

# **CONTEXTUAL LIMITATIONS: A THEORETICAL ANALYSIS OF NORWEGIAN MEDIATION IN SRI LANKAN CONFLICT**

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## **Abstract**

By this research, we try to understand the context of the Sri Lankan conflict and how Norway as the mediator relates with that. We use interviews and opinion poll to shed light into the procedural factors of the mediation and how it inter-relates with the contextual factors. We try to see the Norwegian mediation in the back-drop of the past peace efforts in Sri Lanka held either with or without mediation. A contextual analysis has been done based on our empirical findings and mediation theories which elucidate mediator's neutrality, resource, status, and Skills, principal strategies of mediation, and types of mediator resources. The contingency approach that we use in this paper perceives that mediation strategy and behaviour (procedural factors) must in order to be effective, match and reflect the contextual factors of the conflict .our study shows that a mediator can be less prone for criticisms if he shows understanding in cultural differences and in the complexity of the conflict. Therefore, with time, he can contribute to a constructive transformation of the conflict.

## **Key words**

contingency approach, mediation, procedural factors, contextual factors, neutrality, resource, status, skill

## Introduction

The Sri Lankan conflict between Sri Lankan government and the liberation Tigers of Tamil Eelam (LTTE) a secessionist movement had been waged more than 30 years claiming more than 60000 lives. When we did our field work for the research in July and August in 2004 The peace process in Sri Lanka mediated by Norway has come through a long path of ups and downs for four years from its beginning in year 2000. For the primary data collection of the study we mainly employed interviews and, field observation. A questionnaire survey was done among civilians on certain issues of ongoing peace process. Secondary data from newspapers, amendments, and web sites were also invaluable modes of information.

The informants for the interviews were drawn from all social strata involved in the peace process. Vavuniya district in Northern Province (Tamil population 76%), and Ampara district, from Eastern province, (Muslim majority 41% Sinhala population 39%), and Matara district from southern province (majority are Sinhalese) were the areas chosen for questionnaire survey.<sup>1</sup>

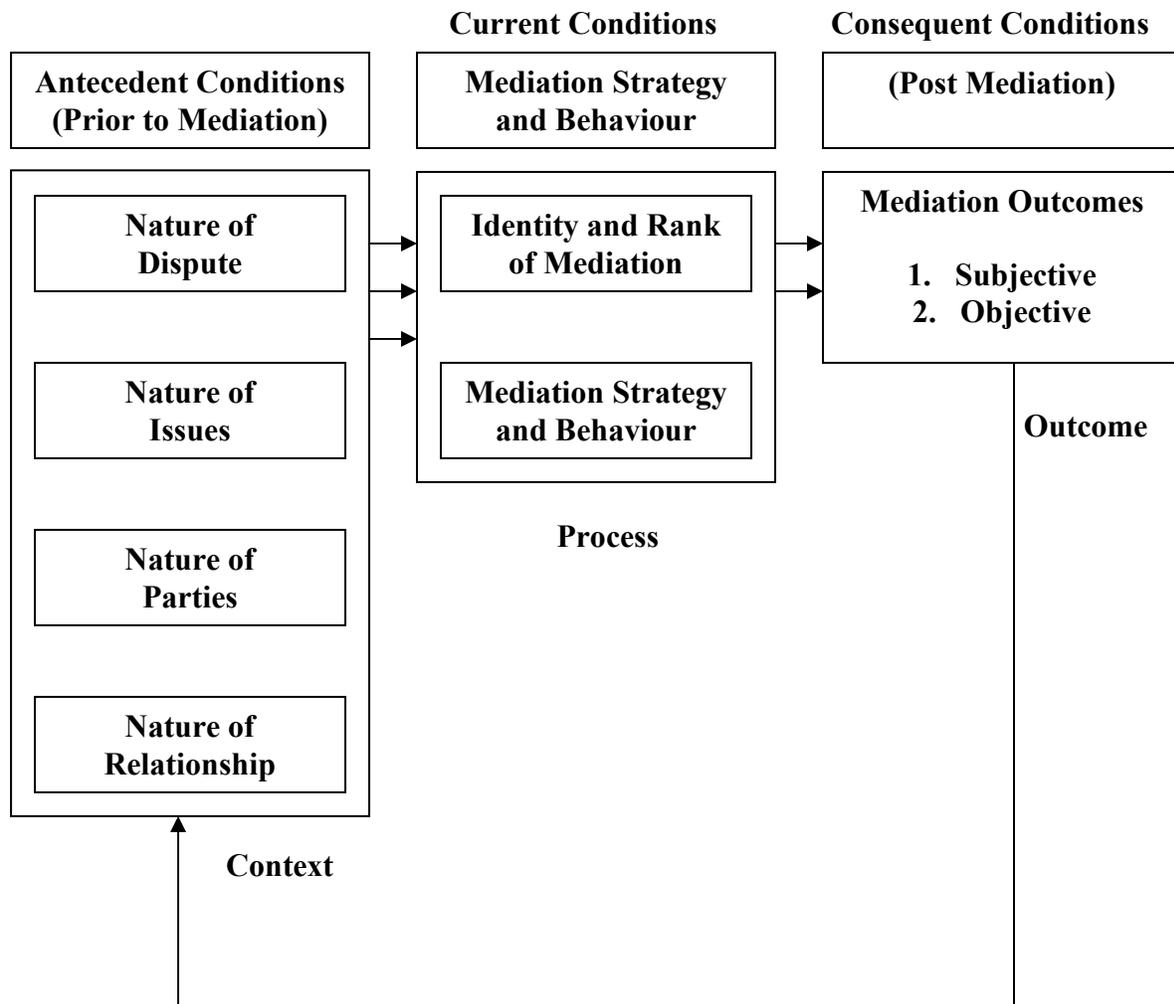
Our objective is to explore the complexities of the conflict, and how the kinetics generated from the interplay between the parties to the conflict affects the mediator and vice versa. For a critical analysis of mediator behavior and the interplay between parties we utilize contingency approach to conflict mediation. We prefer the contingency approach over the ideographic, the descriptive and the normative approach because it sees mediation as a dynamic process where success or failure is dependent not only on the identity of the mediator or the strategies employed, but also on a number of factors that relate to the parties involved, the issues at stake and the context of their interaction.<sup>2</sup> The context factor influencing the choice and diversity of mediation strategy and behaviour can be best understood within a general framework. This framework organises the dimensions and process of mediation into temporal sequences that depict the interplay among prior conditions that are antecedent to mediation, the actual process of mediation, and subsequent outcomes. This is depicted in the graph below.<sup>3</sup>

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<sup>1</sup> Census Report, 2001, Government Press, Colombo.

<sup>2</sup> Bercovitch, J., Anagnoson, J., Theodore and Wille, Donnette., L., 1991, Some Conceptual issues and empirical trends in the study of successful Mediation in International Relations, *Journal of Peace research*, Vol:28, No 1.

<sup>3</sup> Bercovitch, J., 2002, The Structure and Diversity of Mediation in International Relations Edit by Bercovitch, J., Rubin, J *Mediation in International Relations- Multiple approaches to conflict management*, Macmillan Publication, USA, P.19.



**Figure-1-Contingency Approach in Mediation**

This paper begins with an elaboration on the conflict condition antecedent to the conflict. That examines the development of the conflict and its causes with an overview to the conflict history. A critical analysis of the efforts taken for truce and negotiation between parties will be undertaken in the second part of the paper. Analysis of The procedural factors to the conflict mediation is mainly condensed in the third part of the paper where Norwegian mediation is discussed in particular.

### **Conflict History In Sri Lanka**

Sri Lanka is a plural society of three major ethnic groups, Sinhala, Tamil and Moors<sup>4</sup> (Muslims). The majority Sinhalese make up 73%. They speak the language Sinhala and are mainly Buddhists. ‘Sri Lankan Tamils’ represent 13% of the total; they are concentrated largely in the Northern and Eastern provinces; although a third of them

<sup>4</sup> This is a group rely mostly on their religion (Islam) for their identity. Though they speak the same language as Tamils the diametrical difference with Tamils in culture, religion and practises justify grouping them as an ethnic group.

have lived for generations in the South.<sup>5</sup> Both these groups have inhabited in the country since time immemorial.<sup>6</sup> Over more than two thousand years of history there has been a great amount of interaction, sharing, and amicable cohabitation between Sinhalese and Tamils in the island. The intermingled features in literature, rituals, ceremonies, inter-marriages, and various other factors give evidence of mutual respect and tolerance.

The actual foundation for psychological, political and economic causes of the conflict was laid down in the colonial time. In the political sphere, the legislative council was formed to highlight the ethnic variation. The legislature comprised nine official members (British), and six non-official members. These six members were appointed according to the ethnic basis.<sup>7</sup> This representation system does not reveal any solemnity towards introduction of a just system. The independent movement in Sri Lanka could not assemble the parts of a severed nation. Unlike the Indian independent movement, the Sri Lankan independent movement did not attract the masses. After the independence in 1948 the political power was transferred to the western educated elite group in the European political culture based on the 'Westminster type of democracy'.<sup>8</sup>

### **Promotion Of Ethno-Nationalism**

The first bullet for racism was shot out in 1949 with the introduction of "Indu-Pakistan citizenship act" by Premier D.S. Senanayake to disfranchise Tamil estate workers imported from India in colonial period", the issue led to a division of the party. The Tamil leaders detached from the national government promoted an anti-Sinhalese propaganda, and claimed the policy was against the entire Tamils. Colonisation of Eastern province with mostly Sinhalese people by Premier D.S. Senanayake under his irrigation development schemes was also a major political action alleged to be antagonistic to Tamils and considered as an invasion of traditional home-land of Tamils.<sup>9</sup> The "Sinhala only act" was a main slogan used by the SLFP in 1956 election campaign which was designed to bolster Sinhala nationalism. In 1970, the United Front coalition introduced a system of standardization for university entrance, for which language factor was considered. The "Sinhala only act" and standardisation of university admissions were also used by the Tamils as an attest to racial discrimination.

Even though the rulers took steps to correct the unjust policies latter, the polarisation of ethnic groups has already been promoted. The new changes are only to satisfy the voters they targeted in the political campaign and not equitable to all. The elites in power in order to run their political campaigns could easily find catalysers to bolster various

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<sup>5</sup> Zartman, W., 1995, *Elusive Peace*, The Brookings Institutions, US, P.36

<sup>6</sup> Gunartna, Rohan, 1987, *War and Peace in Sri Lanka*, Institute f Fundamental Studies, Colombo, P.6

<sup>7</sup> Wejwera, Rohana, 2000, *Our Solution to National Problem in Sri Lanka*, Niyamuwa Publication, P.159. In 1889, In 1910, 1920, 1921, legislative council reformations, council was appointed in ethnic basis and only the educated could vote. In 1920-out of 23 non-officials, 3 for Western province 8 for-other provinces, 2 for Europeans, 1for Burger, 1for Trade Organisation, 1for Low country producers 2 for up country Sinhalese, 1 for Indians, 1 for Muslims were allocated and another 3 appointed by the governor.

<sup>8</sup> Gamage, Siri, 1999, *Conflict and Community in Contemporary Sri Lanka*, Wijitha Yapa Publication, Colombo, p.33

<sup>9</sup> Gunartna, Rohan, 1987, *War and Peace in Sri Lanka*, Institute f Fundamental Studies, Colombo, P.17

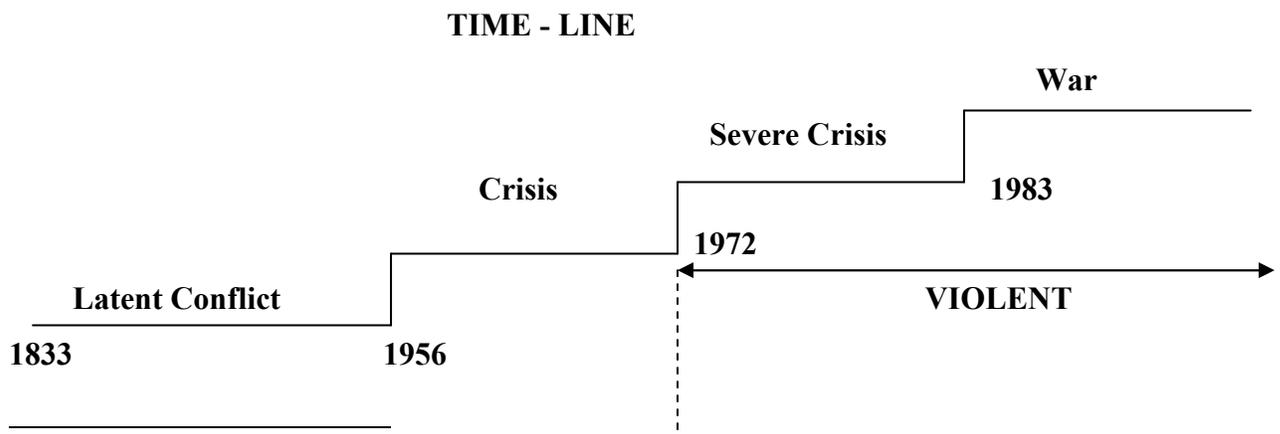
groups in a multi-ethnic society. By driving the political campaign on this smooth avenue of identity necessities elites could easily bypass the rough avenue of pledges on economic and social development. The increasing country's debt over years made it difficult for the elites to make pledges for tangible economic development. Politicians came up with their own solutions to the social unrest which they defined as an ethnic problem. 1958-Bandaranayake-S.J.V.Chelvanayakam and, 1965-Duddly-Chelvanayakam Pacts were the two major attempts to redress the Tamil grievances. Those pacts could never surpass the communal protests to become a reality.

### The Dawn Of Tamil Secessionism

Tamil political leaders declared the necessity of a separate state for Tamils in North and East provinces in 1972 December. This was a turning point for the conflict to escalate into a server crisis stage. In June 1983 massive anti-Tamil riots in Colombo, precipitated by Sinhalese who were enraged by Tamil ambushes of government troops in Jaffna, intensified a cycle of violence.<sup>10</sup> The riots sharply radicalised more of the Tamil community, and led the government to pass a 6<sup>th</sup> amendment to the constitution, which required all members of the parliament to take an oath to defend the unitary constitution.<sup>11</sup>

The then president J.R.Jayewardena did not succeed in subduing the riots by revamping law and order machinery immediately in the country and in instituting a judicial enquiry into the events leading to the eruption.<sup>12</sup> After the '83 riots a large amount of neutral Tamils turned to Tamil rebellions shooting up its strength in a way that rebels themselves have never expected.<sup>13</sup> India at the first time in conflict history came officially for help, strengthening the Tamil movement both physically and morally.

### DIFFERENT PHASES OF THE SRI LANKAN CONFLICT ----->



<sup>10</sup> Zartman, William, 1995, *Elusive Peace*, The Brooking Institution Publication, Washington D.C., USA, p.42

<sup>11</sup> Ibid.

<sup>12</sup> Ghosh, Partha, S., 2003, *Ethnicity versus Nationalism*, Vijitha Yapa Publication, Colombo, , P.100

<sup>13</sup> Gunarathna, Rohan, 1999, 'Internationalisation of the Tamil conflict' in *Conflict and Community in Contemporary Sri Lanka*, edit by Watson, I.,B., Gamage, S., Sage Publications, India, p.127



time allocated for direct negotiations was extremely limited. Further they accused the government of having clandestine agendas to capture the Jaffna peninsular which was under their control in that period.

Ultimately the third attempt by Chandrika government with no outside party intervention also failed after one year ceasefire and discussion period. Critics accused Chandrika of being too generous to LTTE who had proved to be untrustworthy for several times in history. Having failed the discussions Chandrika government unleashed two way strategies. That is to weaken the LTTE by military means and to redress Tamil grievances by political means, via devolution of power.

### **Norwegian Mediation In Sri Lankan Conflict**

In the end of 90's both the Sri Lankan government and LTTE realised that an intervention by a genuine outside party was a crucial option to transcend the internal political turmoil and deteriorating trust between the parties to the conflict in Sri Lanka. In '98 the government of Sri Lanka invited Norway to facilitate peace talks: 'It all began in '98 when Oslo was approached simultaneously by the Sri Lankan president and the LTTE leader to assist in a lot of practical matters to bring peace to Sri Lanka. Gradually it became an official request from both sides, and it was confirmed in 2000.<sup>16</sup> In one of their studies of international mediation, (Jacob Bercovitch and Allison Houston, 1996) concluded; '...an analysis of our data set indicate that mediation is most likely to be successful (62.3%) when initiated by both parties to dispute, as opposed to only one of the parties requesting mediation (41.3%)...'<sup>17</sup> The Norwegian peace envoy, all the political party representatives, civil society, maintained the opinion that the condition of Sri Lankan conflict was favourable for a negotiation when mediation initiated.

### **External Influential Factors For The Compromise**

Most countries including US, Canada, Australia, UK, ASEAN and SAARC member countries banned LTTE in the late '90s as a terrorist organisation. UNICEF branded LTTE as one of few armed groups that employ children in the battle field.<sup>18</sup> EU called on the member states to monitor the LTTE offices operating on the territory of the EU and to ensure that their agents respect the law and take no part in terrorist or intimidatory activities.<sup>19</sup> Having failed its strategies to divert the growing international repugnance towards them, LTTE saw their future becoming blurred. For the government, the major external influences came from the international donor countries in 'Paris conference' and 'Bretton-woods' institutions. Government needed peace to make a safe way to welcome investments.

### **Internal Factors In Favour Of Negotiation**

Virtually all the Tamil rebel groups except LTTE came to the democratic path way after the peace accord in 1987. Having been discontent and fed up with the long lasted war,

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<sup>16</sup> Maria, Saifuddin, 2004, *The Peace Process in Sri Lanka*, Institute for Global Dialog, Johannesburg, South Africa, p.26

<sup>17</sup> Bercovitch, Jacob, 1996, *Resolving International Conflicts*, Lynne Publication, p.28

<sup>18</sup> ..., 1996, *The State of the World's Children*, UNICEF Annual Report,..

<sup>19</sup> ....., 1995, *European Parliamentary Report*, Report Number DOC\_EN\RE\286\286202,

the Tamil community started to vote Tamil political parties in the democratic cause. The LTTE have foreseen a downhill fate in popularity if continue to engage in war. In terms of government a context transformation was taking place at the same time. At the end of '90s the Sri Lankan government confronted with a growing public disappointment over the impotence of the government to fulfil their pledges to reduce the living cost and end the war, bribery and corruption.<sup>20</sup> The government was in a struggle to find out a loophole to escape. In Sri Lanka external and the internal context factors facilitated both parties to come to peace negotiation.

### **'Ripe Time'**

The recognition of ripe moment is also crucial for successful conflict mediation. In the ripe moment; the parties may find themselves locked in a stalemate which brings to them only an unavoidable catastrophe. Or else, they no longer see the viability of unilateral solution.<sup>21</sup> Commenting on the military conditions at the beginning of A political Advisor to the Sri Lankan President Prof. Laksri Fernando told;

‘...In the end of ‘90s Sri Lankan military had put their full strength in ‘Operation Jayaskuru’ to capture A-9 road but could not capture it. LTTE began a heavy operation to capture Jaffna but could not come beyond ‘Muhamali’...’<sup>22</sup>

This was a mutually hurting stalemate. According to Zartman ‘A ripe moment is a ‘mutually hurting stalemate’ where neither party are able to win the conflict. It is claimed that ripeness only explains why the parties meet for negotiations and can not be used to explain the outcome of such a process.’<sup>23</sup>

Some claim ripeness should be identical with the parties’ willingness to seek a compromise. Kleiboer suggests that ripeness comes equal with what she calls ‘complete willingness’. In Sri Lankan conflict both parties implied their willingness. When it comes to the selection of a mediator; out of more than forty nations giving foreign assistance and some willing to offer their help as intermediaries only five were selected by the Sri Lankan government, and of those five the LTTE chose three: Norway, Netherlands and Canada. Out of all those countries Norway was bestowed by both parties as the facilitator.

### **Legitimate And Expert Resources**

Several distinctive features of Norway contributed to the credibility she gained from parties. As Prof. Laksri Fernando told in the interview; ‘the international reputation, Norway has gained as a peace broker and her good social records as a country were main convincing factors to the government’.<sup>24</sup> Personal reputation, track records, and special expertise, are all constituents of the status of a mediator which is an important factor

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<sup>20</sup> Maria, Saifuddin, 2004, *The Peace Process in Sri Lanka*, Institute for Global Dialog, Johannesburg, South Africa, p.8

<sup>21</sup> Zartman, William, 1989, *Ripe for Resolution: Conflict an Intervention in Africa*, Oxford University press, New York and Oxford, P.273.

<sup>22</sup> Interview with Prof. Laksri Fernando, University of Colombo, Sri Lanka, August 30<sup>th</sup> 2004.

<sup>23</sup> Zartman, William, 1997, *Explaining Oslo International Negotiation*, Vol:2 No:2, P210.

<sup>24</sup> Interview with Prof. Laksri Fernando, University of Colombo, Sri Lanka, 2004 August 30<sup>th</sup>

determining her behaviour. Norway is one of few countries in the world who could maintain an excellent liberal democracy, egalitarianism in the society, and a favourable foreign policy towards the South.

Norway has achieved a reputation in its efforts towards peace building. So Norway possesses an expert resource in conflict prevention, conflict resolution, and support for peace process as well as post conflict reconstruction. Due to its generous and non-coercive policy towards the South, Norway has maintained a less threatening and less domineering impression in South. Norway is one of the highest donor contributors in the world. Since 1974 the amount of aid contributed has constantly exceeded the UN target of 0.7% of GNP. This reputation enhances the legitimacy of Norway for mediation.

### **Referent And Reward Resources**

According to Touval and Zartman, the parties' relations with the would-be mediator is a major contributory factor for her acceptability.<sup>25</sup> This quality pertains to the referent resource of a mediator. This resource based on the identification of the recipient with the influencer builds on their relationship and any feelings of fundamental similarity or empathy which exists.<sup>26</sup>

Norway relations with Sri Lanka run back to late '60s when it began fisheries development project in the Jaffna region (Northern Sri Lanka). Norway has never banned the LTTE as a terrorist group. This was a positive gesture to LTTE in relational terms. The Sri Lankan consular general to Norway told;

‘...there is some fifteen thousand Tamils live in Oslo...they work for the cause of LTTE they collect money, do demonstrations. It is a well known fact...’<sup>27</sup>

This conveys there is less resistance for LTTE propaganda activities in Norway. Slim observed in international mediation ‘small states’ as mediator, may be regarded as sympathetic and trustworthy by the weaker party while being considered non-threatening by the more powerful.<sup>28</sup> Because Norway is a small state, each party to the Sri Lankan conflict regarded Norway in the similar way Slim observed in general.

### **NORWEGIAN MEDIATION AND INDIAN INTERESTS**

Sri Lankan conflict is significant to India.. Even though it is hardly possible to assume that India would make any intervention in the conflict, still she heavily concern how the parties are going to compromise. The Spokesperson to peace Secretariat of Sri Lankan government explained; how the Indian factor mattered in selecting mediation to the conflict.

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<sup>25</sup> Touval and Zartman, William, 1989, *Mediation in International Conflicts* in Kressel, Kenneth and Dean, Pruitt, *Mediation Research: The process and effectiveness of third party intervention*, Jossey - Bass publication, London, p.122

<sup>26</sup> French, J.R and Raven B.H., 1959, *The Bases of Social Power* in Cartwright, D., (edit) *Studies in Social Power* and Ann Arbor, Mich.: Institute for Social Research, University of Michigan, p...

<sup>27</sup> Interview with Sugiswara Senadira, Sri Lankan consular general to Norway, Oslo, 2004 June 12<sup>th</sup>

<sup>28</sup> Rubin, J., Z., 2002, *International Mediation in Context*, in *Mediation in International Relations- Multiple approaches to conflict management*, edited by Bercovitch, J., Rubin, Macmillan Publication, USA, p.267

‘...India will not like somebody with a strategic interest that will interfere with its defence policy or security policy having a presence in Sri Lanka...’<sup>29</sup>

Norway, a ‘small state mediator’ with no ‘super power’ motives suited to the Indian concerns. Norwegian peace envoy Eric Solheim has said; ‘Norway recognises India’s legitimate interests in Sri Lanka, and has no desire to come in the way of any Indian initiative to end the extended conflict within its Southern neighbour’.<sup>30</sup>

### **NORWAY AS A FACILITATOR**

From the beginning of the mediation process Norway described its role in the negotiation as facilitative. Geir Sjøberg, advisor, Ministry of Foreign Affairs of Norway once described the role of Norway in Sri Lankan conflict as;

‘Norway’s role as a facilitator is to assist the parties in their efforts to reach a political solution not to impose solution on them. A significant part of Norway’s efforts have been focused on facilitating understanding between the parties: we have spent much time providing a channel for communication between the parties and helping them bridge the gap between their respective positions. In this effort, we eke only those actions, such as making proposals or arranging meetings that the parties have explicitly requested of us.’<sup>31</sup>

According to the above self-definition the Norwegian strategy of mediation in Sri Lankan conflict sits at the lower end of the continuum of mediation strategies. That is communication facilitation strategies where mediator typically adopts to fairly passive role, channelling information to the parties, facilitation cooperation but exhibiting little control over the more formal process or substance of mediation. In Sri Lanka I found there is a political debate on the role of Norwegian mediation, can it be classified as a mediation or a facilitation? The spokesperson to the ‘Sri Lankan government peace secretariat’ Shanaka told;

‘...Norway is a facilitator we don’t see them taking a role beyond that...’<sup>32</sup>

When I met Norwegian peace envoy to the Sri Lankan peace process I asked him about limits to the Norwegian mediation, he answered;

‘...There is only one limit. We will never do anything which is not accepted by the parties. We will never do anything with the LTTE which is not accepted by the government. Nor will we do anything with the government which is not accepted by the LTTE. When it comes to talks, our role in writing documents all this... it is

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<sup>29</sup> Interview with Mr. Shanaka Spokesperson to the government peace secretariat, Colombo, 2004 July 23<sup>rd</sup>

<sup>30</sup> Maria, Saifuddin, 2004, *The Peace Process in Sri Lanka*, Institute for Global Dialog, Johannesburg, South Africa, p.26

<sup>31</sup> Geir Sjøberg, 2003 February, *Norwegian experiences in peace- and reconciliation process in Papers from ‘conference on peace, development and rehabilitation in Sri Lanka*, CPS in University of Tromsø, Norway, p.5

<sup>32</sup> Interview with Shanaka Spokesperson to the government peace secretariat, Colombo, 2004 July 23<sup>rd</sup>

for the parties to decide. Of course we have no way whatsoever imposing peace in Sri Lanka. Whatever they in agreement ask us to do we are ready to do...<sup>33</sup>

All three parties have consensus on the definite role of Norway inside the conflict. This consensus eases the way of mediator by reducing the tendencies for complexities on understanding.

### **Memorandum Of Understanding**

In Sri Lanka where relations between the disputing parties have deteriorated to the point that misperceptions and misinterpretations in communication were high (refer chapter three p.), the service of Norway as an intermediary played a crucial role in achieving the task of drafting a protocol for the pre-negotiation space. This task was achieved on 22nd of February, 2002 with the signing of Memorandum of Understanding (MoU) between the government and the LTTE. But there was a major deficiency. It excluded a key actor, the President of Sri Lanka, who in addition to being the Head-of- State is also the Commander in Chief. During the interview, Lakshman Yapa (MP), a Deputy Minister in former government described the situation;

‘...if we had informed President before signing the MoU it would have never been a success.’<sup>34</sup>

The communication link done by Norway via meeting with each party separately, made the climate between disputants for the transition from destructive into constructive relations. MoU laid the foundation for this transition. It comprised of four articles;

1. Modalities of ceasefire.
2. Measures to restore normalcy.
3. The Sri Lankan monitoring mission.
4. Entry into force, amendments and termination of the agreement.

### **Impacts Of Ceasefire Agreement**

Under article (1.2) the two parties undertook not to engage any offensive military operation ...<sup>35</sup> Un-armed GOSL troops as well as LTTE carders are permitted to visit families and friends residing in areas under the control of the other party. I held my research fieldwork in July 2004 two and half years after the implementation of MoU. Conducting informal interviews in ‘Thambiluwill village’ of Ampara district in Eastern Sri Lanka one of the LTTE carder members expressed his view;

‘... after the ceasefire we can easily move to places without any restrictions... we want to continue this peace... but this is not a real freedom we are waiting for...’<sup>36</sup>

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<sup>33</sup> Interview with Eric Solhaim at UD Oslo, 2003 June...

<sup>34</sup> Interview with Lakshman Yapa (MP), a Deputy Minister in former government, 2004 August 14th

<sup>35</sup> Memorandum of Understanding between the Government and LTTE facilitated by Norway, 2002-02-22, p.1

<sup>36</sup> MoU Agreement between the Government and LTTE, 2002-02-22.

Answering to a question I asked, about the reason for this peace process to come a longer way than before, the LTTE Eastern province development officer Chandra Nehru told;

‘...in previous times they kept the military alert...but this time our men got the opportunity to travel freely... that is why the peace process has come this long....’<sup>37</sup>

These conciliatory attitudinal and behavioural changes during the long dragged peace process would play an important role to make the process irreversible. Some external interveners try to bring about personal changes of heart and mind within individual leaders or small groups directly.<sup>38</sup> Norway paved the pathway to a similar change not by a direct approach but by an indirect approach. The careful manipulation of communication strategies by Norway helped to prevent breakthrough of peace process at top-level and the time was made available for gradual changes, anticipated with implemented environmental adjustments. The measures taken by Article (1.8) in MoU to disarm Tamil Para-military groups by the GOSL helped to reduce the number of parties involved in the conflict.

### **Measures To Restore Normalcy**

Among many drastic steps taken under this article was the opening of trunk roads which had been subjected to restrictions. The Kandy-Jaffna (A-9) and Trinco-Habarana roads opened for non-military traffic of goods and passengers. Specific modalities for this were worked out by the parties with the assistance of Norway.

My field visit to the ‘Omanthai’ border crossing in Vavuniya district gathered valuable observations and facts on implications of re-opening of (A-9) road. When I crossed the ‘no-man’s-land area’ that separates the two check points between the government and the LTTE controlling zones, I observed hundreds of people crossing it. While waiting I could talk with people. 6 out of the 15 people I interviewed were travelling to or from the general hospitals. The general view of them about the crossing is;

‘...before the border is opened we faced a lot of difficulties to go to Colombo... the travelling by ship took nearly two to three days... we had to spend about, two thousand and five hundred rupees for the journey...but now it takes only one day for travelling and it costs no more than five hundred rupees...’

According to the statistics ‘About 7000-8000 people and 1000 to 1200 vehicles cross every day into and out of the Vanni at the crossing points at the ‘Omanthai’.<sup>39</sup> For normal people the opening of the border is a giant leap forward for peace. For people

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<sup>37</sup> Interviewed conducted with one of the LTTE carder in Thambuluwilla Village, Ampara District, Eastern Sri Lanka, 2004.

<sup>38</sup> Mitchell, C., R., Gestures of Conciliation: Factors Contributing to Successful Olive-branches, Mc Millan publication Basingstoke, US, 2000.

<sup>39</sup> 2004, ICRC Vavuniya Branch, Sri Lanka, Static’s Reports.

who had to undergo embarrassing and pains taking procedures to go between North and South there was no such freedom of movement at any point ever since the war started. The people I met in ‘Vavuniya town’ said;

‘... specially, who were born after 1977...see the other side for the first time of their life ...’

The opportunity opened up to witness the ruins of war and to see the people suffering from poverty, unjust and inequality in both sides facilitated alleviation of prejudices, myths and misconceptions of each other. Especially some people in the North and South who have seen the other side after twenty years talked on their new insight into the commonalities of problems. I have seen people developing sympathy towards each other after seeing the other side opened after twenty five years. Ordinary ‘village man’ raised his idea regarding the peace and pointed out;

‘...before peace it took about five hours to go to the nearest town, passing seven check points... now after the check points were removed it takes maximum two hours...’

The overall observation I got in this village was the social impact of the implementation of MoU on the lives of villagers is persuasive. The absence of infrastructure development may dampen the positive attitudinal changes for peace resulted from the initiation of MoU.

## **TRACK II DIPLOMACY**

The real owners of the negotiations the grassroot level people hardly find opportunities to have their voice at the negotiation table which is surrounded mainly by the top level leaders. The attempts of the mediator to transform ground reality into a favourable contributor to the negotiation process can be described in two political and social distinct areas. Socially the assistance to the civil society in terms of bridge building, confidence building and basically peace building process is important.

Looking through Norwegian assistance to the civil society a significant portion of it can be seen devoted to NGOs. This complies with the significance it has given to NGOs in its policy towards South. Following figures show up financial assistance given by the Norwegian government to some NGOs in Sri Lanka.<sup>40</sup>

### **All figures in Norwegian Kroner**

<b>Organisations</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Area funds allegedly used</b>
Friend of Lanka	172600 NOK	321400 NOK	1094188 NOK	East and Uva Province

<sup>40</sup> <http://www.senter.no/money.htm>

Future in Our hands	588100 NOK	380250 NOK	366382 NOK	Central and West
Centre for Human Development	754600 NOK	463000 NOK	499424 NOK	North and East
Green Movement of Sri Lanka	366300 NOK	321400 NOK	7726366 NOK	Unknown

**Table 1- financial assistance from Norwegian government to NGOs in Sri Lanka**

In observable terms this is the main mechanism Norway has followed to cover Track-II diplomacy. The appropriateness and reliability of most of the NGOs as efficient and promising agents in the peace process should be properly evaluated. The Programme Administrator of Consortium of Humanitarian Agency in Sri Lanka expressed his general view of NGO's with me;

‘...a lot of NGOs mushroomed during the peace process are not genuine...they somehow manage to convince the donors...’<sup>41</sup>

According to my informants, there are coordination problems and lack of dialogue between the NGOs and the parties in the conflict. If all could negotiate and build up a common mechanism and a proper plan the efficiency of NGOs could be optimise.

### **The Sri Lanka Monitoring Mission (SLMM)**

Subject to acceptance by both parties, the Norwegian government shall appoint the Head of Sri Lankan Monitory Mission (SLMM), who shall be the final authority regarding the interpretation of this agreement. This SLMM shall be comprised of representatives of NORDIC countries. The local monitoring committee shall be established in Northern and Eastern districts. Each committee consists of five members, two appointed by the government and two by the LTTE and one international monitor appointed by the Head of Mission (HOM).<sup>42</sup> According to the agreement in their respective districts they will seek to resolve any dispute concerning the implementation of this agreement at the lowest possible level. The government and LTTE appointees increase the capacity of the committee to deal with local communities. In the interview with Per Christer Larsen, assistant to Deputy Head of Mission (DHoM) told;

‘...we have a great deal of understanding of what the situation is by working with and interacting with local communities...we have for example in ‘Mannar’ a Catholic priest and a Muslim priest as members of the committee...’<sup>43</sup>

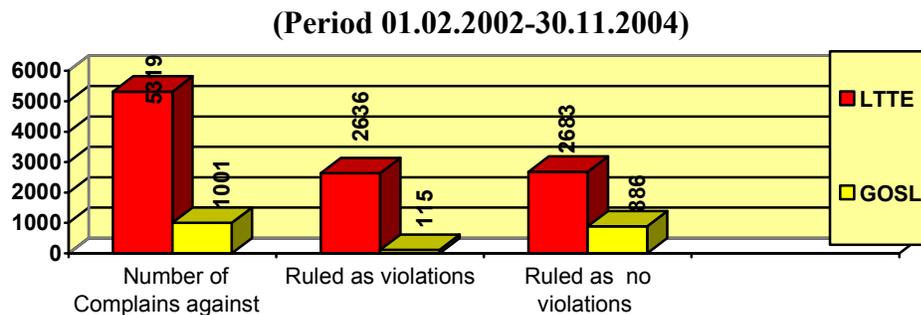
<sup>41</sup> Interview with Mularidaran, V., Programme Administrator of Consortium of Humanitarian Agency in Sri Lanka, Colombo, 2004 August 31<sup>st</sup>

<sup>42</sup> Memorandum of Understanding between the Government and LTTE facilitated by Norway, 2002-02-22, p.3

<sup>43</sup> Interview with Per Christer Larsen, Assistant to Deputy Head of Mission, SLMM, Colombo, August 16<sup>th</sup> 2004

Reversely the presence of international monitors with comparative understanding of conflict resolution experience in other countries would always be an asset for the local monitors. Article (3.10); the members of SLMM shall be given immediate access to areas where violation of the agreement is all alleged have taken place. Article (3.11); It shall be the responsibility of the SLMM to take immediate actions on any complain made by either party to the agreement and to enquire into and assist the parties in the settlement of any dispute that might arise in connection with such complains. Without response based on objective and sober assessment of the reports of violation of ceasefire agreement, it would certainly be difficult for the parties to proceed further in peace process.

The ceasefire created by MoU is an innovative initiation directed at confidence building. In terms of this objective SLMM may be the most important article of MoU. It is at the centre of most sensitive and crucial issues needed to develop confidence and trust between parties. As monitors to witness breaching of confidence or violation of ceasefire agreement they undoubtedly attract the peak attention of not only parties but also the public opinion. In one way the presence of them helps parties to extend their relations into a third dimension. Now there is a third party to be responsible and to be blamed for the violations. Due to the growing number of violations of Ceasefire Agreement CFA the SLMM has been subjected to a lot of criticisms and discontent. A summary of complains to the SLMM is attached as (See Appendix – x-xi)



**Figure 3- Summary of recorded complaints and violations of CFA from all districts (SLMM)**

From the participants of opinion poll in my fieldwork 72.2% think SLMM does not operate at the optimal level, to discourage further breeches to happen and only 24.7%

think that their work is at the optimal level. When I asked Larsen, how the SLMM think about the growing discontent of people he replied;

‘... we are aware of the fact that some groups, specially media directs lot of criticisms towards us ...we work within the limits of CFA allows the SLMM only the reporting, the recommendation and influence to responsible bodies to take appropriate action...’<sup>44</sup>

This approach contradicts with the peoples’ expectation from ‘monitors’. They expect a vigorous mechanism to restore justice. An EPDP member told,

‘...at the beginning of the MOU they disarmed us. Now LTTE is hunting our defenceless people... LTTE have killed 170 members by now. We have not gained any justice...’<sup>45</sup>

These people in desperate of justice aired their anger upon SLMM. Sometimes this anger is directed beyond SLMM to Norway and Norwegian mediatory work. People demonstrate in front of Norwegian embassy asking to decent justice. When I asked Larsen about the justifiability of directing these commenced and accusations related to the work of SLMM towards Norwegian mediation he replied;

‘...it is absolutely unjustifiable. We are independent from Norwegian mediation. The necessary codes for SLMM were formulated by the parties...and we work for them not to the mediator...’<sup>46</sup>

But when the article (3.2) of MoU says; ‘Subject to acceptance by the parties, the Norwegian government shall appoint the head of the SLMM who shall be the authority regarding interpretation of this agreement’<sup>47</sup> it had been already tied to the politics of the peace process. Mainly due to this reason SLMM lacks the necessary and sufficient political distance from the negotiating process to appear as independent from the mediator.

When the same country is involved in both the processes people find it difficult to identify the difference of the interests between the SLMM and the facilitator. The difficulty to run these two processes independent of each other was apparent in some incidents. Once a leading newspaper ‘*Divayina*’,<sup>48</sup> in Sri Lanka reported a controversial behaviour of an SLMM officer under the heading, ‘*Norwegians hostile acts have been revealed*’. During the field research I realised these reports of isolated incidents had influenced the way people think of Norway as a mediator. In the opinion poll 63.75% did not believe that Norway is impartial.

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<sup>44</sup>Interview with Per Christer Larsen, Assistant to Deputy Head of Mission, SLMM, Colombo, August 16<sup>th</sup> 2004

<sup>45</sup> Interview with EPDP member- Head Office in Bambalapitiya, Colombo, 2004, August 15<sup>th</sup>

<sup>46</sup> Interview with Per Christer Larsen, Assistant to Deputy Head of Mission, SLMM, Colombo, 2004, August 16<sup>th</sup>

<sup>47</sup> MoU between the Government and LTTE facilitated by Norway, 2002-02-22

<sup>48</sup> the second highest reading newspaper in Sri Lanka -(133,994 readers) according to the Source 92/95, Bates + Gunwardana, Victor, appear in the book Press in Sri Lanka edited by Peiris, G., H., Sridavi publication, Dehiwala, Sri Lanka, 1997, p.104

### **Keeping Parity Between Parties**

Because of the structural asymmetry of internal conflicts, mediators must combine the most intrusive of the three-mediation roles manipulation with the other two, communication and formulation. As communicators, mediators merely carry messages, overcoming the procedural communication gap between parties; as formulators, mediators put forward their own ideas about possible outcomes, overcoming the substantive communication gap; but as manipulators mediators are involved in sharpening the stalemate and sweetening the proposed outcome.<sup>49</sup> Norwegian mediators in the Sri Lankan conflict have worked basically as communicators. But subtle manipulatory acts have also been used on their way to make the peace process efficient.

Norway has provided communication equipments to LTTE in 2003. But it has become a controversial topic and influenced the image of Norwegian facilitation in the eyes of some segments of society. In the conference *'Road Maps to Peace in Sri Lanka'* conducted on 20<sup>th</sup> August 2004, at Kongressenter, Folkets hus in Oslo by the World Alliance for Peace in Sri Lanka (WAPS), Dr. Susantha Goonatilake has presented;

‘...The Norwegian government’s involvement in importing radio equipment implies future attacks could be coordinated more efficiently and effectively. This is a piece of electronic equipment with the highest available degree of security from interception... Sri Lankan government has no such sophisticated radio equipment...’<sup>50</sup>

The Norwegian *'Aftenposten'* newspaper under the heading, *'More criticism for peace broker'* inquires this matter from Dr. Jehan Perera, director of National Peace Council in Colombo, Sri Lanka. His statement was;

‘...the importing of six-tons of electronic equipments for the LTTE has been discussed in Sri Lankan media for about a year and concern, radio equipment approved by the Sri Lankan government for broadcasting political messages... the controversy here is that Norwegian authorities imported the equipment in an irregular way, under diplomatic protection, to avoid tax. This was an LTTE condition but there was never discussion using the equipment for military ends, even if radio equipment can obviously be used in this way...’<sup>51</sup>

When I asked about this issue from Solheim, he replied;

‘...this was done in coordination with Sri Lankan government. We assisted LTTE in this communicated equipment because we felt and the government of Sri Lanka felt these will be beneficial for the LTTE for easy communication in the peace process.’<sup>52</sup>

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<sup>49</sup> Zartman, William, 1995, *Elusive Peace*, The Brookings Institution Publication, Washington D.C., USA, P.21

<sup>50</sup> Goonatilake, S., Conference on *'Road Maps to Peace in Sri Lanka'*, Kongressenter, Folkets hus, Oslo, 20<sup>th</sup> August 2004

<sup>51</sup> <http://www.aftenposten.no/english/world/article851609.ece>

<sup>52</sup> Interview with Mr. Eric Solheim at UD Oslo, 2004 June 12<sup>th</sup>

Here the mediator relates resources to the mediation process to increase the efficiency of peace process. In theoretical terms the mediator has used her strategic strength in mediation with the aim of altering the behaviour of a party. Strategic strength in mediation is the aspect of social power that relate to the resources and relationship that the mediator brings to the conflict.<sup>53</sup> Mediation is goal directed behaviour, and it is a matter of influencing other's behaviour.<sup>54</sup> For that, the issue what to do and when to do it is a central concern in mediation. No doubt there are more questions than clearcut answers in the matter of what is effective in mediation. Knowing what to do and when with the appropriate touch, is what makes the 'art' side of mediation so salient.<sup>55</sup> Specially, in civil war more sensitive and crucial issues are involved in, making it more difficult for the mediator to decide.

One of the problems mediators have, is how to bridge the gap between the 'rebels' and the government without threatening the sense of sovereignty of the later.<sup>56</sup> In the Sri Lankan conflict not only the sovereignty of Sri Lanka but also that of India is involved making it even harder for the mediator. A Sri Lankan leading newspaper '*Sunday Divayina*' pointed out; Indian Intelligence Service (RAW) is particularly concern over the ability gained by LTTE from these equipments to expand its radio transmission territory to South India as it could be used to promulgate South Indian separatism.<sup>57</sup> The threat from LTTE to the Indian sovereignty was expressed in the home ministry's annual report in 2004;

'...the LTTE is an extremely potent, most lethal and well-organised terrorist force with strong connections in TamilNadu and pockets of Southern India... It was linked to 'Tamil chauvinist elements who are inspired by the Tamil Elam concept of a separate TamilNadu...' <sup>58</sup>

Mediator's involvement in assisting parties to the conflict regarding material items can affect his image of neutrality. By learning these events from the media it considerably influenced peoples' attitudes towards the Norwegian mediation. In the opinion poll 64.75% of people were in the belief that Norwegians uses their authority and resources to tip the balance of the out come (See Annex P.6 Q: 14). Taking into account that 'empowerment' might affect the neutrality of the third party, both Wehr and Modelski suggest that the 'empowerment' actions be undertaken by an actor, other than the intermediary, who is willing to work in conjunction with the later for the benefit of the conflict resolution process?<sup>59</sup>

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<sup>53</sup> Carnevale,P.J., 2002,*Mediating form Strength*, in *Studies in International Mediation*, edited by Bercovitch, J., Palgrave Macmillan Publication, USA, p.32.

<sup>54</sup> Ibid

<sup>55</sup> Carnevale,P.J., 2002,*Mediating form Strength*, in *Studies in International Mediation*, edited by Bercovitch, J., Palgrave Macmillan Publication, USA, p.32.

<sup>56</sup> Assefa, H., 1987, *Mediation of Civil Wars*, West view Press, London, P. 12

<sup>57</sup> 2004, Editorial report '*Sunday Divayina*', Upali Publication, Colombo, ...

<sup>58</sup> <http://www.news.webindia123.com/news/showdetails.asp?id=81494> and act =Asia.

<sup>59</sup> Assefa, H., 1987, *Mediation of Civil Wars*, West view Press, London, P.20. This model is analogues to national systems where the government assumes the role of the prosecutor and the judge at the same time,

There are other international actors lending its sponsorship to this peace process in Sri Lanka. Besides Norway, Japan, EU and the US are also involved in.<sup>60</sup> If the above material assistance was done via one of those donors to Sri Lanka it could have not damaged the image of impartiality of Norway. During the fieldwork on 29<sup>th</sup> August 2004 I read in a Sri Lankan newspaper, a provoking article under the heading '*Military advice to a group of tigers from Norwegian Rena Military Camp.*' The newspaper stated that a group of LTTE was invited to Norway for a political discussion was ultimately taken to the Rena military camp. It quotes a Norwegian website to show what it claims to be the revealed purpose of this visit;

'A delegation of representatives from the Sri Lankan tigers have arrived Norway to discuss the political situation in their country. They will meet with foreign minister Jan Peterson and others engaged in the Norwegian efforts to facilitate peace talks in Sri Lanka...'<sup>61</sup>

The facilitators' duplicity and partiality this newspaper showed intrigued me to know what was the response of the government. The spokesperson to the government peace secretary refused to talk on specific issues. The personal view of Prof. Laksri Fernando (a political academic and an advisor to the government) on this particular issue was;

'... Norway says they haven't given a military training but, showed only how they operate in peace keeping. What ever they did, taking them to a military camp in this time would bring about suspicions...I don't think they have any ulterior motives but naïve... as an impartial intermediary they have to be more careful than this...'<sup>62</sup>

As I could not entirely rely on the newspaper for my source of information on this matter I went into the official website of Norwegian Defence. On 2<sup>nd</sup> of April, 2003, it has published under the heading '*Tigers visiting Rena*', on the 1<sup>st</sup> of April 2003 a group of LTTE peace secretariat delegations visited Norwegian defence and Rena camp. In that article a former Head of SLMM and a retired Military General Trond Furuhoide mentioned;

'I am currently assisting the foreign ministry as organiser of the LTTE visit. The purpose of the visit is for the Tigers to see how different types of defence forces are organised and how they functioned. They will retain the knowledge gained about military matters, as well as knowledge about the ways of a democratic government, as practiced by the Nordic countries. Later they will come with their own ways of establishing similar practices in a peaceful Sri Lanka, along side the Sinhalese. I feel

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but different arms of the government assume these duties. A similar pattern exists in the division of Labour between the General Assembly and the secretariat of the UN in handling International Conflicts

<sup>60</sup> Maria, Saifuddin, 2004, *The Peace Process in Sri Lanka*, Institute for Global Dialog, Johannesburg, South Africa, p.34

<sup>61</sup> Warnakulasuriya, Keerthi, 2004 August 29<sup>th</sup>, '*Military advice to a group of tigers form Norwegian Rena Military Camp.*', Sunday Divayina, Upali Publicaion, Colombo, P.8

<sup>62</sup> Interview with Prof. Laksri Fernando, University of Colombo, Sri Lanka, 2004 August 30<sup>th</sup>

that the tigers have already come a long way in the transition from being a guerrilla movement to becoming a political apparatus.’<sup>63</sup>

The Norwegian foreign ministry had given demonstrations in military matters to the Tigers with the assumption that peace is inevitable. Sri Lankan peace process is still in its pre-negotiation phase where the parties are still developing understanding. Every pre-negotiation attempt will not end up in negotiation. This fact was evident in pre-negotiation efforts in the history of Sri Lankan conflict (refer chapter three). Even if Norwegian facilitators by their experience with the parties have been sensed that they have transformed into peaceful bodies and they would never use the knowledge gained about the military matters in a future war, it would have been for the relief of everybody if they could engage both parties for the session.

The mediator seems to have no difficulties to invite both parties to the same session in a stage where they can predict both parties would work alongside peacefully in future. Then nobody would become nervous because it has been done with the agreement of both parties. When I studied the book ‘*International Mediation and Norwegian Society*’ by Kristin Dobinson I found that the Norwegian mediators have identified being naïve as a weakness in their approaches to peace. The book quotes a former Norwegian foreign minister Jan Egeland;

‘One of the most important lessons we have learned is that we mustn’t be naïve democrats who believe that all parties come to the negotiating table with a true desire for peace.’<sup>64</sup>

The author then argues that a certain amount of naiveté when choosing to intervene some of the world’s most protracted conflicts can, however, be an advantage. As Egeland hinted above, if he and his colleagues, had been fully aware of what they were stepping into, they would probably never have got involved in the first place.<sup>65</sup> In another angle I see these events as mediator’s efforts to keep healthy relations with the parties in the conflict. Relational tactics pertain to the relationship between the mediator and the parties, and modifying this relationship to enhance the success of mediation. Providing an empathetic ear to them responding to their necessities and giving rewards at times develop a bond between the mediator and the particular party.

This bond may be strong enough to drag the party in the pre-negotiation phase giving time for transformation to occur in the conflict system. With time the bond would develop to the extent that the party will be incapable to say ‘no’ to the mediator. On the other hand helping to keep equity Norway reduce the asymmetry of the conflict as the mediator. Mediators often empower weaker parties in the interest of an equitable settlement to end human misery.<sup>66</sup>

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<sup>63</sup> <http://www.mil.no/languages/english/start/article.jhtml?articalID=43041>

<sup>64</sup> . Doubinson, Kristin, 2000, *Waging Peace: International Mediation and Norwegian Society*, University of Kent Canterbury, US, p.269.

<sup>65</sup> Ibid.

<sup>66</sup> Groom, A.,J.,R., and Webb, K., Injustice, Empowerment, and Facilitation in Conflict., *Journal of International Interaction*, Vol: 13, PP.263-80.

So the legitimacy given to LTTE and strengthening it by material and psychological means can also be analysed as an attempt of mediator to make equitable condition for both parties to redress asymmetry. More often the mediators are likely to have feelings and interests that are the bases for sympathy towards one party compared with another. How they act on such convictions, however is another matter. Some may strive to act even handed or to be an advocate on both sides; others act to assist one side more than another or to advance their own interests; such action may be or less energetically pursued.<sup>67</sup> One of the basic findings about the negotiation process international is that it functions best under conditions of equality, and indeed only takes place when the parties have some form of a mutual veto over out comes.<sup>68</sup>

Many have argued that the probability of the success of an intermediary's effort is related to the existences of at least a rough parity of power between the conflicting parties.<sup>69</sup> They justify this argument by saying that if there is a marked difference in power between the contenders, the stronger party would expect total victory. A question arises about how the mediator could be involved in 'empowerment' or contrivance of stalemate without jeopardizing his or her neutral position in the conflict. How can the mediator maintain neutrality and therefore acceptability, in the eyes of the stronger party while taking sides with the weaker party to face up to its opponent?. Most of the remarks on Norwegian mediation I heard from people were about its neutrality. I can conclude that to win over the credibility of all the parties involved and from ordinary people Norway has to be careful on taking actions which may endanger its image of impartiality.

In the opinion poll 63.75% did not believe that the Norway is impartial (See Annex P: 4Q: 10) out of them 68% believed Norway is partial to LTTE (See Annex P:5 Q:11). They mainly thought Norway was partial on LTTE because they sympathise LTTE as a minority group and others thought LTTE Diaspora in Norway has convinced Norwegian government. 32% of people believed that Norway is partial to Sri Lankan government. They think so because the third party naturally tend to support a legitimise body (See Annex P: 5Q: 12).

The mediator's partiality can be viewed from another angle in relation to possible rewards he can gain in the cause of mediation. There are three major types of reward as described by Mitchell which motivate mediators to intervene in conflicts as well as which determine partiality to some extent as describe above;

1. **Process rewards** (rewards gained through "engaging in the behaviour of an intermediary, irrespective of outcome"-);
2. **Achievement rewards** (rewards gained through "achieving some form of settlement of the dispute which is at least minimally satisfactory to the parties");

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<sup>67</sup>Krisberg,L., 2003,*Constructive Conflicts*, Rowman and Littlefield publication, NewYork, USA, p.260

<sup>68</sup> Zartman, William, 1995,*Elusive Peace*, The Brooking Institution Publication, Washington D.C., USA, P.8

<sup>69</sup> Himes, J., *Conflict and Conflict Management*, university of Georgia Press, Athens, 1980, p.240

3. **Settlement rewards** (rewards gained through “achieving a particular, sort – after settlement, which, apart from at least minimally satisfying the parties, also advances the interests of the intermediary”).<sup>70</sup>

According to Zartman the motivation to change or influence and the expectation of goal-achievement are the reasons why so many international actors are keen to mediate.<sup>71</sup> A successful mediation proved by a peaceful negotiation is a process reward for Norway whose foreign policy promotes international recognition and prestige in peace work.

### **Peace Talks**

The most evident component of facilitation by Norway for the Sri Lankan peace process is basically political. For direct talks between two parties Norway facilitated to in providing a background acceptable for both. There have been five negotiating sessions held so far;

- i. 16<sup>th</sup> -18<sup>th</sup> September 2002 -at Sattahip, Thailand.
- ii. 31<sup>st</sup> October 3<sup>rd</sup> November - at Rose Garden Hotel, Thailand.
- iii. 2<sup>nd</sup> -5<sup>th</sup> December 2002 - at Oslo, Norway.
- iv. 6<sup>th</sup> - 9<sup>th</sup> January 2003- at Rose Garden Hotel, Thailand.
- v. 7<sup>th</sup> – 8<sup>th</sup> February 2003- at Norwegian Embassy, Berlin, Germany.

First two direct talks held in Thailand has produced some positive outcomes and also controversial points. The primacy of economic reconstruction in a process of peace is a significant point made by the both sides. In the first round of talks, both parties decided to establish a ‘Task force’ to handle matters regarding this. In the second round it was decided to set up two sub-committees instead of this task forces;

- i. Sub - Committee on Immediate and Rehabilitation Needs in North and East (SIHRN).
- ii. A sub- committee on De-escalation and Normalisation (SDN).

There was also agreement to set up a third sub-committee;

- iii. Sub committee on political matters. This sub committee was to be chaired by the heads of the two delegations to the peace talks,

This sub-committee agreed to discuss political subjects. In this time Sri Lankan government initiate a huge campaign under the banner of ‘invest in peace’.<sup>72</sup> Even though the economic themes were highlighted in the basic agreements, it has become hollow in practice due to the lack of efficiency in implementing the economic projects. Lakshman Yapa (MP), a Deputy Minister in the former government involved in talks and implantation of committees admitted;

‘...the SIHRN committee was not successful. They have not been able to utilize the money efficiently to achieve the set out objectives...’<sup>73</sup>

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<sup>70</sup> Michelle, C.,R., and Webb K., *New approaches to International Mediation*, Greenwood Press,1988, p.33

<sup>71</sup> Touval and Zartman, William, 1985, Introduction: Mediation Theory. In Touval and Zartman, William (edit) *International Mediation Theory and Practice*, Boulder,CO: Westview., P.21

<sup>72</sup> Uyangoda, J., 2003, *Sri Lanka Peace in 2002*, Social Scientist Association, Colombo, P.67

<sup>73</sup> Interview with Lakshman Yapa (MP), a Deputy Minister in former government, 2004 August 14th

The failure of SIHRN committee was a negative impact to the peace process. This was a place where the peace process was hindered at Track II level. Out of the five negotiating sessions held, the third one became a landmark in terms of the quest for a political solution. A possibility of federal solution within a united Sri Lanka and the resettlement of refugees were explored. Resettlement and de-mining were started. Ironically this positive transformation could not keep long when LTTE denied that they made any consensus on a federal solution in Oslo session.<sup>74</sup> This was a moment where everybody turned to the mediator and expected to hear the truth from him, the neutral intermediary presented at talks. In the second phase of discussion the LTTE presented its political proposals for an Interim Self Governing Authority (ISGA).

LTTE put conditions for further discussions. A main condition was the discussion should only be on ISGA proposals. Despite many controversial debates in south in the ruling UNP showed the flexibility to discuss on ISGA. The party which the president belonged to, was not ready to discuss only the LTTE proposals. The contradicting standpoints of two parties have stalled the peace process with no sign of motion beyond ISGA proposals. Meanwhile the increasing violations of ceasefire and threats unleashed with the removal of barriers led to social unrest. Four Tamil political parties took legal action against the parties to MoU for having dis-armed them and putting them into jeopardy.<sup>75</sup> The ruling party was criticised for jeopardising the country's security. The president decided to take over three ministries under her office, including the defence ministry.<sup>76</sup>

Disputes began between president and the ruling party. Norway withdrew from its mediatory role at the end of 2003 on the basis of this disagreement between president and the ruling party.<sup>77</sup> In mediation a key source of strength of the mediator comes from the disputants' need for the mediator's involvement in finding solutions to their problems.<sup>78</sup> This source of strength is exercised when the mediator threatens to terminate mediation.<sup>79</sup> With the disunity between president and the ruling party the mediator faced the difficulty to identify clearly the spokespeople for the government. The cohesiveness existing within each conflicting party is important to establish clear identity of parties. If there is disunity within the parties, it may be impossible even to clearly identify them in the first place.<sup>80</sup> A main criticism still directed towards the government is that it has no consensus over the national problem.<sup>81</sup> When I asked from Shanka the spokesperson to the government peace secretariat about the lack of unity in the government with regard to matters in peace process, he replied;

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<sup>74</sup> ..., 2003 November 15<sup>th</sup>, Editorial page, Feedback of Peace in Sri Lanka, Sinuwa, Colombo,

<sup>75</sup> Aradinda, Indika, August 2004, Four Tamil Political Parties go to Courts, Lakkima, Sumathi Publication, Colombo, 1<sup>st</sup>.

<sup>76</sup> Siriweera, W., 2004, Politics of Peace, Bandaranayake Centre for International Studies, Colombo, Sri Lanka, p.20.

<sup>77</sup> [http://195.134.48.132/content.asp?folder-id=1andcluster-\\_id=25204](http://195.134.48.132/content.asp?folder-id=1andcluster-_id=25204)

<sup>78</sup> Zartman, W., 1985, Touval, International Mediation: Conflict Resolution and Power Politics, journal of Social Issues, volume 41, p.27.

<sup>79</sup> Ibid

<sup>80</sup> Assefa, H., 1987, Mediation of Civil Wars, West view Press, London, p. 13.

<sup>81</sup> Siriweera, W., 2004, Politics of Peace, Bandaranayake Centre for International Studies, Colombo, Sri Lanka, P.22

‘.....the government’s position on the peace process has always been communicated through the President of the country. The President has been elected in our own right not as a coalition party person. This whole idea of multiplicity of voices is something that the LTTE was raising for their advantage. Multiplicity of voices in South is good. This is pluralism. If you want to eliminate this multiplicity of voices then we have to do what LTTE is doing, kill-off everybody else that have a different opinion...’<sup>82</sup>

The 2004 general election had a substantial impact on the peace process. The LTTE reformed its political counter part; the Tamil National Alliance (TNA) for this election. TNA gained overall, 52% of the total valid votes cast in the Northern-Eastern province.<sup>83</sup> The government was changed on this election. The ruling United National Party (UNP) lost in this election and a coalition of Peoples Alliance and a ‘Marxist’ Peoples Liberation Party (JVP) came into power. The new government invited Norwegian mediators to restart the stalled mediation in April 2004.<sup>84</sup> According to my findings in the fieldwork in July 2004 the political debate among main parties were as follows;

The new government’s position was expressed by the spokesperson to the government peace secretariat in my interview;

‘...we are very proud about the fact that the LTTE has prepared a political proposal for the first time... But we also have the right to come with our point of view...But the LTTE insists on that it can only be of their document and we can not even have bearing of ours. This shows that they are being intransigence... They are making the situation real hard to move...’<sup>85</sup>

LTTE’s standpoint was given in heroes’ day presentation by leader of LTTE;

‘We have always been consisting with our policy with regard to our struggle for self-determination. Tamil home land, Tamil nationality and Tamil’s right to self determination are the fundamentals underline our political struggle. We have been insisting on these fundamentals from Thimpu (1984) to Thailand (2003).’<sup>86</sup>

In the interview, Sunil Hadunneththi, the Deputy Minister of Small Industries (MP) and a politburo member of the JVP (a party to the present coalition government) told;

‘...ISGA is a giant leap towards separation... Any person, who genuinely believes in equality and oppose separatism, must see that separatism should be defeated and

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<sup>82</sup> Interview with Shanaka Spokesperson to the government peace secretariat, Colombo, 2004 July 23<sup>rd</sup>

<sup>83</sup> *Election commissions Report*, 2004 May, Sri Lanka Election Commission, Rajagiriya, Colombo,

<sup>84</sup> [http://195.134.48.132/content.asp?folder-id=1andcluster-\\_id=25204](http://195.134.48.132/content.asp?folder-id=1andcluster-_id=25204)

<sup>85</sup> Interview with Shanaka Spokesperson to the government peace secretariat, Colombo, 2004 July 23<sup>rd</sup>

<sup>86</sup> Pirapaharan, V., Tamil National Leader annual speech, 2003, [www.ltteps.org/?view=412andfolder=9](http://www.ltteps.org/?view=412andfolder=9)

equal rights for all communities established. Otherwise the future of all communities in Sri Lanka will be chaotic and destructive.<sup>87</sup>

(TNA) Parliamentarian Sivashakthi Ananthan told about the present situation;

‘...We have already descended from Elam... JVP is pressing us to go back for a separate state. If we are compelled to do that the responsibility should be taken by the JVP pioneered nationalists... We have put our demands to the table...If the government is not ready to talk we will not have an alternative and we will have to conform to our leader...’<sup>88</sup>

Prof. Galthung applying his experience in mediation to the Sri Lankan peace process points out that;

‘The problem is not lack of confidence or lack of trust as such but the lack of good ideas. The way to have good ideas is to have good dialogues-not debates but dialogues. The mediator would know much less about the conflict but would know more about conflicts in general.’<sup>89</sup>

Considering Sri Lankan protracted conflict Norway has a vast capacity to facilitate with its expertise and legitimise resource. There can be a real threat to the negotiation process if the ceasefire is left isolated from parallel and supporting political parties. In the ground reality it seems not only the parallel and supporting political parties but also the masses from all kinds of groups have been undervalued in terms of their capacity to manipulate the negotiations.

### **Research Findings**

My findings suggest that the Sri Lankan conflict is not a result of a destructive inter-ethnic relationship but rather it is a result of an elite manipulation of communal appeals in pursuit of their own interests. The Conflict on ethno nationalistic grounds were driven in Zero-sum direction and the main socio-economic causes for the unrest were remained untouched. I tried to see the Norwegian mediation in the back drop of the past peace efforts in Sri Lanka with and without mediation. The settlements brought by the Indian arbitration in 1987 did not last long. The recent peace efforts attempted by the Sri Lankan government and the LTTE without a mediator failed seemingly due to misperception and misinterpretation of communication.<sup>90</sup> In this context Norway, a small state mediator entered into the conflict to fill the communication gap between the two parties.

Both in terms of Zartman’s equalisation of stalemate to ripeness and Kleiboer’s equalisation of willingness to ripeness, the Sri Lankan conflict can be said to be in a ripe moment at the time of mediation. I identify the MoU signed between the two parties as

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<sup>87</sup> Interview with Sunil Hadunnathi politburo member of (JVP) and Deputy Minister of Industries and MP, 2004, September 1<sup>st</sup>

<sup>88</sup> Interview with Vavuniya district TNA Parliamentarian Sivashakthi Ananthan, 2004, July 21<sup>st</sup>

<sup>89</sup> Galthung, J., 2003, Conflicts Human Rights and Peace Challenges before Nepal, National Human Rights Commission in Nepal, Kathmandu, Nepal, P.114.

<sup>90</sup> Please refer chapter three at p.36

an attempt to make grounds for a pre-negotiation phase. I found both positive and negative effects of letting a pre-negotiation period to the negotiation. The conditions made by MoU to restore normalcy has affected positively to a change of attitude, behaviour and context of the conflict between parties. But I have seen some shortcomings of MOU itself and inefficiencies when it comes to the implementation of decisions. Through the development of this research I found that the Sri Lanka Monitoring Mission lacks institutional and personal recourses for optimal functioning. Norway by being engaged both in the mediation as well as in the Monitoring Mission has affected the image of neutrality of the mediator's role. The increasing violation of ceasefire has caused enormous societal tensions risking the ceasefire agreement. It seems to be necessary to address the conceptual and human security shortcomings of the CFA, and elaborate with the parties towards a consolidated ceasefire agreement, which includes a set of confidence and security building measures. The media has had a substantial impact on people's attitudes towards the mediator.

Norway as a facilitator has been subjected to criticisms mainly regarding neutrality. Issue oriented reporting that questions the neutrality of the mediator can be found mainly during 2002-'03 periods. From the issue oriented analysis of the mediator behaviour I saw he lacks understanding of the cultural differences and complexity of the conflict making the mediator vulnerable to criticism prone actions. In my opinion, a mediator can be less prone for criticisms if he shows understanding in cultural differences and in the complexity of the conflict. Therefore, with time, he can contribute to a constructive transformation. Rather than being limited to particular strategies by the assumptions that are made, the contingency approach challenges all parties to have a complex view of conflict, and to develop and adapt strategies from a range of options. A complex conceptualization of social conflict acknowledges that no one third-party method should be expected to deal with all or even most elements of a given conflict.

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