BEYOND THE TIME AND SPACE OF PEACE TALKS: RE-APPROPRIATING THE PEACE PROCESS IN SRI LANKA

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Abstract

A peace process almost always acts as the catalyst to transition from conflict. In reality, the peace process is usually dominated by peace negotiations between the main contending parties who are able to direct the content and progress of the movement towards peace. However, as conflicts rarely reduce into bilateral disputes, the elite nature of peace talks can exclude or ignore broader, cross-cutting interests in society. Using the Sri Lankan peace process as the central case study, this article explores both the illegitimacy of containing the peace process at the macro-level and the valuable contribution of civil society subordinated in the efforts to achieve peace. The article concludes that all levels of society must be engaged in peace processes in order to realise a deep and sustainable peace.

The framework and impetus of peace processes very often focus on bilateral negotiations between central political actors with the assistance of an external third party mediator. While each peace process contains its own complex and contextual particularities, transitions in societies as diverse as Colombia, Israel/Palestine and Northern Ireland share the common feature of elevating elite-based and exclusive peace negotiations to the centre of the broader movement towards of peace. Broader society is only afforded a subordinated role at the peripheries, however strong its organisation and capacity.

This paper explores the potential hegemonic effects of a central focus on peace talks. As conflicts rarely reduce simply into a linear dispute between two sides, the perspectives and interests of many other parties may be left out of the negotiations. Rather, the framework of the peace talks reduces the broad and often conflicting and cross-cutting experiences of society through an aggregation process which produces a intelligible yet simplistic narrative. As such, Part I of the paper locates elite-driven peace processes within a history of colonial and post-colonial formations through cyclic repetitions of power and highlights the instability of a peace reached on an exclusionary and appropriating basis. This section includes a discussion on the further distancing of society from participation in its own present and future through the involvement of the

international community without a simultaneous reach inwards. This section emphasises that the involvement of the international community reflects both an inevitable and important development of contemporary peace processes but underlines that without a corollary increase in the participation of broader society can lead to further disenfranchisement and instability.

Part II provides a case-study of the peace process in Sri Lanka to demonstrate the impact of hegemonic peace talks on the overall project for peace. As a society suspended in a state of no-war/no-peace since the Ceasefire Agreement of 2002, the devastation facing Sri Lanka as a result of the Indian Ocean tsunami in December 2004 initially raised hopes of a resumption of the stalled peace talks between the government of Sri Lanka (GOSL) and the rebel faction, the LTTE (also known as the Tamil Tigers), which controls many parts of the North and East of the island. The unity was only short-lived however. The parties are already divided on the rehabilitation efforts and political killings have once again resumed. At this stage, the future of the peace process must be considered with particular attention to the disenfranchisement of broader society through the lack of a participatory role in previous negotiations. As a result, this section examines the impact of the structure of the bilateral negotiations in Sri Lanka as enabling the parties to hold society in a state of no war/no peace without any sequencing or progression towards a permanent peace. In particular, the section addresses the continuance of human rights violations throughout the ceasefire period as an inevitable consequence of the bilateral structure which subordinates the rights of individuals to the overarching concern of peace.

Finally, Part III locates the case-study on Sri Lanka within a broader analytical discussion of the need to ensure deeper peace processes with particular focus on inclusion and broad participation as well as the integration of a comprehensive human rights framework.

Part I: The Hegemonic Impact of Bilateral Peace Processes

This section considers the negative impact hegemonic, elite-based peace processes can have on the larger project for peace. First, the section looks at the legitimacy of the occupation of public space by the two main contending actors. The section then considers the general implications of the involvement of the international community without a simultaneous reach inwards to broader society.

In order to provide a conceptual and overarching framework for the elite-nature of the peace talks, the paper refers to the "macro" and "supra-macro" levels of society to depict the distance the main political actors to the peace talks and the international community respectively operates from broader society.

Cyclic Repetitions of Power

Despite the complexity of conflicts, the enclosure of transitional discussions at the macro level produces a reductive effect of simplifying the experience and demands of parties to the conflict, thus narrowing the scope of history and the potential to move forward. In the Sri Lankan context, for example, the official and external portrayal of the conflict emphasises only the relationship between the Sinhalese as an aggregated community and the LTTE as 'representatives' of the Tamil people. This depiction ignores the current and past involvement of other actors, such as the Muslim community and the People's Liberation Front (JVP). The concentration negates the possible connection of actors bearing multiple identities, reacting and moving in and out of identities permanently or transiently. Yet, the framework to the peace process in Sri Lanka is hardly unique. In most peace processes, the negotiations between key powerful actors form the focus and point of reference in the project towards peace.

The justification for the centrality of elite-based peace talks depends on the connection of the process to broader society. Shapiro and Hacker-Cordon (1999) refer to "outer" and "inner" edges in their edited collection of essays on the contours of democracy. By analogy, the location of power in the peace process shapes its content and progression. The restriction of the peace process to the main contending parties and increasingly the international community results in an aggregation of interests to the "outer-edges" without a parallel reach inwards to the "inner edges" which more fully reflect the broad diversity and tensions within and between the elite and grassroots levels of society. Given the range and often contesting positions of the various cleavages within society, the reduction or aggregation of their experiences may lead to exclusion and potential sites for new or prolonged conflict (Shapiro and Hacker-Cordon, 1999, 26). Thus the macro focus of peace processes may then lead to what Habermas (2002, 150) calls "dangerous legitimation deficiencies" which ultimately may threaten the premise of established peace. Without participation, the focus on the outer edge of transition and the establishment of peace at all costs may produce a modern form of colonialism negotiated by substituted powerful actors but resulting in the same appropriation of experience and disenfranchisement in the content or structure of the emerging society.

Otto's (1999) discussion of international law demonstrates the way in which elite-driven peace processes reflect a continuation of colonial forms of engagement. In the process of decolonisation in India, the colonial power predetermined the post-colonial formation of the state by only making available the possibility of decolonisation to mirror-images of the "modern European nation-state." As a result, the acceding power-holders continued to operate within a European frame, producing cycles of imperialism upon the subaltern through the veil of nationalism (Otto, 1999, 147, 153, 164). Habermas (2002, 142) supports this interpretation of decolonisation through his assertion that, "[f]or the most part new nation-states emerge at the expense of assimilated, suppressed, or marginalized "subaltern" peoples. The formation of nation-states under the banner of

ethnonationalism has almost always been accompanied by bloody purification rituals, and it has generally exposed new minorities to new waves of repression." Further, separate from the "mass of Indian people", Otto (1999, 159) draws on the work of Guha to demonstrate how the elite located the achievement of decolonisation within its own identity, claiming the emancipation of subaltern groups through the dismissal and appropriation of their independent contribution and initiation. Thus, Otto argues that both the colonial power and the elites that assumed power, silenced and excluded the contribution and participation of the subaltern.

Santos (2002, 109) explores the relationship between silence as a "scarce resource" and language to demonstrate the way in which powerful actors can command the space of what is and is not addressed:

> When language is important, the ruling classes tend to appropriate it, imposing silence upon the people … Conversely, when silence is important, the ruling classes tend to appropriate it, relegating language to the people … Silence is not an indiscriminate absence of language, but rather, the self-denial of specific words at specific moments of the discourse so that the communication process may be fulfilled. What is silenced, therefore, is a positive expression of meaning.

On Santos' understanding of language and silence, the appropriation of discourse by the powerful actors determines the importance of issues included in the peace process and irrelevance of issues excluded. Anything outside of this space, like human rights and the needs and interests of parties beyond the dominant actors, is enclosed in the silent space, encompassing the issues which are not deemed relevant or appropriate for the process towards peace. Thus, the acceptance of the containment of the peace process at the macro level allows for the adoption of rhetoric to ensure power constellations to the detriment of the internal boundaries.

On the surface, the concentration of actors in peace talks appeals to pragmatism in the need for a political solution to end hostilities. Yet, the strength of any agreement reached through an exclusive negotiation is potentially undermined if the needs and interests of broader society are not adequately represented. In times of conflict, society is often fragmented and divided. Power constellations may exist, particularly between elite and grassroots civil society organizations, which can prove divisive. The complexity of the societal make-up therefore renders the main contending parties incapable of speaking on behalf of the diversity of goals and perspectives within society. The analogy of the failure of both authoritarian and democratic political entities in supposedly "stable" communities – which do not face the further challenges of emergence from conflict – to advance the range of competing interests of their constituencies perhaps undermines the justification of the primacy of bilateral negotiations. This is particularly supported by Habermas' (2002, 117-8) explanation of the erosion of the nation-state as, in part, due to the fact that pluralist societies do not reflect the "model of a nation-state based on a culturally homogenous population." Rather, he (Habermas, 2002, 117-8) argues that the

fusion between the "majority culture [and the] political sphere … must be dissolved if it is to be possible for different cultural, ethnic, and religious forms of life to coexist and interact on equal terms within the *same* political community."

The Introduction of the International Community without a Simultaneous Reach Inwards

The marginalisation of the experience and interests of broader society is further aggravated by the increasing role of the international community in all its various forms from the presence of the United Nations and other international organisations, donor agencies and the amorphous international 'civil society', such as international human rights and conflict resolutions organisations. In the context of Argentina, Panizza (1995, 169) details the achievement of the Madres de Plazo de Mayo who, "effectively put into question the dividing line between the personal and the political: their grief as mothers became the first intensely private issue to reconstitute a public space hitherto closed by the government." The spatialisation of the public sphere constitutes a key issue in the context of macro level peace processes as a result of the assumption on the part of the elite players of their entitlement to exclusively and simultaneously occupy, deny and repress the public space. The problem of the spatialisation of the public sphere is compounded by the supra-macro involvement of the international community without a correlative reach inwards to the societal or subaltern level. In fact, in Guatemala, Rosenthal (2001, 58) claims that the UN Verification Mission, Minugua, "has not been seen as an external actor at all, but as a party to the peace process." The important contribution of the international community notwithstanding, its depiction as a de facto party brings a number of legitimation problems for communities already distanced from the process.

The involvement of the international community clearly does not present an anomaly of the peace process but reflects a general trend in response to the incapacity of the nation-state to address the totality of contemporary issues. Yet, without a correlative reach inwards to society, the opportunity to influence the decision-making body becomes even more remote due to the lack of democratic organisation inherent in the international structure (Dahl, 1999, 22-3). In the context of globalisation, Held (1999, 103) asserts that the locus of political power "is shared, bartered, and struggled over by diverse forces and agencies at national, regional and international levels." He (Held, 1999, 103) argues that "[s]ome of the most fundamental forces and processes which determine the nature of life-chances within and across political communities are now beyond the reach of nation states." Against this background, the introduction of the international community into the frame of the peace process further distances the polity from participation in its own past, present and future. While the involvement of the international community may in many cases benefit or support the subaltern, in other cases it may work against its interests. For example, donor agendas which focus on particular types of peace-building work mutually reinforce the hierarchy and dependency of peace and human rights-related work by

creating preferences on the type of peace work to fund. In the Sri Lankan context, for example, this leads Liyanage (2004) to argue that the international actors "appear to be doing 'more harm' than 'no harm' because of their non-conflict sensitive approaches and activities."

The power-constellation at the macro and supra-macro level may produce two results. First, Panizza (1995, 180) discusses the disenfranchisement, apathy and "withdrawal into the private sphere" of previously active grassroots organisations following many of the transitions from authoritarian rule in Latin America. Disillusionment resulted from the claim of democratic representation which essentially equated to the occupation of public space by macro and supra-macro actors, excluding the participation of the wider community. Second, in his discussion of the social consequences of an abdication of politics, Habermas (2002, 123) argues that, "although [pauperized groups] are no longer in a position to improve their social lot … segmentation does not mean that fragmented societies could simply abandon part of their population to their fate *without political consequences.*" He identifies "self-destructive revolts" and "the moral erosion of society" through infiltration by the "poison of the ghetto" as threatening to the established basis of society (Habermas, 2002, 123). The second consequence in particular, demonstrates the threat to the interests of even the elite players to indicate the instability of a peace process located solely at the macro level. Held (1999, 107) thus offers an analogous solution in his analysis of the way in which to counter the effects of globalisation through what he terms as 'cosmopolitan democracy': "the recovery of an intensive and more participatory democracy at local levels as a complement to the public assemblies of the wider global order … a system of diverse and overlapping power centres." In the same way, peace processes need to find a way to have relevance at all levels from the supra macro to the micro level.

Part II: Case Study: The Bilateral and Elite-Drive Peace Process in Sri Lanka

This section uses the Sri Lankan peace process as a case-study through which to contextualise the theoretical critique of bilateral and elite-driven peace processes laid out above.

Background to the Conflict

The peace process in Sri Lanka was borne out of the need to end years of conflict dating back to the colonial period during which the British created an English-speaking elite that mainly comprised the minority Tamil community. Following independence, Sri Lanka assumed the legacy of the British majoritarian system with which the majority Sinhalese pursued a nationalist movement to reverse the effects of colonialism in their favour. The successive governments introduced progressively more discriminative

measures against the minority through restrictions on education, employment, language and land ownership. The leaders of the United National Party (UNP) in particular used a systematic policy of institutionalised violence to mainstream human rights abuse against the Tamil community, which culminated in the 1983 pogrom. In one of the worst instances of collective violence, the structural conditions put in place by the government fuelled the systematic murder and burning of Tamil citizens, their homes and businesses.

The systematic discrimination against the Tamil community resulted in the establishment of a Tamil nationalist movement, mainly embodied in the LTTE. Other social movements within the Sinhala community, such as the People's Liberation Front (known as the JVP), also arose to agitate against the ethnic division within the country. The government's counter terrorism response to the Southern uprisings by the JVP in 1971 and the period between 1987 and 1990 further depict some of the most oppressive and concentrated human rights violations during the conflict. The minority Muslim community has also been targeted throughout the conflict: the killings of Muslims in Mannar in 1985; the massacre of 140 Muslim worshippers at the Kattankudy mosque in 1990; and the forcible expulsion of 90, 000 Muslims from Jaffna to the Eastern Province by the LTTE in the same year, constitute the most infamous violations.

The conflict has been marked by a wide range of direct human rights violations by all actors as well providing the structural conditions for systemic abuse. The death toll lies at 64,000 since 1983; as of 2001, the Refugee Council reported that 917,000 Sri Lankans, mainly Tamil, had left the country with 700,000 internally displaced and the UN Working Group on Disappearances reported 11,600 unaccounted for disappearances (Refugee Council, 2001, 5). Since the Ceasefire Agreement of 2002, the LTTE has continued to assassinate its political opponents, extort taxes, recruit children into its forces, attack the Muslim community within the territory it controls and has generally smothered the "social and political space for dissent in the Tamil community" (University Teachers for Human Rights, 2002). Impunity continues for past and current violations as well as institutionalised abuses such as torture in custody.

In 1994, under the People's Alliance (PA), President Kumaratunga pursued a strategy termed "war for peace" which sought to undermine the LTTE's military capacity whilst acknowledging the legitimate claims of the Tamil community through a policy of devolution (Keenan, 2005, forthcoming). When the UNP came into power, it rejected the PA's approach choosing instead to negotiate and work with the LTTE rather than impose military isolation. In February 2002, the UNP and the LTTE agreed to a ceasefire and the parties subsequently entered into six rounds of peace talks starting in September 2002 with the Norwegian delegation as the mediator.

The Peace Talks As Unprincipled Pragmatism

The six rounds of peace talks in 2002 and 2003 were essentially bilateral and conducted in isolation. Most notably, the two negotiating parties failed to include the

President or an independent delegation of the minority Muslim community; although Rauf Hakeem, the leader of the main Muslim political party (the SLMC), sat as a delegate for the government, an involvement still failing to equate to an independent Muslim delegation representing the interests of the Muslim community. The JVP was also excluded as well as other Tamil parties in opposition to the authoritarian nature of the LTTE. Yet, in spite of – or perhaps as a result of – the domination by the two parties and the desperation for peace by Sri Lankan society as a whole, the bilateral talks became conflated into a peace process, creating a dependency upon their momentum and excluding initiatives not framed in the same tone or voice as the talks proper.

The rationale for a bilateral process contains multiple factors ranging from the fear that a more participatory approach would provoke segments of the Southern polity to act as spoilers to the process; the concern on the part of the LTTE that a wider process would undermine its authoritarianism in the North and East; and the resistance by both parties to a process that potentially would address the LTTE's continuing record of human rights abuse and the UNP government's, in particular, history of mass human rights violations in the 1980s and 1990s. Nesiah (2002) ties the bilateral process to a regulative structure concentrated on the maintenance or achievement of state power through recognition of "intelligible" players using the model of rational actors provided by the rhetoric of conflict resolution.   She (Nesiah, 2002) argues that:

> Thus there is a whole package of institutional arrangements associated with the modern state that are part of the implicit script to the current negotiations, from markets open to global capital to the rule of law to colonizing the space for violence as an instrument of governance. There is also implicitly a problematic claim suggesting a generalized disfunctionality of societies in conflict – these are readily classified as deficient cultures, failed states, subsumed by the irrational affiliations to ethnicity and other tribalisms.

In relegating identity, community and cross-cutting political relationships to a level of minimal importance, the rational actor's model not only fails to reflect true representation but also contributes to authoritarianism. The parties have compounded the bilateral approach by avoiding transparency: the state oligarchic media has restricted information about the peace talks, with the LTTE instituting similar controls in the North and East (Liyanage, 2003b, 7).

Thus, Liyanage (2003b, 6) characterises the peace talks as a "hegemonic conflict discourse" provincializing the interests of parties outside of the main negotiations. This approach makes it difficult for outsiders to ensure their interests are addressed within the peace talks; rather the parties are unaccountable for the strategies used in the pursuit of peace. In this way, in the six rounds of talks, the GOSL and the LTTE negated to pursue a principled approach to peace but rather adopted a step-by-step pragmatic discourse which never developed into a clear 'roadmap' to peace. Nesiah (2002) argues that the use of a pragmatic "conflict resolution tool kit" assists the two parties in their pursuit of

political ends from behind the façade of a neutral process. Kadirgamar (2003) also identifies the agendas of the dominant actors: in the case of the LTTE to compound and legitimate its authoritarian control over the North and East and for the previous UNP government, at least, the realisation of its neo-liberal economic policy in the South. Indeed, in the case of the LTTE, both the government and the international community appear to accept the appearance of transformation into a political entity without any requirement to demonstrate the substance of the commitment. Keenan identifies the failure to even consider whether engagement with the LTTE offers a constructive policy in the pursuit of peace. (Keenan, 2005) As Perera (2003) argues, the irony of the operation of the LTTE like a state without the incentive to prioritise the needs of its people due to its authoritarian character enables it to disregard human rights violations and protection without any pressure from the government or the international community.

As a result, Kadirgamar (2003) characterises the claim of a situation of peace as an illusive one, "providing cover for the LTTE to attack its perceived enemies and strength to the Southern ruling class to cynically pursue its own power interests." The claim of neutrality resists transparency and accountability throughout the process, allowing the parties to proceed through the motions of peace without any requirement to commit to substantive content like human rights beyond rhetoric (Nesiah, 2002). For the communities in Sri Lanka, the structure and isolation of the peace process which lacks any sequencing both holds them in a state of negative peace and opens the space for human rights abuse to occur in particular areas.

Uyangoda (2002), a prominent Sri Lankan political scientist, defines negative peace as a pragmatic conflict management tool that characterises the absence of war from a political context. In negative peace, the enabling conditions of conflict remain unaddressed – and consequently available for mobilisation – whereas positive peace removes the structural underpinnings of conflict focusing on institutional reform, "community reconciliation and peace building, democratisation, returning to normal politics, human rights, reintegration of communities and many more reconstructive measures" (Uyangoda, 2002, 5-6). Whereas the establishment of the end goal of positive peace justifies the state of negative peace as an interim building-block to provide the political space to enable progression through a form of stabilisation, the lack of a long term strategy results in a suspension in a warless, peaceless political period. As the point of transition reflects a key turning point in the construction of society, the location of the peace process within a concentrated section of community threatens the legitimacy of the eventual political and societal resolution reached.

In any case, in April 2003 the LTTE withdrew from the peace talks as a result of its exclusion from a donor conference organised in Washington D.C. that month and then boycotted a subsequent donor meeting in Tokyo in June 2003. In the following October, the LTTE introduced its own proposal for an Interim Self-Governing Authority for the North and East of Sri Lanka, invoking severe criticism from Sinhalese groups claiming the document to reflect an attempt to secure independence from the Sri Lankan State. In

the following week, the President intervened on the grounds of national security to declare a state of emergency, temporarily suspend Parliament and assume control of the key Ministries of Defence, Interior, and Media. She then called for snap elections which her party won in April 2004 as a coalition government with the JVP. Human rights violations and political killings continue throughout the ceasefire period. At the point at which the tsunami struck Sri Lanka, the peace talks had still not resumed and the tenuous political climate threatened a return to war. Although the tsunami initially raised hopes of political resolution, the parties are once again gridlocked.

Fall Out of the Peace Talks: Spoilers and Human Rights Abuse

In terms of the impact of the bilateral peace talks, the first consequence has ironically been the activation of spoilers against a process of peace, despite the prevention of spoilers constituting a central justification projected for the elite-driven structure. In the context of the 1983 anti-Tamil riots, Newton Gunasinghe demonstrates how the unsubstantiated rumour of the imminent arrival of the LTTE "constructed an imaginary reality, which anticipated a retaliatory assault from the 'Tigers'. Hence although the 'Tigers' were absent from the scene, they were present in the mass consciousness, leading to real social consequences, frenzied flight at first and murderous mob violence later" (Perera, 1996, 208). In a similar manner, the lack of transparency has facilitated the production of rumours, fears and suspicions which become a real narrative to the peace process and enable the garnering of support for the positions of spoilers and those with nationalist agendas (Perera, 1999, 46). Liyanage (2003a, 121) identifies at least three spoiler elements in the peace process as the President, the JVP and Sihala Urumaya: for example, operating on the platform of the threat to the Sinhala nation as a result of engagement with the LTTE (Perera, 1996, 208), the JVP has coincided political violence as a mobilising force during previous attempts at peace (Perera, 1999, 34). Uyangoda (2002, 17) attributes the emergence of spoilers to the context of a vulnerable peace process with fixed goals, unalterable through negotiation. Of great concern in this respect has been the treatment of all critics of the construction or progress of the peace talks as spoilers, however supportive of the general project of peace. Space does not exist to simultaneously support the peace process but also constructively criticise its short-comings.

Perhaps the most significant and predictable consequence of the pragmatic nature of the discourse brought about by the power constellation without any accountability or pressure to conduct the negotiations otherwise has been the continuance of human rights violations, in the North and East of the country in particular. Although the ceasefire period brought an overall reduction in the level of violations, the University Teachers for Human Rights (one of the strongest and most vociferous dissidents of the LTTE) denounces bare statistics placed outside of the context of the everyday reality of living in LTTE controlled areas as a "façade of normality" due to the institutionalisation of fear

and acknowledgment of the consequences imposed for acting contrary to LTTE policies (University Teachers for Human Rights, 2003).

Until the internal LTTE split between the former Eastern Commander of the LTTE (Karuna) and the LTTE organisational leader (Prabhakaran) in 2004, the official narrative claimed the existence of peace in spite of the persisting culture of violence structurally borne out of the conflict. However, in the context of both the North and East in which individual human rights violations and the underpinning structural conditions impregnating society with fear and intimidation continue, the political crisis only precipitated a pre-existing level of violence. Reports of political assassinations, extortion, ongoing child recruitment and the general "smothering of social and political space for dissent in the Tamil community" persist (University Teachers for Human Rights, 2002). In addition, the complex and tenuous relationship between the Tamil and Muslim community adds a further dimension to the stability of the North and East in which increasing attacks against the Muslim community, their property and businesses residing in the Eastern Province following their displacement by the LTTE from Jaffna embodies a deep fear of lack of security and sense of place in an increasingly authoritarian-led North and East.

Beyond the LTTE which only controls the "uncleared" areas of the North and East, the continuing presence of government security forces, which bear the greatest responsibility for past human rights abuses during the conflict, creates a state of insecurity in the separation of territory between two entities with extensive histories of human rights abuse. During the ceasefire period, Amnesty International (2004) reports of continuing violations, in particular torture in custody and impunity. Keenan (2005, forthcoming) builds on these violations to include "the continued occupation by the security forces of temples, schools, and private homes in the north and east, deadly shootings of Tamil protestors by police … the failure of police to stop retaliatory attacks shortly thereafter by Sinhala crowds on Tamil demonstrators … frequent acts of harassment of Tamils in the north and east."

Yet, international and domestic attention and acknowledgment of ceasefire infractions only officially emerged in any sustained manner as a result of the split within the LTTE and even then only located the split in the isolated space and time of the present of that event. The analysis and reaction focused narrowly on the violations directly related to the internicide as a threat to the peace rather than recognise the nature and cause of the ingrained culture of violence connected and sustained as a result of the conflict. As a result, the narrowing of the scope of the understanding of the Karuna/Prabhakaran conflict extracted the situation from the persistent and connected discourse of structural violence, negating the need to address human rights abuses before or during the ceasefire period and silencing and denying the experience of victims. Kadirgamar (2003) is led to depict the current political context as the "violence of peace" based on the following: the totality of direct and structural violations; a culture of impunity (Perera, 1999, 191); the militarization of society; the creation of three

progressive nationalisms within the Sinhalese, Tamil and Muslim communities as a direct response to the repression of the former and the promotion of ethnic 'otherness.'

In the context of the tsunami, however, international media reports mainly applauded the LTTE for its efficiency in dealing with the devastation. For example, against four paragraphs quoting the LTTE's claim that little aid has reached the North and East despite the President's "propaganda" war to claim the contrary, Steele (2005b) writes in *The Guardian*, that the LTTE is "recognised to be distributing aid efficiently"; in another article, he (Steele, 2005a) writes of the LTTE's leadership and cooperation. Ramesh (2005) writes in *The Guardian*, that, "[w]hat is clear is that the Tigers have managed a massive relief operation."   Yet, other articles have contrasted to the Guardian's coverage markedly. For example, Kranenberg (2005), in *Volkstrant*, writes of the forced movement of refugees from government camps into LTTE-controlled territory and a fresh recruitment of child soldiers by the LTTE. Again, the failure to highlight the abuse and authoritarian nature of the LTTE only increases its political profile and seals the individuals and groups upon whom it exerts its power into new and increased levels of denial.

The allocation of aid gave rise to a huge site of dispute as documented by the Sri Lanka Democracy Forum (2005a):

> aid has been slow in reaching far-flung communities in the [North and East] …
> The Tamil press and certain parliamentarians have accused the Sri Lankan
> government of discrimination in the delivery of relief – showing preference for
> the Sinhala south over Tamil areas. While the shortages in the North and East
> have been serious, there have also been repeated allegations that the LTTE cadres
> have inhibited the delivery of assistance – setting fire to a camp housing persons
> displaced by the tsunami after people accepted assistance from army, intercepting
> trucks carrying relief supplies, refusing unfettered government or international
> access to areas under its control and preventing independent NGOs from
> operating.

Moreover, political killings in the North and East quickly resumed, including the assassination of the LTTE's Eastern political leader, Kaushalyan, an act which the UN Secretary General, Kofi Annan, condemned as a risk to the peace process. More recently, the prospect of a return to peace negotiations appears even more remote following the assassination of the Foreign Minister, Lakshman Kadirgamar in August 2005 (Sri Lanka Democracy Forum, 2005b).

In the face of the continuing violations and political killings, the label of negative peace carries the danger of silencing and oppressing the victims of human rights abuse to a similar extent than when the conflict remained at its height. This raises the question of the acceptability of a state of peace which forcibly represses victims, either through silencing or official denial, and thus requires them to buy into a version of peace which may not reflect their everyday reality. A peace which removes clearly identifiable human

rights violations on a large scale but approves and seals an undemocratic, oppressive society in which the structures remain in place for individual violations risks reigniting the conflict or creating cycles of violence in patterns similar to those developed throughout the course of the conflict proper.

Part III: Towards Deeper Peace Processes

In moving from conflict in Sri Lanka, the bilateral actors can neither ensure lasting peace in their isolated negotiations; neither can they afford to return to war. Negotiations must recognise the multiplicity of actors and identities in Sri Lanka, many of a cross-cutting nature. Two issues result from the recognition of the lack of representivity under the current talks. First, human rights violations can no longer be subordinated to the overall objective of peace, but their unconditional termination must form a central element. Second, in light of the recognition of the range of actors and interests, broader participation in the peace process must be ensured.

The effort is therefore aimed at generating the space to allow broader society to fulfil its potential to participate without the top-down silencing constraints. The vision remains aligned to Otto's (1999, 146) exploration of the post-colonial in relation to international law in asking, "whether it is possible to imagine processes whereby nondominant, nonelite, *subaltern* individuals and groupings could participate as subjects." Otto (1999, 167) questions the possibility of participation in emancipation without assimilation. She (Otto, 1999, 168) argues that the process should not locate the disenfranchised outside of the dominant discourse but rather change and re-appropriation should occur through interaction and interdependence positing the central issues as "how to push at the boundaries of modernity rather than how to give voice to what is outside it." She (Otto, 1999, 171) argues that the exposure of hegemony highlights the possibilities for resistance: by "conversing with the *clamor*" (emphasis in the text) and "replacing the dominant elite position of knowing with the multifarious and disruptive positions of subaltern knowledges," more equality in decision-making and participation can be achieved.

Beyond the illegitimacy of excluding broader society from a substantive role, the peace process can also benefit from the diversity, knowledge and capacity of civil society. The containment of macro level narratives restricts the scope and thus potential for change in the transition. As Slater (2001) discusses in the context of the Israeli-Palestinian conflict the "psychological prerequisite" for peace requires the disproportionate power-holder of Israel to examine and acknowledge its historical and contemporary role as an oppressor over the Palestinian people. He (Slater, 2001, 171-200) argues that Israel remains "[b]linded by Zionist ideological and the genuine history of Jewish victimization … [and] its claim, based on biblical history and Jewish inhabitance, to eternal Jewish sovereignty over the entire land of Palestine." Thus,

through the permission of limited and concentrated discourse, the players and the issues can become more entrenched providing little room for progression due to the extreme and constantly reductive discourses.

Harvey (1999) also illustrates why the concentration on the macro level process and its official pronunciations may miss the achievements and energy at all levels of civil society where interesting and transformative work may be occurring. In relation to the conflict in Northern Ireland he (Harvey, 1999, 411) asserts that, "[t]he human rights and equality movements demonstrated throughout the conflict that while political representatives tried to find 'grand solutions' serious work was getting done on the ground. Networks of community activism are a significant aspect of the governance structures of Northern Ireland." By building on the conception of Gramsci's "organic intellectuals" as "grassroots philosophers who are uniquely able to relate theory to concrete experience of oppression," Matsuda (1987, 325) also highlights the intellectual energy lost through a sole focus on the macro level. As the "normative intuitions" (Matsuda, 1987, 325) of the bottom in experiencing the same event, time or place differs emotionally, perceptively, tangibly and intellectually from the experience at the top (Williams, 1987, 409-411), the objective and process of moving into the future will also differ viewed from the top and bottom thus offering a more complex but richer process (Matsuda, 1987, 346-7).

In determining the need for a new and acknowledged synergy between the macro and the micro, the remaining issue questions the site of initiation of a balanced relationship. Matsuda (1990, 1767, 1778) asserts "positive change in oppressive relationships [as] almost always initiated by the victim" and progresses to identify historical movements of labour rights, civil rights and suffrage as illustration of a rise from the bottom up. In the Sri Lankan context, Uyangoda (2002, 214) also asserts that "[i]t is the responsibility of the democratic civil society to take the present peace process away from its present state-centric and actor-centric framework. For the peace process to be made inclusive and truly emancipatory, it is necessary to pluralise and democratise its actors and communities of stakeholders."

The location of change from within the realms of civil society proves useful due to the traditional understanding of civil society as the embodiment of the relationship between the state as the hegemon and society as the subordinated. As Goodhand and Lewer (1999, 69-88) argue, the term "civil society" connotes "social fabric" and "social energy" and as such implies that society will be broadly represented and the divergence of needs and interests included. Yet they equally recognise in the Sri Lankan context at least, civil society contains the potential for greater interaction but cannot bear the totality of the responsibility for effectuating deeper participation (Goodhand and Lewer, 1999, 69-88).

The Sri Lankan experience illustrates that the "social energy" needed to effect change from the margins may not yet exist comprehensively. In contrast to the energy of the work of civil society organisations on human rights issues during the conflict, civil

society organisations now adopt a reactive response to "symptoms rather than causes" (Orjuela, 2003, 207). The reactive response partly emanates from the practice of human rights organisations which progressively faced suppression and a constant increase in a shifting range of issues which resulted in an inability to work systematically on specific issues, but also from the current context in which the expectations of a real politik peace process do not foresee or value the independent contribution from society at large (Liyanage, 2003b, 7). Currently, civil society attaches itself reactively to the ebbs and flow of the stalled peace talks as a result of both the isolationist approach to the peace talks but also as a consequence of the suppression of civil society during the conflict. In relation to human rights, Keenan (2005, forthcoming) identifies three interdependent and supporti1y ftorons which evge

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Conclusion

While this paper does not seek to undermine the crucial role played by macro level actors in moving away from violent conflict, it does attempt to illustrate the inherent deficiencies of an overly dominant macro level discourse in the process to achieve peace. As the effects of conflict and peace habitually impact the general society in which they occur more deeply and systematically than the macro and supra macro level actors that negotiate to determine its fate, the views and participation of broader society, however contentious, should also form a central not superficial aspect of the move towards peace. While the argument may be advanced that a broader approach risks the ability to reach agreement and thus move away from conflict, narrow participation similarly risks stagnation through extremism and power-politics. On the other hand, a broader process brings challenges and tensions to the table but if framed carefully can offer a firmer basis for a durable peace through better representation and participation as well as treatment of core issues, such as human rights, affecting society as whole. However, the reality of the power balance means that not only must broader society generate bodies of resistance to ensure its own input but the macro actors must also be willing to allow the members of society as partners rather than simply informative tools. In this regard, the supra macro, namely the international community, must encourage a conducive climate for equal partnership through its relationship with the macro actors and also through broad support for a divergent range of activities related to the establishment of peace.

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