

The Border Peace Negotiation Process in the Sri Lankan Conflict: Why did Norway Fail in its Mediation Effort?

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Introduction

Third party border peace negotiation was one of the successful methods in Sri Lanka-LTTE conflict during early 2000s, despite initial failed bilateral negotiations between them. In 1985, India first initiated the peace-building activities using mediation as the method for regulating disputes between these two parties. This resulted in the Indo-Sri Lanka Accord being signed between Sri Lanka President Jayewardene and the Indian Prime Minister Rajiv Gandhi (Uyangoda, 2005). But LTTE were not party to these border peace negotiations. Further, India in 1987, sent its Indian Peacekeeping force (IPKF) to Tamil majority areas in north and northeastern part of Sri Lanka. But this accord, negotiated by India, failed as IPKF got into direct conflict with LTTE and Nationalist party in mainland Sri Lanka opposed IPKF in the name of India's intervention against territorial sovereignty of Sri Lanka (Nissan, 1998). The unprecedented situation led Sri Lankan President Jayawardene to invite LTTE for negotiation for the first time. The agenda of this border peace negotiation was on how to get IPKF out of the country. Subsequently, the IPKF left Sri Lanka, but the border peace negotiations between the Sri Lanka President Jayewardene and the LTTE failed once they achieved the common goal of keeping IPKF out (Uyangoda, 2007).

A 'border peace negotiation process' is a diplomatic legal procedure where two or more state actors or non-state actors engage in a dialogue to resolve conflict of the shared boundaries. This process aimed at transitioning from a state of war between the warring state or non-state actors to establish peace. The negotiation process in this context of LTTE-Sri Lankan conflict objective was creation of a legally binding agreement. The de facto border between the government and LTTE territories was not an impermeable wall, but a porous and complex interface known as "hybrid order of rule" (Terpstra and Georg, 2018). This unique arrangement saw the Sri Lankan and the LTTE engaged in a complex relationship of conflict and cooperation. The prominent feature of this complex relation was the continued provision of state services by the Sri Lankan government within LTTE-controlled areas. The Sri Lankan government paid the salaries of civil servants like teachers, local administrators, nurses and doctors in the LTTE controlled areas (Terpstra and Georg, 2018).

The learnings from India's intervention, the Sri Lankan government and the LTTE, attempted for bilateral border peace negotiations in 1994. In these bilateral negotiations, four rounds of talks were conducted. In the negotiations, LTTE demanded a permanent ceasefire and humanitarian intervention, whereas the Sri Lankan government wanted to negotiate on reconstruction and political solution. Finally, these negotiations led to the Declaration on Cessation of Hostilities which was signed in January 1995. But this declaration lasted only for three months. The LTTE contested the declaration on two issues. First, the functioning of monitoring committees and second, the Sri Lankan government's proposal to invite a retired French diplomat as a mediator (Uyangoda 2007). Thus, the bilateral border peace negotiations failed and led to an increase in violence in the conflicts. The failed bilateral negotiations between the Sri Lanka government and the LTTE post 1995 led them cautiously to approach each other for future peace negotiation. But in December 2001, with a new prime minister in Sri Lanka, third party border peace negotiation headed by Norway started in the early 2000s. The most significant attempt to transform the fluid, de facto lines of control into a static, formalized, and internationally recognized border came with the Norwegian-brokered Ceasefire Agreement (CFA), signed in February 2002. This agreement represented a paradigm shift in the conflict, moving away from total war towards a negotiated settlement by first freezing the military situation on the ground. The CFA's articles on territorial boundaries and monitoring created a well-defined, albeit temporary, border issue, elevating the LTTE to an equivalent status with the Sri Lankan government and providing a framework for coexistence.

Norway is known for playing third party border peace negotiations between Israel and Palestine conflict which resulted in successful Oslo Accords. Therefore, Norway with its impeccable record in peace border peace negotiation between warring parties was an accepted choice between both the Sri Lankan government and the LTTE (Solheim 2022). Finally on 22 February 2002, both parties signed the Ceasefire Agreement (CFA), which structured the future peace process. Later due to many external and internal factors, the Ceasefire Agreement (CFA) failed.

This research paper will analyse the role of the global and regional players– the United States, United Kingdom, Israel, Russia, China, and Pakistan in the Ceasefire Agreement (CFA) process. The paper will demonstrate these countries' role through diplomatically, militarily and economic means in the peace process led by Norway. This research paper will examine the Norway peace role in border peace negotiations from the beginning of the conflict until the signing of Ceasefire Agreement (CFA) in February 2002 and then to focus on the failure of Norway's border peace negotiations efforts using theoretical conceptualization of Marieke Kleiboer (Kleiboer, 1996). Also, the western countries role as "Co-chairs" in the Ceasefire Agreement (CFA) process is analysed through theoretical conceptualization of Marieke Kleiboer (Kleiboer 1996).

It involves variables such as the relationship between the conflicting parties, disputes, character of the conflict, character of mediator and international context. The research paper consists of three parts. The first part examines effectiveness and operationalization of the border peace negotiation through mediation. Second focuses on Norway's border peace negotiation through mediation until signing of Ceasefire Agreement (CFA) in February 2002. The third and final part will analyse the factors responsible for Norway's failure in border peace negotiation through mediation.

Theoretical framework of the study

The theoretical approach of this paper follows conceptualization effectiveness of third-party. International mediation is an extension of the border peace negotiation process. Mediation is where the conflicting parties seek help from a third party to resolve the conflict. In the mediation process, the third party only assists the conflicting parties to find the political solution without resorting to violence through negotiation process (Bercovitch, 1992). Kleiboer (1996) explains that the mediation begins when the conflicting parties' dispute reach a deadlock stage and the issues become complex, where neither side of parties wants escalation. She also explains third party border peace intervention as voluntary, and their objective is to end the conflict or at least to change, influence the conflict without any predetermined thought of the conflict process.

Kleiboer (1996) explains in the third-party border peace negotiation process for conflict resolution, mediation is more successful compared to other methods. She points out the factors such as availability of empirical findings and theoretical framework. Kleiboer (1996) identifies various factors for failures of third-party meditation, and She divided these factors into four categories. First, the relationship between the conflicting parties; second, disputed character of the conflict; third, character of mediator, and fourth, international context.

Based on this theoretical framework, this research paper examines power relation of the conflicting parties, character of mediator and status of Norway during mediation and analyse what factor led to the failure of Norway in its mediation process post Ceasefire Agreement (CFA) in February 2002 and completely abandoned its mediation process in 2006.

Methodology

Kleiboer (1996) explains the history of relationships between the conflicting parties affecting the negotiation process. Cooperative character in the relationship is a positive effect, whereas rivalry, hostile nature of relationship will hamper the negotiation process. Kleiboer (1996) identifies a high success rate in the mediation process by third parties only if the previous relationship between the conflicting

parties is on good terms. Kleiboer (1996) established that balance of power plays an important role between the conflicting parties in mediation by third-party negotiation. She further establishes that the stronger side will never compromise to negotiation and will strive for the conflict to end in their favour. This factor hampers the mediation process by the third-party, who tries to bring the conflicting parties to the negotiation table for compromise.

Bercovitch (1992) explains the mediation process failed mainly due to unequal distribution of power between the conflicting parties. Bercovitch (1992) argues only if power is equal, there is an opportunity for successful mediation by third-party negotiation. The character of a mediator is a deciding factor in the success of a mediation effort by third party negotiation. The powerful mediators will use economic, political pressure on the parties in conflict to fulfil the objective of the peace negotiation process. Therefore, Kleiboer (1996) advocated the need for powerful mediators.

Kleiboer (1996) also explains the need for good status of the mediators. She says the success of mediation is based on the status of mediators. The mediators usually represent a neutral state. Therefore, she argues for success of negotiation status of mediators as well as acceptance from conflicting parties is needed. Kleiboer (1996) also explains the neighbouring countries, great and regional powers amidst the conflicting parties in their geographical location also impact the negotiation process. She cautions that the foreign players apart from third-party, may have their own interest and they could manipulate the process to their own benefits.

Hypotheses of the research

Based on the above explained concept of Kleiboer, the hypotheses of this paper are to explain the failure of Norway in the border peace-making process in Sri Lanka-LTTE conflicts are as follows:

1. The Historical ethnic conflict between the Sinhalese and Tamil community since the Sri Lankan independence which increased tension and obstacles in third-party border peace negotiations to be mediated by Norway.

2. Norway with its history of mediating major conflict in the 1990s, was accepted as their mediator by both Sri Lankan Government and LTTE, but the absence of strong hard and soft power like political, economic leverage made Norway's mediation ineffective.

3. Unequal power between the conflicting parties, Sri Lankan government supported by many global and regional players— the United States, United Kingdom, Israel, Russia, China, and Pakistan, with well organised military support from major powers in comparison with LTTE, a non-state actor with support through Tamil diaspora, illegal funding, and later branded terrorist organisation by many countries and the unwillingness of Sri Lankan government in peace negotiation post Ceasefire Agreement (CFA) in February 2002.

Norway's Mediation Efforts and The Ceasefire Agreement (CFA) Of February 2002

During the Post-cold war era, Norway has emerged as an international face for peace-making efforts (Klimesova, 2016). Geographically located in the north region of the European continent, it has done a great role in peace brokerage. Norway's foreign policy is well rooted in the principle of peace making and its diplomats were trained in negotiation (Solheim, 2022). The success of Norway's peace effort in early 1990s could be observed in the brokering of peace in the Israel -Palestinian conflict, which led to the Oslo Accord. Norway's interest to act as facilitator for negotiation started in early 1998 (Klimesova 2016). Finally in December 1999, Sri Lankan government formally invited Norway to act as mediator in peace talks between them and LTTE. In February 2000, Norway Foreign minister met with LTTE representative in London and parallelly, Norway deputy foreign minister met with Sri Lankan officials in May 2000. With both conflicting parties' approval, a team was constituted with Erik Solheim, Special envoy to Sri Lanka and principal facilitator, Norway deputy foreign minister Vidar Helgesen, and Norwegian ambassador in Colombo, Jon Westborg (Norad, 2011).

Norway's policy and position regarding the Sri Lanka–LTTE conflict in early 2000's is being found in its basic tenets of its working with the conflicting parties and it is conceptualized as below:

1. The relationship between Norwegian NGOs and the Norwegian government, helps the government to have ground reality and provides trust with the conflicting parties (Fernando, 2014).
2. Using peace engagement as an effort to support distant conflict resolution in intrastate conflicts is a strategy formulated by Norway to promote interest and its influence in international politics. Norway wants it to be identified as a peace nation with humanitarian power (Pisarska, 2015).
3. Norway's general foreign policy orientation was co-existence of security and value diplomacy (Pisarska, 2015).
4. Norway could increase its image using peace diplomacy, a small state could bring peace to two-decade old conflict, where even big states like India have failed.
5. The close personal contact and trust between mediators and the leaders in the conflicting parties. The close personal contact between Erik Solheim and chief LTTE negotiator Anton Balasingham likewise the Norwegian ambassador in Sri Lanka Jon Westborg closeness with Sri Lankan government negotiators (Solheim, 2022).
6. Norway unlike power actors like UK, USA, India doesn't have strong interest and leverage. The LTTE wants a powerful mediator like Norway, a state unlike NGOs which are non-state actors, likewise Sri Lankan President Kumaratunga also accepted Norway for stated reasons (Norad, 2011).

Considering these factors, the Norway team led by Erik Solheim since the early 2000s led shuttle diplomacy between the Sri Lankan government and LTTE. With

change of government in both Norway and Sri Lanka, the negotiations took a new turn. In October 2001 new Norwegian government continued the negotiation process, whereas in December 2001 new Sri Lankan government led by Ranil Wickremesinghe's United National Front (UNF) won parliament election and became new Prime Minister of Sri Lanka which weakens President Kumaratunga, as she belongs to opposition (Shastri, 2002). With back-channel negotiations, Norway along with Prime minister Wickremesinghe, and India, but excluded President Kumaratunga from developing a ceasefire agreement with LTTE (Solheim, 2022).

Finally on 22nd February 2002, Ceasefire Agreement (CFA) signed between LTTE and Sri Lanka Government with Article 1 to 4 (Norad, 2011). From 2002 to 2006, Ceasefire Agreement (CFA) greatly helped to reduce the violence and conflict and initiated peace resolution in successful manner (Solheim, 2022). One such incident is when in April 2002, LTTE leader Velupillai Prabhakaran, who never gives interviews to media, first stepped out in front of international media, in plain civilian clothes rather than his usual military uniform. This Ceasefire Agreement (CFA) paved the way for LTTE to open political office in the south of Sri Lanka. The Ceasefire Agreement (CFA) also mentioned the Sri Lankan Monitoring Mission (SLMM) with members from Nordic countries like Sweden, Finland, Denmark, Iceland and also includes Norway (Norad, 2011).

But this Ceasefire Agreement (CFA), which is a form of confidence building measure, started to degrade in earlier months of 2003 (Paramanathan, 2007). With six peace talks as mandated by the Ceasefire Agreement (CFA), the peace talk took place in Thailand, Norway, Bangkok, Germany and Japan (Norad, 2011). The donor seminar for Ceasefire Agreement (CFA), which was to be held in Washington in April 2003 was the start point of the downfall, as LTTE couldn't participate in it, as it was recognised as a terrorist organisation by the USA in 1998 (De Silva, 2001).

The Sri Lanka government initiated a proposal for interim administration with LTTE. But LTTE didn't find it catering to its demand, so it put forward Interim Self-Governing Authority (ISGA). The Interim Self-Governing Authority (ISGA) put up a political framework with the idea of self-rule to Tamil people (Sarvananthan, 2003). As it evokes opposition from conservative Sinhalese sections like Buddhist monks, and nationalist parties, it was rejected by the Sri Lankan government in November 2003 (Fernando, 2014). Though the 2004 Tsunami brought back LTTE and Sri Lankan government to work together on rehabilitation of people affected through Post Tsunami Operational Mechanism (PTOMS), but same conservative Sinhalese sections opposed it and the initiative failed (Höglund and Svensson, 2006: 383). The

election of Mahinda Rajapakse to the Presidency in January 2006 and the breakaway of Karuna from LTTE (Karuna was second line leader in LTTE) weakened the peace process further (Höglund and Svensson, 2006). The Norway mediated talks between the LTTE and Sri Lanka government in February 2006 at Geneva proved to be a disaster. Final mediated talk in Oslo in July 2006 also collapsed (Podder, 2006). This failure was mainly in part of the Government reversal of its stand in Ceasefire Agreement (CFA) and prevention of LTTE to the negotiation table. The final collapse in peace negotiation was the ban of LTTE in the European Union (Fernando, 2014). LTTE has reverted its initial peace process in Ceasefire Agreement (CFA) and resorted to its armed struggle. In early 2008 Government too came out of Ceasefire Agreement (CFA) officially (Norad, 2011).

Consequently, the peace negotiation mediation effort of Norway which intended to end one of the complex and bloody conflicts in the post-cold war era was undermined by both conflicting parties.

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