



# **Pawns of Peace**

## **Evaluation of Norwegian peace efforts in Sri Lanka, 1997-2009**

**Report 5/2011 – Evaluation**



**Norad**

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Photos: A9 Artery: The A9 highway remained open in 2004, contributing to the flow of persons and goods between the GOSL-controlled South and the LTTE-controlled North of Sri Lanka – one of the main tangible peace dividends accruing from the signing of the CFA. Source: SLMM Report, 2010  
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**September 2011**

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## Preface

For several years, Norway was involved in efforts to contribute to a peaceful solution to the conflict in Sri Lanka. After the military victory by the Sri Lankan army over the Tamil Tigers (LTTE) in May 2009, Norway no longer had a role to play. This evaluation of Norwegian peace efforts in Sri Lanka was commissioned mainly for the purpose of informing international peace efforts.

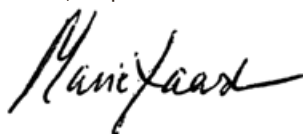
The evaluation team was asked to analyze Norway's role as a peace facilitator in Sri Lanka 1997 – 2009, in light of the knowledge and opportunities available at the time. This included assessing the Norwegian understanding of the conflict, its management of its different roles in the peace process, as well as relationships to parties in and outside the peace process.

The team has faced a challenging task. The story of the Norwegian facilitation efforts is still disputed by those involved; there are different interpretations of what happened and why, and what, if anything, could have been done differently.

The evaluators were granted full access to the Norwegian Ministry of Foreign Affairs' archives and Norwegian individuals involved in the peace process. However, the team was not able to gain access to a number of key people in Sri Lanka; including senior LTTE leaders who are dead, second level cadres who are imprisoned, as well as the present government in Sri Lanka. Although some primary sources could not be consulted, the team has sought to compensate for this by studying secondary sources, such as published research (including the team's own), unpublished reports and media coverage. In addition, international and national actors, experts and observers were interviewed.

The evaluation has been carried out by Chr. Michelsen Institute together with the School of Oriental and African Studies. The Evaluation Department is pleased to present the evaluation of Norwegian peace efforts in Sri Lanka, 1997 – 2009 as one of the first independent evaluations of peace diplomacy involving third party government facilitators.

Oslo, September 2011.



Marie Gaarder  
Director of Evaluation



## Acknowledgements

The evaluation team would like to extend its appreciation for the support received from the Norwegian Ministry of Foreign Affairs throughout the study period. All respondents who agreed to engage in discussions with team members did so with patience and honesty which honours the participants themselves and their institution. The institutional support from the ministry archives was also crucial in accessing documents.

We are also grateful to numerous individuals from Sri Lanka, Norway, India, the United States and several European countries who gave their time to meet, talk and exchange information. Without their assistance this report could not have been completed.

Data collection commenced in September 2010 and has been carried out by a team organized by a consortium between the Chr. Michelsen Institute (CMI) and the School of Oriental and African Studies (SOAS). Team members included:

|                       |   |
|-----------------------|---|
| Gunnar M. Sørnbø      | Social anthropologist, team leader                      |
| Jonathan Goodhand     | Development studies, deputy team leader                 |
| Bart Klem             | Geographer, conflict analysis, monitoring and mediation |
| Ada Elisabeth Nissen  | Historian, archival studies                             |
| Hilde Beate Selbervik | Historian, overview of Norwegian aid to Sri Lanka       |

The report has been produced by Goodhand, Klem and Sørnbø. It is the product of its authors and responsibility for the accuracy of data included rests with the authors. The findings, interpretations and conclusions presented in this report do not necessarily reflect the views of Norad's Evaluation Department (EVAL).

The team is grateful for very constructive comments from a reference group consisting of Professorial Fellow Mick Moore (Institute of Development Studies, Sussex), Professor Jonathan Spencer (University of Edinburgh), Senior Researcher Astri Suhrke (CMI), and Professor Chris Cramer (SOAS). We are also indebted to Oliver Walton and James Martin who provided written inputs on the literature on civil wars, interventions and conflict resolution (Walton) and Sri Lankan media during the Norwegian peace facilitation (Martin). Numerous resource persons from Sri Lanka (many of whom wished to be anonymous) also contributed in important ways, mostly through their already published work.

Finally, we would like to thank Norad (EVAL) for a difficult and inspiring assignment and the support extended throughout the study period. This included constructive comments on our preliminary report, which were also received from the ministry.

Bergen, Canberra and Zurich

August 2011

GMS, JG, BK



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## List of Abbreviations

|        |   |
|--------|---|
| ACF    | Action Contre la Faim (a French NGO)  |
| ADB    | Asian Development Bank  |
| AIADMK | All India Anna Dravida Munnetra Kazhagam (political party in Tamil Nadu, India)       |
| AMM    | Aceh Monitoring Mission (in Indonesia)  |
| APC    | All Party Committee   |
| APRC   | All Parties Representative Committee  |
| ASEAN  | Association of Southeast Asian Nations  |
| BJP    | Bharatiya Janata Party (Indian political party)                                       |
| CFA    | Ceasefire Agreement   |
| CHD    | Centre for Humanitarian Dialogue  |
| COI    | Commission of Inquiry   |
| CWC    | Ceylon Workers' Party   |
| DMK    | Dravida Munnetra Kazhagam (political party in Tamil Nadu, India)                      |
| EU     | European Union  |
| FCE    | Foundation for Co-Existence   |
| FLICT  | Facilitating Local Initiatives for Conflict Transformation                            |
| FORUT  | For Utvikling (Campaign for Development and Solidarity), Norwegian NGO                |
| G15    | Group of 15 (non-aligned movement)  |
| GAM    | Gerakan Aceh Merdeka (Aceh liberation movement, Indonesia)                            |
| GOSL   | Government of Sri Lanka   |
| GSP+   | Generalised System of Preferences (preferential trade mechanism of the EU)            |
| GTZ    | Gesellschaft für Technische Zusammenarbeit (German government agency for development) |
| HOM    | Head of Mission (of the SLMM)   |
| ICRC   | International Committee of the Red Cross  |
| IDP    | Internally displaced person   |
| IFC    | International Finance Corporation   |
| IGAD   | Intergovernmental Authority on Development  |
| IIGEP  | International Independent Group of Eminent Persons                                    |
| IMF    | International Monetary Fund   |
| INGO   | International non-governmental organisation   |
| IPKF   | Indian Peace Keeping Force  |
| ISGA   | Interim Self-Governing Authority  |
| JHU    | Jathika Hela Urumaya (political party of Buddhist monks)                              |
| JMC    | Joint Military Council (in Sudan)   |

|          |  |
|----------|--|
| JVP      | Janatha Vimukt Peramuna  |
| LMC      | Local Monitoring Committee (part of SLMM)  |
| LTTE     | Liberation Tigers of Tamil Eelam   |
| MFA      | Ministry of Foreign Affairs  |
| MP       | Member of Parliament   |
| NACPR    | National Advisory Council for Peace and Reconciliation   |
| NATO     | North Atlantic Treaty Organisation   |
| NAWF     | National Anti-War Front  |
| NCA      | Norwegian Church Aid   |
| NERF     | North East Reconstruction Fund   |
| NFZ      | No-Fire Zone   |
| NGO      | Non-governmental organisation  |
| NIPU     | National Integration Programme Unit  |
| NMT      | Naval Monitoring Team (part of SLMM)   |
| NPA      | Norwegian People's Aid   |
| ODA      | Official Development Assistance  |
| OECD/DAC | Organisation for Economic Cooperation and Development/<br>Development Assistance Committee                             |
| OHCHR    | Office of the High Commissioner for Human Rights   |
| OSCE     | Organisation for Security and Cooperation in Europe  |
| PA       | People's Alliance (predecessor of the UPFA)  |
| PR       | Proportional Representation  |
| PRIO     | International Peace Research Institute Oslo  |
| P-TOMS   | Post-Tsunami Operational Management Structure  |
| RAW      | Research and Analysis Wing (Indian secret service)   |
| SAARC    | South Asian Association for Regional Cooperation   |
| SCOPP    | Secretariat for Coordinating the Peace Process   |
| SDN      | Sub-committee on De-escalation and Normalisation   |
| SIHRN    | Sub-committee on Immediate Humanitarian Needs  |
| SLFP     | Sri Lanka Freedom Party  |
| SLMC     | Sri Lanka Muslim Congress  |
| SLMM     | Sri Lanka Monitoring Mission   |
| SLN      | Sri Lankan Navy  |
| SPA      | Sub-committee on Political Affairs   |
| SPLM/A   | Sudan People's Liberation Movement/Army  |
| TMVP     | Tamil Makkal Viduthalai Pulikal (Tamil People's Liberation Tigers), the<br>party that emerged out of the Karuna split. |
| TNA      | Tamil National Alliance  |
| TRO      | Tamil Rehabilitation Organisation  |
| UK       | United Kingdom   |
| UN       | United Nations   |
| UNDP     | United Nations Development Programme   |
| UNF      | United National Front. The Front is led by the UNP and comprises a<br>number of (sometimes changing) parties.          |
| UNIDO    | United Nations Industrial Development Organisation   |
| UNP      | United National Party  |
| UNSC     | United Nations Security Council  |
| UNSG     | United Nations Secretary General   |

|       |   |
|-------|---|
| UPF   | Upcountry People's Front  |
| UPFA  | United People's Freedom Alliance. The alliance is led by the SLFP and comprises a number of (sometimes changing) parties. |
| US    | United States   |
| USAID | United States Agency for International Development  |
| WFP   | World Food Programme  |



# Executive Summary







## Executive Summary

This evaluation assesses Norway's peace efforts in Sri Lanka from 1997 to 2009. It tells the story of Norway's engagement, assesses the effects and identifies broader implications and lessons. The analysis is based on interviews with key informants, an in-depth perusal of ministry archives in Oslo, several subsidiary studies, and a review of relevant research, secondary literature and the Sri Lankan press.

Since the end of the Cold War, Norway has shown remarkable foreign policy activism in the pursuit of peace and Sri Lanka is a prominent example of this. Norwegian efforts to bring about a negotiated settlement between successive Sri Lankan governments and the Liberation Tigers of Tamil Eelam (LTTE) spanned a twelve-year period. Apart from its role as peace facilitator, Norway was involved as a ceasefire monitor and an aid donor during this period.

The Sri Lankan peace process is largely a story of failure in terms of bringing an end to the civil war. Norway, however, cannot be held solely or primarily responsible for this ultimate failure and its involvement contributed to several intermediate achievements, including the Ceasefire Agreement, the Oslo meeting in which both sides expressed a commitment to explore a federal solution, and the signing of a joint mechanism for post-tsunami aid. The ceasefire in particular had positive impacts on the ground situation, but in the end these accomplishments proved to be ephemeral. The peace process reproduced, rather than transformed underlying structural obstacles to conflict resolution. It failed to induce fundamental changes in the disposition of the state and anti-state formations in Sri Lanka, and to some extent it caused a further entrenchment of positions. The hurting stalemate which led to the Ceasefire Agreement (CFA), initial peace talks and a period of 'no war-no peace', was followed by an escalating shadow war and finally open hostilities ending in the defeat of the LTTE in May 2009.

Many factors contributed to this train of events, but the following were crucial:

First, both the government and the LTTE entered into the peace process while staying committed to their cause. That is not to say they were not genuine in exploring a political solution, but neither party made any significant shift in how they defined that political outcome; there was an incommensurable gap between what the south would countenance (a unitary state with limited devolution) and the LTTE demanded (a separate state in all but name).

Second, peace efforts were constrained by structural features of the Sri Lankan state and politics. The conflict is understood here as being rooted in processes of incomplete state formation, which led to competing ethno-nationalist projects. Conflicts over territory are particularly resistant to negotiated settlements. Several features of Sri Lankan politics made the challenge even harder including dynastic and inter-party rivalries, patronage politics and nationalist mobilization which resisted state reform and foreign interference.

Third, the window of opportunity for a negotiated settlement was only a short one and based upon a unique constellation of domestic and international factors – including a hurting stalemate, leading to an acceptance by both sides of a measure of military and political parity, a Western oriented government and multi-faceted international backing for negotiations. These factors were to change relatively quickly. Perhaps most importantly, the 2004 split in the LTTE shifted the military balance decisively in the government's favour. This decreased incentives for substantive concessions by both sides. Policies associated with the war on terror, rather than concerns for the specificities of the Sri Lankan case, undermined the potential for LTTE transformation and increased the isolation of Norway as the sole state conduit to the organisation.

Fourth, there were important changes in the international positioning of the Sri Lankan government. The effort led by the United National Front (UNF) government to internationalize the peace process through security guarantees, donor funding and politically sensitive economic reforms sparked a Sinhala-nationalist backlash. This contributed to the emergence of a nationalist-oriented administration, with a commitment to a more hard line position towards the LTTE and greater scepticism towards Western involvement. The new administration constructed its own version of an international safety net, by drawing on the financial support and diplomatic cover of Asian powers. This allowed the Rajapaksa government to pursue an ultimately successful military 'solution' to the conflict.

As a weak, soft power mediator Norway was not in a position to counter or transform these dynamics. In the absence of a strategic road map, or a robust network of international actors, the peace process failed to lock the parties into irreversible concessions and commitments. To some extent this can be attributed to limitations of Norway's 'ownership' model, which provided both parties with the space to avoid core political issues, while continuing to pursue incompatible goals.

Many of the constraints identified above were not amenable to external mediation and it should be recognized that all actors were operating in an environment of great turbulence and with incomplete information. However, different courses of action by Norway might have mitigated some of these problems. First, a stronger understanding of the domestic context, particularly an appreciation of the material and symbolic effects of external intervention, would have helped the team to predict many of the dynamics sparked off by the peace process. Second, the rather passive, ownership-based model left Norway open to instrumentalization, and this could have been addressed by placing stronger parameters and minimal conditions on the Norwegian involvement from the beginning. Third, a careful monitoring of

such parameters should probably have led to Norway withdrawing from its roles as mediator and monitor at an earlier stage.

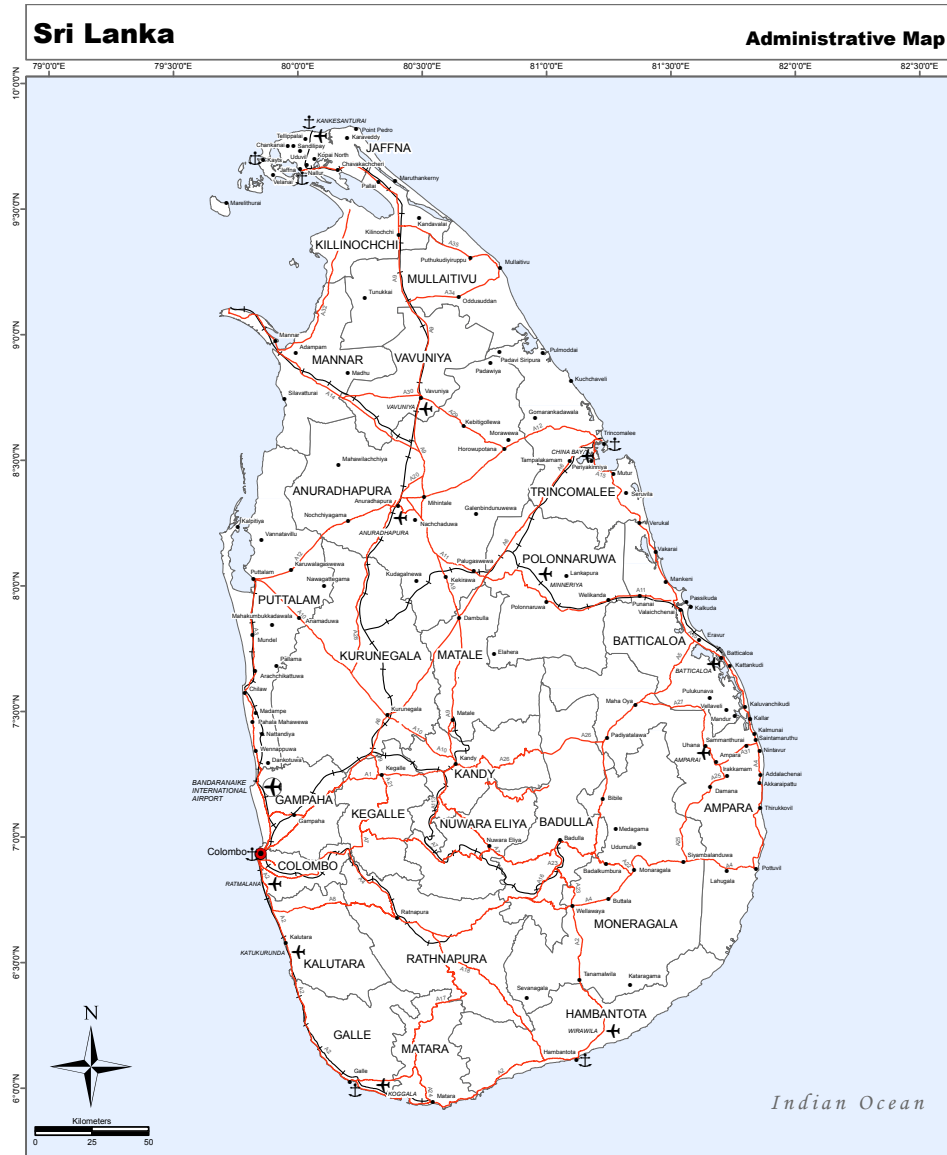
Norway's experience in Sri Lanka yields some broader lessons for peacebuilding elsewhere:

1. Peace processes produce unforeseen and unintended consequences. Mediators need to consider the potential costs of their actions. Applying a consequentialist ethic and precautionary principles are required, including benefit-harm analysis and the careful and continuous weighing of possible scenarios and outcomes.
2. There is a need to think about the balance between hard and soft power. Norway's approach may be suitable to bring parties into negotiations, but harder forms of leverage may be required to reach and implement a settlement. Even so, as shown by the Sri Lankan experience, hard power deployed by external actors cannot override domestic political dynamics when the constituency for peace is weak or limited. Norway should avoid situations where it is a weak and isolated mediator, with limited and inconsistent international backing. This means placing more attention on 'multilateralizing' peace processes by building links to, and borrowing the leverage of other more powerful actors and coalitions.
3. There is a strong rationale for an ownership approach but this does not negate the need for clear parameters of engagement. Without sacrificing the basic idea of ownership, there is a need for mediators to attach firm conditions to their involvement, including the right to engage with all parties deemed to be relevant; preserve public communication channels to speak out against malpractices or defend either the process or themselves; and maintain or acquire leverage in relation to the parties.
4. Aid may play a supportive role in peace processes, but cannot short circuit complex political processes. Aid cannot be a substitute for politics. Moreover, poorly conceived aid has the potential to destabilize fragile political settlements. In Sri Lanka at one end of the spectrum, working 'on' conflict sometimes amounted to trying to 'buy peace'. At the other end, economic reforms were based on a simplistic understanding of the relationship between economic efficiency, growth and peace. It is in the middle ground between these two positions that aid is most likely to play a supportive role in the pursuit of peace. This necessarily involves a more modest but conflict sensitive role for aid in the context of peace processes.
5. Norway played several roles in Sri Lanka, not all of them easily compatible with one another: these included diplomatic broker, arbiter of the ceasefire, and humanitarian and development funder. Norway's experience in Sri Lanka underlines that when multiple roles are combined, there is a need to develop a more robust strategic framework which optimizes synergies and complementarities between them. Otherwise tensions and trade offs are more likely, particularly in

the context of an unconditional ownership approach and a flimsy international framework.

6. Norway has usually been a mediator in conflicts between a state and non-state actor, based on an approach of even-handedness and addressing issues of asymmetry. The Sri Lankan case highlights the difficulties of following such an approach in the context of the war on terror. This suggests a need for careful reflection on whether it is possible for Norway to square the circle of showing a united front with other international players on countering terrorism, whilst attempting to talk with 'terrorists' in order to bring peace.
7. The Sri Lankan peace process reflects broader global changes. It began as an experiment in liberal peacebuilding and ended as a result of a very different 'Asian model' of 'conflict resolution'. Building on Westphalian notions of sovereignty and non-interference, a strong developmental state, the military crushing of the 'terrorism', and the prevalence of order over dissent or political change, this model may serve as an inspiration for other countries in the region. This global 'eastward' shift may have far-reaching implications for the possibilities of Norwegian-style mediation in the future.

**Map 1: Map of Sri Lanka**



| Legend |                       |
|--------|-----------------------|
| •      | Main Towns            |
| ⚓      | Ports                 |
| ●      | Capital City          |
| ✈      | Airports              |
| ✈      | International Airport |
| +      | Railway               |
| —      | Roads                 |
| □      | District Boundary     |

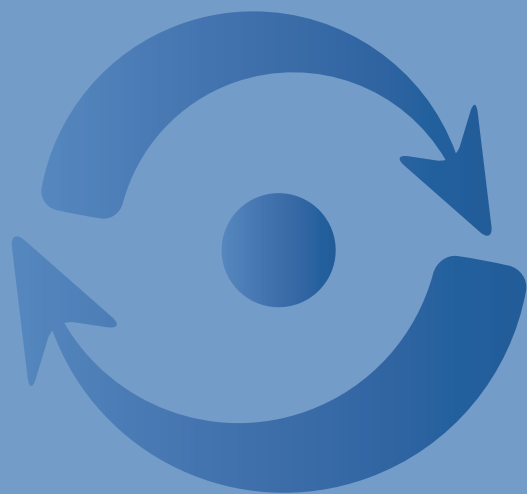
| Survey Department, Government of Sri Lanka |  |
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| Updated as at:                             | 02-Mar-2009                                      |
| Produced on:                               | 02-Mar-2009                                      |
| Projection / Datum                         | Transverse Mercator<br>Kandawala                 |
| Admin boundaries provided by:              | Survey Department,<br>Government of<br>Sri Lanka |

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# Main Report







# 1. Introduction

## Background and purpose

This evaluation examines Norwegian peace efforts in Sri Lanka and explores lessons learnt from these efforts. On invitation by the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), Norway played an important supportive role in searching for a negotiated settlement to end more than fifty years of ethnicized political struggle and two decades of civil war. Unlike its involvement in other peace initiatives, Norway was sole facilitator in the Sri Lanka peace process. In addition, Norway was also a joint monitor of the Ceasefire Agreement (CFA), which was signed in 2002, as well as a significant bilateral donor.

Norway's peace efforts in Sri Lanka encountered a protracted ethno-political conflict. While some of the foundations were laid during the colonial period, the country's democratic system failed, after independence in 1948, to establish an inclusive state and build a national identity that could accommodate minorities as well as the Sinhalese majority which makes up more than 70% of the island's population. Political exclusion, socio-economic inequalities and core-periphery disparities were channelled into identity politics. The crisis was compounded by the formidable strength and uncompromising course of action of the LTTE. After an escalation of violence in the 1980s, there was a sequence of failed resolution efforts which added new layers of complexity to the conflict.

The peace process facilitated by Norway was always very fragile. The first years comprised a long run-up of exploring possibilities for talks (1997-2001), which failed to broker a ceasefire or bring the parties to the table. The subsequent suspension of war and the Ceasefire Agreement (February 2002) were seen as historic achievements to which Norway contributed, but the peace process quickly entered a protracted 'no-war, no-peace' stalemate. The two sides held six rounds of talks, but could not reach a settlement. Talks were suspended when the LTTE pulled out in April 2003, and attempts by Norway and other international actors to resume negotiations failed. A last window of opportunity emerged in the aftermath of the tsunami which hit Sri Lanka hard in December 2004. However, conflicts over governance and aid provision fuelled tensions that led to a slide into shadow war, then open warfare. The new Sri Lankan government that came to power in 2005 framed the conflict as a 'terrorist problem', to be solved through military means. Contrary to most predictions, the LTTE was unable to resist the government's military offensive which started in 2006. The movement was defeated in a final battle that cost thousands of civilian lives. Victory was declared by President Rajapaksa on May 19,

2009, just after the LTTE leader Prabhakaran and other senior cadres had been killed by government forces.

According to the Terms of Reference, the main purpose of this evaluation is to ‘learn from the unique Norwegian experience as a facilitator in the peace process in Sri Lanka’ (Annex 2). Important objectives include telling the story of Norwegian peace efforts during 1997-2009; interpreting and discussing the choices made by Norway during the process and assessing the Norwegian understanding of the conflict and how it evolved; discussing whether Norway contributed to results at different levels and in various phases of the peace process; providing recommendations to inform future peace processes; and contributing to the international debate on conflict resolution.

More specifically, the evaluation is charged with the following tasks:

- a. Map the Norwegian engagement in Sri Lanka from 1997 until 2009.
- b. Assess the role as facilitator between the parties on the one hand, and the relationship to the international community on the other.
- c. Assess the Norwegian facilitator role and the relationship to local parties and stakeholders.
- d. Assess the Ceasefire Agreement and how the parties observed it.
- e. Assess Norway’s efforts in the last phase of the war (January-May 2009).
- f. Assess results achieved through the Norwegian facilitation of the peace process.
- g. Draw lessons from the Norwegian engagement in the Sri Lanka peace process.

## **Norwegian peace diplomacy and the emerging field of mediation**

### **Norwegian peace efforts**

Over the last two decades, peace diplomacy has become one of the most distinctive aspects of Norwegian foreign policy. Successive governments have made it a priority in terms of political effort, public profile and resource allocation, to the extent that some argue that it has become linked to Norway’s self-image and national identity (Leira, 2007; Riste, 2001; Tamnes, 1997). In various forms and institutional configurations, Norwegian governments and other Norwegian actors have played significant roles in the peace processes of countries like Guatemala, Mali, the Philippines, Israel/Palestine, Sudan, Timor Leste and Sri Lanka. While Norway has a much longer history of contributing to multilateral efforts toward peace and security, its role as a facilitator of peace processes and consequent self-image as a peace-maker is relatively new. The role has been based on the belief that as a small and wealthy nation, with limited geo-strategic interests and no colonial baggage, Norway has a comparative advantage as well as a particular responsibility in this area. The peace-making role also serves Norwegian interests as it appears to open doors with powerful players on the international scene.

Common ingredients of Norway’s approach to peace-making have been: ‘ownership’ by conflicting parties; the deployment of ‘soft’ power through dialogue and facilitation; secrecy, flexibility and informality; and back-channel support through NGOs (see more in chapter 2). There has been a relatively solid consensus in domestic politics on the country’s involvement in foreign peace processes. Successive coalition governments have continued to lend support to this policy, though there has

been some criticism, most saliently from the Progress Party (Fremskrittspartiet) as well as from some academics.

### **Growing international field of peace mediation**

Partly related to the post-Cold War trend of peaceful settlements of internal wars, there is a rapidly growing literature on peace processes and the related fields of civil war termination, peace settlements and conflict resolution which is relevant to this evaluation. This includes a growing interest in the efficacy of third party interventions aimed at conflict management, or more ambitiously, conflict transformation. Linked to these debates and processes of trial and error in different contexts, an approach to conflict resolution has emerged, linked to a broader framework of 'liberal peace-building', which combines the simultaneous pursuit of goals related to conflict resolution, market sovereignty and liberal democracy (Duffield, 2001; Pugh and Cooper, 2004; Richmond, 2005). The key components of the conflict resolution-strand of this model are: 'neutral' third party intervention which attempts to change the preferences of the warring parties and hence the conflict outcomes; multi-track diplomacy which links official and non-official negotiations; the utilization of strategic 'carrots and sticks' (diplomatic, military and economic) to alter incentive structures; the crafting of peace settlements through power sharing arrangements and constitutional design; and dealing with 'spoilers' who seek to undermine the peace process (Stedman, 1997).

The extent to which this model, or parts of it, is applied in practice and whether it actually works is contested. Some studies point to the growing number of civil wars that end in peace agreements and the increased stability of these settlements (Human Security Centre, 2005; Human Security Report Project, 2010), or the efficacy of peace keeping (Fortna, 2004) and multi-mandate peace operations (Doyle and Sambanis, 2006). Conversely others find that mediated settlements may not 'stick' or are more likely to lead to renewed conflict. Therefore peace agreements appear to have become more frequent, but also more fragile, with some studies finding that wars ending in military victory produce a more stable peace than negotiated settlements (Licklider, 2009; Stedman, 1997). This has led to questions about the qualities of a durable peace and whether external mediators have been promoting the 'wrong' kind of peace settlements, as critics of 'the liberal peace' debate argue. Most fundamentally, how are the criteria for success defined and who defines them (Paris, 2004)?

There is also a considerable literature and related differences of view about *how* to do mediation: the desirability of 'neutral' versus biased, unilateral versus multilateral intervention (Regan, 2002); the efficacy of consent-based versus coercive approaches; the problems of dealing with non-state actors and asymmetry in conflict resolution processes; and the challenges of timing and how to identify 'ripe moments' or 'enticing opportunities' for peace settlements (Zartman, 2001). The literature also addresses problems and opportunities associated with different entry points of mediation/facilitation (including self-appointed versus invited facilitators) as well as the importance of different kinds of leverage: the relatively passive activity of providing good offices versus the more proactive role of the mediator.

Finally, there is a literature that deals with the complexities caused by the multiplicity of third-party actors (different governments, organizations, envoys, NGOs, individuals) which has often made peace efforts messy and difficult (Crocker et al., 1999). Contradictory interests and interventions among different (kinds of) international actors thus pose a challenge for the mediators. Another aspect of this literature is the focus on mediation as a very personal activity that reflects not only the individual capabilities of the mediator or the mediation team, but also the personal rapport, credibility and confidence that the third party develops with the parties to the conflict (Martin, 2006).

This evaluation will cover most of these aspects and thereby add to our understanding of the challenges associated with third-party intervention.

### **Conflicting stories on Norway's role**

There are many different views on Norway's role in Sri Lanka, some of them quite critical. One of the chief challenges of this evaluation is to navigate and assess these different and often conflicting narratives.

On the Norwegian side, there are some differences, mainly regarding whether or not Norway should have pulled out earlier (in 2006) rather than being formally dismissed by the Sri Lankan government (in April 2009). However, key protagonists believe in the main that they put in 'an honest effort', and even though a settlement was not reached, 'it is honourable to fail with such an important aim'.<sup>1</sup> Norway was invited by the parties to facilitate the peace process, which meant that the parties 'owned' the process, the upturns as well as the downturns. The Ceasefire Agreement (CFA) lasted for six years and saved thousands of lives. This was a major achievement. Despite numerous set-backs, including the increasing number of countries blacklisting the LTTE as a terrorist organization, there was a chance of renewed progress in the aftermath of the tsunami. Norway helped put together an agreement (P-TOMS) which might have been the start of renewed talks about a long-term solution. However, it faltered mainly because of domestic politics in Colombo. In 2006, both parties decided to go back to war, which Norway could do nothing about. During the last months of the war, Norway worked hard (with the US, UN and ICRC) to mitigate the humanitarian consequences of the war, but ultimately to limited effect. With insufficient political will to search for a negotiated solution, Norway was not in a position to affect the outcome in a significantly different direction.

Outside the circle of Norwegian facilitators, there are many who largely share this view. While some think that the Norwegians were naïve optimists or that their knowledge of South Asian politics was somewhat deficient, Norway is credited with working hard to bring the parties together despite being vilified and attacked by the local media and many leading politicians in Colombo.<sup>2</sup>

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<sup>1</sup> Interview, 030A.

<sup>2</sup> In the Norwegian media, there has been frequent attention to how Norway became the whipping boy of the media and extremist parties in Sri Lanka.

There are of course other views, particularly among a significant proportion of the Sinhala political class and wider population in the southern part of Sri Lanka. This account accuses Norway (along with other foreign actors) of meddling in domestic affairs and points to Norway's perceived bias towards the LTTE, who were legitimized by the peace process, but never acted in good faith or deviated from their goal of a separate state. Peace efforts tended to sacrifice human rights and turn a blind eye to ceasefire violations. According to this narrative, the LTTE bias was clear from the start, enhanced by the strong position of the LTTE in Norway and proven towards the end when Norway, along with other Western actors, exerted pressure on the government not just to safeguard civilians, but also to rescue Prabhakaran and his top associates.

The concerns about LTTE appeasement are shared by members of the Muslim community and Tamils who were critical of the rebels and felt excluded by the peace process. Among LTTE sympathizers, some are grateful to the Norwegians for working long and hard against all odds, while others blame them for being complicit in a process that weakened the rebel movement, brought a new government led by Mahinda Rajapaksa into power in Colombo and led to the final military onslaught.

### **Conflicting accounts on the causes and impacts of 'failure'**

Just as the research literature on the causes of war is more voluminous than that on the causes of peace, much more has been written about the roots of Sri Lanka's 'ethnic war' than the reasons for the breakdown of the peace process. However, there is an emerging literature and multiple analyses about why the peace process failed, reflecting different political and analytical vantage points. These vary according to the degree of emphasis they place on structural determinants, questions of design and management, or factors related to individuals and contingent events.

First, some analysts have focused on domestic political structures, positing that there was never sufficient political will or 'settlement stability' to address the underlying causes of the conflict. Uyangoda (2011) conceptualizes the war in terms of incomplete state formation in which two competing ethno-nationalist statebuilding projects are pitted against one another. This argument highlights the conflict's non-divisible nature. The peace process did not transform these underlying structures and dynamics, but simply reproduced them. Both parties resisted significant compromises and reforms, instead favouring either hedging and tokenistic gestures, or maximalist proposals aimed to wrong foot the other side.

A second analysis focuses on the external dimensions of the peace process, viewed through the lens of 'liberal peacebuilding' (Bastian, 2007; Stokke, 2010; Venugopal, 2009a). The peace process presented an opportunity to bring about 'shock therapy' reforms. Such efforts inevitably produce contradictions and catalyze various forms of resistance from groups with different expectations and understandings of 'peace'.

A third analytical strand looks critically at the 'model' of the Sri Lankan peace process. Some of the key dimensions of this model included an ownership approach based upon weak, consensual mediation; an incrementalist strategy which initially focused on normalisation by addressing humanitarian and economic issues in order to build

up trust and to leave core political issues until later; a conflict management rather than conflict transformation approach; and a bi-polar model which prioritized the two armed parties to the conflict. This model was criticized for several reasons including the limitations of soft power to generate sufficient leverage to force the parties to make hard decisions (Stokke, 2010); the failure of an incrementalist approach to address core political issues from the outset which induced a sense of drift and failed to lock the parties into talks (Bose, 2003); a focus on conflict management, elite negotiations and an ideal of evenhandedness which meant there was a tendency to turn a blind eye to human rights abuses and to not push either party sufficiently on questions of reform – both of which ultimately undermined the legitimacy of the process (Keenan, 2007); and a bi-polar model for talks which missed the complex multi-polar dimensions of the conflict. The lack of inclusive talks generated insecurities amongst the parties who were left out, leading to ‘spoiling’ behaviour.

A fourth related area of writing focuses on the management and design of peace talks (Ropers 2009; Rupesinghe, 2006). Many of these commentaries were written during the peace process itself, sometimes with a view to influencing and ‘fine tuning’ talks. From this perspective, it is argued that outcomes might have been different had international ‘best practice’ been applied. Prescriptions included a more ‘systemic approach’ (Ropers, 2008), constructing a more robust infrastructure for peace talks including stronger and more coherent multi-track efforts, particularly tracks 2 and 3. Issues of process, sequencing and timing are also highlighted.

Fifth, a substantial body of writing focuses on the role of individuals, elite decision-making and contingent events. Much of the journalistic writing describes and explains the peace process as a contest between key individuals, and an analysis of their personalities and prejudices is seen to be key to understanding how events played themselves out. This strand of writing also points to the range of contingent factors that influenced the trajectory of the peace process – arguing that there was no pre-determined outcome and key turning points such as the tsunami or the outcome of the 2005 Presidential elections could not have been predicted or addressed through better design and management (Balasingham, 2004; Fernando, 2008; Weerakoon, 2004).

These different analyses all generate useful insights on why the peace process broke down, though none by themselves are sufficient, and the challenge is to mix and blend them so as to capture the complex, multi-leveled nature of conflict and peacebuilding in Sri Lanka. Implicit in these narratives are contrasting analytical and normative positions on the consequences of the breakdown of negotiations for long term peace and security. Some analyses tend to resonate with the Norwegian view that the peace process was a ‘noble endeavour’ which could have succeeded if opportunities had been grasped, there had been more optimal design and implementation, or domestic elites had been less self interested. A more profoundly critical view however, points to the perverse effects of the peace process in the light of subsequent events. It is argued that a highly internationalized and ultimately unsuccessful peace process helped create the conditions for the emergence of the Rajapaksa administration, the brutal end to the war and ultimately the decreased

likelihood of an inclusive political settlement in Sri Lanka (Lewis, 2010; Stokke and Uyangoda, 2011). This narrative thus highlights the paradoxical effects and moral hazards associated with peace promotion.

## Evaluating Norway's Role

### Methodological challenges

Since the beginning of the peace process, Norway has been criticized in several ways. While the most serious accusations have been made in Sri Lanka, there is considerable uncertainty about its role and performance in Norway as well. There is the added concern that other peace processes involving Norway have not fared well either.<sup>3</sup> It is therefore important, particularly as this study is one of the first attempts to evaluate Norwegian peace efforts,<sup>4</sup> to be explicit about our approach to the evaluation from the outset.

Methodologically, this is a challenging assessment which aims to cover a wide-ranging and highly contested set of issues. Several methodological challenges can be highlighted:

First, there is the very basic question of what is the measure of 'success' or 'failure'? What yard stick should Norwegian efforts be measured against? If the threshold for success is raised too high then we are faced with a world of unmitigated failure. Because the peace process broke down, does this mean that Norwegian efforts were a failure? The value of mediation is not limited to simply producing a settlement and it may produce other things, for example an improved humanitarian situation, providing hope to affected populations, or building trust between key parties.

Second, there is the problem of time frames. Peace processes may be successful in the short term, but break down and lead to intensified conflict in the long term. In some respects it may be too early to make definitive judgements on the long term effects and outcomes of the Norwegian role and the peace process more broadly. Although a plausible assessment can be made about the immediate effects and outcomes, the wider impacts are continuing to work themselves out.

Third, there is the problem of attribution, since the causal claims about success or otherwise are difficult to assess and there is the challenge of trying to separate out the effects of Norwegian interventions from the impacts of wider international and domestic interventions.

Fourth, there is the conceptual problem of counterfactual history. Whether a different Norwegian strategy would have resulted in different outcomes is impossible to prove. Or whether the 'war for peace' and military defeat of the LTTE would have occurred without the peace process is similarly difficult to judge.

Fifth, there are questions of access and secrecy. The team was not able to gain access to a number of key people. These included senior LTTE leaders (who are

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3 Former Prime Minister Thorbjørn Jagland wrote in 2008 that 'nearly all the peace processes we have been involved in lie in ruins'. Aftenposten 04.01.2008.

4 Among important case studies of Norwegian peace engagement are Waage (2004; 2009) and Nissen (2011).

dead) and second level cadres (who are imprisoned). Furthermore, the evaluation team was not granted a visa to visit Sri Lanka and the present government refused to be interviewed. Though team members had interviewed some of the key people during earlier research, this has disabled us from asking specific questions to some of the main decision-makers about their personal perspectives and reasoning. We acknowledge these limitations which also highlight the sensitivity of the evaluation. Also, peace efforts often require confidentiality and actors may have information which they cannot or will not easily reveal.

Sixth, there is the challenge of dealing with conflicting or unreliable accounts and discourses. Relying too much on the narratives of key protagonists creates its own set of problems. Such narratives are in a sense 'scripted' and aimed at particular audiences, actors may inflate their own roles, present a greater level of coherence and logic to decision making than was actually the case, and smooth over the frequent gaps between declared intentions and actual behaviour. Furthermore these narratives often clash with one another reflecting the highly contested nature of war to peace transitions.

### **Evaluation approach**

In the light of the above challenges and different analytical frameworks for assessing the Sri Lankan peace process, we have chosen to adopt the following approach:

First, we have broadly adopted a historically informed, political economy approach to this study. In doing so, we avoid a reified view of 'the ethnic conflict', instead analyzing the war as one manifestation of a deeper state crisis. This leads to an analysis of the changing nature of the Sri Lankan state within its global, regional and domestic setting; shifts in state-society relations over time; and the role of inter and intra-elite competition in shaping political bargains, coalitions and settlements. This helps us appreciate both the continuities and shifts in Sri Lanka's political economy during the course of peace negotiations. It also helps place international intervention, and specifically the role of Norway in perspective. A political economy analysis shows the primacy of domestic politics, the relative autonomy of domestic political elite decision-making and the limited channels of influence for international actors. The peace negotiations may be illustrative of external actors' inability to induce political changes when the legitimacy of, and domestic constituency for such changes are limited (Goodhand et al., 2011b). Our assumption is that 'success' in peacebuilding terms must ultimately involve shifts in the structural determinants of conflict that are mapped out in Chapter 3. Central to this would be a transformation in the nature of the Sri Lankan state, which Uyangoda (2010b) argues can only occur through the simultaneous pursuit of democratization, devolution and demilitarization.

Second, we combine an 'inside out' approach (a detailed account of Norway's involvement in the peace process) and an 'outside-in' approach (the broader structural context, conflict and peacemaking dynamics) and then seek to construct linkages between the two. A fine-grained analysis of Norwegian involvement provides an actor oriented perspective that recognizes the spaces and opportunities for individual agents to influence conflict dynamics and outcomes. This is not restricted to



the policy intentions and choices of Norwegian actors, but also explicitly recognizes the political agency of domestic elites. The background to the Sri Lankan conflict (chapter 3) provides the basis for an 'outside-in' perspective, giving an analytical baseline of key trends and conflict dynamics. This ensures that Norwegian interventions are placed within a wider structural context. This combination of approaches aims to capture the complex dynamics and chains of causality that link individuals, institutions and structures in peace processes.

Third, the identification of **turning** points is central to our approach. These are described and discussed in the chapters 4-6, which form the empirical narrative on which much of our analysis is based. The nine turning points that we have identified<sup>5</sup> mark key moments of change in the period studied, where the outlook or composition of the LTTE and the government changes, and/or shifts take place in the political space and military options available to them. Therefore, these events also had a profound – restraining or enabling – impact on Norway's room for manoeuvre as peace facilitator. While additional turning points could be added, we believe that the nine points identified here are pivotal to Sri Lanka's most recent history.

### Sources

The evaluation has drawn upon the following combination of sources:

*Interviews.* Key informant interviews were conducted in Europe, US and India with over 120 persons, including key figures in and around successive Sri Lankan governments (including Chandrika Kumaratunga, Ranil Wickremesinghe and several of their advisors and staff), people close to the LTTE, a range of Norwegian actors (including former and current ministers, ambassadors, envoys and officials), SLMM members, representatives of Western donors, Indian and US government officials and specialists, Tamil diaspora, NGO representatives, people who work(ed) for international organisations (like ICRC and the UN), academics, and journalists.

The main departure from the original research design was caused by the Sri Lankan government's refusal to grant permission to the team to travel to Sri Lanka to conduct interviews there. This was most unfortunate. In order to compensate for this limitation, the team, where possible, interviewed Sri Lankan officials, politicians, civil society representatives, and other informants either outside of their country or by telephone.

*Primary written sources.* The team was provided access to the files of the Norwegian Ministry of Foreign Affairs (MFA), from which a series of 'abstracts' were produced to identify key dimensions and areas of Norwegian involvement in the peace process. A more limited examination of the files of Norad was conducted in relation to Norwegian aid. During the study period, a number of relevant Wikileaks documents were also released and proved useful.<sup>6</sup>

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5 The nine turning points are: 1) Kumaratunga formally invites Norway (May 1999); 2) UNP government comes to power (December 2001); 3) LTTE suspends participation to the talks (April 2003); 4) Presidential take-over (November 2003); 5) Karuna split (March 2004); 6) Tsunami (December 2004); 7) Rajapaksa's Presidential victory (November 2005); 8) The Mavil Aru incident sparks open warfare (July 2006); 9) Government forces capture Kilinochchi (January 2009). The subsequent defeat of the LTTE (May 2009) was perhaps the most important turning point, but we do not discuss it as such, because the evaluation does not cover the period after that.

6 As the report was being published, new material of relevance for assessing Norwegian peace efforts in Sri Lanka was released by Wikileaks. Unfortunately, it came too late for the evaluation.

*Previous and ongoing research.* The team read a large quantity of published research and writing, plus ‘grey material’ relating to the peace process, including both Norwegian-specific and wider studies. Earlier research by the evaluation team members also fed into this report.<sup>7</sup>

*Supplementary studies.* In order to fill identified gaps and extend our knowledge of critical areas, supplementary studies were conducted based on a combination of key informant interviews and a perusal of relevant documents and literature. These included papers and inputs on conflict resolution and mediation, aid policy, the Tamil diaspora and media coverage of the peace process.<sup>8</sup>

While the evaluators endorse the principle of transparency, some of our sources spoke on the condition that their comments would not be attributed.<sup>9</sup> Without the resources or authority of a public enquiry to call for full disclosure of information deemed by some to be confidential, the evaluators have, therefore, been forced to rely on some (mostly) interview material which is non-attributable. As this may lead to accusations that we are unaccountable in terms of our evidence and assessment, we have worked to the following rules. We have sought to identify, within the time and political constraints, a wide and balanced range of sources. Where there are marked differences in reporting of facts or in understanding and perceptions of events, we have sought to explain these differences, recognizing the particular interests and priorities of different parties. By combining multiple sources, methods and empirical materials (‘triangulation’), we have tried to overcome the weaknesses or intrinsic bias of a more narrow approach.

## **Organization of the report**

The report is divided into three sections. The first section provides the background on Norwegian engagement in peace processes and an overview of the Sri Lankan conflict. The second section comprises a detailed empirical narrative of the peace process. In section three, we focus on key themes that emerge in the light of the preceding analysis. We finish with overall conclusions and the broader implications of this study.

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7 To some extent, earlier research remedied the team’s inability to interview key individuals, as these efforts comprised fieldwork in Sri Lanka and interviews with many key people involved with the peace process, on the government side, the LTTE side, among civil society and the donor/diplomatic community.

8 The media coverage was based on the Daily Resume and covered parts of the Sri Lankan print media in the period 2001-2008.

9 One person – former President Kumaratunga – wanted her comments to be explicitly attributed to her. All other interviews we have coded, to avoid implicating our informants.

## **PART I: THE BACKGROUND**

### **2. Norwegian Peace Diplomacy**

Since the early 1990s, Norway has been involved in peace and reconciliation initiatives in more than twenty different countries and regions. While the role of Norwegian actors in setting up a back-channel for negotiations between the Israelis and the Palestinians (which led to the Oslo Accord in 1993) has received most attention, Norway has actively supported peace efforts across the globe. Norway has had different roles, from being the 'sole facilitator' as in Sri Lanka, to cooperating with or bolstering the efforts of others as in the support given to Kofi Annan following serious post-election violence in Kenya.

Over the last two decades, peace diplomacy has become one of the most distinctive aspects of Norwegian foreign policy. Successive governments have made it a priority in terms of political effort, public profile and resource allocation and as some researchers have argued, it has also become linked to Norway's self image and national identity (Leira, 2007; Riste, 2001; Tamnes, 1997). Despite growing challenges since 2003, when development aid and peacemaking were increasingly justified as a means of addressing insecurity and terrorism, peace diplomacy continues to form a central part of Norway's international image, often considered a Norwegian foreign policy 'brand'.

#### **General features of Norway's peace efforts**

Following the Oslo Accord, there was much talk about a 'Norwegian model' of peacemaking, referring to a mediation approach based on close collaboration between the Ministry of Foreign Affairs (MFA) and external actors. Norway's peacemaking interventions have often drawn on the field experience and local connections of Norwegian NGOs or research institutions, or rather, individuals belonging to such organizations, such as Fafo in the Middle East, the Lutheran World Federation and Norwegian Church Aid in Guatemala, and Norwegian Church Aid and Norwegian People's Aid in Sudan (Bersagel, 2008; Kelleher and Taulbee, 2006; Nissen, 2011). The long-term work of NGOs has often provided the entry point for Norwegian peace efforts. They are perceived as having networks and knowledge essential for such efforts, and by being non-state actors, it is easier to maintain secrecy and confidentiality and the Norwegian government preserves 'deniability'.

The Norwegian 'policy of engagement' as it is now more commonly termed by the MFA, is perhaps best understood as 'a pattern of cooperation' whereby all cases 'include a combination of various traits', although in 'a range of combinations' (Bersagel, 2008). The following characteristics are important here:

First, Norway's role is underpinned by its status as a small wealthy country, far from major conflict arenas, a major contributor to the UN, host of the Nobel Peace Prize and with a disproportionately large engagement in development cooperation and humanitarian assistance, with few major strategic interests, regional affiliations or colonial past. These facets enhance Norway's legitimacy and credibility in the eyes of conflict parties who are less likely to perceive them as motivated by self-interest, as well as in the eyes of other regional players who do not see them as a threat.<sup>10</sup>

Second, the policy of engagement includes development policy, humanitarian aid, peace and reconciliation efforts and international work to promote human rights and democracy. This is significant, not only because a steadily increasing share of Norwegian aid has been provided in politically challenging contexts, but also because humanitarian and other aid funds have been used in a targeted and flexible fashion, often quite lavishly, to support peace diplomacy. It has been part of the policy that such funding should be easily accessible in the ministry without cumbersome bureaucratic procedures, often with a combination of strong involvement at political level and delegation of authority to peace teams with clear mandates and great flexibility. According to an internal MFA report, 'small is beautiful and fast is wonderful'.<sup>11</sup>

Third, the readiness to be fast and flexible is combined with patience. Political support for this role and economic capability mean that Norway can be committed to relatively high-risk ventures for the long haul and will not be put off by short-term failure (Kelleher and Taulbee, 2006). Norway has shown that it is willing to invest in long-term efforts to promote peace both on its own behalf and in support of other bodies including the UN, regional and non-governmental organizations (Whitfield, 2010). This is made possible by a foreign policy consensus across political party lines.

Fourth, Norway's approach to peace negotiations emphasizes that the parties to the conflict must 'own' the peace process; the Norwegian role is that of 'peacehelpers' rather than 'peacemakers' (DIIS, 2005). The Norwegian model conforms most closely to a facilitative model of mediation but since it typically works alongside other third-party actors, its approach can also be linked to both a transformative agenda pursued by other Western donors and NGOs, and the power-based approach associated with major powers. The relationship with the US has been particularly important in several ventures, including Sudan, Israel/Palestine and Sri Lanka. In both Washington and Oslo, Norway is seen to have a complementary (soft power) role to US (hard power) efforts<sup>12</sup> and may 'borrow' leverage from the US in cases where this is needed.

In fact, Norway's peace interventions have typically involved working closely alongside other actors such as the US in the Middle East, the Intergovernmental Authority on Development (IGAD), the US and the UK in Sudan, or the UN and others in Guatemala. In this spectrum of interventions, Sri Lanka marks one end where Norway was the sole facilitator of the peace process, and at the other end, we find Aceh (Indonesia) or Burundi where Norway has primarily funded the peace activities of other actors.

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10 According to the historian Olav Riste (2001), the conviction among Norwegians that the country has a special role to play in promoting world peace has been a stable element in Norwegian foreign policy where both internationalism and moralism ('the missionary impulse') have been important features.

11 'Fred og forsoning. Norske erfaringer som tilrettelegger. Sluttrapport'. Utenriksdepartementet 30.04.2003.

12 [www.aftenposten.no/nyheter/uriks/wikileaks/article3957566.ece](http://www.aftenposten.no/nyheter/uriks/wikileaks/article3957566.ece). Accessed May 31, 2011.

Norway is currently involved in a range of peacemaking initiatives in around twenty different countries, including countries where Norway supports UN-led missions. The following list is not exhaustive but shows the different roles that Norway plays or has played.

**Table 1: Norwegian peace efforts worldwide**

| Peace process            | Lead facilitator  | Norwegian role  |
|--------------------------|---|---|
| Aceh                     | Centre for Humanitarian Dialogue (NGO, Geneva)            | Financial support   |
| Burma                    | UN  | Support through humanitarian assistance   |
| Burundi                  | Different agencies  | Financial support   |
| Colombia                 | UN  | Member, group of friends  |
| Ethiopia-Eritrea         | UN  | Member, group of friends  |
| Philippines              | Norway  | Facilitator   |
| Guatemala                | Norway, UN and other countries                            | Lead actor in group of friends  |
| Haiti/Dominican Republic | Norway  | Facilitator of dialogue project   |
| Cyprus                   | UN/EU (until 2003)  | Financial support   |
| Israel/Palestine         | USA/EU/Russia/UN  | Different supportive roles, including chair of the Ad-Hoc Liaison Committee, ex-sponsor of back channel |
| Mali                     | Norwegian Church Aid, UNDP                                | Financial support   |
| Burundi                  | UN and others   | Financial support   |
| Somalia                  | Intergovernmental Authority of Development (IGAD)         | Member of friends group   |
| Sri Lanka                | Norway  | Facilitator   |
| Sudan                    | Intergovernmental Authority of Development (IGAD), troika | Part of troika (with US and UK)   |
| Timor Leste              | Norway  | Facilitator   |

Source: Norwegian Ministry of Foreign Affairs

Despite Norway's active peace diplomacy throughout the 1990s, there was no attempt, until 2003, to systematize the experiences and draw lessons from previous engagements.<sup>13</sup> The internal report is a comprehensive document covering a number of topics that are deemed important for the Norwegian peace involvement. They include different facilitation roles, different approaches to negotiations, the issue of dealing with non-state actors and asymmetry problems, terrorism, the need for inclusivity and popular support, sovereignty, human rights, aid and peace, monitoring, the interests of big powers, adversity and staying power. It also warns

13 MFA report: 'Fred og forsoning. Norske erfaringer som tilrettelegger. Sluttrapport'. Utenriksdepartementet 30.04.2003.

against situations where Norway may become a 'peace alibi' for parties that give priority to military options, and argues that Norway in such cases should not hesitate to radically readjust its engagement or extricate itself entirely from the role as facilitator.

The report was also part of an attempt to professionalize Norwegian peace diplomacy. During the 1990s, the government's peace efforts had in several cases relied largely on non-state actors who themselves took the initiative and then received official support. Starting with the Sri Lankan peace process, there is a trend towards the diminishing importance of such actors and the increasing engagement, control and coordination by the Ministry of Foreign Affairs and its officials. This became institutionalized with the establishment of a Peace and Reconciliation Unit in 2002, more or less coinciding with the start of the Sri Lankan peace process. In 2004, the Minister of International Development (Hilde Frafjord Johnson) also presented a strategic framework for the broader area of peacebuilding.<sup>14</sup>

Despite such efforts, however, the Ministry has not always made strong efforts to forge possible synergies between different peace processes where Norway has played key roles. Thus there was only limited contact between the Sudan team which contributed very actively to the peace agreement in early 2005 and the Sri Lanka team during the same period.<sup>15</sup>

## Values and interests

That altruism can be combined with self-interest has been underlined since the Middle East peace process, and as Skånland has argued, the Norwegian peace engagement has become increasingly tied to the promotion of Norwegian interests (Skånland, 2010: 40). On several occasions, Norwegian politicians have stated that the peace engagement enables them, in other settings, to meet on a higher level and in more comprehensive talks. Thus, over the last few years, the active involvement of Norway in Sri Lanka and Sudan have been important entry points that Norwegian officials can use to gain access to the top echelons of the State Department in Washington. There is reason to believe that the engagement with Sri Lanka has provided similar access in Delhi.

It should be added, though, that the current Minister of Foreign Affairs (Jonas Gahr Støre) has downplayed the beneficial consequences in terms of self-interest: 'Norway spends more than NOK 800 million per year on peace efforts. These funds must never be seen as important in promoting our reputation and winning international prestige' (Jonas Gahr Støre, 2008, cited in Skånland, 2010).<sup>16</sup> According to Støre, Norwegian peace engagement is driven by both values and interests: 'Values, because we – as a rich nation in a peaceful corner of Europe – have a moral responsibility to engage in the cause of peace and development for others. And interests, because ultimately our security is served by less suffering and less instability and more progress in the fight against world poverty'.<sup>17</sup> Støre calls this 'global realism'.<sup>18</sup>

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14 Norwegian Ministry of Foreign Affairs 2004: 'Peacebuilding – a Development Perspective.

15 Interviews 040A, 041A.

16 Jonas Gahr Støre: 'Norges fredsengasjement'. LO-aktuelt 2, 2008.

17 Jonas Gahr Støre: 'Norway and the US: Partners in peace'. Lecture at Harvard University 28.02.2007.

18 Jonas Gahr Støre: 'Mellom ytterkantene'. Aftenposten 13.12.2010.

## Mounting criticism

While the foreign policy consensus has largely been maintained in the Norwegian National Assembly, there has been increasing criticism of the peace engagement, both in the media and by academics (e.g. Skånland, 2010; Tvedt, 2003; Waage, 2007; Østerud, 2006). Alternative views have been spurred by the fact that the positive results seem few and far between. Thus Øyvind Østerud has argued that Norway's idealist intentions are not matched by achievements in terms of lasting peace and cites the Middle East and Sri Lanka as examples. Interventions for peace have rarely been successful and tend to ignore the fact that institutional conditions for peace and democratic stability have emerged – where we find these – through complex and long-term historical processes. Both the dilemmas involved and the often unintended and negative consequences of peace interventions tend to disappear in the rhetoric of the Norwegian engagement policy (Østerud, 2006).

Another strand of criticism is largely supportive of Norwegian efforts but holds Norway's foreign policy practice up against the dominant representation of the peace engagement and finds the practice to be out of line with the ideals implicit in concepts like 'peace nation' and 'humanitarian great power'. Thus Kristian Berg Harpviken and Inger Skjelsbæk (2010) argue that the peace engagement requires an ethical, normative basis, but in Afghanistan Norway participates in NATO-led military operations which undermine Norway's position as a peace actor, beyond Afghanistan and the Islamic world. Others also see that attempts to portray military efforts as peace operations create tensions because they are seen as being incompatible with the peace nation image (e.g. Leira, 2007).

A third strand of criticism finds that the Norwegian model, with its close ties between government, NGOs and academic institutions has resulted in a rather uncritical corporate system marked by elite circulation and vested interests. Although mainly formulated by one person (Tvedt, 2003), this criticism has been widely disseminated in the Norwegian media and led to new scepticism, also concerning the idea that Norway may achieve more because it is a small country (Skånland, 2010: 45).

## Concluding remarks

Despite criticism, Norwegian peace engagement continues to enjoy broad political support and to be an important part of Norway's foreign policy. Norway's peace efforts in Sri Lanka thus fit within a larger set of foreign policy engagements over the past two decades. As we will see below, some of the tensions and difficulties that have featured elsewhere are relevant to the Sri Lankan case. However, it is important to note that Norway's approach in Sri Lanka differed from many of its efforts elsewhere, not so much because it acted as 'sole facilitator' but rather because it replaced an approach of NGO proxies for an official state engagement. This indicates that the so-called 'Norwegian model' may be a misguided political construct or has become less relevant since the 1990s.

### 3. The Sri Lankan Context: An Overview of Conflict and Peacemaking

This chapter provides a brief introduction to the history of war-making and peace-making in Sri Lanka, focusing on developments that preceded the latest peace process. An appreciation of the complex environment that Norway entered as peace facilitator is necessary in order to make judgements about its role and effectiveness. By providing this contextual background we aim to address the following questions: What are the historical roots of the Sri Lankan conflict? How have the dynamics of conflict changed over time and produced new 'root causes'? What efforts have been made to resolve the conflict? Why was the war so intractable and a peace settlement so elusive? We start by examining the underlying causes of conflict. This is followed by an analysis of how the war has taken on 'a life of its own' producing new dynamics that make the challenge of resolution more complex. We then provide an overview of previous peace negotiations and finish by summarizing the challenges faced by Norway and domestic actors at the outset of the latest peace process.

#### **Competing nationalisms and the crisis of the state**

It is beyond the scope of this report to provide a detailed account of Sri Lanka's civil war which started in 1983 and has undergone several phases, interspersed by failed peace efforts. It is commonly divided into Eelam wars I (1983-1987), II (1990-1994), III (1995-2002) and IV (2006-2009), although the divide between 'war' and 'peace' was never as clear as this timeline suggests – war was preceded by other forms of violence including assassinations, riots and pogroms, whilst periods of 'peace' were frequently characterized by high levels of violence.

As with all conflict analyses, one is faced with the question of how far to go back in time, and how to sort through the complex mix of causal factors and competing narratives as to what the war is about. The Sri Lankan conflict is about many things, including exclusivist identity politics, dynastic rivalries, uneven development patterns and flawed mediation efforts. Although the conflict is a complex mix of all these factors (and many more), at a deeper level it is understood here to be rooted in a historical process of incomplete state formation and post-colonial ethnicized politics (Uyangoda, 2011; Wallensteen, 2007). At the heart of this is the failure of the country's democratic system to cultivate an inclusive state and a sense of nation that incorporated all minorities.

#### **Ethnic outbidding and Sinhala nationalism**

Sri Lanka's post-independence English-speaking elite navigated electoral pressures by advocating the language, rights and culture of the Sinhala majority. This 'ethnic



outbidding' was legitimized through a discourse of redressing historical Sinhala grievances<sup>19</sup> and resulted in the entrenchment of ethno-nationalism, exclusion and polarization. Though partly a top-down, elite-driven process, Sinhala nationalist sentiments could not simply be 'turned on' or 'off' by the political class. They permeated society more broadly and were tied up with expectations towards the state as protector and benefactor of the Sinhala peasantry. This discourse was fused with Sinhala Buddhist ideals of righteousness and moral regeneration. Nationalist ideology 'provided a moral lens through which electoral politics and the actions of the state could be evaluated and imbued with legitimacy' (Venugopal, 2011: 84).

The victory of the newly formed Sri Lankan Freedom Party (SLFP) in 1956 reconfigured power relations in post-colonial Sri Lanka (Uyangoda, 2010b). This coalition government had a wide social base in Sinhala rural society and elevated a new rural elite, providing them with access to state power. As a result of this combination of ethnic scapegoating by the elite and pressure from below, the state became increasingly Sinhalized, leading to discriminatory policies in the fields of language, university admission, state employment, and land ownership, which were further compounded by symbolically important measures in the fields of religion and the national flag (Chelvanayakam, 2005; De Silva, 2005; Jeganathan and Ismail, 1995; Moore, 1985; Richardson, 2005; Spencer, 2008; Tiruchelvam, 2000; Uyangoda, 2007; 2011). Therefore, paradoxically the Sinhalization of the state was associated with a broadening of its social base, alongside a narrowing of its ethnic foundations (Uyangoda, 2010: 29).

Majoritarian democracy disabled class politics and created a space for ethno-nationalist mobilisation and ultimately armed rebellion in both Sinhalese and Tamil societies. In the south, rural-urban disparities and class inequality provided a fertile ground for Marxist inspired youth, leading to successive armed uprisings by the Janatha Vimukth Peramuna (JVP) in the 1970s and 1980s. The youth cohort underpinning the strength of both the LTTE and JVP came from similar class and caste backgrounds, but ethnic identity (Tamil and Sinhalese respectively) proved to be a more potent source of mobilization than class.

Therefore, Sinhala nationalism has been a relatively constant and persistent force in Sri Lankan politics, only its locus has oscillated between the mainstream parties at the centre and ultra-nationalist groups such as the JVP and more recently, the Jathika Hela Urumaya (JHU) at the periphery. Whilst the combined electoral strength of these two parties amongst Sinhala voters has arguably never exceeded 10%, their ability to promote Sinhalese identity politics through propaganda and mobilisation, had the effect of weakening the commitment of the two dominant parties, the United National Party (UNP) and the Sri Lankan Freedom Party (SLFP) towards an agenda of pluralist political reform (Uyangoda, 2010b: 43).

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<sup>19</sup> Colonial rule, it has been argued, privileged Tamils who had been over-represented in the state administration and bureaucracy. To some extent, rather than being a case of British favouritism, this was related to specific developments and conditions in Jaffna, the heartland of Tamil culture and politics. Because of the early existence of missionary-established English medium schools, and the lack of other economic opportunities, the civil service had been one of the few channels for upward mobility (Wilson, 1994).

### **Militant Tamil nationalism**

A Tamil nationalist discourse that advocated a 'traditional homeland' – Tamil Eelam – for the Tamils in the north-east of Sri Lanka first emerged in the colonial period, but gathered momentum post-independence (Nesiah, 2001; Sitrapalam, 2005). Archaeological findings and colonial sources are taken as proof of ancient Tamil presence in the form of language, customs and laws. The Tamil 'kingdom' in Jaffna gave inspiration to the struggle for a Tamil Eelam and the unitary state was seen as a more recent colonial imposition (Chelvanayakam, 2005; Wilson, 1994).

Tamil political parties – part of the English-speaking elite – advocated federal reforms and managed to broker agreements safeguarding Tamil rights. They coalesced into the Tamil United Liberation Front, which openly came to advocate separatism through the 1976 Vaddukoddai resolution, which stated 'that restoration and reconstitution of the Free, Sovereign, Secular Socialist State of Tamil Eelam based on the right of self determination inherent to every nation has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country' (TULF, 1976). Failure to live up to these ambitions de-legitimized 'gentleman politicians' in the eyes of a new generation of Tamil youth rebels and student revolutionaries (Balasingham, 2005; Nesiah, 2001; Wilson, 1994). With covert Indian support, Tamil militant groups staged increasingly violent opposition and open hostilities started in 1983, following the anti-Tamil pogroms known as 'Black July'.

After defeating rival groups in the 1980s, the Liberation Tigers of Tamil Eelam (LTTE) emerged as the self-proclaimed 'sole representative' of the Tamil cause. 'The boys', as they were known in the north-east, developed from a small amateurish guerrilla movement to a much larger force that pioneered suicide bombing, created its own navy (the 'Sea Tigers'), a small air force, and rudimentary structures and symbols of government, including administrative institutions, tax collection, banks, flag, national day and so on (Fuglerud, 2009; Korf, 2006; Stokke, 2006). By the 1990s, the LTTE managed to control significant swathes of territory. The movement came to think and act like a state, and its war making could be understood as a process of state-making (Uyangoda, 2007: 10). Both military offensives and participation in peace talks have pivoted on the consolidation of that project. In spite of these attempts to create legitimacy through building state-like structures and institutions, the LTTE relied heavily on coercion, terror and the ruthless suppression of dissent (Sarvananthan, 2007). Democratic Tamil parties were either eliminated, forced to align themselves behind the government, or become extensions of LTTE rule. LTTE forced taxation and recruitment of boys and girls, silencing of dissident voices and brutal punishments (Hoole et al, 1992)<sup>20</sup> placed heavy strain on the Tamil community. In spite of the LTTE's methods, Tamil nationalism had deep roots and widespread support, driven in part by government military rule in the north-east that was associated with repression and periodic atrocities (Hoole, 2001). Therefore, Sinhala and Tamil nationalisms, and their competing statebuilding projects, emerged in a dialectic fashion, in a relationship that can be described as one of antagonistic inter-dependence – both drew their energy and legitimacy from the existence of a threatening other. Both were based upon a discourse of historical

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20 See also the numerous reports from the University Teachers for Human Rights (Jaffna).

injustice and moral regeneration. And this symbiotic relationship operated on a material as well as discursive level. The LTTE's political project was closely connected to southern politics and the movement built upon and made use of government state structures in administering the areas under its control (Fuglerud, 2009; Korf, 2006; Sarvananthan, 2007; Stokke, 2006; Uyangoda, 2007). Conversely for the Sri Lankan state, the war in the north-east was intimately connected to the economy in the south, with the military for example becoming a key source of employment for poor Sinhala youth (Venugopal, 2009a).

### **Muslim politics**

Majoritarian politics has placed similar pressures on other minority groups, notably the Muslims who constitute the second largest minority (8.7%) and are scattered throughout the country, but with most significant pockets in the east and north-west. Partly as a result of the war and the attacks of the LTTE – including large-scale forced eviction from Jaffna, killings and attacks on mosques – Muslims see themselves as a distinct religious and ethnic group. This growing self-identification was reflected in the formation of the first exclusively Muslim party of any significance in the 1980s: the Sri Lanka Muslim Congress (SLMC). In practice, however, it served as a 'kingmaker' to SLFP and UNP governments, who could not secure firm majorities by themselves. SLMC has tended to rally on a discourse of ethnic identity and rights, but adopted moderate standpoints in return for ministerial portfolios and the associated patronage. This oscillation between pragmatic patronage politics and demands for group-based rights came to a head during the peace process that started in 2002 (Ali, 2001; Ameerdeen, 2006; Ismail et al., 2005; Knoezer, 1998; Klem, 2011; Lewer and Ismail, 2011; McGilvray, 2008; Nuhman, 2002; O'Sullivan, 1999). To a lesser extent, a similar analysis applies to the Upcountry Tamils.<sup>21</sup>

### **The politics of economic reforms**

Successive economic policies, influenced by shifts in the international environment, played a critical role in influencing the trajectory of statebuilding and conflict in Sri Lanka. The UNP was historically a party of the right, supported by the business elite, which advocated market-oriented economic policies, whilst the SLFP drew its support from a peripheral, rural base, leading to an orientation towards state-centred welfarism. Both orientations and associated economic policies were linked in different ways to ethnic polarization and social disturbances (Venugopal, 2009a). The SLFP led 'socialist experiment' of the 1960s and 1970s was associated with the growth of the state as a source of patronage and protection for the Sinhala 'intermediate class' and the emergence of state-backed colonisation schemes as an antidote to unrest in the unruly borderlands of the north and east. The UNP's landslide victory in the 1977 elections based on the promise of economic reforms, liberalisation and accelerated growth, was seen by many at the time as an antidote to the economic causes of unrest emerging from the periphery. Radical liberalisation, privatisation and internationalisation of the economy alongside continued state welfarism and state-led investment in irrigation schemes and Free Trade Zones

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21. Upcountry Tamils, also referred to 'plantation' or 'Indian' Tamils constitute a community that originates in Tamil Nadu (India) and was brought to Sri Lanka under British colonial rule to work on the tea estates and other plantations in the central highlands. Their history is thus very different from the 'Sri Lankan' Tamils (who live mainly in the north-east and in Colombo). Although they share the same grievances – e.g. ethnic discrimination, exclusionary state, anti-Tamil pogroms – the political linkage between the two struggles has never been very strong. The Upcountry Tamils have the added concerns of poor labour conditions, infrastructure and citizenship issues, which have caused their leaders to steer a largely autonomous course.

sparked high growth rates. However, it was on President Jayawardene's watch that there was an escalation of the island's ethnic conflict. There are different and competing accounts of the linkages between economic liberalisation and conflict.<sup>22</sup> Some highlight the uneven material impacts of reforms on different groups in society, which produced new inequalities, pauperized the lower-middle class and led to ethnic scapegoating (Gunasinghe, 1984; Herring, 2001; Moore, 1985). Others focus on how increased aid flows, which accompanied liberalisation, expanded the opportunities for ethnically based rent seeking and cronyism (Cuthbertson and Athukorala, 1990; Dunham, 2004; Dunham and Jayasuriya, 2001; Dunham and Kelegama, 1994 and 1995; Richardson, 2004). Also important were the ideological impacts of market reforms, which appeared to tear up the social contract between the Sinhala state and the peasantry. Dealing with resistance from this intermediate class has been a central challenge for all governments implementing political or economic reforms. As Venugopal (2011) argues, market reforming governments are particularly vulnerable to legitimacy crises and have to adopt compensatory measures, involving on the one hand gaining public consent for unpopular programmes through state welfarism and patronage, and on the other, silencing opposition through coercion and centralisation. Paradoxically, whilst Sri Lanka underwent rapid economic liberalisation, the state sector grew, and there were massive, donor-funded investments in state administered infrastructure programmes such as the Mahaweli dam which extended irrigation into the north-eastern dry zone and brought significant numbers of Sinhala settlers into the Tamil and Muslim dominated region (Dunham and Kelegama, 1994; Spencer, 1990; Tennekoon, 1988). Unpalatable reforms were compensated for through state-based patronage. At the same time constitutional changes, including the introduction of the Presidential system and Proportional Representation, centralized power and gave the President the tools to deal with potential opposition to economic reforms. Market reforms and the compensatory measures associated with them accelerated rather than reversed the Sinhalisation of the state (Venugopal, 2011). Years of impressive economic growth – backed by the international financial institutions and Western donors – thus came at the cost of political instability and protest (Bastian, 2007).

### **The dynamics of a conflict system**

Sri Lanka's conflict has mutated and expanded over time. The war itself has created new ground realities, added new layers and changed dynamics. Numerous unsuccessful attempts at resolution have left their own legacies as well. The evolution of the conflict has unleashed processes beyond the control of political elites which continue to shape state and society. This severely complicates attempts at resolution. Any intervention to promote peace must not only address so-called 'root causes',<sup>23</sup> but also deal with the numerous factors that sustain the conflict. Solutions that could have been effective in the 1970s no longer sufficed in the 1990s. Three crucial dynamics in the politico-military, social and economic spheres can be identified, which together have played a role in shaping and impeding efforts at conflict settlement and transformation.

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<sup>22</sup> See Venugopal (2011) for a summary of these different accounts.

<sup>23</sup> For a critical discussion of the relevance of 'root causes' to conflict resolution, see Woodward (2007).

First, the war has created its own military constellations, contributing to the militarization of life. The conflict became normalized as structures and institutions throughout the island adapted to wartime conditions. The Sri Lankan state has been transformed by the conflict. Counter-state rebellion produced counter-insurgency responses from the government which began to function in two parallel modes – as a ‘normal’ state through its institutions of democratic governance, and as a state at war with its own citizens (Uyangoda, 2011: 34). Key organs of the state including the bureaucracy, the police and the army became increasingly majoritarian (ibid). The passing of emergency regulations, the undermining of democratic safeguards and the growing role of the military in civilian life have all been justified in order to fight the war. This has left an important legacy and can be seen for instance in the Rajapaksa government’s attempt to change the casting of the ‘ideal citizen’ in post-war Sri Lanka, from the farmer to the *ranaviru* or ‘brave soldier’ (Goodhand et al., 2011b).<sup>24</sup>

War similarly reconfigured politics and institutions in the north and east. Although major population centres – Jaffna, Trincomalee, Batticaloa – ended up under army control, the rebels had a major influence in these areas, whilst in the so-called ‘uncleared areas’ (LTTE controlled) state institutions continued to function, though an economic blockade was imposed in most areas. Government administrators and basic services like food aid and poverty relief were condoned and co-opted by the LTTE in a peculiar form of hybrid governance (Korf, 2006; Korf et al., 2010; Sarvananthan, 2007; Stokke, 2006; Uyangoda, 2007).

Though the LTTE defined itself in opposition to the southern polity, it was also deeply entangled with political and economic dynamics in the Sinhala-dominated south. The rebels staged targeted assassinations of political leaders and terrorist attacks on sensitive targets, such as the Buddhist Temple of the Tooth in Kandy and the Central Bank in Colombo. On several occasions, the LTTE was able to dramatically alter the historical trajectory of the island altogether. Examples include the assassination of President Ranasinghe Premadasa in 1993, the Central Bank bomb blast of 1996, and the suicide-commando attack on Katunayake international airport in 2001. The LTTE was also adept at manipulating and swaying the outcome of elections through direct and indirect means: for example their assassination of UNP presidential candidate Gamani Dissanayake on the eve of the elections in 1994 cleared the way not just for the election and rise to power of the People’s Alliance (PA) candidate Chandrika Kumaratunga, but also for the rise of Ranil Wickremesinghe to the UNP leadership (Goodhand et al., 2011b).

Tamil separatism did not change the initial conditions that caused the conflict. Rather, continuing war legitimized and even gave a new rationality to policies of ethnic exclusion and marginalization (Uyangoda, 2011: 38). Violence became a key arbiter of change and the civil war led to a militarization of society as well as politics.

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<sup>24</sup> For an excellent work on the militarization of Sri Lankan society, see de Mel (2007).

Second, the war has had profound impacts in the social sphere. Ethnic fault lines – always present, but often somewhat fluid – hardened as a result of the war. Children in ‘uncleared areas’ grew up without ever meeting a Sinhalese. Along the eastern coastline, tensions between the Muslim and Tamil community sparked, despite centuries of close cultural, linguistic and kinship relations. Inter-personal relations, love affairs, trade, irrigation and agricultural labour continued to reach out across ethnic fault lines in the north-east, as people coped with the harsh circumstances (Gaasbeek, 2010), but animosities and loyalties crystallized around ethnic boundaries at times of tension. Very often ‘the conflict’ blended with more localised issues and squabbles: neighbourhood trouble turned violent when the army got involved, temple or mosque disagreements turned highly political, and land conflicts merged with ethnic claims (Gaasbeek, 2010; Korf, 2004; Mayer et al., 2003; Walker, 2010). The war affected women in different ways, sometimes positively (e.g. job opportunities with NGOs), but often negatively (e.g. insecurity, female conscription into the LTTE and the ‘home guards’<sup>25</sup>, single-headed households, maltreatment, rape and impunity) (Maunaguru, 2005; Ruwanpura, 2006). Whilst gender roles have been challenged by war, they have arguably not been transformed. Women made few advances politically. Nationalists assigned women the task of upholding national identity, as the custodians of culture and bearers of future generations of patriots. Sri Lanka has an abysmal record of the representation of women in decision making in the mainstream political arena (Kottegoda, 2010: 85), whilst women did not figure prominently in the upper echelons of the LTTE.

Third, the conflict generated a war economy. As fishermen had trouble accessing the sea, as farmers were displaced from their land and other forms of employment were scarce, people adjusted to the new circumstances (Goodhand et al., 2000; Korf, 2004; Winslow and Woost, 2004). Sinhala families enrolled for the army, Muslim traders exploited their ability to move across ethnic boundaries, and the diaspora ‘money order economy’ kept many Tamil families afloat. Women increasingly took on roles in the public sphere. Some, on both sides of the conflict, joined the military, others campaigned for an end to the war, and many were forced to find formal employment as a result of the death of a breadwinner. For rural Sinhala communities in the eastern interior, the centre and south of the country, the armed forces became a vital source of income. Many families had at least one child in the army or serving as a ‘home guard’ (Gamburd, 2004; Venugopal, 2009a). In addition to this economy of coping, a more coercive, militarised economy catered to the main power brokers. Corruption with the defence establishment was rife and the LTTE constructed a global economic enterprise to sustain its operations. This involved front organizations which enforced a tax regime among Tamil communities while engaging in a range of illegal activities (allegedly drug trafficking and smuggling) alongside regular, licit investments like real estate in Colombo and trade. A merchant fleet was used to ship smuggled goods and weapons to Sri Lankan shores (Gunaratna, 2001; Samarasinghe, 2003).

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25 Poorly armed and trained vigilantes guarding the less important checkpoints in the north-east.

## Conflict resolution efforts and the challenge of transformation

There have been numerous unsuccessful attempts to resolve the minority question. Prior to the escalation of war, there were two pacts in 1957 and 1965 between the Tamil leadership (Federal Party) and the ruling party (first SLFP, then UNP). Both agreements involved the devolution of power to the regions, the acceptance of Tamil as the official language in the north-east and the regulation of Sinhala 'colonization' in that region. However, neither pact was implemented. Faced with Sinhala nationalist opposition, the country's leadership reneged on agreements after they had been signed (De Silva, 2005; Wilson, 1994).

After the escalation of violence in the 1980s, there was a sequence of Indian interventions to resolve the crisis. Peace talks were held during the All Party Conference (1984), the Thimpu talks (1985), the Political Party Conference in Bangalore (1986) and finally resulted in the Indo-Lankan Accord in 1987. Motivated by regional security interests and domestic sentiments in Tamil Nadu, the Indian government pressured both sides into political concessions (which stopped well short of secession so as to avoid a precedent in the region) and arranged for disarmament of the LTTE. The 1987 Accord amended the Sri Lankan Constitution (13<sup>th</sup> amendment) and created a Provincial Council system with significant powers, and merged the Northern and Eastern Province, thus creating a contiguous area that roughly matched the aspired Tamil Eelam. The Accord mandated the deployment of an Indian peacekeeping force (IPKF) to monitor (and enforce) implementation. India positioned itself to negotiate on behalf of the Tamils and used its leverage to extract a compromise from the Sri Lankan government, but soon found there was limited buy-in from both sides. The LTTE, not a signatory to the agreement, refused to disarm. The IPKF's attempt to force them into compliance sparked a bloody war with massive casualties on both sides. Among Sinhala nationalist constituencies, Indian infringement of Sri Lankan sovereignty and fears that the unitary state was under threat spawned violent opposition. This culminated in the second JVP uprising in the south, in which marginalized Sinhala youth driven by a heady mixture of Marxism and nationalism, staged an insurgency in 1987, that was brutally crushed by the government in 1989. Meanwhile, opposition to India's intervention in the north-east continued. In a peculiar twist of history, there was a convergence in the interests of the Sri Lankan government and the LTTE to force the withdrawal of the IPKF. In 1989 President Premadasa's government and the LTTE held two rounds of talks in Colombo in which both parties agreed that the IPKF would withdraw within a year.<sup>26</sup> After the Indians withdrew in 1990, the Tamil groups it had used as allies or proxies crumbled to a reinvigorated LTTE (Balasingham, 2004; De Silva, 2005; Destradi, 2010; De Votta, 2010; Dixit, 2003; Krishna, 2001; Loganathan, 2006; Tilakaratne 2006).

Finally, in the mid 1990s, after a return to war (Eelam War II) had caused massive damage and suffering, another attempt at resolution was made – this time with limited external involvement. The election of Chandrika Kumaratunga in 1994 ended seventeen years of UNP rule and cleared the way for a ceasefire and talks.

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<sup>26</sup> The talks also discussed disabilities faced by the Tamil people; human rights issues arising from the IPKF; the disruption of economic activities; state sponsored colonisation; conscription of youth in the Civilian Volunteer Force; and the need to seek a negotiated settlement.

Direct talks were held in Jaffna and, with the help of the International Committee of the Red Cross (ICRC), Kumaratunga exchanged letters with LTTE leader Prabhakaran. However, the process soon foundered and never moved beyond the stage of 'talks about talks'. The LTTE prioritised normalisation and military de-escalation, while Kumaratunga's government wanted concessions to be linked to a comprehensive and final agreement (Balasingham, 2004; Loganathan, 1996). Ambiguities about the ceasefire and poor communication channels led to tensions and within a few months the LTTE resumed hostilities. Kumaratunga's government adopted a two-pronged 'war for peace' strategy, with massive offensives on the battlefield (Eelam War III) while attempting to engineer a comprehensive political package with moderate Tamil (and other) leaders. On both tracks, initial progress was followed by setbacks. The army retook the Jaffna peninsula, but then lost territory rapidly and a stalemate ensued. Politically, Kumaratunga mustered support for a 'devolution package', but in the end, opposition leader Ranil Wickremesinghe (UNP) defeated it in parliament.

These different attempts at resolution thus failed, but nevertheless had important impacts. All were based on an assumption that a sustainable settlement depended upon a political package involving the devolution of power and state reform. However, there were diverging positions on how to get to this stage. Uyangoda (2011: 37) differentiates between (a) a pacifist position i.e. conflict resolution through a radical, pluralist state reform agenda, worked out with all the ethnic groups at the mediation table; (b) a pragmatic position i.e. a twin track approach exemplified in the 'war for peace' of the People's Alliance (led by Kumaratunga) in which the military weakening of the LTTE would be accompanied by a unilateral offer of regional autonomy in order to narrow down the political space for the rebels; and (c) a realist position i.e. end of the war by military means before embarking on minimalist state reform – which appears to have been the position of the current Rajapaksa government.

These different peace initiatives contained innovative elements of compromise that could be used as starting points for a new agreement. They also left baleful legacies and created more entrenched positions and distrust. In addition, they repositioned actors and issues. The Muslim community played a less significant role in the 1980s, but (along with other factors) the concessions to the LTTE under the Indo-Lankan Accord raised acute fears of being sacrificed to some form of LTTE rule. This was a key catalyst for the emergence of a dedicated Muslim party, the SLMC. Consequently it became hard to countenance a peace settlement with sufficient legitimacy and political support that excluded the Muslims.

As the above analysis highlights, Sri Lanka failed to establish institutions and policies to accommodate minority and majority anxieties and contain the hardening of ethnic fault lines and subsequent forces of separatism. Peacemaking in this context can best be understood, not as the mirror image of war, but the continuation of war making by other means. Ultimately, negotiations foundered as a result of the clashing logics, and non-negotiability of competing statebuilding projects – at the heart of the problem was a reform resistant state, pitted against a reform resistant anti-state or sub-state.



In the south, no state reform initiative has been constitutionalized since the thirteenth amendment (Uyangoda, 2010b). A range of factors contribute to this reform resistance. First, inter-party and interpersonal dynamics narrowed the political space for conflict resolution. The ferocious competition between the United National Party (UNP) and its early split-off the Sri Lanka Freedom Party (SLFP) has had an overriding impact on the political landscape. The perceived need to outsmart political rivals has often trumped national interests. This history of party rivalry was complicated by long standing dynastic struggles – most recently manifest in the conflict between Wickremesinghe and Kumaratunga.

Second, this dynamic was compounded by the electoral system. The initial First-Past-The-Post system generated winner-takes-all outcomes, with a marginal place for Tamil parties. The UNP and SLFP alternated with sweeping victories and avoidance of political compromise. The introduction of Proportional Representation (PR) in 1978 – paralleled by the creation of an Executive Presidency – dampened the alternating victories of the two mainstream parties, but also led to more unstable coalition governments.<sup>27</sup> This combination of a powerful executive presidency and a system that produces stronger ethnic parties and weaker government coalitions, has proven no more able than First-Past-The-Post to address minority issues through fundamental reforms of the state (Bastian, 2003; Coomaraswamy, 2003; De Votta, 2006; Goodhand and Klem, 2005; Rampton and Welikala, 2005).

Third, an elite consensus or partial elite consensus was necessary but by itself not sufficient for conflict resolution. There is in many respects broad based ‘ownership’ of the conflict, and substantive reforms demanded a wider coalition which went beyond the mainstream parties and political elites. As Uyangoda (2010) argues there was no counter-hegemonic demand for devolution from the south. State reform was largely seen as an ethnic minority project.

Fourth, the LTTE appeared to be similarly resistant to reform. A highly centralized and militaristic organisation, with only a weak political wing and galvanized by a nationalistic diaspora, it showed little openness to compromise or internal democratization. During negotiations, both sides found themselves caught in a ‘symbolic politics trap’ (Kaufman, 2006), prisoners of the myths and fears that they helped propagate and were the driving forces behind the nationalist projects. For both sides, ‘peace’ was harder to manage than war, leaving them vulnerable to internal divisions and the charge of selling out.

### **Conclusions: an intractable conflict?**

As argued above, ‘the Sri Lankan conflict’ is closely entangled with the country’s sociological, economic and political structures. At its heart is a post-colonial state, whose institutions and electoral dynamics aggravated Sinhala nationalism and Tamil separatism, rather than adequately accommodating majorities and minorities. Political exclusion, socio-economic inequalities and core-periphery disparities were channelled into identity politics and ethnic scapegoating, preventing the emergence of a unified national agenda for development. The crisis was compounded by the formi-

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<sup>27</sup> For a general discussion see Reilly (2005).

dable military strength of an intractable insurgent movement (the LTTE) as well as a history of failed resolution efforts. These have not only raised the stakes and entrenched positions, but also the limited ability of external actors to engineer change. India's forceful, but unsuccessful intervention in Sri Lanka is a prime example.

Norway's peace efforts in Sri Lanka thus encountered a deeply protracted conflict and it was clear from the very start that it would face enormous challenges. In the long run, a durable peace settlement would require what Uyangoda (2010b) refers to as the '3 Ds' – democratization, devolution and demilitarization. More specifically, it would require the following elements: 1) constitutional reform of the state, 2) with some a level of support from the three largest ethnic communities, and 3) a fundamental transformation of the LTTE, while 4) overcoming obstinate UNP-SLFP rivalry, and 5) without overstepping India's political and military preferences. In parallel to these core political issues, there was a need to address immediate humanitarian issues and preserve a level of respect for human rights.

## **PART II: THE STORY**

### **4. First Explorations, a Ceasefire and Peace Talks (1990s–2003)**

The following three chapters provide an empirical narrative of the Sri Lankan peace process: its long run-up and its short-lived progress (this chapter), the fragmentation and tensions that it brought about (chapter 5) and the war that followed (chapter 6). Much of this chronology has been described elsewhere (Balasingham, 2004, Fernando, 2008; Goodhand and Klem, 2005; Goodhand et al., 2011 a and b; Goodhand, Korf and Spencer, 2011; Gooneratne, 2007; Rupesinghe, 2006; Sahadevan, 2006; Stokke, and Uyangoda, 2011), but our discussion of Norway's strategies and activities adds empirical detail and insight to the literature. We use key turning points (the headings) in the sequence of events to scrutinize Norwegian responses in relation to the knowledge and opportunities that were available at the time.

#### **First explorations**

Norwegian efforts to help bring about peace in Sri Lanka start long before the 2002 ceasefire. As early as January 1991, following the Indian Peace Keeping Force, Norway offers its service to the Sri Lankan government and the LTTE and it keeps the door open throughout the 1990s. In this period, Norwegian efforts hinge on informal personal relationships and they occur in parallel to a host of other initiatives. Countries including the UK, France, the US, Australia, Canada, as well as the International Committee of the Red Cross (ICRC), the UN, the non-aligned movement, the Commonwealth Secretariat and the Catholic Church are considered as third parties in one way or the other.

When the talks between the administration of President Premadasa and the LTTE founder in June 1990, ACS Hameed, Foreign Minister and close confidant of the president approaches Arne Fjørtoft, a former Norwegian politician, Secretary General of the Worldview International Foundation and long-time resident of Sri Lanka. Fjørtoft who also has contacts with LTTE associates, is asked to explore whether Norway can establish a back-channel with the insurgents while the war is going on. He contacts Norwegian Foreign Minister Kjell Magne Bondevik who concurs with an informal, secret exploration of dialogue (Fjørtoft, 2007). The ministry deliberately keeps a low profile so as to protect the fragile process.

No major progress is made, but Fjørtoft continues to serve as the communication channel to the Norwegian government (Follerås, 2002). A new government is installed in Norway and incoming State Secretary<sup>28</sup> Jan Egeland (1992-97) is eager

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<sup>28</sup> We use the term State Secretary for the Norwegian term 'statssekretær' (equivalent to Deputy Minister).

to promote a Norwegian role in a possible peace process, conditional on a direct request from both the Sri Lankan government and the LTTE. Norway's profile as a peace broker meanwhile receives a boost in the Middle East, with the Oslo Accord in 1993, and there is increasing pressure on Norway from the Tamil diaspora. Progress in Sri Lanka is more modest: a secret meeting between Hameed and LTTE representatives is held in Geneva, but the parties are unable to move forward. During the 1995 peace talks, Norway is asked to head a ceasefire monitoring mission (joined by Canada and the Netherlands). The Norwegians interpret this as recognition of their efforts,<sup>29</sup> but the war resumes and the mission is never fielded. In the shadow of full-blown war, both parties continue to explore different possible channels for future negotiations. Several potential third parties explore their chances. Norway also decides to 'keep the door open'<sup>30</sup> and appeals are made to Norway by different persons and organizations to engage. However, no full-time diplomats are assigned to the effort at this point. Soon after the collapse of the 1995 talks, the LTTE communicates – through the Norwegian NGO FORUT – that it considers Norway as the preferred third party, but there is uncertainty about the reliability of the source.<sup>31</sup> Contact with the LTTE is established through the ICRC, and Egeland meets the LTTE's negotiator Anton Balasingham. An attempt is made to foster dialogue between government representatives and LTTE proxies at the margins of a seminar at the Chr. Michelsen Institute in Bergen in February 1996, which sparks protest from Sinhala critics. In the same period, Catholic bishops in Sri Lanka develop a dialogue channel with both parties and look around for a state actor to take their efforts to a higher level. In letters to both sides they suggest Norway as a suitable third party.<sup>32</sup>

In line with this trend, the newly installed ambassador Jon Westborg consults with a wide range of players. Westborg is familiar with the country due to his earlier (1978-1982) work for Norwegian Save the Children. In contrast to their efforts in other countries, the Norwegians decide not to work through NGO proxies in Sri Lanka<sup>33</sup> and the Ministry of Foreign Affairs takes direct responsibility. In January 1997, MFA Assistant Director General Knut Vollebæk and Ambassador Westborg hold exploratory meetings with the Sri Lankan government and opposition. Good rapport is established with key officials and advisors including Neelan Tiruchelvam, GL Peiris, Jehan Perera and Lakshman Kadirgamar. The latter – coincidentally Westborg's neighbour in Colombo – remains suspicious and critical. Meanwhile, new guidelines are made for Norwegian development cooperation with Sri Lanka, requiring that all cooperation should contribute to a cessation of the conflict, reconciliation and the search for lasting peace. Officials and confidantes reiterate their request for Norway to broker 'low level contact' with the LTTE.<sup>34</sup> The Norwegian embassy, however, feels they do not have a 'relevant contact' with the rebels.<sup>35</sup> It requests the embassy in Paris to explore ties with LTTE representatives in the diaspora, but this produces no useful results.

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29 Interview 008A.

30 MFA 307. 30/442, 1995/01171, 1-18, Colombo to Oslo, September 21, 1995.

31 MFA 307. 30/442, 1995/01171, 1-18, Colombo to Oslo, September 21, 1995.

32 MFA 307.30/442 (1995/05350) and interview with former President Kumaratunga (London, 9 June 2011).

33 While Arne Fjørtoft had helped secure the entry of Norway into the peace process, he was regarded as too Tamil friendly by the Sri Lankan government. FORUT and Norwegian Save the Children (with long experience in Sri Lanka) felt that a peace engagement might adversely affect the implementation of their projects (Interview 015A)

34 MFA. 302.77 (1997/02601, 1-15).

35 MFA 302.77 (1997/02601, 1-15).

Meanwhile Erik Solheim, a Norwegian MP, resigns as chair of the Socialist Left Party and spends two months (January-February 1998) at Fjørtoft's house in Colombo writing his autobiography. Through Fjørtoft he meets a number of prominent politicians and develops a personal interest in the conflict. After returning to Oslo, Solheim gets in touch with Tamils living in Norway and also goes to Paris to meet with the LTTE. In October 1998, LTTE representatives approach Solheim with a request to help Anton Balasingham out of Sri Lanka for an essential kidney operation, explicitly linking foreign treatment with his potential role as a lead negotiator in exile. After lengthy, top secret explorations with Sri Lankan officials, this is achieved and it is on this occasion that Norway is asked by Balasingham to take on the role as facilitator. The Norwegian team is upgraded and now includes Erik Solheim and Special Adviser (later State Secretary) Wegger Chr. Strømme. Contact with the LTTE is mainly left to Solheim who is not part of the Foreign Ministry bureaucracy, because it would not be 'comfortable' for a Norwegian government representative to do that.<sup>36</sup>

### May 1999: Kumaratunga formally invites Norway

In May 1999, the Kumaratunga government confidentially provides Norway with a formal mandate to initiate a dialogue with the LTTE, still a banned organisation under Sri Lankan law. The army has managed to push back the LTTE. Firming up the military advance with humanitarian gestures, the government approaches ICRC to negotiate a checkpoint arrangement on the front lines to deliver aid into the LTTE controlled areas.<sup>37</sup> The idea, in Kumaratunga's words<sup>38</sup>, is to 'win the Tamil people over,' to show the Tamil youth 'that a Sinhala government was doing things for them. To make them wonder "why should we kill ourselves for Prabhakaran?"' On the political front, the government considers the time ripe to promote its 'devolution package' as the solution to the conflict. The selection of Norway – as a third party without overriding interests or leverage – is significant. Unlike India, Norway is unthreatening enough to the government to be acceptable, despite the possible bias resulting from Tamil diaspora pressure in Norway. The LTTE on the other hand wants a powerful mediator, not just a facilitator.<sup>39</sup> The choice of Norway comes about through mutual dialogue through the Catholic Church. President Kumaratunga requests the LTTE to clarify which third parties would be acceptable to them and they provide a list of five countries, of which Norway is one. Kumaratunga then selects Norway, because other countries (the UK and Canada were on the list as well) may have stronger interests and leverage.<sup>40</sup> Norway is acceptable to the rebels because they are a state actor – and thus more powerful than an informal mediator or an NGO – willing to engage with them.<sup>41</sup> Norway makes it clear to both parties that it sees its role as supportive and is not in a position to force anything on either party.

Norway is thus invited by the Kumaratunga administration as a low-profile third party at a time when the government feels it has the upper hand (militarily) and concrete plans for negotiations (the devolution package), and is under some political time

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36 Interview 036A.

37 Interview 060B.

38 Interview with the authors.

39 MFA. 307.30 (1997/00547).

40 Interview 078E.

41 MFA. 302.77 (1999/00768).

pressure (Kumaratunga's presidential term is about to come to an end). The government loses the upper hand rapidly, however. In the following months, the LTTE assassinates the prominent Tamil academic and politician Neelan Tiruchelvam (July 1999)<sup>42</sup> and nearly succeeds in killing Kumaratunga (December 1999) and Prime Minister Wickremanayake (January 2000). The movement goes on to capture the strategic Elephant Pass military base (April 2000) and makes inroads into the Jaffna peninsula (May 2000), an offensive only warded off with tremendous last-minute military procurement and major losses by the government.

Throughout 1999, the Norwegian team holds several secret meetings with Kadirgamar (as well as GL Peiris), mostly in Switzerland, as well as with President Kumaratunga. Substantive issues regarding possible devolution of powers to the north-east are discussed and Kadirgamar makes it clear that the government will only talk to the LTTE if they commit themselves to finding a negotiated solution within a unitary state. The Norwegian team concurs that a separate state is 'out of the question'.<sup>43</sup> The secluded time and space to confidentially explore these matters soon comes to an end, though. Having just lost an eye in the LTTE bomb attack during the last days of her presidential election campaign in December 1999, Kumaratunga takes Norway by surprise when she publicly (in a televised interview with the BBC) announces the mandate she has given Norway. Her statement that she attempted to approach the very people who just tried to kill her carries great political symbolism, but the Norwegian team is unhappy with the disclosure, since it cuts short their time to establish relations, agree on ground rules and explore substantive issues. Vollebæk and Solheim go to Colombo in February 2000 for a formal meeting with Kumaratunga. A formal request also comes from Prabhakaran, followed by meetings with Balasingham in London, and the Norwegians visit Delhi to seek Indian acceptance for its new role. The main question asked by the Indian Foreign Secretary is: 'are you patient?'<sup>44</sup>

Within months, the first controversy arises in Colombo with anti-Norwegian statements from the press and parliamentarians and demonstrations outside the Norwegian embassy. The deadlock is complete when the United National Party (UNP) led by Ranil Wickremesinghe revokes its earlier support and torpedoes the devolution proposal. 'Ranil was our worst critic,' says a Norwegian diplomat looking back on the early phase.<sup>45</sup> In the absence of the required two-thirds parliamentary majority, the constitutional reform proposal is postponed indefinitely in August 2000. Kumaratunga, now in her second (and final) presidential term, struggles to sustain her political support faced with war fatigue and economic downturn.

The LTTE on the other hand feels it is in a good position to bargain, having forced a military stalemate on the government. The Norwegians meet LTTE leader Prabhakaran for the first time in Malavi (in the Vanni<sup>46</sup>) in November 2000 for discussions on

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42 This incident is a shock for the Norwegians. Solheim and Strømme visit Balasingham in London to demand an explanation, but he clearly indicates that this is the fate that awaits people challenging the LTTE. The Norwegians were 'shattered' by this way of thinking (Interview 036A).

43 Interview 036A. See also 307.3 (2000/00522-38).

44 Interview 026A.

45 Interview 015A.

46 The Vanni comprises the scrubby plains just south of the Jaffna Peninsula. It is in this area that the LTTE established its main stronghold in the late 1990s.

humanitarian needs and confidence building measures.<sup>47</sup> The Norwegian delegation makes it clear that a solution needs to be sought within a united Sri Lanka. The LTTE insists on their de-proscription<sup>48</sup> by the government and a ceasefire prior to commencing talks, but President Kumaratunga argues these measures must be conditional on actual progress during peace talks. In her own account<sup>49</sup>, the president tells the LTTE: 'I will only give you a ceasefire when talks proceed effectively. Not like before [1995], when you made me look like a fool.' On the humanitarian front progress is made, however, with the signing of an 'Agreement following an understanding on humanitarian measures'.<sup>50</sup> The document's preamble formalises the willingness of both parties to search for a negotiated solution and acknowledges Norway's role in that process. The measures themselves comprise the easing of government restrictions on the transport of non-military items to the Vanni, the proclaimed cessation of targeting civilians, and the request towards Norway to establish a Humanitarian Monitoring Group (Gooneratne, 2007: appendix 2).<sup>51</sup> The latter does not materialise, but large parts of the agreement will later be used as building blocks for the Ceasefire Agreement and the creation of the Sri Lanka Monitoring Mission (SLMM) in 2002. Sinhala nationalist forces continue to oppose the peace process and on 17 November, 2000, they burn an effigy of Erik Solheim outside the Norwegian embassy.

In the subsequent annual "Heroes' Day" speech, Prabhakaran calls for unconditional talks and on 24 December 2000, the movement surprises everyone by declaring a unilateral ceasefire. This, however, runs directly counter to the strategy of the Kumaratunga administration of cornering the LTTE and pushing through the devolution package. While Norway in April 2001 tries to convince the president to accept a bilateral cessation of hostilities, the government interprets the truce as a sign of weakness, keeps up the pressure and launches a lightning attack on the moment the armistice expires.<sup>52</sup> This however becomes a painful defeat. Soon after, the rebels show their military capabilities with a devastating attack on the country's only international airport in June 2001.

Norway's progress in initiating a dialogue and arranging humanitarian measures is thus quickly reversed. Aware of its limited leverage, the Norwegian team tries to establish a supportive international 'group of friends'.<sup>53</sup> It identifies India and the US as the main players and gets their concurrence. In meetings in Delhi with the Indian Foreign Secretary, the National Security Advisor and the intelligence agency (RAW), it becomes clear that India will keep an arm's length approach and will not take an active role in the process. The US is slightly more amenable, but with the American designation of the LTTE as a terrorist group, Washington's role in bringing about constructive dialogue is limited. In the same period, Solheim incurs the wrath of the

47 MFA 302.77 (2000/00132, 1-15) and MFA 307.3(2000/00522-32). See also Balasingham (2004: 341). The delegation arrives on 31 October, 2000. It was apparently the first time since 1985 that Prabhakaran met with a foreign delegation.

48 The lifting of the ban by the Sri Lankan government on the LTTE was not a formal recognition of the movement (though it was symbolically important for the Tigers), but it was necessary to make it legal for government officers to engage with LTTE representatives.

49 Interview with former President Kumaratunga (London 9 June, 2011).

50 The agreement partly builds on the existing arrangement (mentioned above) brokered by the ICRC, which has operated as a gatekeeper on the front lines to channel government and international aid into the Vanni region since 1999. In an earlier instance, Prabhakaran called off the signing of the agreement on the last minute (interview with former President Kumaratunga, London, 9 June 2011).

51 In fact, Norway suggests that the parties should make this request. MFA 307.3 (2000700132-9).

52 It is also in this period that the UK proscribes the LTTE (28 February 2001).

53 MFA 307.3 (2000/00522-36).

Sri Lankan government. Kumaratunga is annoyed by Solheim's 'one-up-manship': in her view, he makes statements in press conferences and liaises with the opposition without keeping her informed. 'He had ambitions for himself, he was in a hurry, and he went against etiquette.'<sup>54</sup> Kadirgamar writes a firm letter in June 2001 demanding the team is upgraded. Foreign Minister Thorbjørn Jagland is drawn in. He meets Kumaratunga in Colombo (for an eight hour meeting) and agrees to take Solheim off the job. However, the LTTE dislikes the government's attempt to dictate the terms and opposes Solheim's removal. A compromise is found: Solheim remains, but the team is headed by State Secretary Raymond Johansen, who is soon replaced by Vidar Helgesen following the September 2001 elections in Norway. The changes damage Norway's relationship with both parties. It takes months to re-establish rapport with Anton Balasingham and the standoff with Kumaratunga will remain a challenge in the coming years.

Norway's peace efforts are thus off to a difficult start. It enters Sri Lanka as a light-weight mediator walking a thin tightrope, buffeted by strong winds from different sides. Firstly, with ongoing hostilities and a rapidly shifting military power balance, there is limited space for talks. Secondly, political rivalry in Colombo wrecks the devolution package, the core substantive input for talks. Thirdly, both parties ignore Norway when taking key steps: Kumaratunga's public announcement of Norway's role and the LTTE's ceasefire. Fourthly, the composition of the Norwegian team becomes a contentious issue and harms a key asset: good relations with both parties. Norway's first experiences also highlight the challenges ahead: deeply entrenched positions; public unrest about its involvement; the large number of parties involved; the tension between humanitarian issues and pragmatic diplomacy; sympathetic, but tentative international support; and the asymmetry between insurgents and the government.

### **5 December 2001: New government**

Kumaratunga's position is further weakened when she starts losing support from her coalition partner, the Sri Lanka Muslim Congress (SLMC). The Muslim party suffers a heavy blow when its founding father MHM Ashraff dies in a helicopter crash on 16 September 2000, causing intra-party rifts and disagreements for years to come. Rauff Hakeem emerges as the new leader, but does not mend fences with the president. In the ensuing power struggle, Kumaratunga takes Hakeem's ministerial portfolio, which in turn sparks the cross-over of six Muslim members of parliament and a No Confidence motion. The President declares a state of emergency, prorogues parliament, and schedules a referendum for constitutional reform that in the end is never held. A new government is formed, comprising an alliance between the President's People's Alliance<sup>55</sup> (PA) and the Janatha Vimukhti Peramuna (JVP), which has re-emerged as a significant player in electoral politics. However, another crossover of GL Peiris and seven other members of parliament from the People's Alliance leads to a new No Confidence motion. Elections are scheduled for December 5, 2001. Despite his earlier opposition to the devolution package (which was strongly driven by party interests), Ranil Wickremesinghe's United National Front

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<sup>54</sup> Interview with former President Kumaratunga (London, 9 June 2011).

<sup>55</sup> The PA was itself an alliance of the SLFP and a number of smaller, mostly Leftist parties.



(UNF)<sup>56</sup> makes a *volte-face* and campaigns on an agenda of peace and economic prosperity. President Kumaratunga makes a turn in the opposite direction and casts doubt on Wickremesinghe's patriotic credentials. The state newspaper Daily News quotes her as saying: 'If UNP wins, Prabhakaran will be President.'<sup>57</sup> However, Wickremesinghe prevails, owing his victory in equal measure to dissent within the fledgling alliance of the president and the arithmetic of the electoral system which allows him to win with 45% of the vote. As prime minister, he has to put up with a cohabitation arrangement, as Kumaratunga retains the more powerful executive presidency.

On the Norwegian side, a new government is formed on October 19, 2001. The new Minister of Foreign Affairs Jan Petersen is initially quite sceptical about a continued Norwegian role in Sri Lanka, but changes his mind after meeting members of the US administration who show more interest in talking to him about Sri Lanka than about developments in Norway's European neighbourhood.<sup>58</sup> Petersen meets Kadirgamar who welcomes a continued Norwegian involvement, but wants the process to be upgraded on the Norwegian side. In response, Norway continues with State Secretary Vidar Helgesen as head of the team<sup>59</sup> and Erik Solheim in charge of the daily running of the process. In the ministry, the new team commissions an internal report summarizing the Norwegian experiences in the area of peace and reconciliation elsewhere in the world and a new Peace and Reconciliation Unit is established.

The Norwegian team is aware of, and worried about the fragile power balance caused by political cohabitation in Colombo and the struggles it is likely to bring about, but the UNP victory also creates a much-needed breakthrough in the deadlocked process. The UNP is seen to be more flexible and pragmatic when it comes to the peace process.<sup>60</sup> Building on the earlier back-channel dialogue with both Norway and the LTTE, Wickremesinghe moves quickly. On the night of his election, he calls Ambassador Westborg<sup>61</sup> and preparations resume. Wickremesinghe's victory clears the way to proceed as the LTTE had advocated: start with a ceasefire, normalisation and confidence building measures, while pushing the core substantive political issues backwards. The American and global response to the 9/11 terrorist attacks three months earlier does not cause an immediately discernable change in the LTTE position, but it is to have a major impact on their room for manoeuvre in the years to come.

Unilateral armistices are in place within a month (24 December 2001) and negotiations for a more comprehensive, mutual Ceasefire Agreement (CFA) are underway.<sup>62</sup> The agreement is drafted on the basis of 'position papers' from both parties. On the government side, negotiations are supported by the peace secretariat (Secretariat for Coordination of the Peace Process, SCOPP), which is created in February 2002. Norwegian shuttle diplomacy – with Westborg in Colombo and Solheim in close

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56 The UNF is a coalition of the UNP and the Ceylon Worker's Congress (CWC), the Upcountry People's Front (UPF) and some members of the Sri Lanka Muslim Congress (SLMC). Both CWC and UPF represent upcountry Tamils.

57 Daily News, 5 November 2001.

58 Interview 028A.

59 Helgesen will spend 25% of his time on Sri Lanka in 2002 and 2003.

60 Interview 014A.

61 Interview 014A.

62 Actual negotiation started after a visit to Delhi by a delegation led by Wickremesinghe (Interview 069E).

contact with Balasingham – evens out issues of disagreement.<sup>63</sup> Norwegian military experts help work out the military technicalities of de-escalation, advanced positions and front lines. Both Norway and the UNP government check with India for concurrence, but on Wickremesinghe's insistence, they isolate President Kumaratunga (who is also the Commander-in-Chief) and the Sri Lankan military from substantive negotiations.<sup>64</sup> One of the officials close to the negotiations recalls the Prime Minister saying: 'I would rather meet with Prabhakaran than with the President.'<sup>65</sup> The feeling was that including Kumaratunga could only lead to a 'loss of face for her.'<sup>66</sup>

The Ceasefire Agreement (CFA), signed on 22 February 2002, stipulates the following measures:

- Article 1 declares an end to offensive military operations, detailed arrangements for the separation of forces and the freedom of movements for (unarmed) combatants. The lines of control are not geographically defined on a map, however.
- Article 2 comprises measures to restore normalcy. This includes respect for international law by ceasing torture, intimidation, abduction, extortion and harassment of the civilian population. Specific mention is also made of the vacation of schools, places of worship (including those in High Security Zones) and other public buildings. Roads and railway lines are to be opened, checkpoints reconsidered<sup>67</sup>, and restrictions on fishery are (partly) to be removed.
- Article 3 arranges for the creation of a Sri Lanka Monitoring Mission (SLMM), which is to 'conduct international verification through on-site monitoring'. The monitors are to be provided by the five Nordic countries and advised by several 'local monitoring committees'.
- Article 4 describes how the agreement will enter into force, may be amended or terminated.

The Ceasefire Agreement thus merges preceding humanitarian measures with detailed military arrangements and covers a wide range of issues. Compromises are made on naval issues and the nature of the monitoring mission. The agreement bans offensive naval operations, but does not acknowledge the existence of the Sea Tigers, neither does it regulate vessel positions and movements or modalities for monitoring them. The Sea Tigers and maritime shipments are vital for the LTTE, but it is difficult for the government to accept a compromise on the sea. Moreover, the navy, Kumaratunga and India are very sceptical about this issue, so the clause on this is deliberately kept woolly. After the agreement is signed, the parties nonetheless agree to introduce naval monitoring teams.

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63 Interviews 014A, 026A. See also Balasingham (2004: 360). There are divergent perceptions on these negotiations by the people involved. One of the government officials close to the negotiations has the perception that the Norwegian team tended to negotiate with Balasingham first and then present the government with little space to change the terms and the time pressure was high: 'they told us, don't try to unravel this.' The Prime Minister's team had concerns about the ability of LTTE cadres doing 'political work' in government territory and their plea to formally include a clause banning child soldiers was not taken up (interview 069E).

64 In Wickremesinghe's first written communication to the Norwegian Prime Minister, he asks his government to keep Kumaratunga (as well as the Indian government) briefed (Gooneratne, 2007: 3), but it is clear that this does not imply a substantive role for the President.

65 Interview 069E.

66 Interview 069E.

67 The CFA arranged for a remaining seventeen checkpoints to cross the frontline. Most are in the east. Peculiarly, the stipulated access to the Vanni is from the south (Omanthai). The northern checkpoint (to Jaffna: Muhumalai) is not mentioned in the agreement, but is put up anyway.

The parties and India insist that the Sri Lanka Monitoring Mission (SLMM) should be a small, unarmed mission with a weak mandate. They oppose the involvement of any major regional player or an EU or (a second) NATO member and prefer a solely Norwegian mission. Norway, however, sees the dangers of becoming both the sole mediator and the sole monitor. It keeps the leading role, but manages to broaden the mission first to Iceland<sup>68</sup>, and eventually to the five Nordic countries.<sup>69</sup> It is deployed very quickly. Just over a week after the signing of the Ceasefire Agreement, Head of Mission retired Major General Trond Furuhoide arrives, with twenty-two Nordic monitors following him days after (7 March 2002). The mission initially operates from a hotel in Colombo and sets up six district offices throughout the north-east and an LTTE liaison office in Kilinochchi by 8 April (SLMM, 2010).

Despite its shortcomings, the Ceasefire Agreement is unprecedented in the Sri Lankan context. It is quite comprehensive and overcomes some of the sticking points that caused trouble during the 1995 truce and the LTTE unilateral ceasefire in 2000-2001. It encompasses a large number of civilian and human rights related issues. Unsurprisingly, however, it is these clauses that remain largely unimplemented. Many people directly affected by normalisation measures embrace the agreement, though there is fierce criticism from the JVP and Sinhala Urumaya from the beginning. The domestic media propagate a similar array of opinions, ranging from upbeat optimism ('ray of hope for peace'<sup>70</sup>), to caution about unresolved political issues ('President surprised and concerned'<sup>71</sup>), outright criticism ('This agreement would make Sri Lanka kneel down in front of Prabhakaran'<sup>72</sup>), and angst about Norway's involvement ('Expel Norwegian Ambassador – National Bhikku Front'<sup>73</sup>).

President Kumaratunga is highly annoyed by the whole process. According to her account<sup>74</sup>, Wickremesinghe calls her at short notice on his return from the signing ceremony, enters her office, tells her 'I have signed' and casually throws the document onto her desk. She voices her discontent with the Norwegian ambassador, saying: 'you should remember I'm the President. I invited Norway, despite a lot of risks.' The Norwegians, however, underline that Wickremesinghe has legitimacy having won the last elections. Kumaratunga expresses her dismay in a letter to Wickremesinghe, in which she also disapproves of the Norwegians overstepping their mandate by adopting a mediator role and introducing a monitoring mission.<sup>75</sup> She also releases a press statement arguing that the CFA signed without her consent is undemocratic and unconstitutional (Fernando 2008: 77).<sup>76</sup> In the assessment of both the UNP and the Norwegians, however, it will cause more trouble at this point to bring the president on board and risk scuttling the agreement, than to keep her at bay.<sup>77</sup> The Norwegians hope that 'Ranil [Wickremesinghe]'s willingness to move quickly would counteract the issue of the President.'<sup>78</sup> Norway and the parties thus exploit the window of opportunity and feel that maintaining momentum trumps the

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68 Interview 014A.

69 Interviews 012A, 013A, 014A, 016A, 017A, 026A and MFA 307.3 (2002/00136-12).

70 Thinakkural, 26 February 2002.

71 The Island, 23 February 2002.

72 Divaina, 25 February 2002.

73 Divaina, 4 March 2002. Bhikkus are Buddhist monks.

74 Interview with former President Kumaratunga (London, 9 June 2011).

75 MFA 307.3 (2002/00136-28).

76 On the day of the CFA signing (22 February 2002), the Island newspaper ran the heading: 'Kept away as nothing important to be discussed – President did not attend meeting at which Prime Minister secured cabinet approval to finalize agreement with LTTE'.

77 MFA 307.3 (2002.00136-21). Interview 014A.

78 Interview 014A.

need for a broader support base. Also, it is decided to take an incremental approach with a ceasefire and an initial focus on humanitarian needs and normalisation, rather than integrating those steps in some form of comprehensive framework or a roadmap right from the start. We return to this issue in chapter 8.

The Ceasefire Agreement has an immediate impact, in the north and east in particular. Checkpoints are lifted, roads open, Jaffna and the Vanni are reconnected to the rest of the country and aid provisions flow more or less freely. Internally displaced persons (IDPs) start returning home, everyday life is no longer affected by curfews and the sound of shelling, and previously inaccessible lands and fishery areas are put back into use again. Countrywide, the economy picks up and the prospects improve for key sectors such as tourism. The agreement also enables the LTTE to expand its *de facto* statebuilding project and strengthen its grip on the region. Unarmed LTTE cadres move about freely; its 'political' offices mushroom in government-controlled areas. The movement sets up 'customs' checkpoints, levying 'import' tax at the two entrances to the Vanni, and intensifies its media operations with a new FM station and a satellite channel (Nadarajah, 2005). In the north-east, the raising of the LTTE flag at public rallies or sports events, and public video screenings of LTTE propaganda at schools become common. At a later stage, the balance will decisively turn the other way, but initially, the Ceasefire Agreement benefits the LTTE, whose violations of article 2 (e.g. extortion, abduction, harassment) soar almost right from the start. Meanwhile the army is confined to its barracks. Primary resistance to the LTTE consolidating its influence therefore does not come from the government, but from the third ethnic community, the Muslims. Tamil-Muslim clashes, in and around Muslim pockets in the east, become a periodic occurrence (Fernando, 2008: 245-259). The government on the other hand is slow in following up on some parts of the agreement, particularly the vacating of public buildings by the armed forces. The sea proves to be an explosive issue early on. The navy attacks suspected LTTE shipments, and in July 2002, two SLMM monitors are taken hostage for a few hours while inspecting an LTTE ship (SLMM, 2010: 95-96). While violations of the Ceasefire Agreement raise serious questions about the commitment of the parties, overall, a positive atmosphere prevails and expectations about the forthcoming peace talks are high.

The Norwegian plan, drafted by Solheim and Westborg prior to Wickremesinghe's election, hinges on facilitating monthly meetings between the parties. Both sides are to present their proposals for an interim solution along with a timeline for further negotiations in about half a year's time. Meanwhile, international aid is to buttress the progress made.<sup>79</sup> Though the time line is ambitious, the incremental strategy suggested by Norway is broadly aligned with the approach preferred by both parties. The underlying principles and logistical details for talks are settled during a meeting between Balasingham and Milinda Morogoda in London (June 2002). The LTTE insists on de-proscription (to which the government agrees in September 2002) and prioritizes the addressing of wartime conditions and people's immediate needs. While this may further the movement's statebuilding goals, it could also be interpreted as a genuine interest in exploring a political solution. Prime Minister Wickremesinghe

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79 MFA 307.3 (2000/00522-36).

develops an economic reform programme and travels around the world in the summer of 2002 to muster international support and security guarantees from India and the US (Goodhand and Klem, 2005). The substantive political issues receive less attention, though he makes it clear to the Norwegians that devolution – on which he pulled the plug less than two years earlier – should be the general principle.<sup>80</sup>

The first set of formal negotiations is scheduled for September in Thailand. The talks proceed roughly in line with the Norwegian plan. To a large extent, the sessions – which take place in various locations in Asia and Europe and are the focus of great domestic and international interest – serve symbolic and public diplomacy purposes. The atmosphere is relaxed and amicable; much of the actual bargaining occurs through Norwegian shuttle diplomacy between the meetings, involving the two parties and a range of other actors, including the opposition, civil society, private sector, and international actors. During the talks, Norway mainly tries to ‘keep up the good spirit,’ one of the attendants recalls.<sup>81</sup> The first round of talks in particular, constitutes a form of ‘necessary theatre’. But the ‘cosiness’, the mediators realise, also reflects the lack of hard political issues on the table.<sup>82</sup> Table 2 provides an overview of the main meetings.

**Table 2: Overview of peace talks**

| When, where                              | Who   | Substance and outcomes  |
|--|---|---|
| 15 April 2002, Vanni, Sri Lanka          | Meeting between Hakeem Stri Lanka Muslim Congress (SLMC) and LTTE leader Prabhakaran, without Norwegian involvement | The two leaders discuss Muslim issues and reach a groundbreaking agreement, which is never implemented. |
| 21 May 2002, Kilinochchi, Sri Lanka      | Government and LTTE representatives   | In their first meeting, the approach to the peace talks is discussed.                                   |
| June 27, 2002, London, UK                | Milinda Morogoda and Anton Balasingham (and his wife Adele)   | CFA implementation and modalities for forthcoming peace talks.  |
| 14 August 2002, Oslo, Norway             | Government and LTTE representatives   | The parties agree on modalities for talks. The government agrees to de-proscribe the LTTE.              |
| 16-18 September 2002, Sattahip, Thailand | <b>First</b> round of formal talks between government and LTTE representatives                                      | Main points of discussion:<br>1. Implementation of CFA<br>2. Economic development and normalisation     |

80 MFA 307.3 (2002/00136-40).

81 Interviews 002B.

82 Interview 014A.

| When, where   | Who   | Substance and outcomes   |
|---|---|--|
| 31 October – 3 November 2002, Nakhon Pathom, Thailand | <b>Second</b> round of formal talks between government and LTTE representatives | The parties establish three sub-committees:<br>1. Sub-committee on Political Affairs (SPA), to engage with the core political issues.<br>2. Sub-committee on De-escalation and Normalization (SDN).<br>3. Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN).<br>None of the committees produce lasting results. The most significant one (SPA) in fact never meets. |
| 25 November 2002, Oslo, Norway                        | Donors' conference with the two parties.  | Donors pledge US\$ 70 million for immediate humanitarian aid.  |
| 2-5 December 2002, Oslo, Norway                       | <b>Third</b> round of formal talks between government and LTTE representatives  | The parties agree to develop an 'Action Plan for Children Affected by War' and discuss substantive political issues. The meeting ends with a press statement that the parties agree to explore a federal solution. Meanwhile, Hakeem rushes back to Colombo to resolve an internal Sri Lanka Muslim Congress (SLMC) revolt.  |
| 6-9 January, 2003, Rose Garden Resort, Thailand       | <b>Fourth</b> round of formal talks between government and LTTE representatives | High Security Zones, military issues and the malfunctioning of Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN) are discussed, but without agreement. The Sub-committee on De-escalation and Normalization (SDN) becomes defunct. The parties agree to create a gender sub-committee.  |
| 27-29 January, 2003, Tokyo, Japan                     | Meeting between Solheim and the Japanese government                             | Prepare a donor conference in Tokyo.   |
| 7-8 February, 2003, Berlin, Germany                   | <b>Fifth</b> round of formal talks between government and LTTE representatives  | Problems with Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN), LTTE child recruitment, and a naval clash that coincides with the talks.   |
| 18-21 March, Hakone, Japan                            | <b>Sixth</b> round of formal talks between government and LTTE representatives  | Naval issue, Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN), Tamil-Muslim relations in the east. With the help of Ian Martin, a session is held on human rights.   |

The main accomplishments during the talks listed in Table 2 concern humanitarian issues and normalisation. Firstly, the Sub-committee on Immediate Humanitarian Rehabilitation Needs (SIHRN), created during the second round, is an innovative joint government-LTTE structure to administer rehabilitation efforts. It enables collaboration in a field that is symbolically important for the LTTE, yet limited enough for the government to agree to a form of joint governance. The funds are to be pro-

vided by foreign donors and administered by the World Bank through a newly created North East Reconstruction Fund (NERF). However, legal and bureaucratic obstacles prevent the actual channelling of foreign funds to the committee, much to the annoyance of the LTTE (see more in Chapter 10).

Secondly, the parties support the 'Action Plan for Children Affected by War'. This involves the LTTE's collaboration with UNICEF in releasing its under-age recruits. The insurgents take with one hand what they give with the other, though. The number of children released by the LTTE increases, but does not make up for the continued recruitment of children by the movement.<sup>83</sup>

Thirdly, the parties engage in dialogue with human rights advisor Ian Martin who develops a road map outlining the key issues. They agree that the seventh round of talks (scheduled for April-May 2003 in Thailand) is to focus on drafting a joint declaration on human rights and humanitarian principles, but the talks collapse before that stage is reached.

Fourthly, there are intensive negotiations on the High Security Zones, which form a vital defensive for the government military, but are an important humanitarian issue for the populations displaced by them. Particularly on Jaffna peninsula, large swathes of land are occupied by the forces to protect their compounds, the harbour and the airport. The LTTE plays the humanitarian card, but obviously also has a military interest in dismantling the zones. During discussions in the Sub-committee for De-escalation and Normalisation (SDN), the parties agree to an integrated approach, thus acknowledging both security and humanitarian concerns. General Fonseka (then commander of Jaffna) draws up a phased 'de-escalation plan', which links the easing of the High Security Zones to LTTE disarmament and decommissioning of long-range weapons. The terms and phrasing of Fonseka's plan – persistently calling the LTTE 'terrorists' – meet an angry LTTE response and the insurgents terminate the SDN.<sup>84</sup> To keep the discussion moving, help is sought from Satish Nambiar, a retired Indian general, who drafts a revised plan, suggesting a phased dismantling of High Security Zones matched by simultaneous dismantling of LTTE operational capacities. Both are to be subject to international monitoring, be it a new mission or a strengthened version of the SLMM (Gooneratne, 2007: appendix 3). The plan, however, is shelved, and the tensions over high security zones continue.

The incremental approach thus bears some fruit in the field of humanitarian issues and de-escalation, but actual implementation remains a concern. Discussions on the core political issues reach a rapid climax with the third round of talks in Oslo. Canadian experts on federalism<sup>85</sup> provide inputs for the discussion and both parties agree 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 commitment is highlighted in the press statement released after the talks and soon becomes known as the 'Oslo Commu-

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83 Interview 065B.

84 The LTTE actually withdraws from the SDN after the SLMM has issued a statement in response to Fonseka's plan underlining the importance of preserving a balance of forces (implying not to dismantle High Security Zones, without any reciprocation from the LTTE) (Balasingham, 2004: 408-414).

85 Including Bob Rae, former Prime Minister of Ontario, Canada.

niqué'. It reflects the symbolically charged language of both the LTTE ('self-determination', 'historical habitation', 'Tamil-speaking people' [thus including the Muslims as well]) and the government ('united Sri Lanka'), but it is the term connecting both worlds that captures the attention: federalism. With federalism on paper, Norway's mediation efforts may move to a whole new level. Successive Sri Lankan governments had invested large amounts of symbolic and political capital in the 'unitary state'. Prabhakaran was known to have told his bodyguard to shoot him the moment he gave up a separate 'Tamil Eelam'. India had unsuccessfully mounted all the leverage it had to enforce a political solution short of federalism. The Oslo communiqué thus generates long awaited hope for some, but causes anxiety and anger for others and before the ink is dry, doubt arises as to who exactly agreed to explore what in the Oslo meeting. Sri Lankan media responses reflect these doubts and report divergent readings of the statement.<sup>86</sup> Though both parties reiterate their commitment to federalism at the sixth round of talks in Japan, it has become clear that the government – still stifled by the co-habitation with Kumaratunga – has little clout and substantive views to back up its 'federal commitment'. On the LTTE side, the team headed by Balasingham proves to have overstepped the mark.<sup>87</sup> According to later accounts of both Balasingham and eastern leader Karuna, Prabhakaran is unhappy (if not outraged) with the Oslo statement, which in the words of a Norwegian diplomat was 'a wake-up call for Prabhakaran in the wrong way'.<sup>88</sup> Talks dwindle from this point onwards, Balasingham's status as the spokesperson of the movement erodes and Karuna starts drifting away from the Vanni leadership. Ironically, it is only in this phase that the LTTE Peace Secretariat is set up (14 January 2003).

Rather than a springboard, the Oslo communiqué thus proves to be a bridge too far. Three more sessions are held, but the key political issue – exploring federalism – remains untouched. Meanwhile, in parallel to the talks, minor clashes and outright military encounters become a source of instability. During the fifth round of talks (Berlin, February 2003), a major incident occurs at sea. Nordic monitors board an LTTE ship and discover an arms shipment. The Tigers commit suicide by detonating the ship. The monitors narrowly escape, jumping into the sea (Gooneratne, 2007: 31; SLMM, 2010: 103; Solnes, 2010: 58-59). That same month, a group of LTTE cadres are surrounded by government troops north of Trincomalee, both parties claiming they are in their own territory. The SLMM manages to defuse the situation (Fernando, 2008: 203-215).<sup>89</sup> More naval incidents follow in March. An LTTE shipment with eleven Sea Tigers is sunk by the navy. Ten days later, suspected Sea Tigers attack a Chinese fishing trawler, sinking the ship and killing seventeen of the crew; some of those jumping into the sea are shot at close range while floating in their life jackets.<sup>90</sup> On land, the LTTE steps up its campaign of assassinating people

86 Newspaper headings from this period included: 'LTTE agrees to united Lanka concept' (Daily Mirror, 5 December 2002); 'Self rule with the right for internal self determination will be the basis for resolving Conflict' (Sudar Oli, 5 December 2002); 'Inclination towards federalism, victory of the peace process' (Ravaya, 8 December 2002); 'Step by step to Eelam, faster and faster' (The Island, 8 December 2002); 'Tigers aim for a federal state close to Eelam' (Lankadeepa, 15 December 2002); 'SLFP: is it a separate state by a friendlier name?' (Sunday Times, 15 December 2002).

87 In the Norwegians' view, Balasingham knew all along that a separate state was not a feasible objective, and from his perspective the Oslo talks were a logical step (Interview 026A). In his memoirs, Balasingham (2004: 403-408) attempts to reconcile his signature to the record of decisions in Oslo with the annual speech of his leader Prabhakaran in November 2002, arguing they both pivoted on 'internal self-determination' and his agreement to 'explore' federalism was merely a response to the suggestion of the Canadian federalism experts to translate the LTTE's stance into commonly used terminology.

88 Interview 014A.

89 Interview 066B.

90 SLMM report quoted in Weerakoon (2004: 352-354).



providing intelligence to the military. Cadres of the Tamil government aligned party Eelam People's Democratic Party (EPDP) are also taken out one by one (Fernando, 2008: 162-168).

Whilst most of the mainstream media, including the government-controlled outlets, remain broadly positive of the peace efforts, there is a persistently critical perspective on the LTTE and this coverage intensifies with skirmishes around ceasefire violations and Kumaratunga's criticism of them. One of the headings in Lankadeepa is illustrative: 'Tigers prepare for war while speaking nice words about peace.'<sup>91</sup> Controversy about the provision of radio equipment to the LTTE fuels these sentiments.<sup>92</sup> Damning statements in the media and monks or activists protesting in front of the Norwegian embassy become a common occurrence.<sup>93</sup> Public opinion polls show that popular support for peace talks, for Norway's role and for the SLMM starts to dwindle.<sup>94</sup> Incidents at sea cause particular concern and Prime Minister Wickremesinghe has difficulty dealing with them, as the navy tends to align itself with President Kumaratunga. As the Commander-in-Chief, she starts showing her muscle. When Muslim leaders file a complaint with the SLMM of a newly established LTTE camp in Manirasakulam (near Trincomalee) in June 2003, the President takes the incident as proof that the LTTE is taking the UNP and the Norwegians for a ride. Opposition leader Mahinda Rajapaksa Sri Lanka Freedom Party (SLFP) and other Sinhala politicians voice their concern as well. The SLMM leader, retired Major General Trygve Tellefsen, adds fuel to the fire when trying to resolve the continued naval tension. His discussions with the LTTE to create a firing practice zone for the Sea Tigers off the north-eastern coast causes severe irritation with the government. When a subsequent leakage of Sri Lankan Navy intelligence by the monitors enables the escape of an LTTE shipment, President Kumaratunga has Tellefsen removed from his post.

Muslim anxiety about the peace talks continues.<sup>95</sup> Though there are some efforts to create a Muslim-LTTE dialogue in additional bilateral sessions during the peace talks, the role of Sri Lanka Muslim Congress (SLMC) leader and government delegate Rauff Hakeem is weak. The perception of his constituency is that 'he wants to be a good boy'<sup>96</sup> and is more susceptible to the views of Norwegian Ambassador Westborg than to those of religious and political leaders in the Muslim community.<sup>97</sup> Meanwhile, dissatisfaction with continued LTTE mistreatment of the Muslims in the north and east gathers momentum and peaks with a demonstration at the university in Oluvil on the east coast. An estimated 30,000 to 35,000 Muslims gather to demonstrate and announce the 'Oluvil Declaration' which spells out Muslim demands and rights and calls on their leaders to act on them.

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91 Lankadeepa, 9 December 2002.

92 The Norwegian shipment of radio equipment for the LTTE was in fact sanctioned by the government peace secretariat. On 1 January 2003, the President filed a formal complaint in a letter to Norwegian Prime Minister Bondevik (MFA 307.3, 2003/0002703). The Daily Mirror newspaper, for example, covers political opposition to the incident in an article titled: 'Throw him out or we'll get Westborg, says JVP' (14 January 2003).

93 Interview 029A.

94 Public Confidence Index, Centre for Policy Alternatives, Colombo.

95 These sentiments and concerns were in the public sphere right from the start of the CFA. See for example: 'Muslims protest LTTE terror acts' (The Island, 21 March 2002) and 'Include Muslims to alleviate fears' (Nawamani, 7 April 2002).

96 Interview 002B.

97 The Island, for example, quoted a rival Muslim politician in an article titled: 'Hakeem most concerned about post rather than issue of Muslims - Athaula' (10 December 2002).

## 5. Fragmentation and Crisis (2003-2006)

The narrative in the preceding chapter describes the high point of the peace process after a long and troublesome run-up. The period of progressive negotiations in fact lasted less than a year and during the last three rounds of talks in 2003, the cracks were clearly emerging. This chapter describes the subsequent period of political fragmentation and increasing military tension.

### 21 April 2003: LTTE suspends participation to the talks

In an attempt to preserve the momentum, strengthen international support and orchestrate incentives for the parties, a new donor conference is scheduled in Japan. Sri Lanka's long-time biggest bilateral donor has shown keen interest in the peace process. In line with its broadening portfolio in international affairs<sup>98</sup>, Japan has assigned Yasushi Akashi as special envoy and aspires to take on a more prominent role in Sri Lanka.<sup>99</sup> This dovetails with Norway's strategy of developing an international network in support of its peace efforts. Wickremesinghe's pro-peace, pro-reform, and pro-Western outlook is well received among most donors, some of which see Sri Lanka as a potential liberal peacebuilding success story, with limited risks attached. Wickremesinghe's administration goes a long way in signing agreements with the IMF, World Bank and other donors. On the surface, this strategy also converges with the LTTE's call to address the needs of the Tamil population. Preparations for the Tokyo conference are underway in parallel to the fifth and sixth rounds of talks, and a preparatory meeting is scheduled in the margins of a World Bank summit in Washington DC.

Then, however, the LTTE puts on the brakes. The movement airs press releases on 4 April and 12 April 2003 criticizing the Washington conference which it cannot attend due to US anti-terrorist legislation. As a result they are reviewing their participation in the scheduled conference in Tokyo as well. The statements remain unanswered by the government and two weeks later, the LTTE increases the pressure. In a letter to Wickremesinghe dated 21 April 2003, Anton Balasingham announces the suspension of LTTE participation in the peace talks, because of: 'the exclusion of the LTTE from [sic] critical aid conference in Washington, the non-implementation of the terms and conditions enunciated in the truce document, the continuous suffering and hardship experienced by hundreds of thousands of internally displaced Tamils, the aggressive military occupation of Tamil cities and civilian settlements, the distortion and marginalisation of the extreme conditions of poverty and

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98 Manifest in for example (non-combat) support for US-led military interventions in Iraq and Afghanistan and its lobby for a permanent seat in the UN Security Council.

99 India did not oppose Japanese involvement, but there was little enthusiasm for an overly political Japanese role. In the words of an Indian diplomat, 'Akashi was pretty much irrelevant' (interview 040D).

deprivation of the Tamils of the northeast in the macro-economic policies and strategies of the government, [...]'. (Balasingham, 2004: 439). The LTTE does not withdraw from the peace talks altogether, the statement underlines. According to the insurgents, talks can proceed if the government addresses the above points. In a private message to Solheim, Balasingham reiterates: 'we have no intention of terminating talks. Mr P [Prabhakaran] is firmly determined that the government should take action to fulfil the obligation of the CFA.'<sup>100</sup>

The Washington conference appears to be a pretext for the LTTE. In fact, the conference was discussed during the sixth round of talks and government delegate Milinda Morogoda stated that they had no problem with the LTTE participating.<sup>101</sup> He in fact tried to explore whether the US was ready to make an exception and when that was not possible, both parties agreed to send Jay Maheshwaram, who is not formally part of the LTTE, but can participate on their behalf.<sup>102</sup> However, the underlying issues – the government's economic policy, the lack of progress on normalisation and High Security Zones and the 'international peace trap' – are a persistent source of concern for the LTTE and they expressed their unhappiness about them during the talks. Remarkably, media coverage on the LTTE's decision emphasises that the peace process has not collapsed altogether.<sup>103</sup> Some of the Tamil papers express sympathy for the move<sup>104</sup>, while Sinhala media highlight mounting international pressure on the LTTE.<sup>105</sup>

The Norwegian team is not sure whether the LTTE is making a tactical manoeuvre (wanting to return to talks), or turning its back altogether.<sup>106</sup> Averting a complete derailment at this sensitive stage requires an extremely pro-active approach in terms of keeping the process together and securing tolerance from critical actors, most obviously President Kumaratunga. Norway continues to communicate with her regularly.<sup>107</sup> A meeting is also held with the Sri Lankan opposition (including then opposition leader and future President Mahinda Rajapaksa).<sup>108</sup> Other political players, most significantly the JVP, refuse to meet the Norwegians. What follows is a bifurcation of the process: the government and international actors proceed with their meetings as planned, while the LTTE travels around the world to rally support and develop an interim proposal. Norway stays in close touch with both parties. It has increasing difficulty accessing the LTTE – which also gets picked up by the press<sup>109</sup> – but meets with Balasingham who is once more transferred to London for medical treatment.<sup>110</sup>

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100 MFA 307.3 (2003/00027-219).

101 MFA 307.3 (2003/00027-44).

102 Interview 002B and 069E, see also Gooneratne (2007: 43). Maheshwaram could travel as a representative of the Tamil Rehabilitation Organisation (TRO), formally an NGO, but practically an LTTE proxy. Milinda Morogoda, according to a letter from Solheim to Balasingham (MFA 307.3 (2003/00027-220)), was very annoyed about Balasingham's reference to the Washington meeting and reiterated the LTTE could have called him any time to address the issue. Also, high level US officials tried (unsuccessfully) to get the State Department to make an exception and allow Balasingham to visit the US (interview 035C).

103 Lakbima for example, headlines a quote from LTTE spokesman Daya Master 'This is not a decision to go back to war' (23 April 2003) and the government paper Daily News emphasizes there is 'No breakdown in peace process' (25 April 2003).

104 For example: 'Temporary withdrawal of the Tigers a fair action' (Thinakkural, 27 April 2003). The same paper also expressed concern about US pressure on the LTTE and the exclusion from the Washington meeting: 'The American threat to Tamil Sovereignty' (27 April 2003).

105 For example: 'LTTE cannot call the shots, say diplomats' (The Island, 28 April 2003).

106 MFA 307.3 (2003/00027-43).

107 Communication with the Norwegian MFA 071F.

108 MFA 307.3 (2003/00027-52-68).

109 'Balasingham avoiding Solheim' (Lakbima, 28 April 2003).

110 MFA 307.3 (2003/00027-35-51).

Efforts to convince the LTTE to change its stance and turn up at the Tokyo aid conference continue until the very last minute, but without success. The meeting takes place on 9 June 2003. Donors pledge an unprecedented US\$ 4.5 bn. and the Tokyo Declaration links its disbursement to 'substantial and parallel progress toward fulfilment of the objectives agreed upon by the parties in Oslo.' Conditions include compliance with the CFA, Muslim participation in the talks, promotion and protection of human rights, gender equity, and progress toward a final political settlement. The declaration disguises major differences within the donor community. In the end, the declaration has no discernable impact on disbursements and aid continues to flow despite the collapsing peace process and ceasefire violations.<sup>111</sup> The more meaningful legacy of Tokyo is the creation of three co-chairs to the meeting, Japan, the US, and the EU, along with Norway. This was instigated by the Wickremesinghe administration, which saw it as a logical part of their 'international safety net'.<sup>112</sup> The most influential player – India – sticks to its role behind the scenes. The co-chairs build on the personal interest taken by Richard Armitage (US), Akashi (Japan) and to a lesser extent Chris Patten (EU) and in the years to come they persistently express their support for the Norwegians, encourage the parties to seek a negotiated settlement and become increasingly fierce in their criticism towards the LTTE, and to a lesser extent the government. Norway thus finds a forum through which to orchestrate international leverage, but the co-chairs struggle with internal dissent and there is little evidence their statements have a major impact. In the words of one of Kumaratunga's advisors: 'I never spent any time worrying about the co-chairs, but rather about the LTTE and India'.<sup>113</sup>

Before the Tokyo conference, Balasingham asks Helgesen to request the government to develop a temporary administrative structure for reconstruction of the north-east with 'adequate powers' and a clear role for the LTTE. The government comes forward with a 'discussion document' proposing a 'Provisional Administration Structure for the Northern and Eastern Provinces'. The proposal grants the LTTE the majority in a newly created 'Provisional Administrative Council'. This body is to administer rehabilitation, reconstruction and resettlement, but sensitive policy areas, including police, security and tax, remain with the central government. The document does not include constitutional changes, which the UNP government is unable to make, given its fragile co-habitation with the President<sup>114</sup>, whose critical stance finds support in the Sinhala nationalist media.<sup>115</sup> The LTTE rejects the proposal as too minimalist and tries to develop its own, maximalist proposal.<sup>116</sup> With Norwegian logistical support, input is gathered from experts in the diaspora. Political Wing leader Tamilselvan and his team combine consultations with a PR tour to various European countries. Norway also arranges for a South African invitation to the LTTE to learn from the experience of overcoming apartheid. This causes annoyance with the Sri Lankan government, which fears the normative and symbolic

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111 In the media, however, significant importance is attributed to donor pressure. In the run-up to the Tokyo conference, papers propagate headlines like 'The Tiger-Government conflict endangers international assistance' (Weekend Virakesari, 27 April 2003) and 'Promised aid will only be a dream if peace talks collapse – many countries inform the government' (Lankadeepa, 27 April 2003).

112 Interview 014A.

113 Interview 003B.

114 MFA 307.3 (2003/00027-60 and 55).

115 Sinhala Urumaya nonetheless calls the government proposal 'a threat to Lanka's unity' (The Island, 5 August 2003), the JVP announces protest (Lanka, 8 June 2003) and the Tamil party EPDP proclaims it will 'take the government to courts over interim body' (Daily Mirror, 29 July 2003).

116 MFA 307.3 (2003/00027-55).

associations of comparing the Tamil issue to the ANC and Mandela.<sup>117</sup> Balasingham plays no discernable role in the process and the Norwegian team is concerned about the diaspora's 'radical' influence at the cost of more moderate voices.<sup>118</sup> On 31 October 2003, the LTTE presents its proposal for an Interim Self-Governing Administration (ISGA).<sup>119</sup>

The ISGA combines aspects of the Indo-Lankan accord, the devolution debate and issues discussed in the peace talks combining them in a structure with maximal autonomy controlled by the LTTE. It comprises an interim administration for the whole of the north-east,<sup>120</sup> which is to be responsible for pretty much all aspects of governance (reconstruction, land, marine resources). The budget is to be provided through government allocations and the North East Reconstruction Fund (see more in chapter 10). The document stipulates the immediate cessation of army presence on civilian lands, but does not mention LTTE disarmament or arrangements for police and military. Members of the Interim Self-Governing Administration (ISGA) are to be appointed by the government, the LTTE and the Muslim community for the first five years, after which elections are scheduled. Apart from the far-reaching scope of the ISGA (just short of secession), the catch of the proposal is that during the interim period, the LTTE reserves an absolute majority for itself and appoints the chairperson and chief executive. This is unacceptable for the north eastern (Muslim, Sinhala) minorities, for the government and for India, all of whom are concerned that the proposed referendum after the interim period could still lead to some form of secession.<sup>121</sup> Critical Sinhalese<sup>122</sup> and Muslim<sup>123</sup> media slam the proposal as an LTTE ploy and condemn the Wickremesinghe government for not doing the same.<sup>124</sup> The Norwegian team is unsurprised by this response, but considers it a major milestone that the LTTE formally puts down a written proposal other than Tamil Eelam.

#### 4 November 2003: Presidential take-over

Within days (4 November 2003) President Kumaratunga intervenes. Using her constitutional powers, she declares a state of emergency and assumes control over the three ministries responsible for Defence, Law and Order, and Media. This effectively stifles Wickremesinghe's government, who, in Kumaratunga's words, 'misused the powers' she has given him.<sup>125</sup> The intervention does not come as a surprise. In fact, it has been subject of near continuous political speculation and anticipation, and Sinhala nationalist groups have repeatedly called for it.<sup>126</sup> Though there is also disapproval and anxiety about the President's move<sup>127</sup>, she reads the country's mood

117 MFA 307.3 (2003/00027-35-51).

118 Interview 025A and 029A.

119 Already prior to the release of the document, pressure is mounting in some of the Tamil media, underlining the need to take the forthcoming proposal seriously. Karuna forecasts international repercussions, if 'our draft is rejected' (Sudar Oli, 20 October 2003). Virakesari relays a similar message, warning that 'Division of country is unavoidable if our draft is not implemented' (27 October 2003).

120 It encompasses the districts Ampara, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee and Vavuniya.

121 Interview 025A and 069E.

122 Illustrative critical headlines include: 'Sangha [the Buddhist clergy] see proposals as "Trojan horse"' (Daily Mirror, 4 November 2003); 'Interim administration: wolf to take care of chickens' (Lankadeepa, 5 November 2003), and 'Proposals indicate that LTTE has no solution short of Tamil Eelam' (Divaina, 3 November 2003).

123 The newspaper Virakesari carries the headline that 'Muslim aspiration is totally denied in Tiger's draft' (3 November 2003).

124 Lanka, for example, criticises the 'massive media operation to white wash Tiger proposals' (2 November 2003).

125 In the interview with the authors (London, 9 June 2011), she explained: 'I could have taken the entire government, but I did not. My message was: 'you thought I could not do this, but I can.'

126 The following headlines provide some examples: 'President will use powers if necessary – Mahinda in Los Angeles' (The Island, 26 September 2002), 'As long as we have an executive President we don't allow Ranil to divide the country – Anura [Kumaratunga's brother]' (The Island, 26 June 2002), and the explicit call by the Sinhala tabloid Lakjana on Kumaratunga to 'save the nation from the trio Ranil-Prabha-Norway' in its editorial titled: 'When will executive powers be used?' (14 September 2003).

127 For example, just before the take-over leading monks of the influential Asgiriya and Malwatte chapters call on Kumaratunga: 'Don't take over Defence' (Daily Mirror, 3 November 2003).

well. The wave of hope and optimism set off by the Ceasefire Agreement has died down. Though there is still significant backing for continued peace efforts, continued recruitment, taxation and violent intimidation by the LTTE in the north and east fuel anger among the Muslims, Sinhalese and anti-LTTE parts of the Tamil community. The lack of public denunciation from the government, the SLMM, and the Norwegian team creates the impression that the insurgents are given a free hand. Meanwhile there is a gradual transformation going on in Sinhala politics. This precedes and transcends the peace process, but is reinforced by the government's strategy of unpopular economic reforms and LTTE appeasement both of which play badly in the vernacular media.

At least two processes collide in that transformation. First, the JVP makes a gradual, but very effective comeback into electoral politics from the mid-1990s onwards. It moves from one (1994) to ten (2000) to sixteen (2001) seats in the national parliament and sustains a similar record in sub-national polls. It comes close to changing the received two-party dynamic in Sri Lankan politics into a triangular one and effectively takes the 'nationalist baton' from the UNP and SLFP (Rampton and Welikala, 2005). Second, a change takes place in Sinhalese Buddhist dynamics. This is manifest in the cult that emerged around Gangodavila Soma, a Sinhala monk at an Australian monastery who returned to Sri Lanka in 1996. Propagated through television and other modern media, his teachings of purifying Buddhism by shedding Hindu influences and resisting the global Christian hegemony attracts massive support among the Sri Lankan middle class (Berkwitz, 2008; Deegalle, 2004). His popularity has significant political implications and can be connected to the emergence of the Sinhala Urumaya (heritage) party in 2000.

There is thus an important 'ground current' within parts of Sri Lankan society, and the UNP's controversial policies provide a unifying adversary for these forces. The UNP had not just left the President in the cold; it had in fact lost important parts of the electorate. Kumaratunga's take-over – though evidently driven by personal political self-interest as well – taps into these popular resentments as well as unease within the military about concessions to the LTTE. While these nationalist support bases provide political space for Kumaratunga to sideline the UNP, they also limit her room for manoeuvre. She walks a tightrope by openly allying herself with the JVP in the parliamentary elections that result from her move (see below), while on the other hand preventing a complete unravelling of the peace process. She confirms the government's adherence to the Ceasefire Agreement<sup>128</sup>, maintains Norway's status as a third party and expresses her willingness to proceed with the process. She expresses her thanks to Norway for asking the LTTE to remain calm, and apologizes for having sent home former SLMM commander Tellefsen.<sup>129</sup>

With Indian support, the UNP and SLFP hold talks about power-sharing.<sup>130</sup> According to Kumaratunga's account,<sup>131</sup> she proposes to form a 'national government' with Wickremesinghe standing as the joint UNP-SLFP candidate at the next presidential elections. During this whole intermediary period, it is unclear which parts of the

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128 'No return to war – President' (Daily News, 7 November 2003).

129 MFA 307.3 (2003/00027-151).

130 Interview 014A.

131 Interview with former President Kumaratunga (London, 9 June 2011).

government are in charge of what, and this poses a major challenge to the Norwegian team. They have strongly aligned themselves with the UNP administration and the troublesome experience with Kumaratunga's government (including the controversy over Solheim's status) has left some bad feelings on both sides. Helgesen visits Colombo in mid-November and meets both Kumaratunga and Wickremesinghe. 'It is clearly not, and it never has been, within Norway's mandate to facilitate between the political parties in the south', he says at a press conference, and emphasises there is no 'clarity about who is holding political authority and responsibility on behalf of the Government to ensure continuation of the ceasefire and the resumption of peace negotiations.'<sup>132</sup> He announces that Norway will put its activities on hold until political clarity emerges in Colombo.

In the meantime, the Norwegians try to keep the LTTE engaged and firm up the international network around the crumbling peace process through the co-chairs and discussions with UN Secretary General Kofi Annan.<sup>133</sup> With the peace talks deadlocked, however, it becomes clear international support for the process is increasingly fragmented. India refuses to take a more overt role, the US anti-terrorism dominated discourse is of limited use in confronting the political crisis in the south, Japan is hesitant to stick its neck out and the EU does not play a salient role. The apparent unity and determination donors expressed in the Tokyo Declaration prove to be feeble in practice. Solheim also holds a discussion with the Muslim leadership, which is under pressure after the Oluvil declaration to demand a separate Muslim delegation to peace talks. Many north-eastern Muslims feel the ISGA will surrender them to legalised LTTE terror. SLMC leader Hakeem explains it would be more politically expedient if a separate Muslim delegation is at least not rejected outright. More critical voices, like activist-politician MIM Mohideen, express fierce criticism of the SLMM's failure to protect the Muslims against the LTTE. Solheim is unable to promise any change under the circumstances.<sup>134</sup>

Norway also uses this impasse to review its own performance. A new internal strategy document dated 27 January 2004 spells out the need for the parties to define 'best alternatives to a negotiated agreement'. It identifies international support, a pro-active media policy, and the preservation of the military balance of power as sources of concern. Norway should position itself as a 'peace architect' and prioritise six main challenges: 1) address CFA violations; 2) establish contact with LTTE, the UNP, the PA, and India on a daily basis; 3) bring about economic progress in the north and east; 4) mobilise 'track two' civil society involvement, also outside Colombo; 5) generate pressure from international actors; and 6) sustain the Norwegian morale.<sup>135</sup>

## **26 March 2004: Karuna split**

Before getting a chance to recover from the political crisis in the south, the peace process suffers another serious blow in the east. The break-away of the LTTE's eastern commander Vinayagamoorthy Muralitharan (alias 'Colonel' Karuna Amman) in March 2004 confirms the pattern of political fragmentation and alters the mili-

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<sup>132</sup> MFA 307.3 (2003/00027-149).

<sup>133</sup> MFA 307.3 (2004/00007-18).

<sup>134</sup> MFA 307.3 (2003/00027-171-187).

<sup>135</sup> MFA 307.3 (2004/00007-48).

tary balance in a fundamental way.<sup>136</sup> Whilst to some extent a result of attempts to instigate a transformation of the LTTE, the split will prove severely destabilising and marks a vital shift in the forthcoming regression back to war. As one of the most senior military commanders, Karuna is personally credited with major LTTE successes. With his defection, the LTTE loses thousands of cadres, its firm grip on the east, and suffers the biggest intelligence leak in its history. Unlike earlier rifts and tensions in the movement, Karuna's break-away partly reflects the longer history of cultural-linguistic differences and political standoffs between the northern ('Jaffna') and the eastern ('Batticaloa') Tamil community. There are longstanding grievances over the massive recruitment of eastern youths, while more prosperous Jaffna families sent their children abroad. This bolsters the feasibility and impact of the split, but the event itself is set in motion by the peace process. Part of the whole peace process strategy – especially for the Sri Lankan government – was to expose the LTTE to the world beyond the war zone and thus make them more amenable to compromise. Arguably this strategy worked, but it had unintended and unforeseen outcomes. Although various allegations are made against Karuna including financial misappropriation and controversy around his sexual morale, the eastern commander himself identifies disagreements over strategy as the key issue. He claims to be the driving force behind the LTTE's consent to the 'Oslo communiqué'. Balasingham in his view was hesitant, while he had his eyes opened by travelling around the world and saw a negotiated settlement as the best way forward. Having overstepped the mark, he fell out with Prabhakaran after returning to the Vanni. Unable to persuade his leader and the LTTE central committee, Karuna backs out and bides his time in the east, which he runs more or less autonomously (including in the fields of finance and intelligence).

On 3 March 2004, he declares himself autonomous within LTTE. Weeks later, on 26 March 2004, Prabhakaran reportedly sends out a team to kill him, but Karuna's own intelligence finds out and he escapes. He then formally declares himself independent of the LTTE and anticipates a full-blown attack. On Good Friday (9 April 2004), Vanni cadres launch an overwhelming offensive across the Verugal River and within a few days, as the military stands by, Karuna faces defeat. He disbands his forces and with help from a Muslim politician, he manages to arrange his escape to Colombo on 12 April.<sup>137</sup> His faction is nearly completely wiped out; only a few manage to find shelter in Colombo. The President keeps him under protection (and in custody), but decides not to engage him politically. She refuses to see him, but against her wishes the military starts interrogating him and seeks collaboration.<sup>138</sup> Significantly, this is the first time the Sri Lankan military plays an autonomous role of significance. Karuna is subsequently brought to India, but his remaining cadres work with the Sri Lankan armed forces to make a comeback in the east.<sup>139</sup> A new wave of security incidents hits the east as both factions take out each other's camps, and try to take over control of civilian life. Community leaders and politicians are intimidated and assassinated by either side.

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<sup>136</sup> Even before the split, the LTTE told Solheim and Furuhoide it was concerned about the government's military build-up with significant procurement and increasing signs of Indian backing (MFA 307.3 (2004/00007-53)).

<sup>137</sup> Interview 004B.

<sup>138</sup> Interview 003B.

<sup>139</sup> Interview 004B.



Even prior to the split, the Norwegian team maintains contact with Karuna alongside other LTTE leaders, among others to voice concern over violence against Muslims. During meetings in Colombo (1 September 2003) and Batticaloa (8 September 2003), Karuna makes it clear he has 'gotten more authority' and 'probably will be in more direct contact with Norway'.<sup>140</sup> Just before the split (on 3 and 4 March), his secretary contacts both Ambassador Brattskar (who has now succeeded Westborg) and SLMM Head of Mission Furuhoide, and tells them Karuna plans to 'break out'.<sup>141</sup> The Norwegians are 'surprised' and realise 'things will be difficult and different'.<sup>142</sup> They inform the LTTE that they will talk to Karuna, but they are very hesitant to start meddling in intra-LTTE affairs.<sup>143</sup> Tamilselvan moreover assures them that the split will be dealt with peacefully. The Norwegian team thus does not accede to Karuna's plea to accept him as a separate party and signatory to the CFA and waits to see how the situation unfolds.<sup>144</sup> With multiple crises at hand, the Norwegian team agrees to the following approach:<sup>145</sup> 1) they will apply pressure on both the UNP and the PA to collaborate and request India to convey the same message<sup>146</sup>; 2) the SLMM will invite the parties to review the Ceasefire Agreement; 3) Norwegian aid will target influential actors that can make a difference for the peace process; and 4) they will have regular contact with a wide range of politicians, administrators and foreign players. On a positive note in relation to the last point, Muslim politicians agree to establish the Peace Secretariat for Muslims which is set up on 17 December 2004 (with Norwegian support) in an attempt to unify Muslim concerns.

In parallel to the Karuna split, fresh parliamentary elections take place. Defeating Wickremesinghe, Kumaratunga's alliance with the JVP wins the April 2004 elections with a significant margin.<sup>147</sup> Jathika Hela Urumaya (JHU), a newly founded party of nationalist Buddhist monks, surprises many by winning nine seats.

With the apparent crushing of Karuna's revolt and Kumaratunga's electoral victory, some of the dust appears to settle. Norway insists on written confirmation from both sides that they want Norway to continue its efforts.<sup>148</sup> Both sides confirm their support to the Ceasefire Agreement and the search for a negotiated settlement, but are in fact highly entrenched in their positions. The LTTE is weakened and apparently feels it has nothing to gain when talking from such a bargaining position. The government sees fresh military opportunities and feels it can pose conditions which also helps to keep their internal opposition (JVP) in line.<sup>149</sup> Much like in the period 1995-1996 and in 1999-2001, the process is stifled by disagreement during 'talks about talks'. Firstly, the parties disagree about the agenda. Predictably, the LTTE wants to talk about an interim arrangement on the basis of its ISGA proposal. Kumaratunga does not reject the ISGA out of hand, but only wants to talk about it

140 307.3 (2003/00027-89).

141 MFA 307.3/442 (2004/00007-45).

142 Interview 014A.

143 Interview 014A.

144 Contrary to what Karuna says in media interviews, Ambassador Brattskar does not receive a request for protection, but he informs his ministry that Norway should evaluate the possibility of cooperating with another country to accommodate Karuna (MFA 307.3/442 (2004/00007-45)).

145 MFA 307.3 (2004/00007-151).

146 Meanwhile, Foreign Minister Kadirgamar uses this leverage the opposite way and – in Norway's assessment – tries to muster Indian support to 'straighten Norway up'. (MFA 307.3 (2004/00007-58)).

147 The UPFA wins 102 seats, the UNP 82. The JVP reaches its electoral height with 39 (of the 102 UPFA) seats.

148 MFA. 307.3 (2004/00007-56).

149 Although the JVP allied itself with President Kumaratunga, it was in many ways behaving like an opposition party. They continued to steer a very critical course regarding the peace process.

in relation to a final and comprehensive settlement. Secondly, Kumaratunga wants to meet in Sri Lanka (Colombo or Vanni), while the LTTE wants to meet abroad. And thirdly, the parties disagree on revising the Ceasefire Agreement, particularly where it concerns the situation at sea.<sup>150</sup> Neither party seems to have any faith in the outcome of negotiations, but they also avoid the resumption of open war. They prefer to stand their ground and call each other's bluff. After all, the LTTE has barely overcome the split and Kumaratunga's limited time left in office hinges on the JVP not letting her down. In October 2004, the President creates the National Advisory Council for Peace and Reconciliation (NACPR), but it never plays a significant role. The Norwegians are frustrated with the lack of progress and the embassy sends a report to Oslo entitled 'Waiting for Godot': 'The peace process is now characterised by everybody waiting for something to happen, but nobody knows what will happen or when it will happen'.<sup>151</sup> Gradually however, violence escalates with mutual (unclaimed) attacks in the east and the post-CFA first suicide attack.<sup>152</sup> Prabhakaran's "Heroes' Day" speech in November 2004 is interpreted as war-oriented and messages from the north-east and the diaspora suggest the LTTE is collecting recruits and funds for the 'final war'. In an apparent attempt to adopt Palestinian tactics, the movement stages a 'Jaffna intifada', combining attacks on the security forces with student protests and 'activists' throwing stones at government forces. The LTTE further militarizes the situation through the enlistment and training of entire communities into a so-called 'people's force' (Jeyaraj, 2005b).

## 26 December 2004: Tsunami

The war preparations are cut short by a completely unforeseen disaster. The immediate impact of the Boxing Day tsunami outdoes the war in the short run and has a massive direct effect on the south. Over 35,000 Sri Lankans die on the day itself, at least 21,000 are injured and over 550,000 displaced (Asian Development Bank et al., 2005). The Muslim dominated coast of Ampara District is most affected, followed by (LTTE controlled) Mullaitivu District. Rescue operations, the domestic aid response and the rallying for international support start immediately. The disaster causes great international publicity, but the government refuses high-profile visitors like UN Secretary-General Kofi Annan and former US president Bill Clinton (in his private capacity) access to LTTE controlled areas, much to the movement's annoyance.

It is nevertheless clear that the tsunami can have a game-changing impact on the attitudes of the parties, the political space available to them and their military strength. The disaster interrupts the war-oriented dynamic, provides a temporary suspension of 'normal politics', and people reach out across entrenched fault lines. There thus appears to be a window of opportunity to resume a political process between the Kumaratunga government and the LTTE. The President is strongly involved in the aid response and sees an opportunity to complete what she began in 1994, just before her political career expires. Prabhakaran, according to the Norwegians who visit him shortly after the tsunami, is 'devastated', 'shattered', and 'clearly at a different level emotionally than previously'.<sup>153</sup>

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150 MFA 307.3 (2004/00007-198).

151 MFA 307.3 (2004/02485-17).

152 A suicide cadre attempts to kill EPDP leader Devananda, but fails.

153 Interview 014A.

By mid-January 2005, both parties show willingness to develop a 'Joint Mechanism' (later branded more neutrally: Post-Tsunami Operational Management Structure, P-TOMS). Though this is technically a limited arrangement for tsunami aid – and presented as such to reduce controversy – it is very clear that both parties and their mediator see P-TOMS as a stepping stone for new negotiations by providing 'the contours for a political solution.'<sup>154</sup> Prabhakaran indicates his willingness to develop a joint mechanism when the Norwegian ministers Petersen (Foreign Affairs) and Frafjord Johnson (International Development) visit the Vanni on 22 January.<sup>155</sup> Norwegian shuttle diplomacy<sup>156</sup> and direct negotiations between Pulidevan (head of the LTTE Peace Secretariat) and Kumaratunga's team (Lakshman Kadirgamar, Harim Peiris and Ram Manikkalingam) result in a first government draft by 26 February.<sup>157</sup> Government officials keep the Indian High Commission closely involved,<sup>158</sup> while the Norwegians talk to now opposition leader Wickremesinghe.<sup>159</sup> Texts keep moving back and forth and the Norwegian team tries to even out contentious issues. Tamil-selvan insists there should be a clause on the sea – tensions between the navy and the Sea Tigers continue to cause trouble – but Solheim manages to convince him to drop that demand. Prabhakaran and Kumaratunga are directly involved in the process and go over it 'word by word'.<sup>160</sup> The jointly supported (but confidential) proposal emerges on 22 March.<sup>161</sup> It comprises a revised version of SIHRN (the aid sub-committee agreed during the peace talks) and steers clear from the ISGA. The apex body is to consist of government, LTTE and Muslim representation. Ethnically balanced district committees are responsible for everyday decisions and allocations. NERF (the World Bank administered aid trust fund created for SIHRN) will provide the money.

Both parties claim that the peace talks and the joint mechanism negotiations are de-linked. However, in parallel to the P-TOMS negotiations, they develop closer daily communication on other issues. Confidential agreements are made on the practical implementation of aid projects and reconstruction efforts. Looking back, a government official explains: 'We managed to get a lot more stuff done in the Vanni than the UNP had done. The World Bank would have money for roads and the Road Development Authority would make a plan. We would sit down with the LTTE and talk concretely: this road ok, why not this one, shall we make this one broader and so on. In detail. And it would be done.'<sup>162</sup> Similar channels are used to discuss security issues when killings and attacks occur. 'We would check our information against each other. Who had killed whom and why. And sometimes we would call it even'.

Meanwhile, however, the agreement on Post-Tsunami Operational Management Structure (P-TOMS) remains unsigned. The President needs to convince Muslim leaders, whose community is most heavily affected by the tsunami and deeply anxious about exclusion from the peace process. And she needs to preserve her fragile

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<sup>154</sup> Interview 057E.

<sup>155</sup> MFA. 307.3 (2005/00092-22) and communication with the Norwegian MFA 071F.

<sup>156</sup> MFA. 307.3 (2005/00520-1), MFA. 307.3 (2005/00520-2), and MFA. 307.3 (2005/00520-3).

<sup>157</sup> MFA. 307.3 (2005/01004-1).

<sup>158</sup> Interview 003B.

<sup>159</sup> MFA. 307.3 (2005/00092-28).

<sup>160</sup> Interview 003B.

<sup>161</sup> MFA. 307.3 (2005/00520-4).

<sup>162</sup> Interview 003B.

alliance with the JVP which is strongly opposed to lending any legitimacy to the LTTE. The political configuration is further complicated by the widespread belief that Kumaratunga will use the opportunity to extend her political future beyond her second (and constitutionally last) term in office.<sup>163</sup> Norway expresses its concern about the JVP scuttling the agreement, but Kumaratunga tells them not to worry, she will take care of them.<sup>164</sup> Time keeps passing, however, and the scheme starts losing its operational relevance. The co-chairs encourage the mechanism early on<sup>165</sup> and when donors pledge another US\$ 3 billion at the 16 May donor conference in Kandy, Kumaratunga presents an inspiring and politically daring speech. Meanwhile the LTTE makes another tour across Europe to argue their case. With time, however, the paralysis around P-TOMS becomes a source of distrust and irritation rather than a nucleus for further collaboration. Eventually, the JVP breaks the political gridlock and walks out of government. The agreement is signed (24 June 2005),<sup>166</sup> but subsequently when the JHU files a case to the Supreme Court, which eventually rules the mechanism unconstitutional.

By that time, the ground situation has changed significantly. The massive influx of foreign aid creates tensions between communities. Political actors and the bureaucracy jockey for control and local and foreign aid agencies fall prey to 'competitive humanitarianism'.<sup>167</sup> Soon after the tsunami, ambushes and assassinations resume. Kaushalyan (the LTTE's political leader in the east) is ambushed in government-controlled territory on 8 February. The LTTE has trouble moving its cadres between the north and east as becomes clear when forty cadres (including the political leader of Ampara) narrowly escape an ambush on 5 June in government area. The LTTE's crackdown on suspected Karuna loyalists resumes as well. In parallel to these strings of retaliatory violence, both sides build up their militaries. LTTE child recruitment increases and they develop a rudimentary air wing. The government discovers their airstrip in the Vanni and voices alarm. President Kumaratunga formally raises the issue in a letter to Norwegian Prime Minister Bondevik,<sup>168</sup> but verification is prevented by the insurgents who do not allow the SLMM to access the area. In India, where the Congress Party has come back to power in 2004, there is concern too and Delhi offers its radar services to Sri Lanka. The government's own arms build-up continues unimpeded by the tsunami. International policies increasingly reinforce the asymmetry between the government and the rebels. Various Asian countries sell weapons to Sri Lanka, while criticism of the LTTE is stepped up. The US government periodically reminds the insurgents that it will face a capable and determined Sri Lankan military if they opt for a return to war.

When the LTTE expands the tit-for-tat killings to Colombo and a suspected LTTE sniper kills Foreign Minister Kadirgamar on 12 August 2005, there is widespread condemnation from all foreign players. Norwegian Foreign Minister Petersen writes a letter warning Prabhakaran: 'If the LTTE does not take a positive step forward at

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163 Kumaratunga strongly denied to the authors that she wished to go for a third term.

164 Interview 029A.

165 MFA. 307.3 (2005-00092-23).

166 Kumaratunga faces intra-party opposition as well. Two of her main political allies, Mangala Samaraweera and Lakshman Kadirgamar, do not support P-TOMS. Avoiding an open rift, they evade the parliamentary vote on the agreement by travelling abroad.

167 There is a lot of literature on this. See for example: Fernando and Hilhorst (2006), Fraser (2005), Frerks and Klem (2011), Kaldor (2005), Korf (2005), Korf (2006), Korf et al (2010), McGilvray (2006), Ruwanpura (2008), Shanmugaratnam (2005), Stirrat (2006), and Telford, Cosgrave and Houghton (2006).

168 MFA. 307.3 (2005/00812-4).

this critical juncture, the international reaction could be severe.<sup>169</sup> A month later, the EU announces it is considering LTTE proscription and suspends receiving their delegations with immediate effect. The Norwegian Ministry of Foreign Affairs reviews the possible consequences and concludes a European ban would not be conducive to possibilities for peace and would impair their role as facilitator.<sup>170</sup> They also review their own strategy and identify seven lines of action: 1) strategize with either outcome of the forthcoming presidential elections; 2) re-launch Norway as a third party after the forthcoming presidential elections in Sri Lanka; 3) broaden international support, for example through a Group of Friends; 4) engage with influential (non-NGO) civil society; 5) attempt to broaden countries participating in SLMM and install a non-Norwegian Head of Mission; 6) implement a more offensive media strategy; and 7) replace Post-Tsunami Operational Management Structure (P-TOMS) with a less complicated, more pragmatic mechanism for aid delivery in north-east.<sup>171</sup>

Among Muslim and Sinhala constituencies, already upset about P-TOMS, Kadirgamar's death strengthens criticism of perceived Norwegian appeasement of the LTTE. There is a flurry of rumours and theories, some of which are propagated in the state media, about Norway trying to cut off aid to Sri Lanka and blackmailing the government to collaborate with the LTTE. Written protests and street demonstrations occur from early 2005 onwards.<sup>172</sup> With a faltering President Kumaratunga and the UNP firmly associated with the Norwegian peace efforts, neither mainstream party can capitalize on these sentiments. The JVP and JHU sense victory. Their walk out from government (JVP) and the court case against P-TOMS (JHU) are well received by their constituencies, but neither party can capture the political centre ground. Mahinda Rajapaksa – an experienced southern politician, but relatively inconspicuous as an opposition leader and Prime Minister – manages to step into this political vacuum and becomes a 'repository'<sup>173</sup> for public dissent and frustration.

In October 2005, the Norwegian team again reviews their own role in the peace process and the prospects following the presidential election. Among the points discussed are (a) the need for better access to Prabhakaran; (b) the possibility for 'freezing' the Norwegian facilitation or pulling back for a period; (c) the terms for continued Norwegian engagement; (d) the need for a broader cooperation with the international community and Sri Lankan civil society, including Buddhist monastic orders; (e) a more offensive information strategy; and (f) a less exclusive peace process.<sup>174</sup>

### **19 November 2005: Rajapaksa's presidential victory**

The campaign for the presidential elections becomes a neck-and-neck race between Rajapaksa, who runs on an SLFP ticket, and UNP candidate Wickremesinghe. Not implicated by the controversies of the Ceasefire Agreement and the peace talks, Rajapaksa presents himself as an advocate of peace with dignity. The Norwegians, the SLMM, and Solheim get slammed in milder or harsher terms on various

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169 MFA 307.3 (2005/010004-10).

170 MFA 307.3 (2005/010004-22).

171 MFA. 307.3 (2005/01004-34).

172 MFA. 307.3 (2005/00092-8).

173 Interview 033E.

174 MFA. 307.3 (2005/01004-34).

occasions during the campaign. Rajapaksa makes it clear he is willing to resume negotiations with the LTTE, but only on his terms. Wickremesinghe, however, manages to secure the UNP block votes and makes overtures to the Muslim and Tamil electorates. Ironically, his defeat is determined in the Vanni. The LTTE decides to enforce a boycott among Tamil voters<sup>175</sup>, thus tipping the balance to Rajapaksa, who wins with a margin of less than two percent.<sup>176</sup>

The narrow margin underlines the political divisions in Sri Lanka. Wickremesinghe's substantive support, both from the minorities and the Sinhala majority, shows there is still a constituency for his approach to the peace process despite all the turmoil. Rajapaksa's victory is significant, however, because it signifies a more fundamental and enduring shift in Sri Lankan politics. First, the revival of modern Buddhism and Sinhala nationalism – predating the peace process, but reinforced by it – moves back to the political centre. Second, the elections are won with a nearly exclusive Sinhala vote, thus breaking the pattern of ethnic minorities serving as kingmakers. Third, and most importantly, Rajapaksa's success in reaching Sri Lanka's highest position ends the uninterrupted dominance of Colombo elite dynasties since late colonial times. He represents an established 'political family', but comes from a non-Anglicised, non-Colombo background and is widely perceived to be more conversant with the concerns of the common Sinhala people. His political manifesto and overall plan 'Mahinda Chinthanaya' bears some resemblance to Premadasa's style and policies.<sup>177</sup> It propagates a strong, protective state, investment in visible infrastructure, and glorifies Sri Lanka's traditions and culture, unspoiled village life in particular.

Foreign media inadequately contrast the two candidates as a hawk (Rajapaksa) and a dove (Wickremesinghe). Norway's initial assessment is that Sri Lanka's new president is a pragmatist without a pronounced vision or strategy. They have regularly kept him informed in his preceding years as opposition leader and Prime Minister.<sup>178</sup> He avoided taking a clear position then, but was open to discussing a federal solution to the conflict.<sup>179</sup> Having assumed office, Rajapaksa's first speech to parliament on 25 November states that the government will start a new peace process through direct talks with the LTTE. He rejects federalism and P-TOMS, avoids mentioning Norway, and instead suggests facilitation by the UN, India or another regional power. Two days later, Prabhakaran broadcasts his annual "Heroes' Day" speech and tells the government to offer a reasonable solution or face the consequences of the LTTE establishing a separate state unilaterally. To show their teeth, they initiate an unprecedented spree of attacks and assaults, concentrated in the north this time. Many attacks directly target government forces and troops die day by day in December 2005.

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175 There is no firm evidence on the LTTE's motivation, but going by media reports and interviews (see also Jeyarai 2005a), it plausibly includes: 1) revenge on Wickremesinghe's international peace trap, 2) the realisation that only a hardliner can enforce change in southern politics, and 3) a possible financial or other arrangement with Rajapaksa prior to the polls. In January 2006 in a meeting between President Rajapaksa and Erik Solheim, the President in a jocular mood instructed Solheim to thank Prabhakaran for helping him to win the election. Solheim passed this message on when he met the LTTE leader a few days later (MFA.307.3 (2006/00085-27)).

176 Rajapaksa gets 50 percent, Wickremesinghe 48 percent.

177 Ranasinghe Premadasa, president from 1989 until his assassination by the LTTE in 1993, was known for his nationalist outlook, powerful political rhetoric, cunning strong-arm politics, and pro-poor, pro-rural, populist measures, mainly in the form of large-scale development patronage.

178 Interview 030A.

179 Interview 014A.

Amidst these opening salvos, Solheim receives a confidential report from Arne Fjørtoft, who is familiar with the Rajapaksa family and has explored the new government's attitudes. A close confidant of Mahinda Rajapaksa explains that his government distrusts Norway and believes they supported the UNP during the election campaign, but there is scope to set the record straight. Fjørtoft reports: 'Mahinda is balancing on a thin rope and has little room for manoeuvre. But he has the direction ready and wants to continue with Norway (for pragmatic reasons) if it can be done in an acceptable way.'<sup>180</sup> The Norwegians realize prospects are bleak, but feel that they should try to keep up their efforts. From US sources, the Norwegians are told that Rajapaksa probably wants to have it both ways: to use Norway in the peace process, and as a buffer in the domestic political game.<sup>181</sup> Ambassador Brattskar visits both parties to clarify their stance on Norway's role. Two meetings are also held between Basil Rajapaksa, Solheim and Fjørtoft.<sup>182</sup> Despite all the killings, the LTTE welcomes continued Norwegian involvement and so does Rajapaksa – realising there is no feasible scope for replacing the Norwegians given the absence of alternatives and international support for them playing this role.<sup>183</sup> The rhetorical commitment to peace is not matched by developments on the ground. There is no let up in the fighting and the military and their proxy the TMVP<sup>184</sup> (the new name for Karuna's cadres) retaliate with guerrilla style attacks. Tamil MP Joseph Pararajasingham is killed in the middle of Christmas Mass in Batticaloa and on 2 January the security forces abuse and execute five Tamil students in the heart of Trincomalee town.

Fearing it runs the risk of being manipulated in these turbulent times, Norway poses three conditions for its continued involvement: 1) a direct meeting with Prabhakaran every three months; 2) the government is to stop undermining Norwegian involvement; and 3) the parties have to commit themselves to carrying the peace process forward.<sup>185</sup> There are also changes within the Norwegian team following the October 2005 change of government in Oslo. Helgesen leaves office, Solheim becomes Minister of International Development, and in March 2006 Jon Hanssen-Bauer takes his place as Special Envoy for Sri Lanka.

Despite the near continuous sequence of ambushes, grenade throwing and assassinations, neither party is ready to formally abrogate the Ceasefire Agreement and start war. It is unclear, however, whether this is for strategic reasons (prefer a political settlement), tactical considerations (e.g. reputational damage, build up strength for next attack, attempt to test military power balance), or some combination of both. The Norwegian team manages to bring about resumed talks on 22-23 February 2006. Rajapaksa opposes a Norwegian venue, the LTTE prefers a European location, but with the EU travel ban, most of the continent is off-limits to the movement. The Swiss government takes an active role and Geneva is selected as the location for new talks.<sup>186</sup> This also creates scope for discussions with ICRC on humanitarian concerns.<sup>187</sup> The talks are premised on reviewing the Ceasefire Agree-

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<sup>180</sup> MFA 307.3 (2005/00812-243).

<sup>181</sup> MFA 307.3 (2005/01004-35).

<sup>182</sup> Interview 043A.

<sup>183</sup> Interview 029A.

<sup>184</sup> TMVP stand for Tamil Makkal Viduthalai Pulikal (Tamil People's Liberation Tigers).

<sup>185</sup> MFA 307.3 (2006/00083-6).

<sup>186</sup> Interview 061B.

<sup>187</sup> Interview 058B.

ment and possibly proceeding to more substantive political discussions later. However, they result in mutual accusations and public pronouncements rather than constructive dialogue. The government delegation covers the entire political spectrum and thus includes obstructive hardliners.<sup>188</sup>

Instead of trying to actually turn the tide, both parties extract unrealistic promises from their opponent in an apparent attempt to call their bluff: the LTTE is to stop recruitment – child recruitment in particular – and infringements on civilian life and the government agrees to curb ‘paramilitary groups’ (Karuna’s TMVP). The SLMM is requested to report on compliance, but soon concludes neither promise is met.<sup>189</sup> The next meeting, originally scheduled for April 2006, is called off by the LTTE quoting government non-compliance as the reason. Persistent Norwegian efforts to persuade them to come fail.

Following a brief time of relative quiet in the north east in the run-up to Geneva, hostilities resume with increasing forcefulness. The attempted suicide attack on army chief Sarath Fonseka (25 April 2006) at the army headquarters in central Colombo marks a new level of violence. The government responds with air raids on LTTE controlled area. An attack on a navy personnel carrier (11 May 2006) killing seventeen troops provokes retaliation. Buses get ambushed and the death toll rises quickly. Despite these skirmishes, the Norwegian team manages to make some progress with SCOPP (the government peace secretariat). During secret discussions in Barcelona<sup>190</sup>, a joint plan is made to move to more substantive political discussions in three phases: 1) strengthen the Ceasefire Agreement and start negotiations (May – September 2006); 2) devise interim arrangements to facilitate the return of normalcy (October 2006 – April 2007); and 3) reach agreement on a permanent solution (May 2007 – December 2007).<sup>191</sup> SCOPP, however, proves to have drifted apart from its political leaders and it soon becomes clear that the government does not buy into the plan. The Norwegians are frustrated with the government, which is consumed by ‘all tactics, no strategy’ in their view.<sup>192</sup> On 6 April, 2006 Hanssen-Bauer and Brattskar have a tense meeting with Defence Secretary Gotabaya Rajapaksa. In response to a question about whether the ethnic and political problems in Sri Lanka could be solved by military means Gotabaya answers, ‘yes’.<sup>193</sup>

In the same period, international actors close ranks against the LTTE. Canada bans the LTTE on 10 April 2006 and the Council of the EU follows suit on 30 May 2006. Norway is now the only of the four co-chairs (Norway, EU, US, and Japan) still willing to meet with the LTTE. Though the co-chairs continue to release critical statements towards both parties condemning the violence and urging them to resume negotiations, Japan is hesitant to criticise the government. More importantly, Indian opposition to the LTTE starts to translate into firmer backing for the Sri Lankan government. Faced with diverse interests (geo-political dominance, regional security, Tamil Nadu politics) the Indian government has persistently struck a

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188 Interview 030A.

189 Reports by SLMM Head of Mission Ulf Henricsson, titled ‘Geneva Report 24 February – 28 May 2006’ and ‘Geneva Report 29 May – 31 August 2006’.

190 Communication with the Norwegian MFA 070F.

191 MFA 306.3 (2006/00109-18).

192 Interview 030A.

193 MFA.307.3 (2006/00109-8).



balance between advocating Tamil rights while opposing separatism. However, crushing the LTTE has become the overriding concern after the disasters of the Indo-Lankan Accord in 1987 and the subsequent LTTE assassination of former Prime Minister Rajiv Gandhi in May 1991. The return to power of the Indian National Congress (now headed by his widow Sonia Gandhi) in 2004 and declining influence of Sri Lanka on Tamil Nadu politics (see chapter 7) mean that there are fewer inhibitions on a military solution to the conflict. India thus continues to advocate for the accommodation of Tamil aspirations in Sri Lanka, but does not apply any pressure against the Rajapaksa government in relation to the military option. On the political track, Rajapaksa initiates an All Party Conference (APC, January 2006) and the All Parties Representative Committee (APRC, July 2006) to foster dialogue with a wide range of political actors in pursuit of exploring a home-grown, constitutional solution to the conflict. The initiative is criticised by domestic and foreign observers as a time-buying, window-dressing exercise.

The SLMM continues to grapple with the sea issue. Its newly installed Head of Mission Ulf Henricsson takes a bold step by formally declaring naval movements as a government prerogative, thus suggesting the Sea Tigers have no right – under the Ceasefire Agreement or otherwise – to operate.<sup>194</sup> LTTE political leader Tamilselvan reacts furiously. India nevertheless criticizes Norway in private meetings for being too ‘LTTE friendly’ and underlines the need to ‘put the LTTE in its place’.<sup>195</sup> Concerned with the LTTE’s military build up, particularly at sea and even in the air, India provides vital radar and intelligence information to the Sri Lanka forces. Delhi maintains it will not provide offensive military assets – due to the political sensitivity of Indian weapons being used against Tamils – but off the record, it does not object to Sri Lanka purchasing weaponry elsewhere. The Rajapaksa government expands the arms deals that were already in the pipeline under previous administrations (see chapter 9 for more detail). With new aircrafts, drones, radar, tanks, artillery and patrol vessels, and the ability to use Karuna’s cadres and intelligence, the military regains confidence. The government feels it can dictate its terms to the LTTE and launch an attack if the rebels do not give in.

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194 This is in fact a spur of the moment decision. On the way from Jaffna to Mannar, Henricsson learns that his monitors have come under LTTE attack at sea and he has to respond quickly.

195 MFA 307.3 (2006/00083-10)

## 6. War, Victory and Humanitarian Disaster (2006-2009)

Following a long period of 'no-war-no-peace', large-scale, territorial offensives resume in July 2006. Norway faces a difficult dilemma whether or not to remain involved in Sri Lanka, but decides to stay engaged, because it sees a role for itself in limiting the adverse impacts of the war. It applies pressure on the parties about humanitarian concerns and supports humanitarian initiatives. Continued involvement of the Norwegian team and the SLMM is also seen to be useful in case a new stalemate emerges. The parties prolong their invitation to Norway and the SLMM, whilst claiming a commitment to the CFA, but at the same time the war intensifies.

### 26 July 2006: the Mavil Aru incident sparks open warfare

The EU proscription of the LTTE has implications for the SLMM. Three out of five contributing countries are EU members and so is the recently appointed Head of Mission: the Swedish retired Major General Ulf Henricsson. The SLMM leader has issued a memo arguing against the ban: there are immediate negative consequences for the SLMM and it could aggravate the escalating dynamics of violence.<sup>196</sup> Norway refrains from intervening in EU decision making, but also makes it clear that a ban will have negative consequences, mainly for the monitoring mission.<sup>197</sup> Just after the announcement of the ban, Norway organises a second set of talks between the parties in Oslo (8-9 June 2006), but upon arrival, the LTTE refuses to meet the government delegation. The Norwegians manage to get LTTE security guarantees for the SLMM staff. Subsequently, however, the LTTE issues a deadline for the removal of monitors from EU countries. Denmark, Finland and Sweden withdraw their monitors. Iceland increases its personnel contribution, but barely has more people available (also because it has no armed forces). Norway explores whether other non-EU countries – including Switzerland – could join the mission<sup>198</sup>, but this does not materialize. Oslo thus adds some staff, but is reluctant to fill all vacancies, partly to show the LTTE the consequences of its decision<sup>199</sup> and partly, because the situation is not conducive to effective monitoring by the SLMM anyway. The mission's presence in the field becomes very limited and it is unable to closely follow the flurry of incidents and attacks that will follow.

The LTTE keeps up the military pressure. It enlists over 10,000 civilians for 'self-defence' training, forcefully recruits children, and attacks with roadside bombs and grenades in different parts of the north-east. On 25 June President Rajapaksa

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<sup>196</sup> SLMM memo titled 'SLMM Assessment of Possible Consequences of EU Banning the LTTE', dated 18 April 2006 and signed by Henricsson.

<sup>197</sup> Communication with the Norwegian MFA 070F.

<sup>198</sup> Interview 010A.

<sup>199</sup> MFA. 307.3 (2006/00083-106).

offers a two-week ceasefire, indicating he is willing to have direct talks, but the initiative is perceived as a 'smokescreen'.<sup>200</sup> An LTTE suicide bomb kills the army Deputy Chief of Staff that same day and violence continues. Eventually, it is the Mavil Aru incident that sparks the resumption of open warfare. In an attempt to mimic the government strategy of blocking resources and economic assets for military purposes, the LTTE closes an irrigation sluice gate in Mavil Aru (south of Trincomalee) on 20 July 2006. The affected population is not very large, but the place is sensitive due to the tri-ethnic composition of the area, the strategic location between the north and the east, and its proximity to the Trincomalee harbour. Mutual accusations and threats follow. It appears the LTTE is trying to show its strength and provoke the government, but this proves to be a miscalculation by the rebels. Henricsson and Hanssen-Bauer try to defuse the matter in Trincomalee and Kilinochchi respectively. They manage to convince the LTTE to pull back,<sup>201</sup> but government forces seize the opportunity to launch a ground offensive on 31 July 2006.

The LTTE strikes back and occupies the neighbouring town Muthur. Within days, however, the army recaptures the Muslim dominated town and presses on to overrun Sampur, a key hub for the LTTE. The government deploys heavy artillery, leading to civilian losses and displacement. In the midst of these offensives, seventeen local aid workers of the French NGO Action Contre la Faim are executed in their compound on 5 August 2006, which leads to significant international criticism. The SLMM is not allowed to investigate – Henricsson in fact narrowly escapes an artillery attack in this period – but holds the government responsible.<sup>202</sup> The SLMM commander openly speculates about the withdrawal of his mission. The LTTE is pushed southward and forces the civilian population to withdraw with them. Large numbers of civilians get trapped as an LTTE 'human shield' in the battle zones on the eastern front. ICRC manages to broker a brief ceasefire to let civilians out.<sup>203</sup> International attention, however, is dominated by the simultaneous escalation of war in Lebanon. The army continues to advance with heavy bombardments, while the TMVP attacks LTTE camps further south. A second offensive is opened in the north on 11 October with a large-scale attack across the Jaffna frontline, but in sharp contrast to the east, the LTTE puts up stiff resistance. The army incurs heavy losses and calls off the attack within a day. The biggest demonstration so far is held against the peace process in Colombo on 4 October. An effigy of Prabhakaran draped in a Norwegian flag is carried through the streets.<sup>204</sup>

The political channel is not completely closed, however. The second Geneva meeting (28-29 October 2006) takes place as intended and discussions focus on humanitarian issues, a political settlement, reduction of violence, political pluralism and democracy. Expectations are low but the Norwegian team hopes they will at least extract an agreement about future meetings and some reduction of violence on the ground.<sup>205</sup> Neither materializes, but the event helps to keep up the diplomatic pressure on the parties, the Norwegians feel.<sup>206</sup> They realise, however, they have

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200 Communication with the Norwegian MFA 070F.

201 Interview 010A and 012A.

202 SLMM ruling dated 29 August 2006, titled 'Assassination of 17 Civilian Aid Workers on the 4th of August 2006'.

203 Interview 059B.

204 MFA 307.3 (2006/00083-187).

205 MFA. 307.3 (2006/00083-200).

206 Communication with the Norwegian MFA 070F.

become a 'side show'.<sup>207</sup> In a direct meeting, the team tells the president's brother Basil Rajapaksa (December 2006) that Norway realizes the government is engaged in full-scale war. As there is no longer any peace process ongoing, Norway will take no new initiatives before the parties reconfirm their readiness to resume negotiations. Special Envoy Hanssen-Bauer offers to withdraw the SLMM and to close down Norwegian support to the peace secretariats. The government however responds that communication channels with Kilinochchi may still be useful, because the outcome of the war is still unclear.<sup>208</sup> A similar meeting is held with the LTTE.<sup>209</sup> Both parties ask Norway to maintain their support to the peace secretariats and the SLMM. In fact, they request Norway to expand the number of monitors.<sup>210</sup> Communication with the LTTE becomes increasingly difficult, however. With the death of Anton Balasingham, who has already moved to the margin, in December 2006, there is limited access to the highest level.

Continued involvement in Sri Lanka continues to be a point of discussion among the Norwegians. While there is concern about becoming a peace alibi, those in favour argue that a departure will not have any positive effect, and if it makes a difference at all, it will only fuel the escalation. There are increasing humanitarian concerns that warrant attention and Norway's established network with the parties, the co-chairs, India and humanitarian agencies could be useful in addressing these issues. Moreover, proponents of continued involvement argue a new stalemate may emerge. Finally, Norway's reputation as a persistent and patient mediator would suffer and key players like the US and India may conclude that the Norwegians are not up to the task.<sup>211</sup>

International NGOs and diaspora organisations voice concerns about massive human rights violations and Western countries step up their criticism. Having already banned the LTTE, their statements about the government receive most attention. Among the donors, Germany emerges as most critical and officially freezes new aid projects. Under mounting international pressure, including periodic co-chair statements, President Rajapaksa installs a Commission of Inquiry (COI) to investigate sixteen of the gravest alleged human rights abuses in November 2006. Two months later, Norwegian (and co-chair) efforts result in the creation of an International Independent Group of Eminent Persons (IIGEP) to monitor and exert pressure on the commission. The government does not collaborate with the IIGEP, however, and no meaningful investigations are made.

The Sri Lankan government effectively counters and dilutes Western pressure. Firstly, it adopts the Western discourse of humanitarian intervention and anti-terrorism to defend its course of action. It also points to the hypocrisy of Western countries raising concerns about human rights given the abuses and civilian casualties associated with Western intervention in Iraq, Afghanistan and elsewhere. Secondly, it strongly resists the debates around the 'Responsibility to Protect' by emphasizing

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207 MFA. 307.3 (2006.00109-64).

208 Interview 010A and communication with the Norwegian MFA 070F.

209 Communication with the Norwegian MFA 070F.

210 Communication with the Norwegian MFA 070F.

211 Interview 030A.

its sovereignty and the need for home-grown solutions.<sup>212</sup> Thirdly, it secures the political backing of powerful countries in the region, most saliently India and China.

The Norwegians continue to solicit a more active Indian role in support of the talks in 2007, but Delhi continues to decline the suggestion.<sup>213</sup> As the military offensive intensifies, it becomes increasingly clear that India will not apply pressure on the Sri Lankan government to call off the offensive. Behind the scenes, India is 'not hesitant to support the government's offensive against the LTTE,' but realizes it needs to 'manage the political fallout,' according to a senior Indian diplomat reflecting on this period.<sup>214</sup> It is considered a 'no-brainer' that India should 'support the government in this offensive.'<sup>215</sup> In public, however, the Indian government refrains from voicing these views.

The Norwegian government realizes its role has become very difficult and limited. Against the background of discussions on whether or not to stay engaged and how, the mediation team develops a number of scenarios. On the military front they foresee either: 1) no war no peace, 2) resumed peace talks, or 3) full-scale war.<sup>216</sup> Politically, they expect the government to either remain dependent on its junior partner, or enter into a coalition with the UNP. If neither works, new elections may be the result. Indian and US pressure to stop the war may affect the scenarios.<sup>217</sup> During an internal strategy session with Foreign Minister Jonas Gahr Støre in May 2007, the mediation team reiterates that: 'All observers think that this is a conflict that cannot be won by military means and most believe that the government cannot beat the LTTE militarily.' Moreover, the group concludes: 'International pressure does not seem to have any positive influence, but rather to contribute to locking the military strategies of the parties.'<sup>218</sup> Strategic thinking thus tends to hinge on the premise that at some point a new stalemate may emerge, either because the LTTE rolls back the frontline (as it did several times in the past), or resorts to guerrilla style tactics to avert defeat. In hindsight, the Norwegian team underestimates the Sri Lankan government's strength, both militarily and politically. The team considers a wide range of likely and less likely scenarios, but (like most observers at the time), it does not reckon with the sequence of events that is to follow: a strong SLFP-led coalition and a military victory.

The military advances proceed. With support from Indian and US intelligence, the Sri Lankan navy is increasingly proficient in intercepting LTTE shipments on the Indian Ocean, thus cutting off the rebel's main supply channel. The insurgents strike back with several naval attacks. LTTE suicide attacks on top officials in Colombo become common, and in March 2007, they launch their first air strike (against the Katunayake airport), followed by a second raid in April. The raids are seen as a symbolic triumph for the LTTE, but are largely insignificant in military terms and do not impede the government's offensive in the east. In July 2007, the whole region is

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212 As mentioned, none of these mechanisms makes much progress, though the APRC produces substantive discussion. Tamil nationalist do not have much faith in the process, and they are further disappointed when the Supreme Court rules the north-east merger unconstitutional on 16 October 2006. The de-merger pleases the Muslims, but backtracks on the Indo-Lankan Accord and the 13th Amendment.

213 MFA 303.3 (2007/00140-4) and MFA 307.3 (2007/00635-37).

214 Interview 044D.

215 Interview 044D.

216 MFA 303.3 (2007/00149-15).

217 MFA. 307.3 (2007/00635).

218 MFA. 307.3 (2007/00635-49).

taken over by the government forces. The LTTE appears to retreat rather than fight back and attention shifts to the insurgents' main bastion in the north. The government prepares the ground – politically, diplomatically and militarily – for what it claims will be the final offensive. On 2 January 2008, it formally terminates the Ceasefire Agreement and the SLMM withdraws its monitors. The LTTE responds with a wave of bombings and assassinations in the south. Following some initial exchanges of fire, which the LTTE successfully resists, the government's main operation starts with the conquest of Maddhu in the southern Vanni in May 2008. The military increasingly uses LTTE-style attacks – alongside conventional warfare – including claymore mine attacks and Special Infantry Operation Teams. The army marches on and the whole Western Vanni falls to the government with the capture of Pooneryn in November that year. In that same month, Tamilselvan – head of the Political Wing and effectively Balasingham's replacement – dies in a government aerial bombardment.

Throughout these offensives, Norway continues its efforts to keep Sri Lanka's war on the international agenda. The co-chairs keep issuing critical statements towards both parties about civilian suffering and the need to resume a political track. Aware of the limited leverage of bilateral aid, EU member countries generate a discussion on the union's preferential trade agreement with Sri Lanka (GSP+), which is conditional on compliance with international human rights law.<sup>219</sup> Sri Lanka does not meet some of the criteria, including those on civil rights, child rights, and on disappearances. Norwegian envoy Hanssen-Bauer provides a thorough assessment of the situation in Sri Lanka to EU decision-makers in October 2008. He avoids taking a position on GSP+, but underlines that the EU could apply pressure on the human rights situation.<sup>220</sup> With critical reports by international human rights NGOs, Brussels feels pressured to take a stance, particularly when the Sri Lankan government remains largely unresponsive to EU concerns.<sup>221</sup>

### January 2009: Government forces capture Kilinochchi

In view of the rapid offensive, the Norwegians conclude in August 2008 that the army will probably capture the Vanni sometime in 2009, but it cannot be ruled out that this is a tactical LTTE retreat. The team concludes: 'It is very likely that the LTTE will disappear as dominant power in any geographic area during 2009 and that the government will start a rehabilitation process in the north like the one we see in the east.'<sup>222</sup> They expect, however, that the insurgents will flee to the jungle and continue guerrilla style warfare and will not fully disappear as long as Prabhakaran is alive. The Norwegian team decides that even if the government military prevails, it needs to keep reminding the Sri Lankan government of the need for a political solution.<sup>223</sup> They also maintain a dialogue around sensitive issues of rehabilitation and the resettlement and return of displaced people.<sup>224</sup>

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219 More specifically, GSP+ beneficiaries must have ratified and effectively implemented 27 specified international conventions in the fields of human rights, core labour standards, sustainable development and good governance. Sri Lanka is the only country where GSP+ was formally suspended.

220 Interview 019B and communication with the Norwegian MFA 070F.

221 Interview 064B.

222 MFA. 307. 3 (2008/00128-59) and MFA 307.3 (2008/00192-53).

223 MFA. 307. 3 (2008/00128-59) and MFA 307.3 (2008/00192-53).

224 Communication with the Norwegian MFA 070F.

It becomes clear that the endgame has started when the army captures Kilinochchi – the symbolic rebel headquarters in the Vanni – on 2 January 2009. The remaining LTTE territory around Puthukuduyiripu and Mullaitivu shrinks quickly. The LTTE's human shield of hundreds of thousands of civilians<sup>225</sup> who are not allowed to escape, form a crucial part of the insurgent's defence. Continued forced recruitment of ever younger child soldiers and brutalities are reported (Human Rights Watch, 2008). The civilian presence slows down the army offensive, but the government is determined not to let casualties change the course of events. The LTTE suffers from low morale (International Crisis Group, 2010) and internal dissent (Jeyaraj, 2010), and appears to pin unrealistic hopes on the diaspora, India or Western countries coming to their rescue.

Towards the end of 2008, international actors realize the game is changing. Aid agencies are requested to vacate the Vanni in September 2008 and it is clear that the government is closing in on the rebels. Concerned with the possible humanitarian consequences, four players, the UN, the ICRC, the US and Norway, coordinate their efforts closely. The UN and ICRC are primarily engaged with preserving humanitarian access: getting aid in and (wounded) civilians out of the war zone. The UN (through the World Food Program) provides food and medicine; the ICRC supplies the remaining doctors and tries to evacuate civilians; and Norway and the US make several diplomatic attempts to avoid the bloodshed of a final onslaught.<sup>226</sup> The co-chairs agree to work towards some form of LTTE surrender, but Japan and the EU are not engaged directly in subsequent negotiations.<sup>227</sup> India is not involved in these efforts either, but makes some parallel pleas for limiting civilian casualties. The Indian government also makes it very clear that it supports a continuation of the offensive and the defeat of the LTTE.<sup>228</sup> Pressure from Western countries on the Sri Lankan government is mounting, however. The EU postpones its decision on the GSP+ trade framework. An IMF standby credit, direly needed in view of economic downturn and budget deficits, is also held back. These measures invoke protests from the Sri Lankan government, but have no discernable impact on offensives on the ground.<sup>229</sup>

Soon after the conquest of the geographically strategic Elephant Pass (9 January) and the remaining rebel pockets on the Jaffna peninsula (14 January), the government unilaterally declares a No Fire Zone (NFZ) on the LTTE's southern and western defence line (21 January). Dropping leaflets from the air, it requests civilians to move there while the offensive continues. The LTTE continues to fire from inside the zone. The government also launches sustained, heavy bombardments on this purported safe haven. A UN convoy, grounded in the Vanni because of the LTTE's refusal to let local UN staff vacate the area<sup>230</sup> seeks shelter in the zone and gets barraged with bombs and shells. Many civilians, who had come to seek safety, die

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225 The assessment at the time was that about 200,000 civilians were trapped with the LTTE in the Vanni (see e.g. Human Rights Watch, 2009), but the number later proved to have been as high as 365,000 (International Crisis Group, 2010).

226 Interview 034C.

227 Interview 010A.

228 Interview 033E.

229 Later efforts for a resolution in the UN Human Rights Council, led by Germany, the Netherlands and the UK, result in a humiliating defeat for these countries. Sri Lanka is supported by India, China, Russia and a larger group of Asian (and other developing) countries and successfully neutralises a reprimanding resolution (27 May 2009).

230 The Norwegian embassy, in close touch with the UN and other humanitarian actors, exerted strong pressure on both government and LTTE to enable UN agencies and the ICRC to provide emergency assistance. Pressure on the LTTE to let the UN convoy go fell on deaf ears, however (MFA 397.3 (2009/00028-6)).

on the spot. Militarily experienced eyewitnesses and satellite imagery provide evidence for these humanitarian atrocities (Human Rights Watch, 2009; International Crisis Group, 2010; UN Panel of Experts, 2011; Weiss, 2011). In the following days, the District Hospital and the Ponnambalam Hospital in Puthukkudiyiruppu, packed with injured people (as well as some wounded LTTE cadres in the second hospital), get bombed. Government statements initially acknowledge, then deny the attack (Human Rights Watch, 2009; International Crisis Group, 2010; UN Panel of Experts, 2011; Weiss, 2011). The World Food Program and ICRC keep up their attempt to provide aid, but there are heavy government restrictions and supplies often do not reach the whole population.

The government declares a limited ceasefire from 1 to 3 February 2009 to allow civilians to leave, but the LTTE restricts the number of people allowed to depart and uses the lull to launch a counter strike. On February 3, a co-chair statement publicly asks the LTTE to lay down arms and suggests both parties declare a temporary cease-fire and resume dialogue. The insurgents ignore the statement. LTTE (child) recruitment and forced detainment of the civilian population in the war zone continues as the army keeps moving forward. As the front line moves, Puthukkudiyiruppu's hospital is moved further into LTTE territory, but shelled again on 9 February. The government calls off the first No Fire Zone and announces a new one on the narrow strip of land on the east coast north of Mullaitivu (12 February). The army presses on and shelling into the zone and on demarcated hospitals will continue over the next three months. In this period, the remaining ICRC expatriates vacate the area. Evacuations and supplies continue by sea – between the No Fire Zone and Pulmoddai further south. On 24 February, the LTTE sends a letter to the EU, US, Japan and Norway indicating they request a ceasefire, but offers no firm guarantees in return. The government calls the letter an 'unrealistic prayer about a ceasefire'<sup>231</sup> and turns the request down. International actors call on the LTTE to lay down weapons and attempts to negotiate an 'organised end to the war' continue.

In close dialogue with the US, Norway continues its efforts to resolve the humanitarian crisis through some form of surrender. The ideas circulated consist of four main components: 1) a government guaranteed amnesty for LTTE cadres other than the top leadership; 2) the LTTE handing in their weapons to the UN; 3) LTTE cadres surrendering to the UN or the ICRC; and 4) the co-chairs promising involvement to improve the situation for civilians and support a political solution to the conflict.<sup>232</sup> The US is prepared to make landing vessels available for transport to Trincomalee. Preparations are made for an international presence in the war zone – by the UN Resident Representative or in another way – and make sure both India and the US stand witness to the implementation of whatever arrangement emerges. The Norwegian team receives signals that the Sri Lankan government may accept LTTE surrender at this point, though they are resistant to the idea of a UN envoy and the Norwegians are not sure the military can be convinced either. The Norwegian team hopes the 'face saving measures' will make it easier for the LTTE to accept.<sup>233</sup> Inter-

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231 MFA. 307. 3 (2009/00028-12), Colombo to MFA, 24 February, 2009.

232 MFA. 307. 3 (2009/00028-23), MFA to Washington D.C., New York, Brussels, 24 April, 2009.

233 MFA. 307. 3 (2009/00028-23), MFA to Washington D.C., New York, Brussels, 24 April, 2009.



views and archives suggest the plan for LTTE leaders was to transfer them to Colombo and provide international guarantees for their well-being, but according to testimony from former LTTE operator 'KP' (with whom the Norwegians have a meeting in Malaysia on 26 February), the LTTE expected the evacuation of 25 to 50 LTTE leaders and their families to a foreign country to be a possibility. Prabhakaran, however, rejects the proposal out of hand as 'unacceptable' (Jeyaraj, 2010). The LTTE leadership is living in a 'dream world', the diplomats involved conclude. The LTTE seems to believe in 'miracles'; 'Prabhakaran had survived on numerous previous occasions by a miracle and perhaps believed he would do it again,' according to one of the Norwegians.<sup>234</sup>

As the net around the insurgents closes, LTTE surrender becomes a less and less attractive option for Colombo. It is also doubtful India has any interest in the LTTE surviving the end of the war. Non-Western countries tell the Sri Lankan government to ignore Western pressure and 'get it over with,' according to the testimony of a Sri Lankan diplomat.<sup>235</sup> Another former government official adds, the government has 'hardly any reason to let the LTTE surrender or escape', 'to think twice before grabbing the cobra by its head, and maybe have trouble again for another twenty years.'<sup>236</sup> It is in this period that the Sri Lankan government terminates Norway's facilitator role in Sri Lanka.<sup>237</sup>

Attempts to get the government to agree to internationally monitored safe havens fail. Additional time pressure is generated by the Indian elections. Though considered unlikely, there is a chance of the Hindu nationalist Bharatiya Janata Party (BJP)<sup>238</sup> defeating the ruling Congress party.<sup>239</sup> A less permissive Indian position poses a risk for the Sri Lankan government. Although a major change in the Indian stance is very unlikely, the government really fears someone will come to the insurgents' aid.<sup>240</sup>

Following more international pressure, the government announces another two-day ceasefire in April to enable civilians to get out, after which the offensive resumes. On 29 April, foreign ministers Miliband (UK) and Kouchner (France) make an unexpected visit to Colombo and try to convince the government to change its stance, without success. In fact, hardly anyone even notices their efforts, and critical aid workers refer to it as 'a joke'.<sup>241</sup> The second No Fire Zone is replaced by a third zone which covers a very small piece of land on 8 May. On the next day, the last ICRC ship reaches the Vanni. Subsequent shipments are called off due to the heavy fighting. Indian Home Minister Chidambaram contacts Prabhakaran and suggests the LTTE agrees to a pre-drafted statement that they will lay down their weapons.<sup>242</sup> The document leaks to Vaiko, a radical but marginal Eelamist politician in Tamil Nadu, who rejects it as a Congress trick and assures the LTTE that BJP will win the

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234 Interview 030A.

235 Interview 033E.

236 Interview 069E.

237 On 12 April 2009, Tamil demonstrators broke into the Sri Lankan embassy in Oslo. The Norwegian government apologized for this incident, but it caused great resentment in Colombo and Sri Lankan Foreign Minister Bogollagama stated that, 'in this situation', there was no longer anything Norway could contribute to as facilitator of a peace process. (Interview 044A).

238 And its Tamil Nadu ally, the All India Dravida Munnetra Kazhagam (AIADMK).

239 And its Tamil Nadu ally, the Dravida Munnetra Kazhagam (DMK).

240 Interview 033E.

241 Interview 056B.

242 Interview 043D.

ongoing Indian elections and come to the Tigers' rescue. The army launches its final offensive. Improvised LTTE plans to evacuate their leader fail (Jeyaraj, 2010) and their chain of command unravels. A group of civilians as large as 60,000 attempts a mass break out across the lagoon on 14 May. Many of them drown, however, and when the army on the other shore tries to extend its help, LTTE cadres open fire (UTHR, 2009). In the night between 17 and 18 May, Nadesan (head of the LTTE Political Wing) and Pulidevan (head of the LTTE Peace Secretariat) contact the Norwegians as well as the UK and US embassy, the ICRC, and Chandra Nehru (a Tamil politician in Colombo) indicating their last-minute willingness to surrender. Following hasty negotiations with presidential advisor and brother Basil Rajapaksa, they are told to walk across the frontline with a white flag. The last phone conversation is held shortly before their departure. Hours later they are reported shot. Government troops move into the last LTTE stronghold and kill LTTE chief Prabhakaran and the remaining LTTE leaders including Soosai (Sea Tigers) and Pottu Amman (intelligence). Tens of thousands of civilians escape the war zone in the days before the last battle, but some 30,000 civilians remain entrapped. The civilian death toll during the last night alone is estimated at 1000 to 4000 (UTHR, 2009). No firm overall evidence is available, but the International Crisis Group's estimate on the basis of population movements suggests the total number of civilians who died in the last months plausibly exceeds 30,000 (International Crisis Group, 2010).

## **PART III: THE ANALYSIS**

### **7. The International Dimensions of the Peace Process**

This chapter focuses on the changing external environment during the course of Norway's engagement. It examines how shifts in the international and regional environment, and the changing roles and interests of key international players influenced Norway's role and shaped the peace process more generally. It also seeks to understand how Norway engaged with other international players in its role as facilitator of the peace process.

#### **Sri Lanka's geopolitical position**

Sri Lanka's external environment has always been important. It is a small country separated from India, the regional hegemon, by a narrow strip of water, the Palk Strait. As the country's most immediate neighbour, India has always had an abiding interest in and influence on Sri Lanka's development. To a large extent Western actors have tended to accept that Sri Lanka lies within India's sphere of influence. Although India's involvement in Sri Lanka has changed significantly in the last thirty years, the issues driving this interaction have for the most part remained similar, and can be summarized in the following four factors: (1) regional security concerns, particularly involving Sri Lanka's relations with extra-regional powers, mainly China and the US; (2) domestic security concerns, particularly relating to the role of non-state militant groups and separatism; (3) the welfare of Sri Lankan Tamils and the need to be responsive to political affinities and concerns about that welfare in the Indian state Tamil Nadu; and (4) commercial/investment compulsions in the context of the expanding Indian economy (Rehman, 2009; Destradi, 2010).<sup>243</sup> Whilst the relative importance of these factors has changed over time, for the most part the first two have tended to be the primary drivers of Indian (dis)engagement in Sri Lanka. The nature and scale of India's engagement with Sri Lanka can be traced to imperatives arising within these four parameters (Goodhand et al., 2011b).

Western interests and drivers of engagement in the country include trade, security and terrorism, refugees, humanitarian and development assistance and human rights concerns. Although Sri Lanka does not represent a geo-strategic priority, Western political and economic interests have not altogether disappeared. Exports to Western countries continue to be important for Sri Lanka and the country's ruling elite has had a strong westward orientation because of educational, language and social ties. This and the presence of large diaspora communities in the West means

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<sup>243</sup> India's exports to Sri Lanka doubled between 2004 and 2008 and foreign direct investment (FDI) grew from \$54 million to \$126 million in 2008. However the share of India's trade with neighbouring states is minimal. In 2008 India's imports from the whole of South Asia amounted to just 5.1 percent of total imports and only 6.9 percent of exports were to South Asia (Destradi, 2010).

that Sri Lanka has sometimes exerted a disproportionate pull on the attention of the foreign ministries and aid bureaucracies of such Western countries.

The main regional body, the South Asian Association for Regional Cooperation (SAARC) is weak because of conflicts between member states (notably India and Pakistan) and a strong commitment to internal sovereignty and a policy of non-interference.

Sri Lanka's political elite have had to balance and mediate different, sometimes competing external pressures. During the Cold War period this involved triangulating between the United States, the Soviet Union and India.<sup>244</sup> When leaders tipped too far in one direction, it invariably prompted a reaction – for example the shift towards the US in the late 1970s was perceived unfavourably by India and contributed to its active support of militant Tamil groups during this period (Bullion, 1995). Sri Lanka's externally oriented economic base – first depending upon the plantations sector and trade and more recently the garment industry and labour migration – increases its openness (and vulnerability) to external pressures. These external dimensions have included rapid changes in regional and international geopolitics, the global economy, global norms and prevalent ideological and cultural influences. External drivers of change have not been limited to the formal agents of states including diplomats and aid donors, but also include a wide range of non-state, transnational actors including diasporas, private businesses, NGOs, religious bodies, trade unions, political parties, and the media. These external actors and networks have often had an important influence on domestic processes.

Actors belonging to the Sri Lankan state, the LTTE, and NGOs have adapted to changes in the international arena to generate political capital, gain access to resources and to mobilize legitimacy. Yet, being seen to *reject* such relationships is an important part of the story. Too close an association with Western actors and policies can be deeply damaging. The banner of the 'international community' – comprising foreign donors, diplomats, NGOs, and churches, as well as their proxies in local civil society – is used by nationalist groups to mobilize and meld together an assortment of anxieties and stereotypes, including fears about foreign interference, economic and cultural imperialism, religious conversion and so forth. Intervention linked to the conflict is particularly sensitive as it taps into fears that international actors are intent on dividing the country, are pro-Tamil and pro-terrorist, and that human rights concerns have effectively tied the hands of the military, preventing them from finishing off the LTTE.

When Norway stepped into its role as mediator in the 1990s, it entered a highly charged environment. Instrumentalization of its efforts by political elites and attacks by societal groups were inevitable given what it was doing, what it represented and the stakes involved. In the following sections we examine the changing dynamics of international intervention, the interface between international and domestic actors and the implications for Norway's role. The period under review saw a major shift in

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<sup>244</sup> Sri Lanka's active involvement in the non-aligned movement was linked to its goal of maintaining a degree of independence and buffering itself from superpower and regional power interference.

Sri Lanka's geopolitical position that can broadly be characterized as an eastwards tilt, which had a profound impact on peacemaking and war making dynamics.

### **The rise and fall of 'liberal peacebuilding'**

During the period 2002-2004, international engagement broadly corresponded to many of the key tenets of 'liberal peacebuilding' – understood here to mean international support and pressure for the simultaneous pursuit of conflict resolution, market sovereignty and liberal democracy. In the Sri Lankan context, the attempt to combine externally facilitated mediation with reforms of the state and market reforms was unprecedented. Although not all international actors were conscious agents of liberal peacebuilding, they, and the Sri Lankan government, were clearly influenced by many of its key components and underlying assumptions. (Bastian, 2011; Goodhand and Walton, 2009; Lunstead, 2011; Stokke and Uyangoda, 2011). The assumptions were that a peace settlement could be reached through a mediated settlement; that a peace deal would need to be linked to political reforms involving the democratization of the state through some form of devolution package; that economic growth achieved through liberalisation and a reconstruction package would help build security by creating a peace dividend and shared interests for peace; and that these three elements were inter-dependent and mutually reinforcing. The 'liberal peace' therefore can be understood, not just as an academic construct, but as a concrete phenomenon which implicitly or explicitly shaped the ground rules and approach to the peace process. Furthermore, it was not something that was simply foisted upon the Wickremesinghe government – they were vigorous proponents of such an approach, partly because of their support base in the business elite and partly because of the personal commitment and orientation of Wickremesinghe himself.<sup>245</sup> The UNP's pursuit of peace was thus closely tied to its vision of accelerated integration into the world economy and reform inspired by countries like Malaysia or Singapore.

Initially, both main conflict parties were in favour of internationalizing the process, though each had a different view about the kind and degree of internationalisation that was desirable. For Ranil Wickremesinghe, internationalisation was central to his strategy, which was based upon the belief that the LTTE could not be defeated militarily. First, it provided him with an international 'safety net', or so-called 'security guarantees'. That is, the government extracted US and Indian reassurance they would side with the government in case talks broke down. Second, given his fragile political base – a narrow margin of victory in parliamentary elections and the cohabitation issue – he needed international backing to help push through his dual track policy of peace making and economic reforms. Rapid economic growth would help neutralise electoral opposition to unpopular reforms. Third, given the parlous state of government finances, he needed donor support to fund the infrastructure of the peace process and to help generate a peace dividend, particularly in the north-east. Normalisation and economic take-off would 'blunt the secessionist impulse' (Saravanamuttu, 2003) and undermine the LTTE's support base. Wickremesinghe was backed strongly by the Colombo business lobby which saw peace as an opportunity to turn Sri Lanka into another Asian tiger. The IMF and the World Bank did not

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245 One diplomat even said that the one thing that Wickremesinghe really got excited about was not the peace process, but the reform package (interview 076C).

have to pressurize the government into macro economic reforms – in fact the World Bank resident representative of the time claimed that he tried to persuade Wickremesinghe to ease back on such reforms because of their potentially de-stabilizing political impacts (Goodhand and Klem, 2005)!

From an LTTE perspective internationalization had long been part of their strategy. Its diaspora networks became increasingly important in the 1990s, not only as conduits for fund raising, but also as a means to influence Western publics, international organisations and policy makers. Their Western orientation grew following the rift with India (after the IPKF and Rajiv Gandhi's assassination) which effectively cut them off from a hitherto important source of sympathy and support. The LTTE insisted they were the sole representatives of the Tamil people, which is why they found independent Tamils such as (academic and civil society leader) Neelan Thirulchelvan and (former Foreign Minister) Kadirgamar so threatening. They challenged the LTTE's demand for exclusive access to Western policy making circles and were therefore assassinated.

The convergence of the Sri Lankan government and the LTTE around an internationalized peace process papered over major contradictions since they had rather different motivations for seeking foreign support and divergent views on what role international actors should play. The government tended to focus on the economic benefits of internationalization, whilst the LTTE were primarily interested in its political impacts. International support for the peace process was also riven by major contradictions in interest and outlooks among international actors, though these were publicly downplayed to preserve the positive momentum. International actors wanted to be associated with a success story and both protagonists enjoyed the legitimacy and attention that accrued to them through international engagement. After the Tokyo aid conference, the differences between international actors became increasingly clear and heavy internationalization catalyzed long standing insecurities about foreign meddling; as noted by Mahinda Rajapaksa in a speech to parliament on May 19, 2009, 'there has been no era before this in which the international community has paid as much attention to my motherland as in the present times'.<sup>246</sup>

The peace process and particularly its international dimensions had a number of effects in the south. First, Large parts of the polity and the electorate – but Sinhala nationalists in particular - felt the UNP's 'appeasement' of the LTTE threatened the sovereignty and unity of the island. Prime Minister Wickremesinghe's close links to international actors undermined his legitimacy and credibility in the south, which Chandrika Kumaratunga and the JVP exploited. Second, Western actors appeared to be protecting an increasingly illegitimate (particularly in the eyes Sinhala nationalists) peace process at all costs, turning a blind eye to human rights abuses and assassinations. Third, the peace process was linked to deeply unpopular structural reforms, which were partly attributed to international actors such as the World Bank and IMF. These anxieties were heightened by the post-tsunami response, which further strengthened the image of corrupt and neo-colonial aid actors, whilst the negotiations over P-TOMS reproduced the same fault lines and concern as the

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<sup>246</sup> Full text available on: [http://www.satp.org/satporgrp/countries/srilanka/document/papers/president\\_speech\\_parliament\\_defeatofLTTE.htm](http://www.satp.org/satporgrp/countries/srilanka/document/papers/president_speech_parliament_defeatofLTTE.htm).

peace talks, related to sovereignty and foreign interference. Fourth, foreign funded civil society was seen to be elitist and 'rent seeking' – these 'peace vendors' were viewed by many as part of the Western enterprise to weaken and fragment Sri Lanka (for discussion see Walton, 2008).

The peace process thus created the space for political entrepreneurs to mobilize and recycle old nationalist insecurities. With the Sri Lanka Freedom Party (SLFP) picking up the nationalist baton, 'talking peace' was no longer regarded as legitimate political action. Scapegoating international actors and their proxies within Sri Lanka civil society was central to the mobilization strategies of nationalists (Goodhand and Walton, 2009; Rampton and Welikala, 2005; Walton, 2008).

Norway was not a conscious proponent of liberal peacebuilding. The mediation team – and Norwegian policy more widely – did not see itself as an advocate of neo-liberalism and showed limited interest in economic reforms altogether. One of the leading Norwegian officials in fact admitted he did not understand until later about the exact importance of the economy and the relevance of people's concerns about the UNP cutting state subsidies and jobs for the peace process.<sup>247</sup> On the other hand, Norway explicitly encouraged the internationalization of the peace process and was an advocate of the peace through development approach – often for what seemed to be very good reasons at the time. The Norwegians also to some extent became victims of this rapid internationalization when it provoked counter mobilization by nationalist forces. Over time, the narrative promoted by such forces relating to negotiations and the economy became gradually more ascendant and undermined the perceived legitimacy of the peace process in the south.

### **Borrowing Leverage**

Norway was chosen as a facilitator, not only for its expertise, but also because it was a small power without geo-strategic interests and colonial baggage. Being a less powerful player, Norway felt it had to consult the US and India, the former as the world's superpower and the latter as the regional hegemon. The Norwegian team understood that without their backing (explicit or tacit) they could achieve little. While the US appeared to be unambiguously positive, India's response to Norway's role was less committal and less optimistic. India did not object since they saw Norway as non-threatening and gave them (lukewarm) support in the absence of any obvious alternatives. As one Indian informant commented: 'the attitude was: try it and we'll see what happens, [but] the Indians never factored Norway as a serious presence. They were respectful, but sceptical of what they could actually do [...] India supported Norway because they thought it would not work anyway'.<sup>248</sup> India had very clear ideas about the acceptable parameters for a settlement; it would not countenance anything that went beyond the 13<sup>th</sup> amendment<sup>249</sup> in terms of devolution of power to the north-east. Also, the 'LTTE could not be part of the solution.'<sup>250</sup> For both the US and India, Norway was useful as a medium to the LTTE because of their own anti-terror restrictions. The downside, according to one Indian

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247 Interview 026A. Also, interview 005A.

248 Interview 041D.

249 The 13th Amendment was a ramification of the Indo-Lankan Accord in 1987.

250 Interview 048D.

diplomat, was 'that Norway gave the LTTE some legitimacy which we found very uncomfortable'.<sup>251</sup>

Unlike in other countries, Norway operated as a sole mediator in Sri Lanka. Its role was not reinforced by a firm multilateral arrangement or the explicit collaboration of a powerful state. It was acutely aware of this, but there were few countries or international organizations that were willing to make Sri Lanka a policy priority. Particularly after the peace talks unravelled the Norwegians struggled to preserve a level of international attention. Early on, they attempted to generate a more internationalised framework, by seeking support from the donor community (e.g. the aid conferences in Oslo and Tokyo) and through the co-chair arrangement. Both strategies provided the Norwegians with some leverage – of which it had very little by itself – and decreased its exposure as a solitary mediator. However, efforts to generate international pressure often backfired. For instance when Solheim attempted to mobilize US pressure on the Sri Lankan government in 2001, it caused resentment in Colombo. Similarly external pressure prompted a reaction from the LTTE, who felt international involvement with the peace process had become 'excessive' and contributed to a 'peace trap' (Balasingham, 2004).

Through the co-chairs arrangement that was initiated in Tokyo to extend Wickremesinghe's idea of an international safety net, Norway secured the buy-in of Sri Lanka's biggest donor (Japan)<sup>252</sup> and trading partner (EU)<sup>253</sup> as well as the global superpower (US). Before the EU proscription of the LTTE in 2006, Hanssen-Bauer persuaded Solheim that Norway should make better use of the co-chairs, so that Norway was seen to be part of a wider international alliance. As one Norwegian informant noted: 'After a while we began to see the benefits of this group – it meant that not everything depended upon our opinion. Once the war restarted we saw it as a more likely mechanism to succeed and to decrease our exposure'.<sup>254</sup> At the co-chair meeting in Oslo in May 2006, which ended with a sharp warning to the parties to avert war and reduce violence, discussions were held about a division of labour between co-chairs with EU having special responsibility for human rights and the US for ceasefire violations. However, wider geopolitical shifts mitigated diplomatic pressure to return to peace talks.

When the war resumed in 2006, the co-chair framework proved a useful platform for speaking out about human rights and humanitarian issues, but co-chair statements were often compromises (mainly because Japan was hesitant to speak out) with little effect. The US<sup>255</sup> and India appeared to have given the government tacit (and to some extent active) support in its military campaign and as explored further below, other regional powers (mainly China) stepped in to back the government. Despite all its efforts, Norway had no significant leverage of its own and hardly any leverage to borrow from more powerful states after the peace talks unravelled.

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251 Interview 044D.

252 See chapter 10.

253 The EU accounts for 24% of Sri Lanka's trade, followed by India (12%), the US (10%) and China (10%). For the EU, Sri Lanka ranks 61st as trading partner with 0.1% of the volume (2009 figures) (EU DG Trade 2011:6).

254 Interview 030A.

255 In November 2004 for example the Norwegian Embassy in Washington wrote that the State Department was characterized by bureaucratic caution and a traditional scepticism towards the LTTE and their role in the peace process (MFA, 307.3 (2004/00007-201) Washington to MFA, 9 Nov. 2004).



## Changes and challenges in the international context

There were several important changes in the international context that coincided with Norway's peace efforts in Sri Lanka. First, 9/11 dramatically changed the international climate and made it a far less amenable setting for non-state military groups. Though this had no discernable effect on the LTTE's immediate course of action – it had been arguing for a Ceasefire Agreement and talks well before 9/11 – it was to have a big impact on their opportunity structure in years to come. Internationalisation and the appointment of a state mediator was a major coup for the organisation as it gave them recognition and helped translate military parity into political parity. For a time, with the Sri Lankan government lifting the ban on the LTTE and the willingness of European powers to engage with the organisation, the war on terror appeared to have little effect on the organisation's room for manoeuvre. In fact it has been argued that a strategic complementarity emerged between international actors in which the US and India played 'bad cop' (through proscription and support for the Sri Lankan military) and Norway, the EU and others played 'good cop' through engagement and material inducements (Goodhand and Klem, 2005; Lunstead, 2011).

Following the signing of the CFA there was a flurry of internationally supported initiatives aiming to coax the LTTE out of the bunkers and to broaden their worldview. From 2002 onwards, this included a continual stream of diplomats visiting Kilinochchi, in addition to several training initiatives and exposure visits to Western countries. This is discussed in more detail in the next chapter. Norway and some of the international donors were in fact rather innovative in engaging with the LTTE and normally relatively conservative actors like the World Bank tried to push their boundaries. This, however, started to change after the peace talks collapsed. The criticism from Sinhala and Muslim quarters as well as from international human rights NGOs on LTTE appeasement despite sustained CFA and human right violations generated pressure on international actors. Following the assassination of foreign minister Kadirgamar, Rajapaksa's election (both in 2005), and the resumption of war (2006), it became increasingly difficult – both politically and practically – for foreign players to interact with the LTTE. This left Norway increasingly exposed as the sole conduit to the LTTE, contributing to the perception that Norway was biased.

The changed international climate caused by the global war on terror worked against the Norwegian model of negotiating with non-state military actors: as noted by one senior Norwegian informant 'we didn't realise how difficult negotiating peace with a terrorist group had become since 9/11.'<sup>256</sup> When the EU blacklisted the LTTE, many of the countries that had been willing to try and accommodate the insurgents had to reposition themselves. The counter terrorism agenda meant that home ministries had become more powerful relative to foreign ministries, and domestic security concerns trumped the possible impacts on the peace process. As one NGO person remarked: 'The timing of the ban was abysmal. It was confusing for the LTTE. The government was getting ready for war and precisely at that moment the international community bans them.'<sup>257</sup> Therefore, by 2006, the international policy

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<sup>256</sup> Interview, 014A.

<sup>257</sup> Interview, 021B.

towards the LTTE had shifted towards one of all sticks and no carrots, which made Norway's position as an even-handed mediator untenable.

A second important shift in the international context was the changing parameters of India's engagement in Sri Lanka from the mid-1990s to 2009. Norway's very first peace explorations in Sri Lanka coincided with India's withdrawal from the country. The catastrophic IPKF experience and the subsequent assassination of Rajiv Gandhi definitively changed India's orientation towards the Tamil question. Relatedly, political dynamics in Tamil Nadu changed. The events of the 1980s – India's experience in Sri Lanka and the spill over of criminalized violence into Tamil Nadu – induced a strategic distancing by Chennai from the Eelamist struggle. Meanwhile India's accelerated integration into the global economy transformed the main electoral priorities, with 'bread and butter issues' trumping solidarity with Tamils living across the Palk Strait.<sup>258</sup> Finally, leading Tamil parties, most obviously Dravida Munnetra Kazhagam (DMK),<sup>259</sup> aligned themselves with the Indian Congress and could not to be seen as pro-separatist.

These are structural changes that started well before the commencement of the 2002 talks in Sri Lanka, but they were accentuated by the unexpected return to power in 2004 of the United Progressive Alliance (UPA) comprising Congress in tandem with DMK and several other parties. The UPA 'emphasized the terrorist line' in relation to the LTTE.<sup>260</sup> In part, however, the new Indian government was simply reacting to developments. When talks collapsed and violence resumed, siding with the Sri Lankan government was the logical default position. Added to that, there was a fear that too tough a stance towards Colombo would drive Sri Lanka into China's hands. Increasing Chinese commercial and military interests in the Indian Ocean region were a source of concern. China was willing to sell weaponry without political strings attached and able to provide the Sri Lankans with some diplomatic cover against perceived infringements on state sovereignty. India did not want to (and could be seen to) sell offensive arms. 'We did not want Indian bullets used against Tamils,' a senior Indian diplomat explained.<sup>261</sup> But it did provide intelligence and radar surveillance, and it did not oppose Sri Lanka's military purchases in China, 'so as to not alienate Rajapaksa and to avoid China and Pakistan from getting a hold,' an Indian observer said.<sup>262</sup> The then Norwegian ambassador in Colombo, Tore Hattrem described India as suffering from a 'Burma syndrome' in its Sri Lanka policy, meaning that it would not place a focus on human rights and democracy issues (as arguably had been the case in Burma in the 1990s) for fear of pushing the country into a closer relationship with China. India continued to express support for Norway's efforts in Sri Lanka, but with the return of the UPA and the resumption of war, Delhi's support for the Sri Lankan government (whether open or tacit) amounted to pursuing peace through the military defeat of the LTTE (see also International Crisis Group, 2011). The contradictions between this and Norway's approach became ever wider.

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258 Interviews 040D, 041D, 042D, 046D and 048D.

259 DMK had in fact never supported the LTTE, as they had sponsored the Tamil Eelam Liberation Organisation (TELO), a rival militia of the Tigers. AIADMK (DMK's main opponent in Tamil Nadu) had maintained ties with the LTTE in the 1980s, but had to turn around after the IPKF's plight. AIADMK's present leader Jayalalithaa who took over in 1989 was always a staunch opponent of the LTTE as well.

260 Interview 042D.

261 Interview 045D.

262 Interview 042D.

Sri Lanka's diaspora was a third important international factor that interacted with Norway's peace efforts. As described in chapter 3, the diaspora in fact encompasses a wide array of political groupings and connections and its impact cannot be easily ascertained.<sup>263</sup> The peace process, however, had a discernible enabling effect on the ties between the LTTE and its proxies in the Tamil diaspora. Tiger delegations visited Tamil hubs in Western cities and émigrés returned to the Vanni to witness (and contribute to) the *de facto*, state-like institutions of Tamil Eelam. By and large, the steady stream of diaspora figures who visited Jaffna and the Vanni tended to feed rather than challenge the worldview and self-perceptions of the LTTE.<sup>264</sup> 'The LTTE used diaspora experts to formulate their views into legal documents. Those who chose to offer alternate views were branded as traitors'.<sup>265</sup> The ISGA was a clear example of that. The LTTE's interim proposal was directed from the Vanni and was a technically sophisticated confirmation of hardliner views, at the cost of the more pragmatic stance that Balasingham was seen to represent. Regarding the Tamil diaspora in Norway, there were individuals and groups who tried to keep in touch with the ministry, both those linked to the LTTE and those who were critical of the movement. While they were influential in bringing the Sri Lankan conflict to the attention of Norwegian politicians before the peace process started, it was clearly a deliberate Norwegian policy to maintain a distance and the diaspora had little or no influence on the Norwegian facilitation.<sup>266</sup>

### The war for peace and eastwards tilt

The victory of Mahinda Rajapaksa in the 2005 Presidential elections was closely linked to the peace process and its internationalisation. Although the LTTE never explained their decision to prevent Tamils from voting, one possible explanation is their fear of Wickremesinghe's international safety net: 'Prabakaran was obsessed with the so called safety net [...] he felt that Rajapaksa was less Western oriented than Wickremesinghe and would be less able to build up an international framework'.<sup>267</sup> Rajapaksa in turn came to power riding the wave of nationalist reaction against the peace process and promising a harder position on dealing with the LTTE.

International actors in turn were not entirely sure how to respond to Rajapaksa feeling more comfortable dealing with the anglicized metropolitan elite. As one Norwegian diplomat admitted: 'Norway did not understand Mahinda Rajapaksa at the beginning'.<sup>268</sup> His government explicitly steered away from the West. China, as well as some relatively new partners like Iran and Libya featured more prominently in Sri Lanka. India continued to play a vital role, but when peace talks gave way to war, its alignment against the LTTE became more pronounced. Therefore the Rajapaksa administration constructed their own version of an 'international safety net' which they used very effectively to insulate themselves and the military from Western

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263 This particularly applies to the less studied Sinhala diaspora. Some of the more influential people around President Rajapaksa had recently returned from Western countries, his two brothers Gotabaya (the Defence Secretary) and Basil (main advisor) being prominent examples. Diaspora donations for the Sri Lankan armed forces also seem to have increased. Soma's teachings on purifying Buddhism and resisting global Christian hegemony and frustration with Western arrogance reinforce this picture, though it is not clear how widely shared these sentiments were. The Sinhala diaspora may also have been a factor behind the government's ability to strategically deploy 'Western' notions and discourses, notably related to the 'war on terror' and humanitarian issues.

264 Interview 026A.

265 Interview 045B.

266 Interview 008A, several interviews with members of Tamil diaspora.

267 There were other theories including (a) the Rajapaksas bribed the LTTE to stop Tamils in the north from voting; (b) the LTTE believed that only a leader with strong nationalist credentials could bring about a settlement in the south; and (c) the movement felt that an authoritarian, militaristic government would help mobilize Tamil support behind them and bring international public opinion back on their side.

268 Interview 014A.

pressures over human rights concerns in their pursuit of the final war. In much the same way that international actors attempted to devise ways of dealing with 'spoilers' of the peace process, the government treated Western actors as potential spoilers of its own project of counter-insurgency and militarized development and developed a combination of strategies accordingly.

Regional and international powers were initially sceptical about the war's outcome when violence escalated in 2006 and 2007 (Uyangoda, 2010a). India and the US were reluctantly willing to back the Sri Lankan state whilst Japan and EU were less enthusiastic. China, Pakistan and Iran were more unequivocal in their economic, military and political support for the government. Rajapaksa turned to Iran, Pakistan and China for military procurement on advantageous loans and to Libya, Iran, Japan, China and Russia for economic aid. Though military hardware was purchased in the Czech Republic and Israel (see chapter 9), China became by far the largest provider of weapons towards the end of the war (Destradi, 2010: 19). Rajapaksa also strengthened bilateral ties with Jordan, Burma and Vietnam (*ibid.*). India meanwhile walked a fine line between showing concern for the plight of the Tamils stuck in the war zone while supporting the defeat of the LTTE and preserving its ties with the Sri Lankan government. Most observers agree that India's most important influence on the end of the war lay not in the things it did and said, but in the things it did not do and say. 'The war was led by Indian silence.'<sup>269</sup>

Ties with China and other actors did not immunize Sri Lanka's government from Western and (milder) Indian pressure. Frameworks to discuss political solutions to the conflict (APRC) and investigate grave human rights violations (the COI and IIGEP) partly served to deflect international opposition to the conflict. The government also sought to legitimize the war in the north and east, by framing its operations within the discourse of the war on terror and labelling it a 'humanitarian war' aimed at liberating the Tamil people from the 'terrorists'. Defence Minister Gotabaya Rajapaksa described it as the 'world's biggest hostage rescue operation'. A policy of keeping the media out and limiting the access of aid agencies was strictly enforced.<sup>270</sup>

From putting peace conditionalities on the negotiation table in 2003, international donors now pressed for a kind of 'conflict conditionality', which involved applying diplomatic pressure and reduced funding in the hope of persuading both parties to end the fighting, initially in the hope of a return to peace talks and finally with a view to a negotiated surrender. Norway persistently tried to push the UN to take a more active role, but the United Nations Security Council (UNSC) remained divided and efforts to get Sri Lanka on its main agenda were stymied by Russia and China.<sup>271</sup> Ban Ki Moon's 'quiet diplomacy' came under increasing scrutiny. The most damaging assessment was a leaked memo from Norway's deputy UN ambassador, Mona

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269 Interview 054D.

270 Lewis (2010) argues this 'illiberal counter insurgency' succeeded on its own terms because of the lack of restraint on part of the military and the willingness to endure high civilian and military casualties. This was very different, on paper at least, from the population-centric counter insurgency strategy advocated by Kilcullen-Petraeus in Afghanistan and Iraq.

271 The issue was taken up in an informal format called the 'interactive dialogue' in which the Sri Lankan ambassador was invited to participate. Members 'were persuaded that the option of informal interactive dialogue with the Sri Lanka ambassador held the greater prospects for impacting events on the ground' (Security Council report, 2009:17). The first of three sessions took place on 26 March 2009, followed by another meeting on 22 April. This time the Council was also briefed by the Secretary General's Chief of Staff, Vijay Nambiar and Cathrine Bragg, Assistant Secretary General for Humanitarian Affairs. A third session was held on 13 May, preceded by a meeting on 11 May hosted by the Foreign Ministers of UK, France and Austria, humanitarian organizations and concerned UN members including eight Council members.

Juul, who accused Ban of being a 'powerless observer' to the humanitarian crisis, whose 'passive and not very committed appeals seem to fall on deaf ears'. She added that 'China is happy with Ban's performance' (cited in Weiss, 2011: 142).

There was growing anger from the Tamil polity and diaspora who felt Western capitals did little to speak out.<sup>272</sup> The Sri Lankan government dismissed the hypocrisy of Western concerns over human rights violations – given the level of civilian casualties in Iraq and Afghanistan – and their persistent (and increasingly ungrounded) claims that the war could not be won by military means. It played an adept divide and rule game and used Western pressure to its own advantage, drawing upon an anti-colonial discourse to bolster domestic political legitimacy. Pressure gradually built up as the war intensified, yet at the same time the government became more emboldened by the concessions and silences of international actors, its growing military successes first in the east and then the north, and the compensatory support it received from non-Western sources. Possibly, Western pressure may have had an adverse effect, as it created additional anxiety and time pressure for the government during the final offensive.<sup>273</sup>

The LTTE failed to sufficiently appreciate the shifts that had occurred in the international and regional environment. Even towards the end it seemed to believe that international opinion could be mobilized to put pressure on Western policy makers to bring about a ceasefire. Or alternatively they held out hopes that elections in India would bring the BJP to power, who in turn would force the Sri Lankan government to bring the war to an end. This was based on an unrealistic reading of India's changing position in relation to the LTTE and Sri Lanka. The Indian External Affairs establishment in fact seems to consider its handling of the end of Sri Lanka's war a relative success,<sup>274</sup> though results are never one sided, a senior diplomat added: 'the murderer of Rajiv Gandhi is dead, but the Chinese are in and the Tamil issue is unaddressed.'<sup>275</sup>

Norway could do little to influence the forces at stake in the war and the changing international context in which it took place. The Norwegian team was aware of the difficulties it was facing, but 'had to work with the cards it was dealt.'<sup>276</sup> Diplomatic interaction with China had no discernable effect and pleas for a more productive Indian role fell on deaf ears. Through the co-chair arrangement, the Norwegian team managed to coordinate with the other three main players: the EU, Japan and the US. This enabled Norway to amplify its pleas, first for resuming talks, and later for humanitarian concerns and an attempt at negotiating LTTE surrender. The ability

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272 Information that subsequently became available through wikileaks shows that diaspora pressure in the UK did indeed have an impact on foreign policy towards Sri Lanka. A leaked May 2009 cable from the US embassy in London quotes the official, Tim Waite, a Foreign Office team leader on Sri Lanka explaining Miliband's intense focus on the plight of the country's Tamils in terms of UK electoral geography. 'Waite said that much of [the UK government] and ministerial attention to Sri Lanka is due to the "very vocal" Tamil diaspora in the UK, numbering over 300,000, who have been protesting in front of parliament since 6 April,' Richard Mills, a political officer at the US embassy, reported. 'He said that with UK elections on the horizon and many Tamils living in Labour constituencies with slim majorities, the government is paying particular attention to Sri Lanka, with Miliband recently remarking to Waite that he was spending 60% of his time at the moment on Sri Lanka.' Guardian (2010) 'Wikileaks cables: David Miliband focused on Sri Lankan war 'to win votes' 1st Dec, 2010.

273 Senior Sri Lankan diplomat Dayan Jayatileka noted 'It was a neck-and-neck race between the historic chance of finishing off the Tigers and concerted international pressure interrupting the offensive. [...] The international pressure was too strong for the Sri Lankan state simply to ignore but too weak to stop the state's military campaign. [...] We had to outrun the pressure by accelerating the military offensive and closing the endgame as soon as possible' (Jayatileka, 2010).

274 Interviews O40D, O41D, O52D.

275 Interview O40D.

276 Communication with the Norwegian MFA, O71F.

and preparedness of the co-chairs to counter-leverage Sri Lanka's course of action were very limited, however.

## Conclusions

This chapter has highlighted the limitations of external efforts to make peace. The potential success of peace diplomacy is determined by global and national security realities. Furthermore external interventions rarely have their intended effects as they are mediated through and translated by domestic actors, who in the Sri Lankan context have a considerable degree of decision-making autonomy.

Along with strong continuities, there were some major shifts in the domestic, international and regional environments during Norway's peace efforts in Sri Lanka, most obviously the impact of 9/11, India's tactical manoeuvring, the increasingly salient Chinese role, and the influence of diaspora elements. To a large extent these shifts worked against the Norwegian peace mediation strategy, as did some of the continuities, particularly those inherent to Sri Lankan politics.

The impact of policies related to the war on terror became more evident when the peace talks collapsed and domestic opposition to foreign involvement was mounting. The proscription of the LTTE by the EU was the culmination of a trend which left Norway exposed internationally and in Sri Lanka. Norway showed bravery and perseverance, but also perhaps insufficient strategic or tactical awareness, though some compensatory measures such as boosting the co-chairs arrangement were tried. As one senior US official noted: 'they were victimized and perhaps not clever enough to see which ways the winds were changing'<sup>277</sup>.

The bigger picture is, as Vidar Helgesen admits, Norway's 'peace diplomacy has been caught between anti terror policies that it cannot influence and peace diplomacy ambitions that it can't live up to' (Helgesen, 2007: 1). In its desire to maintain close relationships with great powers, whilst presenting itself as a neutral peace maker, 'Norway struggles to square the circle of being a loyal team player, helping to demonstrate a united international front against terrorism, and at the same time wanting to support negotiated solutions to conflict in which one side is labelled a terrorist organisation' (ibid.).

In the final stages of the war for peace Sri Lanka became a test case for the 'responsibility to protect' agenda, with Eastern and Western powers taking different positions. Each had fears about the demonstration effects of contrasting scenarios. The former wanted to avoid a scenario in which Western intervention prevented a sovereign state from dealing with an internal 'terrorist' problem. The latter had concerns about the precedence-setting nature and broader adaptability of the 'Sri Lankan model' of counter insurgency and securitized development, and specifically its implications for international practices related to conflict resolution, human rights and humanitarian protection. Apart from a milestone in Sri Lanka's history, the rise and fall of the peace process is thus also part of a global story of declining Western leverage and the reassertion of state sovereignty.

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277 Interview 035C.

## 8. The Changing Story of Norwegian Mediation

This chapter examines Norway's role as the facilitator of peace talks. It seeks to answer questions about the effects of Norwegian facilitation, at different levels and during different phases of negotiations; the design and management of the process; the level of strategic adaptation to changing conditions; the strategies for engaging with the various parties; and the approach to public relations and communications. Our analysis of these issues is informed by the wider literature on conflict mediation and peace processes, in addition to an examination of events in Sri Lanka during the period studied.<sup>278</sup>

### Conflict resolution: different processes, different challenges

It would be naive to think that the government and the LTTE entered into talks because of a common commitment to a shared vision of peace. More likely they saw the peace talks as an opportunity to further their particular goals: some version of Tamil Eelam (LTTE) and defusing terrorism and political instability, whilst preserving a unitary state (government). What changed, as a result of a 'hurting stalemate', was the balance between the political and military instruments deployed in response to shifting opportunities and turning points.

As the peace process changed over time, one can identify five distinct sets of facilitated negotiation efforts (Table 3).

**Table 3: Negotiations at different periods of time**

|   | Parties                       | Substantive focus   | Period    |
|---|-------------------------------|---|-----------|
| 1 | Kumaratunga gov't and LTTE    | Humanitarian measures; devolution package; possible CFA and interim solution tied to final settlement | 1999-2001 |
| 2 | Wickremesinghe gov't and LTTE | CFA, six rounds of talks on normalisation, aid and 'exploring federalism'                             | 2001-2003 |
| 3 | Kumaratunga gov't and LTTE    | P-TOMS (as a stepping stone for more substantive issues)  | 2005      |
| 4 | Rajapaksa gov't and LTTE      | Repairing CFA and resuming talks  | 2006      |
| 5 | Rajapaksa gov't and LTTE      | Last-minute CFA and LTTE surrender  | 2009      |

<sup>278</sup> This chapter draws upon a literature review on civil wars, interventions and conflict resolution by Oliver Walton.

Although there were important continuities between these negotiation phases, there were significant differences, demanding differing roles and approaches from Norway. Some of the turning points – Wickremesinghe’s election in 2001, the tsunami in 2004, and Rajapaksa’s election in 2005 – provided a new window of opportunity and Norway endeavoured to revitalize the faltering peace process. Notably, however, only in two out of the five periods did the process produce tangible, though short-lived, results (2: Ceasefire Agreement, SIHRN and Oslo communiqué; 3: P-TOMS).

Successive Sri Lankan governments had different approaches to conflict mediation and state reforms, though their positions shifted over time. Kumaratunga’s government followed a twin track approach of trying to weaken the LTTE militarily, whilst pushing through a comprehensive devolution package and reaching out to the Tamil people with development measures.<sup>279</sup> The Wickremesinghe government took a more incremental approach, which involved negotiations on supposedly less contentious issues whilst delaying discussions on core political matters, though pushing ahead with ambitious economic reforms in the south. The subsequent P-TOMS negotiations had a narrower focus on a joint aid mechanism. Finally, the Rajapaksa government adopted a more sceptical approach to external facilitation and ultimately reframed the conflict as a terrorist problem, demanding a military solution, followed by limited political reforms. The LTTE on the other side, prioritised de-escalation and interim solutions without compromising its longer-term political and military interests during peace negotiations, then increasingly resorted to brinkmanship and military pressure when talks faltered.

With each turning point, there were different actors in power, with different understandings of ‘peace’, placing new demands on Norway as a facilitator. Successive administrations brought in a new constellation of actors and though the LTTE were a more constant interlocutor, shifts occurred as a result of the death of Balasingham and the Karuna split. Furthermore, both the substance of negotiations (CFA, aid mechanisms, interim solutions, more fundamental constitutional reforms), and the style of negotiation (confidential and highly public; direct talks and shuttle diplomacy; cordial discussions and confrontational bargaining) changed over time.

However, in terms of Norway’s role and the design and management of the process, there are many continuities throughout the five periods distinguished here: Norway’s role and limited leverage (acting on request of the parties); the bipolar nature of negotiations; difficulties around the asymmetry between the two parties; and the tendency for immediate, tactical concerns to prevail over points of principle or fundamental, longer term political issues. Throughout, Norway had limited influence on the design of the process. It was invited to be a non-coercive facilitator and the process was designed within the confines of what was acceptable to the parties.

### **Ownership and leverage**

The Norwegians persistently referred to themselves as ‘facilitators’ who acted on the ‘invitation’ of the parties. This phrasing was partly an act of public diplomacy

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<sup>279</sup> In an interview with the authors, Kumaratunga explained: ‘We tried to win over the hearts and minds of the Tamil people. Separate the people from the LTTE. Either people would pressure them to come for talks or they would let them down’ (London 9 June 2011).



aimed at generating legitimacy and pre-empting controversy about Norway's involvement. In practice, Norway went beyond the passing of messages and logistic arrangements for peace talks. It was actively involved in the framing and phrasing of documents (like the CFA and the P-TOMS agreement), it influenced substantive discussions (e.g. by inviting experts on federalism), and it exerted diplomatic pressure on the parties (e.g. Petersen's letter to Prabhakaran after the Kadigamar killing). The Norwegians, in other words, were mediators, not mere facilitators, though they frequently switched back and forth between the two roles.<sup>280</sup>

The ambiguity was to some extent related to the different stances of the two parties. The LTTE wanted a mediator to strengthen their credibility and bargaining position, and the government preferred a 'light touch' facilitator because of concerns about sovereignty (Palihapitiya, 2007). Even within the government, there were different stances, with the then President Kumaratunga expressing concern from the time the Ceasefire Agreement was signed that Norway had overstepped its mandate.<sup>281</sup> In practice though, Norway's role was supportive rather than coercive. They primarily relied on establishing rapport, building trust and persuasion to influence the parties, and in some areas they made progress as a result of this approach. They established a firm understanding with Balasingham, who some Norwegian informants believed<sup>282</sup>, was able to convince Prabhakaran to change his position more than once (though many non-Norwegians were more sceptical about Balasingham's role or his influence within the LTTE). The Norwegian ability to even out differences through shuttle diplomacy over the CFA and P-TOMS was viewed positively by some of the then negotiators.<sup>283</sup>

Given the problems faced by India in Sri Lanka in the 1980s, it has been suggested that less powerful mediators with a more consensual style might be more effective (Moolakkattu, 2005). However, an 'ownership approach', as Norway's involvement in Sri Lanka has been characterized (Höglund and Svensson, 2011; Martin, 2006), may have its own shortcomings. First, it tends to be biased to the powerful, if ownership is limited to the conflicting parties rather than a broader national or societal ownership. In Sri Lanka, 'ownership' did not even extend to the whole of the government (in 2001-2003) as the President was kept on the sidelines. Second, the art of the possible could degenerate into searching for peace at any cost. Third, mediators could end up like a weather vane in rapidly changing winds, shifting direction as the belligerents changed their priorities (Zartman, 2009). This meant that when there was strong domestic and international backing first for a ceasefire and then talks, an ownership approach was logical and appeared to offer the most promise. However, in the absence of a basic road map for peace, strong momentum towards a settlement and 'locking in' mechanisms, the approach became decreasingly effective or relevant to the situation on the ground. 'Ownership' thus posed a challenge when the 'owners' and their strategies changed. Norway was invited to work towards peace, but that invitation implied different things to different people at different times.

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280 It is also common to regard 'facilitation' as one type of mediation within peace studies (see e.g. Bolger, Daly and Higgins, 2010).

281 Kumaratunga wrote to the Prime Minister that 'I observe that the powers and functions which by agreement are vested in the Norwegian Government travel far beyond the role of a facilitator for the expected negotiations towards a political agreement.... This is the first time in the history of post-independence Sri Lanka that a foreign Government is being authorised to draw demarcation lines on the soil of Sri Lanka' (The Hindu, 2 March 2002, cited in Moolakkattu (2005:393).

282 Interview 015A.

283 Interview 003B and 067E. See also Balasingham (2004).

The Norwegian team were aware of these limitations and feared becoming a 'pawn in domestic politics'.<sup>284</sup> During the first half of their efforts (1999-2003), they exercised much restraint. First, there was Kumaratunga's strategy which pivoted on the devolution package within a unified Sri Lanka and hinged on forcing the LTTE into compromise and cultivating a support base in the south. Both failed with the LTTE's military comeback and the UNP's *volte-face* on devolution. With Wickremesinghe's election in 2001, both parties agreed on the next steps to be taken and there was new space for an 'ownership' approach to move forward. But these new developments created their own obstacles. The Norwegian team was confronted with Wickremesinghe's tactic of sidelining President Kumaratunga and did little to counter adverse dynamics in the media or speak out against LTTE violations. When the LTTE's withdrawal and Kumaratunga's ministerial take over derailed the process, the shortcomings of this approach became more evident, leading to an apparent toughening of Norway's stance. In the Norwegians' own words they were willing to 'play hardball' and put down 'conditions on their engagement'.<sup>285</sup> They put their activities on hold to wait for the dust to settle in the Kumaratunga-Wickremesinghe conflict, and in late 2004 they insisted that both sides issue written confirmation of Norway's role and their intention to uphold the Ceasefire Agreement and search for a political settlement. Two years later, after Rajapaksa became president and before the Geneva talks were held, Norway renegotiated its contract with the parties by insisting on a number of ground rules including regular meetings with Prabhakaran (LTTE) and an end to the undermining of Norway's role (the government). Neither condition was met, however. As highlighted in Chapter 7, Norway did try to borrow leverage from other more powerful players, but synchronizing the deployment of 'carrots and sticks' was often problematic and frequently lagged behind developments on the ground.<sup>286</sup> A potential source of Norwegian leverage was the threat of terminating its efforts, but it is doubtful that this was a disincentive of any sort for either of the parties, a point we return to at the end of the chapter.

### Asymmetry, parity, and impartiality

Central to Norway's approach to ownership was the notion of impartiality, i.e. that as a facilitator it could not take a position that might be interpreted as supporting one side over the other. Maintaining impartiality in an asymmetric conflict is not straightforward, however. Effective negotiations between a state and non-state actor require some levelling of the playing field, by dealing with the power asymmetries in status, capabilities and behaviour. However, treating a sovereign state and a proscribed rebel group identically may provoke accusations of anti-state bias, particularly when it involves ignoring rebel malpractices and violence. Yet an uncritical adoption of diplomatic and legalistic protocols would severely impair access to and rapport with the insurgent movement. After all, rebels have reason to fear a tilt in the strategic balance when entering peace talks since unlike the state they are not secured by international law, established institutions, expertise and a network of well-versed diplomats.

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284 MFA. 307. 3 (2005/010004-21), MFA. 307. 3 (2006/00083-11), and MFA. 307. 3 (2006/00109-3).

285 Interview 014A.

286 For example there was a tendency to turn a blind eye to LTTE violations during peace talks, and yet when the government had resumed military operations in 2006 the EU took the decision to place the LTTE on the terrorist list.

In 2001 the LTTE demanded that a military stalemate be translated into political parity. To a large extent these demands were met with the signing of the CFA, the LTTE's de-proscription by the Sri Lankan government, and the formalised nature of bilateral talks. Furthermore, these concessions were granted unconditionally, without for example requiring the LTTE to give up separatism or committing itself to decommissioning weapons.

In other countries, Norway has confronted the 'asymmetry dilemma' through close collaboration with NGOs or academic institutions. These 'proxies' provide a buffer and a useful mix of formal state instruments and informal non-state instruments. The informal channels are moreover an insurance policy for the Norwegian state, which lowers its profile and preserves the possibility of denying its involvement. In Sri Lanka, however, Norwegian NGOs and well-connected individuals (mainly Arne Fjørtoft) were used as door openers, but subsequently largely sidelined. There was no significant role for Norwegian academics either.<sup>287</sup> Up to mid 1990s, there had been a diverse range of parallel initiatives, including communications through the networks of Fjørtoft and FORUT, and the activities of the Catholic Church. But when the Bondevik government came to power in 1997, the Norwegian Ministry of Foreign Affairs assumed responsibility for the whole process, both with the intent to professionalize the process and because the parties preferred a state as third party. These initial efforts were almost entirely premised on relations with the Sri Lankan government and its ideas on devolution and the preservation of a unitary state. A feasible channel to the LTTE only emerged in subsequent years when LTTE associates approached Solheim to request medical help for Anton Balasingham. Solheim's private interest and network subsequently fused with the ministry's effort and an arrangement emerged with ambassador Jon Westborg (working closely with the government), Erik Solheim (liaising with Balasingham) and the state secretary (first Wegger Strømmen, then Vidar Helgesen) preserving some distance and neutrality to both parties. This division of labour struck a balance between proximity to both parties and preserving some buffers. Rather than a pre-planned strategy, this can best be understood as the formalization of an *ad hoc* arrangement, the result of Westborg's rapport with his neighbour Kadirgamar and Solheim's link to Balasingham.

However, several Norwegian officials believed in retrospect it was a mistake to refrain from using proxies and overly formalizing the process, because it left them exposed, made 'track two' efforts difficult, fuelled the controversy of an LTTE bias and led to reputational damage.<sup>288</sup> Norway could not avoid getting drawn into the symbolic politics surrounding the peace process, but the formalization of its role and Solheim's salience in the media accentuated its profile and exposure. This inflated the negative effects of seemingly minor indiscretions, for example Solheim's

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287 In answer to the question why Norway did not seek stronger academic input/advice the answers given included a) the Sri Lankan government did not welcome wider involvement ('they make decisions not necessarily based on research and rational decision making' O14A) b) academics did not have information/analysis that was immediately useful since few of them had access to key high level interlocutors on both sides or new insights into the current thinking of the two sides (O25A). The Norwegian embassy consulted widely with think tanks and analysts in Sri Lanka and India (O25A). Whilst the prioritization of knowledge and analysis that had immediate relevance to decision making in the peace process is understandable, it may be argued that Norway would also have benefited from some of the more 'detached' academic writing and analysis that examined broader contextual factors and historical patterns. This could have helped Norway to better contextualise the policy agenda of the UNP administration and the critical importance of the co-habitation issue for example.

288 Accusations of a Norwegian LTTE bias were persistent in the Sri Lankan media. In 2002, The Island newspaper challenged a proposed Norwegian participation in a 'pro-LTTE' peace conference in Norway, in an article titled: 'Will neutrality be compromised?' (24 October, 2002). The paper later claimed success when Norway publicly declined to attend. By 2004, it had become common practice to accuse Norway of being biased.

calling Balasingham ‘your Excellency’ at the first peace talks and the symbolically troublesome pictures of him accepting a gift from Prabhakaran, both incidents causing irritation according to a Sri Lankan diplomat.<sup>289</sup> While some of these errors could have been avoided, there was a genuine belief that the peace process required a heavy investment in relations with the LTTE, and with the UNP coming to power in 2001, the Norwegians were given more space, and indeed encouragement to do so.

Building the LTTE’s capacity to engage in negotiation was central to the Norwegian idea of transforming the movement. Sustainable peace, it was reasoned, depended upon the LTTE becoming an effective political actor (Ropers, 2009). Norway supported the LTTE Peace Secretariat, the journeys of LTTE cadres around the world, and encouraged training courses and exposure visits.<sup>290</sup> These efforts were also supported by other countries, converged with the UNP’s strategy of locking the LTTE into the peace process, making it more difficult for them to return to the battlefield. Balasingham’s agreement to the Oslo communiqué, Karuna’s rift with Prabhakaran, and the fact that the LTTE for the first time ever independently produced a political proposal short of secession (the ISGA) all suggest that this intervention strategy did have some effects, both intended and unintended.

However, the adopted approach ran into serious problems. First, the Norwegians were not the only ones working with buffers. The LTTE leader Prabhakaran had also insulated himself (he never came out of the Vanni during the peace process) and the nurturing of a politically minded group of cadres in Kilinochchi seemed to have had little impact on the military core of the movement (sometimes erroneously referred to as the military *wing*). The Oslo communiqué was implicitly revoked, the Karuna split hardened the LTTE’s stance, and the ISGA was only an interim and partial step away from separatism (and was widely criticised as a ploy). The engagement with the diaspora did not appear to have any discernable effects on its hard-line Eelamist ambitions. Paradoxically, the opening up of the A9 as a result of the CFA may have reinforced Prabhakaran’s insularity. As one senior Norwegian informant noted,<sup>291</sup> the steady stream of diaspora figures who visited Jaffna and the Vanni tended to feed rather than challenge the world view and self-perceptions of the movement.

Second, the perceived appeasement of the LTTE caused concern in the international and well as the domestic sphere, particularly from India and the US. In the words of an Indian diplomat: ‘At the end of the day, perceptions count. And the perception was: they are becoming apologists for the LTTE.’<sup>292</sup> As noted in Chapter 7, international engagement with the LTTE was initially fairly nuanced involving a combination of sticks and carrots. North European donors and Canada were willing to push their boundaries by engaging with the LTTE, but their appetite for this declined over time in the light of the LTTE’s withdrawal from talks, continued ceasefire viola-

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289 Interview 033E.

290 Norway invested a great deal in capacity building including organising study trips and meetings with experts such as Bob Rae of the Canadian Forum of Federations, who visited Oslo at the time of the Oslo declaration. They also set up a discussion group on the ISGA which included a Retired Chief of the Norwegian Supreme Court. The University of Bradford ran a peace studies course for LTTE political wing cadres, as well as for the Sri Lankan military and civil society actors, funded by the UK government.

291 Interview 030A.

292 Interview 044D.

tions and few visible signs of transformation. Furthermore, Kumaratunga – who returned to the centre of power in 2003 – was more sceptical than Wickremesinghe about the benefits of Western engagement with the LTTE. The assassination of Kadirgamar had a major impact on the diplomatic community’s position towards the LTTE (the assassination of Kaushalyan or Tamilselvan did not have the same impact). Among other things, it contributed to the EU ban. Few EU member states resisted that decision due to the faltering peace process, which many blamed on the LTTE, homeland security issues, and concerns about diaspora extortion and intimidation within their own borders.<sup>293</sup> Norway’s stance and strategy remained more constant, and as a result it ended up in a very isolated position.<sup>294</sup> Some argue that there should have been greater international burden sharing in terms of engagement with the movement (Ropers, 2009), a feeling echoed by several Norwegian officials as well.<sup>295</sup>

### **Phased approach: interim and final solutions**

As already noted, there were important differences between the parties and between successive Sri Lankan governments on whether a final settlement should be reached through a phased, incrementalist approach, preceded by ‘normalisation’ or whether a comprehensive, once-and-for-all ‘big bang’ approach was required. The LTTE were always hesitant to commit to long-term frameworks and insisted on incremental and interim approaches. Critics took this as evidence of their lack of commitment and overtures for peace were interpreted as a ploy to reorganize and regroup. On the other hand the LTTE had good reason to preserve its instruments of power given that earlier pacts and accords were signed, but never implemented by Colombo. Most Sri Lankan governments, in contrast, have advocated ‘big bang’ approaches: measures for de-escalation and interim agreements needed to be connected to a comprehensive agreement with basic benchmarks (ruling out secession, the LTTE entering the democratic mainstream). Wickremesinghe’s UNP government was an outlier in this respect. It advocated a phased approach which de-emphasized the political core issues and longer-term constitutional arrangements. It was hoped that ‘normalisation’, exposure to the globalized economy and the creation of a peace dividend would effectively lock the LTTE into a process of internal transformation and that this would be less conflictual and de-stabilizing than immediate talks over power-sharing.

The incremental approach proved to be relatively successful in initiating a process, but ran into problems when more substantive issues were tabled. Therefore the hurting stalemate constituted a ‘ripe moment’ for initiating talks, but it proved far more difficult to generate ‘enticing opportunities’ to move towards a sustainable settlement. Talks created the appearance of momentum, but actual progress was limited. It proved impossible to circumvent the core political issues through confidence-building measures and foreign-funded joint mechanisms for reconstruction in the north-east. The Norwegian strategy was to broker a ceasefire and hold monthly

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293 Interviews 021B, 019B, 058B, and 064B.

294 This was evidenced by the response in the national media which criticised Norway, accusing them of lobbying against the ban. The Island accused ‘Norway [of ] misleading Europe about ‘terrorist’ Tigers’ (30 August 2005), whilst the electronic news bulletin of the Karuna group, Neruppu, suggested that, as a result of the former foreign minister’s criticism of the Norwegian peace initiative, ‘Norway [was] joyful about the murder of Foreign Minister’ (15 August, 2005). The JVP publication, Lanka, went further to suggest that ‘Norwegian Govt responsible for the assassination of Kadirgamar, says UTHR’ (22 August, 2005).

295 Interviews 022A and 025A.

meetings, buttressed by foreign aid and normalisation. This initial phase was to last half a year only and by the sixth meeting both parties were to table a proposed interim arrangement and a timeline for further negotiations.<sup>296</sup> The plan thus allowed for some initial exploration and trust-building, but centred on establishing some sort of road map relatively rapidly. As we know, the plan failed. Meetings were held more or less monthly and attempts were made to move from the CFA and normalisation (round 1), to more institutionalised arrangements (sub-committees, round 2) to the contours of a final solution (federalism, round 3). Rather than locking the parties in, however, the Oslo communiqué caused them to step back. The process continued with the development of interim proposals, but the gap between the UNP's development oriented scheme of limited devolution and the LTTE's ISGA proved too wide to serve as a basis for further negotiation. Parallel attempts to resolve obstacles to de-escalation (e.g. the High Security Zones) and deepen the process and its legitimacy through a human rights agreement were scuttled as well.

### Inclusivity and exclusion

The Norwegian strategy was bipolar in the sense that it was premised on bringing about negotiations between the two armed parties, both of whom resisted the inclusion of other actors in negotiations. This was problematic as it excluded actors with a legitimate stake in the conflict, including the mainstream opposition (UNP or SLFP), the Muslim community, non-LTTE Tamil dissidents, Sinhala nationalists and representatives of Sinhalese living in the north-east, the Upcountry Tamils and so on. Moreover, some of these parties – most obviously President Kumaratunga in 2002-2003 and the JVP in 2004-2005 – had sufficient political power and support to destabilise the peace process.

The Norwegian team made some overtures to the Muslims. In addition to the Prabhakaran-Hakeem agreement of 2002, which came about without their help, SLMC leader Hakeem was included in the government delegation (2003-2003); the Norwegians had several meetings with Muslim representatives; and the P-TOMS agreement carved out an explicit position for the Muslims. The general sentiment of the Muslim community, particularly those living in the east and in Mannar, was that this was too little too late and they objected to being presented with a done deal. However, most critically, a peace agreement pivoted on the issue of a 'bi-partisan' approach involving the UNP and SLFP leadership. From a Norwegian point of view, this was a 'no go' area.<sup>297</sup> First, Norway's mandate was to facilitate dialogue with the LTTE, not between political parties. Second, the risk of getting drawn into and becoming part of domestic politicking was considered to be too great. Norway maintained low-key contacts with the UNP under Kumaratunga's government. Similarly, they kept Kumaratunga informed about decisions when Wickremesinghe was Prime Minister. However, retrospective briefings did not give Kumaratunga any influence or a political stake in the process. She angrily reiterated to us that: 'Ranil Wickremesinghe signed the ceasefire without a word to the President! Without a word!'<sup>298</sup> But she was the President, the Commander in Chief, and the one who had

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296 MFA 307.3 (2000/00522-36).

297 Interview 029A.

298 Interview with former President Kumaratunga (London, 9 June 2011).

invited Norway in the first place.<sup>299</sup> The UNP turned down her suggestion to include Harim Peiris as her nominee to the peace talks and everyday annoyances in the cabinet (chaired by Kumaratunga, but run by Wickremesinghe) antagonized the president further. Following her take-over in 2003, there was a short-lived attempt to broker a power-sharing arrangement and a similar initiative took place after Mahinda Rajapaksa entered office in 2005. Norway did not play a role in either set of negotiations and neither of them created a breakthrough. This too can be related back to the ownership model, which essentially meant that intra-group divisions and conflicts were off limits.

Potentially a robust 'track two' process could have played a role in compensating for the exclusive, closed doors nature of elite talks. There were numerous initiatives in this realm, most linked in some way to Sri Lankan civil society, including long-established organisations like the National Peace Council, the International Centre for Ethnic Studies, and the Centre for Policy Alternatives. Donors including Canada, Germany, the Netherlands, Sweden, Switzerland, the UK, and the US created dedicated programmes and activities to shore up the Norwegian effort. The Berghof Foundation (with Swiss and German funding) and the Foundation for Co-existence were set up in Colombo to initiate dialogue activities, peace advocacy and conflict early warning systems. The Berghof Foundation for example organized meetings after the formal peace talks, where government representatives discussed the positions they had taken with invited civil society leaders. The funding of the Foundation for Co-existence and the National Anti-War Front, both led by Kumar Rupesinghe, constituted a deliberate attempt by Norway to support an individual and wider organisation that could engage with Sinhala politics and society. Additionally, the One-Text initiative brought together second tier politicians in an attempt to foster consensus and a flurry of frameworks emerged to reach out to the wider public, including the 'peace and development programme' at the Consortium of Humanitarian Agencies, an initiative called FLICT (Facilitating Local Initiatives for Conflict Transformation), the peace building fund of the UNDP, and activities under USAID's Office of Transition Initiatives. Studies about Sri Lanka's 'peace sector' and evaluations of specific programmes tend to be critical, however.<sup>300</sup> Few programmes succeeded in generating new peace constituencies, they tended to pivot on parts of the Colombo elite, and they had little success in influencing vernacular political arenas. With time they in fact suffered a major legitimacy crisis themselves. Counterproductively, the 'peace vendors' ('mudalalis') became a scapegoat for opposition to the peace process (Orjuela, 2008; Walton, 2008).

By and large, these initiatives were only loosely connected to 'track one', partly because the peace process had already passed its high point when these programmes were in full swing. Particularly in the early years of Norway's efforts, the Norwegian embassy was perceived as somewhat isolationist. It would decline invitations for important, but possibly sensitive, public meetings, and it was not until around 2005 that the Norwegian team actively tried to reach out to a much wider group of people. Key steps and breakthroughs – the CFA, the Oslo communiqué,

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<sup>299</sup> According to an influential Western diplomat in Colombo this was aggravated by 'a barely concealed disdain' of the Norwegians towards Kumaratunga. Excluding her, was 'a huge mistake' this interviewee argued and moreover: 'it was not for Ranil Wickremesinghe to say to Norway don't deal with her' (interview 076C).

<sup>300</sup> See Goodhand and Walton (2007), Orjuela (2008), Walton (2008), and Walton with Saravanamuttu (2011).

P-TOMS – were negotiated in relative isolation. The government and LTTE kept it that way and the Norwegian team concurred. One of the leading Norwegian players explained: ‘my experience in Sri Lanka is that if you take time for an inclusive process that pulls everyone along, you rally forces against something rather than for it. Sri Lanka never had a peace movement in the way you had an anti-peace movement.’<sup>301</sup> The experience with the devolution package and P-TOMS lends credence to this view. The former collapsed after years of consensus building and the tsunami mechanism was delayed and derailed in the process of cultivating Muslim and JVP support. Later on, the Rajapaksa delegation to the Geneva talks (2006) covered a wide spectrum of political players. Though there were more fundamental reasons for why these talks were scuttled, it was also clear that such an incoherent team with outspoken dissidents was unlikely to bring about agreement. Inclusion may contribute to consensus, but it is also prone to delaying and obstruction tactics.

### Public Relations and Communication

To a large extent Norway relied on the parties themselves to generate popular support for the peace process. At the outset their preference had been for a more prolonged confidential phase, to explore possibilities and establish rapport with the parties, but this was cut short when Kumaratunga went public in December 1999. Subsequent efforts took place in the media spotlight. In 2002 and 2003, the CFA and the six rounds of talks filled the headlines and the op-ed pages. The UNP actively sought publicity for the talks,<sup>302</sup> but did little to reach out to all levels of the population and cover its chauvinist flank. In contrast to Kumaratunga’s *Sudu Nelum* (white lotus) campaign in the mid 1990s, the UNP did not seem to have a thought through strategy to reassure Muslim and Sinhala constituencies who were anxious about their future. The administration’s economic reform programme – in the absence of compensatory measures – further undercut the fragile popular support base. During the 2002-2003 talks, Norway sought to convince Wickremesinghe to ‘sell decisively’ both the CFA and the Oslo communiqué to the rural population, but with little effect.<sup>303</sup>

Norway became increasingly aware of the need to have its own public relations strategy. On the one hand, Norway was accused of being too silent, which according to a Norwegian informant, stimulated a ‘market of rumours’,<sup>304</sup> particularly in the vernacular media.<sup>305</sup> Western diplomats in Colombo advised the Norwegians to take a more pro-active stance, telling them: ‘if you let a lie go unchallenged, it becomes a truth,’ but that advice was hardly heeded.<sup>306</sup> On the other hand, there was a significant level of annoyance with Solheim’s tendency to provide ‘running commentaries’ throughout the peace process, whether for domestic or Sri Lankan consumption, which in some cases caused additional controversy. ‘Solheim acted like he was running an election campaign,’ an observer said.<sup>307</sup> ‘But this was not Norway

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301 Interview 29A.

302 Interview 014A.

303 Communication with the Norwegian MFA, 079F.

304 Interview 009A.

305 Examples came from all quarters and included general statements, such as ‘Norway supporting separatism since 70s – National Bhikku Front’ (The Island, 22 March, 2006), to more direct accusations about Norwegian complicity in the conflict: ‘21 LTTE members given military training in Norway alleges PLOTE Rep’ (Divaina, 23 August, 2004), ‘Norway had supplied arms to LTTE through Slovakia (Divaina, 22 November, 2004) and ‘Murders in the South result of high tech communication equipment given to the Tigers by Norway’ (Nerrupu, 03 August, 2004).

306 Interview 076C.

307 Interview 077A.



and he did not fully understand how his words and behaviour were interpreted.’ At the same time Sinhala papers with patriotic credentials like *Divaina* and *Lanka-deepa* routinely discredited Norway’s efforts and accused the facilitators of supporting terrorists (Nadarajah, 2005). Donor support to Sri Lanka was generally covered positively, but criticism tended to grow when they touched on politically sensitive issues, for example by engaging with the LTTE or at the Tokyo declaration (Wickremesena 2006).<sup>308</sup> The Norwegian embassy had a press officer and the mediation team held press conferences at important occasions, but the overall strategy was that the government, which controlled a significant part of the Sri Lankan press, was responsible for handling the media. Norway’s expectation that the government, who had after all ‘invited’ them, would shield them against such attacks proved to be unfounded.<sup>309</sup> The growing anti-Norwegian climate in the south grew under the Rajapaksa government as nationalists became more ascendant in the public discourse and dissident voices were silenced.<sup>310</sup>

### Adapting roles after the resumption of war

In April 2001 Erik Solheim stated that: ‘if one day we become convinced that one side or both sides are not serious and only use our efforts as a cover for fooling the world, we will discontinue our efforts’.<sup>311</sup> By late 2006 there no longer appeared to be a peace process in Sri Lanka. Norway told both parties it would not take any more initiatives as a facilitator,<sup>312</sup> but remained engaged until the very end of the war, partly because the parties themselves and several external players requested that they remain involved. The principal calculations by Norway were twofold:

First, the ground situation might change again. Earlier episodes of war had ended in a stalemate and negotiations resumed. There was a possibility that this would happen again and Norway could stand by to continue its work. Based on the evidence that was available at the time, however, there was little prospect of a return to negotiations. Opinion polls in the south showed a steady draining away of support for the peace process in general (and widespread support for a military solution) and for Norway’s role as facilitator in particular.<sup>313</sup> As one senior Indian diplomat noted: ‘The Norwegians were quite aware of what they were up against, but they were locked in their role. [...] Norway should not have insisted they were indispensable to the process. That was delusional.’<sup>314</sup> The Norwegian team itself was aware that the prospects for resuming talks were limited. Jon Hanssen-Bauer for instance argued in January 2008 they should not cling to a ‘myth about a role they in reality did not have’.<sup>315</sup>

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308 A particularly salient example was Chris Patten’s (European Commissioner for External Relations) visit to Sri Lanka and Kilinochchi, coinciding with Prabhakaran’s birthday and the LTTE ‘Heroe’s Day’ commemorations. Protest marches in Colombo burnt effigies of Chris Patten, and both Patten and the EU were heavily criticized in the national media. The Tamil paper, *Thinakkural*, observed that the ‘President welcomes Chris Patten while her party demonstrates against the visit’ (2 December 2003). In an editorial, the Sinhala publication, *Divaina*, simply asked ‘What is Chris Patten coming for?’ (26 November, 2003).

309 Interview 029A.

310 For example prominent journalists, including Sivaram (Tamilnet) and Lasantha Wickrematunga (Sunday Leader) were killed.

311 The Lanka Academic (2001) ‘Ask Erik! Questions and Answers’ [http://www.lacnet.org/the\\_academic/chat/QA\\_Erik.shtml](http://www.lacnet.org/the_academic/chat/QA_Erik.shtml).

312 Communication with the MFA, 070F.

313 Opinion polls – the Public Confidence Index of the CPA – showed that the initial approval rate for Norway’s efforts was over 50 percent, but dwindled gradually to 30 percent in 2004. By that time people disapproving of Norway’s efforts had become the largest group (people answering neutral or ‘don’t know’ account for the remaining percentages). According to other polls, public support continued to decline, particularly among the Sinhalese majority community. By 2005, only 13 percent supported Norwegian involvement, and by the time the Rajapaksa government was in power, the figure dropped to only 10 percent (Peiris and Stokke, 2011).

314 Interview 044D.

315 MFA.307.3 (2008/00192-6).

The second reason why Norway did not withdraw from its role was the belief that it could use its 'special access' to the parties to help mitigate the humanitarian consequences of the war. This involved a significant shift in roles – from mediating peace to limiting the damage of war. The Norwegian team consciously repositioned itself, but did not publicly communicate this in unambiguous terms. It used its ties with both parties and the co-chairs to denounce grave violations, call for military restraint and respect for humanitarian law. It is doubtful, however, that Norway had to remain as official mediator in order to help mitigate the consequences of the conflict on the civilian population. By this stage Norway's 'special role' hardly gave it privileged access or influence. Arguably an organisation like the ICRC, which was less politicized and explicitly mandated and equipped for this type of intervention, was better positioned to deal with humanitarian concerns. The co-chair arrangement may have been useful in coordinating international pressure, but Norway's formal withdrawal as a peace mediator would not have precluded such a mechanism. The Norwegian players claimed that their relationship with the parties helped limit civilian casualties in the early stages of the war and slowed down the offensive.<sup>316</sup> Firm evidence to support or refute this claim is difficult to ascertain, but there is little reason to believe that the diplomatic efforts of Norway and others had a significant impact on the military strategy or conduct of either party in the war in the north (2008-2009).

Towards the very end, the shifting military balance and imminent collapse of the LTTE caused Norway to change its role again. In collaboration with the US, Norway attempted to negotiate an 'organised' and 'dignified' end to the war, diplomatic shorthand for LTTE surrender. Relatively detailed possibilities were explored for averting a final onslaught with massive civilian and military casualties. Both parties objected – though at different times and for different reasons – and the war continued until the final defeat of the LTTE. Just before this in April 2009, the Sri Lankan government called for Norway to formally cease its efforts. Norwegian withdrawal at an earlier stage would not have changed events in any major way, positively or negatively, but it would have clarified the situation and sent a clear signal to domestic and international parties, both of whom had used Norway to displace pressure and accountability.

## Conclusions

Norway facilitated several sets of negotiations involving different actors and differing conceptions of what a final settlement might look like. Its role and impacts changed over time as spaces opened and closed according to shifts in the political and military landscape. The Ceasefire Agreement and six rounds of talks were enabled by Norway and these were major achievements and unprecedented in the Sri Lankan context. During and after the talks in 2002-2003, important intermediate steps were made, including attempts to establish a joint aid mechanism (SIHRN, and later P-TOMS), address the High Security Zone issue, the creation of a gender sub-committee, the initiation of a human rights agreement, and the fact that the LTTE produced an (admittedly radical) interim proposal short of secession (ISGA). However, moving from these intermediate steps to a sustainable settlement proved impossi-

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<sup>316</sup> Communication with the Norwegian MFA, 070F.

ble, due to a combination of structural impediments and contingent factors. It is unlikely that different strategies or tactics on the part of the Norwegians would ultimately have altered this outcome.

In the Sri Lankan media and elsewhere Norway's mediation efforts have been heavily criticized. Most saliently, the mediators have been accused of 1) appeasing the LTTE in an attempt to level the playing field, despite sustained human right abuses and CFA violations; 2) excluding the Muslims and other groups with legitimate reason to be involved; and 3) failing to handle the UNP-SLFP rivalry. These critiques rightly identify major problems with the design and approach to the peace process. Yet, few critics engage substantively with the underlying dilemmas and trade-offs, or recognize the limited room for manoeuvre of those involved. There was indeed a moral and political imperative for a more inclusive decision-making process, but this would clearly have come at a cost. The Ceasefire Agreement, one of the major accomplishments that Norwegian efforts brought about, may not have occurred if that advice were heeded. Similarly, the Indian experience in the 1980s highlights the adverse effects of a more coercive approach.

However, Norway's 'ownership approach' tended to place the entire locus of responsibility and control on the belligerent parties and this was indeed a problem. First, there was a clear need for the mediation team to reserve the liberty to reach out to a much wider range of actors – at a minimum including the main opposition party, the Muslims and Karuna – in ways it deemed necessary. Second, the moment the process lost its confidential nature, public communication – in English and the vernacular – should have been a primary concern. The politics of the Sri Lankan media are not easily managed or contained, but mediators need to have a detailed and current understanding of public sentiments and be able to speak up in defence of the process or their own position when they themselves become the epicentre of a negative media spiral. Third, an ownership approach does not obviate the need for leverage or pressure from other external actors. The strategy of borrowing leverage, however, is a risky one when international support is insufficiently coherent, partly biased, and strongly reliant on aid. Fourth, with the shift back from 'no war-no peace' to full-scale war, Norway's position as peace facilitator was no longer viable, and failed to reflect realities on the ground.

## 9. Monitoring No-War-No-Peace

This chapter focuses on the Ceasefire Agreement (CFA) and the Sri Lanka Monitoring Mission (SLMM).<sup>317</sup> The SLMM functioned for almost six years and comprised an average of about forty-five unarmed, non-uniformed monitors who were mandated by CFA to ‘conduct international verification of the fulfilment’ of the Agreement. This chapter assesses the CFA, discusses the SLMM mandate, reviews the SLMM’s performance and raises the issue of Norway’s multiple roles, as mediator and monitor (as well as donor).

As became clear in the narrative chapters (4-6), the CFA did not end contestation between the parties, but transformed it. First, it caused a near complete cessation – at least initially – of military offensives. Second, it outlawed the intimidation and coercive control over civilian life, at least on paper. The checkpoints and curfews were lifted, but the High Security Zones, and the LTTE’s forceful grip on the Tamil community remained unimpeded. Third, the CFA enabled other forms of contestation, because it created space for the LTTE to expand its state-building project. Cadres moved around freely for ‘political activities’ and the formalisation of the LTTE as a signatory to the truce legitimized its institutions and territorial control. Hoisting of the LTTE flag at public rallies or sports events, and public video screenings of LTTE propaganda at schools became common. Meanwhile the government army was largely confined to the barracks. Initially, the CFA seemed to benefit the LTTE, whose violations of article 2 (extortion, abduction, harassment and so on) quickly soared.

Later, however, the balance would decisively turn the other way. The Karuna defection, the army’s adoption of LTTE tactics,<sup>318</sup> and large-scale procurements of heavy weapons<sup>319</sup> turned the tide. Sri Lanka also secured an air force servicing agreement with Pakistan, improved its electronic and other surveillance with inputs from Indian and US intelligence, and received advanced foreign military training. Finally, the increased size of the army (190.000 troops in 2009), improved morale under the

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317 This chapter is based on interviews with all Heads of Mission of the SLMM (except the first one, ret. Maj. Gen. Furuhoide, who passed away prior to the evaluation) and other SLMM monitors. Moreover, it draws from our own research and field observations before, during and after SLMM deployment (March 2002 – January 2008) in the north and east. Our analysis was greatly helped by the final report of the SLMM itself (SLMM, 2010) and the account of an Icelandic monitor (Solnes, 2010). We are indebted to Dag Leraand, the editor of the SLMM report, who provided us with useful suggestions, feedback, and assistance with arranging interviews.

318 Much energy was reportedly vested in giving so-called Special Infantry Operation Teams (SIOTs), eight-man units able to operate behind enemy lines, a central role within the army (De Silva-Ranasinghe, 2010).

319 The SIPRI database ([http://armstrade.sipri.org/arms\\_trade/trade\\_register.php](http://armstrade.sipri.org/arms_trade/trade_register.php)) specifies that after the CFA, Sri Lanka purchased among others: F7MG fighter aircrafts and air search radar (China), tanks and rocket launchers (Czech Republic), Off-shore Patrol Vessels and air surveillance radar (India), Kfir fighter aircrafts and UAVs (Israel), multiple rocket launchers (Pakistan), armed personnel carriers and a transport aircraft (Russia), mortars (Singapore), multiple rocket launchers (Slovakia), transport aircraft and naval guns (UK), MiG aircrafts (Ukraine), an Off-shore Patrol Vessel and sea surveillance radar (US). The budget spent on arms purchases was lower – but probably more strategic – than during the end of Eelam war III (2000-2001), according to the SIPRI database. It is of course possible that Sri Lanka’s arms procurement is higher than SIPRI data suggest, because purchases in recent years have not been publicized.

leadership of General Fonseka, and the enhanced capability for joint operations with an operational navy and effective close air support made a big difference (Destradi, 2010; Hariharan, 2010; Manivannan, 2010; Raman, 2010). The LTTE had meanwhile lost some of its international network due to anti-terrorist legislation, a crackdown on the LTTE associates in Tamil Nadu, and the interception of LTTE 'merchant' ships with reported Indian support (and possibly US intelligence) (Hariharan, 2010). The movement was unable to face the increased firepower of the government forces, which now had the political backing to march on despite heavy losses. Moreover, the strategy of sustained territorial control had forced the LTTE to spread out. 'The LTTE controlled far too large a territory for the 7000 cadres they had,' an SLMM Head of Mission (HOM) said.<sup>320</sup> They counted on the fact that the government was unwilling or unable to attack them, which proved to be a miscalculation, as became clear when war resumed in 2006.

The SLMM was thus fielded in a volatile and violent situation while it was tailored to a peace-oriented transition. The LTTE's continuation of *de facto* state-building, violence outside the remit of the CFA (including Tamil – Muslim skirmishes), the tilting military balance, and the resumption of (undeclared) war posed a major challenge to the Nordic monitors. They came under heavy fire, sometimes literally (a few monitors narrowly escaped death), but mainly politically (in the Sri Lankan media and reports by human rights NGOs).

### Timing and the substance of the CFA

The Ceasefire Agreement (CFA) was one of the main Norwegian accomplishments in Sri Lanka. The truce brought a remarkable change to the country. In the previous period, the war had cost thousands of civilian (and combatant) lives every year. The CFA period reduced that violence and – although there is obviously an issue of counterfactuals here – we can plausibly argue that the immediate consequence of the CFA was a major reduction of casualties and human suffering. As outlined in chapter 4, the document covered a rather comprehensive set of issues, both concerning military activity (article 1) and the restoration of normalcy (article 2). The lifting of checkpoints, opening of roads, the absence of curfews and restrictions and transport and mobility all made a big difference to people's lives. Farmlands and fishery areas became (partly) accessible as well. The CFA also stipulated an innovative and adequate institutional set-up combining Nordic monitors with Local Monitoring Committees (LMCs), in which representatives of both parties participated (article 3). The ruling of violations was a task undertaken by the local committees; foreign monitors would get involved when no consensus could be reached.

There were, however, a number of important weaknesses.<sup>321</sup> First, the CFA did not regulate the sea<sup>322</sup>, because it was sensitive for both parties and for India, and proved difficult to resolve.<sup>323</sup> This became a source of tension and controversy. Second, the agreement prohibited both armies from moving forwards, but did not formalize the exact front lines. This caused concern with the government military –

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320 Interview 012A.

321 For different perspectives on the Ceasefire Agreement and its consequences, see Keethapongcalan and Jayawardena, (2009).

322 Though article 1 forbade offensive naval operations, it did not mention the existence of the Sea Tigers, nor did it specify means of separating forces, regulating vessel movements, or naval monitoring.

323 Interview 014A and 026A.

less able than the LTTE to cross boundaries – and resulted in clashes. More than once, LTTE cadres were surrounded by government forces in a place claimed by both parties. The controversy over the Manirasakulam camp (mentioned in chapter 4) was a result of this as well.<sup>324</sup> Third, the CFA tasked the SLMM Head of Mission with the ‘final authority regarding interpretation’ of the agreement, but did not specify any measures or procedures in case of non-compliance. The SLMM turned out to have very little persuasive power to put an end to such violations and could only complain when the parties refused monitors access to sensitive areas. With time, the mission became an onlooker waiting for its termination order, which eventually came in January 2008.

### The SLMM mandate

The SLMM is something of an anomaly in contemporary peacekeeping, and is rarely cited in the literature on this topic. Foreign intervention geared towards peacekeeping or peace monitoring got a second lease of life after the Cold War, but this is primarily manifest in large-scale missions with a ‘robust’ military mandate. This was not an option in the Sri Lankan case, due to opposition from the parties and India. The SLMM became a mission that fits in a second – much smaller – category of contemporary peace missions: regional or bilateral interventions at the invitation of the parties. Around the turn of the century, we see a handful of missions that are: 1) mandated by an agreement between the government and rebels, rather than by the UN Security Council; 2) unarmed, but comprising civilian and military staff; and 3) their mandate is mainly confined to observing or monitoring or verifying the truce. The most obvious examples are the Aceh Monitoring Mission (AMM), and the Joint Military Councils (JMC) in Sudan.<sup>325</sup> The SLMM differs in at least one important aspect: it did not have a governance structure of its own (SLMM, 2010). That is, there was no formal superior body – be it the parties, or the contributing countries – to which the Head of Mission (HOM) was to report<sup>326</sup>, unlike in the case of other monitoring missions, which tend to have a supreme decision-making level of political leaders.<sup>327</sup> Some of the HOMs felt this to be a problem.<sup>328</sup>

The SLMM was thus designed to be weak and unthreatening, in line with the wishes and interests of the two parties. It was geared towards a scenario of peace, not reversion to war.<sup>329</sup> In fact, as reflected in the ‘Humanitarian Monitoring Group’ envisaged in the agreement on humanitarian measures signed between the parties in 2000, the Norwegian team initially had mere ‘moral monitoring’ in mind, with some eight to twelve expatriates.<sup>330</sup> With time, they realized a more substantive intervention was required, but both parties and India would only agree to a small, unarmed mission. The SLMM did not do monitoring outside the north-east and the Vanni (the LTTE’s main stronghold) was monitored from government controlled area

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324 Interview 078E and Fernando (2008).

325 The AMM was deployed in 2005 on the request of the Indonesian government and the Gerakan Aceh Merdeka (GAM). Its monitors came from a broad range of countries: EU member states, ASEAN member states as well as Norway and Switzerland. The JMC was deployed in 2002 in the Nuba mountains in Central Sudan. The councils were mandated by the CFA between the Sudanese government and the Sudan People’s Liberation Movement/Army (SPLM/A). There is also some resemblance with the Kosovo Verification Mission (KVM), the Peace Monitoring Group (PMG) in Bougainville, the Temporary International Presence in the City of Hebron (TIPH) in Palestine and the Multi-national Force and Observers (MFO) in the Sinai.

326 There were also coordination meetings with the five contributing states (twice a year), but according to the people in senior SLMM positions, the status of those meetings was somewhat unclear. For example, there were no proceedings.

327 This can either be the UN Security Council, the NATO ministerial council, or – as in the case of the Multi-national Force and Observers (MFO) in the Sinai – a (political) director (who resides in Rome).

328 Interview 017A and communication with the SLMM members 075F.

329 This was also acknowledged by the Norwegian team (Interview 014A).

330 MFA 302. 7/442, (2000/00132), 1-15, Draft Strategy Oslo to Colombo, November 8, 1999.

(the Vavuniya office). As a result, the concentrations of military power and the channels for military build up escaped its gaze. Moreover, the mission had a limited mandate of enquiring into CFA violations. With the local committees, the mission was oriented at problem solving, confidence building and evening out minor skirmishes that invariably break out in peace processes. The committees were to resolve issues at the lowest possible level through dialogue with the parties. At a national level, the monitors liaised with the Peace Secretariats of both parties.<sup>331</sup> As with most observer missions, the SLMM had neither the right nor the means to enforce compliance with the CFA and had to rely on the soft power of persuasion, framing, and moral pressure.

The mandate and design of the mission were adequate initially, SLMM members felt. 'The mandate was pretty clear,' one of the HOMs summarised the general feeling. 'It was the CFA or no CFA at all. [...] Amending the CFA would have been like opening Pandora's box.'<sup>332</sup> As discussed below, the monitors did play a conflict dampening role in many instances. However, as the continued struggle between the parties turned more violent again and started to include direct, deliberate exchanges of fire, and territorial offensives and aerial bombardments, the SLMM's mandate (and the means at the mission's disposal) was no longer sufficient to allow the organisation to play this role.

### **Preparation, staffing and equipment**

The persons who planned and prepared the deployment had never been to Sri Lanka. On arrival, they were surprised to find out that things like computers could simply be bought in Colombo.<sup>333</sup> Overall, however, the mission was well-equipped. Some of the monitors were in fact astonished, as this was the only mission they knew where money was never a significant constraint.<sup>334</sup> According to monitors involved with the ministry, the bureaucratic institutions and procedures in Oslo (and expectably in the other capitals) had trouble keeping up with the rapid deployment.<sup>335</sup> New staff was added and they worked relentlessly to straighten out the many issues. It proved challenging to sort out some of the legal issues and to find funds for an activity that was neither humanitarian aid, nor diplomacy or military intervention. Relations with the Norwegian embassy were initially somewhat troublesome. To minimize controversy around Norway's dual role, the embassy needed to preserve some distance, but in some periods this was aggravated by a clash of personalities (mainly between Ambassador Westborg and the first two HOMs Furuhovde and Haukland).<sup>336</sup>

The SLMM was too small to thoroughly monitor the north-eastern districts to which it was assigned. With sixty monitors at its height, the mission never had more than 45 people in the field (taking into account office staff, sick leave and so on). Even that number was a result of the first HOM Furuhovde calling for enlargement of the mission, which consisted of only 23 people at the time of deployment. Norway

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331. They also tried to establish close contacts with the military and administrative hierarchies on both sides, but that proved challenging when the situation started to deteriorate.

332 Interview 012A.

333 Interview 018A.

334 Interview 012A, 013A, 016A, and 017A.

335 Interview 012A, 013A, 016A, and 017A.

336 Interview 013A, 016A, 018A, and 066B.

rejected subsequent calls for expansion as this could upset either the parties or India.<sup>337</sup> There was no willingness to give the SLMM a high profile or a big operational presence. Complemented by local staff, the local committees and through 'Points of Contact' (posts with only periodical presence) at sensitive sites in the districts, the mission was able to deal with minor skirmishes, but not with a sustained escalation of violence or with parties obstructing its mission. The EU ban on the LTTE further clipped the SLMM's wings as the mission's HOM (the Swede Henricsson) and the majority of its staff (from Sweden, Denmark and Finland) was forced to withdraw.<sup>338</sup>

The mission's staff comprised an equal balance between people with a military, police, or civilian background. Monitors' age varied from mid-20s to mid-60s, about 74% was male, and about 70% had a university degree (SLMM, 2010: 172-177). The recruitment and training process was very *ad hoc*, and at times insufficiently professional (ibid.:11).<sup>339</sup> Each of the five countries seconded staff without much coordination (ibid.: 45, 176-177) and most monitors only received a week of training on arrival in Colombo.<sup>340</sup> HOMs thus ended up with an amorphous mix of people, some of whom lacked the necessary skills. Each of them sent some staff members home due to inadequate skills or behaviour.<sup>341</sup> The major differences between civilian staff, police officers and military in terms of organizational culture and training was of course a constraint, but this could in part have been remedied by a thorough joint preparation. Something along those lines emerged in 2006, but by that time it was too late to have much impact. In addition, the hand over between the numerous staff turn-overs was reported as poor. An adequate database to manage the flurry of complaints and CFA violations took years to come about.<sup>342</sup> On the other hand, the Nordic monitors were good at improvising. They set up office in a Colombo hotel and spread to the field rapidly. In Kilinochchi, the rebel stronghold with very few facilities at the time, the monitors moved into a scanty accommodation with a bed, a laptop computer, and a satellite phone. Their positive attitude and can-do mentality thus compensated for some of the institutional weaknesses.<sup>343</sup>

The diplomatic skills of some of the HOMs were a source of concern. As the final authority on the CFA, the SLMM leader occupied a politically sensitive position that required skilful performance both behind the scenes and in the public arena. Not all HOMs had the adequate background for that sort of activity. One in fact got expelled from the country (ret. Maj. Gen. Tellefsen) and one of his successors may well have awaited the same fate had the EU ban not ended his term prematurely (ret. Maj. Gen. Henricsson). Tellefsen in part became the victim of President Kumaratunga's politically motivated disapproval of the SLMM, but his dealing with the naval issues aggravated the situation. He responded to the LTTE's request for a demarcated training site and proposed a live ammunition exercise zone for the Sea Tigers off the coast between Trincomalee and Mullaitivu. The proposal, which

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337 Interview 018A.

338 Iceland increased its personnel contribution, but barely had more people available. Norway also added some staff, but was reluctant to fill all vacancies, partly to show the LTTE that its decision was not without consequence (interview 010A) and partly, because the situation was not conducive for the SLMM anyway.

339 Interviews 012A, 013A, 017A, and 060B.

340 Interview 018A.

341 Interviews HOMs.

342 Interview 013A.

343 Interview 013A.



designated the Sea Tigers as a 'de facto navy' (Fernando, 2008: 830-924), was leaked to the media and the SLMM became subject of Sinhala indignation. The Norwegian mediation team was disturbed by the SLMM's meddling in the naval issue as well. One of the leading officials characterized it as 'disastrous', one of several examples where the SLMM showed 'lack of political judgment'.<sup>344</sup> The LTTE 'merchant' fleet sealed Tellefsen's fate. These ships were vital for LTTE supplies and the navy was eager to intercept (and if necessary sink) them. Following an earlier incident, it was agreed the navy would alert the SLMM when a suspect ship appeared on the radar. When that happened, the SLMM sent a message to Kilinochchi to verify whether the LTTE had a ship in that area. The rebels denied, but the suspected boat turned around and vanished, much to the outrage of the navy and President Kumaratunga, who was eager to show her patriotic credentials. Tellefsen was sent home in October 2003. At a later stage (2006), when two SLMM monitors on board a navy vessel came under fire from Sea Tigers, HOM Henricsson ruled that the 'sea surrounding Sri Lanka is a Government Controlled area. Non-state actors cannot rule open sea waters or airspace. The LTTE has therefore no rights at sea.' The statement was 'a very quick decision' formulated on the basis of a fax from the head office and Henricsson's revisions made *en route*, the HOM explained to us. It prompted a furious response from the LTTE.

These difficulties were aggravated by the fact that the SLMM was not equipped for independent naval monitoring. Almost immediately after the CFA, the Wickremesinghe government put the naval issue back on the table and after consultation with both sides, the SLMM expanded, with the decision to create two Naval Monitoring Teams (NMTs): one in Jaffna, one in Trincomalee. The NMTs would board navy vessels to patrol the sea. Deploying SLMM vessels (and the necessary on-shore support) was considered unpractical and politically troublesome – a point reiterated when Henricsson suggested importing vessels from Scandinavia in 2006 – but the chosen modality produced biases, controversy and in some cases endangered staff security. It was also not considered necessary or feasible to equip the mission with helicopters. In his review of High Security Zones, the Indian General Nambiar argued the SLMM should have these for aerial monitoring, but this was never considered (Gooneratne, 2008: 143-144).

For security, the monitors relied on visibility (flags, logos, white cars and T-shirts) without self-protective measures, such as helmets, flag jackets, armoured cars, or bomb shelters. The leadership felt that 'if those were needed, the mission is over'<sup>345</sup>. They were needed, however, as the security climate became more harmful. One of the HOMs concluded it was 'naïve' and 'unprofessional' to field such a mission without the minimal precautions for a deteriorating security climate.<sup>346</sup> The mission thus got shelters, flag jackets and helmets in 2006, but the acquisition of armoured cars was considered too burdensome. Other internationals – UN, ICRC, and some of the ambassadors – did have such cars.

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344 Interview 014A.

345 Interview 018A.

346 Interview 012A.

Finally, the SLMM was not equipped for high-tech intelligence. In line with the preferences and concerns of both the parties and India, the mission had no radar surveillance and relied almost exclusively on its own observations and information forwarded to them. Indian intelligence only reached them through informal channels, 'so we could never fully trust it,' a HOM explained. 'They were not giving it to us to be nice. We would always ask ourselves: why do they want us to know this?'<sup>347</sup> Intelligence provided by NATO only confirmed what they already knew.<sup>348</sup>

### The mission's contribution in the peace process

Sri Lanka underwent two previous attempts at peacekeeping or ceasefire monitoring during the course of the conflict: the Indian Peacekeeping Force and the attempted deployment of Western monitors<sup>349</sup> during the 1995 peace process. The former was very large and imposed on the parties; the latter was very small, created on request, but never operational. Both were a failure. The SLMM functioned for nearly six years and it did produce some important positive results in terms of reduced violence and saved lives. The mission, however, was subject to near continuous criticism and could do little to counter the gradual resumption of violence and eventually, full-scale war.

In much of the second half of its deployment, the parties stopped bothering to report incidents. The SLMM had limited ability to rule decisively on key incidents. The emergence of the LTTE air strip and air wing, (attempted) assassinations like those on General Fonseka, Gotabaya Rajapaksa, Kadirgamar and Kaushalyan, clashes at sea, Karuna's activities, the attack on Muthur (and the execution of seventeen NGO staff in that town) in 2006, and aerial bombardments all posed a challenge to the SLMM's reputation as a monitor. Monitors were not allowed to enter key sites, they were too few to be sufficiently present in the field, they rarely patrolled at night, and they did not have the technological means to make thorough assessments.

Within the confines of the context, the mandate and the means available, however, the SLMM's efforts produced some positive effects. Even former President Kumaratunga, a staunch critic of the SLMM at the time, acknowledged this, arguing that the mission's role was broadly positive and the heavy criticism of the monitors was unfair: 'It would have been difficult to have a peace process without a mission like the SLMM.'<sup>350</sup> In our view, the SLMM's contribution to the peace process is threefold. First, it registered, processed and made rulings on a large number of cases. In total 13,026 complaints were filed, most of them in Batticaloa (3815, 29%) and Jaffna (3219, 25%). The vast majority (92%)<sup>351</sup> of the violations were committed by the LTTE and concerned article 2 (acts against civilians).<sup>352</sup> Though the SLMM was unable to stop such violations, it did provide an independent benchmark of some sort that could link ground developments to political decision-making. The SLMM also became a valuable source of observations in the north-east for the

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347 Interview 012A.

348 Interview 026A.

349 The proposed mission consisted of Canadian, Dutch and Norwegian monitors.

350 Interview with former President Kumaratunga (London 9 June 2011).

351 The SLMM ruled 4173 complaints as violations, 3827 (92%) by the LTTE and 346 (8%) by the government.

352 3606 (94%) of the 3827 LTTE violations concerned article 2 (measures to restore normalcy). Child recruitment alone accounted for 1743 (46% of LTTE violations).

Norwegian team and other domestic or international actors that took interest in the peace process.

Second, the SLMM managed to boost public confidence, particularly in the north-east in the initial phase of the CFA. Field observations by SLMM monitors and the authors during that period confirm that many citizens in the north-east valued the presence of Westerners as symbols of security and of the SLMM in particular. Survey data suggest that the SLMM continued to receive high approval rates across the country throughout the first years of its operation.<sup>353</sup>

Third, and arguably most importantly, the SLMM and its LMCs were able to resolve numerous local issues. Many of these issues appeared rather minor, but when treated inadequately could easily have resulted in an escalation, or even 'an accidental war'. One monitor recalled an incident to do with the pilgrims visiting the Catholic Madhu shrine, which was then in LTTE territory. Despite government permission to travel, they were stopped at the checkpoint and a tense situation unfolded as thousands of disgruntled civilians faced the increasingly nervous soldiers manning the checkpoint. Such situations can easily get out of hand, but it was through intervention of the Nordic monitors that the standoff was defused.

A better-known example concerned the near escalation of violence in 2003 when a group of LTTE cadres was surrounded by the government military in the fuzzy borderland north of Trincomalee. The cadres refused to surrender and threatened to commit suicide, the military threatened to attack, and the LTTE threatened to send reinforcements. The SLMM arrived on the scene and managed to negotiate a solution. One of the monitors present on the scene confided he had thought, the situation would 'go to hell'. When they took the LTTE cadres away, one of them said that if the army had shot them, the LTTE might even have staged an attack on Trincomalee town.<sup>354</sup>

There were many other instances<sup>355</sup> where personal disagreements (e.g. land issues or community clashes) were de-escalated and a large (but unsubstantiated) number of children forcefully recruited by the LTTE were released after SLMM persuasion. It is also remarkable that the local committees continued to function when other communication channels and institutions started to become defunct.

### Role compatibility

In Sri Lanka, Norway combined its mediation efforts with a leading role in the SLMM and efforts to address humanitarian needs. This enlarged their toolbox, but being simultaneously a pragmatic mediator, a transparent monitor, and a principled humanitarian created tensions, particularly when the war re-escalated (see also Höglund and Svensson, 2009; Höglund and Svensson, 2011; Samset, 2004).

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353 Around 30 percent of the population found the SLMM impartial and effective from 2002 till 2005. Opposition started to mount gradually, however: the percentage of people perceiving the SLMM as impartial and ineffective rose from around 15 percent at the time of deployment, to over 50 percent in 2005. The remaining percentages comprise people who either answered 'neither agree, no disagree', or 'don't know'. Figures taken from the Public Confidence Index of the CPA.

354 Interview 066B. See also (Fernando 2008: 203-215).

355 The SLMM defused a similar incident when a group of newly trained (and mostly underage) LTTE cadres got surrounded while moving through government territory (interview 066B). Former Defence Secretary Austin Fernando (2008) also quotes a number of examples, including the issue of a school located in the military's High Security Zone in Point Pedro, and the tensions around LTTE cadres wearing their belt and cyanide capsule (technically not a uniform, but the epitomic symbols of the LTTE) while crossing government checkpoints.

The Norwegian team was always aware of these tensions. It resisted the wish of India and the parties for a solely Norwegian monitoring mission, and broadened SLMM composition to the five Nordic countries. Norway, however, assigned the successive HOMs, was the largest contributor (both in terms of budget and monitors), and stood out in the public perception of the mission. Moreover, the SLMM and its HOMs in particular would maintain close relations with the Norwegian mediation team and weekly contact with the Norwegian embassy. The diplomats saw the advantage of teaming up with a monitoring mission. Not participating could set in motion its own – possibly obstructive – dynamics, and it would be useful to have eyes on the ground. A significant part of the peace talks had to do with CFA issues. The sub-committee on de-escalation and its discussion on dismantling High Security Zones are an obvious example (Gooneratne 2007: 36-37; Fernando 2008: 792-804). The SLMM played a role in those discussions, but to no avail. Later, during the Geneva talks the SLMM was given the formal task to report the parties' compliance with their newly made commitments. However, by that time, war was already unfolding.

In the MFA's experience collaboration with the SLMM worked well in most cases, but many monitors had the feeling they were left out by the Norwegian team. This was partly a matter of personality issues, but more generally it was felt that 'Norwegian ownership of the SLMM was too weak.'<sup>356</sup> SLMM staff felt little was done with the detailed reports they provided by their respective MFAs (but the Norwegian one in particular).<sup>357</sup> They also felt obliged to enter into politically charged issues due to ambiguities in the CFA, most obviously the naval question. HOM Tellefsen tried to resolve that deliberately fuzzy part of the agreement, but only made matters worse, which in turn annoyed the mediators. And when the Sri Lankan media persistently slandered the mission, the monitors felt the need to fend for themselves because they found the embassy and MFA did little to rectify errors or counter unfair allegations. When the mission itself started entering the political arena – it had a press officer from June 2002 onwards – it sometimes caused further conflicts and tensions with the mediators.<sup>358</sup>

### **Lack of compliance and re-escalation of war**

From early on in the peace process, the SLMM came under fire from a wide range of LTTE critics: Sinhala nationalist, human rights organisations, Muslims, and Tamil dissidents. With the LTTE consolidating its power in the north-east and CFA violations (and human rights abuses) soaring, the SLMM was accused of giving the parties – but the LTTE in particular – a 'licence to shoot' (Goodhand and Klem, 2005: 71; see also Human Rights Watch, 2004a and b). Right from the beginning, 'the LTTE was a difficult partner,' an SLMM monitor acknowledged. 'If they did not want to discuss, they would just ignore us. We should not have accepted that. We should have applied more pressure. On both sides. Be firmer. If they did not follow up on

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356 Interview 066B.

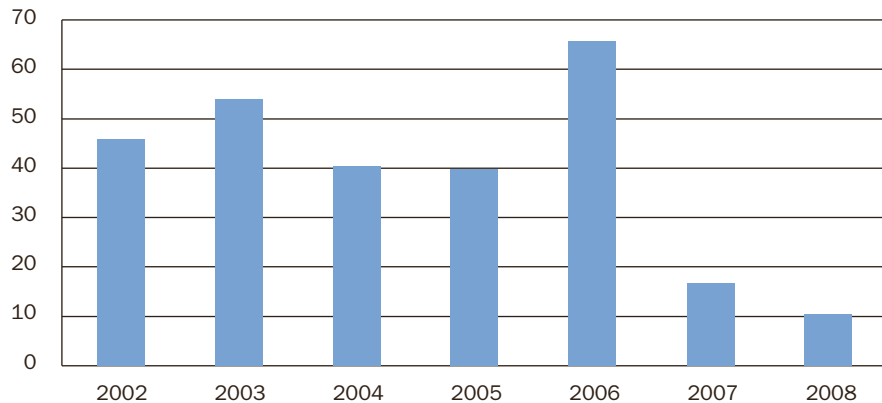
357 Interviews 013A and 017A.

358 For example, a heated email exchange unfolded between SLMM HOM Haukland and Solheim in October 2003, when the Sri Lankan press reported the SLMM had identified 23 cases of child recruitment. Annoyed that the unconfirmed details became public before there was clarity about what actually happened, Solheim observed there was 'room for improvement in the SLMM's handling of the media.' Haukland was astonished and disappointed Solheim did not take his side, as the media had wrongly identified the SLMM as a source. Solheim retorted: 'Can't the SLMM apprehend attempts to discuss relations with the media as constructive contributions instead of bad-tempered criticism?' (MFA 307.3 2003/00027-210).

meetings, we should have just closed the office or even pull out. They felt we would never play hard; we would always compromise.’<sup>359</sup>

The problem of human right abuses became evident early and risked delegitimizing the peace process and Norway’s role. For instance the University Teacher’s (Jaffna) for Human Rights (UTHR[J]) lambasted Norway for its ‘superficial and minimalist’ approach, arguing that ‘accountability for the past and present should be instilled in some way as a norm to achieve lasting peace’ (UTHR[J], 2003). Accordingly, attempts were made to draft an additional human rights agreement. As mentioned in chapter 4, former Amnesty International Secretary General Ian Martin was invited to the UNP-LTTE peace talks to help create such a mechanism. When talks collapsed, it never materialized and the violence and human rights violations continued. Graph 1, below, indicates the continuously high levels of CFA violations. The apparent decline in 2007 does not signal an easing of the situation. On the contrary, it was all out war, and therefore both parties often stopped bothering to report incidents and the SLMM’s ability to monitor independently was severely impaired. ‘The mere number of violations of the CFA made it futile to monitor and report on a detailed level, and both the recording of events and the ruling on possible violations were discontinued.’ (SLMM, 2010: 84) The mission retracted to Colombo for a period in 2007, stating that ‘it is now evident that Parties are disregarding CFA and are not able to live up to its security guarantees towards SLMM’ (SLMM, 2010: 124). In this latter stage, the government was obviously guilty of persistent CFA violations as well, but for tactical and diplomatic reasons refrained from sending the Nordic monitors home.

**Graph 1: CFA violations by both parties (SLMM rulings, weekly average per calendar year)**



Source: SLMM (2010). Note: The operational presence only covered part of 2002 (April-December) and 2008 (1-2 January).

The SLMM clearly faced increasing trouble with CFA compliance. It reported the statistics and criticized the parties in rulings and bilateral conversations. It also filed formal complaints when the parties refused the monitors access or otherwise obstructed the mission. This, however, had little impact. Violence escalated and de-

<sup>359</sup> Interview O66B. One of our respondents who had close interactions with the LTTE added that some of the cadres would jokingly tell him, even at an early stage, that ‘they could not believe how they got away with all of this killing’ (interview O21 B).

escalated, largely irrespective of the SLMM's activities, and the mission's public image was tainted as a result. In 2006, the SLMM in fact stopped publicizing CFA violations, not so much because they discredited the mission, but because the figures were misleading. The LTTE was obviously responsible for the vast majority of cases, but 'one air strike had the same weight as the recruitment of a child.'<sup>360</sup> Like many other peace interventions, the SLMM thus struggled with the issue of asymmetry and neutrality. The SLMM has been widely criticized for being biased towards the LTTE. Evidence, however, is much more mixed. Many Nordic monitors appear to have had some sympathy for the LTTE, while none of those interviewed were very impressed with the Sri Lankan armed forces at the time. Structurally, however, the mission and the CFA ended up leaning to the government side. The CFA posed no restrictions on rearmament by the government, the SLMM eventually ruled control over the sea as a government responsibility, the vast majority of rulings were against the LTTE, and three out of the five contributing states in fact banned the LTTE.

When CFA violations continued to occur and open war recommenced in 2006, the SLMM's response was to stay involved with a lower profile. The mission was well aware it had ended up playing second fiddle and there was a broader internal discussion on whether or not Norway should terminate its peace efforts in Sri Lanka altogether. Ironically, the mission's mandate (the CFA document) did not specify an end state or a means of withdrawing the mission other than through the abrogation of the CFA by the government or LTTE. The contributing states could of course have decided to terminate the mission, but the SLMM remained in place, because departure would cause additional strain on the CFA in the short run, and it was potentially useful to see through the resumption of war and be on standby in case a new stalemate emerged.<sup>361</sup> With the benefit of hindsight, this proved to be ungrounded hope. The SLMM became a lame duck. 'It was a monitoring mission of the CFA, but when the CFA is broken and the parties don't listen to anything, it is time to pack and go home,' according to one of the monitors. 'But on the other hand there were no other ears, we were the only ones in contact with the LTTE.'<sup>362</sup> If the mission was terminated, it should be done by the parties, one of the HOMs felt at the time. 'If Norway did it, it would cause more trouble. [...] A new CFA was no option, so we just had to hang on to it. It was all we had.' And many people in the north-east appreciated the Nordic presence. 'So I said: "hoist the flag high". At least people had the possibility to complain and tell what happened.'<sup>363</sup> Another HOM explained the mission became a hostage of the situation. 'We decreased our work and visibility, for political but also for security reasons. [...] But if we would go home, we would be accused of abrogating the CFA. So we had to stay somehow,' he went on. 'But meanwhile, the whole construction of the SLMM made no sense any more.'<sup>364</sup>

The SLMM thus tried to make the best of it, but in retrospect, there was a significant downside to their persistence. The mission became an instrument of war as

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360 Interview 012A.

361 Interview 017A.

362 Interview 066B.

363 Interview 012A.

364 Interview 017A.

much as an instrument of peace.<sup>365</sup> The parties kept the SLMM and the CFA in place, but it became obvious that this was not because they were concerned about civilian casualties or a resumption of talks. The Nordic presence served as a communication channel and a diplomatic fig leaf for two parties that were openly committing grave human right abuses and attacks against each other. Finally, there were increasing security threats for the monitors themselves. The mission did not incur any fatalities, but two HOMs were nearly hit by shelling<sup>366</sup>, one monitor had to jump off a boat at deep sea just before the Sea Tiger crew detonated itself in February 2003 (Solnes, 2010: 58-59), and towards the end of deployment the mission, the Norwegian police informed the mission there were targeted assassination plans against individual monitors.<sup>367</sup>

## Conclusions

Five key conclusions emerge from this chapter. First, the CFA had a major impact on Sri Lanka's ground situation. At least initially, it reduced the violence, improved living conditions in the north-east and helped create an enabling climate for peace talks. The SLMM's rapid deployment helped preserve the positive momentum around the CFA and peace talks. However, speed and expediency came at a cost. Faced with the difficult political configuration of cohabitation in Colombo, the CFA negotiations bypassed the president (who continued to chair the national security council as the Commander in Chief), the military leadership and the constitution, and this was a major problem. Moreover, it left maritime issues and the status of the Sea Tigers, the exact lines of control, and the question of non-compliance deliberately vague. Given that the parties would only accept a relatively weak mission, it was largely unavoidable that the Nordic monitors had to rely on moral pressure, persuasion and naming and shaming of the parties. But in the absence of a governance structure or a form of political leadership above the HOM, it was not clear who really 'owned' the mission. The absence of formalised channels to discuss adaptation or redirect the mission caused 'considerable judicial and practical challenges,' the SLMM itself concluded in its end of mission report (2010: 12).

Second, the SLMM was deliberately designed as a peace-oriented mission. Its mandate, composition, and operational equipment were non-threatening and prevented a coercive role of any sort. A more forceful or armed mission was not feasible in Sri Lanka and (with the IPKF experience in mind) it is unlikely to have become a success. In practice, however, the unarmed, non-uniformed monitors operated under conditions of undeclared war. Their training and security arrangements were not adequate for such an operation and this was a significant problem.

Third, the CFA period did not create a military stasis. It did not end, but transformed the struggle between the parties, and though this dynamic initially seemed to work to the advantage of the LTTE, the military balance later turned decisively in the favour of the state. The SLMM was an onlooker responding to these changes. The Nordic monitors never had a major influence on the turn of events and did not play a determining role in the military calculus of the parties. At the same time, the

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<sup>365</sup> Interview O66B.

<sup>366</sup> Once when attempting to settle the Mavil Aru crisis in July 2006 and once in Pooneryn in November 2006.

<sup>367</sup> Interview O17A.

SLMM played a useful role: it had a dampening effect on potential local flashpoints, it helped create public and political confidence, and it provided an independent view on the ground situation in the north-east.

Fourth, the SLMM reflects a wider trend (both in Norway and internationally) towards more comprehensive and integrated approaches to peacemaking. Norway struggled with the contradictions between its multiple roles: mediation, monitoring and provision of (development and humanitarian) aid. While the decision to take on these endeavours in combination was understandable under the circumstances, the advantages of an integrated approach were not fully exploited. The SLMM was flexible and its deployment commendably rapid, but the mission continued to operate in an *ad hoc* way. Training and recruitment left room for improvement and the monitors felt that the Norwegian MFA and the mediation team made only limited use of them. Partly, as a result of this, the SLMM ended up entering politically sensitive arenas – most obviously its dealings with the naval question and statements in the media – which damaged both the mission and Norway's larger peace effort. It is for the above reasons that the SLMM itself argues structural steps need to be taken to strengthen the operational capacities needed, in case a mission similar to the SLMM is deployed in the future (SLMM, 2010).

Fifth, the SLMM was unable to bring about a reduction of CFA violations. The continued violence – particularly the LTTE assassinations and intimidation of its own community – did not translate into a sense of urgency in the political dialogue. This severely undermined the legitimacy of the peace process, and the role of the Norwegians. Although the SLMM was not mandated or equipped to terminate the violence, its continued presence became a problem when the war resumed in 2006. The mission tried to adapt. It downscaled its presence in the field, but remained operational and thus became implicated in a war that was taking a high civilian toll.



## 10. Aid and Peace

This chapter deals with the role played by aid in the Sri Lankan peace process, with a particular focus on Norwegian development cooperation. Regarding the latter, two main questions are asked: To what extent was the broader Norwegian aid portfolio geared towards supporting Norway's role as a facilitator of the dialogue in the peace process? And was the aid portfolio adapted to the changing political context?

### Aid and conflict in Sri Lanka

As mentioned in chapter 3, economic development and donor involvement were closely connected to the conflict in Sri Lanka, partly because donor policies and programmes inadvertently contributed to political instability and inter-ethnic tensions. However, the violence towards the end of the eighties and early nineties made the conflict an increasing concern. Several bilateral donors including Norway became engaged in conflict-related issues as a core aspect of their work. In a few cases, funding to Sri Lanka was also reduced. Prior to 1998, however, Japan, the Asian Development Bank and the World Bank which together provided some 70% of the aid funds, continued to regard the war in Sri Lanka as an internal problem and chose to leave it out of the negotiations on development assistance (Ofstad, 2002). Their main concerns were the slow progress in privatization and other economic reforms, poor implementation of projects funded by them, and the excessive budget deficit. In practice, their aid policies amounted to support for the government's political and military strategy in Colombo and the exclusion of the north-east from major development programmes.

The signing of the Ceasefire Agreement by the Wickremesinghe government and the LTTE received strong support from the donor community. In some respects Sri Lanka was treated as a post-conflict setting and from 2002 to 2003, the amount of aid increased by 89% according to the World Bank.<sup>368</sup> Foreign aid was seen as a crucial factor in the peace process, both to create a tangible 'peace dividend' that would ensure popular support for the peace process, and to revive the economy and help the government to implement its economic reform agenda.

When the Ceasefire Agreement came into force, the government and the LTTE chose to prioritize development and reconstruction over conflict resolution. The government believed that economic development, supported by substantial amounts of foreign aid, would create a peace dividend which would in turn shift the

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<sup>368</sup> <http://data.worldbank.org/indicator/DI.ODA.ODAT.PC.ZS?page=1>. In this chapter, we mainly use OECD/DAC data for aid volumes. There may be some discrepancy with Sri Lankan government sources, for example because some donors (including China) do not report information about their aid flows to the OECD.

priorities of the LTTE from political to economic matters. The latter raised humanitarian issues and reconstruction of the north-east as a condition for substantive talks, also because they saw it as a means of increasing their legitimacy, furthering their statebuilding agenda and solidifying structures that had emerged during the war (Burke and Mulakala, 2011, Orjuela, 2011). Both parties agreed to set up a joint Sub-committee on Immediate Humanitarian and Rehabilitation Needs in the North-East (SIHRN) with a secretariat in Kilinochchi, the administrative centre of the LTTE. The sub-committee's role was to identify and prioritize the humanitarian and reconstruction needs of the population (based on a needs assessment carried out by the World Bank, the Asian Development Bank and the United Nations), decide on the allocation of financial resources required for such activities, select implementing agencies, and monitor implementation. It was to be funded through the North-East Reconstruction Fund (NERF), with the World Bank as custodian and supported by the donor community (Rainford and Satkunanathan, 2011: 109).

However, the decision to establish the sub-committee and the fund was not preceded by a dialogue between the two parties on a basic policy framework. The tasks of reconstruction were politically charged, because they were inseparably linked to the LTTE's political demand for an interim administration for the north-east. The committee also lacked the legal status to receive and disburse funds and there were no clear procedures regarding its relationship to government's line ministries and the administrative requirements of the World Bank (as the custodian of NERF)<sup>369</sup>. In brief, SIHRN never came off the ground 'because the LTTE wanted a separate funding channel and the government wanted donor funds to flow through the treasury'.<sup>370</sup>

At the donor conference in Tokyo in June 2003, the pledged amount of US\$ 4.5 billion was made conditional on 'substantial and parallel progress in the peace process'. However, by then the LTTE had already withdrawn from the process. The rather vague conditionalities of the Tokyo declaration led to *ad hoc* responses, with some donors withholding aid while others continued their assistance through the government. As it turned out, conditionalities or the incentives for increased aid did not have the desired outcome. There were no mechanisms for ensuring compliance. Instead, emphasis on global security and counter-terrorism led to a change of attitude among several donors towards the LTTE, and the Tokyo declaration was subsequently undermined by the larger donors who did not want to attach political or conflict related conditions to their assistance to the government (Goodhand and Klem, 2005: 11).

The failure of SIHRN was replicated after the December 2004 tsunami. Huge sums of aid were provided to Sri Lanka after the tsunami. Thus from 2004 to 2005, total aid disbursements to Sri Lanka rose from about US\$ 500 million to US\$ 1.2 billion (Frerks and Klem, 2011: 177; see graph 2 below). The government and the LTTE, with considerable Norwegian facilitation, tried to establish a joint mechanism to disburse aid in the north and east: the Post-Tsunami Operational Management Structure (P-TOMS). This mechanism was to comprise a Regional Committee for the six

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369 Interview 069E.

370 Interview 002B.

affected districts (located in Kilinochchi and composed of ten members, two from the government, three nominees from the Muslim parties and five LTTE members), and a High Committee headquartered in Colombo. To many, including Norway, this structure was seen as an important step towards rebuilding trust between the government and the LTTE. However, P-TOMS met with strong opposition from Sinhala nationalist and Muslim groups who saw it as giving in to the demands of the LTTE. The agreement was successfully challenged in the Supreme Court on the grounds that there was no legal basis for a pact of this kind with the LTTE (Rainford and Satkunanathan, 2011: 115). Again, the attempt to address political issues through the provision of economic benefits resulted in a failed effort at conflict resolution.

At the local level, the distribution of humanitarian aid and the contradictory interests in relation to reconstruction added tension as well. Post-tsunami aid was distributed in a context of patrimonial politics, further complicated by the LTTE state-building project in the north-east. Aid therefore became embroiled in political and military agendas, and frequently catalysed local disputes which interacted with larger-scale conflicts. International NGOs were criticized for their lack of coordination and competition and while much valuable assistance was provided, it proved impossible to avoid unequal treatment and the politicization of humanitarian issues (Frerks and Klem, 2011; Korf et al., 2010; McGilvray and Gamburd, 2010; Telford, Cosgrave and Houghton, 2006).

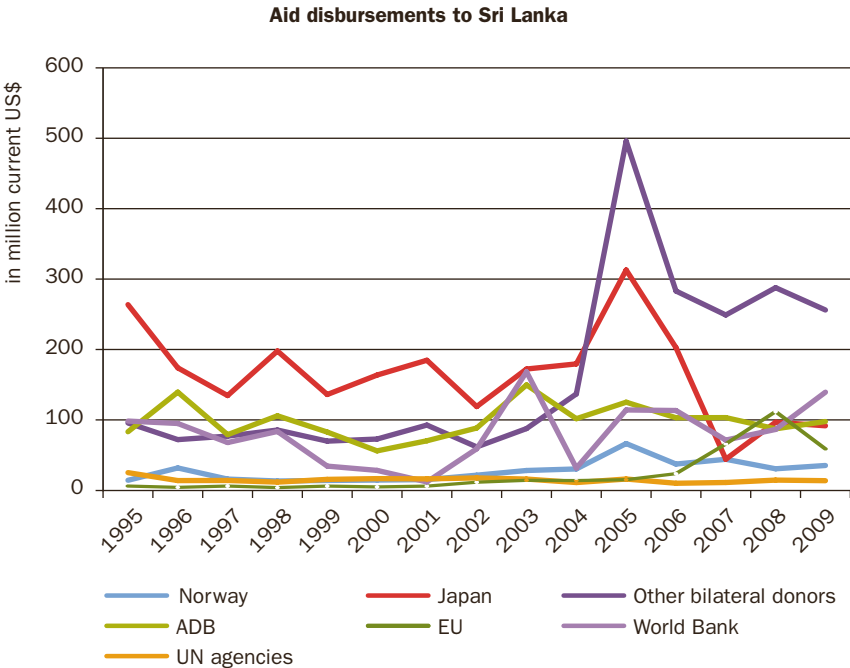
Thus much of the assistance to the war-affected areas was caught up in the politics of the peace process and had the effects of undermining confidence in the process and eroding trust between the two sides (Goodhand and Klem, 2005: 11). Rather than providing an incentive to cooperate, additional resources created more conflict over how to use them. The effect was accentuated by the Wickremesinghe government's implementation of wide-ranging economic reform which was supported by the donors (particularly the international financial institutions) but backfired as the government introduced a number of unpopular measures such as changing labour laws to make it easier to hire and fire workers; enacting a new law to reduce the number of recipients of poverty alleviation programmes; and announcing plans to reduce public service by 30%. In its fight against such measures, the opposition focused on the role of the international community, which was accused of backing reforms that only benefited the privileged (Goodhand et al., 2011b; Venugopal, 2009).

It has become something of a received wisdom that it was the absence of a peace dividend, and a reform programme that hit the poor hardest which contributed to the loss of support for the Wickremesinghe government (Bastian, 2005; Kelegama, 2004). However, recent poverty figures suggest a different story as they show a sharp drop in poverty during 2002-2007 (Goodhand et al., 2011b). This may partly be attributed to the relaxation of security measures and restrictions, greater freedom of movement and commerce, an overall increase in economic activity and movement, and significantly higher revenues in certain sectors such as tourism. Also the peace process and the tsunami led to large aid inflows and reconstruction efforts, which generated significant multiplier effects in the local economies of the affected coastal areas. The relationship between economic conditions and the poli-

tics around the peace process is thus more complicated than growth leading to popular support. There are many intervening variables and both the LTTE and Sinhala nationalists had an interest in telling a different and more negative story about the peace process, which proved to be more compelling than the UNP government's rather weak efforts to sell its success story.

In effect then, the 'peace through development' strategy largely undermined the peace effort. There were several reasons for this, one being that donors saw development projects as providing the means by which they could try to do peacebuilding work in a politically sensitive environment, focusing on the consequences of the conflict (under-development, inequities) rather than the main causes which were political. In practice, the aid effort became another area of contestation, most visibly after the tsunami. Also, aid conditionality did not work the way it was intended. While this is generally the case, particularly when there are no agreed benchmarks that come out of a peace settlement (Boyce, 2002; Frerks and Klem, 2006), in Sri Lanka it was compounded by the fact that the country is not heavily aid-dependent (Burke and Mulakala, 2011: 152), that the donors became increasingly divided, and the rising importance of donors like China, which did not demand political conditions for their support. Furthermore, with the massive influx of poorly coordinated tsunami related aid with no peace-related strings attached, the debate about conditionalities became meaningless. In 2009, an OECD/DAC evaluation of donor-supported activities in Sri Lanka concluded that 'peacebuilding programmes seem to have had modest, if any, impact' (OECD/DAC, 2009: vii).

**Graph 2: Aid disbursement to Sri Lanka (OECD/DAC)**



Source: OECD/DAC.

Graph 2 provides an overview of aid volumes provided to Sri Lanka. There is a remarkable increase of aid after the 2002 ceasefire (mainly the Asian Development

Bank and World Bank), followed by a much bigger leap after the tsunami at the end of 2004 (a spike in bilateral spending). Bilateral aid remains at a relatively high level after 2005, in part because some new donors maintain their presence. This effect would be even bigger if Chinese aid and loans were included in the graph.<sup>371</sup>

### Norwegian assistance to Sri Lanka

How did Norway adapt its aid programme to the requirements of the peace process and the changes that took place during the period under review?

First, it should be noted that an evaluation of the Norwegian aid programme to Sri Lanka in 1987 recommended that the bulk of Norwegian assistance be discontinued because the government was seen to hold major responsibility for an escalation of the conflict and very serious human rights violations (Sørbo et al., 1987). During the following years, there were increasing concerns, also in the Norwegian National Assembly, that aid relieved the government of expenditure on relief and development, allowing it to concentrate its own resources on military operations. However, no major changes were made to the aid programme, which was deemed successful in terms of its development impacts. Along with commodity assistance and import support, integrated rural development (mainly in the south) played a dominant role in the Norwegian assistance programme.

As part of Norwegian efforts to contribute to a peaceful solution, it was decided in 1997 to upgrade the annual consultations on development cooperation and to include talks on political developments. On several occasions, the Norwegian delegation was led by a State Secretary. It was also decided to develop new guidelines for development cooperation. The guidelines (adopted in 1998) confirmed that Sri Lanka would continue to be a priority country for long-term development cooperation; that all future cooperation would be organized in a coherent manner; and that all new cooperation proposals would be reviewed on the basis of their contribution to a cessation of the conflict, to reconciliation and to the search for a lasting peace.<sup>372</sup> As part of this, Norway decided to put greater emphasis on cooperation with the north and east. However, activities would also continue in the dominantly Sinhalese areas, partly to ensure that Norway would be regarded as unbiased by the government as well as the public opinion.

Following the Ceasefire Agreement, the first round of talks and the de-proscription of the LTTE by the Sri Lankan government in 2002, Norway increased its aid allocation and efforts to link development cooperation to the peace process were accelerated. In 1999, the overall Norwegian aid contribution to Sri Lanka had totalled some NOK 109 million (about US\$ 13 million<sup>373</sup>). By 2003, it had almost doubled, in line with the agreement to provide significant additional resources in the case of progress towards peace. Following the tsunami in December 2004, Norwegian aid was again doubled (NOK 430 million; about US\$ 62 million) and humanitarian assistance became an important element in the programme. In 2004-2005, Norway was the fifth largest donor in Sri Lanka and the third largest bilateral donor

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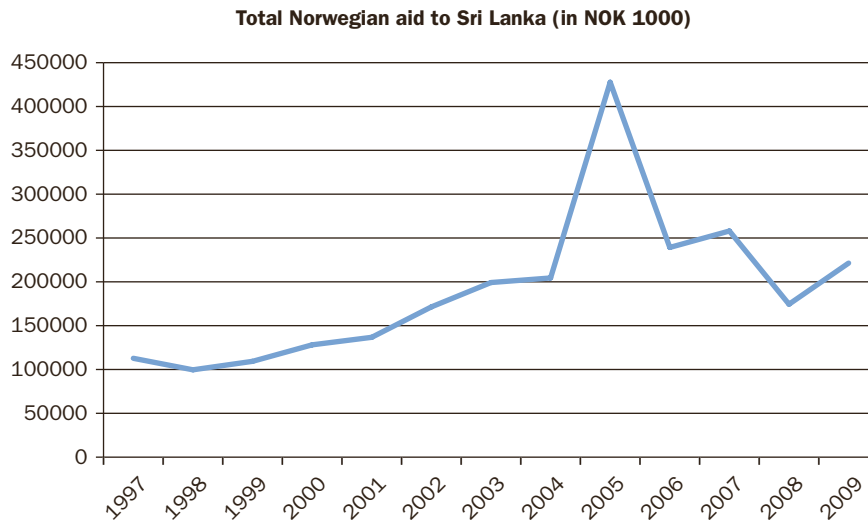
371 China is one among a few significant donors which do not provide statistical data on aid disbursements to OECD/DAC.

372 'Guidelines for Development Cooperation with Sri Lanka,' Norwegian Ministry of Foreign Affairs, April 1998.

373 The conversions from Norwegian Kroner (NOK) to US Dollar are rough estimates, merely provided for the reader's convenience.

(after Japan, the Asian Development Bank, the World Bank, and Germany). In total, Norway disbursed NOK 2.5 billion (about US\$ 320 million) to Sri Lanka during 1997-2009.

**Graph 3: Norwegian aid to Sri Lanka**



Source: Norad Statistical Department.

While Norwegian funds were disbursed to approximately 240 different partners during the period under review (1997-2009), the most important partners in terms of aid volume were Norwegian NGOs (largely because of the tsunami) and the Sri Lankan government, followed by Sri Lankan civil society organizations (see Annex 1). The two pillars of Norwegian cooperation during the period under consideration were (a) peace/reconciliation, and (b) economic development (with a focus on support for the private sector and employment creation).<sup>374</sup>

### Norwegian aid for peacebuilding

Norway actively used aid funds to galvanize support for the peace process including the Norwegian facilitation, particularly after the Ceasefire Agreement. As noted by one senior Norwegian official 'the entire aid handling was harmonized with the needs of the peace process'.<sup>375</sup> This included funding of the Sri Lanka Monitoring Mission, mine clearance, the peace talks as well as other costs incurred as part of the peace process (travel, meetings, etc.). Norway also provided initial funding for the government's Secretariat for Coordinating the Peace Process (SCOPP) and helped fund the Peace Secretariat of the LTTE (2003) and, later, the Muslim Peace Secretariat (2004).<sup>376</sup> The proportion of Norwegian resources allocated to 'peace, democracy and human rights' rose from 10.5% in 1997 to 37.7% in 2004. Allocations for all other purposes declined in relative terms (Whaley et al., 2006: 15). In

374 Aid was provided through multiple funds and channels: (a) the regional grant to Asia; (b) the civil society and democratic development fund; (c) funds for business development; (d) transitional assistance; (e) emergency assistance, humanitarian assistance and human rights; (f) the allocation for peace and reconciliation; (g) research, capacity building and evaluation; and (h) support to Sri Lankan refugees in Norway (Whaley et al: 2006: 16-17).

375 Interview 014A.

376 At the request of the Wickremesinghe government, Norway also supported other LTTE structures and their transformation, despite growing political opposition in the south and threats to the security of Norwegian personnel (Whaley et al.: 14)

fact, the share of Norwegian money allocated for peacebuilding purposes was considerably higher as funding e.g. for Norwegian NGOs (resettlement, reconstruction, capacity building, de-mining) and some local civil society organizations was provided through other channels.<sup>377</sup>

What also stands out in the Norwegian portfolio is the substantial support for peacebuilding efforts of various sorts through civil society organizations. As was the case with other mostly European donors, the Norwegians envisaged civil society playing a supportive role, by broadening societal engagement and popular support for the peace process, addressing conflict issues and promoting bottom-up pressures for political reforms. In addition, Norway felt the need to establish and strengthen contacts with influential politicians and important civil society institutions with a view to generating support for Norway's role.<sup>378</sup>

During 2001-2004, NOK 210 million (about US\$ 28 million) was allocated to mostly non-governmental Sri Lankan partners in the area of 'peacebuilding, rehabilitation and reconciliation'.<sup>379</sup> This includes projects on training and institutional capacity building; awareness creation; mobilizing people/campaigns and dialogue; policy influence; national integration; human rights and good governance; rehabilitation and reconstruction; and mine clearance. For the period under review, ten organizations received altogether more than NOK 200 million. The Foundation for Co-Existence led by Kumar Rupesinghe received the most funding, NOK 35 million (about USD 6 million) during 2004-2008. Also the Milinda Morogoda Institute (MMIPE), led by the former Minister of Economic Reforms, Science and Technology was a large recipient of Norwegian aid for the purpose of 'humanitarian demining' during 2003-2009. The Indian NGOs Horizon and Sarvatra and MMIPE together received more than NOK 60 million, but the larger share of these funds went to Horizon and Sarvatra. While most of these partners received support for peacebuilding purposes, Norway also provided substantial funding for non-governmental organizations with a broader developmental mandate like Sarvodya, Sewalanka, the Sareeram Sri Lanka National Foundation, and the Hambantota District Chamber of Commerce.<sup>380</sup> Other important partners were the One-Text Initiative, the National Anti-War Front (also led by Rupesinghe), the National Peace Council, Centre for Policy Alternatives, the Forum of Federations, and the People's Peace Front. Funding was also provided to the LTTE affiliated organisation Tamil Rehabilitation Organisation (TRO). Efforts to link aid to the peace process entailed many small projects with a wide range of actors, and in 2004, at least 22 civil society organizations received Norwegian support, including four that worked specifically with women's groups (Whaley et al., 2006: 47).

Norwegian NGOs were also important partners, particularly after the tsunami. FORUT and Redd Barna (Norwegian Save the Children) have worked in Sri Lanka for several decades. Norwegian People's Aid started their activities with the peace

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377 It was noted by Whaley et al, 2006 that 'information required to analyse the linkages between development cooperation and the peace process is either not systematically collected or is hidden within the recorded financial information' (p.97). Similar problems remain, partly due to the many different channels and that e.g. local civil society organizations have been supported through several different allocations, 'making it difficult to review overall performance' (ibid.: 47).

378 Interview 014A

379 'Support to Peacebuilding, Rehabilitation and Reconciliation' Report from the Norwegian embassy to MFA, Oslo 19.11.2004.

380 Sarvodya is an organisation with more than 50 years history, working in 15 000 villages countrywide. Sewalanka is also a development organisation working in the rural areas and Sareeram Sri Lanka National Foundation is known for its microfinance service as well as integrated rural development, infrastructure development and peace work.

process, primarily doing mine clearance but then becoming involved in other activities after the tsunami. The Norwegian Refugee Council played an important role in handling administrative and personell matters for the deployment of the SLMM, and Norwegian Red Cross, Utviklingsfondet, Strømmestiftelsen, Caritas Norway and CARE Norway also became increasingly engaged after the tsunami. Altogether, these nine Norwegian NGOs received NOK 804 million for their activities in Sri Lanka during 1999-2009 (Annex 1).

While NGO representatives played a role in the very early phase of the Norwegian peace engagement (particularly Arne Fjørtoft), and while some of the NGO projects were encouraged by MFA for 'strategic reasons' (Whaley et al, 2006: 48), none of them were directly involved in the peace process when it started officially. However, they were invited to occasional meetings in the embassy and the foreign ministry in Oslo and when it became difficult for Norwegian diplomats to access the north, some of them also played important roles in providing information about local developments. A Sri Lanka NGO network was established in Norway and the dialogue with the ministry was generally positive and fruitful,<sup>381</sup> although it was recommended in 2006 that Norwegian NGOs be included 'in substantive discussions that would allow their civil society insights and operational experience to inform both the peace process and development cooperation' (Whaley et al, 2006: 59)

Special efforts were also made to address gender concerns. Thus, after the CFA, the government and the LTTE decided to establish a women's committee to explore the effective inclusion of gender concerns in the peace process. It was to report to the main table of the peace talks and comprised of ten members, five nominated by the government and five by the LTTE. Norway supported this committee, i.a. by asking Professor Astri Nøkleby Heiberg to facilitate its work. The committee sought to identify a wide range of issues such as violence, detainees, refugees, trauma healing and human trafficking and was seen as having the potential of broadening exposure to and support for the peace process both in the south and among LTTE cadres, many of whom were female. However, as the committee was affiliated with the peace process, it quickly became dysfunctional and met only twice (Gooneratne, 2007: 45-47). Norway also supported the Association of War Affected Women which promotes the empowerment of women in all 25 districts of Sri Lanka as well as organizations like the Rural Women's Network and the Women and Media Collective.

Finally, Norway provided aid for economic development. In 2006, when an assessment was done of conflict sensitivity of aid in this area, the Norwegian assistance amounted to around six US\$ million, which was only 17 percent of the total Norwegian aid budget in Sri Lanka. This assistance was broadly divided between private sector development in the west and south and infrastructure development for water, energy and rehabilitation in the conflict-affected areas of the north-east. Despite the escalation of conflict, the government continued to be Norway's main cooperating partner, but there was private sector, business related assistance as well. These efforts were evaluated as not being 'conflict-sensitive' (Nordic Consulting Group,

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381 Interviews 042A and 043A.



2007) but were judged to be relevant and largely successful on other grounds (see also Norad, 2009).

### Norwegian aid and the peace process – an assessment

Three of the turning points discussed in chapters 4-6 are most relevant for Norway's aid programme in relation to the peace process: (i) the signing of the ceasefire agreement in February 2002; (ii) the tsunami in December 2004; and (iii) the resumption of war (from 2006 onwards). In short, Norway's aid programme responded to these changes respectively by (a) supporting a wide range of peace-oriented institutions; (b) aiding post-tsunami activities; and (c) shifting the emphasis back to humanitarian aid (NOK 139 million in 2008-2009; about US\$ 25 million).

Based on interviews and minutes from annual meetings, it becomes clear that Norway was less concerned than many other donors with the economic reforms associated with the liberal peacebuilding outlook of the UNP government (2001-2004). This is reflected in the limited Norwegian aid allocations for economic development, although Norway was among the first countries to pay into the North-East Reconstruction Fund (see above). In many respects, the Norwegian aid programme to Sri Lanka became increasingly bifurcated during the period under study. An assessment of Norwegian development cooperation with Sri Lanka was carried out in 2006, with a particular focus on its linkages with the peace process (Whaley et al, 2006). The assessment team noted the rapid expansion of peace-related support funnelled to a wide cross section of civil society organisations. On the other hand, Norwegian efforts in the area of private sector development 'lack any reflection on how private sector support and economic development can be used to promote or support peace – or to fuel conflicts' (ibid.: 27). The team also noted 'the lack of a coherent strategy for the implementation of the agreed policy of linking development cooperation and the peace process' (ibid.: 41), and argued that it would be important that 'Norwegian development cooperation focuses on poverty reduction and the development challenges faced by the people, rather than solely treating cooperation projects as a means to pursue Norway's overall foreign policy goal of peace-building' (ibid.: 28).

Regarding Norwegian support for Sri Lankan civil society organizations, it can be viewed as a flexible response to new opportunities. Yet it also created its own set of problems, not least the perception in Sri Lankan society that the Norwegians were dispersing largesse in order to buy peace with limited monitoring or accountability.<sup>382</sup>

There have been moments in Sri Lankan history when the political activism of civil society organizations has achieved success in influencing political reforms. However, in all cases there was correspondence between their interventions and campaigns or policy changes led by political parties or regimes in power.<sup>383</sup> In Sri Lankan politics, which is highly centralized and structured around patron-client relations, 'the

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382 In the case of the Forum for Co-existence, relations deteriorated following mutual accusations over accountability. A court case unfolded over administrative issues (Interviews 007A, 062E).

383 Examples are the enactment of the 13th amendment, the election victory of Chandrika Kumaratunga in 1994 and the attainment of citizenship rights of the Indian Tamil community. In all these cases, the political activism of civil society organisations played a role, but the role of political parties was crucial.

most effective organizations were those that were directly supported by the government or political parties' (Walton and Saravanamuttu, 2011: 195).<sup>384</sup>

In the first year or so following the signing of the CFA, there was a rapid growth in peace activities funded by donors and the Wickremesinghe government was largely supportive of such efforts. Several organizations supported by Norway received money for advocacy work, to 'create awareness', and to run campaigns or workshops in support of the peace process. As long as this had the support of the government, Norwegian and other foreign donor funding boosted the work and profile of several organizations. But particularly after the presidential elections in 2005, the political wind changed, and internationally backed civil society activism in pursuit of peace largely collapsed without achieving its long-term objectives.<sup>385</sup>

This was aggravated by the controversies over post-tsunami aid. Many donors and civil society organizations became preoccupied with meeting the dire needs of the tsunami-affected populations and several organizations took on tasks beyond their original mandates, often beyond their capacity and competence as well.<sup>386</sup> The influx of numerous international NGOs and foreign funding agencies created an overly crowded aid environment with a growing number of incidents of NGO malpractice or corruption (Stirrat 2006; Telford, Cosgrave and Houghton, 2006). These incidents increased public concerns about the motives and practices of NGOs, which were picked up and exploited by the nationalist political parties (Walton and Saravanamuttu, 2011).

Donors' close relations with a small group of Colombo-based NGOs weakened the popular legitimacy of civil society and fuelled Sinhala nationalist concerns about the influence of international actors on political affairs in Sri Lanka. Particularly after 2005, there was a major backlash against civil society, accusations were directed against the 'peace mudalalis'<sup>387</sup> (peace vendors) that had been closely associated with the peace process and received foreign funding. 'Peace' became a word to avoid (Walton, 2008).

Such drastic changes posed a major challenge for Norwegian civil society support. Norway continued to fund the NGOs that had received support since the start of the peace process. This included support for initiatives that came to be seen as working against the government. One example is Norwegian support for the National Anti-War Front. Direct funding to LTTE structures, such as the LTTE Peace Secretariat, also met with hostile reactions among Sinhala nationalists. Norway tried to respond to these criticisms by reaching beyond Colombo, for example by funding the establishment of a Buddhist academy in Kandy (2009), and supporting the reconstruction of Buddhist temples destroyed by the tsunami on the south coast. The inauguration of the temples was attended by Erik Solheim and conveyed a message that

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384 In addition, ethno-nationalism was the dominant basis for political mobilization, which worked against civil society organizations that tried to overcome or bridge ethnic divisions. Conflict in Sri Lanka accentuated the marginalization of civil society by closing the space for critical or alternative political positions voiced. This started in the early 1970s and continued through the 1980s and 1990s when critics of the war were often accused of being LTTE-supporters (Walton and Saravanamuttu, 2011).

385 For a more detailed analysis of Sri Lankan civil society during the peace process, see Orjuela (2005) and Walton (2011).

386 This includes the Foundation for Co-Existence which was established in 2002, received funding from MFA and was assessed in 2007 (Goodhand and Walton, 2007).

387 'mudalali' is Sinhalese for 'businessman'. In this context it means NGOs that are rent seeking or making business out of the peace process because of the availability of donor funding.

Norway was providing support to Sinhala Buddhist communities and had positive relations with Buddhist monks. While these initiatives may have improved Norway's image among those in the south who were aware of it, others felt that such initiatives were 'superficial and seen as a calculated effort to buy support' (Whaley et al., 2006: 37).

Increasingly, problems related to a perceived incompatibility of roles exposed Norway to criticism in Colombo. The Norwegians were aware of the tensions and trade-offs involved in combining the roles of facilitator, donor and monitor. Thus, Norway chose not to actively participate in donor coordination, to protect its neutrality (Whaley et al., 2006: 65) and kept a distance from international initiatives that may have been seen as favouring one of the parties to the conflict until towards the end of the war when the Co-Chair Group asked the LTTE to lay down their arms. Norway was also cautious in the area of human rights and was criticized by rights groups<sup>388</sup> (particularly when ceasefire violations increased) although Sri Lankan human rights organizations and projects were supported. Caution was exercised in approaching areas such as possible oil exploration and fisheries because such efforts were likely to become controversial in the circumstances and therefore deemed politically sensitive for Norwegian involvement (Whaley et al., 2006).<sup>389</sup> And when many Western donors either pulled out or reduced their engagement in Sri Lanka (2007-2008)<sup>390</sup>, Norway continued to provide support for the government through its aid programme although not on a large scale.<sup>391</sup>

Despite the fact that Norway continued to channel most of its aid to the south (and to what might be called 'national' projects,<sup>392</sup> the controversial facilitator role often overshadowed the less publicized and less contested donor role (Whaley et al., 2006: 36). During the 1980s and 1990s, Norway supported successful integrated rural development programmes in Sri Lanka, particularly in President Rajapaksa's home district Hambantota. The programmes were phased out on the grounds that they had been in place too long, although they were formally redesigned with an emphasis on private sector development. However, Norway was unable to exploit the reputation and multiple networks that had been built as part of these earlier efforts. One reason may be that aid and diplomacy were still rather separated in Oslo, due to different funding channels and bureaucratic cultures. There was also a perception that aid donors were ignoring the southern part of the country. This was not limited to Norway, but they came under more intense scrutiny than other donors because of their mediation role. Norway and other donors did little to counter this perception. As a senior diplomat noted, no one organised a 'tell and show' press conference which gave the actual figures<sup>393</sup> – if this had been done it would have shown significant aid funds were going to both the south and north east (propor-

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388 In a report in 2002 UTHR wrote: 'For a country like Norway, which portrays itself as a front-runner in human rights and child rights, legitimizing repression in the interests of making peace, could cause enormous problems in the future [...] the road to real peace lies in demanding accountability from all the actors, especially the Sri Lankan state and the LTTE, and in strategic appeasement (UTHR, 2002).

389 Norway however offered assistance to the government in setting up a Petroleum Secretariat, but the offer was declined in 2006 (Virksomhetsplan 2007).

390 In many cases the decision to terminate aid was driven (or legitimised) by Sri Lanka becoming a middle-income country, though the political context and the resumption of war were often a consideration as well.

391 In 2007, only Norway, China and Japan were bilateral donors to the Sri Lankan government. However, Norway only transferred NOK 7,5 million out of NOK 55 million originally set aside on the regional allocation, because of a lack of applications from the government and because annual consultations had not been held (Virksomhetsplan 2008).

392 Interview 039A

393 Interview 076C.

tionally more to the south), and could have allayed some of the insecurities of both parties.

When the peace process faltered, there was a certain lack of decisiveness with regard to new aid initiatives. There were diverging views and priorities among the staff working in Norad, the foreign ministry and the embassy as to what should be Norway's economic development profile (Nordic Consulting Group, 2007) but also a concern that Norway had entered agreements with too many civil society organizations.<sup>394</sup> Some of the initial civil society funding was done very quickly and over time, the multitude of small projects organized with the government and NGOs posed managerial and administrative challenges, particularly in the embassy (Whaley et al., 2006: 49). This reflects a more general 'mismatch between the personnel resources devoted to Norway's relationship with Sri Lanka and the importance of its multiple roles' (ibid.: 56).

## Conclusions

Discussions about the role of aid in relation to peace processes tend to focus on leverage and the application of peace conditionalities. However, Sri Lanka's reliance on aid was limited and peace-related conditions, though stipulated at the Tokyo conference, were barely applied. Norway was not a big donor to Sri Lanka in terms of total budgets (which were dominated by the development banks and Japan), but a sizable bilateral donor. In line with the received wisdom, Norway did not use its aid primarily as a lever, but rather as an enabling mechanism and public diplomacy tool in support of its peace efforts.

Norway supported a wide range of institutions which were either directly tied to the peace process (e.g. the peace secretariats), aimed at nurturing constituencies for peace (civil society initiatives), or activities associated with normalization (e.g. mine clearance, reconstruction efforts in the north-east). It tried to foster a broad network and did not shy away from venturing into less familiar terrains (e.g. funding Buddhist institutions), supporting politically charged initiatives or engaging with organizations that were critical of its efforts.

These creative and (at times) risky attempts to support civil society actors who were seen to have a vital role to play in the peace process, came at a cost however. When the political climate became critical of both the peace process and foreign involvement, the engagement with a wide range of actors, some of whom were quite salient and outspoken, exposed Norway. Conversely, for these organizations, Norwegian support became a source of criticism. Using aid as a public diplomacy tool proved challenging, both because it was sometimes perceived as a ploy to 'buy peace', and because it was difficult to adapt the profile to changing political circumstances. Norway was implicated by the demise of the United National Party (UNP) and had difficulty overcoming that political profile. Many of the programmes and projects that were started with the blessing of the UNP government so as to achieve lasting peace became a liability when the political climate changed and Norway was accused of supporting the LTTE and a number of civil society organiza-

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394 Virksomhetsplan 2008.

tions that were increasingly attacked by nationalist political parties and their supporters.

While Norway was not a conscious agent of liberal peacebuilding and its analysis more nuanced than the idea that aid could 'buy peace', its peace related aid programme was based on a similar set of assumptions, i.e. that aid could play a significant role in building support for the peace process and transforming the incentives of the two parties. It was a major set-back that it proved impossible to find a viable mechanism through which the government and the LTTE could make joint decisions on reconstruction and channelling of funds to the north-east, thereby also facilitating cooperation and confidence building between the parties. The proscription of the LTTE by an increasing number of donors also made reconstruction efforts in LTTE controlled areas more difficult. In retrospect, however, it would also be true to say that international actors collectively overestimated the transformational potential of aid and underestimated its divisive qualities in a fluid and conflictual political landscape.

## 11. The Primacy of Domestic Politics

In this penultimate chapter we attempt to bring together the strands of a recurring theme in this evaluation, namely the primacy of domestic politics in the story of war-making and peacemaking in Sri Lanka. The narrative of chapters 4 to 6 is to a large extent a narrative of political developments. The subsequent analytical chapters unpacked the various dimensions of the peace process and international intervention and how they interacted with a domestic political arena that has been shaped by a complex and deeply embedded conflict system. It was argued that the characteristics of Sri Lankan politics left the Norwegians with very limited room for manoeuvre. These characteristics included the pathologies of the Sri Lankan state, the non-negotiability of competitive statebuilding projects, the dynamics of ethnic outbidding and inter-party rivalries and the history of failed negotiations. These constraints were unlikely to be overridden by any external intervention, still less by a mediator with limited leverage. While it is difficult to separate out Norway's role from the peace process more broadly, the evidence suggests that the choice of a different facilitator or fine tuning the negotiation model would have made little difference to the final outcome.

As already emphasized, peace negotiations are not technical exercises but highly political. They are intensely conflictual as players manoeuvre for a seat at the table in order to shape and profit from the new rules of the game. Mediators are not neutral referees but active players in this game and inevitably get drawn into the high stakes politics that define the conflict and attempts to resolve it. In this chapter we seek to address two inter-related questions that focus on the connection between peace negotiations and the domestic political landscape. First, what were the mechanisms through which the domestic political arena shaped the nature and outcomes of the peace process? As we have argued, structural features of Sri Lankan politics kept peace negotiations within bounds: conflict dynamics were largely reproduced, rather than transformed. However, the relationships between the peace process and domestic politics are complex and work in both directions. Our second question reverses the equation: How did Norway's involvement and the peace process more generally affect the configuration of Sri Lankan politics? As already noted, conflicts never stand still, and even though peace processes may not achieve their stated objectives, they may themselves constitute an important turning point. In answering this second question we seek to explore the relationship between the peace process and the shifts in Sri Lankan politics that followed

it. Therefore, in a sense this chapter is about a paradox that lies at the heart of the story of peacemaking in Sri Lanka. On the one hand, peace negotiations were entrapped by, and helped reproduce deep seated obstacles to conflict resolution. On the other hand, talks inadvertently changed the politico-military equilibrium, which ultimately had a transformative effect and removed the obstacles to a military solution to the conflict.

### **Caught in the ‘politics trap’? How domestic politics shaped the peace process**

As elaborated in chapter 3, we do not conceptualize Sri Lanka’s conflict as an ‘ethnic war’ between historically antagonistic communities, but rather as a deep seated crisis of the state. This in our view was the first order problem, at the root of a complex array of second order dynamics. Most salient were the UNP-SLFP rivalry at the core and the positions of ethno-nationalist parties at the peripheries.

As already noted, UNP-SLFP competition, linked to deep-seated personal rivalries, was a major obstacle to the peace efforts. This constituted a structural feature of Sri Lankan politics, an established pattern of elite competition and ethnic outbidding that could not be re-engineered through external intervention.

A second, related, feature of the domestic political arena was the largely ethno-nationalist character of the political periphery in each of the main identity based communities: Sinhala (JVP and JHU), Muslim (SLMC), Upcountry Tamil (CWC) and Sri Lankan Tamil (TNA and its close relation to the LTTE).<sup>395</sup> With the rivalry at the political core, these formations have traditionally assumed a somewhat disproportionate importance, though in different ways.

Sinhala nationalism has been a relatively constant and persistent force in Sri Lankan politics, though it has changed vessels between the two mainstream parties and the more peripheral ultra-nationalist parties. The combination of talking with the LTTE, inviting a Christian Western country to mediate (Norway), and an increased role for the donor community created nationalist anxieties that lacked a mainstream political outlet. This in turn enabled two remarkable developments: 1) the JVP’s electoral comeback (Venugopal, 2009b), and 2) the unprecedented creation of a Buddhist monk party, the JHU. There has always been a need for Sinhala political parties to establish their Buddhist credentials, and religious symbolism is an important part of campaigning and everyday politics. The emergence of the JHU is partly explained by the same political vacuum that enabled the JVP’s electoral success, but it is also a manifestation of contemporary changes in Sinhala Buddhist religiosity. The foundation of the JHU was catalysed by the death of Gangodawilla Soma, a charismatic Buddhist monk who gained significant following with Buddhist teachings and militant stances against other religions. The agenda of protecting the Buddhist tradition, fused with a discourse of modern nationalism and sovereignty appealed to parts of the middle class, particularly those dissatisfied with the UNP’s poor patriotic record. Though the JHU’s electoral success was limited, the emergence of a monk’s party was extremely potent symbolically (Berk-

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395 There are of course other minorities (e.g. Burghers, Veddahs) and subgroups (e.g. Malay), but we concentrate on the groups whose political representation plays a significant role.

witz, 2008; Deegalle, 2004). The Norwegian team had largely steered clear of the Sangha (the Buddhist monastic order). Although Christian missionary ambitions or strategic interests were never a factor for Norway in Sri Lanka, it proved difficult to counter that perception when the JHU campaigned against them and monks protested in front of the Norwegian embassy.

The Muslim community<sup>396</sup> constituted a third and complicating factor in the relationship between the peace process and domestic politics. The LTTE opposed a separate Muslim delegation to the peace talks, claiming they had gained parity with the government through sustained military struggle while their Muslim neighbours sided with the Sinhala-led government in return for political largesse. However, the lesson that military might translated into political legitimacy (for the LTTE), while non-violent, elected representatives (the Muslims) were sidelined was a problematic one, and Muslim youth and community leaders became increasingly strident in their calls for recognition. Already blocked by a divided centre (SLFP-UNP) and the rapid ascent of Sinhala nationalists (JVP and JHU), the peace process came under further pressure because of the demands of a minority that had a legitimate right and sufficient 'spoiling power' to be included, though it was deeply divided, lacked authoritative leadership and was not accepted by the one of the main parties (the LTTE) (Ameerdeen, 2006; McGilvray, 2008 and 2011; Lewer and Ismail, 2011).

The Tamil polity was over-determined by the emergence of the LTTE and its state-building project (Fuglerud, 2009; Korf, 2006; Sarvananthan, 2007; Stokke, 2006; Uyangoda, 2007). From the moment the LTTE eradicated other Tamil formations (1980s) and established *de facto* state structures across large parts of the north and east (1990s), there was no autonomous space for democratic Tamil parties. The LTTE claimed to be the sole representative of the Tamil people and the bipolar model of negotiations confirmed this status. Though Norway did consult with other government-aligned Tamil groups, they had little influence on negotiations, and indeed were systematically targeted by the LTTE during the peace process. The diaspora was also an important factor as shown by their role in drafting the ISGA, but somewhat contrary to Norwegian expectations, they appeared to harden rather than moderate the LTTE's stance.

As argued in Chapter 3, conflict resolution efforts have been impeded by the existence of a reform resistant state, pitted against a reform resistant non-state (the LTTE). These structural constraints help explain the failure of previous and the most recent peace efforts including the torpedoing of the devolution package, the UNP's failure to develop convincing political reforms, Muslim exclusion and protest, Kumaratunga's inability to act on P-TOMS, and the limited space available for compromise for the newly elected Rajapaksa government. Norwegian mediation sought to negotiate these obstacles and to enlarge the available space for imaginative compromises and new institutional arrangements, but peace talks tended to reproduce (and perhaps intensify) rather than transform conflict dynamics.

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<sup>396</sup> Though there are similarities, a distinct analysis applies to the Upcountry Tamils and their political parties, but we omit them here for reasons of brevity.



Therefore, the experience of Norwegian mediation points to the primacy of domestic politics, by which we mean that external actors aiming to ‘bring peace’ in protracted state formation conflicts over non-divisible issues, have limited scope and legitimacy to directly influence the behaviour of domestic elites and the broader opportunity structures that they are responding to. It has become a truism to state that the impetus for conflict resolution must come from domestic actors and processes, but the Sri Lankan case provides ample evidence to support this view. Furthermore, as outlined in chapter 7, the growing importance of ‘non-traditional’ donors has increased the policy space for domestic elites, since funding and support has less conditions attached.

At the same time, this position can be nuanced. The notion of the ‘primacy of domestic politics’ should not be taken to mean that domestic political elites have complete decision-making autonomy, and consequently they should take all responsibility for the failure of the peace process. Domestic players also operate under constraints, partly of their own making, partly the result of the decisions of earlier generations of political leaders, as well as the legacy of policies and initiatives exported by international actors over the years. Political elites play a complex game, which involves responding to pressures, incentives and signals from above (international donors, diplomats, multilateral corporations, diaspora etc) and from below (peripheral elites, religious figures, societal groups etc). Their mode of engagement in the peace process was less about grand strategy than short-term tactical adjustments – more so perhaps in the south than the north-east where the LTTE leadership was not constrained by the demands of electoral politics. Furthermore it should not be assumed that the peace process was always the priority of the political class – in fact for much of the time it was trumped by intra- and inter-elite struggles in Colombo. For both parties it was arguably never an end in itself, but a strategic extension of their respective political (and economic) projects. Finally, just because political elites seek to create space for themselves in relation to the sticks and carrots deployed by international actors, through strategies of adaptation, translation, cooption, divide and rule and so forth, this does not mean that international forces and pressures are irrelevant. The history of Sri Lanka shows that external impositions and ‘support’ whether in the form of post-colonial institutions, market reforms, ‘good governance’ and peace mediation have had profound effects on the island’s political, economic and cultural landscape. Usually, however, the impacts have been rather different from those intended.

### **The adverse political effects of the peace process**

As outlined above, peace negotiations are more complicated than an elite exercise in problem solving that somehow floats above society, independent of wider processes and dynamics. In the above section we discussed how domestic structures, institutions and agents constrained the search for a political solution to the conflict. In this section we intend to show how the peace process also had profound effects on Sri Lanka’s political economy. We do not argue that peace negotiations were the principal driving force behind these transformations, but there is a strong body of evidence to suggest that it had an important precipitating effect on several drivers of change in Sri Lankan society and politics.

The last fifteen years (a period coinciding with Norway's involvement) have seen: 1) Sinhala nationalism returning to the centre of power; 2) the emergence of a new political dynasty (Rajapaksa), challenging the dominance of English-speaking political families at the political apex in Colombo; 3) a major shift from an essentially two mainstream party dynamic to a more uni-polar political terrain; 4) the redefinition of what had become a mainstream consensus for resolving the civil war, i.e. from a negotiated settlement involving significant reforms of the state, to military victory followed by minimal political reforms; 5) the end of the long running civil war with the defeat of the LTTE, at the cost of many civilian lives; 6) the end of the LTTE statebuilding project, and the emergence of a new politico-military regime in the north east; and 7) the redefinition of the state-minority relationship, with the hegemony of the Rajapaksa-led SLFP severely impairing the minorities' bargaining power and space for opposition.

These are profound changes. A number of long term structural trends, specific dynamics around the peace process and several contingent factors converged to bring about this transformation in Sri Lanka's political landscape. We have already provided some of the historical background necessary to place these transformations in context. We have briefly highlighted how the war played a role in transforming the state and how over time protracted conflict became functional for both parties. As the war evolved, a relatively stable equilibrium emerged – both sides were caught in a 'war trap' in the sense that they drew legitimacy and sustenance from the polarizing and clarifying effects of violent conflict. We have also argued that war became 'normal' and periods of peace abnormal – they were moments of flux and unpredictability and threatened the authority and power of both parties. Governments that attempted to talk to the LTTE and held out the promise of devolution exposed themselves to criticism from the opposition or counter mobilization by ultra-nationalists. Therefore peacemaking has historically been a risky venture in Sri Lanka. Peace processes can be understood as moments of danger, and the closer they are to reaching a political settlement, the more dangerous they become. The latest peace process appeared at first to consolidate the equilibrium that had emerged during Eelam war III, but it set in motion or accentuated several dynamics that transformed the balance of military, political and social forces.

The peace process contributed to this transformation through a number of mechanisms. First, it contributed to a legitimacy crisis of the mainstream parties, particularly the leadership of the UNP which was seen to be too close to Western actors who threatened the sovereignty and unity of the state. Despite the Norwegian attempt to downplay its role as a mere facilitator, they came to play an iconic role in rallying this opposition. Reinforced by visible (though inconsistent) international and donor support, its involvement provided an enabling environment for a wide range of conspiracy theories and semi-informed analyses of Norway's inclination to support separatism. One popular theory suggested this was born from its own secession from Sweden and evidenced by its support to Palestinian 'terrorists'.

Second, the peace process aggravated concerns about the LTTE's capability, both domestically and internationally. The movement's ability to travel around the world, consolidate its rule in north-east Sri Lanka, the initial tacit SLMM acceptance of the Sea Tigers and the emergence of an LTTE air force raised political and military concern, both in Sri Lanka and internationally. It was partly as a result of that concern that the military balance ended up disadvantaging the LTTE.

Third, negotiations acted as lightning rod for a range of intra- and inter-group conflicts, leading to political fragmentation, particularly amongst the minorities. Each of these groups had historically jockeyed between principled and pragmatic agendas, confrontational and collaborative strategies. The peace process, however, disrupted established patterns because it raised the stakes. The emergence of the Karuna faction was the clearest manifestation of this pattern of political fragmentation. The LTTE proved unable to deal with the dissent and pressure brought about by the peace process.

Fourth, with both the UNP and the SLFP politically compromised by their association with the Norwegian supported peace process – and the UNP in particular because of its dual ambitions of peacemaker and economic reformer – the JHU and JVP took over the nationalist baton. Controversial documents like the ISGA proposal or the P-TOMS agreement became rally points for nationalist mobilization. This volatile period thus marked an important change: previously mainstream parties had depended upon minority kingmakers (mainly SLMC and CWC) and a few crossovers to form a government, but in 2004, the SLFP-JVP tandem won with an almost exclusively Sinhala vote. Rajapaksa's presidential election a year later repeated that pattern. Having campaigned on a staunchly anti-Norwegian, anti-peace process campaign, and having formed a government with central support from the JVP and JHU, President Rajapaksa had little option but to take a tough stance towards the LTTE, even if he was deterred by the damaging prospects of war. The Norwegian attempt to revive the process, or at least bolster the CFA and the SLMM, with the talks in Geneva (2006), unsurprisingly did not go anywhere given these political realities. Frustrated with what appeared to them as 'all tactics, no strategy',<sup>397</sup> there is little evidence that the team appreciated the fundamental shift that was taking place in Sri Lankan politics at the time.

Therefore, the peace process played a role in facilitating this power shift in which ultra-nationalism moved from the margins to the centre of Sri Lankan politics. There are of course a lot of intervening factors involved here, as already indicated. Three caveats need to be underlined. First, there are a number of longer-term patterns in relation to Sinhala nationalism, and the Rajapaksa government fits well within the tradition of populist leaders such as former presidents JR Jayawardene and Premadasa. The nationalist rhetoric, market oriented reforms alongside populist state welfarism, the valorization of 'the rural', and the emphasis on visible infrastructural development all have clear historical precedents. The second caveat is that the emergence of the Rajapaksa government was not just an expression of reinvigorated Sinhala nationalism. His coming to power was also the result of con-

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<sup>397</sup> Interview 030A.

tingent factors, for example the tsunami (which revived anti-Christian sentiments) and the narrow victory during the 2005 presidential polls (largely the result of the LTTE's electoral boycott). Third, other international trends that were independent of the peace process came into play, including the Global War on Terror and the growth of Chinese involvement in the island, both working to the disadvantage of the LTTE and thus improved the government's opportunity structure.

Bolstered by its military victory, the electoral success of the Rajapaksa government may have marked a transition to a largely uni-polar political system. The UNP was in disarray and proved unable to get back on its feet in the following years. Further impaired by its leadership crisis (Wickremesinghe refusing to step down despite successive electoral defeats), the UNP was unable to formulate a credible response to Mahinda Rajapaksa's agenda of military victory, state-led growth and international realignment. With its overtly nationalistic, pro-poor rhetoric and strong-arm politics, the Rajapaksa administration also took the wind out of the JVP's sails and co-opted the JHU. There were also major implications for the minority parties. With no credible alternative sources of power the Muslim and Upcountry Tamil politicians lost bargaining power. Partly as a result of this, the political space for tabling minority rights became smaller than ever. With no change of regime on the cards any time soon after the defeat of the LTTE, most politicians felt opposition was pointless. Crossovers to the government soared, but on gradually deteriorating terms. The government's post-war discourse and policies avoided terms like peace, reconciliation and denied the very idea of ethnic identity (subsuming all groups under the banner of Sri Lankans). And when the government used its two-thirds parliamentary majority to amend the constitution, it did so not to accommodate ethnic grievances, but to further centralize power and remove the obstacle of two presidential terms. Partly as a result of Indian pressure, forms of dialogue have been initiated with minority parties, but with a triumphant and popular government backed by Sinhala nationalist forces, and with militarized rule in large parts of the north-east, the chances of that dialogue bringing about any major political change seem very remote.

## Conclusions

The analysis in this chapter highlights the primacy of domestic politics. Key parts of the peace process, and its downfall in particular, were determined by the political configurations, entrenched rivalries, and contradictions in the Sri Lankan polity. First, this underlines Norway's limited room for manoeuvre and the overriding importance of reading the context and the 'ripeness' for intervention correctly. Second, and somewhat paradoxically, this chapter shows that a mediated peace process can inadvertently have important effects on domestic politics. External actors lack the influence and legitimacy to engineer change and run the risk of generating unintended, perverse effects. This has been a recurring story in Sri Lankan politics, with external initiatives whether in the form of economic or political reforms, being constrained and reshaped by domestic political processes, but in turn having unexpected and profound effects on agents, structures and institutions within the country. Similarly, Norway's peace efforts had important impacts on some of the ongoing changes in Sri Lanka's political landscape. The peace process increased fragmentation in some quarters, most obviously among the

minorities. It also had a unifying and precipitating effect on Sinhala nationalist opposition. Foreign involvement in sovereign affairs, 'unconstitutional' engagement with the LTTE, the pro-Western course of the UNP government and economic reforms associated with it, all enlarged spaces for nationalist mobilization. These factors, in conjunction with shifts in the international context and the tilting of the military balance, enabled the Rajapaksa government to come to power, but also narrowed its options once there. Sri Lanka's story is thus not only a story of peace efforts that were thwarted by ethnic nationalisms and terminated by war, but also a story of a peace process that fuelled a nationalist backlash and contributed to a situation where military victory could prevail.

## 12. Conclusions and Broader Lessons

### The story of war and peacemaking in Sri Lanka

The analytical starting point for this study has been an understanding of Sri Lanka's civil war as a conflict rooted in processes of incomplete state formation, and the failure of the post-colonial political elite to develop an inclusive vision of state and nation. This failure led to the emergence of militant Tamil nationalism and almost three decades of armed conflict which caused immense suffering and profoundly reshaped state and society. War contributed to political and social polarization, the centralization of power, the militarization of the state and the erosion of democratic institutions and safeguards. These effects have in turn impeded the search for a solution to the conflict. Failed peace negotiations added new layers of complexity to the conflict.

Conflict resolution always depended on reaching a settlement, not only between the government and the LTTE, but also on an agreement between the two key Sinhala-dominated political parties, the SLFP and the UNP. By the 1990s a political consensus amongst these mainstream parties had emerged, which recognized that the conflict could not be resolved solely through military means, but also required a political settlement comprising reforms of the central state and a substantial devolution of power, particularly to the north and east. But unstable political coalitions meant that there was never sufficient 'settlement stability' at the core of the Sri Lankan polity. Conversely, the LTTE never shifted from its maximalist agenda of a separate Tamil Eelam, feeding Sinhala insecurities about the break-up of the unitary state.

Following the failed attempt at mediation in 1994-5, for the first time both parties began to look seriously for an external mediator. Norway was ultimately chosen from several possible candidates, mainly because it was state actor (a requirement for the LTTE) and did not have any major leverage or interests in Sri Lanka (which was important for both the government and India).

Face to face negotiations, however, only took place during a brief phase of Norway's peace efforts. During the period under review Sri Lanka underwent a protracted, but violent stalemate (1999-2001), a turbulent period of no-war-no-peace (2001-2006), and open war (2006-2009). In analyzing these events, we have attempted to avoid attributing everything to 'the peace process', or simplistically divide trends and interventions into those that are working 'for' or 'against' peace. Both the LTTE and successive governments pursued strategies geared towards their version of peace alongside other objectives. The peace process played a central role during

the period studied, but there were many other intervening factors in the domestic and international landscape that influenced events. The two armed belligerents found a hybrid situation of political contestation (in the south), and competing projects of rule and coercion (in the north-east) to their short term advantage and were unwilling to openly declare war until the very end.

Almost all Norway's relative successes occurred during the period of the Wickremesinghe government. A unique confluence of factors and events contributed to the signing of the Ceasefire Agreement and the intense period of peace talks that followed. A hurting stalemate, an economic crisis and the election of a UNP-led coalition on a peace ticket, with a strong pro-West and pro-liberalization agenda, together helped bring about and generate momentum behind exploratory talks.

However, these achievements did little to transform underlying structures and were increasingly at odds with the shifting military balance and changing international context. Responding to a 'hurting stalemate' or 'ripe moment' was one thing, but generating 'enticing opportunities' to move towards a political settlement was quite another. While we have argued that structural constraints severely limited the options available to key actors, this is not to say that events were preordained or inevitable. Our analysis of turning points also shows that alternative courses of action presented themselves and individual decision making and contingent events were an important part of the story.

The last fifteen years have been a period of great turbulence with: shifting governments; initiatives promoting political and economic reforms, prompting counter mobilizations against such reforms; the journey of Sinhala nationalist forces from the periphery to the centre ground of mainstream politics; the consolidation of the LTTE's attempted state-building project followed by its dramatic military defeat; and a change in the island's geostrategic orientation from the west to the east. These events and processes interacted with each other in complex ways, leading to unexpected outcomes. A protracted stalemate created the impetus for a ceasefire agreement that led to failed peace talks, which, in turn, contributed to processes that enabled the government's final 'war for peace' and the LTTE's ultimate defeat. Norwegian peace efforts were largely constrained by these dynamics, but also partly contributed to them.

A number of key points flow out of the above analysis:

First, and perhaps most fundamentally, the structural features of the Sri Lankan state and political elite posed a formidable challenge to a negotiated settlement. The zero-sum character of Sinhala politics provided a strong incentive to both mainstream parties not to allow the other to take the credit for settling the conflict. Sinhala nationalism effectively inhibited or disabled efforts to reform the state. Patronage based coalitions and dynastic rivalries prevented the emergence of coherent policies and stable coalitions. As a member of the Norwegian team noted: 'For Ranil Wickremesinghe, the key issue was his competition with Chandrika [...] At no point

did Chandrika and Ranil's relationship with each other become less important than their relationship with Prabhakaran'.<sup>398</sup>

Second, at the height of the peace process (2001-2003), these limitations were accentuated by the electoral and political base of the United National Front government. Its efforts to limit the President's involvement in the peace process were short sighted and destabilizing. Its policies related to a negotiated settlement, the international safety net and economic reforms had limited domestic backing and Wickremesinghe did little to remedy this by cultivating popular support. Earlier Sri Lankan leaders who understood the vernacular of Sri Lankan politics, had deployed populist measures to compensate for unpopular policies. Wickremesinghe's failure to do so was a fatal error.

Third, changes in the military power balance between the government and LTTE in part account for the emergence of the Ceasefire Agreement, the subsequent stalling of talks and the re-escalation of war. The LTTE was willing to enter into talks because it believed it had reached a position of military parity. The movement's de-proscription, a seat at the negotiation table and engagement by Norway and other foreign countries bolstered its ambition to translate military into political parity. However, the increasing number of countries blacklisting the LTTE, partly related to its hardline position and ceasefire violations during the peace negotiations, left the movement increasingly isolated. Over time the power balance shifted decisively in the government's favour, which reduced the ability of external actors to influence the behaviour of both parties. The collapse of talks and the subsequent military victory were as much a story of the LTTE 'losing', as of the government 'winning', or the Norwegians 'failing'.

Fourth, the rapid internationalization of the peace process helped create the pre-conditions for the Ceasefire Agreement and exploratory talks, but ultimately generated paradoxical effects. Norway acted as sole mediator and the support of an international framework was weak. International support was often half-hearted and fragmented and there was little agreement on the basic contours or roadmap of peace. Foreign aid was deployed in the belief that it could generate a peace dividend and help normalize relations between the two sides. But aid was used as a substitute for politics, a way of avoiding core political issues. Moreover, in conjunction with the UNP's reform agenda which did not resonate with the southern electorate, international involvement provoked a nationalist backlash. The tsunami heightened these dynamics, generating growing insecurities about sovereignty and corruption, and it created the opportunity for ultra-nationalism to move from the periphery to the centre of mainstream southern politics, by positioning itself as the protector of the unitary state and a check on Tamil nationalism.

Fifth, gradual shifts in Sri Lankan politics, precipitated by the peace process, came to a head with the election of Mahinda Rajapaksa. Though his administration resembles predecessors (most obviously Jayawardene and Premadasa), the triumph of a politician from outside the metropolitan English-speaking dynasties, in conjunc-

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398 Interview 030A.



tion with the JVP's electoral come-back and an unprecedented party of Buddhist monks (JHU) marked an important change. Once in power the new administration set about redrawing the previously accepted blueprint for ending the conflict and redefining Sri Lanka's geo-political position, creating a very different kind of safety net, by drawing upon the military support and diplomatic cover of non-Western states including India, China and Pakistan, which had very different views about sovereignty, human rights and conflict resolution. In so doing Rajapaksa diluted the influence and pressure of Western actors and created space to pursue the war in spite of the humanitarian costs.

The story that we have told about the peace process and the shift back to war is a complicated one. We highlight the fact that negotiations changed over time, involved different actors and dynamics and had diverging effects on Sri Lankan society and politics. Rather than being the central dynamic explaining the emergence of a nationalist government and the subsequent war, it can better be understood as a precipitating factor which heightened pre-existing currents and trends in domestic politics.

### **Assessment of the Norwegian role**

What was Norway's role in this story? First, the limitations of a small nation in negotiating peace in a long-standing, seemingly intractable conflict should be recognized. Norwegian facilitators should not be judged according to unrealistic criteria and expectations. If peace had been achieved Norway could not have taken the primary credit, nor can they now be held solely or primarily responsible for the failure of negotiations. Second, negotiations may achieve many things at different levels even if they fail to bring about peace 'writ large'. Norway's achievements include the Ceasefire Agreement (and its impacts on the humanitarian situation including a sharp decline in civilian deaths), the positive economic benefits of this period, the Oslo declaration (exploring federalism) and the P-TOMS agreement (though ultimately it was never implemented). *Post hoc* analysis, in light of the bloody end to the war, should not obscure these achievements.

However, it should be noted that these claims to success are not universally shared and need to be judged alongside the indirect and unintended effects of Norwegian intervention at different levels on Sri Lanka's political and economic landscape. Some of these measures of achievement may also have contributed to anxieties and instability, leading to counter mobilization and ultimately the imposition of a military 'solution' to the identity question in Sri Lanka.

There were only fleeting windows of opportunity to influence events, when both sides felt confident (the 2002-2003 period) and when an external shock briefly threw 'normal' politics out of balance (after the 2004 tsunami). However these windows did not remain open for long. External actors have always found it difficult to identify and respond to such moments and in the past have frequently mistaken a

temporary convergence of interests as a sign of external leverage (Burke and Mulakala, 2011; Uyangoda, 2011).

The Norwegian approach was based on the assumption that it could provide a neutral space in which to explore possible options and solutions. However, from very early on, with the disclosure of their efforts by President Kumaratunga in 1999, they were drawn into the orbit of domestic politics and cultivating dialogue proved to be very difficult in such a highly charged context. As a lightweight mediator, Norway walked a very thin tightrope, unprotected by the parties or international colleagues, and buffeted by the political winds generated by those opposed to the peace process and the Norwegian involvement. Frequently even those who ostensibly supported the peace process found it politically expedient to attack Norway.

Many of the problems identified with the peace process can be traced back to the weak mediator, ownership based model adopted by Norway. To a great extent this constituted the first order problem, as other deficiencies – including bi-polarity, the handling of UNP-SLFP antagonism, the open ended gradualism of a phased approach, the focus on conflict management rather than transformation – stemmed from the premise that the mediator should be continually responsive to the conditions and demands of the parties themselves, without placing robust parameters around the nature of their engagement.

Aware of the constraints, the Norwegian team tried to strengthen its position as a 'peace architect'. First, the SLMM, with a stronger mandate than originally envisaged, helped manage local conflicts and provided a mechanism to link peace talks with the situation on the ground. However, the mission could do little to prevent escalating violations which preceded the return to war. Second, a 'track 2' channel was opened with domestic and international support to provide back-channels and space for dialogue. Although there was a need for such channels, they were never delegated authority and there was only a weak connection to 'track 1', which itself lasted only briefly. Also, Norwegian efforts to fund and build a wider peace constituency tended to focus on the circle of Western-funded Colombo based agencies, accentuating concerns about NGOs 'rent seeking' on the peace process. Third, the Norwegian government tried to 'borrow leverage' from international donors, India and the co-chairs. However, increasingly Norway's approach went against the grain of key drivers of change in the domestic and international spheres, which left it more and more isolated and exposed. Fourth, in 2006, with a return to war threatening, Norway attempted to renegotiate its contract with the parties and obtain new commitments for negotiations. Ultimately these commitments were not honoured and though Norway maintained its official role in Sri Lanka until April 2009, it was powerless to prevent the drift back to war and the resulting humanitarian disaster.

To what extent were there alternative courses of action? Would a more inclusive process, a big bang approach, or 'harder' more coercive forms of pressure have made a difference? One of the paradoxes of external involvement and pressure is that it often strengthens the tendencies that it seeks to counter. This became particularly apparent during the final phases of the war when Western pressure on humanitarian and human rights issues played into the nationalist discourse of

Western infringements on sovereignty. Under the circumstances it is difficult to imagine how a different mediator or a different approach would have significantly changed outcomes. Indian military intervention failed (1987-1990), negotiations without third party support unravelled within months (1994-1995), the big bang approach of devolution alongside a military offensive (2000) was similarly deficient and tireless attempts at inclusion pushed P-TOMS well beyond its expiry date (2005). Critical commentaries have identified many deficiencies, but credible alternatives have been few and far between. Our analysis points to the high degree of decision-making autonomy of domestic elites and the path dependent nature of the conflict.

In spite of the constraints highlighted above, Norway played a serious and sustained role in the Sri Lankan peace process. It invested significant resources and political energy, fielded monitors in a volatile war zone and faced sustained criticism, though it had no pressing national interests in the area. Norway showed diplomatic courage, persistence, and flexibility in the face of great pressure and provocation. Within the Norwegian team, there were at times some tensions and disagreements about strategy but in general there was a high level of consistency and coherence of approach, both in Oslo and in the embassy in Colombo.

However, in spite of these broadly positive findings, our review of the archives and interviews suggest a number of areas in which Norway might have done things differently:

First, Norway appeared to embark on its role as peace mediator with insufficient appreciation of the difficulty of the task. One of the leading Norwegian officials in fact confided to us that when it first started, he believed that the mediation effort would probably take 'a half year or so and it would be resolved.'<sup>399</sup> The initial resources for background research, analysis of the context and strategy development were limited, as become clear from the archives and interviews. The informal, personal and institutionally light style of the mediation team enabled flexibility and a compact profile, but this came at a cost. According to several participants, there was not enough time and capacity for analysis, deliberations and network building. There was also a 'mismatch between the personnel resources devoted and the importance of Norway's multiple roles' (Whaley et al, 2006: 56). There was plenty of time to build up a stronger contextual awareness, a larger network and a more thorough assessment of risks given the long germination period of the peace process. This could have involved stronger and more systematic links with relevant experts in the research and policy making communities, a larger back-up team in place from the beginning, and a greater investment in scenario building including the development of a plan B (and possibly C and D as well). Partly as a result of the limited investment in contextual analysis, there was a failure to read the shifts in domestic politics or to sufficiently appreciate the material and symbolic effects of international engagement. While there was awareness amongst the Norwegians of the growing risks of Norway becoming a pawn in Sri Lanka's domestic politics, Norway should have been more alert to its possible consequences. Thus interviews and

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<sup>399</sup> Interview 026A.

archival material reveal only limited discussion of the possible moral hazards involved.<sup>400</sup> A stronger contextual awareness might also have helped counter some of the problems the Norwegian mediators faced in managing the peace process, such as being accused of harbouring an LTTE bias or the adverse consequences of having a high profile and being subject to frequent accusations in the media.

Second, stronger and clearer conditions or parameters for engagement should have been negotiated from the outset with the key parties and continuously monitored and appraised. Minimal conditions for Norwegian engagement should have been:

1) The right to talk to whomever they want. It should have been clear that an ‘ownership’ based approach was largely rhetorical unless the whole of the Sri Lankan government were part of the process. The co-habitation arrangement – which was admittedly a new and difficult configuration in Sri Lanka – constituted a unique opportunity to institutionalise a bi-partisan approach although it might have taken a long time, with uncertain results. Instead it became the Achilles heel of the peace process and was a major reason for its downfall. This was predictable and Norway should have made this a firm condition for their involvement.

2) The ability to communicate with public media if so required to clarify its own position or speak out against acts which clearly undermined its efforts. Norway was continually attacked in the media for its role in the peace process. This was also predictable based on a long history of scapegoating of international actors who ‘meddle’ in internal Sri Lankan affairs. In our view Norway should have had a more proactive and robust media strategy. In Sri Lankan politics, perceptions are crucial and the failure to counter these persistent attacks in a systematic way, had a damaging effect not only on Norway’s reputation in Sri Lanka, but on the legitimacy of the peace process more broadly.

3) The ability to put the engagement on hold or to walk away. Norway should have withdrawn from its negotiation and monitoring role earlier. The main trigger point for disengagement should have been the escalation of the open war amidst the failure of the Geneva talks in 2006. This point moreover coincided with Norway’s growing isolation and exposure following the proscription of the LTTE by the EU. It became increasingly clear that neither signatory to the Ceasefire Agreement still considered negotiation as a serious option. Both wished to maintain the fiction of a ceasefire, whilst testing out the potential to gain the upper hand militarily. The rationale for continued Norwegian involvement – to standby in case a new stalemate emerged and to try and limit the war damage – was not entirely unfounded, but to have publicly pulled back at this point would not have precluded keeping certain channels open, including with the LTTE.

4) The capacity of monitors to move around independently, at land and at sea, and an established connection between ground-level monitoring and the political process. The SLMM was correctly designed as a relatively light and unthreatening mis-

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<sup>400</sup> During the initial phase, dealing with the LTTE was considered an ethical problem, particularly because of the atrocities and assassinations committed by the organization (interview O36A). In a communication with the MFA, following the submission of our preliminary report, it is argued that ethical issues remained on the Norwegian agenda throughout the peace process

sion, but it faced major difficulties of access and the decision to do naval monitoring from government ships created serious problems. Moreover, the mission had no adequate governance structure. This impeded the monitors' ability to adapt and it generated questions as to who owned the mission.

### **Broader lessons derived from the Sri Lankan experience**

The specificities and idiosyncrasies of the Sri Lankan peace process mean that one cannot simply read off universal lessons and directly apply them to other cases. However, a careful analysis of this case does reveal some important broader lessons.

#### **1. The perverse effects and moral hazards associated with peace negotiations**

Highly internationalized peace processes may have various distorting effects on domestic politics. Negotiators may be instrumentalized by political entrepreneurs and peace talks may inflame local sensibilities, de-stabilize political coalitions and by so doing contribute to a nationalist backlash. Ultimately the breakdown of the peace process contributed to the de-legitimization of the very notion of a negotiated solution to the conflict, and paved the way for the ascendance of a nationalist-oriented administration that successfully pursued a military solution to the conflict. As our contextual analysis highlights, sustainable peace depends upon a reformed state and more inclusive political settlement, which appear to be remote prospects at present, even though the end of the armed conflict has been universally welcomed.

Even though the chances of success were always small, this does not mean that Norway should not have got involved. Our analysis points to the fluidity of political relations and changed opportunity structures in 2001-2003. All actors operated with incomplete information and outcomes were not predetermined. Contingencies like the Karuna split, the tsunami and Rajapaksa's narrow election victory underline that events could have taken a different turn.

Comparative literature shows that peace processes are always turbulent and contested, and if mediators refused to step forward for fear of making the situation worse, there would likely be more long running conflicts in the world today. However, there is a need for peace mediators to apply precautionary principles and deploy a systematic cost-benefit or 'do no harm' analysis before and during such initiatives. The costs of engagement as well as the costs of not engaging need to be explicitly analyzed. What are the possible net gains and harms? Who is likely to benefit and who is likely to lose out as a result of negotiations? What are the likely direct and indirect impacts? It is not good enough to argue from a duty based ethic that peace making is a 'noble endeavour and has to be tried',<sup>401</sup> as one of the leading Norwegian figures stated. A consequentialist ethic demands a conscious weighting of likely negative and positive impacts, in light of a conflict's 'ripeness' for intervention. And this will mean that on occasion negotiators should say 'no' when asked to step in, or decide to pull out or change roles, when the windows of opportunity close.

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401 Interview, 030A.

## **2. Matching responses to contexts**

Ethno-nationalist conflicts driven by competition over territory can be characterized as ‘non-divisible conflicts’ (Hirschman, 1995) and are particularly resistant to externally mediated settlements (Human Security Centre, 2005). An analysis of conflict structures and dynamics in Sri Lanka and past peace efforts indicates that soft power and neutral facilitation would always have limited traction on key drivers of change. As Uyangoda (2011) notes, the war for peace had far more capacity, vitality and energy to transform the ‘ethnic conflict’ than peace negotiations did. This suggests not the need to ‘give war a chance’, but to think more carefully about the balance between soft power and harder forms of intervention and when to apply them. As noted elsewhere (Bersagel, 2008) the ‘Norwegian model’ may be effective in bringing actors to the table, but more powerful actors may be needed to help bring about and implement a final agreement.

For Norway, the combination of an unsupportive international environment, a solitary mediator role and the absence of buffers or proxies increased the risk of being left dangerously exposed and isolated. More thought needs to be given to strategic complementarity, in the sense of borrowing leverage or harnessing the power of other weightier players, and building links with ‘group of friends’ initiatives or tailor-made coalitions, as has been the case in Sudan and elsewhere. Such mechanisms require a minimal level of convergence around the desired parameters of a peace settlement. A more multi-lateralized approach would require Norway to accept a lower profile and lose some of its credit as a ‘trailblazer’. It is recognized there is a fine balance between more robust, coherent international action and the danger that internationalisation provides the impetus for nationalist mobilisation, strengthens resistance to peace efforts, and undermines fragile domestic constituencies for peace. To some extent these risks can be minimized if international actors are better attuned to domestic politics and are able to identify ‘ripe moments’ when sensitive but coherent support may help create the space for local peace initiatives.

## **3. Limitations of the ownership model**

There is a strong rationale for an ‘ownership’ model to peace efforts, since only the conflicting parties and their constituencies can ultimately resolve conflict. A basic precondition for peace is the forging of a sufficiently inclusive and stable political settlement or an elite bargain. Because of its lack of colonial baggage and limited geo-strategic interests, Norway is well placed to support more domestically owned and bottom-up approaches to peacebuilding. However, this model does have important limitations, particularly in contexts like Sri Lanka, where a ‘reform resistant’ state faces an intransigent rebel movement and there are several key actors (like the Muslims) excluded from negotiations. Domestic versions of peace may therefore be extremely exclusivist and illiberal. Placing the entire locus of power, initiative and responsibility in the hands of armed parties could make peace a prisoner of the preferences and prejudices of the belligerents. This particularly applies to issues of reform and transformation, with the conflicting parties opting for least painful tactical changes and avoiding major concessions. Both the LTTE and the Sri Lankan government chose an incremental approach, each believing this would serve their long term interests: for the LTTE normalization would allow it to consolidate its *de facto* state, whilst the government felt it would blunt the secessionist impulse

through economic development. The problems inherent in 'ownership' are compounded when there are rapid changes in the character and composition of successive administrations, each 'owning' different visions of peace and strategies for attaining it.

Therefore the Sri Lankan case highlights the problems of open ended incrementalism combined with weak mediation and the absence of 'locking in' mechanisms (Bose, 2003). Such an approach accentuates the potential for conflicting parties to instrumentalize the peace process (and mediators), and is likely to lead to a sense of drift and insecurity that may ultimately explode into renewed violence.

#### **4. Rethinking the role of aid and development policy in peace processes**

The assumed links between processes of development, aid provision and security were central to the thinking and policies of domestic and international actors during the peace process. Some aid donors, including Norway, calibrated their aid so as to positively influence the incentives and calculations of key actors and to create a wider constituency for peace. This converged with President Kumaratunga's efforts to use humanitarian measures as a conduit for softening – and ultimately undercutting – the LTTE in the late 1990s. Later, this policy reached a high point with the announced peace conditionalities at the Tokyo conference. In parallel to this, the UNF administration, with the support of the international financial institutions saw the peace process as an opportunity to introduce radical reforms including downsizing the public sector and cutting subsidies for the poor. The LTTE saw aid provision to the north-east as an opportunity to garner resources and legitimacy for its state-like structures and its claimed status as the 'sole' representative of the Tamil people.

During the peace process aid was simultaneously used by donors as a vehicle to promote peace and economic liberalization, in the belief that the two were mutually reinforcing. However in practice, the pursuit of such policies in tandem proved inimical to peace. Aid had very limited leverage and it proved impossible to short circuit complex political processes through the provision of economic incentives. Even though the peace process produced a demonstrable peace dividend, both in terms of macro-economic growth and overall poverty levels, this did not translate into a critical mass of support for negotiations, partly because political entrepreneurs had a vested interest in telling a different story about the peace process, emphasizing its failures and limited gains to their core constituencies. Similarly support by Norway and others for civil society initiatives geared towards peace constituencies, aimed at building an enabling environment for peace negotiations, proved to have limited and sometimes perverse effects.

Therefore, one lesson from Sri Lanka appears to be that aid may play a supportive role in the consolidation of a legitimate political order, but if this is absent it cannot override core political dynamics. In short, aid cannot be a substitute for politics. Conversely, conflict blind aid driven by inadequately contextualized neo-liberal formulas has the potential to de-stabilize fragile war to peace transitions. The UNF government's reforms were praised by the IMF because they made sense in narrow economic terms, but were politically insensitive and undermined domestic support

for the peace process. The Sri Lankan experience suggests that mediators and donors need to ensure that assistance is coordinated and conflict sensitive, whilst maintaining modest and realistic goals for aid in the context of peace negotiations.

### **5. Role compatibility and comprehensive approaches**

Norway assumed different roles during the peace process – it was facilitator of negotiations, an arbiter of the CFA, an aid donor and later on, a humanitarian advocate. To some extent these roles were interdependent, but they also involved competing principles and some fundamental contradictions. Whilst it has become received wisdom that integrated missions and enhanced coordination are preconditions for effective peacemaking, there remain fundamental tensions and trade-offs in trying to combine multiple roles in the pursuit of multiple goals. In Sri Lanka there are some positive lessons to be derived from the flexible and innovative arrangements that were attempted by Norway, other international actors and the parties themselves, including efforts to create joint aid mechanisms, the set-up of the SLMM and the creation of peace secretariats and local monitoring committees. However, the Norwegian experience also highlights the *ad hoc* and sometimes incoherent nature of the range of different interventions. This leads to the following lessons.

First, there is scope for improved preparation and capacity building for complex monitoring missions like the SLMM which had a strong *ad hoc* character. The mission's own lessons (SLMM, 2010) require serious attention. The mission incorporated a wide spectrum of activities, issues and expertise, including security, policing, rule of law, development and gender. There were clear differences and tensions between the professional training, cultural background and expectations of staff involved in these spheres of activity. In part, these could have been addressed with better orientation and training, and the SLMM experience confirms the old adage of 'hope for the best, but prepare for the worst'. Security measures were tailored to a context with relatively low levels of violence, and when this changed, the mission was relatively slow to adapt. An unarmed, un-uniformed mission with a largely civilian mandate still needs reasonably robust protection measures and security planning.

Second, the complementarity between different interventions – mediation, monitoring, aid provision – needs to be optimally exploited. Norway suffered the disadvantages of a comprehensive approach (role conflicts, public criticism), but did not always make use of the advantages. Monitors felt their reports and expertise were not used sufficiently by the mediation team. The mediators on the other hand were adversely affected when the SLMM entered into highly political arenas through statements in the media and inadequate handling of the naval issue. More human resources and closer communication channels are needed to avoid unnecessary controversy.

Third, the Sri Lankan case underscores the centrality of human rights and humanitarian issues to the perceived legitimacy of a peace process. Both sides sought to instrumentalize human rights issues for tactical reasons, whilst abuses continued throughout the CFA period. Norway did not speak out clearly and frequently enough



about gross CFA violations, issues of child recruitment and political murders, something that was accentuated by the even-handed, ownership based approach.

### **6. Non-state actors, power asymmetries and the war on terror**

Norwegian mediation internationally has often occurred in conflicts between a state and a non-state rebel group and has involved a twin approach of even-handedness to both parties, combined with addressing the asymmetries inherent in a military struggle between a state and non-state actor. There are tensions between these two strategies because attempts to address power asymmetry may easily invoke accusations of bias towards the non-state actor. Norway adopted a policy of engagement with the LTTE and supported their peace secretariat and diplomatic outreach. As a result, Norway was persistently accused of being pro-LTTE and pro-Tamil during the course of the peace process. This was backed up with accusations that Norway too readily turned a blind eye to the LTTE's ceasefire violations in order to keep the group at the negotiation table.

Our findings do not point towards a systematic bias towards the LTTE on the part of Norway. Rather, the problem was that an even-handed approach became increasingly unsustainable when the power asymmetry between state and the LTTE increased during the course of the peace process. The insurgents benefited significantly from the truce and the peace efforts initially, and even their suspension of the peace talks was partly a statement of strength (despite Balasingham's concerns about the international 'peace trap'). The key turning point, however, was the Karuna split. From then on the power balance turned decisively in the government's favour.

This was reinforced by two wider structural factors. First, the 'war on terror', international condemnation after the Kadirgamar killing, and LTTE proscription reinforced the group's isolation and correspondingly the position of Norway as its sole state intermediary. This further compounded the perception of Norway's Tamil bias. In fact, a more accurate characterization of the situation was that Norway remained consistently even-handed, against the background of a wider shift back towards the state by international actors. Second, economic trends – both long term and those associated with the peace process – worked in favour of the Sri Lankan state. The country's steady economic growth even during the war years, its graduation to middle income status, the boom associated with the peace process and the growth of non-traditional donors contributed to the strengthening of the material base of the state, much of which was funnelled towards increased military spending.

### **7. New global powers and implications for international peace efforts**

The war-peace-war transition in Sri Lanka coincided with a significant shift in the country's geo-strategic position and international alignment. During the peak of the UNP-led government, there was an unprecedented level of Western engagement. This was followed by a conscious dilution of the Western role and an increased reliance on Asian powers for military, diplomatic and economic support. The Rajapaksa government exploited the strategic competition between India and China to gain financial, military and diplomatic backing from both. In the last ten years, Sri Lanka in effect became a test case for two competing models for ending civil wars: on the

one hand, the so-called liberal peacebuilding model based on the 'Washington consensus' inspired neo-liberal outlook of the UNP, to which some international actors attached norms like the 'responsibility to protect', human rights and conflict resolution. And on the other hand, what may be characterized as an emerging 'Beijing consensus', based upon traditional 'Westphalian' notions of sovereignty, non-interference and the preservation of strong developmental states with limited space for dissent or political change. Parts of this discourse reverberate with the Western preoccupation with terrorism in a post-9/11 world. The SLFP government aligned itself with India, China and other Asian powers while also drawing on a mixture of humanitarian and counter-terrorism doctrines to generate the policy space and diplomatic cover to pursue a military solution to the conflict. Many other governments with their own insurgency problems have looked at what they regard as Sri Lanka's successful diplomatic and military campaign, with a view to replicating many of its features.

The Sri Lankan case may thus be symptomatic of a broader power shift at the global level, with the emergence of developing powers that are more sceptical of Western models for resolving internal conflicts based on notions of conflict resolution, human rights, good governance and power sharing. In the post Cold War, uni-polar world, Norway was able to exploit its comparative advantage as a peace mediator with close ties to the US but sufficient distance to dampen fears of imperialism. In a more complex multi-polar world, the scope for, and legitimacy of, the Norwegian approach may increasingly come under challenge.

# Annexes





## ANNEX 1: References

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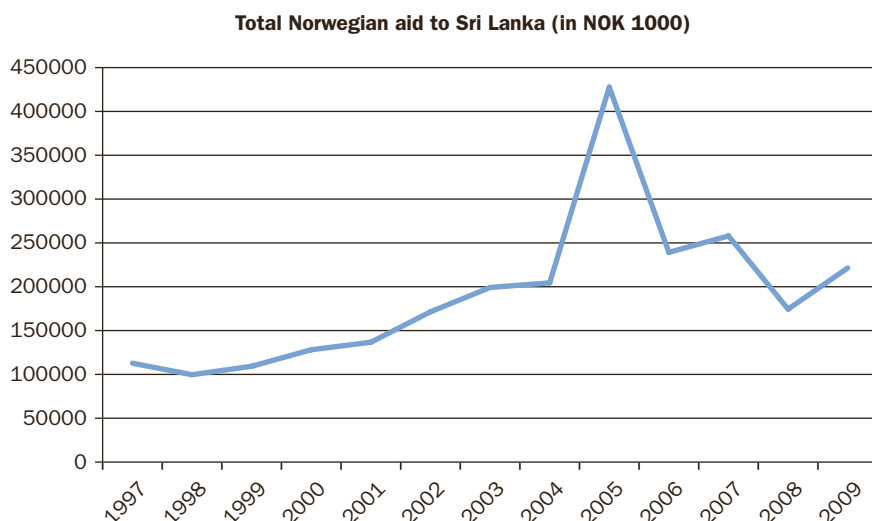
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## ANNEX 2: A Note on Norwegian Aid to Sri Lanka 1997-2009: Trends in Volume, Sector Allocations and Agreement Partners

**Figure 1**



Source: Norad Statistical Department.

Figure 1 offers an overview of total Norwegian aid to Sri Lanka in the period 1997-2009. In total 2.5 billion NOK equivalent to 366 million USD has been disbursed. As can be discerned from the figure above, there has been a steady increase in annual Norwegian disbursement, but 2005 represents an exception because of the Tsunami. The presentation is based on NORAD's statistical database.

### **Who has received the Norwegian funds?**

In 1999 the DAC codes changed and the codes prior to 1999 and after is not directly comparable. The classification and the descriptions of the projects also seem to have changed after 1999. The figures prior to and after 1999 are therefore incompatible, and we have chosen to separate the figures in our statistical presentation.

In the table below we have listed the agreement partners which have received more than 10 million NOK in the period 1999-2009. The figures are given in 1000 NOK. Norwegian funds have been disbursed to approximately 240 different agreement partners in this period.

The most important partners in terms of aid volume have been Norwegian NGOs and the Sri Lankan government, whereas the major bulk of funds have been channeled through the Sri Lanka Department of External Resources. The most important NGOs have been FORUT, the Norwegian Refugee Council, the Norwegian People's

Aid, Norwegian Red Cross, and Save the Children. Sri Lanka Monitoring Mission and the UNCR have also receive substantial funding from Norway in this period.

The funds channeled via Sri Lankan NGO's have been much more dispersed. One important exception is the Milinda Moragoda Inst, which has received more than 60 million NOK together with the Indian NGOs Horizon and Sarvatra since 2003. Also the Foundation for Co-Existence (FCE) has been a large recipient of Norwegian aid in this period. Other important partners on the Sri Lankan side have been the Peace Secretariat of the Liberation Tiges of Tamil Eelam, Sareeram SL National Foundation, Sri Lanka Press Institute and Hambantota District Chamber.<sup>1</sup>

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1 Comment from the Norwegian Embassy in Colombo, in e-mail dated 24 October, 2011: Norway has supported many other civil society organizations not listed here. To mention a few: National Peace Council and the Peace Secretariat for Muslims.

| Agreement partner  | 1999   | 2000   | 2001   | 2002   | 2003   | 2004   | 2005   | 2006   | 2007   | 2008   | 2009   | Grand Total |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|
| Sri Lanka Department of External Resources                 | 41 937 | 34 341 | 32 649 | 42 010 | 32 202 | 32 668 | 38 146 | 33 074 | 6 518  | 1 172  | 717    | 295 433     |
| FORUT - Solidaritetsaksjon for utvikling                   | 16 278 | 17 943 | 17 076 | 18 282 | 19 328 | 17 222 | 37 849 | 21 445 | 32 807 | 24 466 | 16 026 | 238 723     |
| Flyktningshjelpen  |        |        |        | 18 472 | 17 478 | 17 478 | 50 547 | 23 347 | 29 342 | 8 237  | 14 300 | 161 723     |
| Norsk Folkehjelp   |        |        | 6 889  | 6 212  | 9 027  | 23 410 | 32 571 | 25 122 | -3 600 | 2 000  | 2 000  | 101 631     |
| Norges Røde Kors   | 1 500  | 1 827  | 2 500  | 5 010  | 4 323  | 18 180 | 5 000  | 15 000 | 12 000 | 22 004 |        | 87 344      |
| Sri Lanka Monitoring Mission                               |        |        | 27 145 | 8 206  | 12 417 | 8 929  | 2 983  | 9 477  | 9 700  |        |        | 78 857      |
| Redd Barna Norge   | 6 372  | 5 894  | 4 448  | 5 276  | 8 235  | 7 462  | 13 417 | 9 022  | 3 226  | 4 864  | 3 200  | 71 415      |
| Government of SRI LANKA                                    | 10 947 | 15 285 | 21 186 | 15 110 | 3 675  | 1 233  | 1 200  |        |        |        | 78     | 68 715      |
| UNHCR - UN Office of the UN High Commissioner for Refugees |        |        | 3 000  |        | 6 000  |        |        | 5 000  | 16 500 | 7 000  | 28 000 | 65 500      |
| Milinda Moragoda Inst                                      |        |        |        | 8 700  | 8 310  | 8 400  | 8 700  | 10 950 | 6 400  | 8 800  |        | 60260       |
| ASDB - Asian Development Bank                              |        |        |        |        | 7 000  | 5 000  | 10 000 |        | 13 500 | 19 175 |        | 54 675      |
| Utviklingsfondet   | 1 097  | 648    | 1 449  | 1 628  | 3 092  | 3 682  | 33 369 | 3 465  | -6 426 | 1 981  | 2 995  | 46 981      |
| Undefined  | -418   | 41     | 723    |        | 935    | 2 707  | 6 920  | 18 375 | 9 576  | 4 997  | 2 204  | 46 060      |
| Strømmestiftelsen  |        |        |        | 0      | 1 497  | 2 568  | 4 704  | 7 850  | 10 285 | 8 521  | 7 197  | 42 622      |
| KRD – Kommunal - og Regionaldepartementet                  | 2 702  | 15 141 | 4 369  | 4 272  | 6 732  | 5 954  | 3 405  |        |        |        |        | 42 574      |
| UNDP – UN Development Programme                            | 595    |        | 566    |        |        | 2 000  | 27 500 | 2 500  | 2 649  |        | 2 358  | 38 168      |
| FCE- Foundation for Co-Existence                           |        |        |        |        |        | 3 700  | 12 180 | 2 014  | 9 500  | 8 054  |        | 35 448      |
| Caritas Norge  | 2 493  | 750    | 3 049  | 3 356  | -150   | 2 206  | 6 000  |        | 4 675  | 4 500  | 4 550  | 31 428      |
| UNIDO – UN Industrial Development Organisation             |        | 1 600  | 8 000  | 733    | 759    | 3 659  |        | 1 500  | 3 800  | 2 890  | 2 891  | 25 832      |

| Agreement partner  | 1999  | 2000  | 2001  | 2002  | 2003  | 2004  | 2005   | 2006  | 2007  | 2008  | 2009   | Grand Total |
|--|-------|-------|-------|-------|-------|-------|--------|-------|-------|-------|--------|-------------|
| CARE Norge   | 2 642 | 3 397 |       |       | 1 523 | 2 364 | 6 000  | 2 422 | 4 000 |       |        | 22 349      |
| WUSC – World University Services of Canada                     |       | 2 530 | 2 530 | 1 012 |       | 2 353 | 750    | 3 622 | 3 816 | 1 712 | 3 000  | 21 324      |
| FAO – Food and Agricultural Organization of the United Nations |       |       |       |       |       | 2 000 | 19 000 |       |       |       |        | 21 000      |
| NB Partner AS  | 0     | 823   | 755   | 934   | 1 466 | 3 406 | 2 660  | 2 216 | 2 525 | 2 098 | 3 836  | 20 719      |
| Sarvodaya  | 2 688 | 2 855 | 2 236 | 1 482 |       | 1 800 |        | 1 258 | 3 500 | 1 657 | 3 100  | 20 577      |
| Peace Secretariat of the Liberation Tigers of Tamil Eelam      |       |       |       |       | 1 500 | 9 342 | 5 676  | 2 254 |       |       |        | 18 772      |
| IFC – International Finance Corporation                        |       |       |       |       |       |       | 2 000  | 2 000 | 4 638 | 3 000 | 7 032  | 18 670      |
| Sewalanka  |       |       |       |       |       |       | 10 500 | 1 500 |       | 1 800 | 4 300  | 18 100      |
| WFP - World Food Programme                                     |       |       |       |       |       |       | 5 000  |       | 4 000 | 8 500 |        | 17 500      |
| Tamils Rehabilitation organisation                             |       |       |       |       |       |       | 15 000 |       |       |       |        | 15 000      |
| Sareeram SL National Fd  |       | 290   | 347   | 463   | 397   | 300   | 500    | 3 100 | 9 264 | 100   | 100    | 14 861      |
| ILO – International Labour Organisation                        |       |       |       |       | 2 500 |       | 9 000  |       | 3 000 |       |        | 14 500      |
| WHO – World Health Organization                                |       |       |       |       | 1 400 |       | 13 000 |       |       |       |        | 14 400      |
| Sri Lanka Press Institute                                      |       |       |       |       | 0     | 1 376 | 3 700  | 1 701 | 741   | 4 819 | 1 634  | 13 971      |
| Sri Lanka Ministry of Public Administration                    |       |       | 5 255 | 2 000 | 3 800 | 1 174 |        | 271   |       |       |        | 12 500      |
| Hambantota District Chamber (LKA)                              | 69    | 1 006 | 2 250 | 408   | 1 196 | 524   | 2 809  | 904   | 789   | 998   | 890    | 11 843      |
| Misc   |       |       | 204   | 3 676 | 7 816 | 14    |        |       |       |       |        | 11 710      |
| FORUT – Local partner  |       |       |       |       |       |       |        |       |       |       | 11 481 | 11 481      |
| ANTI WAR FRONT, LKA  |       |       |       |       |       |       |        | 5 500 | 5 000 |       |        | 10 500      |

Source: Norad Statistical Department.

## Sector allocations

In the 1998 guidelines for Norway's cooperation with Sri Lanka, it is clearly stated that Norway's development cooperation should be used more strategically and directly underpin and support Norway's peace negotiations efforts (Whaley et al. 2006). It is therefore interesting to look at which sectors were given priority in this period, and whether any significant changes took place. As mentioned above, due to the changes in the coding system we will mainly look at the period 1999-2009. Still, we will give a brief and separate presentation of the years 1997 and 1998. Prior to 1999, the codes are written in Norwegian in the database, but the main sector codes have been translated into English.

The two tables below give an overview of the sector allocations in line with the DAC main sector codes in the period 1999-2009. The six most important sectors in terms of aid volume were 1) 'Emergency response'; 2) 'Conflict prevention and resolution, peace and security'; 3) 'Government and civil society'; 4) 'Reconstruction relief and rehabilitation'; 5) 'Other multisector' and 6) 'Other social infrastructure and services'. 'Emergency response' is ranked as number one due to the Tsunami. If the year 2005 is excluded, 'Conflict prevention and resolution, peace and security' and 'Government and civil society' are the main sectors in terms of aid volume in this period.



| Sum of Disbursed (1000 NOK)                                  | Year   |        |        |        |        |        |        |        |        |        |        |             |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|
|  | 1999   | 2000   | 2001   | 2002   | 2003   | 2004   | 2005   | 2006   | 2007   | 2008   | 2009   | Grand Total |
| <b>DAC Main sector (code+name)</b>                           |        |        |        |        |        |        |        |        |        |        |        |             |
| 720 – Emergency Response                                     | 11 673 | 10 761 | 5 337  | 9 806  | 11 359 | 10 471 | 84 623 | 19 357 | 72 816 | 51 058 | 88 081 | 375 341     |
| 152 – Conflict prevention and resolution, peace and security |        |        | 1 580  | 8 178  | 78 216 | 20 620 | 41 572 | 67 341 | 66 293 | 28 030 | 38 930 | 350 760     |
| 151 – Government and civil society, general                  | 12 805 | 15 947 | 25 172 | 53 194 | 22 490 | 60 278 | 25 890 | 28 159 | 23 775 | 30 212 | 31 210 | 329 133     |
| 430 – Other multisector                                      | 22 891 | 14 035 | 13 613 | 28 347 | 25 744 | 29 871 | 23 069 | 25 199 | 14 870 | 13 668 |        | 211 306     |
| 160 – Other social infrastructure and services               | 13 217 | 12 886 | 11 673 | 11 955 | 16 191 | 20 514 | 63 787 | 13 768 | 12 271 | 4 345  | 6 217  | 186 824     |
| 730 – Reconstruction relief and rehabilitation               | 7 500  | 9 550  | 9 540  |        | 1 000  |        | 8 209  | 26 800 | 30 522 |        |        | 93 121      |
| 313 – Fishing  | 339    | 1 364  | 1 131  | 340    | 614    | 772    | 71 492 | 4 139  | -3 726 | 794    | 1 169  | 78 427      |
| 140 – Water supply and sanitation                            | 632    | 15 406 | 21 471 | 18 110 | 3 675  | 3 861  | 2 848  | 4 127  | 2 793  |        | 0      | 72 923      |
| 410 – General environmental protection                       | 4 409  | 5 680  | 10 954 | 12 803 | 7 476  | 6 347  | 3 933  | 2 782  | 2 972  | 4 070  | 8 228  | 69 655      |
| 230 – Energy generation and supply                           | 10 812 | 467    | 1 180  | 473    | -1 164 | 397    | 8 107  | 10 293 | 52     | 11 818 | 23 519 | 65 954      |
| 250 – Business and other services                            | 732    | 7 190  | 14 241 | 5 235  | 5 396  | 4 773  | 1 760  | 2 120  | 7 470  | 9 753  | 5 452  | 64 122      |
| 321 – Industry   | -326   | 3 265  | 5 401  | 3 492  | 4 513  | 6 667  | 10 035 | 9 017  | 7 399  | 4 615  | 9 150  | 63 228      |
| 930 – Refugees in donor countries                            | 2 702  | 15 141 | 5 209  | 4 969  | 7 286  | 6 693  | 4 159  | 6 776  |        |        |        | 52 933      |
| 111 – Education, level unspecified                           | 425    | 542    | 77     | 2 802  | 2 096  | 4 746  | 37 305 | 770    | 685    | 1 402  | 238    | 51 089      |
| 240 – Banking and financial services                         | 209    | 441    | 29     | 455    | 1 074  | 4 599  | 2 900  | 3 038  | 7 967  | 2 537  | 3 052  | 26 301      |
| 122 – Basic health   | 276    | 229    | 259    | 271    | 292    | 9 369  | 15 026 | 710    | 563    | 1 230  | -3 521 | 24 702      |
| 113 – Secondary education                                    | 7 454  | 3 013  |        | 1 000  | 3 500  | 58     |        |        | 3 000  | 2 500  |        | 20 524      |

| Sum of Disbursed (1000 NOK)                                      | Year    |         |         |         |         |         |         |         |         |         |         |             |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
|  | 1999    | 2000    | 2001    | 2002    | 2003    | 2004    | 2005    | 2006    | 2007    | 2008    | 2009    | Grand Total |
| <b>DAC Main sector (code+name)</b>                               |         |         |         |         |         |         |         |         |         |         |         |             |
| 121 – Health, general  | 1 991   | 1 492   | 3 879   | 3 469   | 826     | 1 536   | 574     | 942     | 159     | 871     | 3 961   | 19 700      |
| 322 – Mineral resources/ mining                                  |         | 22      |         |         |         | 0       | 11 841  | 6 808   |         |         |         | 18 671      |
| 311 – Agriculture  | 3 269   | 3 631   | 970     | 7       | 573     | 1 622   | 2 289   | 1 704   | 554     | 829     | 1 714   | 17 162      |
| 112 – Basic education  | 2 768   | 2 652   | 892     | 546     | 1 266   | 1 205   | 2 335   | 1 955   | 542     | 340     | 803     | 15 304      |
| 998 – Unallocated/unspecified                                    | 294     | 679     | 2 870   | 1 091   | 2 172   | 1 244   | 1 777   | 1 218   | 2 901   | 225     | 431     | 14 901      |
| 220 – Communications   | 5 016   | 1 200   | 645     | 2 785   | 1 371   | 231     | 327     | 288     | 310     | 407     | 1 066   | 13 647      |
| 331 – Trade policy and regulations and trade-related adjustments | 0       | 2 149   | 488     | 200     | 382     | 43      |         | 1 500   | 1 800   | 2 150   |         | 8 713       |
| 114 – Post-secondary education                                   | 18      | 306     | 47      | 412     | 600     | 18      | 295     | 171     | 1 727   | 2 941   | 1 521   | 8 055       |
| 600 – Action relating to debt                                    |         |         |         |         |         | 7 000   |         |         |         |         |         | 7 000       |
| 210 – Transport and storage                                      |         |         |         |         | 2 000   | 835     | 3 024   |         | 17      | 155     |         | 6 032       |
| 312 – Forestry   | 164     | 85      | 44      | 1 417   |         | 570     |         |         |         |         | 0       | 2 279       |
| 530 – Other commodity assistance                                 |         |         |         |         |         | 0       | 269     | 250     | 247     | 193     | 69      | 1 028       |
| 332 – Tourism  |         |         |         | 40      | 249     | 60      | 274     |         |         | 293     | 92      | 1 009       |
| 130 – Population policies/programmes and reproductive health     | 31      | -14     |         |         |         |         |         |         |         |         |         | 17          |
| 323 – Construction   |         |         |         |         |         |         |         |         |         |         |         | 0           |
| <b>Grand Total</b>   | 109 301 | 128 117 | 136 702 | 171 396 | 199 195 | 204 402 | 427 718 | 239 231 | 257 980 | 174 439 | 221 381 | 2 269 863   |

Source: Norad Statistical Department.

| Sum of Disbursed (1000 NOK)                                  | Year   |        |        |        |        |        |        |        |        |        |        |             |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|
|  | 1999   | 2000   | 2001   | 2002   | 2003   | 2004   | 2005   | 2006   | 2007   | 2008   | 2009   | Grand Total |
| <b>DAC Main sector (code+name)</b>                           |        |        |        |        |        |        |        |        |        |        |        |             |
| 720 – Emergency Response                                     | 11 673 | 10 761 | 5 337  | 9 806  | 11 359 | 10 471 | 84 623 | 19 357 | 72 816 | 51 058 | 88 081 | 375 341     |
| 152 – Conflict prevention and resolution, peace and security |        |        | 1 580  | 8 178  | 78 216 | 20 620 | 41 572 | 67 341 | 66 293 | 28 030 | 38 930 | 350 760     |
| 151 – Government and civil society, general                  | 12 805 | 15 947 | 25 172 | 53 194 | 22 490 | 60 278 | 25 890 | 28 159 | 23 775 | 30 212 | 31 210 | 329 133     |
| 430 – Other multisector                                      | 22 891 | 14 035 | 13 613 | 28 347 | 25 744 | 29 871 | 23 069 | 25 199 | 14 870 | 13 668 |        | 211 306     |
| 160 – Other social infrastructure and services               | 13 217 | 12 886 | 11 673 | 11 955 | 16 191 | 20 514 | 63 787 | 13 768 | 12 271 | 4 345  | 6 217  | 186 824     |
| 730 – Reconstruction relief and rehabilitation               | 7 500  | 9 550  | 9 540  |        | 1 000  |        | 8 209  | 26 800 | 30 522 |        |        | 93 121      |
| 313 – Fishing  | 339    | 1 364  | 1 131  | 340    | 614    | 772    | 71 492 | 4 139  | -3 726 | 794    | 1 169  | 78 427      |
| 140 – Water supply and sanitation                            | 632    | 15 406 | 21 471 | 18 110 | 3 675  | 3 861  | 2 848  | 4 127  | 2 793  |        | 0      | 72 923      |
| 410 – General environmental protection                       | 4 409  | 5 680  | 10 954 | 12 803 | 7 476  | 6 347  | 3 933  | 2 782  | 2 972  | 4 070  | 8 228  | 69 655      |
| 230 – Energy generation and supply                           | 10 812 | 467    | 1 180  | 473    | -1 164 | 397    | 8 107  | 10 293 | 52     | 11 818 | 23 519 | 65 954      |
| 250 – Business and other services                            | 732    | 7 190  | 14 241 | 5 235  | 5 396  | 4 773  | 1 760  | 2 120  | 7 470  | 9 753  | 5 452  | 64 122      |
| 321 – Industry   | -326   | 3 265  | 5 401  | 3 492  | 4 513  | 6 667  | 10 035 | 9 017  | 7 399  | 4 615  | 9 150  | 63 228      |
| 930 – Refugees in donor countries                            | 2 702  | 15 141 | 5 209  | 4 969  | 7 286  | 6 693  | 4 159  | 6 776  |        |        |        | 52 933      |
| 111 – Education, level unspecified                           | 425    | 542    | 77     | 2 802  | 2 096  | 4 746  | 37 305 | 770    | 685    | 1 402  | 238    | 51 089      |
| 240 – Banking and financial services                         | 209    | 441    | 29     | 455    | 1 074  | 4 599  | 2 900  | 3 038  | 7 967  | 2 537  | 3 052  | 26 301      |
| 122 – Basic health   | 276    | 229    | 259    | 271    | 292    | 9 369  | 15 026 | 710    | 563    | 1 230  | -3 521 | 24 702      |
| 113 – Secondary education                                    | 7 454  | 3 013  |        | 1 000  | 3 500  | 58     |        |        | 3 000  | 2 500  |        | 20 524      |
| 121 – Health, general  | 1 991  | 1 492  | 3 879  | 3 469  | 826    | 1 536  | 574    | 942    | 159    | 871    | 3 961  | 19 700      |
| 322 – Mineral resources/ mining                              |        |        | 22     |        |        | 0      | 11 841 | 6 808  |        |        |        | 18 671      |
| 311 – Agriculture  | 3 269  | 3 631  | 970    | 7      | 573    | 1 622  | 2 289  | 1 704  | 554    | 829    | 1 714  | 17 162      |
| 112 – Basic education  | 2 768  | 2 652  | 892    | 546    | 1 266  | 1 205  | 2 335  | 1 955  | 542    | 340    | 803    | 15 304      |

| Sum of Disbursed (1000 NOK)                                      | Year           |                |                |                |                |                |                |                |                |                |                |                  |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|------------------|
|  | 1999           | 2000           | 2001           | 2002           | 2003           | 2004           | 2005           | 2006           | 2007           | 2008           | 2009           | Grand Total      |
| <b>DAC Main sector (code+name)</b>                               |                |                |                |                |                |                |                |                |                |                |                |                  |
| 998 – Unallocated/unspecified                                    | 294            | 679            | 2 870          | 1 091          | 2 172          | 1 244          | 1 777          | 1 218          | 2 901          | 225            | 431            | 14 901           |
| 220 – Communications   | 5 016          | 1 200          | 645            | 2 785          | 1 371          | 231            | 327            | 288            | 310            | 407            | 1 066          | 13 647           |
| 331 – Trade policy and regulations and trade-related adjustments | 0              | 2 149          | 488            | 200            | 382            | 43             |                | 1 500          | 1 800          | 2 150          |                | 8 713            |
| 114 – Post-secondary education                                   | 18             | 306            | 47             | 412            | 600            | 18             | 295            | 171            | 1 727          | 2 941          | 1 521          | 8 055            |
| 600 – Action relating to debt                                    |                |                |                |                |                | 7 000          |                |                |                |                |                | 7 000            |
| 210 – Transport and storage                                      |                |                |                |                | 2 000          | 835            | 3 024          |                | 17             | 155            |                | 6 032            |
| 312 – Forestry   | 164            | 85             | 44             | 1 417          |                | 570            |                |                |                |                | 0              | 2 279            |
| 530 – Other commodity assistance                                 |                |                |                |                |                | 0              | 269            | 250            | 247            | 193            | 69             | 1 028            |
| 332 – Tourism  |                |                |                | 40             | 249            | 60             | 274            |                |                | 293            | 92             | 1 009            |
| 130 – Population policies/programmes and reproductive health     | 31             | -14            |                |                |                |                |                |                |                |                |                | 17               |
| 323 – Construction   |                |                |                |                | 0              |                |                |                |                |                |                | 0                |
| <b>Grand Total</b>   | <b>109 301</b> | <b>128 117</b> | <b>136 702</b> | <b>171 396</b> | <b>199 195</b> | <b>204 402</b> | <b>427 718</b> | <b>239 231</b> | <b>257 980</b> | <b>174 439</b> | <b>221 381</b> | <b>2 269 863</b> |

Source: Norad Statistical Department.

## Sector allocations prior to 1999

The two tables below give an overview of the prioritized sectors before 1999. In this period most funds were classified as multi-sector or unspecified. If we add the sub-sectors under this heading, we see that it is regional development programs which by far received most Norwegian aid in this period. Also environmental aid was prioritized in this period. The second most important sector was sector 0, but we again look at the subsector codes under this heading, we see that quite a substantial part of Norwegian funds has been humanitarian assistance together with projects categorised as under a general heading covering democratization, peace and human rights.

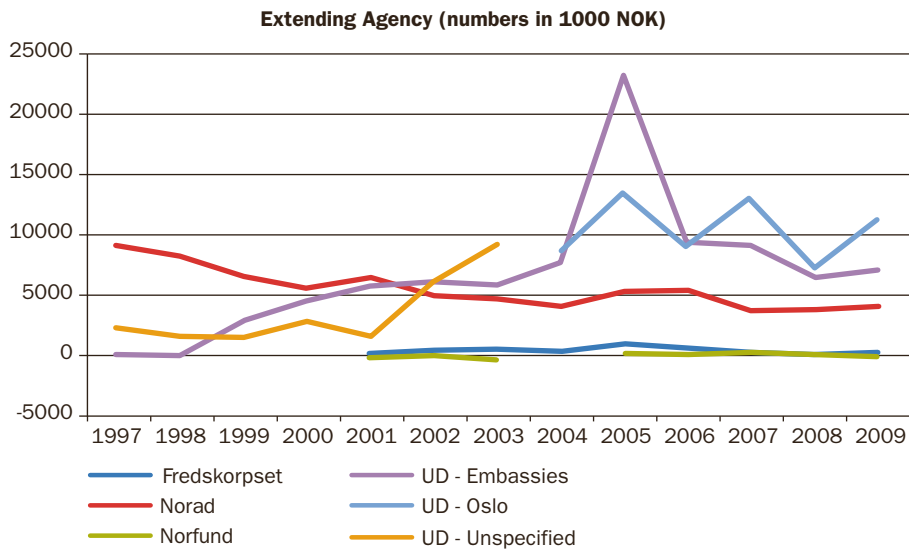
| Sum of Disbursed (1000 NOK)               | Year   |       |             |
|---|--------|-------|-------------|
|   | 1997   | 1998  | Grand Total |
| DAC Main sector (code+name)               |        |       |             |
| 9 – Multisector and unspecified           | 34261  | 48055 | 82316       |
| 0 – Sector cannot be identified           | 28576  | 18359 | 46935       |
| 8 – Social infrastructure welfare/culture | 20075  | 12086 | 32161       |
| 4 – Industry/Mining/Craft                 | 17245  | 3137  | 20382       |
| 3 – Agriculture/Fishing                   | 5539   | 2296  | 7835        |
| 7 – Health/Population                     | 2691   | 3220  | 5911        |
| 2 – Development of public utilities       | 836    | 2492  | 3328        |
| 5 – Banking/Finance/tourism               | 261    | 1152  | 1413        |
| 1 – Planning and public administration    | 392    | 77    | 469         |
| Grand Total                               | 109876 | 90874 | 200750      |

Source: Norad Statistical Department.

| Sum of Disbursed (1000 NOK)  |                               | Year  |       |             |
|--|-------------------------------|-------|-------|-------------|
| DAC Main sector (code+name)  | DAC Sub sector (code+name)    | 1997  | 1998  | Grand Total |
| 9 – MULTISEKTOR OG USPESIFISE<br>Multi-sector and unspecified              | 0 – DISTRIKTSUTVIKLINGSTILTAK | 22405 | 36284 | 58689       |
|  | 1 – KVINNEPROSJ (MULTISEKTOR) | 854   | 696   | 1550        |
|  | 2 – MILJØVERN (MULTISEKTOR)   | 9019  | 8193  | 17212       |
|  | 9 – ANNET MULTISEKTOR & USPES | 1983  | 2882  | 4865        |
| 0 – IKKE HENFØRBART PÅ<br>SEKTOR<br>Sector cannot be indentified           | 2 – HUMANITÆR HJELP EKSKL MAT | 18598 | 7814  | 26412       |
|  | 9 – Annet(inkl demok,fred,MR) | 9978  | 10545 | 20523       |
| 8 – SOS INFRASTR, VELF,KULTUR<br>Social infrastructure welfare/<br>culture | 0 – BOLIGPROGR, HUSBANK M M   | 59    | 96    | 155         |
|  | 1 – NYBYGG PROGR, SETTLEMENTS | 509   |       | 509         |
|  | 2 – SOSIALE INST              | 397   | 86    | 483         |
|  | 3 – KULTURTILTAK              | 371   | 595   | 966         |
|  | 9 – ANNET SOS INFRA, KULTUR   | 18739 | 11309 | 30048       |
| 4 – INDUSTRI,GRUVEDRIFT<br>HÅNDV<br>Industry/Mining/Craft                  | 0 – PRODUKSJONSINDUSTRI       | 17226 | 137   | 17363       |
|  | 9 – ANNET INDUSTR,GRUVE,HÅNDT | 19    | 3000  | 3019        |
| 3 – LANDBRUK, FISKE<br>Agriculture/Fishing                                 | 0 – JORDBRUK, JORDBUNNSUNDERS | 3326  | -236  | 3090        |
|  | 1 – SKOGBRUK                  | 531   | 16    | 547         |
|  | 3 – SAMV,MARKEDSF LANDBR PROD | 74    | 3     | 77          |
|  | 5 – FISKERIUTVIKLING          | 212   | 534   | 746         |
|  | 6 – FISKEBÅTPRODUKSJON        |       | 181   | 181         |
|  | 9 – ANNET LANDBRUK OG FISKE   | 1396  | 1798  | 3194        |
| 7 – HELSE, BEFOLKNINGSPROSJ<br>Health/Population                           | 2 – MOR/BARN FAM PLANL BEFOLK |       | 233   | 233         |
|  | 3 – SYKEPL VAKSINASJ M M      | 1101  | -173  | 928         |
|  | 4 – OFF HELSEADMINISTRASJ     | 460   | 470   | 930         |
|  | 6 – TILTAK MOT AIDS           | 220   |       | 220         |
|  | 9 – ANNET HELSE BEFOLKNING    | 910   | 2690  | 3600        |

| Sum of Disbursed (1000 NOK)   |                               | Year   |       |             |
|---|-------------------------------|--------|-------|-------------|
| DAC Main sector (code+name)   | DAC Sub sector (code+name)    | 1997   | 1998  | Grand Total |
| 2 – UTBYGG AV OFF<br>NYTTEFUNKSJ<br>Development of public utilities | 0 – KRAFTPROD OG DISTRIBUTJON | 188    | 1882  | 2070        |
|   | 1 – VANNFORSYNING             | 561    | 327   | 888         |
|   | 3 – VEITRANSPORT              | 87     |       | 87          |
|   | 9 – ANNET OFF NYTTEFUNKSJONER |        | 283   | 283         |
| 5 – BANKVIRKS, FINANS, TURISM<br>Banking/Finance/tourism            | 0 – LANDBRUKSBANK & FINA.INST |        | 1152  | 1152        |
|   | 2 – DISTR UTV FINANSIERING    | 142    |       | 142         |
|   | 3 – HANDEL OG EKSPORTFREMNING | 119    |       | 119         |
| 1 – PLANLEGG & OFFENTLIG ADM<br>Planning and public administration  | 0 – ØKONOMISK PLANLEGGING     |        | 3     | 3           |
|   | 1 – STATISTIKK, DOKUMENTASJON |        | 38    | 38          |
|   | 9 – ANNET PLANLEGG & OFF ADM  | 392    | 36    | 428         |
| Grand Total   |                               | 109876 | 90874 | 200750      |

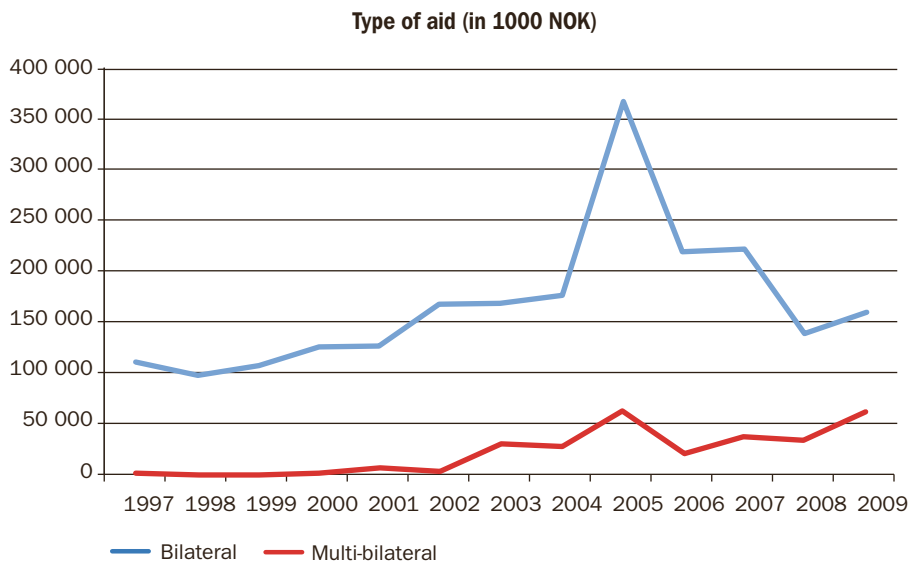
Source: Norad Statistical Department.



Source: Norad Statistical Department.

The figure above gives an illustration of the various extending agencies of Norwegian aid to Sri Lanka.

The main bulk of Norwegian aid to Sri Lanka has been bilateral, but over the last years the multi-bi aid has increased.



Source: Norad Statistical Department.



## ANNEX 3: Interviews

This annex contains a list of persons whom the team met with, talked to or who contributed in other ways to the evaluation. It includes 84 names. In addition, the evaluation team talked to 34 persons from Sri Lanka who, for different reasons, are not listed.

| First name  | Last name     | Affiliation   |
|-------------|---------------|---|
| Tone        | Allers        | Norwegian MFA,  |
| Jane        | Andersen      | Norwegian People's Aid  |
| Richard     | Armitage      | Ambassador, President of Armitage Foundation, US Deputy Secretary of State 2001-2005  |
| Rajah       | Balasingham   | Tamil representative, Oslo  |
| Isabelle    | Barras        | ICRC former Head of Delegation Colombo  |
| Petter      | Bauck         | Norad   |
| Sondre      | Bjotveit      | Norwegian MFA   |
| Robert      | Blake         | US Ass. Secretary for Bureau of South and Central asian Affairs, US Ambassador to Sri Lanka 2006-2009                         |
| Kjell Magne | Bondevik      | Head of Oslo Center for Peace and Human Rights, Minister of Foreign Affairs 1989-1990, Prime Minister 1997-2000 and 2001-2005 |
| Peter       | Bowling       | International Working Group on Sri Lanka (IWG)  |
| Hans        | Brattskar     | Norwegian Ambassador to Colombo 2004-2007   |
| Helen       | Campbell      | EU External Relations Directorate General   |
| S.C.        | Chandrasahsan | Director, OfERR (Ceylon), Chennai   |
| Jan         | Egeland       | European Director of Human Rights Watch, Norwegian State Secretary 1990-97  |
| Gabriella   | Elroy         | Former head, UNICEF Trincomalee   |
| Arne        | Fjørtoft      | World View International Foundation, Colombo  |
| Arne        | Follerås      | Norwegian MFA   |
| Iselin      | Frydenlund    | University of Oslo  |
| Øivind      | Fuglerud      | University of Oslo  |
| Lisa        | Golden        | Norwegian MFA   |

| First name     | Last name     | Affiliation   |
|----------------|---------------|---|
| Edle           | Hamre         | Norwegian Embassy Colombo   |
| Jon            | Hanssen-Bauer | Norwegian MFA, Special Envoy to Sri Lanka 2006-2009   |
| R.             | Hariharan     | SAAG analysts and former head of intelligence IPKF  |
| Tore           | Hattrem       | Norwegian Ambassador to Colombo 2007-2010   |
| Hilde          | Haraldstad    | Norwegian Ambassador Colombo 2010-  |
| Hagrup         | Haukland      | Former Head of Mission SLMM   |
| Terje          | Heggernes     | Former Resident Representative, FORUT, Sri Lanka  |
| Vidar          | Helgesen      | Norwegian State Secretary 2001-2005   |
| Ulf            | Henricsson    | Former HOM SLMM   |
| Thorbjørn      | Jagland       | Secretary General of the Council of Europe, Norwegian Prime Minister 1996-1997, Minister of Foreign Affairs 2000-2001 |
| Dayan          | Jayatilleka   | Singapore National University, former Sri Lankan ambassador   |
| Raymond        | Johansen      | Secretary of the Norwegian Labour Party, State Secretary 2005-2009  |
| Hilde Frafjord | Johnson       | UN Envoy to South Sudan, Norwegian Minister of International Development 1997-2001 and 2001-2005                      |
| Alan           | Keenen        | International Crisis Group  |
| Chandrika      | Kumaratunga   | President of Sri Lanka 1994-2005  |
| Jan            | Ledang        | Former SLMM monitor   |
| Dag            | Leraand       | Author of SLMM final report   |
| Jeff           | Lunstead      | Former US Ambassador to Colombo   |
| Ram            | Manikkalingam | Former Advisor to President Kumaratunga   |
| Ramu           | Manivannan    | University of Madras  |
| Lalith         | Mansingh      | Indian Foreign Secretary 1999-2001  |
| Ashok          | Metra         | Retired General and Former IPKF   |
| Melinda        | Morogoda      | Former government negotiator  |
| Suthaharan     | Nadarajah     | Former confidant of Anton Balasingham   |
| Andrea         | Nicolaj       | Former EU External Relations Directorate General  |
| Harim          | Peiris        | Former Advisor to President Kumaratunga   |
| Jehan          | Perera        | National Peace Council, Colombo   |
| Jan            | Petersen      | Norwegian Foreign Minister 2001-2005  |
| Aditi          | Phadnis       | Journalist, Delhi   |
| Rannveig       | Rajendram     | Norad   |
| Narasinham     | Ram           | Editor, The Hindu, Chennai branch   |

| First name   | Last name       | Affiliation  |
|--------------|-----------------|--|
| Bahukutumbi  | Raman           | Institute for Topical Studies and SAAG   |
| Theo         | Rathgeber       | Kassel University, Germany, Sri Lanka Advocacy Network   |
| Norbert      | Ropers          | Former Director of Berghof, Colombo  |
| Visvanathan  | Rudrakumaran    | Chair, Provisional Transitional Government of Tamil Eelam  |
| Kumar        | Rupesinghe      | Former Director FCE  |
| Simon        | Rye             | Oslo Center for Peace and Human Rights   |
| P.           | Sahadevan       | Professor, Jawaharlal Nehru University, Delhi  |
| Ariel        | Sanchèz         | PhD student Utrecht University   |
| Shyam        | Saran           | Indian Foreign Secretary 2004-2006   |
| N.           | Sathiya Moorthy | Observers Research Foundation  |
| Nirupam      | Sen             | Former Indian ambassador Oslo and Colombo  |
| Anne         | Sender          | Former SLMM monitor  |
| Nadarajah    | Shanmugaratnam  | Norwegian University of Life Sciences  |
| Erik         | Solheim         | Norwegian Minister of Environment and International Development (2005-), Former Special Envoy to Sri Lanka |
| Manuelpillai | Soosaipillai    | Support Group for Peace in Sri Lanka and East Timor  |
| Kristian     | Stokke          | University of Oslo   |
| Tomas        | Stangeland      | Norwegian MFA, Head of Unit for Peace and Reconciliation   |
| Wegger Chr.  | Strømme         | Norwegian Ambassador to Washington, State Secretary 1999-2000  |
| Martin       | Stuerzinger     | Former Conflict Advisor Swiss embassy Colombo  |
| Subramaniam  | Swamy           | MP from Tamil Nadu, founder of the Janatha Party   |
| Lars         | Sølvberg        | Former Head of Mission SLMM  |
| Jonas Gahr   | Støre           | Norwegian Foreign Minister 2005-   |
| Trygve       | Tellefsen       | Former Head of Mission SLMM  |
| Yuvi         | Thangarajah     | Former Vice Chancellor, University of Batticaloa   |
| Bård L.      | Thorheim        | Former staff of Norwegian embassy Colombo  |
| Fridtjov     | Thorkildsen     | Norwegian MFA, Former Norwegian Ambassador Khartoum  |
| Betzy        | Thunold         | Norwegian MFA  |
| Knut         | Vollebæk        | Norwegian Foreign Minister 1997-2000   |
| Udo          | Wagner-Meige    | ICRC headquarters, formerly responsible for Sri Lanka  |
| Jon          | Westborg        | Norwegian Ambassador to Colombo 1996-2004  |

| <b>First name</b> | <b>Last name</b> | <b>Affiliation</b>  |
|-------------------|------------------|---|
| J. David          | Whaley           | Independent Consultant  |
| Ranil             | Wickremesinghe   | Leader of the Opposition, Prime Minister of Sri Lanka 1993-1994 and 2001-2004 |
| Monica            | Zanarelli        | ICRC HQ, Deputy Head of Operations  |

## ANNEX 4: Terms of Reference

### 1 Introduction

For several years, Norway was involved in efforts to contribute to a peaceful solution to the conflict in Sri Lanka. After the military victory by the Sri Lankan army over the Tamil Tigers (LTTE) in May 2009, Norway no longer has a special role. For public interest and for the purpose of learning and competence building in the field of peace and reconciliation, an independent evaluation of the Norwegian peace efforts in Sri Lanka will take place.

### 2 Background

In 1999, Norway was invited by Sri Lankan authorities and the LTTE to act as a facilitator for negotiations between the parties to the conflict. The mandate was to facilitate a peace process owned by the government and the LTTE. Norway was asked to bring the parties to the table and assist with negotiations and communication between them as well as with the outside world. The parties agreed to a ceasefire in 2002. This opened up for further six rounds of peace negotiations, which among others resulted in the parties agreeing to explore a federal solution within a united Sri Lanka. The ceasefire and negotiations opened up for a gradual reconstruction and rehabilitation of the former war zones.

As part of the ceasefire agreement, a Nordic civilian monitoring group, the Sri Lanka Monitoring Mission (SLMM), was established under Norwegian leadership. The mission was charged with overseeing the implementation of the ceasefire agreement.

During the donor conference in Tokyo in 2003, promises were made of 4,5 billion USD in international development assistance. The “Tokyo Co-Chairs”, comprising the US, EU, Japan and Norway, were established.

The conflict escalated in 2006. Attempts were made to convince the parties to stop the escalation of violence, but the number of military confrontations increased.

After consultations in Geneva in October 2006, it was made clear to the parties that there was no room for facilitation without political will. At the parties’ request, Norway agreed to maintain the facilitation infrastructure and capacity, and keep communication lines open. SLMM was withdrawn after a unilateral decision by the Sri Lankan government to end the ceasefire agreement in January 2008. In the last phase of the war, Norway, together with the UN and others, conducted diplomacy to limit civilian suffering and to get the parties to respect international law.

In Norway there was a broad political consensus in favour of the peace process. The role as facilitator was carried out under four successive foreign ministers from three different political parties.

The total Norwegian development cooperation with Sri Lanka amounted to approximately NOK 2,5 billion during the period 1997 – 2009. Out of this, approximately NOK 100 million was allocated to activities aimed at directly supporting the peace process, including the Sri Lanka Monitoring Mission (SLMM) and the peace secretariats of the parties.

### **3 Purpose and Objectives of the Evaluation**

#### **Purpose and Intended Use**

Learn from the unique Norwegian experience as a facilitator in the peace process in Sri-Lanka.

Intended users of the evaluation are

- Policy-makers in the Norwegian Ministry of Foreign Affairs
- The general public

The results of the evaluation shall be used to inform future support to peace processes, and

competence building seminars in the Ministry of Foreign Affairs and the academia.

Evaluation results shall also contribute to the academic debate on international efforts to resolve conflicts.

#### **Objectives**

- Tell the story of Norwegian peace efforts in Sri Lanka 1997 – 2009.
- Interpret and discuss the choices made by Norway as a facilitator during the entire peace process (1997-2009) in light of the knowledge and opportunities available to Norway at the time.
- Assess the Norwegian understanding of the conflict at the time, and how this understanding was developed and evolved.
- Discuss how key actors and factors have driven and influenced the conflict at relevant stages over the years.
- Discuss whether Norway, through its facilitator role, contributed to results at different levels in various phases of the peace process.
- Provide recommendations to inform future peace processes.
- Learn from experiences in these peace efforts.
- Contribute to the international debate on conflict resolution.

### **4 Scope and Delimitations:**

The evaluation shall cover Norwegian peace engagement in Sri-Lanka in the period 1997 – 2009. The main focus for the evaluation will be the role and performance of Norway as a facilitator of dialogue in the peace negotiations between the parties. The evaluation shall be explorative in nature, seeking to *understand* the conditions and room for maneuver that Norway as a facilitator operated under at the time. Further, how Norway managed the process and its relationships to parties to the conflict and actors involved in supporting the peace process (including the international

community) shall be assessed. An understanding of the Norwegian role as a facilitator and how it evolved and adapted to changing circumstances shall be sought. The pre-conditions that Norway had for taking on this role and doing the job will be assessed.

The way in which Norway managed the process and used the resources at its disposal to support the peace process with direct activities, such as the SLMM, the peace secretariats and the different subcommittees shall be addressed.

Relevant parts of the broader Norwegian engagement in Sri Lanka shall be reviewed as to whether it could be seen to support Norway's role as a facilitator in the peace process.

The focus should be on process as well as results (here defined as immediate outcomes). The team shall identify whether immediate outcomes, positive or negative, unintended or intended, were achieved at different levels during the peace process, and the influence of the results on the process.

The Norwegian engagement can be divided into four phases: 1997-1999, 1999-2002, 2002- 2006 and 2006-2009.

- In the first phase, from 1997 to 1999, an agreement was made between the Norwegian and the Sri Lankan government that Norwegian development cooperation should support a negotiated solution to the conflict. Norway had quiet contact with the parties to the conflict.
- In the second phase, from 1999 to 2002, the LTTE and the Sri Lankan government asked Norway to be a facilitator. A ceasefire agreement was negotiated. The Nordic civilian monitoring group, the Sri Lanka Monitoring Mission (SLMM), was established under Norwegian leadership.
- In the third phase, from 2002 to 2006, Norway was a facilitator between the parties in six rounds of negotiations, which among others resulted in the parties agreeing to explore a federal solution within a united Sri Lanka.
- In the fourth phase, from 2006 to 2009, the escalation of the war puts an end to an active Norwegian facilitator role. At the same time, Norway is in dialogue with the parties and the international society to limit the civilian suffering and to get the parties to respect international law.

#### **4.1 Evaluation questions**

##### **4.1.1**

###### *a. Map the Norwegian engagement in Sri Lanka from 1997-2009:*

- How did Norway become engaged in peace facilitation in Sri Lanka?
- The Norwegian role and mandate in the peace negotiations, including number and character of peace negotiations, public and discrete.
- The institutional set-up of the peace facilitation.
- The Norwegian strategies and interventions aimed at supporting the peace process.
- The conflict picture and context in Sri Lanka at the time that Norway was invited to facilitate, and how it evolved up to 2009.
- Role of the international community in Sri Lanka

#### 4.1.2

- b. *Assess the role as facilitator between the parties on one hand, and the relationship to the international community on the other.*
- Assess the relation to the international community, including the participation in the “Tokyo Co-chairs”, the relationship to the UN, international organizations and other donors.
  - Assess the relationship to regional actors, such as China and India
  - How was the Norwegian relationship to the LTTE, and what means were available to influence the LTTE (economically and politically)?
  - How was the international community’s relationship to the LTTE?
  - How was the Norwegian relationship to GOSL, and what means were available to influence GOSL (economically and politically)?
  - How was the international community’s relationship to GOSL, and to what extent did they have a coordinated approach?
  - Norway’s relationship to the Tamil diasporas (in Norway and internationally).
  - Assess the impact of the Norwegian politics and public opinion on the Norwegian role as a facilitator.
- c. *Assessment of the Norwegian facilitator role and the relationship to local parties and stakeholders:*
- Discuss the usefulness of public versus discrete peace negotiation.
  - -Discuss challenges for Norway as a facilitator in terms of defining the different parties at different stages in the conflict.
  - -Assess how Norway as a facilitator managed the question of impartiality (state versus non-state party, terror-listing of the LTTE).
  - How did the facilitator follow up when the parties did not adhere to agreed commitments and intentions?
  - How were interested parties with influence on the process identified and followed up? This includes the relationships between the Prime Minister and the President, between the government and the opposition, the relationship between religious groups and between different state institutions (military forces and others).
  - Assess the facilitator’s relationship to civil society, media and the Muslim community in Sri Lanka.
  - How was the gender dimension, with special reference to UN SC resolution 1325, followed up by Norway?
  - To what extent was the broader Norwegian aid portfolio geared towards supporting Norway’s role as a facilitator of the dialogue in the peace process. Was the aid portfolio adapted to the changing context?
- d. *Assessment of the Ceasefire Agreement and how the parties observed it*
- Assess the CFA; what were its qualities and defaults?
  - SLMM’s mandate; what was its room for maneuver and its limitations?
  - How were the dual roles of Norway in being the facilitator on the one hand and in charge of supervising the compliance with the ceasefire agreement on the other, managed?
  - How did Norway follow up violations of the ceasefire agreements?
  - Were any alternative options considered?



- e. *Assessment of Norway's efforts in the last phase of the war (January – May 2009)*
  - Discuss the alternatives for intervention available to Norway and the international community in the final phase of the war.
  - To what extent did Norway's contact with the parties contribute to limit civilian suffering and prevent a humanitarian crisis?
  - Assess Norway's and the UN's efforts to get the civilians in LTTE-controlled territory released, and facilitate surrender by LTTE.
  - Describe strategies and objectives of the conflicting parties, including the change of international allies by the Sri Lankan government in the last phase of the war.
  - How did international pressure on GOSL and the LTTE to abide by international humanitarian law influence the events?
  - What was the international community's response to GOSL's actions in this period?
  - Which role did Norway have in this last phase?
  
- f. *Assessment of results achieved through the Norwegian facilitation of the peace process*
  - identify positive, negative, intended or unintended immediate outcomes from the Norwegian engagement in the various phases of the peace process.
  
- g. *Recommendations*
  - What are the lessons that Norway can take away from the Sri Lanka experience and use in future similar processes?

## **5 Evaluation Approach and Methods:**

A historical interpretative approach shall be applied, understanding actions, statements and policy goals in their historical context and in line with established values norms and traditions at the time. Patterns should be detected in order to learn and generate lessons that can be useful for similar work in the future. A peace dialogue running for a ten year period is a dynamic and moving process and should consequently be studied as such.

A conflict analysis developed or put together by the team will provide the context for the peace negotiations and serve as a bench mark against which the Norwegian understanding of the conflict picture will be studied. Key elements of the analysis should include the profile of the conflict, its causes and potential for peace, actors, dynamics and trends. The analysis should also include possible conflicts of interests within the Sinhalese majority or amongst the Tamils that may have had an impact on the outcome of the peace process. The conflict analysis should build on existing studies, combined with interviews with key stakeholders in Sri Lanka, in the international community and in the diasporas. A context analysis examining relevant external and internal factors (political, economical, cultural, social, natural, and institutional) shall be conducted.

The policies and strategies employed by the Norwegian facilitator shall be analysed in terms of their relevance to the conflict analysis, the context and its dynamics.

An assessment of results should limit itself to immediate outcomes, that is, the direct results of the outputs. To do this the evaluator must trace the resources invested in the process at different stages, and discuss linkages between inputs, outputs and immediate outcomes at specific levels (for instance: group, community, meso-level or organisational institutional level). Such an assessment must also explore what were the intended results of the activities/initiatives in question. The assessment should discuss the absence of results where results could be expected. The evaluator shall suggest an approach for this as part of the technical proposal.

### **5.1 Data collection:**

Data collection strategies shall comprise: Document- and narrative analysis, interviewing and reviewing of relevant research and secondary literature. The consultant has access to people involved in the peace process from the Norwegian side. Literary reviews have no independent function in the evaluation and should mainly be used to strengthen the interpretations and analysis given in the final report.

Primary data sources:

- Documents related to the peace process and development cooperation with Sri Lanka in the archives in the MFA and at the embassy in Colombo. This includes decision memos, political reports, project documents, reviews, appraisals, assessments and strategy documents.
- Interviews with decision makers and programme officers in MFA and at the embassy, the Tokyo co-chairs, India and other relevant actors, different sides of the Sri Lankan political spectrum, the LTTE, media, civil society, observers of the peace process (so-called third parties) such as journalists, researchers, resource persons, internationally (and in Norway) and Sri Lanka.
- Minutes of meetings and debates in Norway and in Sri Lanka.
- Summary of debates in the parliaments in Norway and in Sri Lanka.
- Statistics in Norad.
- Newspaper articles in Norway, internationally and in Sri Lanka.

Secondary data sources:

- Academic literature, evaluations and applied research and studies of the peace process in Norway, internationally and in Sri Lanka

### **5.2 Guiding evaluation principles:**

The consultant shall refer to the OECD/DAC evaluation quality standards and the OECD/DAC evaluation principles for guidance. We would like to draw special attention to the following evaluation standards and norms that the evaluation team should adhere to:

#### **5.2.1 Triangulation**

The consultant shall triangulate and validate information, and assess and describe data quality in a transparent manner (assess strengths, weaknesses, and sources of information). Data gaps should be highlighted.

### **5.2.2 Transparency**

The evaluation report shall moreover describe and explain the evaluation method and process and discuss validity and reliability. It shall acknowledge any constraints encountered and their impact on the evaluation, including their impact on the independence of the evaluation. It shall detail the methods and techniques used for data and information collection and processing. The choices shall be justified and limitations and shortcomings shall be explained.

### **5.2.3 Ethics**

The evaluation process should show sensitivity and respect to all stakeholders. The evaluation shall be undertaken with integrity and honesty and ensure inclusiveness of views. The rights, dignity and welfare of participants in the evaluation should be protected. Anonymity and confidentiality of individual informants should be protected. The evaluation process itself should be conflict sensitive and an introductory statement to the evaluation report may explain what measures were or were not taken to ensure no harm /conflict sensitivity of the evaluation itself, as well as the security of the interviewees.<sup>1</sup>

### **5.2.4 Impartiality**

The evaluation shall be conducted in an impartial manner, and the evaluation team must be perceived as impartial. Impartiality is the absence of bias in due process, methodological rigor, data collection, consideration and presentation of achievements and challenges.

### **5.2.5 Completeness**

The analysis shall be structured with a logical flow. Data and information shall be presented, analyzed and interpreted. Findings and conclusions shall be clearly identified and flow logically from the analysis of the data and information. Underlying assumptions shall be made explicit and taken into account. The report must distinguish clearly between findings, conclusions and lessons learned. The evaluation shall present findings, conclusions and lessons learned separately and with a clear logical distinction between them. Conclusions shall be substantiated by findings and analysis.

The evaluation report shall contain an executive summary of maximum three pages. The summary shall highlight the main findings and conclusions, and lessons learned.

## **6 Organisation and Requirements**

### **6.1 Management**

The evaluation will be managed by the Evaluation Department, Norad (EVAL). An independent team of researchers or consultants will be assigned the evaluation according to prevailing regulations on public procurement in Norway. The team leader shall report to EVAL on the team's progress, including any problems that may jeopardize the assignment. The MFA as a main stakeholder in the evaluation will be

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<sup>1</sup> "Guidance on evaluating conflict prevention and peacebuilding activities" (OECD 2008), p. 20.

asked by EVAL to comment on the following evaluation products: inception report, draft report and final report. However, all decisions concerning changes to the ToR, the inception report, draft report and final report are made by EVAL.

## 6.2 Stakeholders

The team should consult widely with stakeholders pertinent to the assignment. The evaluation team shall take note of comments received from stakeholders. Where there are significantly diverging views between the evaluation team and stakeholders, this should be reflected in the report.

## 6.3 Public Administration Act (Regulations on Secrecy)

The evaluation team shall comply with the regulations on secrecy in the Norwegian Public Administration Act (Act of February 10, 1967).

## 7.1 Composition of the team

The evaluation team shall cover the following competencies:

| Competence   | Team Leader   | At least one member  |
|--|---|--|
| Academic   | Higher relevant degree.   | PhD  |
| Disciplines (must be covered by the team as a whole)                                     |   | - Political science and/ or political sociology,<br>- History,   |
| Evaluation   | Leading multi-disciplinary evaluations or applied research projects | Experience with evaluation methods, principles and standards   |
| Evaluation of conflict prevention and peace building                                     | Yes   | Yes  |
| Operative experience from peace negotiations   |   | Yes  |
| Research   |   | Qualitative method, historical interpretation, establishing narratives and chronologies, document analysis of primary sources and other evidence (oral sources). |
| Research   |   | Applied social science methods   |
| Thorough knowledge of Sri Lanka  |   | Yes  |
| Experience with conflict analysis, peace processes, peace diplomacy, peace negotiations. | Yes   | Yes  |
| Gender expertise   |   | Yes  |

| Competence   | Team Leader | At least one member |
|--|-------------|---------------------|
| Knowledge of international policies regarding South Asia and Sri Lanka | Yes         | Yes                 |
| Familiarity with major regional interests in the peace process         |             | Yes                 |

The team as a whole shall meet the minimum requirements in terms of language:  
 Scandinavian: spoken and read  
 English: spoken, written and read,  
 Sinhalese: spoken and read, and  
 Tamil: spoken and read.

The team members shall not be perceived to have any conflicts of interest related to the evaluation object, and shall not have been associated with any particular views on Norway's role and performance regarding peace efforts in Sri Lanka

A geographically composed team, reflecting the main interests in the peace process, is an advantage.

## 7.2 Budget and Deliverables

The project is **budgeted** with a maximum input of 65 person weeks. The deliverables in the consultancy consist of following outputs:

- **Inception Report** not exceeding 20 pages shall be prepared in accordance with EVAL's guidelines given in *Annex A-3 Guidelines for Reports* of this document.
- **Draft Final Report** for feedback from the stakeholders and EVAL.
- **Final Evaluation Report** maximum 80 pages – prepared in accordance with EVAL's guidelines given in *Annex A-3 Guidelines for Report* of this document.
- **Seminar for dissemination** of the final report in Oslo and in Sri Lanka to be organised by EVAL.



## EVALUATION REPORTS

- 2.99 International Planned Parenthood Federation – Policy and Effectiveness at Country and Regional Levels
- 3.99 Evaluation of Norwegian Support to Psycho-Social Projects in Bosnia-Herzegovina and the Caucasus
- 4.99 Evaluation of the Tanzania-Norway Development Cooperation 1994–1997
- 5.99 Building African Consulting Capacity
- 6.99 Aid and Conditionality
- 7.99 Policies and Strategies for Poverty Reduction in Norwegian Development Aid
- 8.99 Aid Coordination and Aid Effectiveness
- 9.99 Evaluation of the United Nations Capital Development Fund (UNCDF)
- 10.99 Evaluation of AWEPA, The Association of European Parliamentarians for Africa, and AEI, The African European Institute
- 1.00 Review of Norwegian Health-related Development Cooperation 1988–1997
- 2.00 Norwegian Support to the Education Sector. Overview of Policies and Trends 1988–1998
- 3.00 The Project “Training for Peace in Southern Africa”
- 4.00 En kartlegging av erfaringer med norsk bistand gjennomfrivillige organisasjoner 1987–1999
- 5.00 Evaluation of the NUFU programme
- 6.00 Making Government Smaller and More Efficient. The Botswana Case
- 7.00 Evaluation of the Norwegian Plan of Action for Nuclear Safety Priorities, Organisation, Implementation
- 8.00 Evaluation of the Norwegian Mixed Credits Programme
- 9.00 “Norwegians? Who needs Norwegians?” Explaining the Oslo Back Channel: Norway’s Political Past in the Middle East
- 10.00 Taken for Granted? An Evaluation of Norway’s Special Grant for the Environment
- 1.01 Evaluation of the Norwegian Human Rights Fund
- 2.01 Economic Impacts on the Least Developed Countries of the Elimination of Import Tariffs on their Products
- 3.01 Evaluation of the Public Support to the Norwegian NGOs Working in Nicaragua 1994–1999
- 3A.01 Evaluación del Apoyo Público a las ONGs Noruegas que Trabajan en Nicaragua 1994–1999
- 4.01 The International Monetary Fund and the World Bank Cooperation on Poverty Reduction
- 5.01 Evaluation of Development Co-operation between Bangladesh and Norway, 1995–2000
- 6.01 Can democratisation prevent conflicts? Lessons from sub-Saharan Africa
- 7.01 Reconciliation Among Young People in the Balkans An Evaluation of the Post Pessimist Network
- 1.02 Evaluation of the Norwegian Resource Bank for Democracy and Human Rights (NORDEM)
- 2.02 Evaluation of the International Humanitarian Assistance of the Norwegian Red Cross
- 3.02 Evaluation of ACOPAMA ILO program for “Cooperative and Organizational Support to Grassroots Initiatives” in Western Africa 1978 – 1999
- 3A.02 Évaluation du programme ACOPAMA programme du BIT sur l’« Appui associatif et coopératif aux Initiatives de Développement à la Base » en Afrique de l’Ouest de 1978 à 1999
- 4.02 Legal Aid Against the Odds Evaluation of the Civil Rights Project (CRP) of the Norwegian Refugee Council in former Yugoslavia
- 1.03 Evaluation of the Norwegian Investment Fund for Developing Countries (Norfund)
- 2.03 Evaluation of the Norwegian Education Trust Fund for Africa in the World Bank
- 3.03 Evaluering av Bistandstorgets Evalueringnettverk
- 1.04 Towards Strategic Framework for Peace-building: Getting Their Act Together. Overview Report of the Joint Utstein Study of the Peace-building. Norwegian Peace-building policies: Lessons Learnt and Challenges Ahead
- 2.04 Evaluation of CESAR’s activities in the Middle East Funded by Norway
- 3.04 Evaluering av ordningen med støtte gjennom paraplyorganisasjoner. Eksemplifisert ved støtte til Norsk Misjons Bistandsnemda og Atlas-alliansen
- 4.04 Study of the impact of the work of FORUT in Sri Lanka: Building Civil Society
- 5.04 Study of the impact of the work of Save the Children Norway in Ethiopia: Building Civil Society
- 1.05 –Study: Study of the impact of the work of FORUT in Sri Lanka and Save the Children Norway in Ethiopia: Building Civil Society
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