

REFLECTING ON PEACE PRACTICE PROJECT

Cumulative Impact Case Study

The Cumulative Impact of Peace Work in Sri Lanka:
Conceptualizing Peace beyond Parties to the War

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This document was developed as part of a collaborative learning project directed by CDA. It is part of a collection of documents that should be considered initial and partial findings of the project. These documents are written to allow for the identification of cross-cutting issues and themes across a range of situations. Each case represents the views and perspectives of a variety of people at the time when it was written.

These documents do not represent a final product of the project. While these documents may be cited, they remain working documents of a collaborative learning effort. Broad generalizations about the project's findings cannot be made from a single case.

CDA would like to acknowledge the generosity of the individuals and agencies involved in donating their time, experience and insights for these reports, and for their willingness to share their experiences.

Not all the documents written for any project have been made public. When people in the area where a report has been done have asked us to protect their anonymity and security, in deference to them and communities involved, we keep those documents private.

EXECUTIVE SUMMARY

The bloody and bitter conflict in Sri Lanka has raged for over two decades, with more than 70,000 victims and thousands displaced. The current government, headed by Mahinda Rajapaksa, came to power in November 2005. Since the main party in the coalition was the Sri Lanka Freedom Party (SLFP) and included the traditional Sri Lankan left, the pro-peace and pro-federalist New Left Front, it was expected by sections of the society that the Rajapaksa Government would usher in peace with justice.

However, since 2006, the intensified violence and tighter control on information to the southern masses has persisted. The LTTE has continued attacks on civilian targets, such as on buses and in market places. By January 2008, the country was facing a severe human rights crisis, the breakdown of the rule of law and an all out war against the LTTE. Due to the military operations of the Sri Lankan armed forces with the support of the LTTE breakaway group, the Tamil Makkal Viduthalai Puligal or Perani (TMVP), and other anti-LTTE elements, the LTTE lost control of the Eastern Province during early 2008. These successes in the East have spurred the Government of Sri Lanka (GoSL) to intensify its military operations in the North.

The climate in the county is largely supportive of the war. Nevertheless, ways need to be found of maintaining the idea of peace and justice for all, with a critique of war focusing on not only the economic cost of the war but also the delays in health and education reform, decline of law and order, and the breakdown of social institutions. Civil society peacebuilders need to identify political realities and develop strategies whereby any available political space is utilized to take the idea of peace for all communities.

Aims, *Peace Writ Large* and Methodology

This case study aims to understand peacemaking and peacebuilding initiatives that have occurred over the past years with a view to identifying their impact, if any, on *Peace Writ Large*. It will do this in the context of the failure of the 2001-2003 peace process, under the assumption that this was the closest the country has come to any negotiated political settlement.

Peace Writ Large is taken to include a political settlement that addresses at least some of the fundamental issues that lead to conflict. Sri Lanka is emblematic of one of CDA's findings from its *Reflecting on Peace Practice* project: that large numbers of peace programs addressing various aspects of the conflict alone do not add up to *Peace Writ Large*.

The Cumulative Impact of Peace Work case study methodology for Sri Lanka was based on interviews with actors involved with and around the peace process of 2001-2003. Interviews were conducted in early 2008 when the Rajapaksa Government had completed its second year in power.

Key people were identified from civil society, the business community, trade unions, and political parties (current government and opposition) who were either actively engaged in the past peace process or affected by the outcome in a significant way. Given the restrictions in place at the time of writing the report, key northern actors were

not directly interviewed, but persons affiliated and/or known to be representing a northern perspective were included.

The unstructured interviews were based on key guiding questions about the history of the conflict, pivotal moments, missed opportunities that brought about either negative or positive changes towards Peace Writ Large, and the impact of peace work on such change processes. These interviews formed the basis for this report, which aims to synthesize the different perspectives. It is structured around five core sections: searching for cumulative impact, a history of the conflict, peacebuilding efforts, the peace process (2001-2003), and conclusions and hypothesis.

A History of the Conflict: Pivotal Moments & Missed Opportunities

Pivotal Moments

Twelve pivotal moments in Sri Lankan history were identified, summarized as follows:

1. ***Colonization and the colonial legacy*** play a key role in the contemporary conflict, as it undermined the majority Sinhala peasantry of the country's interior and advanced the coastal Tamil and Muslim populations. Marginalization of minorities, which became policy in the post-independence period, was justified on the basis that it was a matter of rectifying historical wrongs.
2. ***Disenfranchisement of plantation Tamils (1948)*** was accomplished through legislative measures that called for all Indian-origin residents to prove their allegiance in order to have franchise rights, perceived as part of a long process of institutionalizing discrimination against minorities.
3. ***Language legislation (1956)*** (the Sinhala Only Act) declared Sinhala as the national language, causing loss of jobs for all middle level Muslim, Burgher and Tamil civil servants who could not speak the language, and effectively rendering them second class citizens.
4. ***Standardization and the quota system (1970s)*** for university entrance adversely affected the Tamil graduates from Jaffna University, which directly fed the militancy among young Tamils in the North.
5. ***The Constitutions of 1971 and 1978*** instituted Sinhala Buddhist power to the detriment of the minorities, while Tamil parties boycotted the drafting processes. The 1971 "Republican" Constitution removed section 29 of the 1946 Soulbury Constitution which prohibited discrimination, introduced the term "unitary" in the face of a Tamil leadership's call for some form of federalism, and made Buddhism the state religion. The 1978 Constitution strengthened the power of the executive presidency.
6. ***State aided colonization of the dry zones of the East***, undertaken since the 1950s, further exacerbated tensions between ethnic groups, under accusations that the schemes (such as the Gal Oya Scheme and the Accelerated Mahaveli Development Scheme), brought in Sinhala groups to Tamil and Muslim dominated areas.
7. ***Vaddukoddai Resolution (1976)*** at the first national convention of the Tamil United Liberation Front called for a separate Tamil state (Tamil Eelam), declaring that the creation of such a state "has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country."

8. *The JVP insurrection (1971)* aimed to overthrow the government. The State took extreme and violent measures to quell the revolt, setting a precedent for dealing with future “intransigencies” of this nature.
9. *In the UNP era (1977-1994)*, the Government instituted liberalized economic policies, changed the Constitution, brought about a new system of electoral representation and a powerful executive presidency. Some have argued that the new system created unstable coalition politics, making it virtually impossible for any one party to achieve a majority in parliament. On the positive side, the Government addressed simmering ethnic tensions by introducing district development councils, appointing senior Tamil civil servants to prominent positions in government, abrogating the standardization policy adopted by the previous government, and giving Tamil national language status.
10. *The second JVP insurrection (1987-1990)* was primarily instigated in opposition to the Indian-brokered Peace Accord of 1987 that brought about the Thirteenth Amendment to the Constitution, which established the provincial councils for regional administration. Part of the package consisted of the arrival of the Indian Peace Keeping Force (IPKF) to hold the militants in check in the North. The JVP considered the move as a sell-out and resorted to a violent confrontation that led to a three-year long bloody uprising.
11. *The LTTE expulsion of Muslims from the North (1990)*, in which the LTTE expelled the entire Muslim community of the five northern districts in the country. Today the bulk of this community continues to languish in under-resourced areas in Puttalam immediately south of the Northern Province.
12. *The Oluvil Declaration (2003)*, in which approximately 30,000 Muslims gathered in the town of Oluvil in the Eastern Province to protest against LTTE attacks on Muslims in the East. They declared that the Muslims of the North and East are a distinct nation and that the North and East is the homeland of the north-eastern Muslims, who have a right to self-determination.

Missed Opportunities

Prior to the last peace talks, various efforts in the past have worked towards the realization of a broader peace and specifically a settlement to the conflict: in short, Peace Writ Large.

Two early opportunities were the *B–C Pact (1957)* and *D–C Pact (1965)*, the first a negotiated agreement between then Prime Minister Bandaranaike and S.J.V. Chelvanayakam from the Federal Party and the second between the Prime Minister Dudley Senanayake and S.J.V. Chelvanayakam. The B-C Pact attempted to address Tamil minority concerns, including provisions to devolve power through regional councils, recognize Tamil as a national minority language, and slow Sinhalese re-settlements in the North and East. The D–C Pact contained similar provisions regarding devolution of authority and addressed issues regarding use of the Tamil language in education, public service entrance exams, and administration in North and East. It also agreed to give preference to landless persons and Tamil speakers in re-settlement schemes in the North and East. Unfortunately neither agreement was ever implemented, and the Government crushed nonviolent protests demanding implementation.

During the 1980s, violence continued to rise, and the next attempt was the *Indo–Sri Lanka Accord (1987)*. Following the signing of the Accord, the Sri Lankan Constitution was amended to establish Provincial Councils and the devolution of powers, which was the Thirteenth Amendment to the Constitution. Extensive protests continued for several years and led to a vicious insurrection within the Sinhala community led by people who feared Indian expansionism. Sri Lankan security forces brutally crushed the insurrection, resulting in the deaths and disappearances of thousands, mainly southern youth belonging to JVP, the People’s Liberation Movement.

Analysts suggest that the Accord failed because there was only a limited effort to build consensus and fears were insufficiently addressed. The key protagonists, the government at the time and the LTTE, felt that the Accord had been imposed on them by India—and the other Tamil parties perceived the Accord only as an interim measure. Most importantly, none of the Sri Lankan parties or groups owned the process of designing the Accord and the GoSL was left with the responsibility of implementing an accord it resented.

The general elections, held on 16 August 1994, resulted in a People’s Alliance’s (PA, consisting of the SLFP and coalition partners) victory and ended the seventeen-year UNP rule. Prime Minister Kumaratunga’s campaign clearly asked for a mandate to negotiate with the LTTE to find a political solution to the conflict. This started the *peace process (1994)* and was the first time a key southern leader had accepted that the minorities were suffering grievances that needed to be addressed through a negotiated political solution. Within two weeks of assuming power, the new regime relaxed the embargo on Jaffna. The President sent a letter to the leader of the LTTE, through the ICRC, indicating the government’s willingness to engage in negotiations. This was the beginning of a series of over forty letters exchanged between the two sides.

Beginning in late 1994, the two sides held four rounds of talks in Jaffna that yielded some results such as the cessation of hostilities and a further relaxing of the embargo on goods to Jaffna. After the second round of talks, in early 1995, the president and the leader of the LTTE signed an agreement for the cessation of hostilities and a truce began.¹ However, truce violations occurred and talks soon reached an impasse. The GoSL began to engage in unilateral activities and appointed a Task Force on Rehabilitation of the North-East Province. In April, the LTTE announced their withdrawal from the negotiation process and launched a suicide attack that destroyed two gunboats of the Sri Lanka Navy anchored at Trincomalee.

The four rounds of talks were limited to a total of six days and the main communication was conducted by letters. The composition of the Government delegation indicated that the Government was not willing to give the parity of status expected by the LTTE. In terms of the negotiation process, there was little planning, agenda setting, or clarity regarding how to achieve an objective.

Nevertheless, proposals published in August 1995 set out a basic framework for the structure of devolution and further elaborated the Government’s stance on key issues such as finances, law and order, administration of justice and civil service, land, and

¹ P. Rajanayagam, “Government of Sri Lanka–LTTE Negotiations (1994-1995): Another Lost Opportunity,” in Rupasinghe, K.(ed.) *Negotiating Peace in Sri Lanka* (London: International Alert, 1998).

education. Since the government was unable to make any changes to the Constitution without a two-thirds majority, it continued discussions with the opposition UNP until July 2000 with the hope of reaching consensus. These resulted in the *Constitutional proposal (2000)*.

After incorporating amendments agreed during bi-lateral talks, the PA presented a watered-down version of the proposals in the Parliament in August 2000. Thousands of people, representing Buddhist monks, the JVP, and many other Sinhala nationalist groups, demonstrated against the proposed new constitution. This was another example in Sri Lankan history where the power struggle between the two main parties in the South became more important than national issues.

Peacebuilding Efforts: Analysis of Peace Work

Understanding Civil Society in the Sri Lankan Context

During this study, interviewees were asked to identify examples of peacebuilding activities that took place during the 2001-2003 peace process, and to describe the impact of such peacebuilding activities on the larger society. However, this process did not yield the expected results. Interviewees either reflected only on the Track I (official) level peace process or simply dismissed the impact of peacebuilding activities at large. The common understanding was that “peacebuilding did not have an impact, as it failed to create a mass support base that could have forced parties to continue to engage in the talks without resorting back to violence.”

Interviewees found it difficult to come up with examples of organizations, initiatives, individuals, or groups that have had significant impact. However, some peacebuilding activities were referred to in passing and sometimes commented upon, such as seminars, peace rallies, peace meditations by religious groups, workshops on federalism, constitutional reform workshops, advocacy work, human rights education, teaching good governance, dialogue work involving cross party politicians, and press statements.

In terms of specific institutions that had some impact on the peace and war context, various exceptions were mentioned. These were the state sponsored Sudu Nelum Movement, the Association of War Affected Women (AWAW), Young Asia Television (YATV), International Alert, National Peace Council (NPC) of Sri Lanka, the Sarvodaya Movement, and the National Integration and Planning Unit. This case study examines the Sudu Nelum Movement, NPC and Sarvodaya Movement as examples of this work since these three initiatives were mentioned by most of the respondents.

The *Sudu Nelum (White Lotus) Movement* was initiated by the People’s Alliance (PA) Government of President Kumaratunga, with the aim of raising public awareness on the peace process, devolution, and reconciliation. Sudu Nelum attempted to broaden the public participation in the peace process and to take the message of peace to the rural masses. Among other Government institutions, Sudu Nelum worked very closely with the Ministry of Justice and Constitutional Affairs.

The *National Peace Council (NPC)* was established as an independent and impartial national non-governmental organization in 1995, at a time of violence in the country when activists tried to advance ideas of peace. The idea of the NPC arose in the preceding year at a national peace conference, where the vision and mandate were

defined. The goal of the NPC is to achieve a negotiated political settlement for a peaceful and politically restructured Sri Lanka. Furthermore, it believes that this settlement must include the LTTE as an integral part of the solution, as well as the national aspirations of all sectors of Sri Lankan society.

In order to achieve its overall goal of establishing of a long-term, viable solution to the ethnic conflict, NPC is committed to the creation of a culture of peace, which upholds the values of nonviolence, respect for human rights, and the free expression of ideas. The work of the NPC is carried out under three program strategies: research and advocacy, training (including networking and mobilization), and processes and dialogue.

Finally, the *Sarvodaya Movement* is the biggest charitable organization in Sri Lanka. They have a network of 15,000 villages in 34 districts throughout Sri Lanka. It was established in 1958, based on a Buddhist-Gandhian philosophy. Sarvodaya works across all ethnic and religious communities, perhaps the only local NGO with such an outreach. They are dedicated to the sustainable empowerment of people through self-help and collective support, nonviolent action and peace. Nevertheless, Sarvodaya is not a single-issue NGO working on peace but rather it has peace components to its work. Through its large network, it has the capacity to mobilize thousands at short notice.

Peace Process 2001-2003: A Critical Account

Norwegian Involvement in Sri Lanka

In the light of the Indian intervention of 1987, which was still fresh in memory, the idea of external mediation and/or facilitation was rejected until the early 1990s by the majority of the population and decision makers on all sides. Ultimately, the need for a third party was broadly acknowledged, and Norway was invited to facilitate talks between the government and the LTTE. An early success of the facilitated process was the signing of the Ceasefire Agreement (CFA) in early 2002.

The Norwegian mediation team facilitated six rounds of talks between the GoSL and the LTTE in 2002 and 2003 with sessions taking place in Thailand, Norway, Germany, and Japan. Each round of talks ended on a high note and the parties issued statements through the facilitator. These communiqués, which were published, interpreted, and analyzed by the media, were the only channels of communication between talks taking place in world cities and the local communities in the country. The process itself was confidential, and even members of the cabinet were not aware of what was going on. Only the Prime Minister, his closest advisors, and the team of negotiators were involved. The President, representing the chief rival party, was also excluded.

In April 2003, indicating the growing displeasure and mistrust between parties, the LTTE boycotted an important Donor Conference in Japan and cancelled the next scheduled round of talks. These actions marked a serious breakdown in the talks from which they never recovered, despite much effort.

Shortcomings in the Role of the Facilitator

Despite brave steps forward, various shortcomings in the facilitated process were identified by interviewees. First, many criticized the *exclusive two-party process*. The Sri Lankan conflict is highly complex with many stakeholders: LTTE, GoSL (including

the confrontational politics with the opposition), the Indian-Origin Tamils, Muslims, JVP, non-LTTE-aligned Tamil rebel groups and political parties, and extreme Buddhists. For any durable and stable peace settlement and, hence, movement towards Peace Writ Large, there is an assumption that all stakeholders to the conflict must be included in any agreement.

Second, there were *no mechanisms to promote consensus among the political forces in the South*. The legislative branch was led by a UNP coalition under Prime Minister Ranil Wickremasinghe, and the executive by the President, Mrs. Chandrika Kumaratunga of the SLFP. The President and her administration had been excluded from the process, and there was no plan to address such potential political dangers. In the light of the usual confrontational politics of the South, any non-inclusive approach would run high risks.

Another serious criticism is connected to continued *CFA violations* by both parties to the peace talks, despite their stated commitment to cessation of hostilities. According to the records of the ceasefire monitoring mission, there were 3,560 CFA violations (2002-2005) and, out of this, 3,424 were committed by the LTTE (96 per cent) and 153 by the GoSL (four per cent).

After the talks began, there were questions relating to the *impartiality of the facilitator*. Specifically, there were occasions when people felt that the Norwegian team did not maintain its impartiality. For instance, according to some perceptions, the Norwegian team made statements related to internal politics at selected times and rejected calls for involvement on other occasions.

Throughout the process, the *role and engagement of the international community* has been questioned. Though the Norwegian facilitators repeatedly traveled to Delhi and kept the Indian Government, amongst others in the international community, informed of the developments in the peace process, the process failed to create a viable support network among the international community.

Reflecting on the role of the international community, many interviewees, including representatives of the international community itself, stated that some of them were pre-occupied with the idea of protecting the minority. In their analysis, this was a conflict between two parties and the LTTE represented the minority party. Hence, the LTTE needed to be supported and protected.

Perspectives on the Failure of the 2001-2003 Peace Process

According to the *UNP perspective*, two issues were identified as causing the failure of the peace process. The first concerned the President's move to take over three key ministries, which forced a general election in which the Prime Minister, the main supporter of the process, lost. The second cause was the lack of public support for peace.

From the *SLFP/PA perspective*, any peace process would require a concerted public relations effort in order to achieve any success, similar to the state-driven Thavalama and Sudu Nelum Movements during the 1994-2001 war-for-peace push of the Kumaratunga Government.

The *JHU/UPFA perspective* was consistent in criticizing international involvement, as well as the presence of the international peace lobby. The peace process failed because it was not a home-grown solution and was imposed from the West. For example, while India in 1987 used the stick approach, in 2001 the West used the carrot of USD 4.5 billion in promised aid money in the peace process. Neither process was successful because the people did not want them.

From the *Muslim perspective* the LTTE's handling of the Muslim issue was misguided. The CFA gave the LTTE an opportunity to address the concerns of the Muslim community and to do some damage control regarding past atrocities. However, the LTTE did not seize this opportunity and matters deteriorated. They were self-critical regarding Muslim civil and political society's response to their marginalization within the peace process.

In *Tamil Nationalist perspective* the South had not adequately appreciated the series of opportunities that were created by the past peace processes. There was a remarkable amount of flexibility during the process displayed by the LTTE that was not adequately recognized or appreciated. According to most of them, the lack of foresight and sincerity on the part of the southern polity, both civil and political societies, brought about the current escalation of the conflict. In addition, the international community's limited understanding of the nature of the conflict and their eagerness to promote a peace on the neo-liberal model to ensure economic prosperity alone also caused the breakdown of the process.

From an *Indian-Origin Tamil perspective*, the manner in which the conflict and its consequent problems were discussed was too limiting. The discussions regarding power sharing concerned only the North and East, neglected a broader decentralization process relevant to the entire country, and failed to enable greater participation of the people in governance.

Finally, the *civil society peace activists' perspective* was very critical of the manner in which *ad hoc* peace work was conducted. Strong criticism was raised against the donor community, specifically their lack of understanding of the context, short-term commitments, limited scope, cultural insensitivity, focus on the wrong issues, and search for quick fixes. The accusation of quick fixes was not limited to the donor community. Many interviewees believed that internationally reputed conflict resolution experts came to Sri Lanka for three-day workshops with no long-term commitment.

Activists also criticized the weak civil society and peace movement. Without a powerful peace constituency, it was difficult to pressure the two parties to stay at the negotiation table. Finally, two factors had an impact on the limited success of the CSOs: the public perception of partisan political bias on the part of the CSOs, and the tradition of political parties being the effective agents of political mobilization for social change.

Post-2003 Efforts at Engagement

Two structures stand out as efforts to re-engage in peace talks: the *Post-Tsunami Operational Management Structure* (P-TOMS) and the *All Party Representatives Committee* (APRC). Following the tsunami that struck the island on the 26 December 2004, destroying human lives and property on an unprecedented scale, the GoSL proposed to set up the joint P-TOMS structure with the LTTE, which was to determine

the distribution of post-tsunami assistance. Though the immediate objective was connected to addressing issues related to the tsunami, the long-term expectation was to re-establish communication between the two sides in order to pursue a negotiated settlement to end the war at a later stage.

However, this soon reached a deadlock. While the government seemed to be ready to go the extra mile to provide recognition for the LTTE in order to win their trust and confidence, it was not a unified opinion. The Sinhala nationalist partners of the Government (who were against any engagement with the LTTE) protested and filed a case in the Supreme Court against the implementation of the agreement. Parallel to this, the Muslim community also protested against the agreement, as they had been left out of the discussions—and the agreement had called for a mechanism where the LTTE had the majority power and the chairmanship. The attempts of the Government to win the support of the Muslim political leadership did not yield results. The Supreme Court ruled against certain sections of the agreement, and the P-TOMS did not get off the ground.

The APRC was appointed by President Rajapaksa with a mandate to prepare a set of proposals that would be the basis for a solution to the national question. After sixty-three sittings over a period of one and a half years, a consensus document was produced, which in essence took the country backwards in terms of finding a negotiated settlement to the conflict. While several other parties, including the main opposition UNP, walked out or did not take part in the proceedings, citing it as “eyewash,” fourteen political parties participated in the final discussions. Many civil society groups, NGOs, the business community, religious groups, and various individuals presented proposals to the APRC following an invitation to the general public.

Prior to releasing the two-page summary document, the APRC produced a majority report and a minority report. The majority report included many interesting recommendations and raised expectations among the members of the peace lobby, but the proposals received no positive feedback from the Government. The core proposal of the APRC was to implement the Thirteenth Amendment in full, which caused some to ridicule the whole process. Since the Thirteenth Amendment is already a part of the Constitution, people started to question the wisdom of the APRC process. This proposal further annoyed the Tamil parties who, at its original introduction in 1988, did not see the Thirteenth Amendment as a solution to their problems.

Key Conclusions

When the Government and the public made a drastic turnaround from pro-peace to pro-war within the relatively short period of two years, many in the peace community came to question their own assumptions regarding the impact of peace education and advocacy work. On the positive side, mentioned during the interviews, peace practitioners and members of the international community expressed a desire to analyze and critique their own shortcomings during the peace process. This was in contrast to the majority of the politically-affiliated interviewees, who largely failed to articulate how they could have contributed better to the process.

Nevertheless, people felt powerless to change things or saw only small opportunities. The interviews reflected a sense of helplessness, coupled with the attitude that the politicians need to get organized and make correct decisions. Meanwhile, two

overarching challenges were identified: confusion in problem identification and a crisis in imagining or conceptualizing workable solutions.

Concerning a *confusion in problem identification*, Sri Lanka is a plural polity with a wide variety of constituencies that have been variously affected by the root causes of the conflict as well as the armed conflict itself. It is wrong to conceptualize the conflict as two-party affair, limited to the GoSL and the LTTE; any peace process designed on that basis is arguably build on shaky ground. The factors contributing to this confusion are:

- *Limited understanding of minority rights in the context of Sri Lanka* on the part of the donor community. This criticism emphasized the need for an adequate understanding of what minority marginalization means, politically, in the context of Sri Lanka.
- *Rapid speed of the 2001 peace process and quick fix solutions* to attain a neo-liberal economic development vision. Many CSOs seem to have been seduced into accepting quick solutions without adequate attention to politics.
- *Inability of either negotiating party to imagine the need for a broad-based peace process* was identified as a fundamental problem. Here the LTTE's long history of violent suppression of other Tamil voices and its unwillingness to accommodate Muslim grievances were considered important.
- *Constricted political space* available to take forward substantial political reforms was not adequately recognized by the government, the facilitators or the international community, and arguably the peacebuilding community.
- *Confusion regarding the possible political options for power sharing*, either within the UNF Government or within the LTTE. Additionally, there was a lack of clarity with regards to the nature of the society to be brought about after the settlement. For example, there was no clear commitment to a transitional justice processes or human rights guarantees in a post-conflict setting.
- *Limited engagement or consideration to the spoiler constituencies*. While considerable work was invested in education projects with moderate groups, not enough attention was devoted to "perceived spoiler constituencies" such as the JVP and JHU from the South and anti-LTTE Tamil groups from the North and East.

The second conclusion concerns the *crisis of imagination in conceptualizing a solution*. In short, civil society seems to be trapped within a critique of the past peace process and unable to come to terms with the new political realities that overturned many of their assumptions regarding peacebuilding.

Ways Forward

In the light of these challenges, it is paramount to *focus on the cumulative impacts of peacebuilding work*. There is a need to re-conceptualize the philosophy of peacebuilding, which must address power-sharing, mobilization and collective action. Although the UNF Government that signed the CFA was defeated (which is interpreted by many as a people's verdict against the peace process), 64 per cent of Sri Lankans stated in 2005 that the best way to archive peace for all communities in Sri Lanka was to negotiate a solution based on devolution of power.

In 1994, along with other groups, unified civil society managed to mobilize support successfully to accomplish a political transformation in Sri Lanka. The peace community needs to focus beyond achieving goals stipulated in their own projects and programs; they need to engage with multiple layers of society, on a variety of issues, using different methods. Only through coordinated, collective and complimentary actions can cumulative impacts be achieved in this field.

Second, it is crucial to *strengthen inter-communal understanding*. There is a need to develop processes and structures for accommodating all stakeholders for political transformation. In order to create sustainable peace, anxieties, needs, and fears of all communities should be addressed through negotiations.

There is further work needed, beyond what has been done to date, into *understanding theories of change*. While some sections of the civil society seemed to have worked with the theory that the elite could bring about change, others had believed in changing the attitudes of the masses. Connections between these two levels were permanently missing from the equation. The Track I peace process was continuing at a high speed from 2002 onwards, while Track III was focusing on activities such as reconciliation, exchange visits, mediation of local level conflicts, games involving youth, and poetry competitions. However, there was very little happening at the Track II level. In a context where the mobilization of people for peace was not acknowledged by the government in power as a theory of change, the grassroots initiatives had little impact on the overall picture.

Finally, all future work must *reach beyond the receptive masses*. While it is important to link up with a constituency of influential community-level opinion makers, initiatives need to undertake more targeted mobilization of the masses. This includes so-called extremists and spoilers, who, while hard to reach, must be included in efforts to transform the conflict.

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Map of Sri Lanka



Acronyms

APRC	All Party Representatives Committee
AWAW	Association for War Affected Women
CDA	Collaborative for Development Action
CFA	Cease-Fire Agreement
CPA	Centre for Policy Alternatives
CPP	Council for Public Policy
CR	Conciliation Resources
CSOs	Civil Society Organizations
DACC	Development Assistance Coordinating Committee
EPRLF	Eelam People's Revolutionary Liberation Front
GoSL	Government of Sri Lanka
IA	International Alert
ICG	International Crisis Group
IFIs	International Financial Institutions
INGOs	International Non-Governmental Organizations
IPKF	Indian Peace Keeping Forces
ISGA	Internal Self-Governing Authority
JHU	Jathika Hela Urumaya (Sinhala Buddhist Nationalist party)
JVP	Janatha Vimukthi Peramuna (left-wing nationalist party that was part of the coalition formed for the presidential elections of 2005)
LSSP	Lanka Sama Samaja Party (left-wing party)
LSSP	Lanka Suma Samaja Party
LTTE	Liberation Tigers of Tamil Eelam
MCANI	Ministry for Constitutional Affairs and National Integration
MEP	Mahajana Eksath Peramuna
MIRJE	Movement for Inter-Racial Justice and Equality
MoU	Memorandum of Understanding
MPs	Members of Parliament
NIPU	National Integration and Planning Unit
NMAT	National Movement Against Terrorism
NPC	National Peace Council (Sri Lanka)
NSP	Nawa Samasamaja Party
NUA	National Unity Alliance (largely supported by Muslims)
PA	People's Alliance
P-TOMS	Post-Tsunami Operational Management Structure
RSL	Regaining Sri Lanka
SAARC	South Asian Association for Regional Cooperation
SCOPP	Secretariat for Coordinating the Peace Process
SLFP	Sri Lanka Freedom Party (one of the two main national political parties of the country)

SLMC	Sri Lanka Muslim Congress
SLMM	Sri Lanka Monitoring Mission
TMVP	Tamil Makkal Viduthalai Perani (Break-away faction of the LTTE)
TNA	Tamil National Alliance
TULF	Tamil United Liberation Front
UNF	United National Front (the UNP led alliance responsible for the 2001-2003 peace process)
UNP	United National Party (one of the two main national political parties of the country)
UPFA	United People's Freedom Alliance (the SLFP lead alliance that includes the JVP and JHU)
YATV	Young Asia Television

1. SEARCHING FOR CUMULATIVE IMPACT

1.1. Introduction

The Cumulative Impact of Peace Work study undertaken for Sri Lanka was based on interviews with actors involved with and around the peace process of 2001-2003/5.² Interviews were conducted in early 2008, when the Rajapaksa Government had completed its second year in power. The government had firmly established its mode of engagement with both the Liberation Tigers of Tamil Eelam (LTTE) and the rest of the polity by this time. In January 2008, the country was facing a severe internationally recognized human rights crisis, the breakdown of the rule of law and an all out war against the LTTE. The All Party Representatives Committee (APRC) had just released a disappointing two-page set of interim proposals in what was widely perceived as watered down from its long drawn out discussion regarding a settlement to the conflict.

The new President, Mahinda Rajapaksa, came to power in November 2005 at an election that the LTTE compelled Tamil citizens of the North and East to boycott. The combined minority vote of the Muslim and Tamil communities would have perhaps guaranteed a return of the United National Party (UNP) candidate, Ranil Wickremasinghe, who was perceived to be pro-peace and pro-federalist. The Rajapaksa Government gambled successfully on bringing about its victory through an appeal to the ethnic Sinhala majority. Mahinda Rajapaksa's subsequent coalition included the Sinhala Nationalist Jathika Hela Urumaya (JHU), a party of Buddhist Monks, and the ostensibly left leaning Sinhala nationalist Janatha Vimukthi Peramuna (JVP). Since the main party in the coalition was the Sri Lanka Freedom Party (SLFP) and also included the traditional Sri Lankan left, the pro-peace and pro-federalist New Left Front, it was expected by sections of the society that the Rajapaksa Government would usher peace with justice, which in their perception the Wickremasinghe regime had failed to do previously.

However, since the presidential elections of 2005, the country has experienced a drastic turnaround of much of the ground gained by the peace and human rights community in terms of both the loss of public support for a negotiated settlement and the breakdown of institutions for governance and law and order. Positions regarding the ethnic conflict and a possible solution that many in the peace community thought had become the mainstream changed almost overnight. For instance, there had been an open acceptance by governments in power since 1994 that Tamil grievances were legitimate, and that power sharing under a federalist mode was to be the solution to the conflict. This thinking was slowly replaced by a shift towards understanding the conflict not as an ethnic conflict but as a terrorist problem to be dealt with in the style of the US-led war against terror. The previous UNF (United National Party-led coalition, United National Front) regime's interest in dealing with the LTTE as an equal – that had angered many and made many others very uncomfortable – was replaced by the complete refusal to engage with them other than by war.

The current government took on these sentiments, which had been expressed publicly for some time by the JVP and the JHU but considered fringe ideas by the peace community. The position on the war went hand-in-hand with strong anti-minority sentiments that justified the targeting of all Tamils as possible terrorists and marginalized other minorities, such as the Muslims, in the economic sphere.

² The LTTE withdrew from negotiations with the United National Front (UNF) Government in 2003. However, there is a growing acceptance in Sri Lankan academic circles to see 2005 and the Mahinda Rajapaksa victory at the presidential elections as emblematic of the end of the Government's attempts to negotiate with the LTTE.

These same political forces had long been critical of the country's mostly foreign-funded NGO sector as emblematic of a kind of neo-colonialism in that the organizations had limited accountability to the communities that they claimed to serve. With the establishment of the new regime, the Sri Lankan state's periodic harassment of NGOs took on a new face. Under the chairmanship of JVP MP Nandana Gunathillake, the Parliamentary Select Committee on Non-Governmental Organizations began summoning before it the heads of local and international NGOs to give evidence about their activities.

The situation in the North and East of the country also changed dramatically after the presidential elections of November 2005. Though the LTTE temporarily withdrew from talks following the Tokyo Donor Conference in March 2003, there were hopes on all sides that the talks would resume. This was based on the belief that there was no other option for either side. The boycott of the presidential election by the Tamils in the North and East under the guidance of the LTTE, which guaranteed the defeat of LTTE's negotiating partner Ranil Wickremasinghe, therefore puzzled many in the South and in the international community.

There are three possible explanations for this desire to support a regime change: first, as stated during the Hero's Day Speech by the Leader of the LTTE, they believed Mahinda Rajapaksa to be a pragmatic leader with whom they could deal with openly. Rajapaksa's track record as a human rights defender could have also prompted the LTTE to have more faith in the new regime.

Second, if the LTTE had already reached the conclusion that a return to war was inevitable, then, in terms of the international community's perception, it would be desirable to have a southern leader advocating war. Additionally, this would have the advantage of playing to the LTTE's strength in battlefield vis-à-vis at the negotiating table.

Finally, the LTTE may have perceived that the economic policies of the then government were trapping them into a box. It is clear that the neo-liberal economic policies, coupled with the network of international support (commonly known as the international safety net) created around the peace process under the Wickremasinghe premiership, made the LTTE feel that the previous regime was trying to trap them.

Since 2006, the intensified violence and tight control of information flow to the southern masses from the northern battlefield persisted. The LTTE continued to increase its attacks on civilian targets, such as buses and market places, in almost all the regions where Sinhalese are the majority. These attacks were presented by the LTTE as reprisal for the operations conducted by the Government forces in the North that caused disruption and deaths of civilians.

As a result of the LTTE's ability to strike in the South, a tense situation was created in this region and the military presence has increased substantially, especially in Colombo. The government's attempt to increase civilian vigilance in detecting dangers through media campaigns created further tension and suspicion within the society and had a negative impact on ethnic relations.

Furthermore, the targeted killings of political opponents, suspected informants, and others by the LTTE continued in the North and in other parts of the country. The LTTE was continuously accused of underage recruitment by UNICEF and other child protection agencies.

Apart from the war strategy, the LTTE worked on a political strategy in which improving international acceptance of the LTTE figures prominently. The LTTE chose at this time was to head towards declaring a separate state with international recognition. Publicly indicating this approach, the LTTE declared a unilateral cease-fire during the period of the SAARC Summit held in Colombo between the 27 July and 1st August 2008.³ Additionally, in the statement issued declaring the cease-fire, for the first time the LTTE referred to Sri Lanka as a neighboring country similar to Pakistan and India.⁴ These actions can be seen as the widening of the gap between the two sides facing each other in the battlefield.

Due to the military operations under the Rajapaksa regime with the support of the LTTE break away group, the Tamil Makkal Viduthalai Puligal or Perani (TMVP), and other anti-LTTE elements, the LTTE lost ground control of the Eastern Province during the early part of 2008. At the time of finalizing the report in November 2009, the government publicized a military conquest of the Eastern Province, and had held local government elections there.⁵ The United People's Freedom Alliance (UPFA), the governing coalition in an alliance with the TMVP, won the Eastern Provincial Council elections, and the leader of the Provincial Council is currently the head of the TMVP, former LTTE cadre and child soldier Pillayan. The Government also engaged in massive infrastructure development projects in the region. However, the region is far from stable with ethnic tensions and killings taking place on a daily basis.

Given the success in the eastern battlefield, the Government intensified its operations in the North with the hope of defeating the LTTE in the North as well. Subsequently, the government forces managed to gain ground control of the Northern Province, following a bitter battle that resulted in over 200,000 IDPs. On 18 May 2009, the Leader of the LTTE, his immediate family, closest associates and several key leaders of the organization were killed, ending another phase of the conflict. While this marked a significant victory for many, and a defeat for some, peace and human rights activist still wonder how and when the rights of the minorities will be guaranteed by the Sri Lankan state.

1.2. Cumulative Impact of Peace Work

Sri Lanka is emblematic of one of CDA's findings from its Reflecting on Peace Practice project: that large numbers of peace programs addressing various aspects of the conflict do not add up to Peace Writ Large. By Peace Writ Large, we understand a political settlement that addresses at least some of the fundamental issues that lead to conflict.⁶ In our attempt to evaluate the Cumulative Impact of Peace Work in Sri Lanka based on interviews with key persons, we assume that understanding the degree to which peace work addresses these underlying causes is pivotal.

³ The South Asian Association for Regional Cooperation (SAARC) was established in December 1985 by Bangladesh, Bhutan, the Maldives, Nepal, Pakistan and Sri Lanka. Its aim is to accelerate the process of economic and social development in its member countries. Core areas of work include agriculture and rural development, health and population activities, women, youth and children, environment and forestry, science and technology and human resources development. See www.saarc.sec.org.

⁴ On behalf of the people of Tamil Eelam, we extend our sincere good wishes to the fifteenth conference of SAARC that aims, to improve the economic development of the vast South Asian region and to create a new world order based on justice, equality, and peace. See http://www.uktamilnews.com/index.php?option=com_content&task=view&id=3371&Itemid=1.

⁵ The election itself, endorsed by foreign election monitors, was considered by many local groups as flawed, and as conducted under conditions of militarization among a terrorised population.

⁶ http://www.cdainc.com/cdawww/pdf/other/rpp_consultation_cumulative_cases_consultation_report_final_20080401_Pdf.pdf (accessed 6th April 2009).

The narratives of those interviewed regarding the conflict rarely mentioned peace work or even an expectation, in general, of peace in the foreseeable future. Nevertheless, all mentioned the many attempts made during the course of the conflict to bring about a political solution at the constitutional level – in short, to bring about Peace Writ Large.

In a context where the activities of many NGOs engaged in such work were rendered virtually ineffective by government policies and rhetoric, the downplaying of peace work and its impact was perhaps understandable. The interviews were held in a highly militarized and politicized environment where there was an inordinate emphasis on war. There was also a generally accepted, if not an endorsed understanding that the conditions for discussing a political settlement of any sort were now some years away. The context had eclipsed any talk of peace and a political settlement in the popular discourse. The government had publicly advocated for the restoration of Sinhala greatness and the demolition of the enemy. At the same time, with former military personnel appointed to civil administrative positions, most political decisions taken by the government have favored military interests. The spiraling cost of living was attributed to the war and rendered by the state media as the necessary sacrifice needed to fight the enemy.

The drastic turnaround from pro-peace to pro-war within the relatively short period of two years had made many in the peace community question their own assumptions regarding the impact of peace education and advocacy work. At that moment, successes seem difficult to pinpoint. Therefore, even peace practitioners were skeptical about the impact of their work. Few of those interviewed were interested in commenting at any length on accomplishments. Understandably, most of the interviewees shared a feeling of disappointment due to the failure of the peace process. Most were far more interested in understanding what went wrong, trying to formulate a new philosophy of peacebuilding and thinking about new approaches.

Much of the information generated during the interviews concerned the political situation: which interests of the key actors had the most impact in transforming the peace and conflict processes. The emphasis placed on political settlement as the only legitimate and necessary means of bringing about Peace Writ Large can be attributed to both the structure of the interviews and the perception of Sri Lanka's political background. As stated above, this case study uses a definition of Peace Writ Large that includes a political settlement, which attempts to address the underlying causes of the conflict. Many of the persons that were interviewed seemed to share this understanding, as they struggled to come to terms with the manner in which the space for bringing about Peace Writ Large had disappeared.

Several general observations arose from the interviews: first, regarding the nature of politics, Sri Lanka elects its rulers, not its leaders, implying that the Sri Lankan populace rarely demands accountability from those that they elect to office. Second, concerning the quiet majority, it is never the silent and possibly moderate majority that gets a hearing but the fringe extremist elements. Here there was a critique of the “complacent middle classes” that sit back and “blame everything on the politicians” without “standing up for anything.” Third, concerning the limitations of proportional representation, several noted that the system in which no MP is elected from a district based party list meant that no MP is accountable to a single constituency.

In general, the interview responses suggested that there were too many systemic obstacles in the way of non-governmental attempts at peacebuilding. Many seemed to feel that Peace Writ

Large could only be achieved if there were commitment at the level of the country's leadership. In short, peace could only be achieved if Track II and Track III civil society attempts were bolstered and matched by an interest in a settlement at the Track I level.

This case study found that the peace process of 2001-2003 did have such a background. However, despite the UNF Government's interest in working with the LTTE, and its relaxed attitude towards civil society initiatives, it failed to realize Peace Writ Large. This paper will look at why this was the case.

An analysis of some aspect of the 2001-2003 peace process and its failings was one element common to almost all those interviewed. Some narratives saw a direct causal connection between the failures of that process and what is happening today. For instance, as one person pointed out, the parties that were considered the spoilers to the peace process and kept out of it, especially the JVP and the JHU, are those who have gained power and are now limiting the space for peace workers. An example of this treatment is the manner in which NGO heads were summoned before the Parliamentary Select Committee on Non-governmental Organizations. The JHU constituents that were interviewed, by contrast, saw the entire process of 2001-2003 as flawed and misguided. They referred to it as an exclusive and elitist process that was largely imposed from the outside. One of these persons saw the pledge of USD 4.5 bn. in aid at the Tokyo donor conference as a bribe to the government to implement a peace process for which there was no local support. As an outside imposition, similar to the Indo-Sri Lanka Accord of 1987, it was destined to fail.

Others, with different political inclinations, saw what happened during that time as symptomatic of the Sri Lankan context and condition. One person stated that the process failed because there was an inherent resistance to peacemaking among a majority of Sri Lankans. Most Sri Lankans, he said, saw hierarchy in society and the marginalization of minorities as part of the normal state of affairs and did not see inequality as a problem. In fact many of those interviewed pointed out the entrenchment of inequality and feudal ideas in Sri Lankan society, and that peace workers were inadequately cognizant of this reality.

Others saw the failure to build a constituency for a negotiated peace among a majority of largely moderate rural persons as central to the failure of the process. Many saw valuable lessons to be learned from the process—especially concerning the inclusion of all stakeholders. However, but these same persons were not optimistic that Sri Lankan society had understood these lessons in a manner that deemed progress possible.

For all interviewees, the 2001-2003 peace process – the closest that Sri Lanka has come to a settlement of its protracted conflict – was of great significance. Therefore, this report focuses on interviewees' reflections on that peace process as a case study that contributes valuable insights into the cumulative impact of peace work in Sri Lanka.

1.3. Methodology & Structure

The principle methodology for the study, as recommended by CDA, involved interviewing key people from civil society, the business community, trade unions, and political parties (current government and opposition) who were either actively engaged in some form during the past peace process or were affected by the outcome in a significant way. Interviews were held with the major national political parties (UNP and the SLFP)⁷ as well as members from

⁷ The Sri Lanka Freedom Party (SLFP) is a center-left party economically of the current President, Mahinda Rajapaksa. As part of the United People's Freedom Alliance (UPFA), a coalition of seven political parties,

other parties such as Tamil National Alliance (TNA),⁸ Nava Samasamaja Party (NSP),⁹ Lanka Sama Samaja Party (LSSP),¹⁰ and National Unity Alliance (NUA).¹¹ Key persons representing the constituency of the ultra nationalist party, JHU,¹² which is now part of the government, were also interviewed. Representation was maintained of the five main ethnic groups (Burghers, Indian Origin Tamils, Muslims, Sri Lankan Tamils, and Sinhalese) as well as members of the international community (*see* Appendix 1 for more details). Given the restrictions in place at the time of writing the report, key northern actors were not directly interviewed but persons affiliated and/or known to be representing a northern perspective were included.

The unstructured interviews were based on several key guiding questions about the history of the conflict, pivotal moments, missed opportunities that brought about either negative or positive changes towards Peace Writ Large, and the impact of peace work on such processes.¹³ These interviews formed the basis for this report, which aims to synthesize the different perspectives. Confidentiality was assured, and the writers committed to not citing any of the interviewed by name. Additionally, all those interviewed were provided with a short introduction to the aims of the project.

The report is structured in relation to the responses from the interviews. For instance, the history of the conflict is based on “pivotal moments” that were highlighted by those interviewed. The failed peacemaking measures of the conflict period are featured in the second section on the history of the conflict. These were identified as “missed opportunities” by those interviewed. Specifically, the report is organized as follows: section 2 provides a history of the conflict in terms of “pivotal moments” as identified by those interviewed. It further compiles “missed opportunities” during the conflict to bring about a settlement. Section 3 introduces and analyzes the peace work in Sri Lanka undertaken by both the state and civil society, with a comment on the recent NGO-ization of activism. Section 4 outlines a critical account of the 2001-2003 peace process, as seen by the persons interviewed, and is presented as a case study of the peacebuilding context in Sri Lanka. The final section draws some key conclusions from this exercise.

including the Janatha Vimukthi Peramuna (JVP), it currently has a majority in Government. The United National Party (UNP) is a leading conservative-leaning party, favoring liberal market economy, currently in opposition, headed by Ranil Wickremesinghe.

⁸ The TNA is an parliamentary alliance of moderate Tamil parties and former rebel groups formed in 2001.

⁹ The NSP, or the New Social Equality Party, is a Trotskyist party, and a break-away group from the Lanka Sama Samaja Party. It is a Sri Lankan section of the Fourth International.

¹⁰ The LSSP, literally the Ceylon Equal Society Party, is a Trotskyist party that is part of the UPFA coalition.

¹¹ The NUA, lead by Mrs. Ferial Ashraff, the widow of the founder of the SLMC, is a member of the UPFA coalition.

¹² Jathika Hela Urumaya (JHU), or the National Heritage Party, is a Sinhala nationalist party led by Buddhist monks that has advocated a unitary Constitution and defeat of the LTTE by force.

¹³ The Terms of Reference for case writers is available on the CDA website at www.cdainc.com.

2. A HISTORY OF THE CONFLICT BASED ON INTERVIEWS

2.1. Highlighting Pivotal Moments

One of the aims of this case study is to identify “pivotal moments” in history that had a negative or positive impact on the conflict and peace situation. This issue was posed during the interviews in order to identify interviewees’ points of view and as a point of departure for inquiry into how these turning points, especially any positive ones, came about. While some participants began their elaboration on pivotal moments from the time prior to the British colonization of Sri Lanka in the late 18th century, others referred to more recent incidents in history. This section will elaborate and analyze a series of selected historical developments as mentioned by the interviewees. They are not ordered by significance, but rather chronologically.

2.1.1. Colonization

Sri Lanka has often been identified as a “thoroughly” or “effectively” colonized country; the penetration of the different colonial regimes was significantly deeper than in many neighboring locales. For instance, the coastal plains were effectively controlled first by the Portuguese from 1505 to 1648, and then by the Dutch from 1648 to 1796. The British obtained control from the Dutch in 1796 and overthrew the interior hill kingdom of Kandy, the last bastion of resistance to colonialism, in 1815. Several of those interviewed speculated as to the impact that this thorough colonization has had on the local psyche.

Colonialism, and especially the British colonial state, is generally found to be culpable in bringing about the current conflict in the country. Blaming the colonials is a trait shared by almost all political hues. According to historian K.M. de Silva, as well as many of those interviewed, the British policy of “divide and rule” was aimed at facilitating governance by undermining the majority Sinhala peasantry of the country’s interior and by advancing the more coastal Tamil and Muslim populations. Sinhala nationalist understandings of the Sri Lankan conflict, such as those held by the JHU, also reproduce this thinking: that independence and the formation of the Sinhala nationalist state in its aftermath meant the restitution of the country to the rightful people - the Sinhalese. Marginalization of minorities, which became policy in the post-independence period, was justified on the basis that it was merely a matter of rectifying historical wrongs.

A further factor affecting the contemporary peace and conflict processes is the legacy of the handover of control of colonial Ceylon. It was done ineffectively and without an adequate understanding of the social and political arrangement of the many communities and, perhaps, the historical differences among them. The Cleghorn Minute of 1798 recognizes the fact that different parts of the country were inhabited and controlled by members of different local ethnic groups.¹⁴ Administrative unification of Ceylon as one unit under colonial control occurred in 1833 under the British Colebrook Cameron reforms. Moreover, while the British had initially practiced a form of communal representation in the administration of the colony, they were hesitant to make any extraordinary allowances for minority concerns in the handing over of power to the local population. One of the main reasons was the popularity of burgeoning ideas of representative liberal democracy in Europe and Britain. Further, the

¹⁴ Today the Cleghorn Minute itself is disputed, some citing it as indicative of the condition of the country at that time and others seeing it as a typical colonial misunderstanding of the context. See Sri Lankan Ambassador to the United States, Bernard Goonetilleke, “Disinformation: Deceitful Tigers Distort History,” *Washington Times*, 11 December 2007, available at www.slembassyusa.org/features/2007/disinformation_WTimes_11dec07.pdf (accessed 6 April 2009).

cleavages and allegiances within colonial Ceylonese society were not those of ethnicity alone. There were those of class, caste, and region and it was felt by the British that these would somehow neutralize one another in any possible electoral alignment.¹⁵

However, several historical factors that will be dealt with briefly below will show that ethnicity became the pivotal identity for political mobilization. Groups that became identified as ethnic minorities consistently lost out in the process of post-colonial state formation.¹⁶

2.1.2. Disenfranchisement of Plantation Tamils (1948)

In a long process of institutionalizing discrimination against minorities, the 1948 legislation limiting the franchise rights of the plantation community stands out, and was identified by many of the persons interviewed as a central underlying cause of the current crisis. Currently, the Indian Origin Tamils (seven per cent of the population) that distinguish themselves from the Sri Lankan Tamils and live in densely concentrated population pockets in the country's central provinces where there are tea and rubber plantations. Brought down by the British in the early 19th century to serve as labor on the newly created coffee plantations, the population stayed in the country and has since grown and continues to provide the bulk of the labor in Sri Lanka's thriving plantation industry.¹⁷

The disenfranchisement occurred when the United National Party (UNP), which negotiated independence from the British, was almost defeated in the first post-independence elections by a coalition of left leaning parties. This coalition included the Ceylon India Congress with a massive plantation labor constituency. The UNP, in a move supported by Sri Lankan Tamil and Muslim politicians, introduced measures that called for all Indian residents to prove their allegiance and their decisions to stay in order to have franchise rights. This legislation and later legislation dealing with citizenship requirements for this community saw the disenfranchisement of hundreds of thousands and a similar number rendered stateless. The issue was finally resolved in 2007.

2.1.3. Language Legislation (1956)

The next pivotal historical moment that indicated the ethnicization of the Sri Lankan polity was the language legislation of 1956 that proposed that Sinhala be the principal national language of the country. This meant that other linguistic communities, Tamils, Muslims, and Burghers (approximately 25 per cent of the population),¹⁸ would effectively be rendered second class citizens. The immediate effect of the legislation was that all middle level

¹⁵ See J. Russell, *Communal Politics under the Donoughmour Constitution 1931-1947* (Colombo: Tisara Prakashakayo, 1982).

¹⁶ The historical analysis of the Sinhala Urumaya takes ethnicity for granted as the principle category of identification for the Sri Lankan populace. The analysis of the local politics under the British and after can be summarized, according to the representative that we interviewed, as follows: "The British gave minorities the positions of power in order to create a community loyal to them and that would not want them to leave. The Tamils, as the elite under the British, expected to be handed the control of the country at independence. Later, after independence, they argued for 50-50 representation for themselves regardless of population ratios. Today, in the third phase of Tamil nationalism, Tamils are calling for self-determination in the so called Tamil homeland of the North and East. There is no basis for calling the North and East the Tamil homeland. The Tamil homeland is Tamil Nadu and Tamils have the right to self-determination there. They have no such rights in Sri Lanka which is the homeland of the Sinhalese. However, they have human rights and citizenship rights as recognized by the Constitution." This position reflects many elements of general Sinhala nationalist sentiment and is widely shared.

¹⁷ See E.V. Daniel, *Charred Lullabies: Chapters in an Anthropography of Violence* (Princeton: Princeton University Press, 1996).

¹⁸ The Burghers are descendants of the Dutch and Portuguese who colonized Sri Lanka in the 16th Century.

Muslim and Tamil civil servants who could not speak the language lost their jobs overnight. The Sinhala Only legislation, as it came to be called, was first proposed as early as the 1930s by UNP backbencher J.R. Jayawardena but was taken forward by S.W.R.D. Bandaranaike, patriarch of the country's most prominent political dynasty. Bandaranaike sought the platform of Sinhala Only to mobilize the Sinhala masses through a new party formed in opposition to the UNP when the then Prime Minister D.S. Senenayake denied him leadership of the party in favor of his son, Dudley Senenayake. Bandaranaike himself later attempted to rectify the damage unleashed by "Sinhala Only" but was not able to. As one of the interviewees pointed out, "Sinhala Only" created "a Sinhala Buddhist extremist cluster" that could not then be held back. Today, the ideological descendants of this group constitute the main supporters of the Rajapaksa Government, the JHU and JVP, who were considered the spoiler elements during the 2001-2003 peace process.

All future attempts at bringing about a moderate stance in relation to the country's minority Tamil community were blocked by groups supporting these views. The different political parties have repeatedly exploited Sinhala nationalist sentiments for their own political gain (*see* section 2.2). Today legislation is in place to overturn "Sinhala Only" and institute the Tamil language as a national language. However, implementation has been slow due to what many, including those interviewed, claim is the reluctance of an entrenched Sinhala nationalist bureaucracy.

2.1.4. Standardization and the Quota System

The failure of many of the attempts to reach an agreement that addressed Tamil grievances were compounded by other discriminatory measures directed at the Tamil speaking citizens of the country. The most widely cited of these in the literature on the conflict, as well as in the interviews, is the district-wide standardization and the language-based quota system of university entrance that adversely affected the graduates from Jaffna University and seriously undermined the long-established culture among the middle classes in Jaffna of grooming their children to be professionals and civil servants.

This measure, undertaken by the government in the 1970s with almost no warning or public discussion, directly fed the militancy among young Tamils in the North. The thinking behind the measure was that a majority of university places went to students from certain districts in the country that were better served in terms of educational facilities. The first attempt at standardizing entrance in a manner that did not give these students an advantage was based on language. Those who sat for exams in the Tamil language were compelled to get higher marks for university entrance than those that sat in the Sinhala language. Later, the selection criteria were revised to reflect a district quota.

2.1.5. Constitutions of 1971 and 1978

Constitution making in the country too was done in a manner that instituted Sinhala Buddhist power to the detriment of the minorities. The Soulbury Constitution, formulated in 1947, had some minimal minority rights protections in Section 29, which prohibited legislation that targeted particular ethnic communities. However, both of the country's autochthonous constitutions, of 1971 and 1978, were drafted with Tamil parties boycotting the processes and instituted measures that adversely affected minority groups. The 1971 "Republican" Constitution removed section 29 of the Soulbury Constitution prohibiting discrimination, introduced the term "unitary" in the face of the Tamil leadership's call for some form of

federalism, and made Buddhism, the religion followed by majority of the Sinhalese, the state religion.¹⁹

The 1978 Constitution further institutionalized the unitary nature of the state, strengthened the power of the executive presidency, and made it necessary to have an almost impossible two-thirds majority vote in parliament to bring about changes to the Constitution. It was passed in the context of heightened ethnic tensions and with the main opposition party, the Tamil United Liberation Front (TULF), demanding a form of recognition at the constitutional level for Tamil calls for self-determination. However, constitution makers of that time did not consider the idea of power-sharing and instead introduced a bill of rights as a guarantee of the rights of all at an individual level irrespective of ethnicity.²⁰

2.1.6. State Aided Colonization of the East

Of great contention and a current grievance of both Tamil and Muslim communities of the Eastern Province are the state colonization schemes of the country's dry zone. These were mentioned by several of those interviewed. Massive irrigation schemes undertaken since the 1950s, beginning with the Gal Oya scheme,²¹ diverted major rivers to irrigate large swathes of land. In a bid to provide land to the landless, large settlements were made on the banks of the newly created canals. While in the case of Gal Oya, there was an agreement that 50 per cent of the settlements would be for local residents, incrementally the Government started settling Sinhala residents from outside the Eastern Province in the choicest areas of each scheme. The first post-colonial ethnic riots occurred in their most violent form in Gal Oya in a confluence of resentment by Tamils against the Sinhala Only legislation and the settlement of Sinhalese in the region, which Tamils saw as designed to alter the area's ethnic balance.

The same policy of state-aided colonization of the dry zone areas considered to be the border between Sinhala and Tamil majority areas occurred through the Accelerated Mahaveli Development Scheme.²² This scheme was a flagship development project of the Jayawardena Government in the late 1970s.²³ While there is debate as to whether the Mahaveli and Gal Oya projects were indeed conceived purely as a political exercise, they remain one of the central grievances of Tamil nationalism.

¹⁹ Section 29(2) (b) and (c) of the Soulbury Constitution of 1947 provided that no law enacted by Parliament could (b) make persons of any community or religion liable to disabilities or restrictions to which persons of other communities or religions are not made liable; or (c) confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions.

²⁰ J. Russell, *Communal Politics under the Donoughmour Constitution 1931-1947* (Colombo: Tisara Prakashakayo, 1982). p74.

²¹ This involved the creation of a reservoir from the waters of the Gal Oya river in the Eastern Province in 1950 to irrigate land for cultivation in the province. New settlements were created in the newly arable land and these were the cause of much controversy and tension.

²² The Mahaveli is the country's longest river and enters the ocean in Trincomalee in the Eastern Province. Several reservoirs have been created from different branches of the Mahaveli to provide water for cultivation of the country's dry zone. Again, settlements have been created in the lands that are fed by the newly created reservoirs.

²³ As Patrick Peebles notes, "Both major parties competed for the votes of the Sinhalese. But the creation of agricultural settlements in the under developed interior of the island, or colonization is associated primarily with the United National Party. During the UNP government of J.R. Jayawardena (1977-1988), both the level of violence and the pace of colonization in the dry zone between the Sinhalese and Tamil majority areas increased." "Colonization and Ethnic Conflict in the Dry Zone of Sri Lanka." *Journal of Asian Studies*. Vol 49. No 1 (Feb. 1990), 30-55.

2.1.7. Vaddukoddai Resolution

The 1970s also saw an escalation in the anti-minority sentiment in the South and a corresponding over-emphasis of grievances among the Tamil parties. From a federal demand that was barely entertained by the South, the Tamil parties, responding to the pressure from the youth, gave in to the call for a separate state. The Vaddukoddai Resolution adopted at Pannakam, in the Vaddukoddai constituency on 14 May 1976, represented the first national convention of the TULF calling for a separate Tamil state. The resolution called for the “restoration and reconstitution of the Free, Sovereign, Secular Socialist State of Tamil Eelam based on the right of self-determination inherent to every nation” and stated further that such a restitution and reconstitution “has become inevitable in order to safeguard the very existence of the Tamil Nation in this Country.”²⁴

2.1.8. JVP Insurrection (1971)

The JVP insurrection of 1971 is another incident important in Sri Lankan history and emblematic of the manner in which the state has chosen to deal with the problem of Tamil nationalism. In many analyses, it has been frequently overshadowed by the 1987 insurrection. In 1971, the JVP, a left leaning Sinhala nationalist party currently in Parliament (and part of the UPFA), staged an insurgency to overthrow the Government. This rebellion of rural youth took place under the Sirimavo Bandaranaike-led SLFP Government of that time. The JVP’s main offensive strategy in April 1971 was to attack police stations. The State took extreme and violent measures to quell the revolt, thereby setting a precedent for dealing with future “intransigencies” of this nature. The use of massive force, with no respect for human rights, and no space for consideration of grievances of the rebelling factions, was institutionalized by those in power. A combined counter-insurgency operation involving the armed forces and the police was used to suppress the rebellion by June the same year.²⁵

As a result of the April 1971 insurgency, Sri Lanka also began to have, for the first time, over 18,000 “political prisoners,” the vast majority of them young men. The 1971 insurgency was also the first occasion after independence where the state was accused of large-scale human rights violations that included arbitrary and extra-judicial killing of suspected JVP rebels, detention without trial, burial of dead bodies without judicial inquiry, the abuse of emergency powers, and the suspension of civil and political rights.²⁶ As one of those interviewed pointed out, 1971 was a crucial moment in Sri Lanka’s history as it indicated the ruling elite’s willingness to use massive force to rein in dissent and stay in power.

2.1.9. The UNP Era (1977-1994)

In 1977, the UNP Government came to power under J.R. Jayawardena, winning a landslide victory that gave them a four-fifths majority in parliament. The UNP government instituted liberalized economic policies at a stage earlier than other countries in the region, changed the Constitution and brought about a new system of electoral representation and a powerful

²⁴ Translation of Resolution found at <http://www.eelam.com/introduction/vaddukoddai.html>.

²⁵ During this time Sri Lanka received the assistance of China, India, and Russia in the form of troops and military hardware. The USSR donated several MiG aircrafts, China donated light arms, and the Port of Colombo and the Airport were guarded by Indian troops. See D. Rajasingham-Senenayake “Sri Lanka: Transformation of Legitimate Violence and Civil Military Relations,” in Mutthiah Alagappa (ed.), *Coercion and Governance The Declining Political Role of the Military in South Asia* (Stanford: Stanford University Press, 2001), 302.

²⁶ See F. Haniffa, “Sri Lanka: Militarization in the Context of Protracted Civil War,” in Jayadeva Uyangoda (ed.), *Militarizing State Society and Culture in Asia.. Special Issue of Asian Exchange 20:2/21:1 (2004-2005)*, 102.

executive presidency. The proportional representation system made the political party the main element of voter attention with the individuals elected on the basis of a preferential vote. The electorate was transformed from the ward to the district, with the result that none of the representatives were identified with any one local town or administrative unit but the district as a whole.

Additionally, the system at the national level permitted participation of small parties; any party that could garner at least five per cent of the district vote became eligible for a seat. This brought about a system that creates unstable coalition politics, making it virtually impossible for any one party to achieve a majority in Parliament. At the same time, it has prevented any one party acting authoritatively without the consent of the others. However, several of those interviewed blamed the electoral system for the repeated failure of promising attempts to bring about Peace Writ Large. For instance, the inability of Government to pass the 2000 Constitution in Parliament (*see* section 2.2), and the cohabitation of a SLFP president and a UNP Prime Minister that ultimately led to the failure of the 2001-2003 peace process (*see* section 4), were both seen to be directly connected to the electoral system.

The UNP victory of 1977 brought about some hope that the Jayawardena Government would institute measures to address the simmering ethnic tensions in the North. However, according to many of those interviewed, little was really done and what was done was entered into in bad faith. Some of the measures undertaken by the state were the introduction of district development councils, the appointing of senior Tamil civil servants to prominent positions in government, abrogation of the standardization policy adopted by the previous government, and giving Tamil national language status. However, Tamil militancy in the North was also gaining momentum, and the young rebels were not willing to reach a compromise or settlement. The TULF endorsed many of the Government measures, including the proposed district councils.

However, they could not control the rebel groups. This was a time of heightened violence against Tamil civilians throughout the country. Many in the South saw the rebels as intransigent and as inadequately appreciative of the measures taken by the state, and anti-Tamil sentiment was at its highest. The three elections in 1977, and the 1981 (district elections) and 1983 elections were all characterized by high levels of violence. Sinhala mobs attacked Tamils in Colombo and the regions in the 1977 elections, which brought the TULF into parliament as the largest party in opposition, and in 1981, the Jaffna Public Library, a repository of ancient Tamil literary texts and archives, was burned. In 1983, a government-led massacre triggered by an attack on thirteen soldiers in Jaffna by the LTTE.

The 6th Amendment to the Constitution was presented in parliament on 4 August 1983. The Amendment specifically states: “No person shall directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka.”²⁷ Any person who contravened that provision was subject to the imposition of civic disability for up to seven years, forfeiture of his/her movable and immovable property, confiscation of the passport, and loss of the right to engage in any trade or profession. In addition, if that person was a Member of Parliament, he/she lost the parliamentary seat.²⁸ By refusing to take an oath of affirmation under this Constitutional Amendment, the TULF lost its right to participate in the democratic, electoral

²⁷ Section 157A (from Sixth Amendment), The Constitution of the Democratic Socialist Republic of Sri Lanka at http://www.priu.gov.lk/Cons/1978Constitution/Chapter_20_Amd.html (accessed 6th April 2009).

²⁸ www.eelam.com/tamil_eelam.html.

process. Thus, Tamil nationalist aspirations lost their main legitimate avenue for expression. This, as many of the interviews pointed out, further fueled militancy as the only political option for the Tamil struggle. The pogrom of July 1983 and the manner in which its aftermath was handled by the Government significantly fed the militant groups and created a powerful and widespread Tamil Diaspora.

2.1.10. JVP Insurrection (1987-1990)

The second JVP insurrection (between 1987-1990) was primarily instigated in opposition to the Indian-brokered Peace Accord of 1987 that brought about the Thirteenth Amendment to the Constitution establishing provincial councils for regional administration (*see* section 2.2). Part of the package consisted of the arrival of the Indian Peace Keeping Force (IPKF) to hold the militants in check in the North. The JVP considered the move as a sell out and resorted to a violent confrontation that lasted for three years. The JVP engaged in killings and disappearances of Government officials, sympathizers of the State and their families. Those that went against their *hartal* or strike proclamations were often gunned down. The Government, in turn, adopted repressive measures and instituted severe counter-terrorist tactics to quash the militants. During that time, disappearances were commonplace as was the visible killing of civilians. In the interviews, the event was discussed as part of the country's history that was generally excluded in narratives of the conflict and as evidence of a reductive understanding of the "ethnic" conflict as the country's only national problem. It was also identified repeatedly as an example of the state's handling of an internal conflict. As one of those interviewed pointed out with regards to the most recently concluded peace process, "[T]here was no structural change, and no one was interested in such change. Insurrection in the South [in 1987-1990] was dealt with without any change, so why change now?"

2.1.11. LTTE Expulsion of Muslims from the North (1990)

The late 1980s and early 1990s were times of violent upheaval in the country. The State was using great repression to quell the Southern insurrection, and the IPKF were carrying out a bumbling mission against the LTTE in the North. The IPKF arrived in Sri Lanka in 1987 and were asked to withdraw by then President Premadasa in March 1990. In October 1990, the LTTE, in a move that is still to be adequately explained historically, expelled the entire Muslim community of the five northern districts in the country. At the time, Muslims constituted five per cent of the population in the Northern Province and approximately 30 per cent of the Eastern Province. In the North, Muslims were told to leave their places of residence within a very short space of time, and in Jaffna town, many say they were given only two hours. Today, the bulk of this community continues to languish in under-resourced areas Puttalam immediately south of the Northern Province. Additionally, in the Eastern Province, the LTTE gunned down Muslims at prayer in two mosques in Kattankudi and one in Eravur (both Muslim towns in the eastern Batticaloa District). The events of 1990 are emblematic of the breakdown of Tamil-Muslim relations in the North and East and are currently the best argument for the inclusion of Muslims in any talks regarding a settlement.²⁹

2.1.12. The Oluvil Declaration (2003)

On 29 January 2003, another historical event that marks the presence of Muslims within the ethnic conflict occurred in the University town of Oluvil in the Eastern Province. Approximately 30,000 Muslims gathered to protest LTTE attacks on Muslims in the East. The rally produced what is known today as the Oluvil Declaration, which states that the Muslims of the North and East are a distinct nation, that the North and East was the homeland

²⁹ For further details on Tamil Muslim relations, *see* section 4.8.

of the north-eastern Muslims, and that they assert the right to self-determination. The Oluvil Declaration, made in the immediate aftermath of LTTE targeting of Muslims during the Ceasefire Agreement (CFA) made/signed between the LTTE and the GoSL in 2002, is perhaps the clearest public articulation of the north-eastern Muslim position to date.

The CFA granted the LTTE certain legitimacy, and under its terms the LTTE was permitted ready access to areas of the North and East that were not under its military control. With this increased LTTE access to the Eastern Province, Muslims felt that they were especially targeted by the LTTE and therefore remained critical of the CFA. The Oluvil Declaration was a loud call for the inclusion of Muslims in the peace process. With the increased tensions in the peace process, very little came of the Declaration itself. Still, the Oluvil Declaration, mirroring the Vaddukoddai Resolution of the 1970s, remains an important document indicating the political maturation of Muslim nationalist claims.³⁰

The absence or the minimal presence of Indian Origin Tamils and Muslims in the narrative of the ethnic conflict in Sri Lanka has had significant consequences for the way in which peace processes have been approached and stakeholders in any settlement have been identified. Many of those interviewed saw the faulty analysis of the nature of Sri Lankan society and its ethnic conflict as especially pertinent to assessment of the international community's involvement in the country's peace process. Most members of the international community characterized the Sri Lankan conflict as a two-party conflict, and, as a result, excluded significant constituent perspectives of political actors. This resulted in widespread opposition to the process and arguably led to the change of direction adopted by the current regime.

2.2. Missed Opportunities to bring about “Peace Writ Large”

All those interviewed highlighted various government proposals, particular leadership roles, and government-sponsored programs as having had an impact on the context. Most of these initiatives fall under the peacemaking³¹ category in the contemporary conflict transformation literature³² and are included in this report as key developments in the history of the conflict essential to any understanding of the attempts at bringing about Peace Writ Large. Examples of peacemaking at the political and constitutional level highlighted by the interviewees are elaborated in this section.

2.2.1. The B–C Pact and D–C Pact

When Ceylon was granted independence, state power was transferred to the elected UNP government led by members of the cross-communal, British-educated Colombo elite. In 1951, filling a vacuum in the political equation, S.W.R.D Bandaranayake formed the SLFP, aligning itself with the marginalized Sinhala-educated rural elites.³³ With the formation of the SLFP, the debate on the language policy started to gather momentum and after winning the elections in 1956, SLFP led alliance government introduced the Official Language Act making Sinhala the sole medium of state affairs (referred to as the Sinhala Only Act, *see*

³⁰ F. Haniffa, *In Search of an Ethical Self in a Beleaguered Context: Middle Class Muslims in Contemporary Sri Lanka*, (New York: Columbia University, 2004).

³¹ The term peacemaking is the diplomatic effort intended to move a violent conflict into non-violent dialogue, where differences are settled through representative political institutions. *See* the peace portal website: <http://www.beyondintractability.org/essay/peacemaking>

³² J. Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. (Oslo: PRIO, 1996), 103 – 113.

³³ J. Armon, & L. Philipson (eds.), “Chronology,” in *Demanding Sacrifice: War and Negotiation in Sri Lanka*, ACCORD, Issue 4 (London: Conciliation Resources, 1998), 77.

section 2.1), Bandaranayake's attempt to mitigate the tension and communal violence by also introducing Tamil as a national minority language could not reverse the situation.

The class- and caste-based elite at the time of independence turned into an ethnic interest based elite by the mid-1950s, and communal violence intensified with an estimated 150 deaths during riots. Then Prime Minister Bandaranayake began negotiations with S.J.V. Chelvanayagam from the Federal Party³⁴ to address Tamil minority concerns. The signed Bandaranayake–Chelvanayagam Agreement of 1957, commonly known as the B–C Pact, pledged to devolve power through regional councils, recognize Tamil as a national minority language, and slow Sinhalese re-settlements in the North and East.³⁵

After Bandaranayake was assassinated by a Buddhist monk in 1960, his widow, Srimavo Bandaranayake, gained power in the general election, with the support of the Federal Party. However, this electoral pact was disregarded amidst intensified communal riots and the Federal Party began its civil disobedience campaign paralyzing Government administration in the North and East. The subsequent general election in 1965 returned a UNP government to power led by Dudley Senanayake. The Premier, Dudley Senanayake, and S.J.V. Chelvanayagam entered into a second pact, known as the D–C Pact (March 1965) to implement the Tamil Language (Special Provisions) Regulation. This allowed the use of Tamil in education, public service entrance exams, and administration in North and East. Furthermore, they agreed to the establishment of district councils and to give preference to landless persons and Tamil speakers in re-settlement schemes in the North and East.

The B–C Pact and the D–C Pact did not include any substantial proposals for devolution of power. Mobilization of resentment by the opposition party in Parliament (UNP in 1957 and SLFP in 1965) was such that the governing party did not implement these pacts. Instead, violence was used to crush non-violent agitations organized by the Federal Party, which had aligned itself with the Tamil polity. Even though the Federal Party was a member of the UNP-led alliance government of 1965, they could not even get the language rights of the Tamils recognized and implemented by their partner in government.

2.2.2. Indo–Sri Lanka Accord (1987)

For the majority of the interviewees, the first significant peacebuilding activity in the recent past was the Indo–Sri Lanka Accord of 1987.³⁶ The Accord was an initiative by India in the face of growing unrest in Sri Lanka, Tamil suffering, increasing military capabilities of the militant groups from Sri Lanka supported by India³⁷ and the pressure on the Indian central Government from the leaders from Tamil Nadu to intervene to protect Tamils. A bi-lateral agreement was signed by the Heads of State of the two countries on 29 July 1987.

Following the signing of the Accord, the Sri Lankan Constitution was amended to establish Provincial Councils and devolve powers. This was the Thirteenth Amendment to the

³⁴ The Federal Party was a political party active from the mid-1950s until the 1970s. It pushed strongly for Tamil language rights. In 1972, it joined with the All Ceylon Tamil Congress and others to form the Tamil United Front, which in 1976 became the TULF.

³⁵ Armon and Philipson (eds.), *Demanding Sacrifice*, 77.

³⁶ The Thimpu Talks of 1985, arguably the first ever peace talks between the GoSL and the Tamil militant groups were not mentioned by those interviewed. The Thimpu Talks remain important in that four principles put forward by the militant groups remain a baseline from which the LTTE has not moved to date. These include the recognition of an identified homeland of the Tamil people and a guarantee of its territorial integrity. http://sanjanah.googlepages.com/Landmark_Agreements_in_Sri_Lanka.pdf

³⁷ B. Tilakaratna, *Negotiating Peace in Sri Lanka: Efforts, Failures & Lessons* (London: International Alert, 1998), 52.

Constitution, which became effective from 26 January 1988 (*see* section 4.8.2 for the current status of this provision). On 17 December 1988, constitutional provisions that articulated parity of status to both Sinhala and Tamil as official languages and languages of administration, as envisaged in the Indo–Sri Lanka Accord, were introduced through the 16th Amendment to the Constitution.

At the time of signing, the international community perceived the Accord as a diplomatic breakthrough. Within Sri Lanka, leftist and social-democratic groups, human rights groups, and peace advocates acknowledged the Accord as a significant agreement that would bring normalcy and end violence.³⁸ However, perhaps with the exception of India, this Accord was resented by most of the parties involved at the time of its introduction. Many Tamils perceived the Accord as an interim solution, and the LTTE specifically, considered the Accord a betrayal.³⁹ The Indian Premier, Mrs. Indira Gandhi, and her advisors followed a two-pronged strategy vis-à-vis Sri Lanka in the first half of the 1980s: (1) to provide military training and hardware for militant groups in Sri Lanka as a counter balance to the GoSL and (2) to offer India’s good offices to the Sri Lankan state to resolve the growing conflict between the Tamils of Sri Lanka and the Sri Lankan state. By December 1984, when Mrs. Gandhi’s son Rajiv assumed power following her assassination, militant groups were becoming too powerful for India to control. Rajiv Gandhi wanted to change India’s foreign policy vis-à-vis Sri Lanka. He wanted India to be the mediator. As his Foreign Secretary Romesh Bhandari described, “India intends to have an Indian rather than Tamil policy towards Sri Lanka.”⁴⁰

India decided to force all the Tamil militant groups, including the LTTE to agree to the draft Indo–Sri Lanka Accord. India’s invasion of Sri Lankan airspace to drop food supplies over Jaffna and its clear messages made the GoSL of President J.R. Jayawardana understand that he had no other option but to accept the offer of “good offices,” though he was not convinced of the goodness of that office. In short, India used its power to force all parties to agree to the Accord and then played the role of the mediator, facilitator, and guarantor simultaneously. This experience prompted the Sri Lankan polity to be cautious of any international interventions later on.

The Accord was signed in Colombo with a 36-hour curfew in place and an attack by a naval officer on the Indian Premier prior to his departure from Sri Lanka. Extensive protests continued for a few years and led to an insurrection within the Sinhala community by people who feared Indian expansionism. With the IPKF deployed to manage affairs in the North and East, the Colombo administration re-deployed Sri Lankan security forces in the South and brutally crushed the insurrection. This resulted in the deaths and disappearances of thousands, mainly southern youth belonging to JVP, the People’s Liberation Movement.⁴¹

Elections were held on 19 November 1988 to appoint a body to run the newly created North East Provincial Council. Though the LTTE and many others boycotted the elections, people turned out in large numbers to vote. This is perhaps indicative of a desire for a peaceful

³⁸ K. Loganathan, *Sri Lanka: Lost Opportunities* (Centre for Policy Research and Analysis (CEPRA), Faculty of Law, University of Colombo, 1996), 119 – 166.

³⁹ E. Nissan, “Historical Context in Demanding Sacrifice: War and Negotiation in Sri Lanka”, in Armonand Philipson (eds.), *Demanding Sacrifice*, 10.

⁴⁰ J. N. Dixit, “Indian Involvement in Sri Lanka and the Indo–Sri Lanka Agreement,” in K. Rupesinghe, K. (ed.), *Negotiating Peace in Sri Lanka* (London: International Alert, 1998), 31 - 46.

⁴¹ “Chronology,” in Armon & Philipson (eds.), *Demanding Sacrifice*, 81.

change or trust in the Indo–Sri Lanka Accord and the North-East Provincial Council to meet their aspirations – at least in the short term.

Reflecting on this history from a perspective of conflict transformation and reconciliation, it is important to notice that the first North-East provincial government led by Eelam People's Revolutionary Liberation Front (EPRLF)⁴² went on to appoint a Muslim member belonging to the Communist Party and a Sinhala member affiliated to the Sri Lanka Mahajana Party to the provincial administration. This was a voluntary gesture of goodwill that is rare in a context where issues are politicized and ethnicized at every level. The Sri Lanka Muslim Congress (SLMC) became the opposition party in the North-East Provincial Council. Yet although the North-East provincial administration created high hopes and anticipation among the people of the North and East of the country, it quickly failed, for several reasons:

- The LTTE's rejection of the North-East Provincial Council and their commitment to achieving a separate state;
- The reluctance of the executive arm of the Government to accept the Indo–Sri Lanka Accord and to accommodate the needs of the provincial government;
- Resistance of the administrative mechanisms within the central state to share powers with the provincial government;
- Increased violence on the ground created by parties who rejected the accord; and
- The pre-mature departure of the IPKF with the feeling of defeat and humiliation.

In retrospect, it is easy to say that the Accord was bound to fail as a peacemaking initiative, since it was forced upon the parties by India, the regional power. Consensus was not sought and fears were not sufficiently addressed. The key protagonists in the Sri Lankan conflict, the Government at the time and the LTTE, resented the Accord, and the other Tamil parties perceived it only as an interim measure. Most importantly, none of the Sri Lankan parties or groups owned the process of designing the Accord, and the GoSL was left with the responsibility of implementing an accord it resented.

2.2.3. 1994 Peace Process

The general elections held on 16 August 1994, resulted in a People's Alliance's (PA) victory and ended the seventeen-year UNP rule.⁴³ The new PA cabinet, with Mrs. Kumaratunga as the Prime Minister, was sworn in three days later. The outcome of the election was interpreted as a demonstration of the majority's commitment to a peaceful solution to the ongoing conflict, as Mrs. Kumaratunga's campaign clearly asked for a mandate to negotiate with the LTTE to find a political solution to the conflict. This was the first time a key southern leader had accepted that the minorities were suffering and their grievances needed to be addressed through a negotiated political solution. Furthermore, the candidates such as Dinesh Gunawardana of Mahajana Eksath Peramuna (MEP) who claimed to represent authentic voice of the Sinhalese and argued that PA leadership would divide the country by giving Eelam to the LTTE, did not win a single seat in that election.

Within two weeks of assuming power, the new regime relaxed the embargo on Jaffna on twenty-eight of the fifty items that had been banned since 1990. Shortly afterwards, the

⁴² The EPRLF is a political party and former militant separatist group. [After most of its members were killed](#) by the LTTE in 1986, the EPRLF allied itself with the Indian Peace Keeping Forces who were controlling much of the Eastern and Northern Provinces. In the 1988 elections, the EPRLF won 41 of the 71 seats on the North East Provincial Council.

⁴³ The People's Alliance (PA) of political parties was formed in 1994 by left-leaning political parties led by the SLFP. It was successful in the general elections of 1994 and 2000, in the Presidential elections of 1994 and 1999, but was defeated in 2001. The PA was sidelined after the formation of the UPFA in 2004.

President sent a letter to the leader of the LTTE, through the ICRC, indicating the Government's willingness to engage in negotiations. This was the beginning of a series of over forty letters exchanged between the two sides. During the first two months, a first round of talks was arranged and a four-member delegation representing the GoSL arrived in Jaffna for talks with the LTTE on Thirteenth and 14 October 1994.

The key highlight of this visit was the unprecedented welcome received by the Government delegation from the people of Jaffna. Rajanayagam, the editor of *Tamil Times*, wrote, "The People of Jaffna gave a tumultuous welcome and thronged the streets of the city in a display of unabashed enthusiasm for, and expectation of, imminent peace breaking out. The government delegation felt the yearning for peace among the people. The sea of blue flags. The ruling SLFP's colour and the way Chandrika was hailed by the Tamils as the harbinger of peace".⁴⁴ During our interviews, re-visiting the situation fourteen years later, one interviewee recalled how "Chandrika euphoria swamped the country including the North and East"; people were over enthusiastic and hopeful. "Chandrika" became a household name. Ladies' bangles—popularly known as "Chandrika Bangles"—appeared in the Jaffna market. After a decade of violence and hardship, finally the population was optimistic about the arrival of permanent peace.

The two sides had four rounds of talks in Jaffna that yielded some results, including the cessation of hostilities and a further relaxing of the embargo on goods to Jaffna. After the second round of talks, on 5 January 1995, the President and the leader of the LTTE signed an agreement for the cessation of hostilities.⁴⁵ Following this development, four foreign monitors (representing Norway, Holland and Canada) arrived in the country to supervise the truce, which began on 8 January. However, the monitoring committee could not commence its duty due to the parties' difficulty in reaching an agreement on the function of the committee. In the meantime, both sides alleged that the other had violated the cessation of hostilities.

The progress of the peace process was overwhelmed with issues that each side felt were important but were not such a priority to the other side. For example, while both sides agreed to improve transport links in and out of the Jaffna peninsula, the LTTE was insisting on opening the Sangupidy road, and the GoSL was willing to open only the Elephant Pass road. Given these differences of opinions on issues, the communication between the two sides started slowly to deteriorate.⁴⁶

In February 1995, talks reached an impasse. The GoSL began to engage in unilateral activities and appointed a Task Force on Rehabilitation of the North-East Province. By this time, it was very clear that enthusiasm alone would not be enough to make the negotiations successful. The Government wanted to negotiate political solutions to the conflict while working on removing the hardship faced by the people of the North and East. The LTTE wanted a step-by-step process in which political negotiations began after the normalization of the civilian life in the North and East. This difference of approach to the peace process widened the gap between the two sides.⁴⁷ Nonetheless, they agreed to have a fourth round of talks. The Government delegation included the Presidential Secretary, an army brigadier, a

⁴⁴P. Rajanayagam, "Government of Sri Lanka-LTTE Negotiations (1994-1995): Another Lost Opportunity," in K. Rupesinghe (ed.) *Negotiating Peace in Sri Lanka*, 187 – 238.

⁴⁵ *Ibid.*, 187-237.

⁴⁶ *Ibid.*

⁴⁷ R. Edrisinha, "Trying Times: Constitutional Attempts to Resolve Armed Conflict in Sri Lanka" in Armon, and Philipson (eds.), *Demanding Sacrifice*, 28-36.

captain, the Anglican Bishop of Colombo, a university lecturer, and a well-known senior NGO activist. It was said that the latter three members were included in the delegation because they were well-recognized as advocates for the devolution of power and had a good reputation and acceptability within the Tamil community.⁴⁸

Despite the positive feedback the Government received from its delegation, on 18 April 1995, the LTTE announced their withdrawal from the negotiation process. The next day, the LTTE launched a suicide attack that destroyed two gunboats of the Sri Lanka Navy anchored at Trincomalee, killing twelve navy men and injuring twenty-one others. This act marked the unilateral ending of the cessation of hostilities.

In retrospect, a major inhibiting factor to the success of the talks related to the process. The four rounds of talks were limited to total of six days, with Government delegates flying into Jaffna just for the period of the talks and the main communication being conducted via letters. As P. Rajanayagam observed, “[t]o say the least, it is an unusual medium to conduct negotiations for the purpose of resolving a complex, protracted and intractable problem”.⁴⁹

Some analysts observed at the time that the composition of the Government delegation indicated that it was not willing to give the parity of status expected by the LTTE. The President had sent the people closest to her as the delegates but they were also her personal friends and not the official representatives of the government. The sense was that this action humiliated the LTTE who perceived themselves as the sole representatives of the Tamil nation and expected parity of status.⁵⁰

Furthermore, though the Government delegation was ready to talk to the LTTE on establishing a peaceful environment, during the four rounds of talks, very little planning, agenda setting, and clarity on a process for achieving this objective was displayed. The LTTE perceived the Government delegation as being comprised “not men of innovative ideas or experts in conflict resolution, but simply bearers of messages who carried information to a supreme authority in Colombo”.⁵¹ The Government’s delay in bringing normalcy into the LTTE-controlled areas is also seen as a reason behind the failure. Some analysts commented that both sides were not serious about talks and they both used the period of peace to rearm and re-group. However, the LTTE was largely blamed by many national and international actors for unilaterally withdrawing from the talks.⁵²

Following the breakdown of talks, both sides shifted towards military strategies, and the PA Government introduced the war-for-peace strategy, with the view of addressing the Tamils grievances while fighting the LTTE and separating them from the Tamil community. On the LTTE side, there were pledges not to give up the struggle for any deceptive attempt at peace, and they vowed to fight till the end to establish Eelam.

In analyzing this power struggle, it should not be forgotten that both sides were keeping an eye on their respective constituencies. Though the President had managed to get a clear

⁴⁸ P. Rajanayagam. “Government of Sri Lanka-LTTE Negotiations (1994-1995): Another Lost Opportunity,” in K. Rupesinghe, *Negotiating Peace in Sri Lanka*, p 225

⁴⁹ Ibid.

⁵⁰ J. Perera, “An analysis of the breakdown of negotiations in the Sri Lankan Ethnic Conflict,” in K. Rupesinghe, *Negotiating Peace in Sri Lanka*. 239 - 252

⁵¹ A. Balasingham, *Politics of Duplicity* (UK: Fair Max Publishing, Ltd, 2000), 19.

⁵² K. Samuel, “Straining Consensus: Government Strategies for War and Peace in Sri Lanka 1994-98,” in Armon and Philipson (eds.), *Demanding Sacrifice*, 20-27.

mandate in the presidential elections, her coalition government did not have the two-thirds majority in the Parliament required to make any substantial changes to the Constitution, a position that the previous UNP Government had enjoyed. Therefore, while pushing ahead with the peace strategy, the PA Government had to keep looking over its shoulder to balance political forces in the South.

Furthermore, both the Government and the LTTE had to maintain their own constituency support. The reception received by the Government delegation in Jaffna as well as the approximate 80 per cent Tamil votes received by President Kumaratunga from Batticaloa indicated a shift of Tamil support. In Batticaloa, the LTTE control was not prominent. The Tamil people were yearning for peace and were happy to engage in the Government-led peace initiatives.⁵³ It is believed that this created tension in the LTTE circles that were trying to manage this support base and prevent it from shifting towards the Government. In fact, this is the point that the Government tried to tackle through the war-for-peace strategy: to win the hearts and minds of the Tamil people.

2.2.4. 2000 Constitutional Proposals

As part of the war-for-peace strategy, the PA Government came up with a set of devolution proposals in 1995, parallel to its military offensives against the LTTE. The devolution proposals published on 3 August 1995 set out a basic framework for the structure of devolution. They further elaborated the Government's stance on key issues such as finances, law and order issues, administration of justice and civil service, land, and education. "Unprecedented in their recognition of Tamil grievances and aspirations, the 1995 proposals were welcomed by many persons and groups committed to substantial devolution. However, they [the proposals] were fiercely opposed by sections of the Sinhalese majority community".⁵⁴

Though its one-seat majority in Parliament allowed only limited space for political maneuvering, the PA Government pressed ahead and came up with a legal draft based on the proposals published. This legal draft of January 1996 had many progressive features:

- Removing Articles 2 and 76 of the Constitution that entrenched the unitary character of Sri Lanka. This would allow for substantial devolution;
- Abolishing the Concurrent List⁵⁵ that was instrumental in maintaining an ambiguity between the power of the center and periphery; and
- Awarding greater revenue to raise the powers to regional councils.

This legal draft was discussed in the parliamentary committee for nearly two years with very little hope of reaching consensus. In October 1997, the Government published another amended draft based on its original proposals.

After Kumaratunga won a second term in office as president in 1999, the PA began discussions with the Tamil political parties and the main opposition party in the Parliament, the UNP, on the basis of the 1997 proposals. Since the Government was unable to make any changes to the Constitution without the required two-thirds majority, it continued discussions with the UNP until July 2000, in the hopes of reaching consensus. After incorporating

⁵³ Rajanayagam, "Government of Sri Lanka-LTTE Negotiations (1994-1995)," and Perera, "An analysis of the breakdown of negotiations,"

⁵⁴ Edrisinha, "Trying Times."

⁵⁵ The 'Concurrent List' outlines shared powers between the center and the regions, though ultimate authority for these issues remains with Parliament. The concurrent list is considered one of the main impediments to the success of the Provincial Council system brought in under the Thirteenth amendment.

amendments agreed during bi-lateral talks, the PA presented a watered down version of the 1997 proposals in the Parliament on 8 August 2000. The Buddhist monks, the JVP, and many other Sinhala nationalist groups demonstrated in the thousands against the proposed new Constitution.

The UNP–PA talks over the draft bill significantly changed the original PA proposals. As the leader of the opposition, Mr. Ranil Wickremasinghe stated in Parliament that there were only four provisions in the final bill with which the UNP could not agree. These were the transitional provisions relating to the abolition of the executive presidency, the elected interim regional council for the North and East, future amendment of constitutional provisions relating to devolution, and the composition of the constitutional council. However, instead of supporting the PA proposals, the UNP published its own widely derided counter-proposals.⁵⁶ This was another moment in Sri Lankan history where the power struggle between the two main parties in the South became more important than national issues.

⁵⁶ Ibid.

3. PEACEBUILDING EFFORTS HIGHLIGHTED BY INTERVIEWEES

3.1. Introduction

Since the beginning of the conflict in Sri Lanka, there have been various attempts at resolving, mitigating, or managing the conflict by different individuals and groups. These attempts were not necessarily identified as “peacebuilding” initiatives, since such terminology was not widely available at the time. Reflecting on peacebuilding initiatives during the past two decades, Liz Philipson states, “So many Sri Lankans wanted the war to end. They wanted peace and within their capacity they did a lot to change the situation in the country, but they did not call their work ‘peace work’.”⁵⁷ For example, first, organizations such as the Movement for Inter Racial Justice and Equality (MIRJE) were involved in drafting proposals for constitutional amendments to accommodate minority grievances. Second, religious leaders were attempting to function as bridge-builders between decision makers on the two sides. Third, many of the political left, except the JVP, were actively involved in shaping ideological debates of the northern youth on power-sharing issues. Finally, at the peak of the activism in 1988, the EPRLF appointed two Sinhala activists from the South to the North-East Provincial Council. Many Sinhalese with left-oriented thinking became members of the EPRLF and other Tamil liberation movements of the North. They had the objective of reforming the Sri Lankan state for the benefit of all communities including ethnic minorities.

Another peace and development practitioner, Steve Alston,⁵⁸ recalled the involvement of the religious community in peace and conflict issues, stating, “Our diocese in the North East were giving shelter to an unexpected influx of refugees and the diocese in the rest of the country were forced to provide shelter for southern youth who were trying to avoid ‘death-squads.’” The volatile situation in the whole of island towards the latter part of the 1980s due to the war in the North and East and the JVP insurrection in the South seems to have prompted many organizations, who were only concerned about the social welfare of the respective communities, to deal with peace and conflict issues.

By the 1994 Presidential election, most of these individuals and organizations were directly or indirectly involved in ending the seventeen-year long UNP administration accused of wide spread human right violations, flaring-up ethnic tensions, and undermining democracy in the country through unconstitutional referendums. On gaining power following President Kumaratunga’s election campaign in 1994 that introduced peace negotiations as the key theme, the Government began to engage in peacebuilding through specialized programs of National Integration and Planning Unit (NIPU). Most of the NIPU activities focused on sensitizing and educating people and were at the Track III level. The strategy was to influence individuals on a mass scale and thereby move from individual to socio-political change. Parallel to the government, local NGOs and some INGOs based in Colombo also worked on the Track III level. NGOs and INGOs provided funds and technical support, built capacities, networked, developed local consultant pools, and disseminated experiences for conflict transformation work. These Track III activities, aimed at educating the general public, brought together a range of actors, including government officials, community based organizations (CBOs), religious groups, media, and arts communities. While there were many Track III activities, very little was happening on Tracks I and II. Though the Government was

⁵⁷ Practitioner and a political activist for over twenty-five years and have been involved in the Sri Lankan context for over twenty years in various capacities.

⁵⁸ Practitioner for over fifteen years and has been involved in Sri Lanka through CAFOD, UK from the mid-1980s.

preparing constitutional proposals, they were aimed at the public and not the other party to the conflict.

Peacebuilding experienced a dramatic change after the election of the UNF government in December 2001 and the subsequent signing of the Cease-Fire Agreement (CFA) in 2002. *Regaining Sri Lanka* (RSL), the policy document of the UNF Government, linked peace and economic growth closely. Creating the peace dividend was seen as the key method of ensuring the southern support for the peace process and keeping the northern fighters off the battleground. After signing the CFA, the UN-led international community was invited to propose a plan for reconstruction of the war devastated North and East. US, India, Japan, EU, and Norway were invited to function as Co-Chairs of the peace process, binding these countries and other international actors to the outcome of the peace process.

In 2003, the GoSL proposed to set up a Development Assistance Coordinating Committee (DACC) to provide a lead for the donors. Wanting to be associated with the perceived success story, many donors increased their short-term funding (a two- to three-year outlook) in response to active persuasion by the Government. This can be seen in the direct and indirect funding for peacebuilding: USD 572 million (2002), USD 991 million (2003), and USD 805 million (2004).

The Government seemed to have believed in two main theories of change vis-à-vis the LTTE and the population. The first was to change key LTTE political leaders' political stance and perception of their interests. By engaging the international community, facilitating international travel of key LTTE persons, exposing them to no-war environments, providing LTTE with incentives to improve civilian administrations, and supplying material goods that were not readily available during the war times, the Government anticipated that the elites on the LTTE side would be interested in peace. Second, at the level of the population, in the North and East and the South, it was anticipated that the peace dividend (fast-tracked development and infrastructure work) would ensure popular support for peace.

Between 2002 and 2004, direct peacebuilding continued to be dominated by the INGOs and NGOs, with limited Government involvement through the Secretariat for Coordinating the Peace Process (SCOPP), established in February 2002, the NIPU and the Ministry of Constitutional Affairs and National Integration (MCANI). SCOPP acted as the main logistical coordinator for peace talks, releasing regular communication on peace related issues and facilitating LTTE visits to other parts of the country and abroad. NIPU and the MCANI focused on language issues and educational activities for Government politicians and officials on peace and constitutional reform themes. Comparatively, however, there was no "whole of government" approach similar to that in 1994. Activities such as exposure trips to countries with federal systems, short study courses in federal countries, bringing in foreign experts, workshops and one to one discussions became prolific during this period. There was a dramatic increase of Track III activities, with many development partners and other donor agencies diverting some of their development grants towards peace work.

3.2. Understanding Civil Society in the Sri Lankan Context

CSOs are understood as voluntary organizations formed by the citizens with the objective of achieving a common goal. These goals vary from providing welfare to agitating on political issues. In the Sri Lankan context, though CSOs already existed around Buddhist and Christian religious entities and on issues related to community social welfare, CSOs spread rapidly with the opening of the economy in 1977. The heightened conflict in the North and East from the early 1980s and the second uprising of the JVP in the South during the later

part of the 1980s resulted in more international agencies setting up offices in the country or encouraging local counterparts to set up offices for work related to human rights, rehabilitation, refugees, and development issues. Through this expansion, the initial understanding of CSOs as voluntary organizations changed.⁵⁹

The word CSO is used in many contexts in Sri Lanka: the word refers at times to community-based, voluntary, membership organizations and, at other times, to professional, externally-funded organizations. Many national and international organizations with professional paid staff who are engaged in peacebuilding work tend to refer to themselves as CSOs. Therefore, in the Sri Lankan context, CSOs could mean a community-based organization, village-level organization, or a foreign-founded charitable (non-profit) company registered under the Companies Act. Hence, for the purpose of clarity, in this report, we are using the term non-governmental organizations (NGOs) to refer to non-state, non-profit organizations who pursue purposes of public interest. Taking from definition of the civil society as “the space in between” social actors or the “common space where political, economic and private spheres overlap,”⁶⁰ in this paper, we use the term civil society to refer to the broader Sri Lankan society starting from individuals and family units. The NGOs are treated as professional organizations separate from civil society, but members of NGOs could at times represent and be part of the civil society.

3.3. Understanding Peacebuilding

In general terms, peacebuilding means the activities, approaches, initiatives that address the root causes of a conflict and try to promote dialogue, mutual trust, and integration.⁶¹ The activities that endeavor to address root causes of conflict, build and promote peace could vary from correcting structural mechanisms to promote equality, to initiating a dialogue between parties, to establishing institutions such as post-conflict trauma centers. The peacebuilding activities should take long-term impact into account and engage in the context for a longer period without seeking quick fixes.

In the Sri Lankan context, there have been many peacebuilding activities involving different segments of the society for many years. Since this report largely focuses on the most recent lost opportunity, the peace process of the Ranil Wickremasinghe premiership, we analyze peace activities that are significant in relation to that attempt. A number of our interviewees believed that some activities such as the Sudu Nelum (White Lotus) Movement that was initiated by the GoSL in 1995 laid the foundation for the CFA, as it created popular support for peace at the grassroots level of the society in the South.

During the cease-fire, there were many workshops organized by various national and international NGOs to discuss issues that might come up in talks, such as de-militarization, disarmament, and power-sharing arrangements that helped to disseminate knowledge on options available among decision makers and sensitized the masses on issues that might surface in talks. For example, the Center for Policy Alternatives (CPA) and the Berghof Foundation for Conflict Studies held a series of seminars and invited various scholars to develop ideas on future issues, under the theme “Road Map for Peace.” Of course, these

⁵⁹ U. Fernando, *The Landscape of NGOs in Sri Lanka: Issues and Challenges* (Amsterdam: Amsterdam Research Institute for Global Issues and Development Issues, 2003).

⁶⁰ M. Fischer, “Civil Society in Conflict Transformation: Ambivalence, Potential and Challenges,” in *Berghof Handbook for Conflict Transformation* (Berlin: Berghof Research Center, www.berghof-handbook.net, Oct. 2006).

⁶¹ J. Galtung, “Three Approaches to Peace: Peacekeeping, Peacemaking and Peace Building,” in J. Galtung (ed.), *Peace, War and Defense: Essays in Peace Research, Vol. II* (Copenhagen: Ejlers, 1976). (

initiatives were not far-reaching and were not mass-based events. Perhaps this is why they were not highlighted by our interviewees. Nevertheless, as one of the authors of this report has experienced, ideas generated in the Road Map Series were fed directly into the negotiation process through members on both sides. In fact, certain ideas were explored, elaborated, analyzed, and tested in workshop settings based on requests made by members of the negotiating teams.

Though the current atmosphere is not conducive to such an NGO–Government–LTTE overlap, some groups are still continuing to generate ideas in workshop settings, trying to arrange meetings of people from the North and South to increase cross-community understanding, organizing peace rallies, peace meditation sessions, producing pamphlets on power-sharing issues, and conducting various other peacebuilding activities.

However, during this study, the attempts to extract examples from the interviewees of peacebuilding activities that took place during the 2001-2003 peace process and the impact of such peacebuilding activities on the larger society did not yield expected results. Though the related question was repeated to most of the interviewees several times, their reflections were either related to the Track I level peace process or the comments were dismissive of the impact of peacebuilding activities at large. Exceptions perhaps in this regard were the peace practitioners, some of whom believed that their own work had an impact on certain aspects of the society or an issue. The common understanding is that “peacebuilding did not have an impact as it failed to create a mass support base that could have forced parties to continue to engage in the talks without resorting back to violence.”

3.4. Peacebuilding Efforts from the Perspective of the Interviewees

Most of our interviewees talked at a length about peacemaking initiatives led by government or other leaders, and not peacebuilding activities at other levels. Whether they were business people, trade union activists, politicians, or NGO activists, the majority of the interviewees had a very good understanding of these peacemaking attempts and analyzed pros and cons of each initiative as well as how and why those initiatives failed.

When the interviews focused on peacebuilding initiatives, participants were slow in coming up with examples of organizations, initiatives, individuals, or groups that have had significant impact. However, some peacebuilding activities were referred to in passing and sometimes commented upon such as seminars, peace rallies, peace meditations, workshops on federalism, constitutional reform workshops, advocacy work, human rights education, teaching good governance, dialogue work involving cross party politicians, and press statements.

Nevertheless, almost all were regarded as having minimal long-term impact. The exceptions common to several interviews was the State-sponsored Sudu Nelum Movement. The Association of War Affected Women (AWAW), Young Asia Television (YATV), International Alert, National Peace Council (NPC) of Sri Lanka, Sarvodya and NIPU were also mentioned as institutions that had some impact on the peace and war context. The Sarvodya and NPC were highlighted by a few, while Sudu Nelum was mentioned by many.

In terms of groups and individuals in the context of peacebuilding, Jehan Perera was mentioned for his regular press releases⁶² that tried to bring consensus even at most difficult

⁶² As the media director of the NPC, Jehan Perera issued these press releases on behalf of the organization, but interviewees referred to the individual rather than the NPC in commenting on the releases.

times. Sunanda Deshapriya⁶³ was mentioned for his outspokenness on political issues in the face of eminent danger and Dilan Perera⁶⁴ was mentioned for his vocal and practical engagement in peace issues even while the political parties were promoting war. Furthermore, many interviewees mentioned religious groups, the business community, and the media as having an influence on peace issues. The media was perceived as having a negative impact, and there were proposals to sensitize media personnel to conflict issues.

Reflecting on the peacebuilding activities in Sri Lanka on different tracks, Rupesinghe wrote, “Several organizations have been engaged in informing the public through seminars and workshops. Other organizations have played an effective role in influencing policy. However, there was little work that was done at the level of Track II.”⁶⁵ Few of these initiatives were mentioned in the interviews. This section will describe the three most important initiatives that were mentioned: Sudu Nelum (a government sponsored initiative), and the NPC and Sarvodya (both NGOs).

3.4.1. The Sudu Nelum Movement

The Sudu Nelum (White Lotus) Movement is the initiative created by the People’s Alliance (PA) government of President Kumaratunga with the aim of raising public awareness of the peace process, devolution, and reconciliation. Sudu Nelum attempted to broaden public participation in the peace process and attempted to take the message of peace to rural masses.

Ending the seventeen-year long UNP rule, the PA Government came to power in 1994 with the support of many CSOs who wanted to promote a government that would protect human rights and the rule of law, as well as endorse peace. President Kumaratunga gave a clear pledge in her election campaigns to start negotiations with the LTTE. However, as negotiation attempts failed, the parties felt bitter about each other and resumed hostilities. The Sudu Nelum Movement was established in this context with the aim of promoting peace through raising public awareness and public support. The theory of change applied here seems to be grassroots mobilization to support constitutional amendments that the government was proposing. Since the constitutional amendments anticipated by the government could not be applied without the two-thirds majority in the parliament, the government seems to have opted for the theory of mobilizing enough support so that political leaders have no other option but to support their devolution proposals.

The Sudu Nelum Movement managed to mobilize support at national, regional, and village levels and to draw intellectuals and university intellectuals with SLFP and leftist backgrounds to work on peace issues. In contrast to the current Government, the PA Government at the time saw NGOs as a useful component of the society and was willing to coordinate NGOs to promote its peace campaign. However, a founding member of the Sudu Nelum Movement reflected that the “movement received resistance from NGOs.” NGOs who were involved in bringing about a political change after seventeen years were uncertain about the Government’s move to popularize peace and perceived Sudu Nelum as a pure political propaganda campaign. Especially when Sudu Nelum was being led by a Government introducing a war-for-peace strategy, the NGOs were cautious in accepting it.

⁶³ A professional senior journalist and HR activist, convener of the Free-Media Movement and the head of the Media Unit of the Center for Policy Alternatives.

⁶⁴ A SLFP member of Parliament for over fifteen years, currently the non-cabinet Minister of Justice, Dilan Perera was involved in Sudu Nelum Movement as the deputy minister of National Integration.

⁶⁵ K. Rupesinghe, *Negotiating Peace in Sri Lanka*, Introduction.

However, backed by the political will and the powerful government machinery, Sudu Nelum reached the masses with innovative activities. Among many activities of the Sudu Nelum Movement, “A Brick and a Book” campaign was mentioned by many interviewees. This campaign was launched in April 1997 to re-build the Jaffna library that had been burnt down in 1981. The campaign succeeded in reaching out to all levels of the society including school children. At another level, this was also a participatory, reconciliatory activity involving people from the South and other areas to correct a historic mistake committed in the North.

Some of the other activities undertaken by Sudu Nelum were:

- Organizing a ‘Devolution Week’ that was held in each district to enlighten masses about the benefits of devolving powers to the regions,
- Conducting a series of district and rural level discussions on the nature of the conflict in Sri Lanka and on the possibility and necessity of political measures to ensure the rights of all communities in the country, by way of seminars, workshops, and youth camps,
- Initiating “Sama Thawalama” (Peace Caravans) that traveled to various areas of the country raising awareness among all communities about the government’s peace proposals and constitutional reform proposals, and
- Holding ceremonies of congratulations for parents of “war heroes”.⁶⁶

The activities of the Sudu Nelum Movement were largely limited to areas outside the North and East of the country, though a concerted effort was made in 1997 to take the message to Jaffna with a series of meetings and discussions held there. As noted by most of the interviewees in this study, with the Peace Caravan, the Government managed to reach most rural areas of the country with its message of peace. The Peace Caravans used street dramas, floats, photographic exhibitions, video films, songs, and posters to reach out and got the workers, farmers, and peasants involved in the discussions. As noted by K. Samuel, “[i]t raises awareness and encourages debate and discussion among its audience as a first step towards promoting cross-cultural understanding, ethnic harmony, and peace. The message of Sama Thavalama is that Sri Lanka is a multi-ethnic, multi-religious society whose diversity is its strength. It attempts to convince the Sinhala community that the Tamil people have legitimate historical grievances that need to be resolved politically.”⁶⁷

Funding for most of the initiatives came from the government sources, such as banks, state corporations and institutions. Because it was managed under a trust known as “Sudu Nelum Trust” and protected from usual bureaucratic red tape of the Government, the initiative had a relatively free hand.. Among other Government institutions, Sudu Nelum worked very closely with the Ministry of Justice and Constitutional Affairs, as it had a newly created unit within the National Integration Division of the Ministry which came to be known as the National Integration Policy Unit (NIPU), with a similar mandate to that of Sudu Nelum. Through these attempts, for the first time, the government was trying to introduce national integration as the Government policy and have a “whole of government” approach to tackling the issue.

⁶⁶P. Saravanamutti, “Democratization of the Peace Process: Sri Lanka,” in J. Large & T. Sisk (eds.), *Democracy, Conflict and Human Security: Further Readings* (Stockholm: International IDEA, 2006), Vol. 2, Chapter 5: 207-219. Available at http://www.idea.int/publications/dchs/upload/dchs_vol2_sec5_4.pdf.

⁶⁷ , K. Samuel, “Straining Consensus.”

3.4.2. National Peace Council of Sri Lanka⁶⁸

The National Peace Council (NPC) was established as an independent and impartial national non-governmental organization on 2 February 1995. Under the sponsorship of Caritas International (SEDEC), the Commission of Justice and Peace of the Catholic Church, a small group of people, some representing entities with strong religious backgrounds and others associated with the Church, gathered to start a campaign against election violence prior to the 1994 Presidential election. Through the momentum created and the unexpected support received from the masses, the group decided to form a Peace Task Force after the elections with the objective of supporting a peaceful and permanent resolution to the protracted conflict. Since its origins were in the church, the Task Force continued to receive nurturing from the Church during the initial phase, though it was not constituted as a religious body. The formation of the seven-member Task Force led to the organization of the first national peace conference the same year.

The national peace conference and the peace rally were organized with the participation of several internationally renowned peace activists, including religious leaders. However, the event had to be scaled down following the assassination of the UNP presidential candidate, Mr. Gamini Dissanayake, in a bomb blast on the same day. Though the situation in the country was grim, activists were keen to advance peace and the vision and mandate of a National Peace Council (NPC) were formulated at this conference. The NPC was established the following year.

The goal of the NPC is to see a negotiated political settlement give birth to a peaceful and politically restructured Sri Lanka, in which the LTTE is included as an integral part of the solution and the national aspirations of all sectors of Sri Lankan society are respected and met. In order to achieve its overall goal of establishing of a long-term, viable solution to the ethnic conflict, NPC is committed to the creation of a culture of peace, which upholds the values of non-violence, respect for human rights, and the free expression of ideas.

The work of the NPC is carried out under three program strategies:⁶⁹

- **Research and advocacy:** research into the costs of war, regular opinion surveys, listening and needs assessment programs, and advocacy campaigns including island-wide media campaigns,
- **Training (including networking and mobilization):** conflict resolution training workshops and building of consensus for negotiations for political groups, CSOs and key groups (e.g. disabled soldiers, business, trade unions, refugees, education, and religious groups), public events, and national peace convention, and
- **Processes and dialogue:** building and nurturing links between individuals connected to parties to the conflict in a low-key manner.

The initial phase of the NPC was supported by International Alert (IA), an International NGO dedicated to conflict transformation that was amongst the handful of international agencies interested in Sri Lanka at the time. By late 2005, the two institutions began joint programs as well. Activities included confidential workshops for selected cross-party Parliamentarians. The first of the series of Parliamentarian workshops was held in Crete in February 2006, providing for the first time a safe space for a group of MPs to discuss the ethno-political conflict in Sri Lanka and possible solutions.

⁶⁸ For more details, see <http://www.peace-srilanka.org/>

⁶⁹ This list is obtained from a fundraising proposal from late 1990s.

Parallel to these joint international workshops targeting national level politicians conducted with IA in Crete, Northern Ireland, and the Philippines, the NPC established a local program to bring together MPs from all the political parties, politicians from local government bodies and local political party supporters and organizers. This program, in addition to imparting basic conflict resolution skills, sought to build political consensus and demonstrate that negotiations were not only preferable but also possible. It aimed to build personal relationships across the boundaries of party politics, right down to the local level.

Currently, the NPC works on many issues. However, they are more widely known for the regular press statements on peace and political developments in the country and for the advocacy work they do.

3.4.3. Sarvodaya Movement⁷⁰

Sarvodaya is the biggest charitable organization in Sri Lanka. They have a network of 15,000 villages in thirty-four districts throughout Sri Lanka. It has approximately 1,500 staff members, with thousands of others taking voluntary, part-paid, or paid work connected to Sarvodaya related activities in villages.

The organization was established in 1958, on a philosophy based on Buddhist-Gandhian teaching. Sarvodaya works across all ethnic and religious communities, and is perhaps the only local NGO with such an outreach. They are dedicated to the sustainable empowerment of people through self-help and collective support, non-violent action, and peace.

Interestingly, though the interviewees mentioned Sarvodaya in the context of peacebuilding, Sarvodaya is not a single-issue NGO working on peace. Rather, its work has peace components. It has the capacity to mobilize thousands at short notice through its large network, which has been developed through various programs, such as poverty alleviation and pre-schools at the village level.

Sarvodaya mobilizes these networks for peace issues from time to time, and the key features of their engagement are peace marches and peace meditations involving thousands of participants. They believe in transforming Sri Lanka into a non-violent, peaceful land by promoting peace, reconciliation and acceptance across all cultural, religious, regional, political, and economic boundaries. Sarvodaya uses peace meditations to create a critical mass of spiritual consciousness to influence the people of the world toward inner and outer peace.

⁷⁰ For more details, see <http://www.sarvodaya.org/>

4. THE PEACE PROCESS OF 2001-2003

4.1. Background

On 4 January 2008, the GoSL formally notified the Norwegian Facilitators that it was pulling out of the CFA entered into with the LTTE in April 2002. Arguably, the CFA had collapsed in practice long before 2008. As the November 2006 International Crisis Group (ICG) report notes, the escalation in fighting even at that time and the increase in human rights abuses effectively rendered any cease-fire agreement null and void.

As in many contexts, the Sri Lankan CFA (2002) was received with much hope and anticipation. Although it was a truce rather than a complete rejection of violence, people began to believe that the parties would not resume hostilities if the cease-fire held for more than six months. As mentioned by some of the interviewees, when the cease-fire continued beyond this benchmark, people on both sides began to believe that the parties would continue to engage with each other to settle differences through the peace process.

The peace process, as referred to by the interviewees, covers the series of six meetings of “talks” between the LTTE and the GoSL,⁷¹ which were held with the backing of Prime Minister Ranil Wickremasinghe. These talks were held between February 2001 and March 2003. It was assumed by the people on both sides and the peace activists that this process aimed, in principle, at negotiating in good faith to address central issues in the conflict without the use of force.

The failure of the peace process holds many lessons for the future of peacemaking and peace work in Sri Lanka, as well as in relation to what has been problematic about the peace work thus far. This section of the report will attempt to analyze the Norwegian facilitation role, the involvement of the international community in the peace process, and articulate views expressed by those interviewed regarding the peace process and its failure.

4.2. Norwegian Involvement in Sri Lanka

4.2.1. Acknowledgement of the Need for a Third Party

After the Indian intervention of 1987, the idea of mediation and/or facilitation was rejected until the early 1990s by the majority of the population and decision makers on all sides. As evident by the general receptiveness towards the Norwegian involvement later, this reaction was largely connected to the lack of awareness of the differences between mediation and facilitation and the fear of any repeat of international intervention similar to that of India in 1987. In October 1996, when the participating Parliamentarians from a workshop organized by the NPC and IA issued a statement (*see* Appendix 3) calling for third-party facilitation between the parties to the conflict, Parliamentarians were disciplined by their respective political parties.

Nevertheless, this moment can be seen as the beginning of a thaw in perception towards third party involvement. The MPs had attended a five-day residential workshop at a remote guest-house in Northern Ireland—the second in a series of workshops attended by members from seven political parties including the UNP, SLFP, and JVP. It is important to note that, while

⁷¹ The word “talks” was used by many to indicate that this was a series of in-depth discussions. *See* Ana Pararajasingham, “Sri Lanka’s Endangered Peace Process and the Way Forward” (Emmenbrueke, Switzerland: Center for Just Peace and Democracy, 2007)

most of the participants were then backbenchers, they later became leaders of political parties, chairmen of parties, cabinet ministers, and key influentials within their respective constituencies. On their return to Sri Lanka, a number of these MPs gave interviews to the press and tried to elaborate the subtle differences between mediation and facilitation, while advocating the need for an impartial third party to be involved.

Following on from the above media attention and interest generated by the MPs who introduced themselves as the “Crete Group,”⁷² the Foreign Minister at the time, Lakshman Kadiragamar, initiated discussions with Britain with the hope of getting them to mediate between the government and the main opposition – the UNP. On 2 April 1997, an agreement was signed by the two party leaders, Mr. Ranil Wickremasinghe (leader of the opposition - UNP) and President Kumaratunga (leader of the SLFP). This was later known as the “Liam Fox Agreement,” named after Dr. Liam Fox from Britain who was behind the initiative as the third party.⁷³ This was a first clear occasion where external third party involvement was not vehemently refused by the main political forces in Sri Lanka. Yet while this initiative created some hope among people with its potential for bringing about southern consensus, a close study of the process revealed the superficiality of the agreement, as the two leaders did not even meet to sign the document.

4.2.2. The Selection of Norway as Facilitator

By 1998, the gap between the GoSL and the LTTE was widening, and it was felt that mistrust and misunderstanding could only be bridged and a negotiation process created with an impartial third party. Both the LTTE and the GoSL proposed several countries as potential third parties, in the end, both sides agreed to accept the Royal Norwegian Government as the facilitator. The reasons for choosing the Norwegians were many.⁷⁴

- Norway could not impose any solution or settlement given its small size;
- Norway had no colonial past and was perceived to be a country with no hidden economic and foreign policy agendas;
- Norway was perceived as neutral in the international foreign policy arena and independent from international powers, such as the USA;
- Norway’s geographic distance from Sri Lanka could allow it to maintain impartiality,
- At the same time, Norway possessed of socio-political knowledge based on a history of engagement in Sri Lanka;
- Norway had a sufficient economic base to maintain the expensive process of long-drawn out peacemaking; and
- It was accepted within the region, specifically by India.

Norway’s role as the official facilitator of the Sri Lankan peace process began during the latter part of 2000, after it received a clear mandate from the President and the Leader of the LTTE. Nonetheless, given the PA’s bitter experience related to dealing with the LTTE on peace issues, the President remained pessimistic about reaching a solution with the LTTE.

Despite the invitation to Norway to mediate, the Government believed that the LTTE needed to be defeated on the battlefield in order to force them to accept a negotiated settlement.

⁷² The first workshop of the series was held in an isolated monastery in Crete Island, in Greece. Though one or two new participants were introduced to subsequent workshops, the original composition remained unchanged, and the MPs began to call themselves the Crete Group.

⁷³ M.S. Effendi, *Role of Third-Party in Conflict Resolution: A Case Study of India and Norway in Sri Lanka* (Colombo: Regional Centre for Strategic Studies, 2007), 58.

⁷⁴ The Norwegian team included Deputy Minister of Foreign Affairs Vidar Helgesen, Ambassador Jon Westborg and Mr. Erik Solheim.

However, the military calculations did not work according to the President's plans, and the LTTE managed to inflict heavy casualties on government forces. In April 2001, over 12,000 troops involved in "Operation Fire Flame" were forced to withdraw with heavy casualties, just three days after the beginning of the operation. In July 2001, the LTTE displayed once again its capacity to hurt the center by attacking strategically important targets in the South with a well-planned attack on the air force base in Colombo that destroyed several aircrafts. Since the air force base is situated adjoining the only international airport in the country, this attack received international attention and shocked the southern polity, forcing it to rethink its stance towards peace and conflict issues. Furthermore, with these attacks, the Sri Lankan economy suffered. The Annual Report of the Central Bank of Sri Lanka for 2001 stated "the GDP which contracted by 0.9 per cent during the first half of the year, further fell during the second half, recording a negative growth rate of 1.4 per cent for the year as a whole."⁷⁵ This was in contrast to an expected growth rate of 4.5 per cent projected at the beginning of the year and the first annual negative growth recorded since independence in 1948. These ground realities indirectly highlighted the need for a negotiated settlement and in return the importance of Norway's role as an Independent third party mediator.

4.3. Expedited Norwegian Facilitation

Prior to the general elections held that year, three ministers of the PA Government, including the Minister in-charge of Constitutional Reforms and National Integration, Mr. G.L. Peiris, crossed over to the UNP. This was a major setback for the PA and increased the rivalry between the two main parties. In the general elections held in the latter part of that year, the UNP-led coalition managed to obtain the majority in the Parliament, and Mr. Wickremasinghe was elected as the Prime Minister. Driven by the economic imperatives and the understanding of the LTTE as a formidable force, the Prime Minister decided to expedite the Norwegian facilitation and, within two months of being elected, signed the CFA.

This was the first time that the PA and UNP, who controlled two different arms of the government (namely, executive and legislative) were forced to cohabitate. As reflected by some of the interviewees, neither party did enough to accommodate the other. The President was hostile towards the prime minister throughout the period, though it is important to notice that she did not attempt to abrogate the CFA, even though this power was vested with her in the Constitution. At the same time, the Prime Minister and his cabinet did little or nothing to accommodate the President, and the media repeatedly highlighted how she was ridiculed by some members of the cabinet in his presence. The President's confidant who handled the peace process for her, changed loyalties and became the chief negotiator on the Prime Minister's side. As noted by Paikiasothy Saravanamuttu, "Although the President is the commander-in-chief of the armed forces and the chief executive, the CFA was signed by the prime minister and the leader of the LTTE, without her explicit approval. Nor was she privy to the negotiations that led up to it."⁷⁶ Her request to appoint an observer to the peace process was also rejected. In retrospect, this is one of the biggest missed opportunities for cohabitation and the achievement of a lasting solution to the ethnic issue, as both Wickremasinghe and Kumaratunge were not perceived as racists.

Through the signing of the CFA, the role of Norway as the external facilitator was well established, and the Norwegians began to work towards setting up a process of negotiations between the GoSL and the LTTE. As Bradman Weerakoon, the secretary to the Prime Minister and a key person involved in the administrative side of the peace talks, pointed out,

⁷⁵ <http://www.cbsl.gov.lk/>

⁷⁶ Saravanamuttu, "Democratization of the Peace Process: Sri Lanka," 209

“Jon Westborg, the Norwegian Ambassador at the time, played a notable role in formulating the drafts of CFA and handling the text as the facilitator.”⁷⁷ As already mentioned, there was a fundamental question in relation to the representation of the Government since the power of government was divided between the two main parties. Perhaps based on the willingness of the LTTE to negotiate with the Government, and the willingness of the prime minister to engage with the LTTE, Norway continued to facilitate talks between the LTTE and the people appointed by the Prime Minister on behalf of the Government. However, the question of who ultimately held the power of the government was raised by the Norwegians at a later stage of the process.

As part of the CFA, an international verification mission to monitor the implementation of the CFA was set up, based on an agreement by the two parties. This mission was known as the Sri Lanka Monitoring Mission (SLMM). At the the two parties’ request, Norway headed the SLMM mission with monitors from Nordic countries (Denmark, Finland, Iceland, and Sweden).⁷⁸

Given the continuation of the talks, the establishment of the CFA, and the arrival of the SLMM, Sri Lankan society once again began to be hopeful of a peaceful end to the conflict, though they were cautious due to their experience from 1994.

The process, structure, and method of the talks were as follows. There were six rounds of talks between the GoSL and the LTTE held from 2002 to 2003: two rounds in Sattahip (Thailand), Oslo (Norway), Nakorn Pathom (Thailand), Berlin (Germany), and Hakone (Japan). These were followed by an LTTE-boycotted Tokyo Donor Conference (Japan). The process itself was confidential. Even the members of the cabinet were not aware of it. The Prime Minister, his closest advisors, and the team of negotiators alone were involved.⁷⁹

Each round of talks ended on a high note, and the parties issued statements through the facilitator at the end of each round. The communiqués published, interpreted, and analyzed by the media were the channel of communication between talks that took place in world cities and the local communities in the country. Apart from these communiqués, there was little done to connect these talks to the local constituencies.

The agreements and statements that came out of the talks helped to maintain the expectations of the population. According to the carefully worded statements and public relations management, the relationship between the two sides seemed cordial. At times, members from the two sides even managed to display a friendship that is rare in negotiations between parties who have been hostile towards each other for decades. However, the pressure within the Government to manage internal divisions related to the peace process, as well as the challenge of tackling criticism of nationalist forces on the Sinhalese side, did not disappear.

4.4. Short-Comings of the Role of the Facilitator

⁷⁷ B. Weerakoon, “Initiating and Sustaining the Peace Process; Origins and Challenges in Negotiating Peace in Sri Lanka,” in K. Rupesinghe K.(ed.), *Negotiating Peace in Sri Lanka, Volume 2*, 19.

⁷⁸ Though there were many debates on the feasibility of a single player holding the position of the facilitator and the lead monitor of the CFA, assessment of these overlapping roles is beyond the scope of this paper.

⁷⁹ As witnessed by one of the authors of this paper, in August 2003,, organizers of a workshop organized to inform some of the key peace activists about the peace process requested the participation of a knowledgeable individual from the UNP to address the participants. UNP accepted the invitation, and one of the three main office bearers attended the event in Beruwala in Sri Lanka. He claimed that he knew only what was published in the media. According to him, the party did not have detailed discussions on the peace process involving key officials and influential party members.

Though the Norwegian-led peace process generated great hopes and was expected to be a success by many in the Sri Lankan society, there were criticisms of the process and Norway's role as facilitator, in particular, Norway's impartiality. During the period prior to Norway's selection as mediator, posters appeared almost daily, demanding "the withdrawal of the LTTE-biased Norway from the internal affairs of the country."⁸⁰ However, as some of our interviewees commented, these concerns did not surface publicly during the peace process as people feared rocking the boat.

4.4.1. An Exclusive Two-Party Process

Throughout the process and subsequently, a clear and valid criticism of the peace process has been that it involved only two parties to the conflict. As briefly outlined in section 2.1, the Sri Lankan conflict was perceived as a two-party conflict by many. The working assumption of many conflict resolution experts, practitioners, international donors and others was that an agreement between the GoSL and the LTTE would end the conflict and usher in peace.

Several interviewees noted (as also highlighted in section 2 of this document) that there are several interconnected conflicts in Sri Lanka, and a process for creating a peaceful environment in Sri Lanka must address more than one conflict.⁸¹ As one analyst commented, "[t]he bipolar understanding of the conflict tends to hide the complexity of contradictory interests and groups in Sri Lanka."⁸²

While it is arguable that the peace talks could not have begun any other way, all rounds of talks remained predominately bi-lateral between the LTTE and the GoSL. Even when discussions continued on issues that had an impact on other communities, such as power-sharing arrangements, the process did not take their interests into account. For example, the Muslims, who are the second largest community in the North and East and frequently the target of violence, were not included in talks. As became clear at the time of the attempt to establish Post-Tsunami Operations Management Structure (P-TOMS), Muslims should have been treated as a crucial constituency, even if they were not the main protagonists of the conflict, since they would be decisively impacted by any decision regarding the conflict affected areas.

From the southern political perspective as well, the lack of inclusivity of the process undermined its effectiveness. Though the power of the executive and the legislature were in the hands of the SLFP-led and UNP-led coalitions, respectively, only the UNP coalition was in the peace process. From the North and East perspective, the LTTE acted as the sole representative of the Tamil speaking peoples. The UNF government and the LTTE were comfortable in their dealings with each other and did not want to bring others on board to complicate the process, give them legitimacy or share the credit.

4.4.2. No Mechanisms to Build a Southern Consensus

Concerning the legislative and executive split between the southern political parties, there was initially little warning of any hostile reaction from the SLFP-controlled executive arm,⁸³ which was excluded from the process. Neither the facilitator nor the two negotiating parties had a plan to tackle this potential danger. Especially in the light of the confrontational politics

⁸⁰ Various Sinhala language newspaper articles refer to these posters. See for instance <http://www.divaina.com/2003/08/13/>

⁸¹ Rupesinghe, *Negotiating Peace in Sri Lanka: Efforts, Volume 2*,

⁸² Orjuela, *Civil Society in Civil War*.

⁸³ Rupesinghe, *Negotiating Peace in Sri Lanka: Efforts, Volume 2*,

prevailing in the country, any non-inclusive approach was risky. As Paikiasothy Saravanamuttu observed, “The exclusion of a key political actor is also the exclusion of that actor’s constituency, and in a context of political competition this exclusion robs the process of the widespread acceptance and legitimacy it requires for momentum and progress to a final settlement.”⁸⁴ In a context in which the Sinhala constituency is divided between the two main parties, with the one in power normally getting a very slim majority over the other, sidelining one party means sidelining almost fifty per cent of the Sinhala constituency.

4.4.3. Despite the CFA, Political Killings Continued

The other serious criticism of the peace process is connected to the parties’ violations of the CFA, despite their stated commitment to cessation of hostilities. According to the records of the SLMM, there were 3,560 CFA violations (2002-2005); of these, 3,424 were committed by the LTTE (96 per cent) and 153 by the GoSL (four per cent). There were 612 killings since the signing of the CFA through the end of 2005, an average of 13 killings per month, and 67 informants and intelligence officers of the security and police forces.⁸⁵

Some members of the international community, NGO staff, and peace activists commented that they either remained silent in this scenario or were silenced by the others when they raised issues within their own circles. No one wanted to ask discomfiting questions related to these killings, as they feared such questions could derail the peace process.

Human rights NGOs, political parties, and other prominent persons of the society raised their concerns due to their genuine fear that such human rights violations would de-rail the peace process in the long run. The interviewees noted that these groups were categorized as “spoilers” by the parties who were involved in the process. In essence, either one accepted the behaviors of the Government and the LTTE, including violations of human rights, in full for the sake of peace, or one ended up being labeled as someone who was trying to rock the boat and was against the peace process.

4.4.4. Impartiality of the Facilitator

Though the Norwegian involvement was invited by the Government as well as the LTTE, they operated in a very hostile and challenging environment. Extreme Sinhala nationalists always viewed Norwegian involvement as an unwelcome and unwanted foreign intervention. Furthermore, these groups accused Norway of siding with the LTTE. According to them, Norway was favoring the LTTE due to the pressure inserted by the Tamil diaspora in Norway.

People identified two very clear occasions when they felt that the Norwegian team was not fulfilling its duties as an impartial facilitator. First, when the President, who was excluded from the process, reacted by taking over three Ministries on the 3 November 2003, Norway indirectly withdrew from facilitation, issuing a statement indicating that “[p]eace talks could have started tomorrow, providing there were clarity about who is holding political authority and responsibility on behalf of the government to ensure the continuation of the cease-fire agreement and the resumption of peace negotiations. Until last week there was such clarity. Today there is no such clarity.”⁸⁶ This public statement by the Norwegian Deputy Foreign

⁸⁴ Saravanamuttu, “Democratization of the Peace Process,” 211.

⁸⁵ P. Seneviratne & D. Endaragalle, “The Cease-fire Agreement – Violations, Violence and the Role of the SLMM,” in Rupasinghe, *Negotiating Peace in Sri Lanka* Vol. 2, 118 –150.

⁸⁶ Statement Made by the Deputy Foreign Minister Vidar Helgesen, 14 November 2003, available at <http://www.norway.lk/press/2003/PressRelases2003.htm>.

Minister was seen by some as an involvement in internal affairs and, specifically, an internal power struggle within the GoSL. This ran contrary to Norway's initial stance.

Not until very late in the process did the Norwegian facilitators raise the issue of clarity as to who was in charge. In the contrary, they had ignored the executive arm of the Government and had engaged with the Prime Minister.

The second occasion on which Norwegian impartiality was questioned was in relation to their handling of the LTTE split. When Karuna Amman, who was a member of the LTTE negotiation team and the commander of the Eastern Province, split from the LTTE, Norway was of the opinion that it was an internal LTTE matter that the LTTE needed to address. Consequently, Norway refused to accept the Karuna faction as part of the LTTE and did not find any formulas for accommodating such groups in the talks. Though the arguments presented by Norway for their inability to change things were valid, Norway was perceived as losing its neutrality, at least in some sections of society. As one interviewee articulated, "... life is about perceptions. Perceptions become reality. It was unfortunate that Norway was perceived to be biased by some."

4.5. Role of the International Community

Though the Norwegian facilitators repeatedly traveled to Delhi and kept the Indian Government, amongst others in the international community, informed of the developments in the peace process, the process failed to create a viable support network among the international community. The interviewees felt that, if a pool of international facilitators had been created, Norway would have had a better chance of maintaining the faith of the parties in the process. They could have played complementary roles and ensured continuous engagement of the parties in the process.

However, other attempts were made by the GoSL to utilize the international community. As Bradman Weerakoon reflected, "Quite unexpectedly, although the battle against terrorism worldwide had heightened after 9/11, the response of the world leaders in the capitals Wickremasinghe visited was not as difficult as he had anticipated. Most of the leaders he met such as President Bush in Washington, Tony Blair in London, Atal Behari Vajpayee in New Delhi or the foreign ministers of Canada, Norway, Japan and Australia among others, were most encouraging in urging prime minister to move forward in the path he had chosen of negotiations."⁸⁷

In June 2003, fifty-two bilateral donors and fifty International Financial Institutions (IFIs) and multi-lateral organizations assembled in Tokyo and pledged USD 4.5 billion to support Sri Lanka's rehabilitation and recovery. Given this impressive level of international support, the Prime Minister and his advisors tried to create an international safety net for the peace process, and also perhaps for the UNF, whose majority in the legislature was slim. The aim was to internationalize the process and thereby expand the accountability of the key negotiation parties to the wider international community. It was hoped that this could prevent the parties from withdrawing from talks.⁸⁸

This was, in essence, a combined economic and security strategy where international support was envisaged for economic development as well as to keep the peace process on track. The GoSL invited Japan, the EU, the USA and Norway to set up a committee of custodians ("co-

⁸⁷ B. Weerakoon, "Initiating and Sustaining the Peace Process," 17.

⁸⁸ Ibid.

chairs”) of the process. “Other donors also appointed special envoys and deployed countless missions to launch reconstruction programs in what was mistakenly perceived as a post-conflict environment.”⁸⁹ Even donors who were not traditionally interested in peace-related issues of Sri Lanka engaged in the country with a newfound enthusiasm. For example, countries such as Switzerland decided to send an officer dedicated to peace issues. Although the Indians were kept informed throughout and were invited to play a more visible role by both sides from time to time, India limited itself largely to a distant observer role.

Though the international community supported the peace process and provided moral and financial support, it is important to understand the post 9/11 context and the impact of that on the LTTE. Even prior to 9/11, the USA had added the LTTE to its list of foreign terrorist organizations and banned the LTTE (9 October 1997); Canada and Great Britain had followed suit (19 February 2001), and Australia had announced twenty-five international terrorist organizations including the LTTE (21 December 2001). Many countries went on to freeze assets of the banned organizations and to raid charitable organizations registered in respective countries that were perceived to be LTTE “front organizations.”

There was a widespread perception that the LTTE was engaging in the peace process primarily to escape the consequences of war on terror and remove its terrorist label. While many countries had placed restrictions on the LTTE in their capital cities, they wanted to engage with the LTTE within Sri Lanka. Given the signing of CFA, the international community felt that there was a genuine chance of achieving peace. They did not, however, have a coherent strategy for using their aid as leverage to keep the parties at the table. For example, as one of our interviewees pointed out, at times when the smaller European governments tried to use development aid as an incentive, the largest single donor of Sri Lanka, the Japanese, predominantly observed a strategy of non-interference. Since Japan provided approximately 45 per cent of Sri Lanka’s bi-lateral aid, without its support and active involvement, other donors could do very little.

Reflecting on the role of the international community, many interviewees, including representatives of the international community, stated that some of them were pre-occupied with the idea of protecting the minority. In their analysis, this was a conflict between two parties and the LTTE represented the minority party. Hence, the LTTE needed to be supported and protected. Many interviewees explained that this resulted in an over-emphasis on the LTTE at the expense of the moderate Tamils and other groups who were suffering as a consequence of the war. Some participants even went further and expressed the opinion that, as the moderate Tamils or Muslims were not given an adequate hearing, the process rewarded violence.

Some interviewees also felt that, in retrospect, international representatives may have overstepped their bounds too fast in treating the LTTE at an equal level with the elected Government of the country. Many internationally important personalities, including heads of governments and international institutions, began to visit Sri Lanka and many of them paid courtesy calls to the Prime Minister as well as the LTTE in the Vanni jungles. As one of the interviewees pointed out, “It was exciting to be in the jungle to talk to the rebels.” Perhaps this provided the parity of status the LTTE was expecting as the representatives of the Tamil nation, equivalent to the GoSL, whom the LTTE perceived as the representatives of the Sinhala nation. Yet even if such parity of status may have been necessary for the success of

⁸⁹ A. Burke and A. Mulakala, “Donors and Peacebuilding in Sri Lanka 2000-2005,” *Strategic Conflict Assessment, Volume 2*, (Colombo: Asia Foundation, 005), 16. Available at <http://asiafoundation.org/publications/pdf/210>.

the negotiations, the interviewees felt that international envoys should have at least used these visits to request the LTTE to stop political killings and the elimination of informants.

By the sixth and the last round of talks held in Hakone, Japan in March 2003, the strategy of keeping the parties at the table at any cost was beginning to crack, and difficult issues, such as recruitment of child soldiers, reached the negotiation table. Although they still kept quiet in public in the fear of being labeled as “spoilers,” national and international NGOs as well as other interested groups started to lobby international donors quietly and pose questions about human rights violations. This resulted in a draft declaration containing ten objectives for discussion at the Tokyo donor conference.

The declaration of the conference explicitly linked aid to the peace process. It stated that “[a]ssistance by the donor community must be closely linked to the substantial and parallel progress in the peace process.”⁹⁰ Among the objectives and milestones proposed by the donors as a way of measuring progress were sensitive issues such as Muslim participation, rehabilitation of former combatants, gender equality, and ending under-age recruitment by the LTTE. This coordinated and concerted effort of the donors seems to have come as a strong force; the LTTE complained about international interference and reacted strongly to the provisions of the declaration. Since the LTTE boycotted the donor conference as well as further rounds of talks after this meeting, it is difficult to envisage what course of action the parties would have adopted in relation to this very late principled approach by the international donors.

It is important to highlight that the extensive involvement (or perception thereof) of the international community and the lack of awareness among the masses created tension about the ownership of the peace process. Just as the LTTE felt that the international community was trying to trap them in the process,⁹¹ ironically the southern population also began to feel that the international community was getting too involved. Since the general population had very limited awareness of the process, they began to question the sincerity of the involvement of the international community, especially the Western countries. Furthermore, “campaigns in buses and house-to-house campaigns by the JVP and JHU made the population uneasy of the peace process.”⁹² These campaigns made people believe that the GoSL and Norway were giving too many concessions to the LTTE, and that the international community was entertaining the LTTE at a high level by visiting them in the Vanni jungles and giving them legitimacy. “In the public perception, peace at any cost was increasingly becoming unacceptable.”⁹³

Though some analysts highlighted the economic policies of the UNF as the cause for their loss at the next general election,⁹⁴ among other things, this feeling of over-internationalization and exclusion of the broader public had also contributed to the defeat of the UNF Government in the next election.⁹⁵ Even in the subsequent Presidential elections in 2006, the candidates who allied with parties known for their anti-Western rhetoric, such as

⁹⁰ Paragraph 18 in Tokyo Declaration, as cited by Burke and Mulakala, “Donors and Peacebuilding in Sri Lanka,” 19.

⁹¹ A. Pararajasingham, “Sri Lanka’s Endangered Peace Process and the Way Forward,” 24-25.

⁹² Rupesinghe, *Negotiating Peace in Sri Lanka*, (Preface ix – lxvi)

⁹³ S. Kelegama, *Contemporary Economic Issues: Sri Lanka in the Global Context: Weekly Commentaries on Economic Issues*, (Colombo: Sri Lanka Economic Association, 2006)

⁹⁴ Bastian, S. 2006, How Development Undermined Peace, p 258; S. Kelegama, *Contemporary Economic Issues*, 205-243.

⁹⁵ Kelegama, S. 2007. *Transforming Conflict with an Economic Dividend: The Sri Lankan Experience*, p 227

the JVP and JHU, were able to secure a majority of the Sinhala vote against Wickremasinghe, “whose pro-western credentials were unquestionable.”⁹⁶

The importance of ensuring public participation and building local legitimacy of the peace process rather than relying purely on international assistance is one of the lessons to be learned from the failure of the process. Limiting the release of information regarding the peace process to the communiqués issued via the facilitators and the lack of a powerful mechanism, such as the Sudu Nelum Movement, to take the Government’s peace message to the population, seem to have worked against the UNF Government in the face of negative propaganda by the parties who were outside the process. The civil society peace activists who were supporting the UNF peace process but did not criticize political killings by the LTTE were also labeled as “peace merchants” hired by the international community with their foreign money and were brushed aside along with the UNF Government.

4.6. The Indian Regional Power

A number of our interviewees highlighted the importance of India to the peace processes in Sri Lanka. Conflict in Sri Lanka has a direct impact on India due not only to influx of refugees to southern Indian states and to the pressure from the Tamil-speaking population of India, who do not want intensified war in the North and East of Sri Lanka. “One thing is certain: India is keen on a resolution to conflict, as war here has a spillover effect there.”⁹⁷ However, India did not want any solution beyond the forms of power-sharing practiced in India. When the LTTE presented the Wickremasinghe Government with the Internal Self-Governing Authority (ISGA) proposals that included the control of the coastal areas, by the LTTE-led North-East administration, India became uncertain of the peace process.⁹⁸

India was of the opinion that the GoSL would begin negotiations with the LTTE on the basis of the ISGA proposals and believed that it had to intervene for its own safety and interests. The JVP, cultivated by India, vehemently opposed the ISGA proposals and the current, broader peace process and organized many demonstrations. “Some allege the coup by Kumaratunga to seize three ministries including defense from Wickremasinghe had the tacit approval of New Delhi or at least the Indian High Commission here.”⁹⁹

As part of the strategy of internationalization of the peace process, the Wickremasinghe Government signed a mutually beneficial defense agreement with the US, obtained intelligence training services and sought to cement its friendship with Pakistan by signing a Free Trade Agreement. Sivaram observes that such an engagement “will inevitably have a [more] strategic dimension than fighting the war in the North and East.”¹⁰⁰ Nevertheless, the Colombo administration seemed to be ignorant of this. By virtue of the 1987 Indo–Sri Lanka Accord, India holds the right to “advise” Sri Lanka “about the relevance and employment of foreign military and intelligence personnel with a view to ensuring that such presence will not prejudice Indo–Sri Lankan relations.”¹⁰¹

⁹⁶ A. Pararajasingham, “Sri Lanka’s Endangered Peace Process and the Way Forward,” 24.

⁹⁷ Noyahr, K. 2006, The Role of the International Community in *Negotiating Peace in Sri Lanka: Efforts, Failures & Lessons*. Volume 2, p 347 -398.

⁹⁸ *Ibid.*, p. 347-394.

⁹⁹ *Ibid.*

¹⁰⁰ Sivaram, D. 2006, The Tamil Perspective, in *Negotiating Peace in Sri Lanka: Efforts, Failures & Lessons*. Volume 2, p 157 – 188

¹⁰¹ *Ibid.*

As one interviewee with many decades of experience in politics argued, the two main parties in the south, the UNP and SLFP, as the parties that governed the country since independence, should have had a clear national policy on India. At least now they should develop a national policy, he argued. India's interests in Sri Lanka are not only due to the larger Tamil population in the southern state of Tamil Nadu but also connected to the unity of India and her geopolitical interests. Hence for Sri Lanka, while India is another international player, it is an integral part of the conflict and peace processes in Sri Lanka.

4.7. Failure of the 2001-2003 Peace Process: Reflections from the Interviews

It is useful to look at different perceptions on the failure of the peace process through an ethno-political lens, as Sri Lankan society is highly divided along both political as well as ethnic lines. Though the samples used here from the interviews are small in number, the ideas shared by the interviewees are representative of the broader groups through the selection of key persons. Despite other group affiliations, such as religion, class/caste, or gender, the ethno-political affiliation was predominant during the interviews.

4.7.1. UNF Perspective

In the interviews with members of the former UNF Government, two very specific issues, one political and the second related to public support for the peace process, were identified as causes of the failure of the peace process. Politically, the President's move in taking over three key ministries, including Defense, and thereby forcing a general election, was perceived as the key reason behind the failure of the peace process. The assumption was that if there had been more time, the UNF Government would have successfully concluded the process. The second reason given was the fact that public support for a just peace, including recognition of Tamil grievances, was not forthcoming from the larger Sri Lankan population.

A person interviewed spoke about the UNF Government's attempt to make the peace meaningful to people at the local level through reconciliation measures, infrastructure, and livelihood normalization in the conflict affected areas. These had been requested and pushed for by the LTTE. However, efforts at normalization were difficult due to resistance at all levels. Many resented the manner in which the Government seemed to grant parity of status to the LTTE. Members of the Government implementing this policy were constantly questioned by both the military and members of the bureaucracy and "were hard pressed to prove their bona fides."¹⁰² Especially with regard to troops manning check points, there was continual resistance to the transportation of goods into LTTE controlled areas. It was felt that the Government was giving in too much and that LTTE intransigence should not be encouraged. Most Sinhalese felt that they were losing control and were opposed to the idea of any structure that established and legitimized the LTTE's control of the North and East.

The UNF Government has been critiqued by a variety of observers for making little or no effort to mobilize popular support for the peace process.¹⁰³ They seem to have failed to make a link between lack of support and lack of mobilization. A very senior official admitted that measures were not taken to mobilize people because they would have been of no avail. "Peace is not a sellable prospect in Sri Lanka," he said. "War is more attractive – it's about bravery and valor, and everyone from mothers to little children can be mobilized around it,

¹⁰² Interview quote.

¹⁰³ For the same critique made from two different political perspectives, see Saravanamuttu, "Democratization of the Peace Process: Sri Lanka" and Pararajasingham, *Sri Lanka's Endangered Peace Process and the Way Forward*.

but peace is for cowards. Who cares about peace?” Specifically, on peace mobilization, the same person stated that there is a feudal mindset and an inherent anti-minority sentiment among the Sinhalese that inequality is essentially the way things are and should be. He said that many feel that “minorities – small people – should know their place”. Therefore, anyone who wants to make peace at any point in the future will inevitably have to go against the tide of popular opinion. He viewed Ranil Wickremasinghe as very brave in wanting to take steps in that direction.

It was clear from the interviews that the UNP felt that it was faced with a difficult task in taking the peace process forward given the multiplicity of obstacles. Specifically, in terms of public opinion, those interviewed also seemed to feel that there was insufficient appreciation within the UNP of the difficulties of bringing about a peace. Many seemed to think that the secrecy and exclusive nature of the peace process was necessary, given entrenched anti-minority sentiment in the South and disregard for Tamil grievances. Additionally, given the public perception, discussions of options that included legitimate LTTE control of the North and East, could only have been held behind closed doors.

As many have noted, the UNF Government felt that economic prosperity would naturally take care of all grievances, and the war weariness of the populace would carry the day. There was little acknowledgement of the fact that such prosperity under neo-liberal policies was not guaranteed to all, and that, if not properly managed, they themselves could very well set the groundwork for future conflict.¹⁰⁴ Additionally, while many wanted an end to war, people also wanted to be convinced that peace would not thereby be a sell out.

4.7.2. SLFP/UPFA Perspective

The current Government includes the more progressive pro-peace, pro-federalist members of the former Kumaratunga Government, members of the left parties as well as the ultra-nationalist Sinhala Buddhist identified JHU. Therefore, it is not easy to present one unified perspective. Therefore perspectives are presented under two categories:

SLFP/PA Perspective: At the time of the interviews, the UPFA had been very successful in using the state media to generate support for a war against the LTTE and the popularity of the regime was high. UPFA representatives uniformly stated that any peace process would require a similar concerted public relations effort in order to have any success. Further, under the Kumaratunga Government’s 1994-2001 push for a war-for-peace strategy, there were two State-driven movements: the Thavalama and Sudu Nelum movements. Such measures, many said, was required for any peace in the country.

One member of the current UPFA Government we spoke to stated that Sri Lanka faced an ideal situation for peace in 2001: there was an SLFP President and a UNP Prime Minister. However, Ranil Wickremasinghe failed to get Chandrika Kumaratunga on board. When the president wanted her nominee as an observer, it was rejected. The CFA was formed in secrecy. Additionally, he noted, there was also no Sudu Nelum-like public awareness movement led by the political leadership and supported by a government mechanism.¹⁰⁵ Public programs would have ensured more support.

¹⁰⁴ D. Rajasingham-Senenayake, “Who wins the Neo-liberal Peace? The World Bank, Information Asymmetries and the Economics of Peace in Sri Lanka,” *Lines* (February 2003), http://issues.lines-magazine.org/Art_Feb03/darini_part1.htm.

¹⁰⁵ In fact, many interviewees claimed that it was the Sudu Nelum effort that brought about the initial support for the UNF peace process in 2002. Sudu Nelum died down with the change of government. It was the fact that the

Another member of the current UPFA Government offered the following analysis of the current options for peace as part of his reprimand of civil society. “The ideal situation would be if we could form a national government. The Rajapaksa Government is well-accepted by Buddhist majority and, therefore, can talk to the ‘spoilors.’ We lack a person to talk to the moderates and minorities. This person ideally would be Ranil Wickremasinghe. If they came together we can sideline extremists in the North and South. All actions of the JVP help the LTTE. The JVP is on the road against the Thirteenth Amendment, and the LTTE loves it. Civil society is supporting these two parties indirectly. Civil society should push for a national government.”

The perspective of those from the UPFA was significant in their emphasis on popular politics. Regardless of the ethics of mobilizing the broader public, there was a belief in the necessity of popular politics. However, there was little reflection on the role their relationship with the UNF played during the peace process. The issue of the President taking over the three ministries and calling for early elections was seen as an act of inevitability given the fact the people of the country felt that the Government was giving too many concessions to the LTTE.

JHU/UPFA Perspective: The JHU and JVP were considered the spoiler elements of the peace process by both the international community as well as many peace activists. They were important actors in the coalition that Mahinda Rajapaksa built prior to the Presidential election, and the JHU continues to remain close to the president. Both parties were consistent in criticizing the international involvement as well as the presence of the international peace lobby represented by organizations such as the Berghof Foundation.

One representative of the JHU commented that the peace process failed because it was not a home-grown solution, but was imposed from the West. He stated that while India in 1987 used the stick approach, the West used the carrot of USD 4.5 bn. in promised aid money. Neither process was successful because the people did not want them. He further emphasized that the current military initiative has massive popular support and was sure to be successful. Since the JHU does not believe that there is an ethno-political problem in the country, they perceived the peace process as one imposed by the international community, and manipulated by the propaganda of the Tamil diaspora. According to the interviews of the JHU members, Sri Lanka’s problem is one of terrorism that should be dealt with through the use of force.

The current Government is critical of the manner in which human rights are tied to international economic and military assistance, as well as of the name and shame strategies adopted by these countries.¹⁰⁶ The newly established relationships with countries such as China, Iran, and Pakistan are a reflection of a move away from the West and towards the East.¹⁰⁷ This perspective is reflected even in government functionaries’ interactions with representatives of donors and INGOs.

UNF in turn did not institute their own public awareness campaign as to what was happening with the peace process that turned public opinion against the process.

¹⁰⁶ Recently, Patlitha Kohona was quoted in the media as saying that there are no naming and shaming processes in Asia. “No name and shame preaching in Asia – Dr. Kohona,” *Sri Lanka News Web*, Monday, April 28, 2008, <http://www.srilankanewsweb.com/news.view.php?fldNewsID=12912-No-name-and-shame-preaching-in-Asia--Dr--Kohona->

¹⁰⁷ This is beginning to be reflected in the current engagement of the peace lobby. The South Asia Peace Institute recently brought down chief negotiator for the Indonesian Government in Aceh, Hamid Awaluddin, to discuss lessons from the Acehese peace process for Sri Lanka. Here, it was felt that these experiences would have greater utility as they stemmed from an Eastern and not a Western perspective.

4.7.3. Muslim Perspective

One of the arguments used by Tamil nationalists, and publically articulated by the TNA MPs against Muslim participation in the peace talks, was the view that Tamils have won the right to sit at the negotiating table as a consequence of taking up arms. It was suggested that since Muslims had not participated in the struggle, they did not deserve such a seat.

After independence in 1948, Muslims in Sri Lanka engaged in party politics through the SLFP and the UNP. Though there are several political parties representing Muslim issues by now, Muslim parties tend to form coalitions with the two majority parties. During the 2001-2003 peace process, there was one Muslim member on the Government delegation. However, he was not representing Muslim grievances at the table but was present as a member of the cabinet.

Some of those interviewed articulated dissatisfaction with the CFA and the peace process. For example, after the CFA, the security situation in the Eastern Province was completely transformed through the increase in LTTE presence, at the expense of the Muslim livelihoods and security. As one person pointed out, the consequences for the Muslims of the East were dire, and Muslims saw no point in supporting the CFA.¹⁰⁸ Another person stated that the LTTE's own handling of the Muslim issue was misguided; the CFA gave the LTTE an excellent opportunity to address the concerns of the Muslims and to do some damage control over the past atrocities.¹⁰⁹ However, this opportunity was not seized and matters only deteriorated.

Many others were also concerned and critical of Muslim civil and political society's response to their own marginalization within the peace process and, especially, the community's strategy in the current political context. One person argued that a grave missed opportunity for Muslims was the failure to capitalize on a meeting between the leaders of the Sri Lanka Muslim Congress (SLMC) and the LTTE. If the leader of the SLMC had united the Muslims and provided leadership, the fate of the Muslims would have been different. Even in the Eastern Province, unity among the various Muslim leaders could have strengthened the position of the Muslims and provided them with better protection.

Given the perceived weakness of the Muslim leaders, the current fear is that a Muslim militancy will emerge in the same manner that Tamil militancy arose in opposition to what was perceived as ineffectual leadership. As one person stated, when the government sides with one armed group, it unwittingly encourages the use of arms in others. The TMVP will dominate the east after the local government elections, this interviewee claimed. Currently, armed Muslims are only organized to protect themselves, but they could easily be mobilized in the future. An inhibiting factor, he said, could have been an interim government after the 'liberation' of the East with some Muslims representation.

It was clear from the interviews that Muslim civil society had learned much from the exclusion of the Muslim perspective from the peace process: specifically, that they needed to

¹⁰⁸ While this view was articulated by a Muslim political activist who was with the opposition during the UNF administration, most eastern Muslims also saw no benefit in the CFA.

¹⁰⁹ This refers to the LTTE expulsion of Muslims from the North in October 1990 as well as the massacres of Muslim civilians at prayer in three mosques in the eastern provincial Muslim towns of Kattankudi and Eravur of the same year.

think about the different strategies they should adopt and about the manner in which the civil society should be mobilized to pressurize the politicians.

4.7.4. Tamil Nationalist Perspective

Many of the interviewees who identified themselves as Tamil nationalist and supported the LTTE positions expressed the view that the South had not adequately appreciated the series of opportunities that were created by the past peace process. There was a remarkable amount of flexibility during the process on the part of the LTTE that was not adequately recognized or appreciated, they stated. A theme common among many of those interviewed was that the LTTE had agreed for the first time to a solution with internal self-determination through their proposals for an ISGA. That was another great opportunity that was not capitalized upon. According to most of the Tamil interviewees, the lack of foresight and sincerity on the part of the southern polity, both civil and political societies, brought about the current escalation of the conflict. Additionally, the international community's limited understanding of the nature of the conflict and their eagerness to promote a peace on the neo-liberal model to ensure economic prosperity alone, also contributed to the breakdown of the process, they claimed.

Commenting on the nature of the conflict, one person was critical of the manner in which Tamil nationalism had articulated the problem in Sri Lanka. She stated that the conflict is about democratizing the Sri Lankan state, not about one minority or another. In her view, the Sri Lankan state is based on the needs of the Sinhala identity which in turn is based on myths about Buddhism tied to the territory of the island. Therefore, Sinhalese believe that, in order to protect themselves, they must protect these ideals. Tamil identity on the other hand is connected to a larger sub-continental identity. The difficulty of sharing resources between these two groups gives rise to the conflict.

Many interviewees questioned the sincerity of the Government. They noted that the Sub-Committee on Immediate Humanitarian Needs set up as part of the peace process, a mechanism for normalizing the situation on the ground, to which the LTTE had agreed, was never able to take off. After it was established, the parties realized that it had no power to handle finances and therefore had to work through the ministerial lines. As one person stated, the problem during the entire course of the conflict, even up to the present, is that the State's responses to Tamil demands have always been two steps behind. When a federal system was demanded, power-sharing was offered. When separation was demanded, devolution was offered.

According to another perspective, the actions of the international community had a major impact on the process. This person claimed that a majority of the international personnel had no real understanding of the situation of the Tamils and did not see the problem as related to the inherent character of the Sri Lankan state. After the LTTE's declaration regarding their willingness to consider federalism, the international community was keen to get them to commit to it. When the LTTE complained about the continuous discriminatory nature of the State, the international community interpreted this as intransigence on their part. The international community, constantly questioning the sincerity of the LTTE, never questioned the sincerity or the ability of the Government to deliver the federalism they had promised.

The need to redesign the Sri Lankan state was recognized at the beginning of the peace process, but was later forgotten, as this would, in the view of one interviewee, be a massive and long-term project to which the international community had no interest to commit. The international community, according to this view, wanted a feasible environment in which to

make profits – easy access to markets and cheap labor. Their approach was, in his view, patronizing.

According to another perspective, Ranil Wickremasinghe and the UNF kept the LTTE in the peace process for too long. The process was debilitating to the extent that it nearly destroyed the movement. According to this interviewee, a militant movement cannot stay in the peace mode for too long without losing manpower. The person stated that it is not the split with Karuna that destroyed the LTTE; it was peace!

It is perhaps understandable that there is little or no mention in these narratives of the LTTE's human rights abuses during the peace process and the manner in which it too engaged in extensive re-arming. Similar to the UNF narrative, there is no recognition of the presence of other actors with a legitimate right to participate in peace talks. The general trend in Tamil nationalist thinking among those interviewed emphasize two points: the lack of seriousness on the part of the regime and its overemphasis on economic development to the detriment of real political change. There was also a clear critique of the South's inability to understand the grievances of the LTTE, and an underlining of the many steps that had been taken by the LTTE to accommodate a process.

4.7.5. Indian Origin Tamil Perspective

According to the member of the Indian Origin Tamil community interviewed, the manner in which the conflict and its consequent problems are being discussed is too limiting. The discussion regarding power sharing is currently conducted only in relation to the North and East, not as a decentralization process relevant to the entire country nor as a means for greater participation of the people in governance. Federalism, in this interviewee's view, is discussed in a manner that is too tied to the idea of territory. For the many dispersed minorities that live in the country, it is important to have space for the idea of a nation that can exist without identity groups being defined by geographic space. The needs of the Indian Origin Tamils and Muslims outside the North and East must be looked at in this manner. For instance, for the Indian Origin Tamils and Muslims today, the question should be: how is the Thirteenth Amendment relevant for them in places outside the North and East?

4.7.6. Civil Society Peace Activists Perspective

Commenting on the money that poured in for peace activities in the aftermath of the CFA, many of the civil society activists interviewed were very critical of the ad hoc manner in which peace work was conducted. They criticized international actors for lack of understanding of the context, lack of long-term commitment, limited scope, cultural insensitivity, focus on wrong issues and for searching for quick fixes.

A well-known peace activist interviewed asserted that “post CFA, funds started to come in from the donors who had no understanding of the conflict. For example, they poured money into reconciliation and political change was ignored.” In countries where there is a modicum of good governance, minority rights agitations are generally related to social and cultural rights, this person stated, but in Sri Lanka, the emphasis on reconciliation was putting the metaphorical cart before the horse. Most of the reconciliation programs did not start from the premise that there were political issues that need to be addressed. Historic grievances were not acknowledged. These programs were essentially apolitical. There was no structural change accompanying such initiatives, and protagonists were not oninterested in such change.

One person argued that there was an assumption that “minority issues could be dealt with by emphasis on cultural and religious rights. And ‘tools’ such as listening skills, communication skills were introduced as a way of mitigating conflict at a personal level.” This person stated that all three approaches were misguided and had no positive effect in the long term. The serious political changes that were needed to bring about a long-term solution were lost in a misunderstanding about premature reconciliation, minority rights in the Sri Lankan context, and the personalization of a political problem.

Several interviewees indicated that the NGOs were too committed to what is known as the “workshop culture.” Some felt this was at least to some extent due to the availability of funding. Many stated that the lack of a mass movement for peace was a problem. However, since the donors did not have a long-term commitment, working on developing mass movements that takes longer period of time is not easy. For example, currently, donors have retreated from direct support to peacebuilding work, and, consequently, little work is being done on creating space and maintaining channels between parties who constrict the space for peacebuilding. The donors seem to be cutting down on peace-related funding as there is no peace process. The donor response seemed to reflect the ideas of some peace activists: the work of peacebuilding, through activities such as education, must take place as an affirmation and an endorsement of the leadership’s commitment to peace. It is difficult to maintain work for peace in a context where a government is engaged in a war.

There was an assumption among the donors and INGOs that after the CFA that the country was a post-conflict context, and no realization of the significance of the fact that the cease-fire was entered into without any agreement regarding a political settlement. Yet unless the politics were figured out there would be no real cessation of the conflict. One interviewee, commenting on the international community’s engagement, demanded “[c]onflict tourism has to stop. Some came with textbook solutions. For example, *Getting to Yes* was practiced frequently in workshops. Even internationally reputed conflict resolution experts came to Sri Lanka for three-day workshops and no long-term commitment. These quick interventions gave a bad name to the whole community.”

Many others pointed to domestic reasons for the failure of the peace process the lack of a powerful peace constituency that could have put pressure on the two parties to stay at the negotiation table. While a peace constituency can be an indication of the success of peacebuilding in a society to some extent, this argument cannot be made without analyzing the nature of the respective society. Sri Lankan civil society tends to be driven by political society. As one interviewee argued, “Sri Lankans elect rulers not leaders” and once the voting is over, people leave the decision making to their rulers until the next election. Many of those interviewed repeatedly referred to a Sri Lankan “feudal mindset” . They believed that this, coupled with patronage politics, seemed to be playing a part in the inability of the society to behave as a critical mass for peace. Other activists called for greater state participation in the mobilization of the masses in support of peace. Within the feudal Sri Lankan context, many saw it as essential that the leaders address the people in a manner that is recognizable and persuade them as to the necessity of a peace process.

Approximately half of those interviewed highlighted the need of the Government to do peace work, as it has the ability to: 1) reach out to the broader public en masse; 2) mobilize the population better than NGOs; and 3) provide leadership. In some cases, it was perceived to be the responsibility of government to create a favorable environment for NGOs to do peace work. In essence, peace work was seen as something that needs to be done in collaboration, with the support of, or at least without the hostile reactions from, the Government. People

generally tend to be reluctant to take initiatives against stated government policy, and any development is unthinkable in the near future without mobilization by some political parties of the population, at least from behind the scenes. As Saravanamuttu articulated, “political parties are seen as the agents of social mobilization.”¹¹⁰

Given the above background, the NGOs’ task is neither simple nor easy. Critics of the peace NGOs, such as Liyanage¹¹¹ and Orjuela (who studied four peace organizations in Sri Lanka), argue that the peace NGOs have a tendency to speak to the converted. In her study, Orjuela stated that “peace NGOs failed to mobilize the masses, brought together a disparate group of already existing organizations rather than building a movement based on people’s commitment to peace.”¹¹² This analysis was conveyed by one of the interviewees using very similar words: “a lot of money goes into peace work but same faces and same things. No grassroots involvement. No new faces.” What many local peace activists seemed to be arguing was that peace work, if it is to be successful, needs some level of endorsement from the Government.

Analyzing various degrees of success achieved by CSOs in peacebuilding in the Sri Lankan context, Saravanamuttu highlights two factors that limited the success of the CSOs: 1) the public perception of partisan political bias on the part of the CSOs,¹¹³ and 2) the tradition of political parties as the effective agents of political mobilization for social change. In his view, “a number of the peacebuilding CSOs fall short in terms of reaching out to community-based organizations and to the grassroots, thereby inadvertently perpetuating a perception of peacemaking as an elite activity.”¹¹⁴ Given this analysis, it is not surprising that the interviewees mentioned the Sudu Nelum Movement as the most successful activity to date.

It is worth noting that some of those interviewed saw peace and human rights work as being partially successful in the Sri Lankan context. One interviewee stated that the cumulative impact of civil society work must be understood as part of a long historical process. However, almost all of those interviewed highlighted the power that the political parties hold in making decisive moves that bring about Peace Writ Large in the Sri Lankan context. Therefore, it remains crucial to engage in lobbying and policy advice at all times with the governing parties. In the current context, it is not clear whether such a space for engagement has been preserved or exists for civil society.

Questioning the behavior of the peace NGOs in the current context, one interviewee identified with the current Government and asked whether “NGOs or civil society wanted peace only with a UNP Government, or is there a particular type of peace civil society is interested in?” Since the Thirteenth Amendment is already legal in the country (*see* next section), when the current President proposed to implement the same in full, civil society enthusiasm was minimal. Given the current context of polarization in the country, it was questioned why civil society could not see this as a good starting point and why civil society

¹¹⁰ P. Saravanamuttu, “Democratization of the Peace Process: Sri Lanka.”

¹¹¹ As cited by Rupesinghe (ed.), *Negotiating Peace in Sri Lanka, Volume Two*, Introduction.

¹¹² Ibid

¹¹³ There is a perception that CSOs promoting peace are politically biased against the current government. This is because the current regime is constituted of many elements – such as the JHU and JVP – that were considered spoilers of the peace process and therefore rarely consulted or included. Many of those CSOs are culpable of not only recognizing these parties as representing elements of Sinhala thinking but also not having a broader vision that involved the hard work of their inclusion.

¹¹⁴ Saravanamuttu, “Democratization of the Peace Process: Sri Lanka,” 211.

did not work with the existing opportunities. He further argued that if civil society was genuinely interested in achieving peace, they should be pragmatic and should pressure the Government to implement whatever is possible without waiting for an ideal time.

4.8. Post-2003 Efforts at Engagement

4.8.1. Post-Tsunami Operational Management Structure (P-TOMS)

Following the tsunami that struck on 26 December 2004, destroying human lives and property on an unprecedented scale, the GoSL proposed to set up a joint structure with the LTTE. This was another attempt to build confidence and come to a working arrangement with the LTTE. Though the immediate objective was connected to addressing issues related to the tsunami, the long-term expectation was to re-establish communication between the two sides in order to pursue a negotiated settlement to end the war at a later stage.

A Memorandum of Understanding (MoU) was developed to set up a Post-Tsunami Operational Management Structure (P-TOMS) that consisted of a High Level Committee, six Regional Committees, and district level committees. The High Level Committee was to consist of three members: one nominee from the government, one from the LTTE, and one from the Muslim parties. A Regional Committee was to have two members nominated by the Government, five members nominated by the LTTE (one of whom would have served as the chairperson), and three members nominated by the Muslim parties.¹¹⁵

Though the Government seemed to be ready to go the extra mile to provide recognition for the LTTE in order to win their trust and confidence, it was not a unified opinion. The Sinhala nationalist partners of the UPFA government (who were against any engagement with the LTTE) protested and filed a case in the Supreme Court against the implementation of the MoU. Though the Supreme Court did not completely ban the implementation of the MoU based on the JVP petition, it suspended certain sections. For example, it suspended the establishment of the tsunami financial office in Kilinochchi, the heart land of the LTTE and issued an order preventing the regional committee from engaging in financial management and drafting and authorizing projects.¹¹⁶ This decision in essence destroyed the spirit of the proposal.

Parallel to this, the Muslim community also protested against the agreement, as it proposed to set up a mechanism where the LTTE had the majority power and the chairmanship. The attempts of the Government to win the support of the Muslim political leadership did not yield results. Using the argument that they were statistically the most affected community, the Muslims demanded an equal number or more seats in the joint mechanism. However, the underlying issue was fear of the LTTE dominance and, as one of the participants at a workshop organized by the Council for Public Policy (CPP) articulated, “When we talk about inclusion or exclusion of the Muslims, there is a very big fear factor. Muslims lost lives, lands and livelihoods not only due to the tsunami, but due to the LTTE as well. We look at the PTOMS as a threat to us. As LTTE is part of it we have a fear in allowing the LTTE to administer our area.”¹¹⁷ Furthermore, the Muslims had concerns about the way in which the Government recognized the LTTE and ignored the Muslims. In their perception, “The

¹¹⁵ *P-TOMS: The Muslim Dimension* (Colombo: Council for Public Policy, 2005, p 8).

¹¹⁶ “Interim Order Against P-TOMS,” BBC Sinhala, 15 July 2005,

http://www.bbc.co.uk/sinhala/news/story/2005/07/050715_courts_ptoms.shtml.

¹¹⁷ *P-TOMS: The Muslim Dimension*, Council for Public Policy, Colombo, 2005 p 12.

devastation that their communities experienced, their many dead, and the destruction of their way of life and community were not taken into account by the state.”¹¹⁸

4.8.2. All Party Representatives Committee (APRC)

After coming to power in the Presidential election held in December 2005, the Rajapaksa Government held discussions with the LTTE with the assistance of the Norwegian facilitators. Though the people in general perceived them to be peace talks, the Government referred to them as “cease-fire talks,” as they concerned the CFA and its violations.¹¹⁹ There was some hope and some international pressure on the Government to continue to talk with the LTTE, but after the first round of talks held in Switzerland in February 2006, the parties did not go back to the table. Instead, they decided to intensify the war effort and to test their capacities in the battlefield.

Parallel to the war effort, President Rajapaksa appointed an All Party Representative Committee (APRC) with a mandate to prepare a set of proposals that would be the basis for a solution to the national question. This was designed to address the concerns of the international community, including India, and partly, perhaps, to satisfy Tamil politicians in the governing alliance. After sixty-three sittings over a period of 1½ years, a consensus document proposing the full implementation of the Thirteenth Amendment was produced.¹²⁰ This in essence took the country backwards in terms of finding a negotiated settlement to the conflict that would be acceptable to the minorities as well.

While several other parties, including the main opposition UNP, walked out or did not take part in the proceedings, citing it as “eyewash”, fourteen political parties participated in the final discussions. Many civil society groups, NGOs, the business community, religious groups, and various individuals presented proposals to the APRC following an invitation to the general public. Prior to releasing the two-page document, the APRC produced a majority report and a minority report. The majority report raised expectations among the members of the peace lobby, but the proposals received no positive feedback from the Government. Since then, the members of the APRC seem to have been under pressure to produce a unified version of the proposals.

Given the proposal to implement the Thirteenth Amendment, which is already a part of the Constitution, people started to question why the elected government, after concluding sixty-three sittings, set up a committee to propose the implementation of the existing Constitution. Some of the interviewees dismissed the whole exercise as a waste of time, given the outcome, and others felt it was a missed opportunity in terms of the process, as it brought many southern parties together to look for a solution.

It is important to remember that even at its original introduction in 1988, the Thirteenth Amendment was not received by the Tamil parties, especially the LTTE, as a solution to their

¹¹⁸ Haniffa, F.. 2005.

¹¹⁹ See Secretariat for Coordinating the Peace Process, “Ceasefire Talks 2006,” <http://www.peaceinsrilanka.org/negotiations/ceasefire-agreement-2002> (accessed 19 May 2010).

¹²⁰ The two-page document proposed the full implementation of the Thirteenth Amendment that was introduced into the Constitution in 1988 as part of the Indo–Sri Lanka Accord. The document further provided for “Special Arrangements necessary to permit Maximum Devolution of Powers to the Northern and Eastern Provinces,” but such special arrangements were also confined to the parameters of the Thirteenth Amendment. The other recommendation in this proposal was the full implementation of Chapter IV of the Constitution on Language (see: http://www.priu.gov.lk/news_update/Current_Affairs/ca200801/20080124aprc_proposals.htm for morre details)

problems. This reaction was further reinforced by the fact that the elected North-East Provincial Council had not received enough resources to maintain the administration. The Amendment itself had contradictions. For example, the first phrase of the Reserved List provided for a “National Policy on all Subjects and Functions,” which was to be determined by Parliament, completely undermined powers apparently devolved to the provinces.¹²¹ Since the inauguration of the Thirteenth amendment, Parliament has used this clause to encroach on the provincial sphere. Today, even outside the North and East, the central government takes over hospitals, schools, and institutions belonging to the provincial administration with a simple ministerial order.

Furthermore, *The Concurrent List*¹²² that lists out common subjects to both the provincial and central government had been a matter of contention from the inception. Ultimately, according to the Amendment the powers of provincial councils can be controlled, reduced, or abolished by the central government acting unilaterally, which is not an acceptable power-sharing mechanism in an environment where mistrust between the center and periphery is very high.

¹²¹ Edrisinha, “Trying Times: Constitutional Attempts to Resolve Armed Conflict in Sri Lanka,” 29-30.

¹²² The Concurrent List contains the subjects that are common to the central government and the provincial government. However, ultimately the central parliament has the final authority.

5. CONCLUSIONS AND HYPOTHESES

This paper has attempted to understand peacemaking and peacebuilding initiatives that the country has been engaged in during the past several years and the cumulative impact of such work on Peace Writ Large. It has attempted to do so in the context of the failure of the 2001-2003 peace process, the closest the country has come to a negotiated settlement, and the manner in which ideas about a peaceful negotiated settlement have been rendered politically irrelevant by the current government. There are several conclusions and hypothesis that can be drawn from the material that has been gathered here regarding the shortcomings of both the peacebuilding and peacemaking aspects of the Sri Lankan context.

One of the very positive aspects encountered during the interview process is the desire expressed by the peace practitioners and the members of the international community to analyze, understand, and be critical of their own short-comings during the peace process. In particular, all the members of the international community who participated in the interviews had shared their self-criticisms and their lessons learned. Reflections shared by the peace practitioners were also very important although they were not self-critical to the same extent. By contrast, the majority of the politically affiliated interviewees largely did not articulate how they could have contributed better to the process.

Some were still critical of the “other side” for not doing enough to maintain the positive achievements, with little reflection as to what they themselves could have done to encourage positive reactions from the other. Furthermore, it was observed that the people felt powerless to change things or what they could do was only very little. Additionally arising from the interviews was a sense of helplessness coupled with the attitude that it is the job of the politicians to get their act together or make the correct decision. As mentioned in the contextual analysis of this paper, this general attitude of waiting for the leaders to deliver is prompted by the feudal nature of the society.

5.1. Confusion in Problem Identification

This paper has emphasized a key point from the interviews: Sri Lanka is a plural polity with a wide variety of constituencies that have been variously affected by the protracted ethnic conflict. The main problem related to the peace process has been the lack of or inaccuracy in problem identification. Conceptualizing the conflict as a two-party affair, and further, understanding its protagonists to be limited to the state party and the LTTE is a flawed conceptualization, and any peace process designed on that basis is arguably not a good basis on which to begin. The culpability for such a conceptualization lies with the two parties—the State and the LTTE – as well as with the Norwegian facilitators and the international community that supported the process. Some responsibility should also be accepted by civil society organizations that found it difficult to move beyond the two-party understanding and call for the inclusion of a broader constituency.

An further highlighted problem was the view that the donor community only had a limited understanding of minority rights in the context of Sri Lanka. Here donors were accused of having too simplistic an understanding of the LTTE as representing the besieged minority and failing sufficiently to critique the LTTE’s own violently exclusive position. The criticism went further to emphasis the need of having an adequate understanding of what minority marginalization means, politically, in the context of Sri Lanka. State responses to dissent have taken a violent form not just in the case of dissent by an ethnic minority, but on the basis of class and caste-based agitations as well.

Therefore, an understanding of this conflict as one driven only by ethnic animosities missed much of its complexity and resulted in a flawed conceptualization of a solution. At the societal level, this conceptualization divided the peace constituency; those who articulated reasons beyond ethnicity as causes of the conflict have been marginalized. The little opportunity to bring together all different individuals and groups, who believed that there was discrimination in the society, was neither taken nor mobilized to support state reform.

There was also an accusation that the State and the international community rushed through the 2001 peace process as a precursor to neo-liberal economic development. Many felt that faith placed on economic success within a neo-liberal model as the panacea for nearly fifty years of political marginalization was naïve and misplaced. The State and the international community were criticized for promoting neo-liberal policies as possibly leading towards further conflict, as well as privileging economic development over political change.

In retrospect, many saw the two-party peace process as doomed to failure. The failure of the process to provide a means for other interested parties be heard by the main protagonists was a fundamental problem that must be addressed in the design of any future process. Civil society engagement was also based largely on the premise of a two-party conflict, and the success or the failure of many initiatives depended upon the continuation of talks between the GoSL and the LTTE.

The inability of either negotiating party to imagine the need for a broad-based peace process was identified as a fundamental problem. Here the LTTE's long history of violent suppression of other Tamil voices, and its unwillingness to accommodate Muslim grievances is important. The UNF regime's resistance to popularizing the peace process, thereby permitting other political forces to monopolize public opinion regarding the nature of the process was another problem with a significant impact on popular understanding and popular support for the process. And the parties' limited commitment to take the process forward and compromise was understood by many as a lack of sincerity on the part of both camps. For instance, one person stated that "both were out to get what they could." The Government got an economic breathing space; the LTTE had the opportunity to expand their presence, their political apparatus, establish their legitimacy, and to control Tamil communities all over.

The limited political space available at that time to take forward substantial political reforms was also identified as a problem that was not adequately recognized by the Government, the facilitators or the international community, and, arguably, the peacebuilding community. It was a cohabitation Government with a very small majority in Parliament and insufficient support to take forward substantial reforms. If strategies had been developed by the peacebuilding community, independent of the peace process, they might have recognized the building blocks that needed to be available for the process to succeed. Since the engagement of the peacebuilding community was interlinked and dependent on the moves of the two main protagonists, such possibilities did not emerge.

There also was confusion with regards to possible political options for power sharing either within the UNF Government or within the LTTE. Additionally, there was a lack of clarity with regards to the nature of the society to be brought about after the settlement. For example, there was no clear commitment to transitional justice processes or human rights guarantees in a post-conflict setting. No plans were brought forward by either of the two negotiating parties for moving away from a highly militarized culture to one where there would be a greater commitment to principles of good governance and rule of law. As one commentator

mentioned, no one talked about the substance of governance. There was only talk about some undefined form of federalism, largely focusing on the North and East. The parallel process of state reform and the linkages between federal units and the center was not mentioned. There was no talk about the two parties' visions regarding development, education, and health. In short, the substance of power sharing was not discussed.

Civil society engagement in peacebuilding initiatives can also be critiqued from a variety of perspectives. Many CSOs seem to have been seduced into accepting quick solutions without adequate attention to politics. Some organizations were accused of embracing an individualized notion of peace, through teaching tolerance, and listening skills and communication skills, without adequate attention to dealing with the broader politics of the problem. One serious consequences of this approach is that participants from the North in these programs feel that southern organizations have tried to depoliticize them.

Inadequate attention was also paid to difficult constituencies. While considerable work was invested into education projects with moderate groups, not enough attention was devoted to hard to reach constituencies such as the JVP and JHU from the South and anti-LTTE Tamil groups from the North and East. As the JVP and JHU were not willing to engage with the civil society, civil society saw convincing the JVP and JHU as a waste of energy and resources. For the JVP especially, the campaign against CSOs as unaccountable and illegitimate organizations that meddled in political issues made it difficult for them to engage with CSOs publicly.

5.2. Crisis of Imagination in Conceptualizing a Solution

In the current context, the civil society peace lobby seems to be trapped within a critique of the past peace process and unable to come to terms with the new political realities that overturned many of their assumptions regarding peacebuilding in the country. The unfortunate result has been that many of them are seen as unable to conceptualize peace if not headed by the UNP. The organizations themselves have been unable to engage with the new regime, other than in an oppositional fashion.

Arguably the Government's pursuit of a military solution and the impunity with which human rights abuses seem to be committed by a variety of elements in society in the name of Sri Lanka's own war against terror, precludes much sustained engagement at this moment. Additionally, NGOs that were identified as peace NGOs under the former regime are being targeted by the Parliamentary Select Committee on NGOs (*see* Introduction).

There is an acrimonious debate within the community itself regarding the ethics and the possibility of engagement. However, the result has been that the peace community has no influence with the current regime that sees them mostly as affiliated with the UNP. Even the international actors, who were custodians of the peace process, are applying the principle of limited engagement or withdrawal from the peace work in the current context. As stated by our interviewees, funding for peace work is hard to obtain now in the absence of the peace process. The long-term nature of the peace work and the need to do ground work to prepare the society for a future peace process by learning lessons from the past seems not attractive enough for many donors.

5.3. Ways Forward

5.3.1 Focusing on the Cumulative Impact

Currently the Sri Lankan peace community faces great challenges. Many that were

interviewed spoke of the need to re-conceptualize their own philosophy of peacebuilding in the face of the lessons currently learned. The peace community needs to focus beyond achieving goals stipulated in their own projects and programs. They need to focus on the cumulative impact of their work and engage with different layers of the society, on various different issues, using a variety of different methods. Only through such coordinated and collective actions cumulative impact can be achieved in this field.

Though the defeat of the UNF Government that signed the CFA interpreted by many as a people's verdict against the peace process, in 2005, sixty-four per cent of Sri Lankans stated that the best way to archive peace in Sri Lanka was to negotiate a solution based on devolution of power. Against this majority, only seven per cent of the Sinhalese and four per cent of Muslims supported a solution through a military defeat of the LTTE.¹²³ The peace community needs to understand the causes behind such defeats as well as support and develop strategies accordingly. Merely crediting the mass support for a negotiated settlement to the dedication, or even the lack of it, of the government in power is not sufficient.

In 1994, along with other groups, unified civil society managed to mobilize support successfully to make a political transformation in Sri Lanka. Therefore, it is conceivable that the civil society can have an impact. This will be dependent upon coordinated action and faith in their ability. The power and the leadership of groups such as religious leaders, and trade union representatives must be mobilized towards making the idea of peace popular.

5.3.2. Strengthening Inter-Community Understanding

Some suggested that there must be an engagement with the Sinhala anxieties regarding a settlement, if any process is to move forward. This is not a suggestion that is valid only for the Sinhalese. Without brushing off dissent as spoiler elements, there should be processes and structures for accommodating all stakeholders for peace. In order to create sustainable peace, anxieties, needs, and fears of all communities should be addressed through a negotiation process. A concerted effort must be made to help Tamil groups engage the Sinhala polity and to inform and educate them about Sinhalese grievances. Additionally, there must be facilitated dialogue between Muslim and Tamil communities and leadership. Civil society will have to engage in intra-community dialogues as well as inter-community dialogues.

5.3.3. Understanding Theories of Change

As stated already, the Track I peace process was continuing at high speed from 2002 onwards but very little was happening at the Track II level. The Track I process was exclusive to few members from the two sides, while Track III focused on activities such as reconciliation, exchange visits, mediation on local level conflicts, games involving youth, and poetry competitions. As concluded by the "Peace Audit" conducted in thirteen districts in Sri Lanka, "...these methods/mechanisms best serve in treating the symptoms and preventing the escalation of violence rather than treating the causes or the roots of conflicts."¹²⁴ Peace activists need to understand that these activities may have changed individual attitudes but were not large enough or deep enough to be translated into socio-political impact.

¹²³ , Pradeep Peiris & J. Uyangoda. "State of Democracy in Sri Lanka" *Polity*, Vol. 4, No. 1, Social Scientists Association, Jan- March 2007.

¹²⁴ Consortium of Humanitarian Agencies, *Peace Audit: Supporting an Enabling Environment for Peace in Sri Lanka* (Colombo: Consortium of Humanitarian Agencies, 2006), 29. Available at [http://www.reliefweb.int/rw/RWFiles2006.nsf/FilesByRWDocUNIDFileName/SODA-6U79GR-cha-lka-22sep.pdf/\\$File/cha-lka-22sep.pdf](http://www.reliefweb.int/rw/RWFiles2006.nsf/FilesByRWDocUNIDFileName/SODA-6U79GR-cha-lka-22sep.pdf/$File/cha-lka-22sep.pdf).

Furthermore, in a context where the mobilization of people for peace was not acknowledged by the Government in power as a theory of change, these initiatives had very little impact on the overall picture.

Though many, including the international community, articulated the problem in Sri Lanka as an ethnopolitical conflict that stems from failure of state formation,¹²⁵ responses developed did not always address this recognized problem. While some sections of the civil society seemed to have worked with the theory that the elite could bring about change, others had believed in changing the attitudes of the masses. The connector of these two layers, however, was permanently missing from the equation. This is an important gap that needs to be bridged in utilizing sufficient support for a future peace process.

5.3.4. Reaching Beyond the Receptive Masses

Projects and programs conducted by civil society have had a limited impact; one of the reasons behind this was that they were targeting a limited audience. Work remained largely at the Track III level. While it is important to do more targeted mobilization of the masses, these initiatives need to link up with a constituency of influential community level opinion makers. Politicians from all parties who have argued for a peaceful settlement of the conflict need to be mobilized to support civil society initiatives. If it is difficult to link up initiatives practically, but civil society members could share information about their various programs and ensure they play complementary roles in order to have a cumulative impact. Absence of such knowledge on the overall approaches leads to gaps in targeting all actors, which could result in leaving out elements that could turn into spoilers in the future.

The Sri Lankan peace lobby could be discredited by extremists on all sides for not taking a principled approach to issues, whether child recruitment, assassinations, evictions, carpet bombing, or harassments of communities by the parties. Desperate for peace after two decades of war, CSOs got trapped in the same thinking as most of the bilateral donors and development partners of Sri Lanka: treating the CFA as a peace agreement. Along with the international community, peace NGOs were happy to accept peace at any cost while the little uncertain noises made by human rights NGOs got lost in the excitement of achieving an imaginary peace. The image of NGOs in the society got discredited to such a level, now one must think twice before revealing at a checkpoint or in front of an unknown audience that you are an employee of an NGO.

Currently, the climate in the country is largely supportive of the war. Ways have to be found of maintaining the idea of peace with a critique of war focusing on not only the economic cost of the war but also the delays in health and education reform, decline of law and order, and the breakdown of social institutions. It is not clear if either of the larger armed protagonists to the conflict is at this moment capable of taking a process forward that conforms to principles of best practices. Therefore, civil society peacemakers need to identify political realities and have strategies whereby any available space is utilized to take the ideas of peace forward.

¹²⁵ J. Goodhand & B. Klem, *Aid, Conflict and Peacebuilding in Sri Lanka, 2000 – 2005, Volume 1*, (Colombo: Asia Foundation, 2005), 7, 27.

APPENDIX 1

Figure 1: Ethnic Breakdown of Interviewees

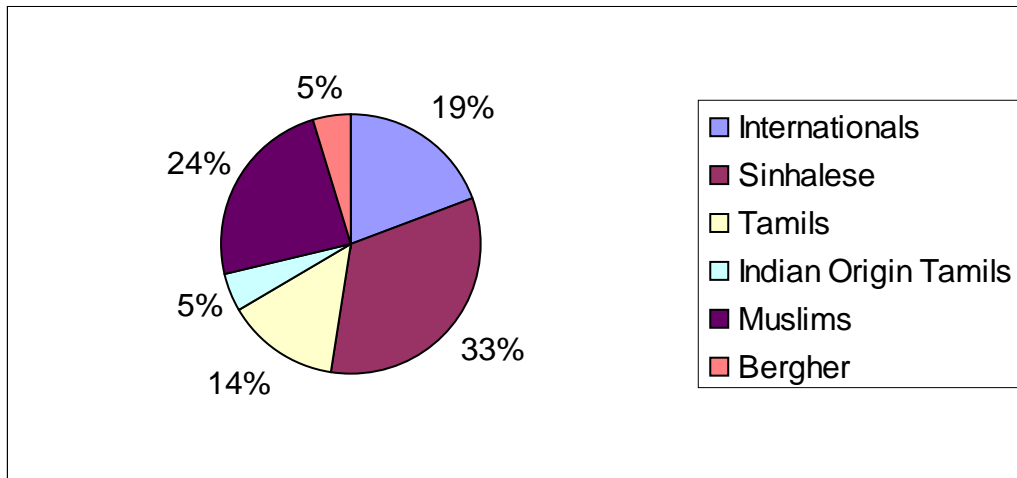


Table 1: Ethnic Composition of the Population (1981)*

Ethnic Group	Number	Percentage
<i>Sinhalese</i>	10,979,568	74.0
<i>Sri Lanka Tamil</i>	1,886,864	12.8
<i>Indian Tamil</i>	818,656	5.6
<i>Sri Lanka Moor</i>	1,046,927	7.0
<i>Malay</i>	46,963	0.3
<i>Burgher</i>	39,374	0.3
TOTAL	14,818,352	100.0

Table 2: Religious Composition of Ethnic Groups (1981)*

Ethnic Religion	Sinhalese (%)	Sri Lankan Tamil (%)	Indian Tamil (%)	Sri Lanka Moor (%)	Malay (%)	Burgher (%)
<i>Buddhist</i>	93.2	1.7	1.8	0.2	2.1	0.9
<i>Hindu</i>	0.1	80.7	90.0	6.6	3.4	0.4
<i>Muslim</i>	0.1	0.6	0.5	92.6	89.2	1.6
<i>R/Catholic</i>	6.1	14.3	6.2	0.4	2.2	79.3
<i>Christian</i>	0.4	2.3	1.4	0.1	0.6	17.3
<i>Other</i>	0.1	0.4	0.1	0.1	2.5	0.5
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0

*1981 is used here as 2001 does not include data from the North and East.

APPENDIX 2

Northern Ireland Statement by Sri Lankan Parliamentarians Ballymena, Northern Ireland, 20th October 1996 Press Release

On the invitation of International Alert, twenty three Members of the Sri Lankan Parliament, representing different political parties, met in Ballymena to discuss the situation in Northern Ireland and Sri Lanka.

This meeting, which lasted five days, afforded an opportunity to the MPs to meet spokesmen representing different groups involved in the Northern Ireland conflict.

After discussing the conflict situation in Northern Ireland, participants proceeded to analyse the Sri Lankan ethnic conflict in terms of the experiences in Ireland.

After a detailed discussion regarding the Sri Lankan situation participants agreed on the following points:

- that all attempts should be made to end armed conflict in Sri Lanka and a political solution to the problem should be found
- In order to seek a political solution the process of negotiation should include the LTTE
- That the services of a facilitator may be useful at this juncture to move the talks forward
- That the deliberations of the Select Committee of Parliament should continue with the active participation of all political parties presently represented in it

The participants wish to thank International Alert, the National Peace Council of Sri Lanka and its staff for sponsoring this conference and urges IA to continue their useful efforts

Hon. Wajira Abeywardana
Hon. Dallas Alahapperuma
Hon. Y.P. De Silva
Hon. Douglas Devananda
Hon. Nalanda Ellawala
Hon. Upali Gunaratne
Hon. M.L. M. Hizbullah
Hon. Karunasena Kodithuwakku
Hon. Imthiaz Bakeer Markar
Hon. Dilan Perera
Hon. Jayatissa Ranaweera
Hon. Rukman Senanayake
Hon. Janaka B. Tennakoon

Hon. Lakshman Abeywardhana
Hon. Dr. Sarath Amunugama
Hon. Anura Priyadarshana Yapa
Hon. P.P. Devaraj
Hon. Tyronne Fernando
Hon. Rauff Hakeem
Hon. Joseph Pararajasingham
Hon. N. Mano Wijeyeratne
Hon. G.A. Nihal Galappatti
Hon. D. S. S. Premaratne
Hon. Mahinda Samarasinghe
Hon. Dharmalingam Sithadthan

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During the interview process many senior statesmen, professionals, senior politicians from all the key parties, trade union activists and members of the diplomatic community were generous with their reflections and time. Those frank contributions and exchanges provided the basis for this document. Because we agreed to maintain a non-attribution policy and because some of the views shared here could have a negative impact on their current roles in society, we have decided not to include a list of interviewees or to thank contributors individually.

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It is also important to note a deficiency in the report: the absence of reference to women's peace activism in the country. Although the author's terms of reference asked for attention to this dimension, due to the very male-driven nature of mainstream peace activity, as well as the overwhelmingly male leadership of the NGOs most directly involved with work towards peace, women's peace activism did not emerge though the interview process. Thus the study was unknowingly complicit in the exclusion of women that occurred during the process itself.

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