

“A SHOVE FROM THE SECOND ROW” by Jayantha Dhanapala (BASED ON REMARKS MADE AT THE LAUNCH OF 'NEGOTIATING WITH THE TIGERS (LTTE) 2002-2005 BY DR. JOHN GOONERATNE(Stamford Lake) ON 14 JUNE, 2007.)

Introduction

It is a great honour and a greater pleasure to be invited to participate in this launch of Dr. John Gooneratne's book. Many bonds link John and me - first as fellow students in the University of Peradeniya in the halcyon days of the 1950s which we regard as the 'golden era'. Next as colleagues in the Sri Lanka Foreign Service belonging to the profession of career diplomats who are, alas, an endangered species in our country - when you consider some of the bizarre appointments made to the Foreign Ministry and to our missions abroad recently. Finally, during my 18 month stewardship of the peace secretariat, I was fortunate to have John Gooneratne as the Deputy Secretary-General with his wealth of experience and his shrewd judgment.

Before I get into the substance of my remarks let me make a few preliminary points. Firstly, John Gooneratne, self-deprecatingly, sub-titles his book as "A view from the Second Row". Now I have played some rugby football in my youth and I know that the second row in a rugby scrum is where the power and weight lies. It is the second row that provides the shoving and the pushing that eventually helps to win the ball in the scrums. Similarly, in negotiations, it is the second row that provides the background papers, the options and the research that the first row must depend on to make their political decisions. At international summit meetings it is the quiet unostentatious work of the 'sherpas' that lays the foundation for the success or failure of the leaders. And so, we are fortunate to have had a second row of able professionals including Dr. John Gooneratne and his views must, therefore, be treated with respect and close attention.

Secondly, John's book fills a gap in our country's record of its political history. Very few of our politicians and professionals involved in critical aspects of our post-Independence history have recorded their experiences. There have of course been, most recently, the books of Bradman Weerakoon and Dharmasiri Peiris but the few memoirs of politicians and others have largely been self-serving and egocentric. Compare this with the USA, Britain, India and other countries where a contemporaneous account is recorded for the benefit of posterity through the publication of memoirs and books on particular episodes in the nation's history. We have, for example, no record of former Foreign Minister A.C. Shahul Hameed's peace negotiation efforts with the LTTE from his perspective although we have Balasingham's version. We also have no record of the earlier Thimpu Talks from any member of the Government delegation except references in newspaper articles. Thus John's book is a welcome departure from the usually cautious bureaucrat hesitant to publicize his experiences even in retirement. I hope it will encourage others to help us have an accurately recorded history of our interesting and turbulent times.

John Gooneratne also brings several advantages to his task. He was trained in the study of the Western Classics and has no doubt been influenced by his reading of Herodotus writing on the Persian Wars with the Greeks and Thucydides' account of the Peloponnesian Wars - not to speak of Roman historians such as Tacitus and Pliny. John Gooneratne was also trained in the academic discipline of international studies obtaining a Master's degree in American University's School of International Service (Washington D.C.) and a doctorate at the University of Colombo under the supervision of the late Dr. Shelton Kodikara - our pioneer scholar in the field of International Relations with whom John subsequently worked as Additional Director of the Regional Centre for

Strategic Studies (RCSS) here in Colombo. This book must therefore be regarded as an objective academic analysis and a guide to future negotiations from which we can draw lessons.

Finally let me pay a tribute to the staff of the Peace Secretariat - SCOPP -both past and present for their dedication to the cause of peace in our land. I had a rich collection of talent and experience to support me- diplomats, economists, lawyers, media experts, administrators and members of the armed forces. We worked as a united and disciplined team. Some of them continue at SCOPP to serve the nation in accordance with the highest standards of professionalism and genuine patriotism which is seldom recognized.

Key Features of the book

Let me now move on to the features of John Gooneratne's book which caught my attention. We have already had a comprehensive review by the veteran Editor and Ambassador, Ernest Corea, published in the media. Former Foreign Secretary Palihakkara has also just given you an overview of the book and the current context. Some of the features that impressed me may overlap or repeat what has been said. Here they are:-

- ❖ The Ceasefire Agreement (CFA) of 2002 was, according to John Gooneratne, concluded in, what can only be described as, indecent haste. It was not shown in advance to the President of the country and to many others who could have given valuable advice. It was an exercise conducted close to the chest of the then 'first row'. Some of the suggestions that the Government of Sri Lanka wanted to incorporate were left out such as the specific mention of conducting discussions for a political solution within a time frame; banning the import of arms, ammunition and other material by the LTTE during the CFA; disarming paramilitary groups on the LTTE side; reciprocity with regard to the conduct of 'political work' and mentioning suicide bombings, assassinations and forcible recruitment as activities the LTTE would have to refrain from.
- ❖ The Norwegians had had a draft Memorandum of Understanding in their pockets from the time they were invited to be facilitators in 1999 and this document was quickly converted into a CFA after it was shown to the LTTE first. Pressure from Norway to have the CFA signed quickly led to inadequate consideration of all its aspects by the Government side. This was a disservice to our national interest - quite apart from being bad conflict resolution.
- ❖ The imbalance in the obligations that the two sides had to discharge in terms of the CFA was a basic flaw. There was no robust verification or provision for the enforcement of the terms of the CFA and the role of the Nordic staffed Sri Lanka Monitoring Mission was reduced to that of well-intentioned boy scouts. This was reflected in the fact that, up to the end of 2005, LTTE violations ruled by the SLMM was as high as 3168 as compared to 144 by the Government. There was also a sharp difference in the gravity of the violations with killings, abductions and child recruitment being the common LTTE violations with harassment of civilians at checkpoints cited as the major Government violations.

- ❖ The six rounds of talks conducted between the Government and the LTTE were in fact more productive of results than is widely assumed. The book documents the work achieved including what was done (or not done in some cases) in the sub-Committees that were formed. Gooneratne himself says the results were “spotty”. He comments that there was “no sense of a goal or destination”. Indeed that has been my main criticism of the Norwegian facilitation – the absence of a clear road map.
- ❖ Problems of cohabitation within the Government between the UNF led by Prime Minister Ranil Wickremesinghe and the President are identified as a major difficulty in the negotiation process. This has of course been the problem that has bedeviled the negotiation of a solution to our national or ethnic problem throughout our post-independence period. Gooneratne’s analysis is especially relevant to the current situation in the country. And yet, despite this, Gooneratne notes that there were signs of continuity brought about by the “sobering effects of being in office”. The CFA continues without being abrogated - although it is frequently violated by both sides. The continuation of Norway as facilitator is another sign of continuity. The deproscription of the LTTE has not been reversed while successive Governments have consistently sought the banning of the LTTE by foreign countries.
- ❖ The Karuna factor emerged as a problem in the negotiations after March 2004 with the LTTE demanding that the Government cease its assistance to this breakaway group. It was my own experience that the LTTE moved from stating that the defection of Karuna was an ‘internal matter’ to actually seeking his surrender from the Government. No democratic Government committed to human rights and the rule of law could deliver Karuna on a platter to the LTTE. At the same time President Kumaratunga made a principled characterization of Karuna as yet ‘another terrorist’ and ruled out active co-operation with his group. This she did in a press conference despite continuing allegations of Government collusion with the Karuna forces. With increasing allegations and evidence in international fora that Karuna is recruiting child soldiers and is involved in other human rights abuses where Muslims have been the principal victims, the time has come to question the simplistic thesis that “My enemy’s enemy is my friend” since it erodes the moral high ground the Government has had. It also leads to the danger of creating para-military groups who could soon evolve into warlords causing the mayhem and anarchy that countries like Afghanistan have had to endure.
- ❖ Despite Gooneratne’s formidable academic credentials I was struck by the absence of any academic jargon in the book and the scrupulous avoidance of theoretical approaches to conflict resolution. Instead we have a very pragmatic approach which is best seen in Chapter V where the author brings together all the strands of his argument. His comments on the negotiating style of the LTTE are interesting but whether this ‘style’ will continue without Balasingham is moot. It was my own experience that the LTTE kept shifting its grounds for refusing to have direct talks with the Government during the 2004 period until the Tsunami tragedy forced them to negotiate a limited agreement which they insisted was independent of the peace process. The negotiations with the LTTE through correspondence between the then Prime Minister Wickremesinghe and Balasingham are the subject of a separate chapter. It recalls the exchange of letters in the 1994-95 period between the LTTE and President Kumaratunga. Balasingham clearly enjoyed these exchanges as a pedantic exercise and future Government leaders might be well advised to avoid being drawn into public debates of this nature.

- ❖ Gooneratne's final point is that the longer the Sri Lankan conflict remains unresolved the more complex it will become and therefore more intractable. The negotiations with the LTTE in the 2002-2005 period were 'admirable' but unproductive because they did not take place with the support of other political parties in the country and were not accompanied by economic, military and humanitarian measures.

The Sri Lankan Conflict and the International Context

I have the unmistakable impression that we in Sri Lanka are in a deep hole today. The first thing anyone in a hole must do is to stop digging! But digging ourselves into a deeper hole is precisely what the political parties appear to be doing right now. We are in fact in a well and I hear distinct croaking noises illustrating the predominant 'frog in the well' attitude. We blame the international community for a problem that is a creation of bad governance on our part. The daily newspapers carry condemnations of various countries and foreign personalities for 'interfering' in our internal affairs simultaneously with appeals for foreign intervention, support and assistance in the form of military supplies, diplomatic efforts, economic aid etc. Taking a cue from US President George Bush's notorious policy that 'If you are not with us you are against us' many interpret calls for devolution of power as a moderate political solution between the extremes of secession and a rigid maintenance of the status quo as unpatriotic. Likewise the need to fight terrorism within the framework of democratic liberties and human rights, without the horrors of Guantanamo and Abu Ghraib or a return to the dreadful era of 1988-89 in our own country, is seen as being soft on terrorism. The international community and the NGOs are identified as the cause of all our problems. Witch-hunting, reminiscent of the infamous period of McCarthyism in the USA during the 1950s, has resulted in the targeting of journalists and dissidents.

As an antidote to this isolationism and Sri Lankan exceptionalism (terms normally used in respect of the only superpower - the USA!) we need to look at the Sri Lankan conflict in its international context. The Stockholm International Peace Research Institute (SIPRI), on whose Governing Board I serve, issued its prestigious Yearbook at the beginning of June 2007. The statistics are sobering. Sri Lanka is one of the 17 major armed conflicts – all intra-state - going on in 16 locations of the world and Asia, for the third year running, has the highest number of conflicts. Global military expenditure reached \$ 1204 billion in 2006 which translates into \$ 184 for every man, woman and child in the world. Contrast this with the fact that over one billion people live below the poverty line of one dollar a day and just \$ 135 billion will bring about the achievement of the Millennium Development Goals. Of course the USA accounts for 46% of this global military expenditure but we – both the Government and the LTTE – have contributed towards this figure, feeding the arms trade merchants, when we can least afford it with so many social and economic needs of our people shamefully unfulfilled.

As important as the SIPRI statistics are, the commentary of the Director points to the fact that security analysts, commentators and policymakers are increasingly using the concept of 'risk' in place of 'threat' in the analysis of conflict. Risk-based analysis is already a well known tool in economics and investment. In the area of security it embraces a wider range of problems for human security and relates it to choices we make. Basically it means that our own actions can generate or aggravate risks. This should act as a brake on reckless behaviour such as the recent evictions of over 300

Tamil citizens of our country from Colombo or the over-reaction to the views of a retired Chief Justice of India invited by us to head a group observing a Commission inquiring into recent assassinations in our country. Let us also remember that the Economic Intelligence Unit (EIU) issued a Peace Index recently in which Sri Lanka was ranked 111th with Norway as No.1 and India as 109.

We must study the trajectory of other conflicts in the world in order to learn lessons both positive and negative. In Aceh, Indonesia and in Northern Ireland, UK we have had successes in conflict resolution whereas in Spain the Basque problems remains serious with ETA withdrawing from the ceasefire. In Colombia, the FARC continue their terrorist attacks profiting from the drug traffic they encourage. We can learn from all these experiences as to why some succeeded and others failed. Ceasefires have been declared in many conflicts but not all of them have been converted into a permanent peace. A temporary stoppage or moratorium on fighting can take place for a variety of reasons. It requires determined effort and political will to use the opportunity to negotiate a peace. The ceasefire agreement we have – observed as it is in the breach – is an opportunity for the LTTE to transform itself from a militant group adopting terrorist tactics to a political organization capable of peaceful negotiations. Twenty years ago few would have predicted, amidst the terrorist bombings and the violence in Belfast and other places that the IRA would agree through the Sinn Fein to the Good Friday agreement and form a government with that other extremist Rev.Ian Paisley.

For the Government, the ceasefire is an opportunity to construct the political solution that is so vital for a permanent peace and to begin to build an infrastructure for peace not the least by creating a genuine peace constituency instead of the fickle hurrah squads that cheer battle victories and despair over battle losses. In December 2002, as the Gooneratne book shows, the then Government and the LTTE agreed on a Working Outline for the Discussion of Political Matters which stated “Responding to a proposal made 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 an united Sri Lanka. The parties acknowledged that the solution has to be acceptable to all communities”. In hindsight we now know that there were doubts as to whether Prabakaran authorized Balasingham to agree to this formulation and that many exaggerated its significance. Nevertheless it is a basis for crafting a political solution along with both the majority and minority reports of the experts appointed by the President to assist the All Party Representatives Conference chaired by Minister Tissa Vitarana. That is an opportunity the country cannot afford to lose.

My staff in SCOPP teased me over the frequency with which I quoted the Chinese proverb “The more you sweat in peace; the less you bleed in war”. Today, however, what Elie Weisel – novelist, holocaust survivor and Nobel Peace Prize laureate – has said is more appropriate to our times. “Peace is not God’s gift but our gift to ourselves”. Are we, as Sri Lankans, capable of giving ourselves and succeeding generations this precious gift?

(Jayantha Dhanapala is a former UN Under-Secretary-General and a former Ambassador of Sri Lanka. These views are personal to him)