relations between the parties are. Now, this obviously creates a dilemma, because some of the asymmetries are unavoidable, insofar as they are rooted in the state – non-state character of the conflict. The more important it is to identify complementary strategies to address the asymmetry with respect to all other dimensions:

- Time and again it is stressed that the equity of status at the negotiation table is key to any constructive process of problem solving. This obviously also applies to the need for guaranteeing a continuous participation of the parties at the table, a lesson painfully learned after the pre-donor meeting in Washington.
- Behind the demand for an equity of status lies the more fundamental need for recognition, dignity and respect as peoples. This need has accumulated itself substantially during the war. The longer a bloody conflict goes on, the more all sides are tempted to argue from the basis of hierarchies of suffering and grievances. This is rarely helpful. Much better are gestures of confidence building, conciliation and regret.
- A key measure to reduce the asymmetry in the Sri Lankan case is the de-proscription of the LTTE in the countries where the organization is still banned. This task needs different strategies within the respective countries and it will need measurable evidence with respect to criteria, which led to the banning of the LTTE in the first place. One approach for working towards this goal might be negotiations on “Road Maps for de-proscription”, which identify the necessary steps in detail.

Beyond finding constructive ways of reducing the asymmetry between the GoSL and the LTTE it is also important to look at other or new asymmetries which might or will affect the communities of the Muslims and the Plantation Tamils.

In the long run, the best way to reduce the asymmetry is to negotiate a comprehensive concept of power sharing.

(2) Negotiate a comprehensive concept of power sharing and federalism.

Power sharing seems to be the magic word to find sustainable solutions to protracted conflicts. In its essence it means that all major identity groups in a country are given an assured influence or veto-power in policy making on sensitive issues like control of land, language and education. It is the opposite concept to the classical Westminster model of majoritarian democracy.

In many conflict zones all over the world this concept of political decision making by consensus was applied, often with some success (like in Northern Ireland and South Africa), but it also failed in many other cases (like in Rwanda and Burundi or in Lebanon). Nevertheless, one can argue that some kind of power sharing is the only viable alternative to either secession or repressive domination in divided societies. The question then remains, what kind of power sharing is most adequate for the particularities of each case. The basic challenge is, how to establish a system, which on the one hand gives reliable and sustainable guarantees of political self-determination and participation to the groups in the numerical minority position and on the other hand does not permeate and further ethnic cleavages and divides.

In Sri Lanka the negotiating parties have already agreed to go one step further and to look into the establishment of a "federal structure". According to international standard definitions this means at least:

- two orders of government, each of which have their own constitutional legitimacy;
- a constitutionally based and unilaterally not amenable distribution of competencies between the two orders;
- power sharing mechanisms within the federal institutions and
- mechanisms for conflict resolution between the two orders.

The concept of federalism was put on the agenda of the Sri Lanka polity already many decades ago, but never found a viable majority within the political system in the Southern polity. The vast majority of initiatives towards decentralization and devolution in Sri Lanka failed to contribute to a substantial regionalization of political decision making and resource allocation.

So, where are we now? On the level of the official peace negotiations we have a highly praised federalism formula – praised particularly, because it was and still is interpreted as a major concession by the LTTE. The subcommittee on political issues, which should deal with the further elaboration of this formula has not started with its work. This is understandable in the light of the present crisis. But where are the discourses on a genuine federal structure for Sri Lanka? Where are the competing proposals for symmetric or asymmetric federations, for

the distribution of competencies, for power sharing within the subunits as well as in the center, for territorial versus non-territorial solutions for the “minorities” within the “minorities”?

And what about the skeptics of federalism? How can their concerns be addressed? How is it possible to generate a bipartisan federal consensus in the South, which is also acceptable for the LTTE (or the other way round)? This is in the end the core question for the prospects of a final political settlement in Sri Lanka.

Some of the skepticism and resistance vis-à-vis federalism can easily be located in the context of particular strategic groups as well as in the political culture and history of the country. I would like to mention particularly three aspects:

- The tradition of confrontation and exclusion within the Sri Lankan political system is directly opposed to the ideas of joint problem solving and consensus seeking in power sharing arrangements.
- The tradition of a centrally organized state has led to a highly sophisticated public administration which is focused on decision making in the center and is deeply rooted in the convictions of many senior civil servants.
- The majority of discussions about the pros and cons of a constitutional reform towards center around the request from the Tamil people. They demand it and therefore one has to “grant” it as some kind of price to be paid for peace and not as something, from which all groups and regions within the country could profit.

It seems to me that without addressing these aspects, it will be difficult to move towards a sustainable political settlement.

- (3) Involve the International Community in a multi -faceted and balanced way into the peace process.

Right from the start of the current peace process the GoSL has tried to attract as much support from the International Community as possible for its political initiatives as well for the alimantation of its “normalization” aspect. A key term for this strategy was that of an “international security net”. The strategy was highly welcomed by many actors on the international level, particularly in the donor community, after growing frustration with the “war for peace” strategy in the years before. Sri Lanka seemed to become a model case for applying new approaches of “conflict sensitivity” in development cooperation.

At the same time the geostrategic environment also changed after the 11<sup>th</sup> of September and the war in Afghanistan. It substantially restricted the room for manoeuvring of the LTTE; South Asia moved up on the agenda of international attention; the growing unilateralism of the USA-Administration inspired speculations about new alliances in the region; Japan joined Norway as a third party and raised Indian concerns.

The difficult discussions about establishing an interim arrangement for the planning, decision-making and implementation of humanitarian and rehabilitation aid as well as concerns about “Human Security” in the NorthEast led some actors in the development world to formulate “benchmarks” for aid and to get more and more involved in the intricacies of the emerging structures. Some observers saw already the contours of a de facto multinational and multilateral co-government.

To assess the net effect of these developments for the peace process is difficult. On the one hand it is obvious that the “network” strategy of the GoSL was highly successful. It brought the Sri Lankan peace process into the international limelight; it helped to raise impressive amounts of additional grants and loans and it motivated countries and multilateral agencies to get more involved in peace related activities.

On the other hand this strategy was primarily linked to the assessment of the GoSL and was primarily coordinated with their representatives. It had therefore more the potential of deepening the above mentioned asymmetry between the parties than diminishing it – notwithstanding the good intentions behind them. The assumption of some of the international actors that their contribution was rather apolitical, is questionable in a highly politicized asymmetric conflict, in which some of them have furthermore legal restrictions to collaborate with the LTTE.

From the perspective of the LTTE the emerging international scenario was additionally perceived as threatening after the Iraq war, when the “international security net” became connotations of a military alliance in the fight against terrorism and when they were time and again branded as non-equitable partners in the peace process.

What are my conclusions for the international support of the peace process? There is no doubt that the achieved high level of international engagement has to be sustained. The Tokyo document is encouraging insofar as it emphasizes a close link between the peace process as a joint effort of the GoSL and the LTTE and the donor support. It is also encouraging as it stresses the importance of moving towards a political settlement and establishing a “partnership” between the GoSL and the LTTE for relief and rehabilitation work. In my understanding it would be helpful if the international community could make more use of its multi-faceted character and engage with the LTTE as well as with the GoSL to enhance their capacities for co-owned processes of delivery of relief and rehabilitation.

(4) Develop a multi-layered, multi-track and crisis-proofed peace process.

One of the conclusions from the scholarly debate about protracted social conflicts is that any transformation strategy should be envisioned:

- as a sustained multi-step approach comprising many steps from the ceasefire to a final political settlement,
- as a multi-track process encompassing several levels of interaction between representatives of all stakeholders concerned and

- as a multi-issue approach addressing all affected dimensions of the conflict.
- Furthermore it is recommended that these components should be integrated into a strategic design and sequencing of parallel, complementary and mutually supportive activities and be reviewed regularly.

So much about theory. Reality is on the one hand always much more complex, on the other hand also more simple. In the reality of the Sri Lankan peace process we find a radically reduced version. Center-stage was and still is the multi-step approach, first with the implementation of the Ceasefire Agreement, then with the six rounds of talks between the two negotiation teams. For some time it looked as if with the establishment of several sub-committees a parallel multi-issue approach might be integrated. But this initiative failed due to the reluctance to address key contentious issues at that time. More recently the multi-issue approach was re-introduced with the idea of road maps for the Human Rights and the Federalism dimensions. The chances for revitalizing the multi-issue approach will grow, when the parties manage to find a solution for the interim administration.

There are only few dialogue-projects with a track-2 or track1,5-character, which could function as an inspiration for the track-1 negotiations. None of them seems to function as a safety net in case of the breakdown or suspension of the official talks. The periodicity of track-2-talks is furthermore not more advanced than on the track-1 level during the period of regular talks. With respect to the intellectual nurturing of the peace process there are the two official peace secretariats and some special government agencies and the occasional civil society workshops. But altogether this infrastructure seems to be rather slim and its capacity for pro-actively structuring the peace agenda and supporting joint problem solving approaches rather weak.

The shortcomings of this state of affairs are quite obvious:

- The peace process is too much dependent from a narrow channel of interaction and communication between a small number of persons.
- The background capacities for reviewing and re-strategizing the process are underdeveloped.
- In case of the interruption of the official negotiations there is a danger of resorting to the exchange of letters, press statements and public interviews, which can be highly counterproductive because they allow no corrections, no clarification of misunderstandings and no joint exploring of common ground.

Furthermore one has to take into account the challenge of enhancing the sociopolitical outreach of the peace process, i.e. its political inclusivity with respect to the President and the main opposition parties, its societal support from the key strategic groups within the economy, civil society, religious organizations, the military and the professions as well as a pro-active public participation from the grassroots level, mobilizing the "hearts and the minds of the people". Sumane Liyanage has emphasized the necessity of "widening" and

“deepening” of the peace process. Kumar Rupesinghe and others have made concrete proposals to move in this direction.

- What about establishing regular peace forums in the form of public-private partnerships of the peace secretariats, other relevant government agencies and civil society actors to discuss the peace process?
- What about regular events in the NorthEast as well as in the South of the two peace secretariats in cooperation with various partners and pursued with simultaneous interpretation in all national languages?
- What about exploring the possibilities of creating a multi-layered peace process, in which the non-negotiating parties can play an institutionalized role of participation (like in the South African National Peace Accord)?
- What about a coordinated series of public events initiated by the professions to explore their contributions to “prepare for peace”?

So much about the four key elements of “Protracted Peace Making” in Sri Lanka. To complement this perspective I would like to add six strategic guidelines respectively dimensions, which outline more in detail the transformative idea of “preparing for peace”.

#### Strategic Guidelines and Dimensions for “Protracted Peace Making”

##### (5) Shaping a new future without losing the past.

One of the key features of the peace discourse in Sri Lanka is its intellectual and moral orientation towards the past. Critical developments are framed in the light of former crisis. The behavior of the parties today is interpreted as a “dèjà vu” of actions from those parties from yesterday. The burden of all failures of the past is hanging like a dark cloud over the present. Particularly burdening are the gross Human Rights violations perpetrated by all sides, the pogroms, the mass killings, the assassinations, the battles, the bomb attacks, the loss of loved ones, of houses, land and homeland.

It is more than understandable that for all who share this painful past, it is very difficult to approach the future without this baggage. Therefore it is extremely important to integrate the painful past, to work on identifying the truth, on addressing the traumas and exploring ways to move towards justice and reconciliation. It can also be extremely useful to learn from past endeavors to overcome cleavages and violence. Lessons from former peace processes have been extremely useful to inform the present strategies.

Having said that, one should be aware that this processing of the past should not overshadow the opportunities of shaping a better future. The how and when are important:

- All parties should have opportunities and incentives to claim high moral ground in the peace process to encourage a “right-based approach” to peace making (Balakrishnan).

- All parties should be extremely careful to use former experiences for interpreting the behavior of the other side. This can easily lead to self fulfilling prophecies.
- Be cautious to project problematic features on one side upon the other side (e.g. corruption).
- The traditional concepts of Human Rights work (naming and shaming) are important also during difficult processes of transition from war to peace. But independent from this there should be as many opportunities and incentives for strengthening the respect for Human Rights and accountability from within all stakeholders to the conflict.

(6) Elaborate the Ceasefire Agreement further towards demilitarization.

Some of the key difficulties in moving the peace process forward are within the realm of the security sector. Just to mention two: One are the “High Security Zones” (HSZ) on both sides of the divide, the other one are the time and again happening incidents at sea. The dispute about the HSZ is obviously highly contentious because it is not only about the military balance of forces, but about the very essence of who governs in which part of the country.

The incidents at sea are in a way a result of one of the basic shortcomings of the Ceasefire Agreement (CFA): the ambivalent wording in Art. 1.3 “The SLAF 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”.

From my perspective there is only one way of overcoming these two difficulties. The CFA has to be elaborated further from an agreement of freezing the military situation and of easing the military burden upon the civilian population further towards concrete steps of demilitarization. This is not an easy task because it immediately affects the “security net” and the fall back positions of both sides. But without steps in this direction the climate for any substantive talks will not be conducive and the danger for re-escalations will remain on a high level.

The term “demilitarization” does not primarily mean the decommissioning of weapons. Taking into account experiences from other conflict regions, it seems that this is step is more realistic at a later stage in the light of concrete agreements on a political solution. Center stage could be agreements on a set of “Security and Confidence Building Measures”, as they were identified in the last stage of the Cold War in Europe. General Nambiar has put forward some of them. They could be complemented by other experts to generate as many ideas as possible and to expand the common ground between the parties. It will be decisive to overcome the zero-sum-game perspective, which is still dominating this area.

Another perspective forward might come out of exploring how the SLMM could play a more proactive role in promoting crisis prevention, crisis management and de-escalation. It might also be useful to expand their mandate, to rethink their chain of command and to add more components of peacekeeping.

(7) Develop win-win-win-perspectives for all stakeholders.

This is one of the most obvious challenges, which has been discussed right from the start of the current peace process as lack of inclusivity and bipartisanship between the two main stakeholders in the South as well as deficit with respect to the involvement of the Muslim parties. Instead of lamenting again about this aspect, I wonder if it might be useful to look at the medium- to long-term perspectives, what the stakeholders can expect as an outcome of any successful peace process. I think that there are at least two ways of envisioning a development that all stakeholders could see themselves as profiting from the peace process.

One way is connected to the question of who will get how much credit for achieving an equitable and sustainable peace for the country? One could also formulate it more pessimistically: Who will manage to be blamed less for any sub-optimal outcome – and nevertheless be relieved that the other party had to strike this unavoidable deal? I guess that these realpolitik questions are center stage in many party political debates. What about credit sharing? Is there any chance that this could be negotiated for the sake of the country?

The other way is connected to the perspective of establishing a genuine federal structure in Sri Lanka, which would create a second order of government and with this more opportunities for the party in opposition in the federal parliament to be the governing party in a few of the subunits of the new state. This power sharing works well in many federal states around the world and should inspire far sighted party political strategists to brainstorm on federal systems, which would maximize their shares on the level of the subunits.

(8) Create jointly peace dividends and nurture the peace process.

The year 2001 was a turning point in the recent history of Sri Lanka. It was the first year since independence that the country experienced what is euphemistically called a “negative growth” rate, i.e. a shrinking of the economy, and it saw the initiative of the new peace process, driven very much by economic imperatives, as they are outlined in the “Regaining Sri Lanka” document of the GoSL. This perspective is sometimes framed for understandable reasons as “peace dividend” to underline that there are direct economic benefits of the no war situation and that the people of Sri Lanka can expect more benefits in the course of sustaining the peace.

The most recent debates on this topic have clearly brought to the forefront that “Regaining Sri Lanka” will not automatically lead to an effective and substantive relief, resettlement, rehabilitation and reconstruction process in the NorthEast. This exactly was and is one of the key arguments of the LTTE: Where is the tangible peace dividend for the people living in the NorthEast?

Conceptually, the gap was filled by the Needs Assessment carried out by the multilateral donor community. Notwithstanding the critique of its donor driven aspects, many agree that this can be a starting point for joint efforts to work on a substantial peace dividend for the

NorthEast. What is needed now are structures of joint ownership and joint management to design and implement the rehabilitation process. This is a highly political enterprise and it will need concerted and courageous efforts from both sides and the international community to create a structure which allows all of them to co-determine this process and to get the credit for it – as well as accepting the accountability for it.

- (9) Create interim institutions with built in mechanisms for good governance and accountability.

This leads directly to the currently most contentious issue in the peace process: the establishment of an Interim Administration for the NorthEast. Since 1987 the idea of a quasi-constitutional arrangement preceding a new inclusive constitution has been on the peace agenda. The present government announced in their election campaign at the end of 2001 that they would establish an Interim Administration and this is exactly what the LTTE has now defined as the key benchmark for joining again the talks on the track-1 level.

In the light of the arguments put forward more recently in the letters sent by Anton Balasingham, it is clear that only a “maximalist” position within the constitutional framework of Sri Lanka can be the basis of promising negotiations between the two sides. That will mean nothing else than creating “political institutions for transition to power sharing” in the NorthEast (Jayadeva Uyangoda). This will be a difficult task for both sides. But it cannot be avoided and it should be done by including exactly those issues, which are otherwise left to potential spoilers of the peace process: effectiveness, good governance, minority protection, accountability.

- (10) Work on a Road Map for Political Settlement.

Should there be a “grand strategy for peace and stability” in Sri Lanka, asked the columnist Lakshman Gunasekara in an article the Sunday Observer from February of this year. His argument was that the Sri Lankan political reality is too fragmented and shaped by too many diverse actors to allow such a holistic design and that it would be futile, if not counterproductive to strive for such a design. Lakshman Gunasekera might be correct in his assessment of the willingness of the political decision makers to move towards such an approach. Nevertheless, I wonder if a discourse or many discourses on elements of such a “grand strategy for peace and stability” might not be exactly what the country needs? Or to be more precise: I think that the Sri Lankan peace process needs a set of interconnected strategies, which address the key issues and outline ways how to move towards joint regulations.

The term of “Road Maps for peace” is right now not the most popular one because of the lack of ownership and the difficulties implementing such a map elsewhere, particularly in the Middle East. In my understanding Road Maps can be exactly what might be helpful to take the peace process forward, provided they are seen as something which has to be negotiated and agreed upon jointly and then implemented in joint ownership. They create time frames and prevent endless processes avoiding the key issues. They allow to negotiate common

