Peace Negotiations of Sri Lankan Conflict in 2000-2006
The Ceasefire Agreement Facilitated by Norway is at Stake

Master Thesis in Political Science
Author: Mathivathana Paramanathan
Tutor: Professor Benny Hjern
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Abstract

The objective of the thesis is to study the Sri Lankan negotiation process during 2000-2006 sponsored by the Norwegian facilitation and further to analyse the major constraints hindering a final solution.

The stated purpose is analysed by studying both primary and secondary materials such as official documents, research and newspaper articles. One of the major findings of the thesis is that the Norwegian facilitation has not been very effective mainly due to both domestic and international political developments in recent years. In the case of domestic politics, the Sri Lankan political arena has a tradition of political crisis which is mainly a result of the two major Sinhalese parties fighting for power. These parties have been blocking any sustainable solution for Tamil demands while focusing on their political power.

Furthermore, international attitudes towards the warring parties are found to have had a huge impact on the Sri Lankan peace process during the studied period. Since one of the major constraints in the negotiation process appears to be that the Government of Sri Lanka seems to have adopted the international “realpolitik” on its domestic issue in the name of the war on terror. This political strategy may further inflate the already existing nationalism among the Sinhalese majority and the Tamil minority and thus may intensify the conflict.
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1 Introduction

Internal conflicts within states became a common phenomenon after the end of the Cold War when international politics ceased to be concentrated on the two major superpowers, the United States and the Soviet Union. Inter-state conflicts were and are more common within the former Western colonies where multi-ethnic communities live. As in many former colonies, the multi-ethnic groups in Sri Lanka could easily be controlled by the colonial power. But tensions between the Sinhalese majority and the Tamil minority erupted when the British left the country in 1948.

Normal politics broke down when the Government of Sri Lanka (GOSL) failed to recognise grievances of the Tamil people. The ethnic Tamil minority could not achieve any political solution for their grievances despite that they carried out non-violent protests for more than two decades. Peaceful civil disobedience was finally replaced by violent rebellion in mid 1970s. As a consequence, the country paved the way to a civil war which broke out in the early 1980s between the Liberation Tigers of Tamil Eelam (LTTE) and the GOSL. Decades of civil war has further polarised the people of Sri Lanka along ethnic and religious lines and has made the conflict more difficult. Nonetheless, the conflicting parties have not altered their methods to reach their respective goals despite decades of bloody civil war during which the island has suffered huge human losses, particularly among the Tamil civilians.

The Tamil minority demands an independent state called Tamil Eelam in the Northeast of Sri Lanka while the GOSL is still advocating for a solution within a unitary state. A comprised resolution model for the conflict has not yet been found. Several peace attempts initiated by both internal and external mediators have ended in failure. India became the first external mediator in late 1980s which endeavoured to resolve the problem. The Indian “peace force” was eventually drawn into the conflict to fight the Tamil rebels but it finally compelled to pull out from the country after heavy military casualties. New peace initiatives carried out during the 1990s with temporary ceasefires were followed by stalemates. Nevertheless, a new optimism for a long-lasting peace emerged when the Norwegian government was officially invited in 2000 by both the GOSL and the LTTE to facilitate the peace process between the conflicting parties.

The purpose of the thesis is to analyse the negotiation process of the Sri Lankan conflict during the years 2000-2006 facilitated by the Norwegian government and further to study those barriers that are inhibiting the GOSL and the LTTE to find a compromised settlement to end the conflict.

1.1 Scope of the study

This thesis has simplified the Sri Lankan conflict to some extent by omitting less relevant variables and hence making some significant assumptions. These modifications are important in order to understand the complexity of the conflict. First, the Sri Lankan conflict has intensified along ethnic lines. Therefore, the origin of the conflict is argued to be based on ethnicity even though other factors such as political, economic and social reasons cannot be ignored. Second, a military solution is assumed to be impossible in the Sri Lankan case since the conflicting parties are believed to be at equal military strength and hence tend to be trapped in stalemates. Thus, a political solution is claimed to be the only way to achieve a long-lasting peace on the island.
Third, it is unambiguous that the armed conflict is between the GOSL and the Tamil rebel movements but the conflicting actors become vague when one is analysing the internal fraction of the warring parties. When studying the GOSL, it has never been the same as it shifts due to elections. But there has been a tradition that the two major Sinhalese parties, United National Party (UNP) and Sri Lanka Freedom Party (SLFP), have been dominating the Sri Lankan political arena during the post-independence era. Furthermore, these parties have mostly been ruled by family members for decades particularly the SLFP. However, the political attitudes towards the Tamils have been similar among the UNP and the SLFP despite their differences in political ideologies. Therefore, it can be assumed that the policy of the GOSL towards the Tamils has more or less remained the same even though the political party in rule changed.

In the case with Tamil rebels, there is not only one Tamil rebel group given that there were and are still several Tamil guerrilla groups in Sri Lanka who are either fighting each other (cooperating with the Sri Lankan state) or cooperating. Consequently, there is no one united Tamil force fighting the GOSL. There is, though, one Tamil guerrilla movement, the LTTE, that has gained significant military power and support from majority of the Tamils. The LTTE has successfully built a strong military force and controls 70 per cent of the Northeast provinces which is claimed to be the Tamil traditional homeland. It can be argued that the LTTE succeeded to gain legitimacy from the Tamils mainly due to their military successes and their firm commitment to establish a Tamil state, Tamil Eelam.

Finally, it is assumed that the GOSL is forced to negotiate with the LTTE as the representative of the Tamils despite the fact that not all Tamils are united with the LTTE. Moreover, the GOSL tends to have no other options than to deal the LTTE either politically or militarily implying that it has not succeeded to defeat the movement compared to other Tamil rebellions.

1.2 Method

This thesis has used both primary and secondary resources such as public documents, literatures, research articles, and news paper articles. The used sources may be different to each other in opinions and political bias and this has been taken into consideration in order to critically analyse the selected materials. This thesis has systematically avoided any Sinhalese or Tamil media resources in order to evade any ethnic bias. Materials in section four are for instance mainly based on Western newspaper articles where the peace negotiations in 2000-2006 are studied. The political ideology of the newspapers differs however and may have some impact on valuations and opinions concerning the Sri Lankan conflict. For example, the Economist has a tendency to be anti-LTTE while the BBC has relatively neutral standpoints on the conflict. The author is aware of these matters and has, therefore, used different sources to portray the conflict.

1.3 Disposition of the thesis

This thesis is arranged as follows: Section two outlines the past peace talks between the GOSL and the Tamil representatives from 1950s to 1990s where the warring parties fail to achieve a durable political solution. Sections three and four sketch theories and models on how and why a conflict is created and how it can be resolved in respective sections. More specifically, section three focuses on formation, complexity and roots of a conflict while section four explores constraints and possibilities in negotiation processes. In section five, major domestic and international political events are described which are related to the
peace negotiation process in 2000 - 2006 between the GOSL and the LTTE. Section six combines the theoretical sections with the Sri Lankan case in section five. This analysis section highlights constraints for a sustainable peace and the role of international community. Finally, section seven concludes the thesis with a discussion.
2 Failure of the past peace talks in Sri Lanka

This section outlines briefly the major peace talks which were initiated between the GOSL and representatives of the Tamil minority. The first subsection describes in short the major grievance of the Tamils and the remaining subsections sketch the past peace initiatives from 1950s to 1990s between the Sinhalese majority and the Tamil minority.

2.1 Grievance of the Tamils

The situation for the Tamil people became difficult after Sri Lanka gained independence in 1948. Under a majority electoral system in the Westminster model the interests of the Tamil minority were easily marginalised. Furthermore, new discriminatory policies and laws were introduced against the Tamil minority by the parliament which became controlled by a Sinhalese majority. Hence, the Sri Lankan constitution did not constitute significant minority rights protecting minority interests. Even minority rights established prior to the colonial British departure were easily amended in the post independence era by the Sinhalese majority on the behalf of their own benefits. As a consequence, the grievances of the Tamils escalated in the post independence of 1948 when they faced systematic discrimination in the constitutional arrangements where their fundamental rights as citizens were denied. Nevertheless, the grievances of the Tamils in Sri Lanka developed first in the form of demonstrations and civil uprisings by non-violent methods until the middle of the 1970s. But the peaceful political movements evolved into armed struggle in the middle of 1970s when Tamil youth, particularly university students, organised as guerrilla units (Carment, James, & Taydas, 2006; Bercovitch, 1996; Balasingham, 2004; Wilson, 2000).

Tamil demands modified during the post independence as peaceful movements developed into guerrilla rebellions. One vital distinction between these two movements is that guerrilla units demanded a separated state instead of a solution within a federal state which was requested by the non-violent political movements. The major requests of Tamils can be summarised in short as follows: recognition of Tamils as a distinct nationality, acknowledgment of the historic Tamil homeland in the Northeast, recognition of the right to self-determination of the Tamil homeland, acknowledgment of the Tamil language as an official language, and cessation of Sinhalese colonization in Tamil areas (Carment et. al., 2006, Balasingham, 2004).

2.2 Peace attempts in 1950-1980s

There were some attempts to solve the conflict by political arrangements until an armed struggle broke out between the GOSL and the Tamil rebels in the mid-1970s. The major peace initiatives from 1950s to 1990s are summarised in table 2.1. Two important political agreements were achieved between the GOSL and the Tamil political party (the Tamil Federal Party, FP) in 1957 and 1965, called Bandaranaike - Chelvanayagam Pact and Senanayake - Chelvanayagam Pact respectively. These two initiatives attempted to negotiate the status of the Tamil language and decentralise some political power to district councils. Neither of these central issues was implemented due to resistance from the Sinhalese radical political parties. Instead, the state tried to oppress the increased political resistances of Tamils in the 1960s (Bercovitch, 1996; Balasingham, 2004; Wilson, 2000).
Table 2.1 Major peace initiatives in Sri Lanka

<table>
<thead>
<tr>
<th>Peace initiatives</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bandaranaike-Chelvanayagam Pact</td>
<td>1957</td>
</tr>
<tr>
<td>Senanayake- Chelvanayagam Pact</td>
<td>1965</td>
</tr>
<tr>
<td>Round Table Conference</td>
<td>1983</td>
</tr>
<tr>
<td>All Party Conference</td>
<td>1984</td>
</tr>
<tr>
<td>Thimpu, Bhutan Talks</td>
<td>1985</td>
</tr>
<tr>
<td>Political Parties Conference</td>
<td>1986</td>
</tr>
<tr>
<td>Indo-Sri Lanka Accord</td>
<td>1987</td>
</tr>
<tr>
<td>All Party Conference</td>
<td>1989</td>
</tr>
<tr>
<td>Dialogue with the LTTE</td>
<td>1990</td>
</tr>
<tr>
<td>Select Committee of Parliament</td>
<td>1992</td>
</tr>
<tr>
<td>Jaffa Peace Talks</td>
<td>1995</td>
</tr>
</tbody>
</table>


The situation for the Tamils worsened when new discriminating acts were imposed on the Tamil minority such as the discrimination of Tamil university applicants in the 1970s. Failure to find a political solution through the constitutional amendments escalated the grievances among the Tamil people. Political struggles by peaceful means developed into a violent conflict between the Sinhalese government and the Tamil militant groups in the mid-1970s. However, a significant turning point in the conflict was obvious when a systematic killing of Tamil minority in a larger scale took place in July 1983. The 1983 riots differed from other violent actions against the Tamil people in the past since this time the Tamils were killed in an organised manner by the Sinhalese radicals and the government remained passive or encouraged the riots. This incident attracted international condemnation particularly by the Indian government (Balasingham, 2004; Wilson, 2000).

Negotiations between the disputing parties resumed again in 1983, the Round Table Conference, due to the 1983 riots and pressures from the Indian government. The following years, All Party Conference in 1984, Thimpu talks sponsored by India in 1985, Political Parties Conference in 1986 were arranged one after another between the conflicting parties. Neither of these negotiations was successful since the warring parties could not find a compromised settlement (Bercovitch, 1996; Balasingham, 2004).

2.3 Indian intervention

Domestic pressures and interests forced the Indian government to intervene in the Sri Lankan conflict in the mid-1980s as violence and hostility increased between the Sinhalese and Tamil communities. Covertly, the Indian regime permitted Tamil rebels to establish military camps in the southern state of Tamil Nadu and provided military training. Indian Tamils (in Tamil Nadu) in particular pressured the central Indian government to intervene militarily in the Sri Lankan conflict as it intensified and resulted in high civilian causalities mostly among the Sri Lankan Tamils. In response, the GOSL warned India that it would ask military assistance from the United States, the United Kingdom and other nations if
India intervened in its internal affairs. Some western powers rejected, however, to provide military aid to the GOSL while countries such as Israel and Pakistan provided it (Carment et. al., 2006).

The GOSL signed the *Indo-Sri Lankan Accord* with the Indian government on 29 July 1987 when it had limited options after being denied support from the western powers. The Tamil rebels, particularly the LTTE, refused to sign the accord but accepted a ceasefire. The major agreements of the accord consisted of territorial integrity of Sri Lanka, recognition of a multiethnic and multilingual society, recognition of the historic Tamil homeland in the Northeast, and creation of an administrative unit embracing the Northeast provinces. But the accord failed to address the central issue concerning decentralization of power and the rights required by the Tamil population (Bercovitch, 1996; Carment et. al., 2006).

The role of the Indian Peace Keeping Force (IPKF) was to monitor the ceasefire and to force the Tamil rebels to turn over their weapons. Furthermore, the Indian government estimated a settlement with the LTTE within six weeks and planned to withdraw the IPKF during this time. The IPKF could not defeat the LTTE as easily as they had thought. Instead, the IPKF was drawn into the conflict and had direct clashes with the LTTE suffering severe losses. Meanwhile, the ruling GOSL headed by J.R. Jeyawardene (UNP) faced harsh criticism from the opposition parties particularly the Sinhalese radical party, Janatha Vimukthi Peramuna (JVP). The JVP strongly opposed the accord and referred to the Indian intervention as an occupation. A new president, Ranasinghe Premadasa (UNP), came to power in January 1989 by campaigning for removal of the Indian forces. A decision to withdraw the Indian forces eventually came about due to increased pressure from the newly elected government and India completed its withdrawal in early 1990. The Indian intervention ended in failure and did not bring any significant changes in the Sri Lankan conflict (Carment et. al., 2006).

### 2.4 Peace initiatives in 1990s

Peace talks started again between the GOSL and the Tamil rebels during and after the withdrawal of the Indian forces. Peace initiatives, All Party Conference (1989) and Dialogue with the LTTE (1990) were not successful. A new civil war broke out instead in mid-1990 when the Indian forces withdrew completely from the island. The councils aimed to provide autonomous government for the Tamil people in the Northeast were eliminated. The fighting between the GOSL and the Tamil tigers escalated and intensified. The LTTE steadily increased its power particularly in the Jaffna Peninsula from 1990 onward and in 1995 the rebels governed Jaffna as a de facto state (Carment et. al., 2006).

The Sri Lankan people perceived the presidential election in August 1994 with a renewed optimism for peace on the island. The newly elected president, Chandrika Kumaratunga, headed by a coalition of the SLFP-parties, advocated solving the conflict on the island. In 1995 the LTTE agreed to a ceasefire and Kumaratunga promised to decentralise some power to the provincial level. But the LTTE continued to advocate for a separate state, Tamil Eelam and hence the agreed ceasefire failed. Fighting recurred between the parties shortly after the ceasefire violation. The Kumaratunga regime carried out a “*War for peace*” strategy in order to defeat the LTTE. The Sri Lankan military forces succeeded in capturing the Jaffna region in December 1995 which resulted in enormous human suffering for the Tamil people and caused hundreds of thousands of Tamils to flee the region (Carment et. al., 2006; Balasingham, 2004).
3 Formation, complexity and root of a conflict

This thesis has chosen to divide the theoretical framework in sections three and four where models associated with a conflict are explored. Conflict theories and models examined in sections three and four respectively are intended to apply to the Sri Lankan case in order to comprehend the complexity of the Sri Lankan conflict and peace process in a better way. This section briefly examines how a conflict is generated in subsection 3.1, why it could be complex in subsection 3.2, and why it occurs in subsection 3.3. These issues are discussed in order to better understand why peace negotiations may fail or succeed which is further outlined in section four.

3.1 Formation of a conflict

A simple model in figure 3.1 describes how a conflict is generated. Any of the three elements situation, behaviour, and attitudes portrayed in the model can cause a conflict. Situation relates to objective positions that can be the root of a conflict. Situations such as unequal power sharing between different groups, unequal control over resources, and discrimination of one group over another can force the involved groups into conflict. Behaviour refers to those actions that are carried out by people. For example, one group’s aggressive manner towards another group involving killing or oppressing can lead to the second group fighting back and hence both groups’ actions can spiral into conflict. Attitudes relate to those perceptions and images that groups have toward each other. There is a tendency that groups have negative images of one another (Harris & Reilly, 1998).

![Figure 3.1 The conflict triangle](source: Harris & Reilly (1998))

A conflict can be initiated from any of the three elements on the triangle. Once a conflict is caused by one element it can soon spiral into other elements where all the three elements eventually become mutually important factors in the conflict. Hence, the arrows in the figure start to circulate in both directions as seen in figure 3.1 and shows the elements as interconnected and therefore reinforcing the conflict (Harris & Reilly, 1998).

The interconnection and interdependence between situation, behaviour and attitudes generate a conflict’s dynamic to grow and intensify. There are different degrees of escalation stages: discussion, polarization, segregation, and destruction where a conflict shifts between them by a change in intensity. At the discussion stage, the conflict parties are still able to work together and the relationship between them is not very hostile. Issues emphasized in the conflict are objective. A win-win solution is considered as a potential solution that can satisfy both involved parties. Further, the favourable method that can solve the conflict be-
between parties is to cooperate by achieving a joint solution. Parties at a polarization stage are less willing to have direct communication since their mutual perceptions have become negative and their trust has diminished. Issues highlighted are of psychological matters dealing with relationship of parties. The potential outcome falls now in a compromised settlement where one has to lose some things in order to win others. The preferred way to manage the conflict is no longer a cooperative decision-making as in the previous case but to become a competitive negotiation. The escalation of conflict has increased further when it reaches a segregation stage where the conflicting parties have distanced themselves from each other totally. At this stage, the parties do not communicate to solve the problem but issue threats to one another. The relationship between the parties has deteriorated into mistrust and disrespect. Those issues highlighted in the conflict are concerned with the needs and values of the each party in the conflict. The outcome of the conflict is a zero-sum calculation: a simple win-or-lose situation where the favourable method to solve the problem has turned into a defensive competition. The defensive competition implies that each group defends its own interests. At the destruction stage, the conflict reaches its maximum antagonism where the disputing groups communicate with each other by violent means or remain absolutely silent. The issues raised are concerned with the survival of one’s own group confronting the other group’s hostility. The possible outcome of the conflict is a lose-lose situation which implies an enormous cost on both parties. The method to solve the problem is about to wipe out the opposition and the situation entails a state of war (Harris & Reilly, 1998). The following section describes one of the most difficult and destructive conflicts often defined as an intractable conflict.

### 3.2 Intractable conflict

An intractable conflict refers to a conflict that is difficult but not impossible to resolve. Intractable conflicts are distinguished from other conflicts based on the readiness of involved parties to consider political alternatives other than fighting. Parties in a conflict become interested in solving the problem by a political arrangement when the cost of carrying out fighting exceeds the benefits. This is not the case with intractable conflicts implying that cost-benefit calculations do not take place. The reasons could be that elites within intractable conflicts neglect the possible negotiated alternatives since the conflict does not affect them severely. Many people gain from the dispute and many contradictory interests prevent any negotiated settlements (Crocker, Hampson, & Aall, 2004).

Some significant features of an intractable conflict are shortly described as follows: First, intractable conflicts are characterised as persevering over a long period of time, probably for decades. Second, there is a tendency for mental harm and a feeling of victimisation as a result of the long-lasting dispute. Third, some intractable conflicts tend to resist any resolution even though several attempts have been made to resolve them, for instance by diplomacy, mediation and negotiation. They can also remain unsolved since no parties including the disputing parties have made any attempts to solve the conflict. Fourth, intractable conflicts are typified either by frequency of violence or a short-term pause of the hostility. Hence, the involved parties fail to escape the tendency of antagonism. The intensity of violence however is not similar among all intractable conflicts since some tend to have ongoing military actions and some are characterised by hostilities that are periodically at a lower level of violence (Crocker et al., 2004; Coleman, 2000). Fifth, in the case with intractable conflicts, third party actors are in a difficult situation to manage the problem since the parties are not sincerely interested in considering any negotiated opportunities. Finally, in intractable cases any possible resolution to the conflict is commonly dictated by political
radicals (on all sides of the conflict) where the dictated resolution may not provide any opportunities for any compromised settlements for both disputing parties (Crocker et al., 2004).

Some major explanations for intractable conflicts are outlined as follows: First, one of the main reasons for intractability is leadership. Leaders might be less willing to end the fight due to the fact that their careers and personal wealth rely on the conflict. Further, leaders could have strong personal commitment to the ideals and aims of the “struggle” which can often outrank other goals. Moreover, leaders might not encourage peace for fear of their own personal safety. The above mentioned factors might inhibit the leaders to consider the negotiated options as less favourable compared to the fighting. Second, negotiations are not seen as preferable entailing that unconditional victory is considered as the only satisfactory and feasible outcome. Militants and revolutionary leadership encourage their followers to carry on fighting until the desired goals of the “struggle” are achieved. This means that the fighters lock themselves in a position that does not allow for many options for the other side of the conflict to compromise any settlement. The fighting becomes intractable when the revolutionary movement is met with an equally powerful force that is not willing to share the power (Crocker et al., 2004).

Third, a lack of resource constraints such as internal division of one or both parties, and unequal or lacking relations to external partners can promote intractability. Fourth, there is a tendency that a resolution formula that is outlined for solving the conflict is considered as less valuable since it can be discredited or refused by the fighting parties. The parties can have past experiences of failed negotiation processes (even many times) and hence are less willing to go back to the negotiation table again. The past experiences of unsuccessful negotiations make them expect future failures and therefore make them less likely to push the negotiation process further. Finally, intractable conflicts tend to take place in those regions that have insufficient or ineffective regional security systems and reduced linkages to better-endowed areas. This implies that societies where conflicts take place are poor and people in these areas have less power to influence the armed groups who dominate the political arena (Crocker et al., 2004). The most frequent form of conflicts in the world is internal conflicts which occur within states. Many of the characteristics of an intractable conflict are found in internal conflicts and the subsequent section describes in brief those factors that cause an internal conflict.

3.3 Internal conflict

I. William Zartman (1995) argues that internal conflict occurs when normal politics fails implying that the government is unable or unwilling to manage grievances of the aggrieved. Internal conflicts occur within states in different forms such as civil wars, armed insurgencies and violent secession movements. Internal conflicts are identified by two significant elements, neglect and discrimination or identity and distribution. Identity is related to people mobilizing based on communal identity such as race, religion, culture, and language. Distribution is related to the allocation of economic, social and political resources within a society. There is a risk for conflict when there are imbalances in distribution due to identity differences (Zartman, 1995; Harris & Reilly, 1998; Fisher, 1997).

One of the major tendencies within internal conflicts refers to territorial claims. Claims over a territory are related to a situation where an organised (communal) group demands the right of ownership of land within a sovereign state. Territorial claims can lead to secession or the claimed area achieving autonomy, power sharing or decentralization settlements
within the state. What is the reason for a territorial claim? A state’s territory is considered as a common good that is equally allocated by the people of the state. Therefore, territory including people and a government become three fundamental elements that provide a state with a sovereign moral personality which is universally identified by the law and the international community. Territorial claims do not occur when all citizens of a state equally hold and benefit the national territory. It takes place when the state’s territory is not considered as a common good by an affected group but becomes a “need” for the affected group. People revolt against a given national territory in order to fulfil three basic needs: security, identity, and prosperity (Ayissi, 2001). One way to end a violent conflict is through negotiations where the warring parties are given options to find a peaceful political solution. The next section outlines theories and models associated with constraints and possibilities in negotiations which is an expansion to this section.
4 Constraints and possibilities in negotiations

After having outlined the formation, complexity and reasons of a conflict, it is time to explore why a conflict is difficult to resolve and further to see how it can be solved. This section outlines theories and models about constraints and possibilities in negotiations which is an extension to the previous section. Subsection 4.1 discusses constraints in internal conflict negotiations, subsection 4.2 defines what mediation is, section 4.3 outlined various types of interventions and finally section 4.4 briefly describes track two diplomacy.

4.1 Obstacles in internal conflict negotiations

Negotiations and internal conflicts can be analysed along three dimensions, the structural, the dynamic, and the tactical. Structure: A problem of asymmetry is one of the most remarkable characteristics of an internal conflict where one party (government) is powerful and the other party (insurgents) is weak. This is often the case in the conditions of military strength and legitimacy. The government has legitimacy, sovereignty, allies, armed forces, and access to resources while the rebels need to fight to gain these parts. The government also has the right to decide the rules of the game for the insurgents’ fight. The insurgents, on the other hand, cannot attain equality fully even though it succeeds to enlarge its strength in terms of recognition, supporters, military power and resources. An asymmetry problem poses difficulties in negotiation processes due to unequal conditions between disputing parties. A successful negotiation is based on the equality between the conflicting parties and a negotiation can only occur when the parties have some kind of mutual veto over outcomes. But a conflict generally becomes difficult to resolve when there are asymmetry problems (Zartman, 1995).

Rebels in internal conflicts focus entirely on the conflict while the government has various interests to focus on. The rebels’ commitment is to oppose the government’s capabilities in order to reduce the asymmetry and hence to improve their outcomes. Nevertheless, the rebels tend to be single-minded in their commitment and focus on dedication to rebellion. In the case with negotiations, the motivations of the rebellion can be divided into two elements, grievances and commitments. Grievances initiate a dispute and those who advocate for the dispute establish commitment to its cause. Negotiations are likely to take place when grievances and commitment to the cause are in equilibrium. But a commitment to insurgency becomes an end in itself if the commitment surpasses grievances and hence the negotiation process becomes difficult. Rebels do not have the willingness to compromise. There are no possibilities for trade-offs since the rebels major aim is to rebel. A question of valid representatives becomes an important issue and a stalemate becomes a stable compromise instead of forcing the parties to the negotiation table (Zartman, 1995).

Other methods are needed to initiate negotiation among the disputing parties when the parties are trapped in situations as described above. Nonetheless, governments and rebels often tend to break the stalemate and coerce the other party to alter its policy. The stakes do change however when rebels try to convince the government to negotiate while the government finds ways to make the rebels to surrender. These types of asymmetries in power and commitment make the parties unable to find a solution for the conflict. There are also asymmetry problems in outcomes. A government becomes reluctant to solve the conflict when surrender or elimination of insurgents has become a more attractive option. The rebels, on the hand, do not trust the government due to its actions against them and continue instead with its commitment to rebellion. The fighting continues and negotiation
becomes impossible. Hence, both government and rebels become victims of their own parts in the asymmetry (Zartman, 1995).

In sum, the government makes the asymmetry into escalation when it tries to demolish the rebellion and its commitment and further, it coerces the rebels to advocate for peace. The rebels, on the other hand, attempt to escape the asymmetry by seeking help from the outside and hence internationalize the conflict. The structure of the conflict changes radically and become a complex issue (Zartman, 1995).

Dynamics of internal conflicts also has an important role in the negotiation process. Internal conflict is not a static process but changes over time as it goes through different phases. Outcomes that can be accepted at one time by conflicting parties can not be agreed upon at other times. The protest element of the dispute and the conflict management element take their own ways when the conflict advances over time. There are three components in internal conflicts that influence dynamics and probability of successful negotiation and these elements are independent from each other. The three components are: the needs of the rebels and phases of the insurgency, agendas of the government, and the two parties’ structural relationship between each other. In the first case, an internal conflict goes through four stages: articulation, mobilization, rebellion, and warfare. The four phases of the conflict affect the goals and leadership of the rebels. Negotiation is particularly difficult in the mobilization and rebellion stages but it becomes feasible during the warfare phase. Readiness for negotiation becomes possible at the warfare stage since the focus now turns into status issues such as secession, autonomy or a new political settlement. Furthermore, leadership differs according to the four stages as solidarity makers, immobilizers, hardliners, and confrontation specialists (Zartman, 1995).

Government’s agendas: Grievance of a conflict occurs at the beginning to receive interest and resolution on the government’s agenda. The government has lack of interest to respond to the protest when its persistence is long-lived. The government’s focus is instead to fight the rebellion rather than to make it legitimate. Moreover, governments change while the rebellion often tends to be the same. There is also a tendency for the successor to follow a similar policy towards the rebellion as the predecessor. Hence, changes in governments do not necessarily imply different policies towards the rebels (Zartman, 1995).

Structural relations between the two parties: Ripe moments occur when conflicting parties realise their inability of winning the conflict through military means. A clear stalemate cannot be achieved due to power asymmetry but a soft stalemate is likely to be reached. There are needs for some kind of turning point in perceptions when the parties are in the situation of a soft stalemate. A turning point could be such as an inconclusive victory, an inconclusive defeat, unexpected costs due to a bloody standoff, lack of foreign support or an enhanced foreign pressure. The disputing parties attempt to negotiate when uncertainties increase as with above stated cases and hence try to modify their future potentials. A turning point can also take place when a conflict escalates where violence intensifies. A stalemate can take place when escalation is considered to produce no desired outcomes and hence forcing the parties to negotiate. Nonetheless, recognised leaders are needed from the both sides in order to carry out the negotiation (Zartman, 1995).

Mediation tactics: In the case with internal conflicts, a mediator is needed in order to bring the conflicting parties together on the negotiation table. Mediators need to have capabilities to combine three mediation roles, manipulation, communication, and formulation particularly due to the structural asymmetry (Zartman, 1995). The succeeding sections sketch some major arguments regarding mediation.
4.2 Mediation

There are different approaches to understanding a mediation process. This thesis outlines a recognised approach sketched by Jacob Bercovitch. The author defines mediation as follows: mediation is a process of conflict management where conflicting actors or their representatives ask for assistance or accept an offered assistance, from individuals, groups, states or organisations. The assistance from a mediator is required in order to alter, affect or influence the perceptions or behaviour of disputing parties without the mediator using physical force or the authority of the law on them (Bercovitch, 1992, pp. 7). Further, Bercovitch suggests a “contingency model of mediation” when studying a mediation process and this model is illustrated in figure 3.2. Mediation is portrayed as a dynamic process where context, process, and outcomes are the core variables. The context is referred to characteristics of the party, the mediator, and the dispute. The process depends on the mediation behaviour and the outcomes (success or failure) of mediation are based on the interaction between context and process variables (Bercovitch, 1996).

![Figure 4.1 A mediation model](Source: Bercovitch (1996))

4.3 Different intervention types

Mediation becomes crucial mainly when: a conflict has lasted for a long time; when the conflicting parties have reached a stalemate; when neither party have any intention of further escalation; and when both parties are ready for some form of mediation. The third-party intervention is a common form of intervention where the party has a limited authoritative decision-making power on the disputing actors. The third party provides help to the parties involved in the dispute to find a mutually acceptable arrangement for the conflict and often has an impartial standing to the dispute (Bercovitch, 1996; Moore, 2003; Starkey, Boyer, & Wilkenfeld, 1999).

There are, however, different types of intervention roles, where five such roles are briefly outlined here. These intervention types are: conciliation, facilitation, arbitration, pure mediation, and power mediation. A simple model illustrating the intervention roles is portrayed in figure 3.3. Conciliation, a third party acts as a conciliator in order to enable a communication channel between the disputing parties which is favourable at the pre-negotiation stage. Conciliation aims at providing help to classify the main issues of the conflict and lowering tensions between parties in order to bring them closer together to negotiate. Facilitation, here a third party functions as a facilitator and addresses the relationship
and problems between the disputing actors. The representatives of the conflicting parties are brought together by the facilitator normally in a neutral environment where the facilitator leads the meeting jointly or separately with the conflicting parties. The intention of facilitation is to promote the disputing actors to express perceptions of each other, to help them to set the ground-rules and further to manage the negotiation processes. Facilitation believes that improved common knowledge, understanding and trust of the disputing parties, and further better communication channels between parties can ease the negotiation process (Harris & Reilly, 1998).

![Conflict management diagram](image)

**Figure 4.2 Various types of intervention**

Source: Author’s own construction

*Arbitration*, in this case an arbitrator has authority and legitimacy over the situation and hence can enforce a resolution equally on all the disputing parties. A fair and just solution is formed by the arbitrator by listening to arguments from all involved parties. This type of intervention role is, nevertheless, uncommon in conflict managements. *Pure mediation*, the purpose is to assist direct negotiations on the most pressing issues that are necessary for finding a lasting solution to the conflict. Pure mediation implies that the pure mediator urges the parties, by using diplomatic skills, techniques, and experiences, to design their own solution and eventually apply it. Nevertheless, a pure mediator has power only within the negotiation circumstances as long as the conflicting actors permit it. Furthermore, the disputing parties hold the initiative to carry on the negotiation while the pure mediator only plays a passive role in encouraging the parties to reach a settlement. *Power mediation*, this type is based on pure mediation but a power mediator has power outside the negotiation situation compared to pure mediation where he or she can convince the parties to obey. The leverage to impose incentives and penalties, carrots and sticks, on the parties enable the power mediator to influence the outcome of the conflict (Harris & Reilly, 1998).

The different intervention types have some association with the role of power a mediator has towards the disputing parties. It is crucial which kinds of resources and authority a mediator possesses when he or she initiates a negotiation process. Jeffery Rubin has distinguished six diverse powers a mediator can have when mediating a conflict. *Reward power* is related to what a mediator can offer the conflicting parties in order to change the behaviour of the parties; *coercive power* is associated with threats and sanctions a mediator can impose on the parties in order to alter behaviour patterns; *expert power* is what a mediator possesses due to his or her knowledge and experience with particular issues; *legitimate power* is relied on legal authority according to international law; *referent power* is associated with the willingness of the conflicting parties to have a good relationship with the mediator; and finally *informa-
tional power is related to a mediator who carry the information between the parties (Crocker, Hampson, & Aall, 1999).

Private and non-governmental actors tend to have strong expert and referent power capabilities while their capabilities in reward and coercive power are low. These groups are likely to have reputational authority as well which is enabled to form some kind of legitimacy. Regional and international organisations are likely to have legitimacy power while their reward and coercive power capabilities are low. Those who have reward and coercive power tend to be powerful nations in the international community. But their legitimacy and informational power capabilities are weak since one or more of the parties are likely not to have faith in them (Crocker et al., 1999).

### 4.4 Track two diplomacy

One way to establish trust among negotiators is through unofficial and informal interactions called track two diplomacy. This type of diplomacy differs from track one diplomacy which involves government to government relationships through official channels. The profile of a “track two diplomat” as a mediator varies from a traditional diplomat as a power-broker since a track two diplomat represents himself or herself as a non-political figure or institution. Academic conflict analysts, NGO representatives, or religious organisations can act as a mediator in the style of track two diplomacy. The interactions between the involved actors take place in an informal way without being exposed publicly and without governmental interferences. The intention of track two diplomacy is to provide help for official leaders to resolve or manage a conflict by investigating different possible solutions from informal contacts (Kleiboer, 1998; McDonald & Bendahmane, 1987; Starkey, et al., 1999; Coleman, 2000).
5 The Sri Lankan case

This section studies important political developments during the 2000-2006 negotiation process in Sri Lanka. Both domestic and international politics have influenced the Sri Lankan peace process facilitated by the Norwegian government. Political crises among the Sinhalese elites, mainly among the two major opposition parties, the UNP and the SLFP, have been blocking negotiation processes between the GOSL and the Tamil representatives since the start of the post-independence period. Similar political disputes among the Sinhalese parties emerged during the 2000-2006 negotiation process and are therefore crucial to be studied in this section. Furthermore, political developments in the international community particularly after 11 September 2001 had a huge impact on the Sri Lankan ethnic war and they are discussed briefly in this section. The section is organised as follows where subsection 5.1 describes the Ceasefire Agreement (CFA), subsection 5.2 examines the Norwegian facilitation in short, subsection 5.3 studies the importance of international aid on the Sri Lankan conflict, subsection 5.4 explores Sri Lankan political gambles from the 1990s and onwards, and finally 5.5 concludes the section with a summary.

5.1 The Ceasefire Agreement in 2002

The Sri Lankan conflict has tended to follow a vicious circle of broken promises, trusts and resumption of fatal warfare until the end of 1990s. The intensity of the armed conflict in Sri Lanka can be characterised by escalation peaks and valleys during the early 1980s to the beginning of the 21st century. There was a correlation between the intensity and escalation of the fighting, and the acquisition and manufacturing of arms. The conflict tended to escalate and became more destructive when the advancement of arms increased. There were some relatively stable periods when the GOSL and the LTTE negotiated temporary ceasefires but the warring parties soon resumed the fighting. The temporary ceasefires seemed to enable the conflicting parties to rearm and intensify the continuation of the violence (Sislin, & Pearson, 2006). In the beginning of the 21st century, the GOSL and LTTE were once again trapped in stalemate conditions where military solution seemed unrealistic. This critical situation coincided with the Norwegian government’s offer to facilitate between the GOSL and the LTTE in early 2000. But situations were still unstable and did not provide any good pre-negotiation conditions for the Norwegian facilitators since the parties continued with the armed violence (Solomons, & Moscardini, 2006).

Nevertheless, the LTTE declared a unilateral ceasefire when the new government headed by Ranil Wickremesinghe came to power in December 2001 and this declaration was positively met by the new cabinet. A permanent CFA between the GOSL and the LTTE was signed on 22 February 2002 sponsored by the Norwegian facilitation. The conflicting parties requested Norway to establish an international monitoring group called the Sri Lanka Monitoring Mission (SLMM) in order to monitor the implementation of the CFA. The SLMM included the members from the five Nordic countries, Norway, Sweden, Finland, Denmark, and Iceland. However, the monitoring mission had only inquiring and determining powers but lacked implementation power (2006; BBC, 2002, 22 Feb.; SLMM, 2006).

The warring parties initiated the negotiation process which included six rounds of talks before it stalled in April 2003. The first round of talks was held between the GOSL and the LTTE in Thailand in September 2002. The major success during this round of talks was that the LTTE abandoned its demand for an independent state. The second round, also in Thailand, was successful as well and the parties agreed to establish three committees concerning humanitarian and rehabilitation issues in war-affected regions, military de-escalation
matters, and other political issues. The third round of talks in December 2002 was held in Norway where the conflicting parties agreed to share power. According to the deal, minority Tamils would have autonomy in Northeast under a federal solution within a unitary state. The further three rounds of talks produced little in the way of progress since the parties could not remain committed to some of the earlier agreed accords and hence could not find new compromises. After the six rounds of talks the LTTE pulled out of the peace talks completely in April 2003 claiming that they had been marginalised during the negotiations (BBC 2006; IISS website).

The LTTE runs a de facto state of their controlled areas in the Northeast provinces, called Tamil Eelam headed by Velupillai Pirapaharan, the leader of the LTTE. The controlled de facto state has a flag, a national anthem, court, police forces, and a tax system. The LTTE asked legitimacy for the state they run in their controlled areas and announced on 1 November 2003 new proposals for an Interim Self-Governing Authority (ISGA) for the Tamil people in the Northeast of Sri Lanka. The proposals consisted of a greater autonomy for the North eastern provinces without requiring an independent state. The LTTE’s proposals of interim power led to a political crisis within the GOSL since the ruling government headed by Wickremesinghe was willing to negotiate the Tamils’ demands while president Kumaratunga opposed it. Furthermore, the LTTE required that the proposal of an interim government was to be accepted in order for them to return to the negotiation table. (The Economist, 2003, 5 Nov.; The Economist, 2003, 12 Jul.; Financial Times, 2003, 5 Nov.).

5.2 The Norwegian role as a peace facilitator

Norway plays a major role as a peace broker in the world since the early 1990s. There are six important factors that make Norway unique as a peace-helper. First, Norway is considered as a patient facilitator. The policy to strive for peace has a broad political consensus in Norway and its commitment to peacemaking all over the world does not change due to domestic governmental shifts or other political changes. Second, a broad domestic political consensus enables Norway to have flexible resources available for peace and reconciliation.

Third, Norway has great experience of cooperation with national and international NGOs. Norwegian NGOs have worked in different countries in the world for several decades and have earned valuable experience. Norwegian peace facilitators are able to use the NGOs’ expertise knowledge and valuable contacts across different regions in the world in their peace efforts. Fourth, Norway is involved in peace processes that have the interaction between diplomatic and humanitarian assistance, and between government and non-state actors. Norway has a long tradition of co-operation and humanitarian work within countries where they have initiated peace negotiations. Fifth, Norway is considered as a neutral party. The country does not have a colonial past and is often considered not have hidden political and economical agendas. Norway is regarded as a peace-helper rather than a peacemaker or a mediator.

Norway plays a role as facilitator where it supports the warring parties to come up with a solution themselves. Finally, Norway has close relations to those who are mediators and have international strength and leverage in some cases which is often a significant asset for the peace process itself (Hanssen-Bauer, 2005, 28 Oct.).

In the case with Sri Lanka, Norway had built closer ties with the island by its charity work through NGOs which date back to the late 1960s. The Norwegian government established a long formal cooperation with the GOSL through NORAD (Norwegian Agency for Development Cooperation). During the recent decade, Erik Solheim, Norway’s special envoy to Sri Lanka, formed ties with the LTTE through his membership in the Socialist Left Party. Nevertheless, Norway backed the peace process in Sri Lankan unofficially since 1998.
but was officially invited by both the GOSL and the LTTE in 2000 to act as facilitator in the peace talks. A delegation led by special envoy Erik Solheim, the major facilitator, deputy foreign minister Vidar Helgesen, and the Norwegian ambassador in Sri Lanka Jon Westborg engaged in shuttle diplomacy in order to bring the conflicting parties to face-to-face talks. However, the first face-face formal negotiations did not take place between the GOSL and the LTTE until September 2002 when the parties met in Thailand. Norway has received support from other international actors although it remains as the major facilitator in the Sri Lankan peace process. The peace-keeping mission, SLMM, was initially formed by five Nordic countries including Norway. Furthermore, Norway has sought international donor coordination in order to enforce the CFA. As a consequence, Norway co-chaired the Tokyo Donors’ Conference on the Reconstruction and Development of Sri Lanka with the European Union, Japan and the United States (Kelleher & Taulbee, 2006, Oct.; Hanssen-Bauer, 2005, 28 Oct).

5.3 Importance of international aid

In the second round of talks in November 2002, the GOSL and the LTTE jointly asked for international help to reconstruct the war-torn island. In April 2003, the GOSL announced that it needed 1.3 billion dollars to rebuild the country before it attended a preliminary donor conference in Washington. The international donor conference, the Tokyo Donors’ Conference on Reconstruction and Development of Sri Lanka, was scheduled to take place in June 2003. The LTTE was excluded from taking part in the meeting in Washington since the United States proscribed the group as a foreign terrorist organisation. The LTTE boycotted the Tokyo conference in June 2003 by claiming that the peace progress was moving too slowly. At the Tokyo conference, international donors including co-chairs and several other donor nations and NGOs, pledged 4.5 billion dollars in aid for rebuilding Sri Lanka. But the aid was scheduled to be paid over the following four years and most of the money was linked to the peace process. The international community hoped that this pledge of aid could put pressure on the warring parties to find a final settlement in the conflict. As mentioned earlier, the LTTE pulled out from the peace talks in April 2003 (BBC, 2002, 25 Nov.; BBC 2003, 15 Apr.; BBC, 2003, 10 Jun.).

On 26 December 2004, Sri Lanka became one of the countries that were hit by a devastating tsunami that resulted in more than 31,000 deaths in Sri Lanka alone. During the aftermath, rebels in the province of Aceh on Sumatra, Indonesia lay down their arms and stopped fighting. The international community hoped that what transpired in Aceh could inspire a similar event in Sri Lanka. This brought a fresh optimism for peace since both Sri Lanka and the Aceh region in Indonesia belonged to the areas that were hit the hardest by the tsunami but also since both regions had been suffering from internal armed conflicts for nearly three decades. The international community hoped that the natural disaster could bring with it something positive as well, like a turning point in the peace process for both of these nations. Indonesia could not conceal the Aceh conflict any longer and took this opportunity to solve its internal conflict due to international pressure. International donors supported the peace process between the conflicting parties. A final settlement was achieved in the Aceh region within a year where the rebels, fighting for autonomy, handed over their weapons. The Indonesian government soon followed their example by withdrawing its military forces from the province. The situation in Sri Lanka on the other hand, worsened. The GOSL and the LTTE disputed over how to share the tsunami aid. International donors pressured to establish a joint mechanism for aid distribution by promising about 3 billion dollars in tsunami relief. A joint mechanism, P-TOMS, was signed in June.
2005 between the Sri Lanka government and the LTTE which included a three-member panel representing the government, the LTTE and the Muslim community. But the tsunami deal was made illegal by the Supreme Court due to pressures from the Sinhalese radicals, particularly the JVP (Stokke, 2005, Jun.; The Economist, 2005, 25 Jun.; The Economist, 2005, 20 Aug.; Wall street Journal, 21 Dec.; BBC, 2005, 24 Jun.).

The international community advocated bringing peace to Sri Lanka by pledging aid. At the same time, it has proscribed the LTTE as a terrorist organisation mainly due to the pressure from the GOSL. As a consequence, the LTTE has faced severe international setbacks due to the proscription, particularly after 11 September 2001. Now the LTTE is listed as a foreign terrorist organisation in countries such as India, the US, the UK and more recently in Canada and the EU. The major reason to outlaw the organisation is claimed to block its financing and arms flows. Nevertheless, many of the countries banning the LTTE co-chair the Tokyo Donors Conference with Norway and supervise the peace process in Sri Lanka. As a result of the EU ban, the LTTE demanded the EU member states, Denmark, Finland and Sweden, forming the SLMM, to leave the country. The Tamil tigers claimed that the three countries could not act neutral towards the group when observing the ceasefire. The number of peace observers with the SLMM reduced radically when the three EU members were forced to leave Sri Lanka 1 September 2006 (BBC, 2000, 28 Jul.; BBC, 2006, 8 Jun.; BBC, 2006, 21 Jul.).

5.4 Peace process is stalled due to political gamble

Chandrika Kumaratunga won the election held in October 2000 and formed a minority government. Kumaratunga’s government lost its credibility due to its inability to solve the conflict and the country’s economic crisis and therefore was under threat of losing its support in the parliament. President Kumaratunga suspended the parliament in June 2001 for two months in order to save her minority government from a non-confidence vote. A new parliamentary election was held in December 2001 due to power struggles among the Sinhalese parties. The UNP gained power and a new Prime Minister, Ranil Wickremesinghe, headed the government. New optimism for peace emerged among the Sri Lankan people due to the new government led by Wickremesinghe (BBC, 2006).

Prime Minister Wickremesinghe was blamed for granting too many concessions to the LTTE in the peace talks after the CFA in 2002. President Kumaratunga, who was elected separately led the opposition party, took autocratic action in order to hinder the ruling governmental negotiation process with the Tamil tigers. Sri Lanka has a French-style constitution with a semi-presidential system which enables the president to belong to another party than the prime minister. The president has much power as the head of state, head of the executive, head of the government, and the commander in chief of the armed forces. Kumaratunga used her power to suspend the parliament and sacked three important ministers including the defence minister on 4 November 2003 when Prime Minister Wickremesinghe was on a visit to Washington. Furthermore, Kumaratunga declared a state of emergency implying that the president and the security forces had the rights to ban public assemblies and arrest civilians without charges. The president justified her actions by pointing to national security concerns (The Economist, 2003, 5 Nov.; Financial Times, 2003, 5 Nov.; New York Times, 2003, 6 Nov.; BBC, 8 Feb.; PRIU, 2006).

Opponents claimed that Kumaratunga’s actions were a desperate way of saving her power from eroding. Kumaratunga came to power for the first time in 1994, as mentioned earlier, by promising peace on the island but she changed her strategy and carried out a “war for
peace” with the LTTE. Her government lost the majority in the parliament to the UNP in the parliamentary election in December 2001 but Kumaratunga remained as the president of the country. The popular newly elected Prime Minister Wickremesinghe suddenly came to play a major role in the peace process and thereby undermined the president’s power. Consequently, Kumaratunga carried out a defensive battle as mentioned above in order to safeguard her power when the government partially succeeded in marginalising her. Moreover, Kumaratunga’s presidential term was about to end in 2005 and the Sri Lankan constitution allowed only two terms. Therefore, the president hoped to achieve support from the majority of Sri Lankan people by blaming Wickremesinghe’s government to risk the sovereignty of the country by conceding too much to the Tamil tigers (New York Times, 2003, 9 Nov.; Far Eastern Economic Review, 2003, 20 Nov.).

President Kumaratunga and Prime Minister Wickremesinghe were locked in a political stalemate over peace talks with the LTTE as a consequence of the president’s attempted coup in early November 2003. Kumaratunga announced in the middle of January 2004 that she had extended her presidential term until 2006 although she was elected to be in office until December 2005. This move further damaged the relationship between the president and Prime Minister Wickremesinghe. Furthermore, Kumaratunga formed an electoral pact called the "United People's Freedom Alliance" (UPFA), between her Sri Lankan Freedom Party (SLFP) and the JVP in the end of January 2004. The JVP is a hard-line leftist party which resists autonomy for the Tamil people. The LTTE warned the president that her alliance would hurt peace talks. However, the alliance with JVP promoted president Kumaratunga to suspend the parliament on 7 February 2004. She later sacked 39 junior ministers in order to stop them taking advantage of their positions in electoral matters. A new general election was announced to be held in April 2004 which was the third one in less than four years. The alliance with the JVP improved the president’s opportunity to win a parliamentary majority (Financial Times, 2004, 22 Jan.; Financial Times, 2004, 15 Jan.; The Economist, 2004, 14 Feb.).

Kumaratunga won the election on 2 April 2004 and hence put an end to Wickremesinghe’s government. President Kumaratunga’s party could not form a majority despite a coalition government with the JVP. Kumaratunga appointed a new Prime Minister in Mahinda Rajapakse who led the government. The new Prime Minister was expected to be more loyal to the president than the earlier Prime Minister had been. However, the new government anticipated trouble in restarting the stalled peace talks with LTTE due to the coalition with the hard-line JVP (The Economist, 2004, 14 Feb.; New York Times, 2004, 5 Apr.; BBC, 2004, 28 Apr.; BBC, 2004, 6 Apr.).

The JVP entered mainstream politics in 1990s but it had been involved in one of the more violent rebellions during the post-independence era where it attempted to overthrow the government. The first rebellion by the JVP in 1971 was defeated by Kumaratunga’s mother, Prime Minister Srimavo Bandaranaike, which resulted in loss of 20,000 lives. The JVP’s second insurgency in the 1980s, partly in protest against Indian intervention, was crushed down by the GOSL which resulted in 60,000 deaths. Nonetheless, the JVP has gradually risen as a third force for Sri Lankan disappointed by the power struggles between the two major Sinhalese parties. The party has its grassroots base among the poor Sinhalese farmers in the south of Sri Lanka although it has expanded its politics to other areas. For many Sinhalese in the southern areas, who have little contact with Tamils, the civil war in the Northeast is of little concern. The JVP has been opposed to the peace process by taking a Sinhalese nationalist stance and is against a federal solution for the Tamils’ struggle. Kumaratunga’s party had difficulty restarting the stalled negotiation process with the Tamil

The JVP persisted to undermine Kumaratunga’s government’s effort to resume peace talks with the LTTE. But the tsunami disaster in December 2004 brought new hope for peace. One significant achievement due to the tsunami disaster was that president Kumaratunga and the LTTE signed a joint mechanism, the post-tsunami operations management structure (P-TOMS), in order share the international aid jointly. This joint mechanism was expected to lead to resumed peace negotiations between the warring parties. Nevertheless, the JVP withdrew from the coalition government in protest of the tsunami deal (The Economist, 20 Aug. 2005; Financial Times, 24 Jun. 2005; BBC, 2005, 8 Sep.).

In the middle of political crisis among the Sinhalese elites, the LTTE went through an internal crisis of their own. In March 2004 the Tigers’ commander of Eastern Sri Lanka, Colonel Karuna (Vinayagamoorthy Muralitharan) split from the organisation. The split was allegedly the result of a struggle of leadership between northern and eastern rebel fighters. The Karuna group claimed that the top leaders always come from the North and hence has undermined the eastern rebels. The Sri Lankan army has taken Karuna under its wing and protects the paramilitary activity of the Karuna group to fight their old compatriots in the LTTE. Nowadays Karuna is thought to be hiding in Malaysia. The UN has later accused the Sri Lankan army of assisting the Karuna group in their forcible recruitment of child soldiers (The Guardian, 2006, 1 May; The Economist, 2004, 16 Oct.).

The political struggle among the Sinhalese parties continued. The Sri Lankan Supreme Court ruled that Kumaratunga’s presidential term was to end in December 2005 even though she declared it extended until 2006. The ruling of the court prompted a new presidential election in November 2005 where the Prime Minister and presidential election candidate, Rajapakse, competed with the UNP presidential candidate Wickremesinghe to gain power. Rajapakse agreed a pre-poll pact with the JVP and a radical Buddhist party, the Jathika Hela Urumaya (JHU) in order to guarantee a majority government. The pact agreed on maintaining a unitary state (which implied that a federal solution would not be considered for the Tamils’ grievance), rewrite the CFA with the LTTE, and abolish the P-TOMS mechanism. Tamil people in the LTTE controlled areas in the Northeast boycotted the presidential election which affected Tamils’ electoral votes for the conciliatory rival Wickremesinghe and hence helped Rajapakse to win the election (BBC, 2005, 8 Sep.; New York Times, 2005, 28 Nov.; New York Times, 2005, 28 Dec.; The Economist, 2006, 26 Apr.).

The hard-line president Rajapakse has increased the fear of full-scale war between the LTTE and the GOSL. Both parties already carry out an undeclared “shadow war” which has violated the already shaky CFA negotiated by the Norwegian government. Violence has increased where civilians, particularly the Tamils, cannot carry out living a normal life. The killings of civilians, pro-LTTE Tamil parliamentary members, and major Tamil journalists have become common phenomena in Sri Lanka. Furthermore, the GOSL has imposed an economic embargo in the Northeast by closing the major road links, the A9, which connects the south and north of the country in August 2006. The closure of the A9 has increased the humanitarian crisis in the northern Jaffna peninsula where 600 000 Tamil people are trapped without food and other essential supplies. But president Rajapakse and the LTTE are claiming that the CFA is still in effect despite increased violence. The CFA has lost its value in practice and only exists in writing. Peace talks resumed between Rajapakse’s government and the LTTE under Norwegian facilitation in Geneva during year 2006 but they ended in disaster since the disputing parties could not even agree on a common

The JVP continues to play a major role in Sri Lankan politics despite its relatively low mandate. The merged North-eastern provinces in Sri Lanka were ruled as unconstitutional in 16 October 2006 by the Supreme Court. The campaign against the merged provinces was initially launched by two MPs of the JVP before the court. The north provinces, where a majority of Tamils live who consider it as their historic homeland, were merged according to the Indo-Sri Lanka Accord of 1987. The merger of the Northeast provinces was a key demand of most Tamil parties. Nevertheless, the merger was presumed to be temporary and subjected to a referendum within a year in order to make it permanent. But a referendum never took place before it was outlawed in October 2006. Furthermore, the government has reintroduced the Prevention of Terrorism Act (PTA) in December 2006 as the relationship with the LTTE has deteriorated even further (BBC, 2006, 17 October, BBC (2006, 6 December).

5.5 Summary

This section has studied the changing political situation in Sri Lanka and the international community’s attitude toward the Sri Lankan conflict while peace initiatives were carried out by the Norwegian facilitators. The Norwegian peace initiatives have brought the Sri Lankan conflict to the international level to some extent. However, the brokered CFA is in severe danger of collapsing completely since the GOSL and the LTTE are at the brink of a renewed civil war. The next section analyses the Sri Lankan conflict and peace negotiations by combining the theoretical framework with the Sri Lankan case.
6 Analysis: Why did the peace negotiations fail?

This section analyses the Sri Lankan conflict and peace negotiations by applying the theories and models studied in section three and four respectively.

6.1 Escalation of the conflict

The Sri Lankan conflict formed from a peaceful resistance among the Sri Lankan Tamils to violent warfare. As outlined in section three, a conflict is formed due to situation, behaviour or attitudes. The conflict in Sri Lanka evoked a combination of the three elements which are interconnected to each other. The Tamils started to resist peacefully in the early 1950s when the Sinhalese state introduced discriminatory policies. This situation implied unequal power sharing and hence unequal control over the resources for the Tamil minority. Non-violent acts carried out by the Tamils gradually spiralled into an armed conflict in the end of 1970s. Conflict behaviours worsened because of the history of strong prejudice between the Tamil and Sinhalese communities. The combination of the three conflict elements are interconnected with each other and have intensified the ethnic conflict on the island. Furthermore, the Sri Lankan conflict has reached its destruction stage when the conflict parties radically escalated from discussion, polarization and segregation stages.

The Sri Lankan conflict can be characterised as an intractable conflict for many reasons. First, the conflict has lasted three decades with a fluctuating intensity of violence which in turn has caused severe mental and physical suffering among the Tamils in particular. Second, the conflicting parties have resisted attempts made toward a sustainable solution despite several peace attempts. Radicals, mainly among the Sinhalese political parties have systematically blocked any long-lasting settlements for the grievance of the Tamils. These attitudes have further defected involvement of third party intervention such as the Indian and Norwegian involvements.

Third, the intractability of the Sri Lankan conflict can further be verified by the hard-line attitudes among the conflicting leaders. Currently, president Rajapakse advocates for a radical policy towards the Tamil people which in turn have encouraged the LTTE leader Pirapaharan's military strategy towards the GOSL. Both leaders tend to be unwilling to compromise any solutions other than taking military actions. Rajapakse, being in office little more than one year, has introduced several damaging policies and strategies such as a revised role for the Norwegian facilitation, a review of the Prevention of Terrorism Act (PTA), support to merge the north provinces, and an increased defense budget for the year 2007. These actions and past experiences with the GOSL have prompted the guerilla leader Pirapaharan to turn his back on the negotiation table and carry on fighting instead. The LTTE leadership often claims that they can never trust the GOSL. Consequently, they justify that military action is the only option to capture the Tamil homeland which the Sri Lankan armed force are occupying and eventually reach the desired final goal, Tamil Eelam (a Tamil state). Finally, being a poor country, the Sri Lankan conflict seems to benefit the rich while hurting already poor people. Those who possess wealth, mainly the Sinhalese elites, control the major resources of the island both politically and economically. The majority of the poor people among the Sinhalese and the Tamils have been marginalized. These poor people do not have any sustainable power to influence the elites and hence the armed conflict.

Zartman argues that an internal conflict emerges when normal politics fails meaning that the government is unable to solve the grievance of a disadvantaged group. Further, an in-
atstrate conflict occurs due to identity and distribution elements. These reasons can be observed in the Sri Lankan case. The Sri Lankan Tamils are discriminated due to their ethnic background when distributing economic, social and political resources. The ethnic conflict was virtually unavoidable when an imbalance in the distribution was increased.

### 6.2 Constraint in negotiation processes

It is time to examine the peace negotiations in Sri Lanka after having analysed the formation and intractability of the Sri Lankan conflict. This subsection explores Zartman’s theories on negotiations in internal conflicts in the context of the Sri Lankan conflict. The author analyses negotiations in internal conflicts, as outlined in section three, through three dimensions, the structural, the dynamic and the tactical.

First, the structural issues play a major role in the Sri Lankan dispute. The problem of asymmetry is one of the major issues in internal negotiation processes according to Zartman. When studying the Sri Lankan conflict, the GOSL is a state actor which has legitimacy, sovereignty, allies, military forces, and access to resources while the LTTE, a non-state actor, needs to fight for these issues. The LTTE has, however, successfully increased predominantly its military forces and resources. The organisation now controls 70 per cent of the Tamil traditional homeland and might have an ambition to control the remaining territory either through military or political means. The rebel movement enjoyed widespread international sympathy and even direct support in the early era of its struggle. States such as India openly supported the LTTE militarily in the early 1980s which gave the group some form of legitimacy and put the grievances of the Tamils into light. The international political climate was different in the 1970s and the 1980s when ethnic conflicts were blossoming and the international community tended to sympathise with the succession movements.

The current situation is, however, different where the “war on terror” has become an international mantra. Consequently, the LTTE started to face severe foreign setbacks from end of 1990s and onwards when many western nations proscribed the group. The asymmetry problem between the GOSL and the LTTE has increased as a result of the unequal treatment of the international community. Currently, the GOSL appears to have upper hand at the negotiation table while the LTTE’s demands have been increasingly marginalised. As Zartman highlights, a successful negotiation can be achieved when parties are treated equally and possess some form of mutual veto over outcomes. The LTTE for instance walked out of the peace talks in April 2003 claiming that their demands were not met with equal respect.

According to Zartman rebels entirely focus on rebellion compared to the government and claims that rebels are concerned on grievances and commitments when entering the negotiation table. In the case with LTTE, this claim may be incorrect to some extend since the organisation tend to focus on other issues mostly state building institutions from middle 1990s and onwards. The LTTE tends to be committed to resist the GOSL’s capacities and willing to enhance its outcomes through military means whenever political negotiations fail. The LTTE is aware of its military strengths and often claims that the GOSL would never have accepted the group’s presence at the negotiation table if not for its military capabilities. The military strength of the guerrilla movement has made the group reluctant to compromise with the Sri Lankan state. The GOSL, on the other hand, also has sympathisers who advocate for a military solution believing that once the LTTE is eliminated the Tamil question will easily be resolved. Resisting the temptation to resort to military force when
third-party initiated negotiations fail can be difficult. The conflicting parties tend to be reminded that a superior military victory over the other party is impossible on the battlefield and are therefore likely to end up in a military stalemate. The stalemate situation brings the parties back to the negotiating table once again which in turn seems to take them back to the battleground soon enough due to political stalemates. Consequently, there is a trend that the Sri Lankan conflict has been trapped in a vicious circle of political and military stalemates in between negotiations and fighting.

Second, the dynamic of the Sri Lankan conflict has further influenced the conflicting parties’ willingness to negotiate. One of the major attempts to break a new stalemate situation occurred when Norway was accepted as a peace facilitator. The GOSL and the LTTE agreed for the first time to jointly accept the Norwegian facilitation officially in 2000. The LTTE openly welcomed the neutral role of the Norwegian facilitators and felt inclined to trust this new third party. The Indian intervention in the 1980s was, however, a bilateral agreement only between the GOSL and the Indian government where the LTTE was not even considered as an equal party.

At the time Norway was invited, the LTTE had achieved some major military victories and consequently announced a ceasefire with the Sri Lankan state. At this time, the LTTE was at a warfare stage where the group became ready to negotiate the autonomy of the Northeast regions and hence opened the doors slightly for a political settlement. Kumaratunga’s government did not, however, respond positively to the peace deal. A critical moment occurred when a new cabinet with Prime Minister Wickremesinghe was sworn in. A CFA was signed on 22 February 2002 sponsored by the Norwegian facilitators. The CFA of 2002 was considered as a key historical moment by many analysts and the parties were encouraged to find a final settlement. The peace process was relatively progressive and some significant agreements were reached. The LTTE for instance stepped down the demand of a separate state and was ready to solve the problem within a federal state. This was in reality not a unique ceasefire agreement in any way, but the Norwegian involvement resulted in an internationalisation of the conflict to some extent making this CFA significant to any further efforts. The early peace initiatives were mainly encouraged by the Indian government which predominantly kept the Sri Lankan conflict at regional level. Neither the Sri Lankan and Indian government had any interest in bringing the Tamils’ grievance to light at an international level. The GOSL had for instance been lobbying in the early decades, particularly towards the USA not to bring the conflict into the Security Council at the United Nations. Because of this the Tamil people welcomed the Norwegian role with open arms compared to the Sinhalese majority who remained more sceptical. The Norwegian facilitation and their methods were successful in the Sri Lankan peace process at least in the early stage of the negotiations.

The conflicting parties were in the situation of stalemate and ready for some kind of turning point when the CFA in 2002 was signed. The Norwegian facilitation has, however, been hampered by the dynamics of the Sri Lankan conflict particularly in the aftermath of 2003. The peace talks have been stalled due to several reasons particularly due to the political situations both at national and international level (the latter issue will be discussed later in this section). When focusing on domestic politics, the GOSL’s agenda has been modified radically since 2004 -2006. The dilemma of the Sri Lankan conflict is that the party or parties in a government position changes frequently while the main rebel group, the LTTE, has remained a relatively stable adversary. The agenda of the Sri Lankan state has a tendency to shift frequently depending on the political situation. The shifting Sinhalese governments often have a propensity to block any policies intended to solve the conflict by
announcing another general election mostly during 2000-2006. The implementation of the CFA agreement negotiated by Wickremesinghe’s government was blocked by president Kumaratunga and subsequently by Rajapakse’s government. The latter leader has chosen a harsh policy line against the LTTE. Rajapakse even wants to modify the CFA and advocates for a prominent Indian role in the conflict by attempting to minimise the role of the Norwegian facilitation. The agenda of the negotiations have systematically been modified to such a degree that the conflicting parties cannot even find a common agenda to discuss. The current government under Rajapakse appears to believe in a strictly military solution rather than a political one. Hence, the warring parties are basically in the position they started at prior to the agreement of 2002. The political crisis is not helping the Norwegian facilitation to carry out its peace mission. The following subsection studies briefly the facilitation role of Norway in Sri Lanka.

6.3 Is Norwegian facilitation effective?

As Zartman and Bercovitch state, mediation opens new opportunities for a conflict by way of assisting the disputing parties to change their behaviours. As mentioned in the earlier subsection, the Norwegian role as a third party was a breakthrough as the GOSL and the LTTE were able to agree on the CFA of 2002.

There are different kinds of intervention types but the Norway example practices a specific facilitation type. Norway used a middle way between track one and track two diplomacy when it tried to build trust between the GOSL and the LTTE in order to convince them to accept them as a facilitator and a third party. The facilitation role of Norway implies that it provides assistance when the conflicting parties initiate negotiations. A facilitator can have either expert power or information power or both. The Norwegian facilitation possibly has access to both these powers which give the facilitator an upper hand to be a “peace helper”. Knowledge of the conflicting parties is crucial in order to build a good relationship between them. Nonetheless, expert and information powers do not enable a facilitator to enforce any kind of “inputs” during or after the negotiation table. Facilitation can be carried out until both parties accept the facilitator. On one hand, unforced facilitation can be beneficial where the warring parties are the head during the negotiations. On the other hand, expert and information powers are weak when crucial decisions are needed to be taken in order to save human lives implying that the warring parties refused to find any compromised settlement. Moreover, Norway appeared to have some kind referent power since both parties were initially keen to have good relationship with the facilitator. It is uncertain if the Norwegian facilitation can provide any sustainable peace in the near future in Sri Lanka since it is facing several constraints in the peace negotiations both by the warring parties and the international community (the latter issue discussed in subsection 6.4).

Norway’s impartial role in Sri Lanka has caused some difficulties. The Norwegian facilitation role has sometimes been criticised by the Sinhalese radicals when it treats the LTTE as an equal party to the GOSL. The radical parties, primarily the JVP, have often called for Norway to leave the country. As a consequence, the Norwegian facilitators have been forced to be very careful not to make any statements or carry out any actions that could potentially provoke these Sinhalese nationalists. Special envoy Erik Solheim has even been called a “white tiger” by the Sinhalese extremists. The Norwegian government has however replaced Solheim by a new special envoy in the shape of Jon Hanssen-Bauer possibly due to Sinhalese objections regarding his predecessor. The Norwegian facilitation, on the other hand, is widely welcomed by the Tamil community since it wants the Tamil grievances to be recognised. The Norwegian involvement has partly made the Tamil conflict internation-
ally better known which the Sinhalese has always feared and wanted to prevent. The Norwegian facilitation has been neglected several times mainly by the GOSL and its role as a neutral party has not helped substantially. There is widespread mistrust against the Norwegian facilitation among the Sinhalese community fearing that Norway could possibly bring a sustainable solution on the island which may be more beneficial to the Tamil community. A fear of an uncertain future because of the peace process might have inflated Sinhalese nationalism in Sri Lanka.

One of the strengths of the Norwegian facilitation is that it has succeeded in co-chairing the Tokyo Donors Conference together with the USA, the EU and Japan. From this position they have tried to make aid an important asset, a sort of reward power, in the Sri Lankan peace process. The USA was allowed to co-chair the conference despite it banning the LTTE. Furthermore, the EU also became a biased actor by banning the LTTE in 2006. The role of the SLMM has significantly been marginalised when two thirds of the peace observers of the SLMM were forced by the LTTE to leave the country in September 2006 due to the EU ban. How can one expect any fair or sustainable peace in Sri Lanka when so called “peace promoters” are only recognising one party, the GOSL as legitimate while neglecting the LTTE? There is a risk that the LTTE might make decisions or carry out actions regardless of the international opinion when the international community is gradually isolating and illegitimating the group. Therefore, it may be irrational to believe that the co-chairs can promote any radical changes in the current situation only by supporting one party in the conflict. The co-chairs backing the Norwegian facilitation appear to block the peace process rather than becoming an additional asset in the pursuit of peace in Sri Lanka. Furthermore, the international community tends to impatient with the Sri Lankan case. How can the international community expect an intractable conflict as the Sri Lankan conflict to be solved over night?

6.4 Carrots and sticks of the international community

Co-chairs (of the Tokyo Donors Conference) Norway, the United States, the European Union, and Japan came to play a major role directly in the Sri Lankan peace process in the aftermath of the CFA in 2002. The role of co-chairs, except for Norway, is ambiguous since they either practice pure mediation or power mediation. It is possible that the attempts of USA, the EU and Japan to exercise a midway mediation of pure and power mediation do not provide any significant impact on the Sri Lankan conflict. Nevertheless, the co-chairs use reward power in forms of aid in order to pressure the GOSL and the LTTE to change their respective behaviours. The rewarding power in the Sri Lankan conflict seems to be rather weak when observing the peace process in Sri Lanka during 2000-2006. In the contemporary situation, the warring parties appear to be in a condition which resembles that prior to the CFA. Why did the CFA fail? On one hand, one cannot deny that the domestic political crisis had and has a significant impact on the failure of the CFA. On the other hand, political instabilities are not uncommon in the Sri Lankan case. The Sinhalese elites have had a tendency to block any sustainable solution for the Tamils’ grievances since the post independence period of 1948. Therefore, the political turbulence in 2000-2006 is not surprising in any respect other than that the political gambles are being expressed in new ways, such as attempts to manipulate the political structures. Nevertheless, the international community could have for the first time, except for the Indian role in the 1980s, influenced the political situation in Sri Lanka if it really had a strong political willingness to do so. It has not and does not stop the new situation but is passively monitoring the disorder that makes the island fall apart. The GOSL and the LTTE have re-
turned to the battlefield again and have initiated the war game again to verify their military strength.

As mentioned previously in section five, the pledge of an aid package of 4.5 billion dollars initiated by the co-chairs was intended to be a vital incentive for the conflicting parties to continue with the peace process. It is quite cynical to believe that only aid can bring peace in Sri Lanka. Many Sinhalese radicals even call the foreign aid as a new type of imperialism not to mention the role of the World Bank on the island. However, the international observers have not brought any sustainable peace by promising billions of aid and at the same time ignoring whatever opinions there are about aid domestically or internationally. Why? The major reason might be that one of the actors, the LTTE, is not treated as an equal partner to the GOSL by the co-chairs. The co-chairs’ actions towards the LTTE could easily be understood as hypocrisy. The Co-chairs claim to be committed to bringing peace to Sri Lanka. But they appear to be quite confused as to how they should handle the unique situation where all the co-chairing nations except Norway and Japan have proscribed the LTTE as a foreign terrorist organisation.

The international community has conceded that the GOSL has campaigned for the proscription of the LTTE as a terrorist organisation. At the same time, it puts pressures on the warring parties to bring peace on the island by using aid as a “weapon”. However, the systematic propaganda of the GOSL to declare the LTTE as a terrorist organisation internationally has given fruit particularly after 11 September 2001. This is while the GOSL’s military actions towards civilians, mostly toward the Tamil people is forgiven or ignored. The LTTE’s claim to be freedom fighters tends to have lost its legitimacy internationally after the 11 September 2001. As a consequence, the GOSL has easily reclassified the ethnic rebel attacks of the LTTE as terrorist attacks globally and practises oppressive policies against the group. Furthermore, the GOSL advocates that “national security” is its major priority towards “terrorists” rather than upholding the CFA which is backed by the international community in the shape of strong military and financial support. The co-chairs are possibly aware of the reclassified role of the LTTE but are sceptical about the military methods the organisation is using. The USA in particular has made clear that it sympathises with the LTTE in their goals but not in its methods. The EU’s decision to declare the LTTE a terrorist group in June 2006 came as a major foreign setback for the organisation’s legitimacy. Some international actors, mostly the SLMM members, have openly criticised the decision as a serious mistake that has made the peace aspirations in Sri Lanka so much more difficult. However, nation states only recognise other nation states. Therefore, the co-chairs’ double standards are reasonable to some extent implying that the LTTE is a non-state actor.

6.5 Summary: Major constraints to a final settlement

This subsection summaries some major obstacles to a sustainable peace. The Sri Lankan conflict is categorised as an intractable conflict since the conflict has lasted for about three decades, tends to be resistant to any sustainable resolutions, and has a high frequency of warfare. The Sri Lankan internal conflict reached a destruction stage when the GOSL failed to handle the Tamil people’s grievance. What may be the major constraints to a final settlement?

First, the dilemma of the co-chairs’ role is that it sponsors peace at the same time as it is waging a war on terrorism worldwide. This situation is what the GOSL might have awaited for decades due to its intractable conflict which it is reluctant to solve peacefully.
less, contemporary international politics has given several nation states including the GOSL, an upper hand to easily suppress internal ethnic uprisings in the name of the war on terrorism. Human rights violations have increased substantially in Sri Lanka and the country belongs to one of the worst human rights violators in the world. The reintroduction of terrorist laws has further endangered the safety of the Tamil people. The GOSL appears to enjoy its “honeymoon” in the name of the war on terror. The honeymoon may not be long-lasting since it has adopted its domestic politics on the international “realpolitik”. There is risk that the GOSL may provoke nationalism among both Tamil and Sinhalese radicals further and therefore inflate the already sensitive ethnic issues on the island. Moreover, peace negotiations between the GOSL and the LTTE facilitated by Norway have not yet brought any major changes in the conflict dynamics. Currently, an undeclared “shadow war” is taking place on the island. The international community has so far not defined it as a war maybe hoping that the conflicting parties will soon turn back to the negotiation table, or maybe it is not fully committed to bringing long lasting peace to the island.

Second, there is a high frequency of political crisis among major Sinhalese parties which tend to block any settlement for the Tamil people. The political instability in 2000-2006 can be characterised by misuse of presidential power, minority governments and the dominance of radical parties. Minority governments are not uncommon in Sri Lanka implying that the ruling governments are often forced to form a coalition with the smaller political parties. Minority governments have provided a new opportunity for parties such as the JVP to influence Sri Lankan politics. The JVP has successfully established a strong Sinhalese nationalist policy against the Tamil people. The party is using anti-Tamil sentiments to maintain its power and appears to use issues of ethnic conflict as its major political strategy. The JVP may vision to govern Sri Lanka one day which it has tried in the past by violent methods without any success. It is trying by any means to attract deprived Sinhalese youths and feed them Sinhalese nationalism which is anti-Tamil, anti-democratic, and anti-market economy. The political strategy of the JVP has given fruit as the party has steadily increased its electoral share in the parliament. It has risen as the third Sinhalese force for the Sinhalese people disappointed and tired of the power struggle between the two major Sinhalese parties. The JVP has for instance succeeded to outlaw two major agreements of the GOSL, namely the joint mechanism of tsunami aid (P-TOMS) and the Northeast merger by taking the issues to the Supreme Court.

Third, the GOSL has often tried to apply so called “Machiavellian” tricks in the Sri Lankan conflict by encouraging different Tamil paramilitary groups to fight against each other and hence divide any united Tamil voice. The recent split of the Karuna group in 2004 was and still is highly encouraged by the Sri Lankan military forces making innocent Tamil people into the real victims. The LTTE has often been criticised for recruiting child soldiers but the UN has recently for the first time criticised the Sri Lankan army of assisting the Karuna group to forcibly recruit child soldiers. The GOSL’s tactics may further create mistrust among the Tamil people towards the Sri Lankan state.

Fourth, the GOSL cannot escape from its responsibility to equally share the common good among all the citizens of Sri Lanka regardless of ethnicity and religious lines. A state is expected to be the guardian of the people. The conflict broke out in Sri Lanka when the government failed to recognise the grievance of the Tamil minority on the island. The ethnic conflict has become far more complex than it was in the early days of the independence period. The Tamil people may never accept to be ruled under a unitary state remembering that their rights have easily been eroded by the Sinhalese majority. A federal state may be the only solution that could at least provide a long-lasting peace in Sri Lanka which is a
compromise of two extreme claims from the warring parties. A military solution may not bring a long-lasting peace for the Sri Lankan people since the conflicting parties are considered to be relatively equal in military strength and hence may end up in stalemate situations over and over. Figure 6.1 describes the stalemate situation where the GOSL and the LTTE are trapped. It can be observed that the vicious circle of stalemates is inclined to be endless where military stalemates follow political stalemates. How can this continuous circle be ended?

Finally, can the power of the Sri Lankan people break the vicious circle of the stalemate since not even a third party can bring a sustainable solution for the conflict? The question is whether the Sinhalese people sincerely want peace in Sri Lanka since they from time to time tend to support the more radical movements. It is not unusual for Sinhalese mainstream politics to always use the Tamil issues as its major political agenda to gain electoral votes by ignoring other crucial issues. The Sinhalese people may never support an independent state for the Tamil people but they do not appear to even accept a federal solution. There is tendency for the Sinhalese people to be in a dilemma situation where they either are anti-peace fearing that their power would be minimised by sharing it with the Tamils or pro-peace fearing that the war in the north and north east may also affect their lives indirectly.

Nonetheless, a multi-ethnic Sri Lankan society may not benefit from any form of extreme nationalism. The Sri Lankan are already identifying themselves mainly based on their ethnicity and religious lines. Hence, the Sri Lankan conflict tends to be polarised along these lines where the Sinhalese and the Tamil community have not succeed to build a common civil society. As a consequence, there is no united force among these communities promoting peace on the island. Sadly, many Sinhalese people cannot understand the suffering of the Tamil people in the Northeast when they are not affected by the war directly. A sustainable and long-lasting peace may not possible without grassroots movements where particularly the Sinhalese people raise their voices and sympathise with the Tamil people. The future will show us if the power of the people is stronger than even the military power of the two adversaries currently locked in conflict. Maybe by then, the island on the Indian Ocean can finally enjoy a sustainable peace?
7 Discussion

The purpose of this thesis is to study the negotiation process of the Sri Lankan conflict during the years 2000-2006 sponsored by the Norwegian government and moreover to analyse those barriers that are hindering the GOSL and the LTTE to end the conflict. What are the major findings of the thesis?

The 2000-2006 peace negotiation sponsored by the Norwegian facilitators is at stake since the disputing parties are refusing to return to the negotiation table after the failure of the recent round of peace talks in Geneva in October 2006. Consequently, the warring parties are at the brink of renewed civil war. The current situation in Sri Lanka and the state of affairs between the GOSL and the LTTE seems similar to the situation that characterised the conflict prior to the CFA of 2002. This situation makes the parties once again trapped in a stalemate situation which tends to be continuous. The persistent cycle of stalemates does not make the parties move forward and the international community seems to be helpless or ignorant maybe in the shadow of the international war on terror.

The international community has, however, not helped the Sri Lankan peace process positively despite its best intentions to do so from the beginning. The internationalisation of the conflict has been disadvantageous for the LTTE while the GOSL is benefiting from the war on terror. The new international political trends are misused by the GOSL to undermine the ethnic aspect of the conflict. The banning of one of the conflicting parties, the LTTE, has severely hampered the peace process implying that the group no longer seeks the opinions of actors outside the country to the same extent as before. The method of the international community to put pressure on the LTTE by proscribing it appears to be a mistake, at least for the sake of the peace process. Furthermore, the international actors tend to be impatient with the Sri Lankan conflict. How can one expect to solve a long an outdrawn intractable conflict within such a limited time? Patience is one key factor in order to achieve a sustainable peace but it does not imply that the international community should close its eyes when innocent people are killed. Therefore, it should put both constructive pressures and have patience in order to promote the peace process. Nevertheless, in the end the GOSL and the LTTE are the key actors who can solve the problem if they have the political willingness to do so.
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Appendix

Appendix 1  The map of Tamil Eelam (dark areas)