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## **Analysis of multiparty mediation processes**

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CHAPTER  
VIII

*SRI LANKA*

## CHAPTER VIII: Sri Lanka

The civil war in Sri Lanka, an ethnic conflict between the government and the Liberation Tigers of Tamil Elam (LTTE), has been one of the longest, most intractable intrastate conflicts in Asia. According to the International Crisis Group (ICG), more than 70,000 people were killed in the north and east from the 1980s to 2006 (ICG 2006). Hundreds of thousands have been displaced, many of them more than once. Several unmediated and mediated peace talks have taken place, but none has ever produced a peace agreement. The last peace attempt, which formally lasted from 2002 to 2006, producing the cease-fire agreement (CFA), six rounds of peace talks in 2003, and two rounds in 2006, became defunct in 2006, when the warring parties once again started exploring a military solution to the conflict. This chapter discusses Sri Lanka's fifth peace process during 2002-2006, for this was the duration of the peace talks before hostilities resumed.

The fifth Sri Lanka peace process was highly internationalized, involving several important world players that had both tactical and strategic means at their disposal. Also, as Goodhand argues, the case is interesting because of "the emergence, more by default than by design, of a strategic complementarity between different international actors. . . . Each had different approaches, different sets of alliances within Sri Lankan society and consequently different points of leverage" (Goodhand 2006a, 39-40).

The Sri Lanka peace process represents a unique case of a failed multiparty mediation effort potentially due to third-parties' lack of strategic interests to manage the conflict in a coordinated effort. The case offers an opportunity of exploring the relevance of a lack of third-parties' strategic interests to coordinate their mediating activities and employ the needed leverage to guide the conflicting parties toward a mutually successful solution. While the parties involved in the mediation coalition indicated their willingness to work together, their lack of strategic interests hampered the possibility of achieving a convergence of interests needed for a successful mediation effort.

## 8.1 Nature of the Conflict

### 8.1.1 Sources of Intractability and Employment of Repressive Measures

The events that developed into the Sri Lankan ethnic conflict started after the end of the British colonization, with the new constitution of 1948. According to Rotberg, the 1948 constitution “lacked a bill of rights like India’s,” or anything that could provide “effective formal protection for minorities” (Rotberg 1999, 5). The state’s discriminatory policies led to anti-Tamil riots in 1956, followed by the deadlier riots of 1958, 1977, 1981, and 1983. Since 1983, the country has been entangled in a civil war waged between the Sinhalese dominated government and the Tamil community, which was primarily represented by the LTTE. From 1983 until 2006 the civil war has caused more than 74,000 victims, and large areas of the country have been “ethnically cleansed” from Tamils (Sisk 2009, 148). The infamous 1983 riot caused thousands of Tamil refugees to flee to India and Western countries—the beginning of the large Sri Lankan Tamil diaspora. This diaspora later played a major role in financing the war waged against the government (DeVotta 2007). The full-scale war between the Sri Lankan defense forces and the LTTE started in 1983 and ended on May 19, 2009, with the government declaring victory over the rebels.

All these developments led to the further development of Tamil militant groups, most notably the LTTE, founded in 1976 and led by Velupillai Prabhakaran. They were created as a reaction to the 1972 constitutional changes, which prescribed Buddhism as the country’s primary religion and Sinhalese as the official national language (Stewart 2002; Sisk 2009). LTTE was able to successfully formulate the nationalistic ideology of the Tamils and develop a parallel economic system within the territories it controlled. The central goal for the LTTE was an independent country, the Tamil homeland called Eelam. Rotberg argues that “by the time the war begun the Sri Lankan society had become irredeemably polarized” (Rotberg 1999, 7). As the Tamil frustrations grew, periodic episodes of violence aggravated the strained relations between two communities. By 1983, violence spread to Colombo, with hundreds of Tamils killed by Sinhala mobs “with the tacit tolerance of security forces” (Sisk 2009, 152). The riots were provoked by ambiguous reports that around the area of Jaffna the LTTE had killed 13 Sri

Lankan army personnel, inducing retaliation by the army in which 44 Tamils were killed (Sisk 2009, 152). The Human Rights Watch argued that the events were an orchestrated event, as “the police and soldiers stood by and watched as Tamils were attacked... in some cases they perpetrated the acts themselves... the violence was well organized and politically supported... high ranking officials, including government ministers were accused of orchestrating the violence” (Human Rights Watch 1995, 88). Sri Lanka’s civil war has produced five distinguishable rounds of peace talks: The Thimpu talks in 1985, the Indo-Lanka Accord in 1987, the Premadasa/LTTE talks in 1989-1990, the Kumaratunga/LTTE talks in 1994-1995, and the Wickremesinghe/LTTE-Rajapaksa/LTTE talks in 2002-2006.

### 8.1.2 Failed peace processes

According to Sisk, a history of failed peace processes contributed to the conflict’s intractability (Sisk 2009, 153). Significantly, some of these talks avoided the core political issues, instead concentrating on humanitarian, logistical, or military issues (Rupesinghe 2006c). Also, the negotiations were occasions for the warring parties to rearm themselves and, as Uyangoda puts it, “discover new differences” and “reconstitute the conflict” (Uyangoda 2007, viii). Biswas observes, “While the party in power tends to adopt a more conciliatory position, the one in opposition follows a more belligerent and critical path. This, in turn, impacts the progress of talks between the government and the Tamil separatists. Ultimately, this has created a situation where facilitative intervention does create room for talks but no agreement is reached” (Biswas 2006, 59).

The significant developments preceding the peace process were the economic recession in Sri Lanka, the escalation of the war in 1999-2001, which made for a war-weary population, and the post-9/11 atmosphere worldwide. Until then, the LTTE, through its strong lobby abroad—particularly in countries with a large Tamil diaspora—had been able to sell itself as an organization of freedom fighters, protecting a Tamil minority that had been harassed by the majority rule for decades. As Paikiasothy Saravanamuttu, head of the local non-governmental organization (NGO) Centre for Policy Alternatives, points out, “11 September impacted on the LTTE’s political psyche and its room for manoeuvre

internationally in respect of funds, legitimacy and acquisition of weapons” (Saravanamuttu 2003, 132). In the changed environment, it became more difficult for the LTTE to keep up its freedom-fighter image and thereby ensure the same level of fund-raising from its diaspora and NGOs in Western countries. Moreover, several powerful countries had already listed the LTTE as a terrorist organization, further limiting its ability to operate in these countries: in India since 1992, the United States since 1997, and the UK since 2001. All these developments made the LTTE revise its tactics and increased its motivation to look for a settlement. At the end of 2001, the economic crisis and the escalation of the war led to the government’s fall, and a coalition of parties called the United National Front (UNF), led by the United National Party (UNP), won the elections in December 2001. This coalition was led by Ranil Wickremesinghe, Sri Lankan prime minister during 2001-04 and the so-called architect of the peace process. Chandrika Bandaranaike Kumaratunga, of the Sri Lanka Freedom Party (SLFP), remained president, which led to an uneasy cohabitation.

### 8.1.3 Prelude to the Peace Process

The UNF government, and Wickremesinghe in particular, made very clear from the start that its priorities were the peace process, with the inclusion of the international community, and the revival of the economy (Bastian 2006). After Wickremesinghe took office, things started to move rapidly. The cease-fire agreement, signed in February 2002, provided for the end of hostilities and the establishment of the Sri Lankan Monitoring Mission (SLMM) to monitor implementation of the cease-fire between the parties. From September 2002 to March 2003, six rounds of direct negotiations were held between the LTTE and the government of Sri Lanka. The SLMM was a monitoring team comprising Norway, Sweden, Finland, Denmark, and Iceland, whose role was to be an impartial instrument to monitor the CFA and facilitate the resolution of disputes over implementation. With the resumption of hostilities, the SLMM became more war monitor than peace monitor. Its operations were further complicated in the summer of 2006 when, following the EU ban on the LTTE, the LTTE demanded the departure of all EU countries from the mission. The SLMM remained in Sri Lanka until the abrogation of the CFA by the Sri Lankan government

in January 2008 (SLMM 2008). Another significant achievement was the statement, made by the parties at an Oslo press conference in 2002, on their intention to explore the federal option. The parties stated that they had agreed “to explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking people based on a federal structure within a united Sri Lanka” (Daily Mirror 2002). This was the first time the parties considered a federal solution and the LTTE backed down from its secessionist goal (Höglund and Svensson 2006).

## 8.2 Multiparty Mediation Process

### 8.2.1 Involvement of International Actors and their Interests in the Conflict

A conscious effort to create an “international safety net” was one of the most important strategies of the UNF. Prime Minister Wickremesinghe’s first policy statement, before the CFA was signed, made it clear that he considered international opinion a key factor in guaranteeing peace in Sri Lanka. As Sunil Bastian points out, this strategy brought in the United States, Japan, and the EU as cochairs of the peace process, in addition to Norway. “In doing so, the UNF managed to secure the involvement of a ‘superpower,’ its major trading partners and Sri Lanka’s largest donor, in the peace process” (Bastian 2006, 247). The common motivator for the external actors was the perception of the Sri Lanka case as an “easy win” (Goodhand 2006b). Goodhand argues that in 2002, international actors were willing to “prioritize peacebuilding because it appeared to be a low risk-high opportunity situation” (Goodhand 2006a, 15). And Uyangoda criticized the international community for focusing mainly on short-term success and approaching the peace talks “as an exercise that should produce an early peace deal” (Uyangoda 2006, 4).

The mediating actors were divided into those that engaged the LTTE (Norway, the EU, and Japan) and the United States, which did not. However, the United States did signal to the rebels “that a change in LTTE behavior could lead to a change in the U.S. approach” (Lunstead 2007, 16). Donors encouraged the establishment of joint government-LTTE mechanisms, such as the Post-Tsunami Operational Manage-



ment Structure, but these initiatives did not succeed.

*Norway*, a small country with no specific geopolitical interests or colonial past, has had a good record of conflict mediation since the early 1990s. Until its involvement in Sri Lanka, Norway has played a prominent role in the following peace processes: the Oslo Accords (until 1993); Guatemala (1996); Haiti, Sudan, Cyprus, and Kosovo (1999); and Colombia (2000) (Bullion 2001). There are perhaps three main reasons for Norway's becoming involved as a mediator in several peace processes. First, its political and social culture is considered suitable for mediation activities, since it has a tradition of development assistance. Second, an image as a peacemaker and a "great moral power" is important for Norway's self-perception (Höglund and Svensson 2009, 179). Third, engaging in the peace talks of intrastate wars has enabled Norway, a small and distant Nordic country, to be an arbiter between the global powers and the developing countries, thereby taking a much more significant role on the international arena than it would have otherwise (Moolakkattu 2005; Höglund and Svensson 2009). Kelleher and Taulbee point out that Norway has a consistent approach to peacemaking, the key components being time, patience, secrecy, funding, and activist facilitation. By taking a leading role in Sri Lanka, Norway seemed to deviate from its preference to hold more of a supportive and low-profile role and to "conduct relevant activities under the 'radar screen' of public scrutiny" (Kelleher and Taulbee 2005, 80).

Norway first became involved in Sri Lanka's peace process in 1999-2000. Erik Solheim was appointed as a special adviser to the Norwegian Department of Foreign Affairs in March 2000 and took a full role as facilitator after the UNF government took office in December 2001 (Bullion 2001). One of the main reasons the actors chose Norway as the mediator was that it had no strategic interests in Sri Lanka. As Foreign Minister Lakshman Kadirgamar stated, Norway was considered suitable since it is a small, faraway country with no colonial background and, therefore, was seen as not having an agenda of its own. Moreover, it also had experience in peacemaking (Ram 2001). Also in Norway's favor, India accepted it as an external mediator, because India did not see this small, remote country as a threat to its own strategic interests in the region (Moolakkattu 2005). Norwegians themselves have pointed out that they got involved for a mix of reasons, beginning with its long-term development aid projects in Sri Lanka and also including

personal contacts through Norwegian NGOs and individuals (Rupesinghe 2006b). And Norway's interest in Sri Lanka may not have been related to the conflict itself but rather to the possibility of getting access to the highest offices of the global powers (Höglund and Svensson 2009). Although Norway's wider reputational concerns may explain why it stayed involved in Sri Lanka's conflict long after the peace process became defunct, they were not likely a main reason for Norway's original involvement in the process in 1999-2000. For one thing, at that time Norway could not have foreseen a regime change and subsequent successful start of the process, which would attract other players.

According to the statements made by Norwegian mediators, Norway's primary role was as a facilitator. Its involvement ranged from facilitating communication between the parties to more concrete formulator roles in drafting the CFA and the Oslo Declaration. Norway made it clear from the beginning that it saw itself as merely a "postman" between the two sides (Economist 2001). It defined its job as finding the common ground that integrated the most important concerns of both parties that both might later accept. The Norwegian facilitators stated clearly that ownership of the conflict was with the warring parties and not with themselves. Erik Solheim stressed that "it has to be remembered that at the end of the day President Mahinda Rajapaksha and the LTTE leader Prabhakaran will decide. If they want peace, we are here to assist. If they want war, there is nothing we can do" (Rupesinghe 2006b, 344-45). The Norwegians' job of postman was also endorsed by the Sri Lankan government. In April 2001, Foreign Minister Lakshman Kadirgamar said in an interview, "But when it comes to substantive negotiation, the Norwegians will have no particular role at all. . . . They will have no mandate to propose solutions. They will certainly have no mandate to make any judgmental decisions. In that sense, they're not arbitrators, they're not judges, they're not mediators" (Ram 2001). This strategy of staying out of ownership of the conflict and focusing on the "two-party model" has been later criticized as having reduced Norway's legitimacy, and when the peace process became stalled, Norway did have rather limited leverage to stop the escalation of the conflict (Höglund and Svensson 2009). It was also suggested that this neutral role of low-key facilitator was alien to the collectivist culture of Asia, thereby creating confusion (Moolakkattu 2005).

Norway's second tactic was, in cooperation with Prime Minister

Wickremesinghe, to widen and strengthen the international safety net. As a result of this strategy, the United States as the global player, the EU as the biggest trading partner, and Japan as the biggest donor became the co-chairs to the process. Although India was not officially involved in the process as a co-chair, Norway held regular consultations with India throughout the process and considered its consent on the different steps of the peace process crucial to progress.

Third, Norway tried very hard to appear impartial to both parties and to the public of Sri Lanka. As the Norwegian facilitators themselves put it, “Our only principle is that of not excluding talking to anyone” (Martin 2006, 125). Engaging directly with the LTTE, thereby giving legitimacy to a group that several powerful countries had already listed as a terrorist organization, was not making them many friends among Sinhala nationalists. Also, as Harriet Martin states, “In becoming facilitators for the peace process in Sri Lanka, the Norwegians were taking on a pariah insurgency group with whom none of their natural political allies could even, officially at least, have tea with” (Martin 2006, 126).

But this tactic of impartiality failed, partly because the image of impartiality is difficult to uphold in asymmetrical conflicts, and thus, right at the beginning of the process, Norway (through Erik Solheim) came under criticism for being biased in favor of the LTTE (Höglund and Svensson 2009). Additionally, wearing a hat of a monitor of the cease-fire violations by being involved in the SLMM did not help maintain Norway’s reputation as a neutral mediator. In their attempt to treat both parties as equal, the Norwegians were not helped by the LTTE’s enthusiastic comments calling them “the white tigers” (Martin 2006, 113).

Fourth, as in previous peace processes, one of Norway’s tactics was to be patient and keep focused on long-term goals. During the peace talks, Norway demonstrated laudable patience with the warring parties. The realities of working under this level of criticism created a survivalist attitude in the facilitating team. As one of the facilitators put it, “If you want to get involved in this process, you should not expect not to get your fingers burned, you should expect to get them electrocuted” (Martin 2006, 116). Norway did put up with the fierce attacks from Sinhala nationalists, and personal abuse in the local media. During the peace process, the Norwegian embassy was picketed by protestors carrying coffins with dead bodies inside and burning the Norwegian flag

(ICG 2006). Considering all this pressure, Norway's commitment to the peace process was consistent and intrepid. Its mediation activities relied primarily on low-key tactical strength. But Norway did seem to realize that more strategic strength was needed to keep the parties at the negotiating table. To that end, it brought in big powers that had the necessary sticks and carrots, as custodians of the process, in the hope that they might compensate for Norway's lack of strategic strength. This seemed reasonable because, as discussed earlier, mediations that combine strategic and tactical strength tend to be more successful than those with only one or the other. The remaining part of the chapter will discuss why this strategy did not prove successful.

*The United States* has repeatedly demonstrated, in peace processes all over the world, that it can and will use its manipulative strength. Strong involvement in very visible conflicts has contributed to the perception that if the United States is involved, it likely has a strong, even hidden, agenda in that particular country and is ready to deploy its strategic strength. But the United States had neither a historical record nor strong trade and economic relations with Sri Lanka, and U.S. development assistance had already decreased significantly since the end of the Cold War and was slated to be cut even further, from around \$5 million annually in 2001-04 to \$2 million in 2005 (USAID 2000). Although some Sri Lankan Tamils live in the United States, the diaspora there, at 35,000 people, is too small to significantly influence U.S. politics or policymaking (Bandarage 2009, 21). It has been argued that the United States has military interests regarding Trincomalee Harbor and runway facilities in Sri Lanka (Noyahr 2006). But Jeffrey Lunstead, U.S. ambassador to Sri Lanka in 2003-06, has stated that the United States does not have "significant strategic interests in Sri Lanka" (Lunstead 2007, 11). Lunstead contrasts Trincomalee with Singapore, where the U.S. Navy has a major facility: "Singapore is ideal because of its internal stability, its superb facilities and infrastructure, and its position. Trincomalee currently lacks all of these, and is unlikely to gain any of them in the foreseeable future" (Lunstead 2007, 11). Moreover, even within South Asia, U.S. strategic interests are focused on India as a nuclear power and a growing economic partner but also, to some extent, a political partner in the region. The United States also has strategic interests in Pakistan as a nuclear power and in the tensions between India and Pakistan and Afghanistan regarding the battle against al-Qaeda

(Kronstadt 2004, Lunstead 2007). Also, since India has made clear that it demands primacy in its immediate neighborhood and since both political and military relations between the United States and India have been improving significantly over the past few years, the United States was not interested in stepping on India's toes over Sri Lanka. As Lunstead argues, the United States shared information and, to lesser extent, coordinated its policies with India during its involvement in Sri Lanka's peace process (Lunstead 2007).

The only area where the United States had certain strategic interests in Sri Lanka was in "political relations and ideological compatibility," namely, the war on terror. But it is important to keep in mind that the LTTE was a very localized terrorist organization that carried out its activities, especially in recent times, mainly in Sri Lanka. Its ties with worldwide terrorist organizations such as al-Qaeda are either insignificant or nonexistent; therefore, its power to threaten U.S. interests is minimal compared to that of terrorist groups with worldwide activities (Lunstead 2007).

So why did the United States get involved in Sri Lanka's peace process in the first place? Lunstead points out that it was not due to any dramatic change in U.S. strategic interests, but because regime change in Sri Lanka brought to power a pro-West, pro-free-market prime minister and because of Deputy Secretary of State Richard Armitage's personal interest (Lunstead 2007, 13). In a speech delivered in Washington in 2003, Armitage asked, "Why should the United States invest significant attention and resources to Sri Lanka, especially at a time when we have such overwhelming competing interests?" (Armitage 2003, 89). He admitted that self-interest did not truly justify U.S. involvement, yet his reply when questioned was nevertheless straightforward: ". . . because it can be done. And because it is the right thing to do. Because the parties to the conflict appear to be ready to reach a resolution, more so than at any other time in the past twenty years." The most significant part of his answer, "because it can be done," was also supported by Teresita Schaffer, another former U.S. ambassador to Sri Lanka, who also gave as one of the reasons for U.S. involvement in the Sri Lankan conflict that "there was the real possibility of success" (Noyahr 2006, 373). This perception of an "easy win" was, as Goodhand points out, common for all the main international actors in this peace process (Goodhand 2006a, 2006b). It was the main reason for the United States and others getting

engaged in the process and then sneaking away when success proved more elusive.

The U.S. position consisted of three components: “pressuring the LTTE, engaging with the government and supporting activities aimed at peaceful transformation” (Frerks and Klem 2006, 43). Since the United States had banned the LTTE in 1997, it could not provide material assistance, and LTTE officials could not obtain visas to the United States. The condition for U.S. engagement with the LTTE was that the LTTE give up the violent struggle. It would have been politically untenable in the post-9/11 world to meet with terrorist representatives, and therefore, the United States had no direct talks with the LTTE. The United States was the only cochair to give military aid to the Sri Lankan government. Although military assistance funding never reached high levels, it could have contributed to a feeling within the LTTE that the international community was reducing its options (Lunstead 2007). At first, the U.S. policy not to engage with the LTTE seemed to work out well enough within the framework of the cochairs, in which the United States took the role of “bad cop” while the EU played the “good cop,” engaging directly with the LTTE (Höglund and Svensson 2011). But the LTTE suspended the talks after the U.S. decision not to let it attend the Washington Development Conference in April 2003. Although some have argued that this occasion was rather a ready excuse for the LTTE to get out of the peace process, the U.S. decision provided that excuse nonetheless. In response, the United States maintained its pressure, stating that the movement’s reasons to withdraw were “not convincing” (Asian Tribune 2003).

The limited U.S. strategic interest in Sri Lanka showed also in the waning U.S. interest in the peace process. According to Lunstead, it was first the deterioration of the peace process and then the beginning of a second George W. Bush administration, in January 2005, that resulted in Deputy Secretary Armitage’s departure (Lunstead 2007, 33). But it is also important to note that in March 2003, the United States started its military operation in Iraq—an operation that became highly criticized and was clearly one of the Bush administration’s main strategic foreign policy interests. The stalled peace process in a small, faraway country “with minimal strategic interests for the US, with a deteriorating security situation based in part on the inability of Sri Lankan political elements to cooperate,” was not a priority for the United States (Lunstead



2007, 33). The United States remained engaged in the peace process through the cochair framework, but its visible involvement did not go beyond condemning statements regarding the escalation of the hostilities, and human rights and humanitarian concerns.

*The European Union* has also been called a “reluctant cochair” due to its modest involvement in Sri Lanka before and at the beginning of the peace process (Noyahr 2006, 387). Similarly to the U.S. involvement, the EU’s involvement in Sri Lanka was minimal before the 2002 peace process. In 2001, the European Commission downgraded the delegation in Colombo, leaving a nonresident head of delegation based in Delhi, and only one diplomat based in Colombo. Heavy lobbying from Sri Lankan officials brought the EU reluctantly to involve itself in the peace process, which led to its role as a cochair (Noyahr 2006). The EU’s main strategy seemed to be to “stick with the Norwegians,” and it kept a low profile throughout the peace process because of “the absence of major direct interests” (Frerks and Klem 2006, 46). Most EU member states do not have strong interests in Sri Lanka, and only seven of the twenty-seven members have diplomatic missions there: the UK, Sweden, the Netherlands, France, Italy, Germany, and Romania. The country with the closest ties to Sri Lanka is its former colonizer, the UK, which had 300,000 Sri Lankans living in its territory. Other EU member states do have Tamil diasporas, but these are small: some 100,000 Sri Lankan Tamils live in France, 60,000 in Germany, 24,000 in Italy, 7,000 in the Netherlands, 6,000 in Sweden, and 600 in Finland (Bandarage 2009, 21). With the EU cast as the “good cop,” in November 2003 EC Commissioner on External Relations Chris Patten met with the LTTE’s leader, Prabhakaran, in Kilinochchi (European Commission 2003). Some saw this as swimming against the current, since some other top officials, such as UN Secretary-General Kofi Annan, had decided not to visit the LTTE (Frerks and Klem 2006). Sri Lankan media heavily criticized the EU for the visit, with local newspapers screaming, “Keep Patten out of the country,” and accusing him of “bloody European gumption and insolence of the highest order” (Martin 2006, 116). The EU was keeping to its “stick with the Norwegians” tactics by visiting Kilinochchi after the Norwegians’ statement to the diplomatic community in Colombo that the LTTE needed to see people in order to grow into the political mainstream. But after the visit, the EU issued a strong statement on the LTTE’s human rights violations and warned the group that it must

comply with international human rights standards if it wished to obtain “recognition as a political player in Sri Lanka” (Martin 2006, 128). The LTTE lost its “good cop” in May 2006, when the EU used one of its sticks and listed the LTTE as a terrorist organization in response to the August 2005 assassination of Sri Lankan Foreign Minister Kadirgamar, and other human rights violations. The Council of the EU’s declaration stated that the decision should not come as a surprise to anybody. “Several warnings have already been provided to the LTTE, which the LTTE has systematically ignored” (Council of the European Union 2006). Although the EU did not focus that much on denouncing terrorism, it did concentrate on human rights violations such as child recruitment and political killings (Frerks and Klem 2006). Therefore, although it was ready to engage with the LTTE despite the LTTE’s reputation and the overall “war on terror” environment, it was the use of specific methods typical of terrorist organisations, such as assassinations of top officials and other grave human rights violations, that made Brussels take a strong stance.

The success of this stick (or carrot, from the perspective of Sri Lanka’s government) regarding the progress of the peace talks was not really clear and seemed rather limited. The EU remained committed to the process in Sri Lanka to some degree, issuing condemning statements, alone and in cooperation with other cochairs, regarding humanitarian and human rights concerns. However, during the period of 2002-06, the EU did nothing beyond this. Also, it has been argued that the conflict got little attention in Brussels—for example, the ICG observed, “While fighting raged in August 2006, the situation did not even reach the agenda of EU foreign ministers meeting in Brussels.” The ICG also suggested the “limited geopolitical impact” of Sri Lanka’s conflict as the reason for this low interest (ICG 2006, 19).

Until recent years, *Japan*, despite being an economic superpower, was not active in global politics but remained satisfied in the role of a passive donor. Recent years have seen a gradual shift in its international positioning, with it emphasizing noneconomic sources of power, such as military and diplomatic power. Laurence argues that one of the most important reasons for this change is concern over China’s increasing influence (Laurence 2007). Japan assumed a prominent role one month after the peace talks started, when Yasushi Akashi, a former UN under-secretary for humanitarian affairs, was appointed special envoy for the



Sri Lankan peace process. The Japanese Government hosted the donors' conference in June 2003, to discuss the peace negotiations and international assistance for development and reconstruction in Sri Lanka (Noyahr 2006). Japanese policy in Sri Lanka's peace process was to position aid as a major engine of peace. But Japan did not want to resort to conditionalities or political pressure. Moreover, Japanese ties with Sri Lanka have traditionally been very government focused, and this policy continued in the peace process. Although Japan had not banned the LTTE, it refrained from making funds available to it. It was not that Japan wanted to punish the LTTE as a terrorist organization, but rather that Japanese aid in general flowed through governments and, in exceptional cases, through UN agencies. According to Frerks and Klem, "It was clear that Japan wants to enter the international arena of peace-building and also wants to keep the money flowing. They were sucked into the Tokyo process but were not very happy about it" (Frerks and Klem 2006, 45).

*India* was the only country with strong strategic interests in Sri Lanka. For decades, India has perceived itself as the regional manager of South Asia and has not allowed other external forces' involvement in the region (Rao 1988). "India has always had substantial intelligence resources in Sri Lanka, including being involved in counterinsurgency initiatives against the LTTE, whose autonomous power India seeks to crush" (Philipson and Thangarajah 2005, 47). The Sri Lankan conflict has influenced India's political situation, since already in the 1980s the conflict spilled over into the south Indian State of Tamil Nadu, where Tamil guerrilla groups set up and where thousands of Sri Lankan Tamils fled following the anti-Tamil riots in 1983 (Samaranayake 2006). Several Tamil Nadu political parties used the resulting large-scale sympathy in Tamil Nadu. The Indo-Sri Lanka Peace Accord, signed by the governments of India and Sri Lanka in 1987, and the subsequent mission by the Indian Peace Keeping Force (IPKF) in Sri Lanka were failures: The Indian armed forces failed to disarm the LTTE while losing some 1,300 troops (Bullion 2001). This was a shock for India, and it showed the limits of India's capacity to deploy strategic strength and act as a security manager in South Asia. The peacekeeping saga ended for India with the LTTE's assassination of former prime minister Rajiv Gandhi in 1991. India banned the LTTE as a terrorist organization the following year and issued an arrest warrant for Prabhakaran. Thereaf-

ter, India has kept a firm stand in not getting formally involved in Sri Lanka's peace process. After the fifth process started off, Indian foreign secretary Kanwal Sibal visited Sri Lanka and admitted that though "logically we should be involved," the "legal complexities" were such that "our options are certainly limited" (Sambandan 2002). These legal complexities are based on the LTTE's banning for crimes in India, including the assassination of Rajiv Gandhi. But because all parties recognized India's strategic interests in Sri Lanka, both the government and the LTTE, as well as the mediators, regularly consulted India. The Norwegians stressed that all the key points were discussed with India since the peace could not be achieved without India's support and since "India's interest in Sri Lanka is legitimate" (Rupesinghe 2006b, 339). Nonetheless, India accepted the Norwegian involvement only with great reluctance and generally resented the increased internationalization in its own "backyard" (Philipson and Thangarajah 2005).

Although, India had clearly stated that it would not become a formal party to the fifth peace process, there were still voices calling for its stronger intervention after the fighting resumed. As the CPA report points out, in the case of more limited international interest in Sri Lanka, India would have been the only candidate for high-profile intervention as the regional power, but in this case it was "conditioned by the 'once bitten twice shy' effect of the IPKF experience in the late 80s." The CPA further states that Indian interest in Sri Lanka has also changed as economic interests are increasingly taking the central place. "Consequently, high profile political or in the extreme case, military intervention, carries with it the risks of upsetting and even undermining the growing economic stake" (CPA 2007, 5).

### 8.2.2 The Cochair system

The cochairs of the peace process—Norway, Japan, the United States, and the EU—became institutionalized as a group at the Tokyo Conference on Reconstruction and Development of Sri Lanka, which took place in June 2003 without the LTTE's participation. At this conference, the donors collectively pledged foreign aid of approximately US\$4.5 billion over the four-year period 2003-06 and closely linked this to the progress of the peace talks (Shanmugaratnam and Stokke 2004). This conditionality policy, perceived as a big carrot, was about to become a

big failure by the international community. Positive incentives did not succeed in getting the parties back to the negotiating table. Neither Sri Lanka nor the LTTE was aid dependent, and the conference added to the LTTE's increasing unhappiness, since it felt that it was not being treated as an equal party. Also, the LTTE saw no point in international fund-raising when "it did not have a legally constituted instrument under its control to receive the funds for reconstruction" (Shanmugaratnam and Stokke 2004, 16). Since several important donors still banned the LTTE, it was not clear how the organization could enjoy the benefits of the policy of incentives. In the end, the tsunami that struck Sri Lanka in December 2004 flushed away the remnants of the conditionality policy because "the threat of withholding aid in an 'over-aided' environment will have very little effect" (Goodhand and Klem 2005, 14). The "donors dangled the carrot assuming the process was moving in the right direction, but when this proved to be a false assumption they did not replace the carrot with a stick" (Frerks and Klem 2006, 54).

Relations between cochairs were considered good: they were mainly speaking with one voice by issuing common statements, with no significant spoilers among them. The cochair mechanism provided a broad base as well as a division of labor (ICG 2006).

But this division of labor was accidental and "based purely upon the policies of the home foreign ministry and aid ministry policies, not on the needs of the peace process in Sri Lanka" (Philipson and Thangarajah 2005, 48). Moreover, the way the mediators split the tasks did not seem to put to good use the different types and degrees of leverage that each could apply to the warring parties. Although it could be argued that the U.S. strategy of being a biased mediator who would deliver the government could have produced important results, this potential was never used to the fullest (Touval and Zartman 1985). On one hand, the United States lacked the strategic interest to motivate its use of more decisive carrots and sticks in its relations with the government in Colombo. On the other, by widely ignoring the LTTE, the United States weakened the chances of making the LTTE more flexible in peace talks. The United States has engaged with terrorist organizations before, when engagement furthered its own strategic interests. Not talking to the LTTE was a policy choice, not a legal requirement (Lunstead 2007). Therefore, this suggests that the limited role of the United States resulted from its limited strategic interests in the conflict.

The cochairs' use of sticks was limited to condemning statements. Several scholars and organizations, including Uyangoda, Bouffard and Carment, Smith, and the CPA, have criticized this level of involvement that does not go beyond scolding. As the parties to the conflict became aware of the mediators' limited interests and restrained use of sticks, the mediating parties' leverage was also limited. The CPA stated that the government of Sri Lanka was aware of the limits to international interests in Sri Lanka, which paved the way to the "let's see what we can get away with" attitude toward international opinion." Moreover, the government also realized that it could engage with other, non-Western international actors, such as Pakistan, Iran, China, and Russia, which were willing to offer their assistance without any conditions (CPA 2007). That prediction proved true. The new kid on the block, offering unconditional financial, military, and diplomatic support, has been, since early 2007, a player with straightforward—and certainly strategic—interests: China. After the March 2007 agreement that allowed China to build a \$1 billion port in southern Sri Lanka, allegedly to use as a refueling and docking station for its navy, Beijing appears to have significantly increased arms sales to Sri Lanka. China has also provided crucial diplomatic support in the UN Security Council, blocking efforts to put Sri Lanka on the agenda, and also boosted financial aid to Sri Lanka, even as Western countries have reduced their contributions (Page 2009). A spoiler had indeed emerged.

### 8.2.3 Failure of the Peace Process

In 2003, the United States barred the LTTE from attending a seminar held in Washington to discuss the peace process, on the grounds that the United States listed the LTTE as a terrorist organization. In response, the LTTE suspended the talks and refused to attend the Tokyo conference of June 2003, where donors had pledged \$4.5 billion to the peace process. The LTTE stated that the international community and the Sri Lankan government had failed to recognize it as an equal party to the process. The peace process stalled. This was complicated by the cohabitation crisis between President Kumaratunga, of SLFP, and Prime Minister Wikremesinghe, of UNP. The crisis had been simmering since the beginning of the peace process, because the president, who was the commander in chief, head of state, and head of the cabi-

net—with the power to call for elections at any time she liked after the government had been in office for a year—was largely excluded from the peace process. The crisis culminated in the president's taking over three key ministries in November 2003, followed by the dissolution of the parliament and, finally, the downfall of the UNF government (Fernando 2006). But Oslo's facilitation continued after the government changed and also after the newly elected president, with a nationalist and pro-military-solution platform, Mahinda Rajapaksa of the SLFP, came to power in 2005.

In 2006, the no-war, no-peace period that had lasted since the peace process stalled in 2003 descended into a low-intensity conflict, then into open war, particularly in the east. Nonetheless, two rounds of peace talks (Geneva I and II) did take place in 2006 in Geneva. The first round was held on February 19-20, and the second on October 28-29. But the 2006 efforts to get the peace process moving essentially failed. The failure to implement the agreements of Geneva I severely undermined the prospects for further talks.

The peace talks, which had started off so promisingly, led by a deeply committed prime minister and experienced Norwegian mediators, stalled in 2003 and failed in 2006, for a variety of reasons. For one, Sri Lanka's ethnic conflict has repeatedly demonstrated a capacity for intense reescalation (Uyangoda 2007). As Höglund and Svensson point out, one of the motivations for the cease-fire, for both sides, may have been the opportunity to rearm and reorganize for the future (Höglund and Svensson 2009). Therefore, it appears that one of the reasons the peace process failed was because the parties never really lost the appetite for a military solution (Smith 2007). Second, the parties failed to sign even an interim settlement agreement. With no political agreement, the relationship between the government and the LTTE was based entirely on the CFA. Uyangoda points out that the basis for the negotiations and the CFA "was the preservation of the parties' strategic interests through a condition of no-war. . . . Consequently, the problem-solving and conflict transformation approach became entirely absent" (Uyangoda 2006, 4). Third, the peace process was focused exclusively on two parties: the government, led by Wickremesinghe, and the LTTE. President Kumaratunga and other southern political elites were largely excluded from the process, and non-LTTE Tamil parties and Muslim parties had no role at all. As pointed out by the ICG, "much of the dynamic of

this conflict is within ethnic communities, and the failure of the peace process to address this, made a lasting peace less likely” (ICG 2006, i). In 2004, two significant developments changed the balance of power between the parties. The defection of the LTTE’s eastern commander, Vinayagamoorthy Muralitharan, known as Colonel Karuna, and the losses suffered by the LTTE’s naval wing in the tsunami of December 2004 led some sections of the government and armed forces to believe that the LTTE’s offensive capacity was weakened and that a highly concentrated war against the LTTE, with the help of the breakaway faction, would be winnable (Uyangoda 2006).

In conclusion, all the above-mentioned developments induced the parties to start exploring their military options again and contributed to the subsequent failure of the talks. But without discounting the internal developments that contributed to the failure of the peace talks, it is important to understand the part that the international mediators and their self-interest played in the peace process. Third-parties’ interests proved to be quite weak to engage in a properly coordinated multiparty mediation process. Therefore, the evident lack of strategic interests within the cochair system created an environment within which Norway was unable to successfully coordinate multiparty mediation efforts through the cochair system - providing support for previously hypothesized H9. The leverage that the third parties possessed was never used to guide the disputants toward a mutually acceptable solution. Instead the mediators, such as the US or even the EU, blocked any possibility of reaching a solution through the peace process due to their reluctance to engage in direct talks with the LTTE. This “defection” strategy created internal incoherence within mediating coalition, which was a signal for the government (which had solid relations with the US and the EU) that a military solution could be still explored. This provides sufficient evidence of the existence of a causal mechanism that was previously hypothesized in H9, indicating that in case mediators do not reach a convergence of interests, the conflicting sides will be induced to defect from negotiations, making it more likely for the peace process to fail.

The fact that in the case of Sri Lanka the needed strategic interests hampered the achievement of convergence of interests between the third-parties as the process was unfolding. Weak interests in the conflict induced the parties not to rethink their policies as the peace process was hitting the wall. This research hypothesized that in cases where the third

parties realize that their ongoing strategies are not producing expected result they will be induced to rethink their policies (H7). However, due to a lack of interest in the conflict the parties were not also interested in altering their strategies. As the mediators were unable to reach convergence of interests, and rather maintained their initial position regarding the conflict, the conflicting sides saw this as a signal of not committing to the peace process as well, and eventually resorted back to violence, which confirms previously hypothesized H4.

