

INTERNATIONALISATION OF THE SRI LANKAN PEACE PROCESS

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1. Introduction

The significant role played by international actors in the Sri Lankan Peace Process is a dominant feature of the current peace process. International influence and involvement has expressed itself in multiple forms: be it the track 1 efforts of facilitating the negotiation process; diplomacy and international pressure; economic assistance for post-conflict reconstruction and development and support and finance for local grassroots initiatives. It is often assumed that all the international actors involved in the peace process have a similar goal: of creating and facilitating the development of peace. Nevertheless, questions remain as to the nature of the impact. Given the multiplicity of actors, of interests and of modes of intervention, the effectiveness of this involvement in realizing a sustainable and just peace is by no means a foregone conclusion. The international experience of international involvement in peace processes reveals a mixed record. It also demonstrates the limitations in their ability to encourage and even determine the progress of a process, and in certain situations their lack of impact and even instances where they may hamper or obstruct the process.

Traditionally an intra-state conflict is said to be internationalized when another state intervenes militarily in the conflict.¹ According to this definition it is when an international actor moves from involvement to intervention that a conflict becomes internationalized. Just as the descriptive term of intra-state civil war has limited usage to understand the interplay

¹ See Charles W. Kegley Jr. and Eugene R. Wittkopf, “World Politics – Trend and Transformation,” St Martin’s Press, New York, Sixth Edition, 1997, p.370

between the internal and external, this clinical and statist understanding of internationalization may be put to better use if it acknowledges that this is a complex process rather than a clear-cut stage within a conflict. As Kegley and Wittkopf have argued, “Today it is often difficult to determine where an internal war ends and an international one begins. In an interdependent, increasingly borderless world, the difference between involvement and intervention is difficult to distinguish.”² Furthermore, international involvement may take numerous forms – military, political and economic - that may fall short of overt military intervention but nevertheless have a significant and decisive impact.³ Rather than attempting to identify when an intra-state conflict becomes internationalized, it may prove more useful to examine the degree of internationalization in order to better understand the international dimensions of civil war.

In assessing the level of internationalization of a peace process it may prove useful to examine the concept of internationalization both in the context of the conflict and the peace process. The characterization of intra-state conflicts itself is often misleading as it can suggest that the conflict is restricted within the borders of one state. The involvement of neighbouring states and other interested international actors through political patronage, financial and logistical assistance, and active military and diplomatic efforts in the conflict on behalf of one party or the other, is more the norm than the exception. While relatively recent trends such as rapid globalization, an increasingly proactive post-cold war United Nations, a growing trend towards unilateralism of the sole superpower the United States, and a greater willingness on the part of the international community to make ‘humanitarian interventions’ have intensified the trend of intervention. Further, the real politik interests of states; the porosity of borders to trade, crime and refugee flows; and the presence of nations and ethnic communities across state borders have meant that most civil wars have a high level of regional and international involvement.

Just as a conflict may be internationalized so can a peace process. The international

² Charles W. Kegley Jr. and Eugene R. Wittkopf, “World Politics – Trend and Transformation,” St Martin’s Press, New York, Sixth Edition, 1997, p. 370

³ For instance US military and financial assistance to the Contras that involved undercover American servicemen, and international sanctions against all the parties involved in the Yugoslav war are all examples of international involvement falling short of outright intervention.

community's involvement that takes multiple forms during conflicts may take similar forms or morph during peace processes. Involvement may include military force (peace keeping or peace enforcement), economic incentives and deterrents (offering or withholding economic aid), and diplomatic tools (increase/decrease in relations, active involvement through mediation and facilitation). Through using these tools the international community can encourage the domestic actors to participate in the peace process and to compromise to reach a negotiated settlement. Internationalization may increase during the transition from conflict to peace as more international actors become involved and demonstrate a greater willingness to use a variety of tools be it economic aid, assistance for civil society organizations and peace-related initiatives, and diplomatic support. Key questions that arise are: Who is the international community? And how have they tried to intervene?

Given these questions this paper will seek to examine the nature of its impact. In the current peace process the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) have attempted to reach a negotiated settlement with the active involvement of the 'international community.' As constantly repeated in the literature of peace and conflict transformation studies, a peace process is a manifold exercise, requiring intervention at multiple levels. While acknowledging the important involvement of international actors at other levels in the peace process, this paper will focus on the track 1 level, identifying the key actors and assess the roles they play within the process. The policies and stances adopted by the actors, the response by the parties to conflict and the outcomes so far provide some sense of how effective these actors have been in encouraging progress in the peace process. While the paper seeks to provide an overview of the international involvement in the peace process and the parties' expectations of them, it hopes to broaden the debate on the international role in the peace process, particularly in how it could and should be improved.

2. Background to Current Peace Process: Compulsions and Symbiosis of local and international actors

The Ceasefire Agreement (CFA) that was signed in February 2002 and the peace process that it ushered in was the result of a number of factors. As noted by many commentators the

peace process emerged out of a mutually hurting stalemate as neither the GoSL nor the LTTE was able to gain a strategic victory over the other and found themselves in a precarious politico-economic situation. While the Sri Lankan Army had secured control of strategic towns such as Jaffna and significant portions of the main supply routes in the North East, the LTTE through its campaigns in Eelam War III had been able to inflict heavy damages on the forces and had captured strategic military camps and towns in the Vanni, which today serve as the political and military nerve centre of the LTTE. Both sides, however, also faced similar problems: human resource and material shortages and an inability to secure an overwhelming victory over the other. A strategic attack on the Bandaranaike International Airport in July 2001 by the LTTE was to have a decisive impact as the Sri Lankan economy slumped and for the first time in its post-independence history recorded negative growth. The banning of the LTTE in key countries whose diaspora populations provide a vital source of revenue, and the fall out from 9/11 including curbs on financing of terrorism hampered the LTTE's fund raising activities. Thus, both parties found themselves in a strategically vulnerable position given the competing demands of military, economic and social service sectors where scant resources made maintaining the status quo itself difficult. International factors played a key role in the push for peace: with the banning of the LTTE and the 'War on Terror' encouraging the LTTE to opt for negotiations, while the unwillingness of the international community to bail out the Sri Lankan economy following the airport attack inducing the GoSL to seek a negotiated settlement.

In addition to the mutually hurting stalemate which provided the negative factors for choosing peace, there are positive reasons for opting for peace in which the international dimension plays a central role. At the very least a peace process is a respite from war, allowing the military forces of the two sides time to re-group, re-mobilize and re-arm, with embargoes removed and international finances made available for other key sectors. A peace process offers an opportunity for international funds to flow in to support post-war relief, rehabilitation and reconstruction, allowing economies and society the space for recovery. It also provides the parties a conducive environment to find a political solution to the conflict and commence the complex process of creating a workable sustainable peace.

Following the signing of the CFA the parties to the conflict moved to a process of negotiations following the two parties conducting ‘talks-about-talks’ and the de-proscription of the LTTE by the GoSL. The direct negotiation process consisted of six sessions of peace talks, commencing in September 2002, where the parties reached a critical breakthrough in agreeing to “explore” a political solution the conflict through a federal system within a united Sri Lanka.⁴ In addition, the talks focused on institutionalizing parallel mechanisms for negotiating some of the most pressing and critical issues, including immediate humanitarian needs, High Security Zones, and gender issues.⁵ The international community made evident its backing for the process through diplomatic support, and assistance both direct and through donor parleys. Against the backdrop of the parties attempting to address some of the difficult issues, including the specificities of the federal option and human rights issues (including an Action Plan for the Rehabilitation of Children affected by Armed Conflict and a Human Rights Road Map), the US Government hosted a pre-donor conference in Washington but failed to invite the LTTE on grounds of it being a banned organization within the US. The LTTE responded by suspending its participation in the peace talks and withstood international pressure to participate in the planned peace talks or in the major donor conference in April 2003.⁶ With that the peace talks between the two sides stalled, even while efforts were made to revive the process along lines suggested by the LTTE with its submission of a proposal for an Interim Self-Governing Authority as a prerequisite for negotiations to continue.

Despite the failure to revive direct talks between the parties the ‘peace process,’ if it can be termed as such has survived.⁷ As of the date of this conference the ceasefire has lasted three years, four months and sixteen days – the longest period of negative peace/absence of war

⁴ The parties agreed to “explore a solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil speaking peoples, based on federal structure within a united Sri Lanka.”

⁵ This was done through creating a series of sub-committees including: Subcommittee on Immediate Humanitarian and Reconstructions Needs, Subcommittee on De-Escalation and Normalisation, Subcommittee on Gender Issues. In addition a Subcommittee on Political Matters was created to discuss federal options.

⁶ Some political analysts have argued that there were unstated reasons for LTTE’s decision to suspend its participation in the talks. These include the decision taken at the 6th Session of talks to incorporate a human rights agenda as well as to formulate a framework for core political issues.

⁷ The peace process can be seen as comprising of three elements: the ceasefire and confidence building measures; peace talks; and peace building and people-to-people approach.

since the conflict started in 1983. From its very onset there have been numerous violations to the CFA by both parties, with a majority of SLMM rulings against the LTTE, as well as the threat of a possible return to war.⁸ The current situation has been characterized as ‘no war, no peace’ situation which is in place due to the parties’ interests in avoiding a return to war and the inter-related factor of international pressure, as well as their reluctance to negotiate a final political settlement to the conflict. The Tsunami of December 26 2004 seemingly reinforced this situation, with the parties negotiating face-to-face, for the first time since the LTTE’s suspension of the process, on a Post-Tsunami Operational Management Structure (P-TOMS). While the parties have gone to great lengths to state that the P-TOMS negotiation and peace processes are distinct, their inter-linkage is all too clear; but as to whether the parties have seized the opportunity to revive the peace process is yet to be seen.

While opting for peace for these reasons, the two parties are seeking to secure critical/strategic goals that are typical of intra-state conflicts between a state and non-state actor. These goals provide a basic framework for the parties in the peace process. The international community is assigned a key role in realizing these goals. At the very least the parties expect the international community to put pressure on their opposing negotiating partner and provide funds for post-conflict reconstruction and development. With regards to their specific aims, the GoSL seeks international assistance to buttress the national economy and development programs, and an international safety net that would contain and deter the LTTE from returning to armed conflict. An international safety net implies not just safety in terms of military security but political and economic as well.⁹ For the LTTE, the international community plays a no less central role particularly in its search for international legitimacy and recognition while it also aims to secure control of the North and East. It is important to note that these substantial goals are not restricted to peace processes but are part of the parties’ larger goals in both war and peace. Arguably, a peace process offers more of an opportunity for the parties to gain the international community’s goodwill and

⁸ The most notable threat was LTTE leader, V. Pirabhakaran’s *Maveerar* Speech in November 2004 and the increased signs of re-militarization that followed it.

⁹ In this regard the imposition of restrictions on fund raising or reduction in diplomatic ties are some of the key tools available for use in the international safety net

cooperation to realize these goals.¹⁰ These goals illustrated the parties' interest in having a highly involved international community. This paper will make reference to these goals in the following sections as it discusses the strategies used by the international community.

Before doing so, it is important to realize that the two parties to the conflict and peace process, also have grave apprehensions of the international community's involvement in the peace process. For the GoSL and the Southern polity, increased international involvement raises concerns over loss of sovereignty, be it through the international community putting pressure on the government to compromise and cede power to the LTTE or substantial autonomy to the Northeast administration, and international actors taking on supervisory roles of national affairs through the peace process. This fear is heightened particularly when the international community fails to put effective pressure on the LTTE to compromise/democratize/transform. Foreign Minister, Lakshman Kadirigamar's recent comment demanding that Norway should give up its mediation role if it cannot encourage the LTTE to democratize provides some insight into this key concern.

The movement for democracy in certain districts of the North and East must begin to roll. If the Government of Norway is unable to plead this cause with the conviction and determination that it deserves it should stand aside and yield to other parties who could carry the flag of democracy where darkness presently prevails...

He also called on the signatories of the Tokyo Declaration of June 2003 not to mollycoddle the LTTE with regards to human rights, Muslim inclusion and disarmament.¹¹

For the LTTE, their main apprehension is in being pressured by the international community to compromise and give in to the demands of the GoSL and the international community at the cost of its own aims. The main fear within the peace process appears to be of being pushed too far too fast, and of being pressured into agree to interim arrangements and frameworks for the final status or core issues without adequate and timely compromises from the GoSL to grant the LTTE administrative powers in the North East. Within the current process this fear seems to have been realized, which led to the LTTE's suspension of its participation in the process.

¹⁰ States involved in civil war may find a significant support for continuing conflict, especially in this present climate of the War on Terror.

¹¹ Lakshman Kardrigamar's birthday tribute to President Chandrika Kumaratunga on July 2

... the LTTE leadership found it faced a new phenomenon, the intervention, or rather, excessive involvement of the ‘international custodians of peace’ in the negotiating process. Inter-linking political pressure with economic assistance, the international actors intervened to promote the interests of the Sri Lankan state, which severely undermined the status and power relations between the protagonists. As a non-state actor caught up in the intrigue [sic] ridden network of the international state system, the LTTE was compelled to act to free itself from the over-powering forces of containment.¹²

Thus, this fear of over-internationalisation is felt by both and needs to be given due recognition in the dealing between the parties and the international community. The net effect the parties fear is that they will be marginalized either within their polity or with regards to their negotiating partner.

3. Identity and Roles of the International Community in the Sri Lankan Conflict/Peace Process

Before we embark on a discussion on the role and strategies of the “International Community” in the current peace process, it may be pertinent to differentiate the term “International Community” in the context of its involvement in both the formation of Sri Lanka’s ethnic conflict and the attempts at conflict resolution. Thus it is important to identify who this international community consists of and their relative leverage vis-à-vis each other.

As noted elsewhere the international community with regards to the Sri Lankan Peace Process includes formal state actors; multilaterals be they the Bretton Woods institutions, the Asian Development Bank or the United Nations; and a motley crew non-state actors such as International Non-Governmental Agencies, Non-Governmental Agencies, militant, political movements, diaspora communities, religious bodies and organizations, private enterprises etc. While the whole gamut of above mentioned actors have had some interaction and impact during the conflict and the peace processes over the last twenty two years, it may

¹² Anton Balasingham, “War and Peace – Armed Struggle and Peace Efforts of Liberation Tigers,” Fairfax Publishing, London, 2004, p. 434

prove useful to identify the most influential actors with regards to the peace negotiations and examine their impact on the process.

It may be pertinent to recall that, in the Sri Lankan context, it is with the militarization of the ethnic conflict following the anti-Tamil pogrom of 1983 that the processes of regionalization and internationalization begins to take place, as though one was in response to the other. With the coming to power of a “pro-West” UNP Government in 1977, the disengagement from the policy of “non-alignment” favoured by the previous SLFP-led coalition, and the opening of the economy and economic liberalization as prescribed by the Bretton Woods Twins, a congenial atmosphere was created for an increase in the level of bilateral and multilateral donor assistance as well as foreign investment.

However, the intensification of the ethnic conflict and its further militarization following the anti-Tamil pogrom of July 1983 led to two regional and international developments:

- (i) The direct “involvement” of India in providing sanctuary to Tamil refugees as well as the Tamil resistance and its role in mediating a negotiating settlement, leading to its “intervention” following the Indo-Lanka Accord;
- (ii) The militarization of the Sri Lankan State, with direct assistance from UK, Israel, South Africa and Pakistan, and tacit support from the US, leading to India asserting its geo-political concerns in the face of perceived or real threats to its security from “extra-regional” regional forces. These concerns were in fact addressed in the annexure to the Indo-Lanka Accord.

In this sense, (i) and (ii) were responses to each other which had both regional and international implications.

In the present context, the state actors can be grouped into categories, with each category sharing a basic approach to the process but with differences in emphases between the actors. Both the global and regional super powers, US and India, are seen as highly influential yet distanced from the peace process. While they both have made statements urging the parties on they have made notable criticisms of the LTTE with regards to ‘terrorism’ and human rights, with the US demanding a renunciation and thereby seeming to offer acceptance of the movement while India remains concerned of the geo-political and security impact of the

LTTE and has not forgotten the Rajiv Gandhi assassination. The two have varying levels of engagement with the US adopting a more hands on approach to the process, as seen with its Co-Chair position while refusing to allow its officials to visit LTTE controlled area.

India has not engaged with a number of key peace process forums but its level of interest is evident. Its focus has been more on strengthening and improving relations with the southern polity, ensuring the survival of the Tamil alternative to the LTTE and securing its strategic geo-political concerns. However, one can discern an increased Indian involvement as well as the recognition by the western actors of keeping Indian informed of initiatives at the diplomatic and political front. While it is clear that India does not wish to be kept in the dark, it is a moot point as to whether it prefers only to be informed and not consulted. But it can be safely assumed that India's concerns cannot be ignored and may even prove to be decisive at critical moments and junctures.

Among the Western donor states, which include EU states, Switzerland, Canada etc. there is a shared understanding of the need to pressure the parties and to interact with them through constructive engagement. While the degree of pressure and level of engagement differ among these actors they play a key role in the various initiatives be they diplomatic, like the Donor Working Group (DWG), or economic, in providing direct assistance for specific projects and programs. Falling both within this group and outside it, by the very nature of its role, Norway has attempted to stand on the same platform as other engaged members of the international community while not compromising its relationship with the two parties that allows it to mediate. Another key grouping includes Sri Lanka's bilateral development partners, such as China and Russia, who while supporting the peace process, do not currently seek to become involved in the process. Japan, while originating from this latter group has become increasingly involved in the process but has been at pains to establish its autonomy from other international actors. Mention should be made of the multilaterals, particularly World Bank, Asian Development Bank and other key financial players in Sri Lanka with significant involvement in the peace process.

The above categorisation is not meant to provide a clinical typology, but rather to suggest that the 'international community' is a sum of its parts and where the members of this

community have the option of coalescing or acting independently in response to unfolding events. Given the number of international actors, their various aims, dissimilar approaches and sometimes differing visions of what peace should look like, has also meant that this international involvement has not been coordinated. So while the international involvement has primarily sought to assist the process, it has also provided international actors the opportunity to pursue their own aims and competing diplomatic and strategic interests. It should be noted that Sri Lanka has provided a laboratory for international actors to experiment their foreign policy and policy tools and improve their 'international best practices' tried out in other peace processes.

4. Strategies of the International Community

The international community adopted a number of strategies which can be broadly categorized as diplomatic, security and economic. These strategies illustrate the manner and degree of international involvement and thereby, provide an impression of the overall impact they have had on the process.

Security Strategies: A ceasefire agreement, a monitoring mission for the CFA and an international safety net

Apart from the Indian military intervention, prior to and following the signing of the Indo-Lanka Accord of 1987, no state has become militarily involved in the Sri Lankan conflict with the aim of imposing or maintaining peace. However, the international community used other methods in Sri Lanka. The three key tools currently being used are a negotiated ceasefire, a ceasefire monitoring component and an international safety net.

A cease fire agreement was treated as an essential prerequisite for the Sri Lankan Peace Process to move forward; hence the Norwegians attempted to broker an agreement in the first few months of the two sides declaring unilateral ceasefires. While the Norwegians played the key role in brokering the Memorandum of Understanding that was signed on February 22 2002 between the GoSL and the LTTE, the international community supported

the move and has continued to impress upon the parties the need to avoid violating both the terms and the spirit of the ceasefire agreement.

The CFA's stated objectives were to: "(i) To bring an end to armed hostilities; and (ii) To bring a positive atmosphere in which steps towards negotiations on a lasting solution can be taken." While an outright return to war has been prevented there have been significant armed confrontations between the two sides, particularly at sea. While it is debatable as to how effective the CFA has been in providing a foundation for a 'positive peace,' its centrality in providing a framework for limiting a return to war is clear. The CFA has been critiqued for its significant gaps be they geographical (no mention of the sea and the exclusion of LTTE controlled Mullaitivu and Killinochchi districts) or particular issues (the lack of specificity with regards to human rights and High Security Zones). Violations of the CFA have created crises and problems at the peace talks and in the peace process, leading to international community statements encouraging the parties to take appropriate steps to de-escalate and continue negotiations. With some of the violations the international community has taken up these issues with the two actors and encouraged them to address the violations, the continuation of some of these violations raises questions as to the effectiveness of international strategies and an apparent willingness of the parties to test the limits of the CFA in order to maintain the balance of power in their favour.

The Sri Lankan Monitoring Mission (SLMM) was created under the terms of the CFA with the specific aim of monitoring the fulfillment of the commitment of the parties to the ceasefire by verifying and reporting violations. While the Royal Norwegian Government (RNG) was the principal international actor responsible for initiating the CFA, it received the assistance of other Nordic countries in providing personnel and finances, and the general endorsement of the international community. Recognizing that any peace process would be dependent on the CFA, the international community hoped that the SLMM would deter the parties from either violating or allowing incidents on the ground to escalate and threaten the CFA, provide a communication line and create trust between the parties, particularly at the local level.¹³

¹³ Norway made sure the monitoring mission was included in the CFA with a separate MOU setting out its mandate and tasks, SOMA. It learnt from its previous experience in 1995 when the international

A Sri Lanka Monitoring Mission (SLMM) comprising Nordic countries but headed by Norway was set up to monitor the CFA under a Status of Mission Agreement (SOMA). The SLMM was mandated to make a ruling on ceasefire violations, with no powers of enforcement. The CFA was primarily seen by Norway as an instrument to freeze the military status at the time of the signing of the CFA and to maintain the 'military balance' to the detriment of human security, human rights and socio-political developments on the ground.

While a creation of the international community, the SLMM has defined a role for itself. As it is always headed by a Norwegian there is room for a conflict of interests given Norway's dual role. In attempting to drive the process forward it has, as some critics allege, it has not served as an impartial arbitrator. Nevertheless, the SLMM has in practice put on record its rulings of violations and done so publicly, in effect naming and shaming the perpetrators. The limitations of the SLMM's capacity and mandate have meant it has not been able constrained in its ability to investigate violations. It has, however shown flexibility and creativity, for instance in creating naval monitors for the SLMM given the gap in the CFA and SOMA regarding the sea and sea movements. It has also attempted to provide solutions to problems such as the naval stand-offs between the Sri Lankan Navy and the Sea Tigers by suggesting the creation of demarcated areas for LTTE training and access to international waters. It has been critiqued for over stepping its mandate such as with the latter suggestion or with its statements in December 2002 that critiqued withdrawing HSZs as it would affect the military balance and thereby impact that CFA. The SLMM also claimed that the wave of violence between Tamils and Muslims, and other incidents in 2003 were due to a mysterious 'third force.'

Given the generally statist approach of the international community, the SLMM is an interesting case of managing impartiality and involvement in the Sri Lankan conflict/peace process. The withdrawal of the SLMM from areas under the control of Karuna, just prior to the Good Friday putsch by the LTTE against the Karuna forces in the East in April 2004, pretty much epitomized the reaction of the international community and the Sri Lankan

community, in particular Norway, Netherlands and Canada, unsuccessfully attempted to negotiate a monitoring mission after the ceasefire was in place.

Government to this crisis within the LTTE, with marginal efforts at mediation and preferring to suspend interaction until the crisis sorted itself out. In sum the SLMM's role, even if it is largely symbolic, in the maintenance of the 'no war, no peace' scenario and the CFA that forms its foundation, cannot be denied.

Some key bilateral actors in the international community have sought to support the peace process by assisting the Sri Lankan state to develop its military capacity. While remilitarization would seemingly be a contradictory step in a peace process that is premised on the "balance of forces" argument, from a realist perspective it may be argued that through strengthening the state actor involved in the process it increases the latter's capacity to compromise and to deter the non-realist actor from initiating a return to war. Inherent in this is also the belief that the government should be the sole and legitimate actor permitted to use violence within the state. States that have provided military assistance to the GoSL have done so for multiple reasons including furthering their own national interests and strategic concerns. With regards to the peace process it is also an expression of showing their disdain for a non-realist actor of whom they disapprove in its current form and thereby a demand for a transformation. While developing its military capacity, the military relationships the GoSL builds allows it to create a crucial international safety net to deter the LTTE from returning to war and to ensure that in the case of a return to war it is in an advantageous position.

During the peace process the GoSL has been able to broker a significant number of military deals and agreements. While during the conflict a number of states expressed their opposition to the on-going war through limiting procurement deals, the peace process has afforded the Sri Lankan state an opportunity to widen its military trading partners. Signing up to training exercises, and military agreements with a number of states has allowed the GoSL to meet some of its military and strategic needs. In addition to existing partners such as Israel, India, and Pakistan, Sri Lanka has been able to negotiate procurement deals with the sole superpower. These relationships particularly that with the US, affords Sri Lanka not just spare parts, new equipment and military training but places it in a significant strategic position. Particularly given the "War on Terror" an American alliance holds tremendous deterrence value for the GoSL.

The GoSL has also attempted to strengthen its position with the regional super power. Military procurement deals and training exercises apart, the GoSL has been involved in negotiating strategic understandings: for instance in the plans to develop the Pallali Airbase, Jaffna and the proposed Defence Pact with India. Although the Pact seeks to only formalize already existing arrangements for training and cooperation, particularly between the two navies, and intelligence sharing by the respective intelligence services, the signing of the Pact would provide a morale and a psychological boost for the Sri Lankan State and increased legitimacy for any direct military involvement by India in the event of a threat from the LTTE.

In sum, this international safety net puts the LTTE at a disadvantage furthering the asymmetry of power between the two negotiating sides, some commentators claim. However, it is remarkable that despite the international security net and controls over the financing of terrorism, the LTTE has been successful in its own remilitarization program given reports of arms purchase in the international arms bazaar. The revelation of an airstrip near Iranamadu Tank, Killinochchi and airplanes in LTTE controlled Vanni showed how successful the LTTE's post-CFA remilitarization campaign has been. That it set off a wave of diplomatic offensives by the GoSL that were reciprocated by aerial defence systems and additional military support offers for the SLAF, with a number of states, including the US and India voicing their concern, has also shown the role played by the international community in the arms race engaged by the two sides during the peace process.

Diplomacy and Pressure: Supporting and Inducing Change and Compromise

In supporting the peace process the international community has used a variety of diplomatic tools to assist the parties and to drive the peace process forward. Principal in this has been the use of the standard tool of issuing public statements. Using this 'soft power' tool of foreign policy the international community seeks to demonstrate their position on an issue and thereby influence local actors to follow a particular policy. These statements place the actions of the parties directly in the limelight of international diplomacy. Various actors in the international community from states to multilateral agencies, to international civil society organizations have all re-affirmed their commitment to the peace process from the

very outset. These statements attempt to maintain pressure on the parties to continue negotiations. For instance, international support to the peace initiatives of the Ranil Wickremasinghe government helped strengthen his position particularly when it was challenged by President Chandrika Bandaranaike Kumaratunga and may have played an important role in deterring her until April 2004 from attempting to directly challenge and take action against policies initiated by the UNF government, such as the signing of the CFA or the de-proscription of the LTTE. That the President had to eventually fall back on continuity rather than change is perhaps also indicative of the international pressure that was brought on the Sri Lankan State.

In this regard, it is pertinent to refer to the policy statement by Prime Minister Ranil Wickremesinghe made in parliament on January 22 2002 which was a forthright admission of the reality that the Sri Lankan Government and the LTTE are under close scrutiny by the international community in how they work out a solution to the on-going war. He said, "International opinion compels us in this direction. This compulsion is not only limited to the Government of Sri Lanka but is also compelling on the LTTE". He has further pointed out that

the concern of India as well as the Donor countries have been drawn towards this problem today more than ever before. They steadfastly advocate a political solution to the war. In this context the centre of attention is international opinion. A solution to the North East problem will be through international opinion.

Seemingly innocuous statements by the very identity of the actor making them can be hugely significant in providing international support and recognition. For instance the UN Secretary General's condemnation in February 2005 of the LTTE Eastern Political Leader E. Kausalyan and condolence message to the family and the LTTE was striking, particularly given that it was the first message of condolence/condemnation of the killing of an LTTE leader and that it followed the government's refusal to allow Mr Annan to visit Mullaitivu on the Secretary-General's visits to tsunami affected areas. Thus this message served as an expression of interest on the part of the UN in the Sri Lankan peace process and a symbolic step in the LTTE's search for international recognition.

Condemnation and criticism through public statements have also been used to pressure the parties to take critical steps in the process. International condemnation of human rights abuses by the LTTE, in particular political killings and child recruitment by key international actors has kept the issue of human rights in focus while pressurizing the LTTE to curtail its violations and to transform. On the child recruitment issue, a number of international actors have made repeated statements condemning it, ranging from the US State Department's "State of Human Rights" Report to Human Rights Watch reports to UNICEF report to the UN Security Council. While it has not necessarily ended the practice it has forced the LTTE to deny and/or defend the practice and arguably to take appropriate action through scaling down child recruitment and signing up to an action plan with UNICEF to demobilize child combatants. The effectiveness of these international statements in directly yielding results is more than questionable; nevertheless in terms of influence and pressure on the two parties they can play a significant role in why the parties adopt a certain policy or line of action. While in some instances these statements may be seen and treated by the parties and other actors as mere lip-service, other statements may be representative of policy positions that the parties have to take into serious consideration and have had to deal with. American insistence that the LTTE needs "to renounce terrorism in word and in deed" has been applied in policy as seen with the refusal by the US government to invite the LTTE to the pre-donor conference in Washington DC, which complicated the LTTE's search for legitimacy through the peace process.

A direct approach adopted by the international community to become involved in the peace process has been through facilitation and mediation. Norway has been the principal actor involved in trying to broker a ceasefire and to mediate peace negotiations, a role it has played since 1999. The primary negotiator representing Norway, Eric Solheim assisted by a high level team including deputy foreign minister Vidar Helgesen have played a key role in brokering the ceasefire, initiating the process of negotiations through a series of pre-negotiation meetings, facilitating the peace talks and conducting shuttle diplomacy to assist the parties in reaching agreements and in continuing and resuming the peace talks. Norway's role has been one of a facilitator-just-short-of-a-mediator where in addition to serving as messenger and assisting the parties in the talks and negotiations, it also mediated solutions

through providing its own responses. For instance, in the aftermath of tsunami as the GoSL and LTTE attempted to negotiate a Joint Mechanism to administer post-tsunami recovery, talks between the respective peace secretariats of the GoSL and the LTTE were direct and took place in Colombo. Norway embarked on a shuttle diplomacy between Colombo and Killinochchi following LTTE's withdrawal from direct talks following the assassination of its Batticaloa-Amparai leader Kaushalyan, allegedly by the Karuna faction.¹⁴ With the parties finding it difficult to reach a final agreement, it was Norway that framed the final document, couched in "compromise language," clearly demonstrating that their role went beyond facilitation.

Norway has played a central role in the current peace process, and while the full extent of this role particularly in brokering understandings during crises is not currently in the public domain, it is evident that Norway has been at the forefront of driving the process forward and ironing out differences. Its focus on moving the process forward particularly at a cost of certain issues such as human rights and inclusion of Muslims as a separate party to the peace negotiations has been critiqued. In response to raising human rights issues, Norway has claimed that it raises issues at the behest of the two parties rather than initiating discussion on its own. With regards to the issue of Muslim exclusion Norway has, in the post-tsunami scenario, attempted to show its interest in the Muslim issue by Eric Solheim and Vidar Helgesen meeting key Muslim political leaders and the former visiting key Muslim population centers such as Puttalam, while not necessarily representing and mediating solutions with the two parties. However, the reported remark by Vidar Helgesen to SLMC leader that it was too late to include the Muslim polity as co-signatories in a tripartite agreement prior to taking up the issue with the Government and the LTTE angered the Muslim polity as a case of rank "audacity."

While the international community, in general, has supported Norway's facilitation, some international actors have also attempted to play the role of an additional facilitator. Japan in particular has attempted to carve out a special role for itself within the Sri Lankan Peace Process verging on acting as the secondary facilitator. The appointment of Yasushi Akashi, former Special Envoy to the Former Yugoslavia, as Japanese Special Envoy illustrates the

¹⁴ As publicly stated by SCOPP Secretary-General Jayantha Dhanapala on numerous occasions.

importance attached to this role. In the period leading up to Tokyo, following the LTTE's suspension of participation, Akashi made repeated visits to Killinochchi to encourage the LTTE to attend. The exact role of the Japanese is by no means clear, and there is some confusion among international actors as to the level of coordination among the two key facilitators and whether the Japanese are seeking to create a distinct role within the peace process.

Issuing statements, making diplomatic visits to the headquarters of the two parties to meet their leadership and attempting limited facilitation are not unusual tasks for those international actors that engage with both parties. A significant number of international actors' attempt to use this policy of constructive engagement, particularly with the LTTE as a non-state actor, to encourage progress in the peace process. International actors' engagement with the GoSL are important to it, as it can further or extend diplomatic/economic relations. Engagement with the LTTE is far more difficult and arguably significant for both sides. As a non-state actor, particularly one designated as a terrorist organization, the LTTE is limited in its international interactions. One of the principal benefits a peace process offers is to build ties and secure recognition as an actor. For the international actor the main advantage is to increase its presence within the peace process and the country at large, while giving it leverage to influence the LTTE. Through constructive engagement, the international actor hopes to assist the LTTE's transformation into the political main stream. Some critics argue that a number of these international actors, in particular the EU States and the Scandinavian countries, have got confused between critical engagement that allows for assistance and censure of the LTTE and appeasement that seeks to keep the LTTE in the peace process at all costs. Arguably Japan also attempted to use constructive engagement in the South in trying to secure an agreement on the Joint Mechanism with regards to opposition within the UPFA coalition government by taking the key coalition partner opposed to the P-TOMS, the Janatha Vimukthi Peramuna (JVP) to a visit to Tokyo recently.

In order to institutionalize international involvement in the peace process the international community created forums. A key mechanism that was created was the Donor Co-Chairs bringing together some of the most central actors involved in the peace process: US, EU,

Norway and Japan.¹⁵ While its role will be discussed at greater length in the economic aid strategy section that follows, it has used its position to further the peace process through diplomatic means. The Co-Chairs have attempted to use their significant leverage in driving the parties forward through issuing statements to put pressure on the parties. For instance in a joint statement on December 19 2004 three Co-Chairs (excluding Norway) criticized the JVP for “contradicting the clearly stated position of the President and the Government,” which can be seen as significant involvement in Southern politics. A second institution that was created for international actors was the Donor Working Group that emerged out of the Tokyo Donor Conference. Bringing together some of the major bilateral and multilateral donor agencies and directly being responsible to the Co-Chairs, it has provided a forum for some of the key international players to devise means of moving the process forward and thereby to put pressure on the parties.

Economic Assistance and Aid: In encouraging the parties to reach a negotiated settlement, the international community has used economic tools available to it. Through a mix of incentives and conditionalities the international community has sought to encourage and pressurize the parties to compromise and to coax the parties forward.

The international community aims to strengthen the peace process by providing incentives in the way of assistance and resources for the realization of ‘peace dividends.’ Through aid, loans, trade deals and quotas, and directly funded projects the international community attempts to prove the economic benefits and sustainability of peace. In general during conflicts, many bilaterals and multilaterals are cautious of providing economic assistance for governments at war, both to desist from being seen to sponsor a conflict and being involved in high-risk assistance with potential low returns. While the Sri Lankan conflict may go against the grain in terms of significant economic assistance and interest shown by the international community during the conflict, the peace process has offered significant opportunities for the government to expand its development program and poverty reduction schemes as donors have stepped up their programs. Given its non-state status and identification as a terrorist group has meant that during the conflict, the LTTE has had to

¹⁵ The mechanism of international co-chairs for a peace process is by no means unique to the Sri Lankan Peace Process and has been used in peace processes in Israel/Palestine and Sudan.

sustain areas under its control through diaspora funding, income earned by the movement either through taxation or international private enterprise from LTTE-front companies, relief assistance from INGOs and government assistance to rebel controlled-areas. The peace process offers the LTTE an opportunity to develop areas under its control utilizing funds made available by the international community for conflict-affected areas and people, in addition to the direct and indirect funding for capacity building and the like. For the donors a peace process offers an opportunity for it to expand its presence in the country and between the parties, increase its leverage, invest in and support a 'success story.'

During the period of peace negotiations until the Tokyo Donor Conference the international community has demonstrated its support and commitment to the process. A central mechanism created by the international community to marshal funds and to use it as leverage to support and direct the process was the Co-Chair system. In addition to their political role the Co-Chairs used their position to mobilize funds from the international community for the peace process. This was done through a series of donor parleys: with pre-donor conferences in Oslo and Washington culminating in a major donor conference in Tokyo in June 2003. These donor conferences demonstrated the significant interest and support for the peace process, while strengthening their leverage and providing a platform to do so. Similarly the international community has shown its support through financial means. The highlight of financial support from the international community was the Tokyo Donor Conference which saw 51 countries and 21 multilateral/bilateral agencies pledge US\$ 4.5 billion for the period 2003-2006, despite the LTTE's non-participation. Through pledging such a high figure the international community demonstrated its commitment to the process while putting pressure on the LTTE to re-commence negotiations. In addition to this grandstand event where international actors pledged support, they have committed and disbursed funds to a variety of projects to help the process progress and to help the process of transition. Thus these actors seek to help the local parties to realize a variety of aims: assist in post-conflict reconstruction and rehabilitation in the North-East; revive development in Sri Lanka as a whole; and capacity build the LTTE, local government and civil society.

Conditionalities are a common feature of aid packages, be they explicit and part of the aid deal or implicit and understood by both parties (without direct reference to it in public statements). Donors who have pledged aid, particularly at aid confabs in the Sri Lankan context have more or less tied it to progress at the peace talks. The “Tokyo Declaration on Reconstruction and Development of Sri Lanka” observed that the “manifest commitment by both the Government of Sri Lanka and the LTTE to further the peace process will be necessary for the provision of international assistance to the reconstruction and development of the conflict affected areas of the North and East,” thereby raising the stakes for the LTTE and the GoSL by putting forward a significant amount of financial resources and making it contingent on the parties’ willingness to negotiate and come to agreement. It is noteworthy that, in the context of the P-TOMS and its relevance to the resumption of peace talks, a number of international actors have made it quite clear that while they support the P-TOMS they will not be making their aid commitments conditional to reaching an agreement on the P-TOMS. Contrastingly, other key international actors have expressed their interest in seeing the P-TOMS realized; in particular the forthright statement made by the Co-Chairs on June 13 urging “the *immediate* [our emphasis] signing of the agreement in order to ensure the proper flow of reconstruction aid to tsunami victims in the North East.”

While making a general demand for progress the donor community has also insisted on specific policies to be adopted. For instance, at the pre-donor conference in Oslo the international donor community “expressed its strong recommendation that the LTTE seek a political solution and renounce its demand for secession.”¹⁶ The importance of the politics of economics comes to the fore as international actors debate between their interest and need to fund peace-related activities and projects in Sri Lanka with their mandate, policy positions and larger strategic concerns. Tying economic and technical assistance to the LTTE with a commitment on the part of the LTTE to a human rights agreement has proved problematic for the international community, and arguably many international actors prefer sticking to more overtly political issues such as peace negotiations, while others such as the US continue to stick to their position of no direct funding to the LTTE until it renounces

¹⁶ Morina Perera, “Towards a Federal State: Negotiating the Framework for a Political Solution,” (December 2002) in Jayadeva Uyangoda and Morina Perera (ed.s) *Sri Lanka’s Peace Process 2002, Critical Perspectives*, Social Scientists Association, 2003, p.94

terrorism in word and in action, that includes political assassinations and recruitment of children.

5. Some Concluding Thoughts and Questions for Reflection

Undoubtedly, international community involvement in a peace process provides numerous advantages for the progress of that process. The coupling of incentives and pressure on the parties to compromise and re-define their goals and, arguably, themselves can be decisive in the steps to peace. This involvement can however have multiple effects on the parties and the process with the potential to drive or even stall the process.

Recognizing the significant level of internationalization of the Sri Lankan Peace Process, it is important to examine how effective the international community has been in driving the peace process forward and to assess what its impact has been.

In this regard, we list out some questions which may be relevant to our deliberations at this conference:

On the Role of the International Community

- 1) Has the Sri Lankan Peace Process been over-internationalized?
- 2) Has public participation in and ownership over the process been ignored, by the parties to the conflict and the international community in this current peace process?
- 3) Has the international community been able to use its leverage adequately and effectively or found itself victim to the power politics of the local actors?
- 4) Has the international community taken up its responsibility to ensure a sustainable and just peace?

On Security Dimension : US Perspective

- 1) Where does Sri Lanka fit into US foreign policy interests and strategy?
- 2) What are US interests vis-à-vis Sri Lanka now and in the future?
- 3) Does the US Government subscribe to the notion of international safety net for the Government of Sri Lanka, in this peace process?
- 4) What does the US understand to be its role and responsibility as Co-Chair?
- 5) As far as the Sri Lankan Peace Process is concerned how does the US see its role vis-à-vis India?

On Security Dimension : Indian Perspective

- 1) Where does Sri Lanka fit into Indian foreign policy interests and strategy?

- 2) What are Indian interests vis-à-vis Sri Lanka now and in the future?
- 3) Does the Indian Government subscribe to the notion of international safety net for the Government of Sri Lanka, in peace process?
- 4) How does India view the involvement of extra-regional actors in the conflict transformation process?
- 5) As far as the Sri Lankan Peace Process is concerned how does India see its role vis-à-vis the US?

On International Mediation

- 1) How has Norway's role as intermediary in the Sri Lankan Peace Process evolved? Is Norway a facilitator or mediator in the current peace process?
- 2) What is Norway's role in the peace process vis-à-vis the international community? Is it a sole actor or a representative of the international community?
- 3) What are public perceptions of Norway's role in the Sri Lankan Peace Process?

On Economic and International Aid Dimension

- 1) To what extent is development aid a catalyst for peace building and how has it been used in Sri Lanka?
- 2) To what extent is developmental aid contingent on progress in the peace process?
- 3) Is there a common donor position/approach to the peace process? If not, what are the consequences?
- 4) What are the donor community's expected outcomes from the GoSL and LTTE ?
- 5) To what extent are human rights benchmarks and conditionalities a part of development policy in the Sri Lankan Peace Process?
- 6) How does the donor community view its role and responsibility in a protracted no war, no peace or in a renewed hostilities scenario?

On International Civil Society

- 1) What are the levels of engagement and impact of international civil society in the current peace process?
- 2) Has international civil society been able to create a space of its own in current peace process?
- 3) To what extent has international civil society been able to transform the conflict?